

INTERNATIONAL COURT OF JUSTICE

**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)***

(MALAYSIA v. SINGAPORE)

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ANNEX 1

Terms of Reference of the Malaysia–
Singapore Joint Technical Committee.

-Draft-

(as of 13 August 2008 - 1045H)

TERM OF REFERENCE

MALAYSIA AND THE REPUBLIC OF SINGAPORE

JOINT TECHNICAL COMMITTEE

1. The Committee to be co-chaired by the Secretary-General, Ministry of Foreign Affairs of Malaysia and the Permanent Secretary, Ministry of Foreign Affairs of the Republic of Singapore or their representative.
2. There will be a Sub-Committee on the Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge.
3. Additional sub-committees may be established as required.
4. The Committee will discuss all preparatory issues leading to bilateral maritime boundary negotiations.
5. The Committee will also 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.
6. The meeting of the Joint Technical Committee will be held alternately in Malaysia and the Republic of Singapore unless otherwise agreed upon.

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.

**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**

THE GOVERNMENT OF MALAYSIA, on the one part, as represented by the Secretary-General of the Ministry of Foreign Affairs of Malaysia having an address at No. 1, Jalan Wisma Putra, Precinct 2, 62602 Putrajaya, Malaysia and **THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE**, on the other part, as represented by the Permanent Secretary of the Ministry of Foreign Affairs of the Republic of Singapore having an address at Tanglin, Singapore 248163 (hereinafter referred to singularly as "the Party" and collectively as "the Parties"),

RECOGNISING the existing friendly relations between the Parties and convinced of the necessity of a lasting and effective co-operation in the interest of the Parties;

RECALLING the judgment of the International Court of Justice (ICJ) in the Case Concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore) rendered on 23 May 2008 (the Judgment);

REFERRING to the Joint Press Statement made by the Parties on 6 June 2008 in Singapore which reiterated their commitment to honour and abide by the Judgment, and to fully implement it;

RECALLING the decision of the Parties to establish a Joint Technical Committee in furtherance of the aforementioned objectives;

RECALLING FURTHER that the Joint Technical Committee, at its meeting held on 3 June 2008, established a technical sub-committee known as "the Sub-Committee on the Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge" (the Sub-Committee) to oversee the conduct of the Joint Hydrographic Survey works;

ACKNOWLEDGING that the purpose of the Joint Hydrographic Survey in and around Pedra Branca and Middle Rocks is to provide a comprehensive and accurate hydrographic data in the Survey Area in accordance with the Scope of Works;

ACKNOWLEDGING FURTHER that the Joint Hydrographic Survey is to prepare for eventual talks between both Parties on maritime issues in and around Pedra Branca and Middle Rocks;

BELIEVING the importance of the scientific and technical data to be acquired in and around Pedra Branca and Middle Rocks and the significance of cooperation between the Parties to acquire and exchange such data for the purposes of the eventual talks between both Parties;

AND NOTING that the Joint Technical Committee has endorsed the "General Scope of Works for Joint Hydrographic Survey in and around Pedra Branca and Middle Rocks" prepared by the Sub-Committee;

HAVE AGREED AS FOLLOWS:

ARTICLE 1
DEFINITIONS

For the purpose of this Memorandum of Understanding, unless the context otherwise states:

- a) "Confidential Information" means information disclosed in whatever form between the Parties in connection with or during the performance of this MOU including, but not necessarily limited to, scientific and technical data, maps, models, interpretations, reports and any other matters relating to this MOU except for information which has been made available to the public as agreed to by both parties or information already in the public domain that has not been the subject of any breach of an undertaking or obligation of confidentiality;
- b) "Joint Survey" means the Joint Hydrographic Survey to be undertaken jointly by the Parties pursuant to the Scope of Works to acquire comprehensive and accurate hydrographic data in the Survey Area in particular to determine the low-water mark of the features and low-tide elevations, in order to prepare for eventual talks on maritime issues in and around Pedra Branca and Middle Rocks;
- c) "MOU" means this Memorandum of Understanding and its Annex;
- d) "Scope of Works" means the "General Scope of Works for Joint Hydrographic Survey in and around Pedra Branca and Middle Rocks" as referred to in Article 4 and attached in the Annex of this MOU; and
- e) "Survey Area" means the area in and around Pedra Branca and Middle Rocks as shown in **Annex A** of the Scope of Works.

ARTICLE 2
MATTERS NOT TO BE PREJUDICED

The Joint Survey or any action or omission undertaken pursuant to the provisions of this MOU or the Scope of Works are without prejudice to issues of sovereignty including positions taken in relation to the interpretation and application of international law, maritime or territorial claims whether in written form or otherwise and eventual delimitation of maritime boundaries.

ARTICLE 3
MUTUAL UNDERSTANDING

The Parties mutually understand and agree that the Parties shall cooperate in good faith and in a constructive manner in the implementation of this MOU.

ARTICLE 4
SCOPE OF WORKS

Subject to the terms of this MOU and the laws, regulations and national policies in force including procedures applicable in each Party's country, the Parties shall jointly conduct the "General Scope of Works for the Joint Hydrographic Survey in and around Pedra Branca and Middle Rocks" as attached in the Annex of this MOU on the basis of equality and mutual benefit and/or shall cause its employees, contractors, subcontractors or subcontractors' employees or any person engaged by the Parties to comply with the provisions of this MOU.

ARTICLE 5
DESIGNATED AUTHORITY

The designated authority responsible for the implementation of this MOU on behalf of the Government of Malaysia shall be the Ministry of Foreign Affairs, Malaysia and

on behalf of the Government of the Republic of Singapore shall be the Ministry of Foreign Affairs, Singapore.

ARTICLE 6
FINANCIAL ARRANGEMENTS

The financial arrangements to cover costs and expenses within the framework of this MOU shall be as specified under the Scope of Works. Any other costs and expenses within the framework of this MOU shall be mutually agreed upon by the respective Parties on a case-by-case basis.

ARTICLE 7
PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

(1) The protection of intellectual property rights shall be enforced in conformity with the respective national laws, rules and regulations of the Parties and with other international agreements by which each Party is bound.

(2) The use of name, logo and/or official emblem of any of the Parties on any publication, document and/or paper is prohibited without the prior written approval of either Party.

(3) Notwithstanding anything in paragraph (1) above, the intellectual property rights in respect of any technological development, products and services development, carried out:

- (i) jointly by the Parties or all the intellectual property rights in any document or material generated, created or provided through the joint activity effort of the Parties in the performance of the Scope of Works, shall be co-owned by the Parties in equal undivided shares, and each Party shall be entitled to exploit, including by way of licence, such documents or materials without reference to the other Party and

without any obligation to account to the other Party for the profits and gains from such exploitation; and

- (ii) solely and separately by the Party or all the intellectual property rights in any document or material generated, created or provided by a Party through the sole and separate effort of that Party in the performance of the Scope of Works, shall be solely owned by the Party concerned.

(4) Each Party shall grant to the other Party a royalty-free, non-exclusive and non-transferable licence to use, for the sole purpose of implementing this MOU, the documents or materials generated or created by, or licensed to, the first Party, and provided by the first Party to the other Party, regardless of whether the documents or materials have been generated, created or licensed prior to or after the entry into force of this MOU. The use of documents or materials generated, created or licensed prior to the entry into force of this MOU may be subject to additional terms and conditions as mutually agreed to between the Parties.

ARTICLE 8

CONFIDENTIALITY

(1) Each Party shall at all times hold confidential and shall cause its employees, contractors, subcontractors or subcontractors' employees or any person engaged by the Parties to carry out the whole or any part of the Scope of Works to hold confidential and prevent them from divulging to third parties, or use in any other way than for the purposes of accomplishing the Scope of Works any Confidential Information disclosed, directly or indirectly, to the recipient Party, without the other Party's prior written approval.

(2) Each Party shall take sufficient and appropriate action to ensure that the provisions of this Article are adhered to by their employees, contractors, subcontractors or subcontractors' employees or any person engaged by the Parties to carry out the whole or any part of the Scope of Works and shall notify promptly to

the other Party upon discovery of any instance where the requirements of this Article have not been complied with.

(3) The prior written approval of the other Party referred to in paragraph (1) of this Article is not required if:

- (i) the disclosure of the Confidential Information is made in confidence to the Party's employees, contractors, subcontractors or subcontractors' employees or any person engaged by the Party to carry out the whole or any part of the Scope of Works on a need to know basis and after such employees, contractors, subcontractors or subcontractors' employees have been informed of the obligations imposed by this Article and have agreed to be bound in writing by such obligations; or
- (ii) mutually agreed by the Parties.

ARTICLE 9 **SUSPENSION**

Each Party reserves the right, under exceptional circumstances for reasons of national security, national interest, public order or public health, to suspend temporarily, either in whole or in part, the implementation of the Joint Survey which suspension shall take effect immediately after notification has been given to the other Party through diplomatic channels.

ARTICLE 10 **REVISION, MODIFICATION AND AMENDMENTS**

(1) Either Party may request in writing a revision, modification or amendment of all or any part of this MOU.

(2) Any revision, modification or amendment agreed to by the Parties shall be reduced into writing and shall form part of this MOU.

(3) Such revision, modification and amendment shall come into force on such date as may be determined by the Parties.

(4) Any revision, modification or amendment shall not prejudice the rights and obligations arising from or based on this MOU before or up to the date of such revision, modification or amendment.

ARTICLE 11
SETTLEMENT OF DISPUTES

Any difference or dispute between the Parties concerning the interpretation and/or implementation and/or application of any of the provisions of this MOU shall be settled amicably through mutual consultation and/or negotiations between the Parties through diplomatic channels, without reference to any third party or international tribunal.

ARTICLE 12
ANNEX

The Annex to this MOU, duly signed by an authorised representative of each Party, shall form an integral part of this MOU.

ARTICLE 13
ENTRY INTO FORCE, DURATION AND TERMINATION

(1) This MOU shall be governed by international law and come into force on the date of signing until the Joint Survey has been completed.

(2) The provisions of Articles 2 and 8 of this MOU shall continue in force notwithstanding the completion of the Joint Survey, suspension or termination of this MOU.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed this MOU.

DONE at Singapore on this Thirtieth (30th) day of November in the year Two Thousand and Ten (2010) in two (2) original texts, in the English language, both texts being equally authentic.

**FOR THE GOVERNMENT OF
MALAYSIA**

**FOR THE GOVERNMENT OF THE
REPUBLIC OF SINGAPORE**

.....
H.E. Datuk Mohd Radzi Abd Rahman
Secretary-General
Ministry of Foreign Affairs
Malaysia

.....
H.E. Mr. Bilahari Kausikan
Permanent Secretary
Ministry of Foreign Affairs
Republic of Singapore

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

1. PURPOSE

The purpose of the Joint Survey Works in and around Pedra Branca and Middle Rocks ("Survey") is to acquire comprehensive and accurate hydrographic data in the area as defined in paragraph 3 ("Survey Area") in particular to determine the low-water mark of the features and low-tide elevations, in order to prepare for eventual talks on maritime issues in and around Pedra Branca and Middle Rocks.

2. GENERAL SCOPE OF WORKS

This General Scope of Works for the Survey covers a complete process of survey operation from the planning phase to the submission of the result, which is as follows:

- 2.1 To determine the limits of the Survey Area in and around Pedra Branca and Middle Rocks;
- 2.2 To define the scope and specification for the Survey;
- 2.3 To determine the equipment, survey platform and methodologies for data acquisition and processing used in the Survey;
- 2.4 To determine the conduct of the Survey, which includes mobilisation and demobilisation, commencement date, survey routine, survey lines and others;
- 2.5 To agree on the terms and conditions for data format, sharing and exchange;
- 2.6 To provide for the collection and processing of data jointly.
- 2.7 To determine the modalities for preparing and finalising the Survey reports and documentations; and
- 2.8 To undertake any other works which are within the ambit of this paragraph.

3. AREA TO BE SURVEYED

The Survey Area is bounded by the following coordinates in World Geodetic System 1984 (WGS84):

POINT	WGS84	
	LATITUDE (N)	LONGITUDE (E)
1	01° 20' 22.5"	104° 24' 23.7"
2	01° 19' 26.8"	104° 25' 17.6"
3	01° 18' 37.6"	104° 24' 21.1"
4	01° 19' 33.1"	104° 23' 27.2"

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

4. DURATION AND TIMELINE OF THE SURVEY

- 4.1 The Survey shall commence on a date to be agreed by both Parties. The Survey operation is estimated to take about 10 days to complete including patch test, accuracy test and resounding (if deemed necessary). The sounding will be conducted at an appropriate sounding speed.
- 4.2 The survey of the geodetic control stations referred to in paragraph 9.1, shall be carried out jointly at a suitable date agreed upon by both Parties prior to the commencement of the Survey.

5. WEATHER

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

6. SCALE OF SURVEY

The Fair Sheet for Survey Area shall be plotted on a scale of:

- 6.1 For the whole Survey Area - 1:2,500; and
- 6.2 Around Pedra Branca and Middle Rocks - 1:1,000

7. STANDARD OF SURVEY

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

8. DATUM

8.1 Horizontal Datum, Projection and Grid

The Survey shall be carried out in World Geodetic System 1984 (WGS84) and plotted based on the following geodetic parameters:

Ellipsoid	: WGS84
Semi Major Axis (a)	: 6378137.0 m
Flattening (f)	: 1/298.25722
Projection	: Universal Transverse Mercator (UTM)
Zone	: 48
False Northing	: 0.0m
False Easting	: 500000.0m
Scale Factor at Central Meridian	: 0.9996
Central Meridian	: Centre of Zone 48

8.2 Vertical Datum

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

8.2.2 The tidal data from both Middle Rocks and Pedra Branca used for harmonic analysis and the method used to determine the LAT,

including the results for such determination, shall be exchanged by the Parties on a suitable date agreed upon by them prior to the commencement of the Survey.

8.3 Reduction of Soundings

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

9. POSITIONING

9.1 Survey of Geodetic Control Stations

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

9.1.2 The proposed Global Positioning System (GPS) Survey Network shall be designed as follows:

- (i) a Primary GPS network comprising two (2) Malaysia Real-Time Kinematic GNSS Network System (MyRTKnet) Stations, two (2) Peninsular Malaysia Primary Geodetic Network Stations, four (4) Singapore Satellite Positioning Reference Network (SiRENT), Permanent GPS Stations and one (1) geodetic control station at Middle Rocks;
- (ii) a Secondary GPS network of the four proposed geodetic control stations, as stated in para. 9.1.1;
- (iii) all stations shall be observed simultaneously using static GPS technique; and
- (iv) GPS measurement duration and software shall be selected so as to ensure relative baseline accuracy of one part per million (1 ppm)

9.1.3 The diagram of the proposed GPS Survey Network is shown in **ANNEX B**.

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

- (i) tracks only GPS satellites;

- (ii) dual frequency and geodetic type with offline post-processing of Differential GPS data;
- (iii) accuracy for positioning: Horizontal 5 mm+2 ppm
Vertical 10 mm+1 ppm;
- (iv) the antenna shall be a geodetic L1/L2 with fixed or removable ground plane; and
- (v) each observation party shall be equipped with the necessary communication instrument and other required operational equipment.

9.1.5 The specifications for the static GPS observation are as follows:

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

- 9.1.6 During the conduct of GPS observation, one representative from each Party shall be allowed to be present at each respective geodetic control station.
- 9.1.7 The data processing and adjustment shall be carried out on the Primary and Secondary GPS Networks using appropriate GPS processing software. Each Party shall carry out GPS data processing independently and produce an independent set of coordinates. Comparison of the sets of coordinates shall be carried out to establish the final set of coordinates.
- 9.1.8 The following technique of least square processing shall be carried out on the GPS data:
- (i) least squares adjustments shall be performed for the final data analysis and coordinate determination;
 - (ii) the software used shall be capable of computing formal a priori standard errors from the baseline variance/co-variance statistics, and shall use models which account for the reference ellipsoid for the network control, orientation and scale differences between the GPS and network control datum;
 - (iii) least squares adjustments of the network, both minimally constrained and constrained by all the geodetic stations' coordinates, shall be carried out to verify that the survey meets the required standards; and
 - (iv) all adjustments of GPS data shall be 3 dimensional on the ITRF2000/WGS84 reference frame.
- 9.1.9 During the process of observation, the GPS field recording sheets shall be recorded (examples are set out in **ANNEXES C** and **D**). An independent check on the height of the antenna is essential.
- 9.1.10 Each Party shall make available the following digital data:
- (i) raw observational data shall be archived and each Party shall have the same complete set of data and information;
 - (ii) if required, result files from the baseline processing and final adjustments shall be supplied in digital form. The processing and/or adjustment software digital format may be requested

by the other Party to enable automatic inclusion of the results in that Party's data base systems;

- (iii) comparison of the sets of coordinates shall be performed for validation, and the final result can be established if the differences are within the agreed tolerance range; and
- (iv) final adjusted coordinates are to be provided in the following coordinate systems:
 - (a) ITRF2000/WGS84
 - (b) UTM derived from ITRF2000/WGS84

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

9.2 Use of Differential GPS (DGPS) for Hydrographic Positioning

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

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

9.2.2 For the purpose of offline post processing of DGPS data, GPS equipment shall be set up at the four (4) geodetic control stations, as stated in para. 9.1.1, during the period of hydrographic survey.

9.3 Identification of Fixes

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

10. SURVEY METHODOLOGY

10.1 The Survey shall consist of Multi-beam sonar surveys. In areas where Multi-beam sonar surveys are not feasible, Single-beam and other conventional methods shall be used. The field survey planning shall be carried out and agreed upon by the respective Survey Acquisition Teams prior to the commencement of survey operations, amongst others, to determine the areas for Multi-beam and Single-beam sonar surveys.

10.2 Hydrographic Data Acquisition System (HDAS)

10.2.1 The HDAS shall comprise hardware and software configured to control, manage, acquire and store digital data in survey format from the positioning system and Single-beam and Multi-beam echo sounder systems.

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

10.2.3 The online Quality Control (QC) for positioning and depth shall be monitored to ensure positional accuracy standard. Daily QC reports shall be included as an annex to the Report of Survey referred to in paragraph 13 (ROS).

10.2.4 The automated logging system shall be set at the following intervals:

Navigation Cycle Time	:	2 sec or better
Depth Cycle Time	:	2 sec or better
Position Logging Interval	:	2 sec or better

10.2.5 Daily back-up of data shall be carried out at the Survey platform

10.3 The shallow water Multi-beam echo sounder at a frequency of about 200 to 400 kHz is to be utilised for the sounding operation. The methodology for Multi-beam sonar survey encompasses the following:

(i) Sounding Units

Depths shall be recorded in metres and tenths of metres.

(ii) Depth Accuracy

The total sounding uncertainty for swath widths of at least three times the average water depth shall be in compliance, at the 95% confidence level, with the allowable Total Vertical Uncertainty (TVU) of $\pm \sqrt{[0.25 + (0.013 \times d)^2]}$ where d = depth.

(iii) Line Orientation

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

(iv) Position

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

(v) Vessel Motion Data

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

(vi) Velocity of Sound in the Water Column

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

(vii) Survey Coverage

The survey lines shall be run to achieve 100% seabed coverage, ie with 50% overlap on each side. The line spacing shall not exceed 3 times the water depth.

(viii) Cross Lines

Cross lines shall be run at angles of 45 to 90 degrees to the main scheme lines. At least 5 cross lines shall be run in the Survey Area.

(ix) Drying Lines (Low-Water Marks) and Drying Features

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

(x) Accuracy Test

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

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

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

10.4 The methodology for Single-beam sonar survey encompasses the following:

(i) Echo Sounder

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

(ii) Reduction of Soundings

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

(iii) Horizontal Accuracy

The following accuracies will be maintained.

Position of soundings - ± 2 metre

(iv) Sounding Line Intervals

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

(v) Drying Lines (Low-Water Marks) and Drying Features

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

11. DATA PROCESSING

11.1 Data processing for the survey acquired from both the Multi-beam and Single-beam surveys shall be carried out jointly at a venue to be agreed by both sides. The estimated time taken for data processing is 14 days.

11.2 Hydrographic Data Processing System (HDPS)

11.2.1 The HDPS software shall include facilities for editing and reducing depth, smoothing and filtering, sound velocity corrections, common format conversion, QC analysis for depth and positioning and be able to generate the final survey product presentations i.e. fair sheet with hydrographic symbology in accordance with IHO standards. The software shall also be able to handle and manage huge amount of raw and processed digital bathymetric data systematically. The workflow of the "Data Processing model" utilised by the software shall be included in the ROS.

11.2.2 The HDPS software shall be able to perform area based and line by line editing with automatic and/or manual removal of outliers. The survey data shall be able to be displayed in plan, spread sheet, profile and 3-dimensional digital terrain model views. All methods used for data editing shall be recorded and included in the ROS. The degree of depth contour smoothing and suppression of depths must be agreed by both Parties.

11.2.3 The software shall be able to perform QC for the depths between main lines and cross lines/check lines. The depth and positional

data QC test result shall be included as an annex to the ROS to define the reliability of the Survey.

11.2.4 The software shall be able to generate colour-coded soundings, contours, and smooth sheet plotting capabilities.

12. OUTPUT

12.1 Field Records

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

- (i) Tidal observation records
- (ii) Benchmarks descriptions
- (iii) Results of tidal analysis
- (iv) Geodetic Control Station
- (v) Accuracy Test for DGPS
- (vi) Patch Test Records for MBES
- (vii) Daily QC Test
- (viii) Echo-sounder graphs
- (ix) Field sheets showing sounding tracks with fix numbers
- (x) Other miscellaneous records and sheets used for submission of survey

12.2 Fair Sheet

- (i) Fair Sheet shall be drawn at scale of 1:1,000 or larger for coastal features and low-water line, and at scale of 1:2,500 for general bathymetric information of surrounding waters in Universal Transverse Mercator Zone 48 projection and WGS84 ellipsoid.
- (ii) Fair Sheet shall be endorsed by both Parties and signed by representative of each Party.

13. REPORT OF SURVEY (ROS)

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

13.2 The ROS shall be prepared in soft and hard copies

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

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

13.4 The final ROS is to be submitted to the Sub-Committee on the Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge for approval.

14. SURVEY PLATFORM AND PERSONNEL

The Survey shall be carried out using a single platform (including survey vessel, crew, equipment, acquisition software as well as processing software) to be provided by an independent service provider jointly appointed by both Parties. The Survey shall be carried out under the supervision of the following personnel:

Survey Acquisition Team for the Platform

Malaysia - 1 x Hydrographic Surveyors
Singapore - 1 x Hydrographic Surveyors

Data Processing Team

Malaysia - 1 x Hydrographic Surveyors
Singapore - 1 x Hydrographic Surveyors

Where there are differences in views within the Survey Acquisition Team or the Data Processing Team on any aspect of the Survey, the Survey shall be suspended pending resolution of the matter by the two Parties.

15. COST

Each Party shall bear its own costs incurred in the conduct of the survey and shall share equally in bearing the cost of services provided by the independent service provider referred to in paragraph 14.

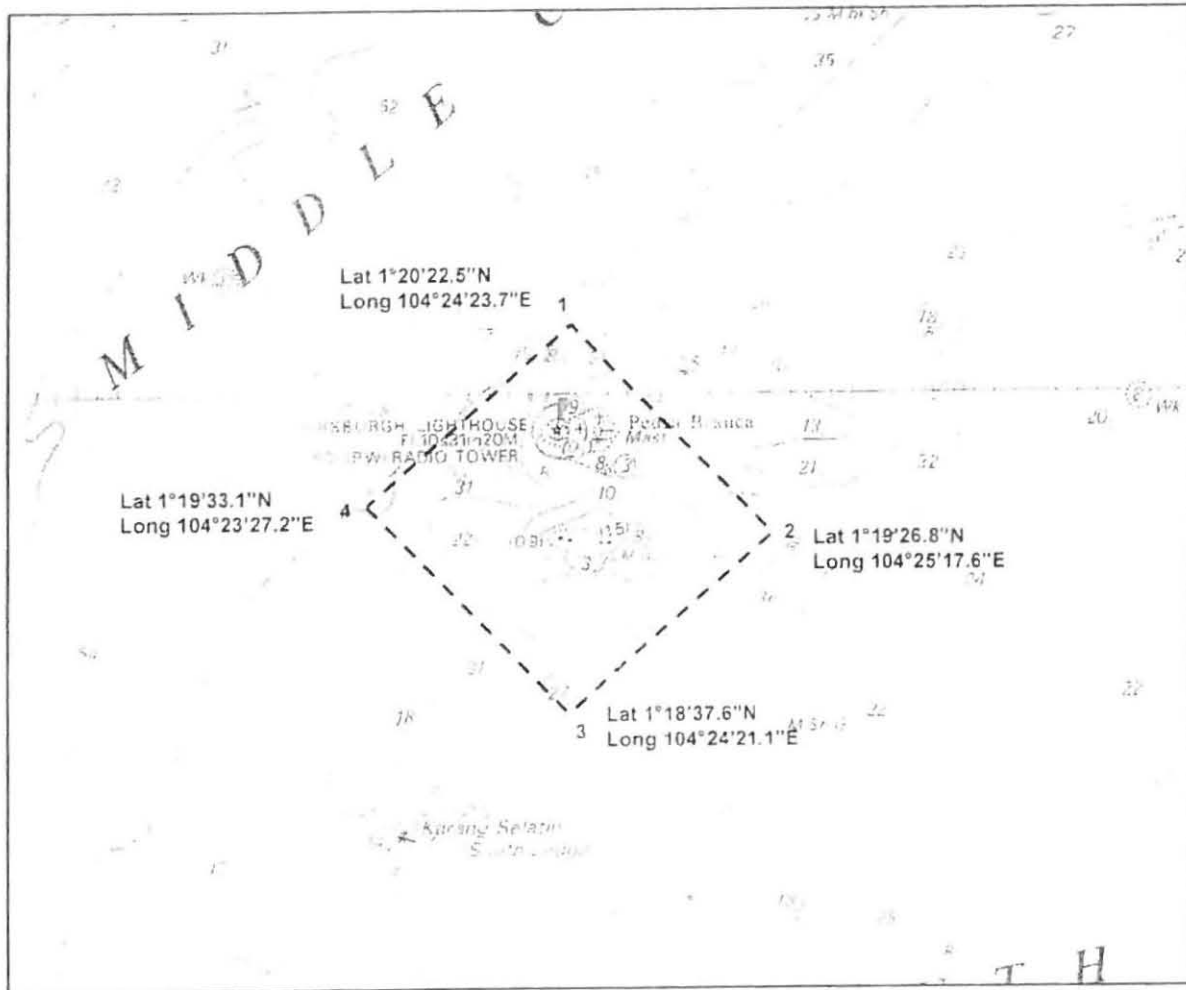
**FOR THE GOVERNMENT OF
MALAYSIA**

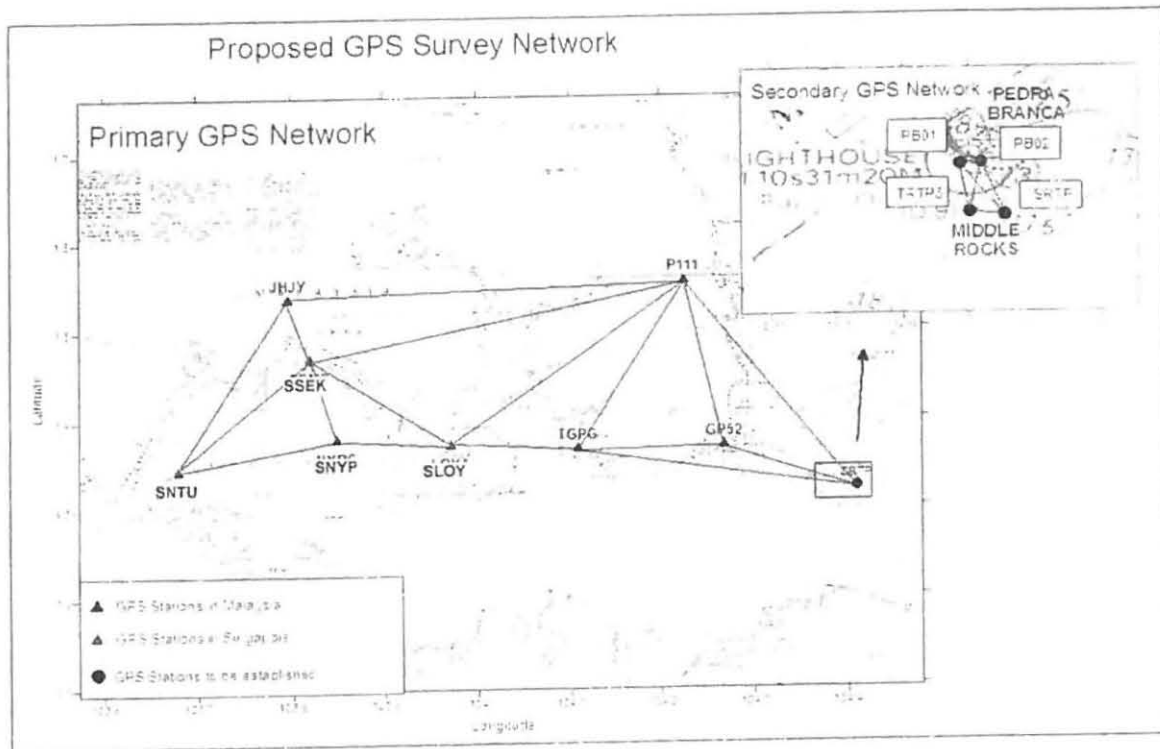
**FOR THE GOVERNMENT OF THE
REPUBLIC OF SINGAPORE**

.....
H.E. Datuk Mohd Radzi Abd Rahman
Secretary-General
Ministry of Foreign Affairs
Malaysia

.....
H.E. Mr. Bilahari Kausikan
Permanent Secretary
Ministry of Foreign Affairs
Republic of Singapore

SURVEY AREA



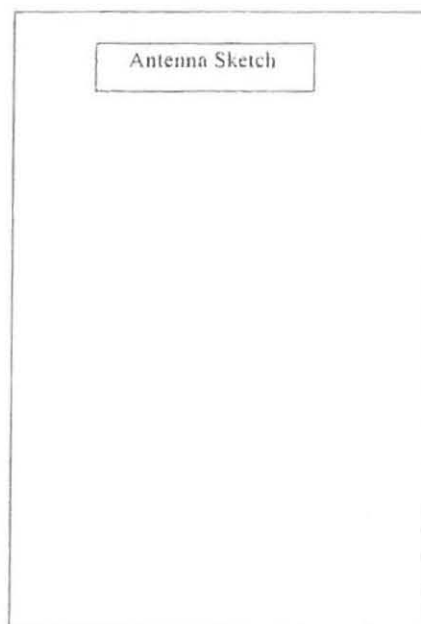


PB01 = 17998
 PB02 = 17999

GPS Observation Log

Station Name _____	Station ID _____	Project _____
Location _____	City _____	
Observing Monument Inscription and Description _____		

Receiver _____	Type _____	Model _____	S/No. _____	Receiver Operator _____	Agency _____
Antenna _____	<i>Equipment Used</i>				
Receiver Software and Version _____					
Collection rate _____	Solution Rate _____	<input type="checkbox"/> Tribrach			
<i>Download Information</i>		<input type="checkbox"/> Tripod			
Download Date ___ / ___ / ___	<input type="checkbox"/> 240v AC and power converter				
<input type="checkbox"/> Tapes	<input type="checkbox"/> Disks	<input type="checkbox"/> Backups made	<input type="checkbox"/> 12v car battery		
Disk/Tape _____	File Name _____	<input type="checkbox"/> Internal battery pack			
1 _____	<input type="checkbox"/> External battery pack				
2 _____					
3 _____					
<i>Timing</i>	Local Time _____	Local date _____	UTC Time _____	UTC Date _____	UTC Day _____
Actual Start Time _____					
Actual End Time _____					
Daily Session Number _____	<input type="checkbox"/> Power Failure - started over with new Log				
Receiver Solution (record near end of session) _____	Site Access - unusual features _____				
UTC Time _____					
Latitude _____					
Longitude _____					
Height _____	Metres _____				



Station Name _____	Station ID _____	Date: __ / __ / ____
Location _____	City _____	
Observing Monument Inscription _____	Observers Name _____	

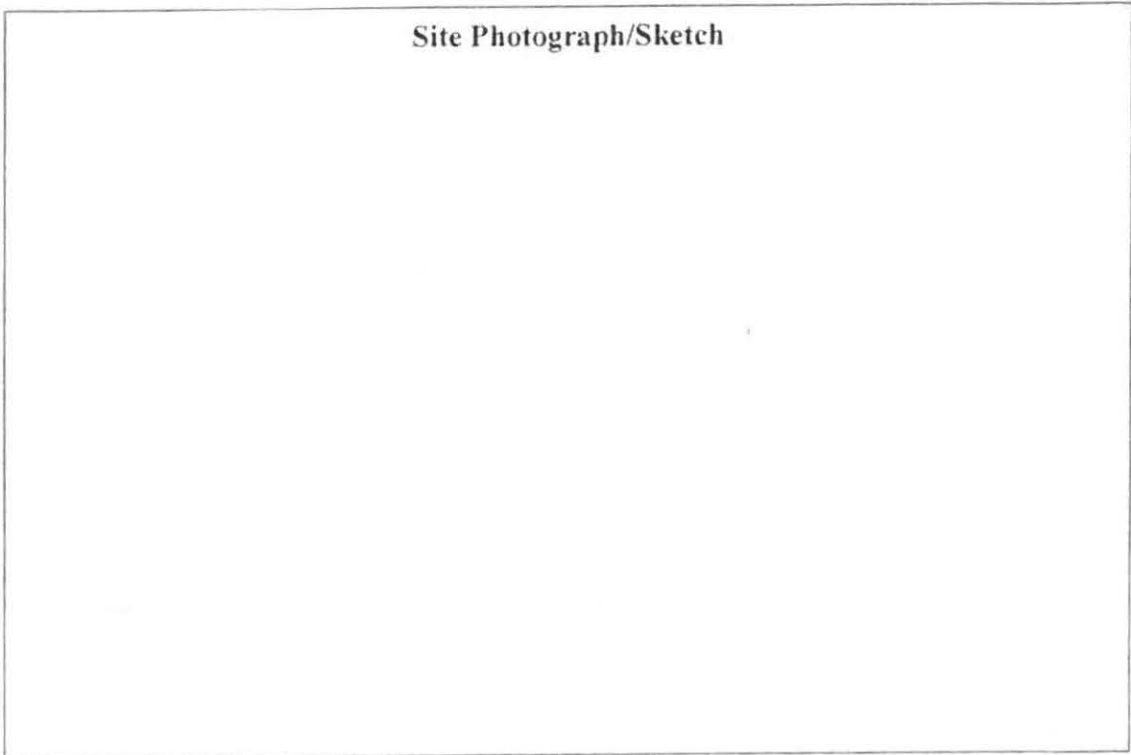
Antenna Setup : Include a sketch of the antenna setup showing all mounting accessories ie. tripod, pillar, tribrach, etc. Show all distances measured from the ground mark to defined points on the antenna. Indicate whether distances are slant or vertical.

Antenna height above mark in metres - enter the vertical height to the ant. ref. point.
Record the measured height above the ground mark to as many of the following as possible:

For slant measurements, include the horizontal offset distances to the centre of the antenna.

	Distance(metres)	vertical	slant	Offset Distance	
Local Weather conditions					
L1 Phase centre	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
L2 Phase centre	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Base of antenna	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Top of ground plane	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Bottom of ground plane	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Bottom of choke ring	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Height Hook used YES NO
Measured _____ Check _____ (Ft. In.)
Antenna Offset _____



Field Team Leader
(Malaysia)

Field Team Leader
(Singapore)

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.

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

1. Prime Minister Lee Hsien Loong and Prime Minister Dato' Sri Mohd Najib Tun Abdul Razak met in Singapore on 19 February 2013 for the Singapore-Malaysia Leaders' Retreat. The Prime Ministers welcomed the excellent progress in bilateral relations since the Putrajaya Retreat in January 2012, and reaffirmed their commitment to a stronger and mutually beneficial partnership, especially amidst an uncertain global economy.
2. The Leaders noted the progress of the joint developments by Khazanah Nasional Berhad and Temasek Holdings (Private) Limited in Singapore (by M+S Pte Ltd) and in Iskandar Malaysia (by Pulau Indah Ventures Sdn Bhd). These are strategic projects that reflect the high degree of trust and complementarity between both countries. In Singapore, the Prime Ministers witnessed the unveiling of the Marina One project in Marina South and received an update on the DUO project in Ophir-Rochor. In Malaysia, they also witnessed the ground-breaking and unveiling of the Urban Wellness project in Medini North, as well as the unveiling of the Resort Wellness project in Medini Central.
3. Recognising that a dynamic and successful Iskandar Malaysia benefited both Malaysia and Singapore, the Leaders agreed to intensify existing cooperation and explore new ways to leverage on the complementarities between Singapore and Iskandar Malaysia. In this regard, the Prime Ministers expressed satisfaction at the work of the Iskandar Malaysia Joint Ministerial Committee (JMC), including the final composition and Terms of Reference of the Industrial Cooperation Work Group. They also agreed to strengthen connectivity between Singapore and Malaysia, such as through the Rapid Transit System Link, for which Phase 1 of the Joint Engineering Study is nearing completion. They also welcomed the initiative by the JMC to study measures to address traffic and congestion issues on the Causeway, as well as the feasibility of a third road link between the two countries in the longer-term.
4. The Prime Ministers agreed to build a High Speed Rail link between Kuala Lumpur and Singapore. This is a strategic development in bilateral relations that will dramatically improve the connectivity between Malaysia and Singapore. It will usher in a new era of strong growth,

prosperity, and opportunities for both countries. It will facilitate seamless travel between Kuala Lumpur and Singapore, enhance business linkages, and bring the peoples of Malaysia and Singapore closer together. Ultimately, this project will give both countries greater stakes in each other's prosperity and success. The Leaders tasked the JMC to look into the details and modalities of the High Speed Rail link.

5. The Prime Ministers took note of the expected commencement in 2013 of operations of the new ferry terminal and Customs, Immigration and Quarantine (CIQ) facilities in Puteri Harbour. Ferry services will be operating between Puteri Harbour and Singapore, subject to the regulators' evaluation of the services. The Prime Ministers agreed that the JMC will continue to explore further links to improve connectivity between both countries.

6. The Leaders welcomed the close inter-agency cooperation on environmental issues with transboundary implications and navigational issues through platforms such as the Malaysia-Singapore Joint Committee on the Environment and the Maritime and Port Authority of Singapore-Johor Port Authority Operational Meeting. They agreed to continue cooperating on such issues of mutual concern. They also emphasised the importance of adopting best practices for addressing areas of environmental concern, including the implementation of mitigation measures, where appropriate.

7. Both Leaders also noted the progress of the Malaysia-Singapore Joint Technical Committee on the Implementation of the ICJ Judgment on Pedra Branca, Middle Rocks and South Ledge (MSJTC) which has held six meetings so far. The Leaders welcomed the successful completion of the Joint Survey Works in and around Pedra Branca and Middle Rocks and agreed that the next step would be for the MSJTC to move into the delimitation of maritime boundaries.

8. Recalling that both sides affirmed the terms of the 1962 Water Agreement during the January 2012 Leaders' Retreat, the two Prime Ministers took note of the importance of implementing the necessary measures to ensure reliable water supply from the Johor River as provided under the 1962 Water Agreement. The Prime Ministers encouraged the Singapore and Johor water authorities to continue their excellent working relationship.

9. The Leaders welcomed the excellent relations and regular interactions between the two civil services. Since the last Retreat, Singapore hosted the 4th Joint Seminar and 35th Public Service Games for Public Sector Leaders in April 2012, while Malaysia hosted the Inaugural Joint Seminar Programme for Deputy Secretaries-General of Malaysia and Deputy Secretaries of Singapore in September 2012. Both civil services look forward to the 5th Joint Seminar and 36th Public Service Games for Public Sector Leaders that Malaysia will host in May 2013.

10. The Prime Ministers expressed satisfaction that both sides had resolved to expand the 700 MHz digital dividend radio frequencies, in harmonisation with the Asia-Pacific Telecommunity band plan, for the deployment of mobile broadband services with the relevant spectrum. The expanded frequencies are expected to be made available after the period of conversion from analogue to digital broadcasting, taking into consideration regional spectrum coordination arrangements.

11. Both Prime Ministers underscored the importance of ASEAN unity to enhance its central role in the region's evolving architecture. They expressed confidence in ASEAN's progress towards its 2015 ASEAN Community building goals, and looked forward to advancing ASEAN integration and maintaining regional stability in the year ahead.

12. The Prime Ministers agreed to have the next Retreat in 2014 in Malaysia.

19 February 2013, Singapore



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

19 February 2013

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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.



EC 68 / 2014

The Ministry of Foreign Affairs, Malaysia presents its compliments to the High Commission of the Republic of Singapore in Kuala Lumpur and has the honour to refer to the latter's Note SHC 178/2013 dated 27 December 2013 enclosing a draft Record of Meeting of the Seventh Meeting of the Malaysia-Singapore Joint Technical Committee (MSJTC) on the Implementation of the International Court of Justice Judgment on Pedra Branca, Middle Rocks and South Ledge, which was held on 28 – 29 November 2014 in Singapore.

The Ministry notes that the draft Record of Meeting enclosed in Note SHC 178/2013 differs from the draft Record of Meeting the two sides had begun negotiating with each other during the course of the Seventh MSJTC. Further, the draft Record of Meeting enclosed differs substantially from Records of Meeting adopted by the two sides following previous Meetings of the MSJTC. The Ministry also notes that no discussion has been held between the two sides on altering the substantive manner in which discussions held during the MSJTC would be reflected in the Records of Meeting.

Taking the above into account, the Ministry is pleased to enclose herewith a second counter-proposal to the second proposal made by the Government of the Republic of Singapore on 29 November 2013 in Singapore in attempting to arrive at a mutually acceptable Record of Meeting of the Seventh MSJTC.

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



Putrajaya, 27 April 2014

High Commission of the Republic of Singapore
Kuala Lumpur

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.

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

1. Prime Minister Dato' Sri Mohd Najib Tun Abdul Razak and Prime Minister Lee Hsien Loong met in Putrajaya, Malaysia on 7 April 2014 for the 5th Malaysia-Singapore Leaders' Retreat. The Leaders reviewed the progress made in bilateral relations since the Leaders' Retreat in Singapore on 19 February 2013, and reaffirmed their commitment to a stronger and mutually beneficial partnership between the two countries.
2. The Leaders looked forward to the State Visit by Their Majesties the Yang DiPertuan Agong and the Raja Permaisuri Agong to Singapore from 29 April to 2 May 2014. They expressed confidence that the visit would further enhance the excellent ties between Malaysia and Singapore.
3. On behalf of the people and the Government of the Republic of Singapore, Prime Minister Lee expressed his deepest sympathies over the tragic loss of Malaysia Airlines flight MH370. Singapore had deployed aircraft and ships to join in the search and rescue operations, and stands ready to provide further support as needed. Prime Minister Najib expressed the appreciation of the Government of Malaysia for the prompt assistance rendered by the Government of Singapore in the search and rescue operations for the missing flight. Both Leaders agreed to explore ways for both sides to work more closely with fellow ASEAN Member States in search and rescue operations in line with the ASEAN Political-Security Community Blueprint.
4. The Leaders noted with satisfaction the steady progress of the joint iconic projects by Khazanah Nasional Berhad and Temasek Holdings (Private) Limited in Singapore (through M+S Pte Ltd) and in Iskandar Malaysia (through Pulau Indah Ventures Sdn Bhd). The Marina One and DUO projects in Singapore are on track for completion in 2017, while the Afiniti Medini project in Iskandar Malaysia is expected to be completed by end-2015. The Leaders further noted that the market response to these projects has been very encouraging.
5. Both Leaders recognised the strategic importance of Iskandar Malaysia for both Malaysia and Singapore, and its contribution to greater cooperation between the two countries and the integration of their economies. They looked forward to Iskandar Malaysia's

comprehensive and holistic development by leveraging on the complementarities between Iskandar Malaysia and Singapore.

6. Acknowledging that Iskandar Malaysia would also benefit from cooperation in manufacturing and other industrial activities, the Leaders noted with satisfaction the progress made in jointly developing industries with synergistic activities in both Singapore and Iskandar Malaysia by the Industrial Cooperation Work Group (ICWG) under the Malaysia-Singapore Joint Ministerial Committee for Iskandar Malaysia (JMC). These include UK-based metal-stockist Howco Group's decision to build a US\$20 million heat treatment facility in Iskandar Malaysia to complement its Singapore operations. The Leaders agreed that the ICWG should continue to promote and explore more mutually beneficial economic activities, particularly in advanced materials engineering, electronics, creative services, and food industries.

7. The Leaders also welcomed the development of the new Nusajaya Tech Park, which is a joint venture between Ascendas and UEM Sunrise Berhad. The 210-hectare Tech Park will cater to both multinational corporations and local small and medium enterprises in industries such as precision engineering; electronics; light and clean manufacturing; and warehousing and logistics. The Nusajaya Tech Park is expected to create jobs in high-tech industries, providing a strong push to the development of Iskandar Malaysia.

8. Recognising the importance of a skilled labour force to ensure the enhancement of socio-economic development, the Leaders welcomed the on-going discussion between the various agencies of both countries for collaboration in vocational training.

9. The Leaders expressed satisfaction at the work of the JMC, and underlined the importance for both sides to continue working closely together to leverage on the complementarities between Iskandar Malaysia and Singapore. They commended the endorsement by the JMC of Phase 1 of the Joint Engineering Study (JES) for the Rapid Transit System (RTS) Link between Singapore and Johor Bahru at its meeting on 28 January 2014 in Singapore. Both Leaders looked forward to the adoption of the final scheme for the RTS Link and for the JMC to proceed with Phase 2 of the JES in the interest of improved connectivity between Johor Bahru and Singapore.

10. The Leaders also welcomed the continued work by the JMC to explore ways to address traffic and congestion issues on the Causeway as well as the feasibility of a third road link between the two countries, with a view to enhancing connectivity between Malaysia and Singapore.

11. The Leaders noted the establishment and the good progress of the High Speed Rail (HSR) Work Group under the JMC and the endorsement of its Terms of Reference. This will ensure steady progress of this game-changing project. The HSR will facilitate seamless travel between Kuala Lumpur and Singapore, enhance business linkages, and bring the peoples of Malaysia and Singapore closer together. It will usher in a new era of growth, prosperity, and opportunities for both countries, and give both countries greater stakes in each other's prosperity and success. They urged the HSR Work Group to work diligently towards fulfilling its mandate by the year 2020.

12. Both Leaders noted the progress of the Malaysia-Singapore Joint Technical Committee on the Implementation of the ICJ Judgment on Pedra Branca, Middle Rocks and South Ledge (MSJTC) which has held seven meetings so far. Recalling their agreement at the February 2013 Leaders' Retreat that the next step was for the MSJTC to move into the delimitation of maritime boundaries, the Leaders welcomed the decision of the MSJTC to set up a new sub-committee for this purpose, describing it as a positive step forward.

13. The Leaders welcomed the close and continuous inter-agency cooperation on environmental issues with transboundary implications and navigational issues through platforms such as the Malaysia-Singapore Joint Committee on the Environment and the Maritime and Port Authority of Singapore-Johor Port Authority Operational Meeting. The Leaders emphasised the importance of adopting best practices for addressing such areas of concern, including the implementation of mitigation measures, where appropriate.

14. The Prime Ministers acknowledged that transboundary haze pollution is a recurring problem for the region. The Prime Ministers agreed that Malaysia and Singapore share common interests on this issue and reaffirmed the commitment of both countries to cooperate as close partners and as fellow ASEAN members to take decisive actions to solve the problem.

15. The Leaders welcomed the excellent relations and regular interactions between the civil services of both countries. Since the last Retreat, Malaysia hosted the 5th Joint Seminar and 36th Public Service Games for Public Sector Leaders in November 2013, while Singapore recently hosted the 2nd Joint Seminar Programme for Deputy Secretaries-General of Malaysia and Deputy Secretaries of Singapore in March 2014. The Leaders looked forward to the 6th Joint Seminar and 37th Public Service Games for Public Sector Leaders which will be hosted by Singapore this year.

16. The Prime Ministers also reaffirmed the importance of deepening the cultural bonds between the two peoples. They expressed support for collaborative initiatives between Singapore's Malay Heritage Centre and Malaysian agencies and universities such as the National Library of Malaysia, Institut Alam dan Tamadun Melayu, Muzium Negara and the Universiti Sains Malaysia in Penang. These may include exhibitions of manuscripts on Malay indigenous sciences and technology; research collaboration on Malay schools, printing and publishing industries, and haj brokerage; and the showcasing of traditional Malaysian dance and theatre art at Singapore's Malay Culture Festival in September 2014.

17. Both Leaders reaffirmed the importance of ASEAN staying united in order for it to maintain a central role in the regional architecture, contribute to regional stability and promote closer economic integration. They were encouraged by ASEAN's progress in its Community-building goals and noted that Malaysia's Chairmanship of ASEAN in 2015 would culminate with the historic establishment of an ASEAN Community. Singapore expressed its full support for the Malaysian Chairmanship.

18. The Leaders agreed to hold the next Retreat in 2015 in Singapore.

7 April 2014, Malaysia



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, 7 April 2014

7 April 2014

Prime Minister Dato' Sri Mohd Najib Tun Abdul Razak and Prime Minister Lee Hsien Loong met in Putrajaya, Malaysia on 7 April 2014 for the 5th Malaysia-Singapore Leaders' Retreat. The Leaders reviewed the progress made in bilateral relations since the Leaders' Retreat in Singapore on 19 February 2013, and reaffirmed their commitment to a stronger and mutually beneficial partnership between the two countries.

The Leaders looked forward to the State Visit by Their Majesties the Yang DiPertuan Agong and the Raja Permaisuri Agong to Singapore from 29 April to 2 May 2014. They expressed confidence that the visit would further enhance the excellent ties between Malaysia and Singapore.

On behalf of the people and the Government of the Republic of Singapore, Prime Minister Lee expressed his deepest sympathies over the tragic loss of Malaysia Airlines flight MH370. Singapore had deployed aircraft and ships to join in the search and rescue operations, and stands ready to provide further support as needed. Prime Minister Najib expressed the appreciation of the Government of Malaysia for the prompt assistance rendered by the Government of Singapore in the search and rescue operations for the missing flight. Both Leaders agreed to explore ways for both sides to work more closely with fellow ASEAN Member States in search and rescue operations in line with the ASEAN Political-Security Community Blueprint.

The Leaders noted with satisfaction the steady progress of the joint iconic projects by Khazanah Nasional Berhad and Temasek Holdings (Private) Limited in Singapore (through M+S Pte Ltd) and in Iskandar Malaysia (through Pulau Indah Ventures Sdn Bhd). The Marina One and DUO projects in Singapore are on track for completion in 2017, while the Afiniti Medini project in Iskandar Malaysia is expected to be completed by end-2015. The Leaders further noted that the market response to these projects has been very encouraging.

Both Leaders recognised the strategic importance of Iskandar Malaysia for both Malaysia and Singapore, and its contribution to greater cooperation between the two countries and the integration of their economies. They looked forward to Iskandar Malaysia's comprehensive and holistic development by leveraging on the complementarities between Iskandar Malaysia and Singapore.

Acknowledging that Iskandar Malaysia would also benefit from cooperation in manufacturing and other industrial activities, the Leaders noted with satisfaction the progress made in jointly developing industries with synergistic activities in both Singapore and Iskandar Malaysia by the Industrial Cooperation Work Group (ICWG) under the Malaysia-Singapore Joint Ministerial Committee for Iskandar Malaysia (JMC). These include UK-based metal-stockist Howco Group's decision to build a US\$20 million heat treatment facility in Iskandar Malaysia to complement its Singapore operations. The Leaders agreed that the ICWG should continue to promote

and explore more mutually beneficial economic activities, particularly in advanced materials engineering, electronics, creative services, and food industries.

The Leaders also welcomed the development of the new Nusajaya Tech Park, which is a joint venture between Ascendas and UEM Sunrise Berhad. The 210-hectare Tech Park will cater to both multinational corporations and local small and medium enterprises in industries such as precision engineering; electronics; light and clean manufacturing; and warehousing and logistics. The Nusajaya Tech Park is expected to create jobs in high-tech industries, providing a strong push to the development of Iskandar Malaysia.

Recognising the importance of a skilled labour force to ensure the enhancement of socio-economic development, the Leaders welcomed the on-going discussion between the various agencies of both countries for collaboration in vocational training.

The Leaders expressed satisfaction at the work of the JMC, and underlined the importance for both sides to continue working closely together to leverage on the complementarities between Iskandar Malaysia and Singapore. They commended the endorsement by the JMC of Phase 1 of the Joint Engineering Study (JES) for the Rapid Transit System (RTS) Link between Singapore and Johor Bahru at its meeting on 28 January 2014 in Singapore. Both Leaders looked forward to the adoption of the final scheme for the RTS Link and for the JMC to proceed with Phase 2 of the JES in the interest of improved connectivity between Johor Bahru and Singapore.

The Leaders also welcomed the continued work by the JMC to explore ways to address traffic and congestion issues on the Causeway as well as the feasibility of a third road link between the two countries, with a view to enhancing connectivity between Malaysia and Singapore.

The Leaders noted the establishment and the good progress of the High Speed Rail (HSR) Work Group under the JMC and the endorsement of its Terms of Reference. This will ensure steady progress of this game-changing project. The HSR will facilitate seamless travel between Kuala Lumpur and Singapore, enhance business linkages, and bring the peoples of Malaysia and Singapore closer together. It will usher in a new era of growth, prosperity, and opportunities for both countries, and give both countries greater stakes in each other's prosperity and success. They urged the HSR Work Group to work diligently towards fulfilling its mandate by the year 2020.

Both Leaders noted the progress of the Malaysia-Singapore Joint Technical Committee on the Implementation of the ICJ Judgment on Pedra Branca, Middle Rocks and South Ledge (MSJTC) which has held seven meetings so far. Recalling their agreement at the February 2013 Leaders' Retreat that the next step was for the MSJTC to move into the delimitation of maritime boundaries, the Leaders welcomed the decision of the MSJTC to set up a new sub-committee for this purpose, describing it as a positive step forward.

The Leaders welcomed the close and continuous inter-agency cooperation on environmental issues with transboundary implications and navigational issues through platforms such as the Malaysia-Singapore Joint Committee on the Environment and the Maritime and Port Authority of Singapore-Johor Port Authority Operational Meeting. The Leaders emphasised the importance of adopting best practices for addressing such areas of concern, including the implementation of mitigation measures, where appropriate.

The Prime Ministers acknowledged that transboundary haze pollution is a recurring problem for the region. The Prime Ministers agreed that Malaysia and Singapore share common interests on this issue and reaffirmed the commitment of both countries to cooperate as close partners and as fellow ASEAN members to take decisive actions to solve the problem.

The Leaders welcomed the excellent relations and regular interactions between the civil services of both countries. Since the last Retreat, Malaysia hosted the 5th Joint Seminar and 36th Public Service Games for Public Sector Leaders in November 2013, while Singapore recently hosted the 2nd Joint Seminar Programme for Deputy Secretaries-General of Malaysia and Deputy Secretaries of Singapore in March 2014. The Leaders looked forward to the 6th Joint Seminar and 37th Public Service Games for Public Sector Leaders which will be hosted by Singapore this year.

The Prime Ministers also reaffirmed the importance of deepening the cultural bonds between the two peoples. They expressed support for collaborative initiatives between Singapore's Malay Heritage Centre and Malaysian agencies and universities such as the National Library of Malaysia, Institut Alam dan Tamadun Melayu, Muzium Negara and the Universiti Sains Malaysia in Penang. These may include exhibitions of manuscripts on Malay indigenous sciences and technology; research collaboration on Malay schools, printing and publishing industries, and hajj brokerage; and the showcasing of traditional Malaysian dance and theatre art at Singapore's Malay Culture Festival in September 2014.

Both Leaders reaffirmed the importance of ASEAN staying united in order for it to maintain a central role in the regional architecture, contribute to regional stability and promote closer economic integration. They were encouraged by ASEAN's progress in its Community-building goals and noted that Malaysia's Chairmanship of ASEAN in 2015 would culminate with the historic establishment of an ASEAN Community. Singapore expressed its full support for the Malaysian Chairmanship.

The Leaders agreed to hold the next Retreat in 2015 in Singapore.

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.



MFA/SEA/00025/2008

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

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

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

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

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

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

SINGAPORE
23 August 2008

High Commission of Malaysia
Singapore



ANNEX 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.



EC 52/2008

The Ministry of Foreign Affairs of Malaysia presents its compliments to the High Commission of the Republic of Singapore and has the honour to refer to Diplomatic Note MFA/SEA/00025/2008 dated 23 August 2008 from the Ministry of Foreign Affairs of the Republic of Singapore.

The Government of Malaysia categorically rejects the contention of the Government of the Republic of Singapore that Malaysia's actions at Tubir Selatan/South Ledge went against the spirit of the Malaysia-Singapore Joint Technical Committee. The Government of Malaysia also strongly rejects the assertions by the Republic of Singapore that Malaysia's actions were inconsistent with the mutual agreement to honour and abide by the judgment of the International Court of Justice (ICJ) of 23 May 2008 as Malaysia's actions were carried out in and around its own territorial waters.

The Government of Malaysia wishes to emphasise 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 further that Tubir Selatan/South Ledge has always been part of the territory of Johor as affirmed by the Court in the abovementioned judgment and Malaysia has sovereignty over Tubir Selatan/South Ledge. The waters around Tubir Selatan/South Ledge are part of the territorial waters and maritime area of Malaysia as depicted in the Map Defining the Boundaries of the Continental Shelf of Malaysia of 1979.

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

Putrajaya, 29 October 2008



High Commission of the Republic of Singapore
Kuala Lumpur

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.



EC 54/2008

The Ministry of Foreign Affairs of Malaysia presents its compliments to the High Commission of the Republic of Singapore and has the honour to refer to the Judgment of the International Court of Justice (ICJ) of 23 May 2008, wherein the ICJ reaffirms Malaysia's sovereignty over Batuan Tengah/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*". 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.

In light of the abovementioned judgment, the Government of Malaysia strongly reiterates its categorical rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area.

The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) of 1944. Further, this act by Singapore goes against the spirit of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of Singapore to withdraw the said NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of Singapore to refrain from issuing further NOTAMs which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area.

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

Putrajaya, 29 October 2008



High Commission of the Republic of Singapore
KUALA LUMPUR

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.



EC 22/2009

The Ministry of Foreign Affairs of Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by aircraft of the Singapore Government, including but not limited to the following incidents:

- i. Between 0927 hrs to 1102 hrs on 2 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4667, 4337 and 4210;
- ii. Between 1015 hrs to 1145 hrs on 2 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4203 and 4321;
- iii. Between 1235 hrs to 1401 hrs on 2 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4214 and 4311;
- iv. Between 0811 hrs to 0945 hrs on 4 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4412, 4211, 4432, 4226 and 4012;
- v. Between 0935 hrs to 1019 hrs on 4 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4211, 4322, 4026 and 4126;

- vi. Between 1106 hrs to 1211 hrs on 4 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4432 and 4266;
- vii. Between 0854 hrs to 1011 hrs on 5 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4433, 4216, 4426 and 4324;
- viii. Between 1015 hrs to 1135 hrs on 5 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4266 and 4432;
- ix. Between 1211 hrs to 1357 hrs on 5 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4216, 4324 and 4266;
- x. Between 1211 hrs to 1652 hrs on 5 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4211, 4432 and 2132;
- xi. Between 0912 hrs to 1016 hrs on 6 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4202, 4625, 4210 and 4205;
- xii. Between 1011 hrs to 1201 hrs on 6 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4325;
- xiii. Between 1358 hrs to 1510 hrs on 6 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4266, 4122, 4225, 4230 and 4227;
- xiv. Between 1658 hrs to 1745 hrs on 6 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4223;

- xv. Between 0941 hrs to 1108 hrs on 7 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4214, 4637, 4426 and 4630;
- xvi. Between 1211 hrs to 1352 hrs on 7 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4432, 4631, 4633, 4432 and 4436;
- xvii. Between 1358 hrs to 1511 hrs on 7 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4430, 4611 and 4361;
- xviii. Between 1547 hrs to 1658 hrs on 7 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4306, 4307, 4216, 4431 dan 4366;
- xix. Between 1555 hrs to 1745 hrs on 7 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4201, 4327, 4271 and 4275;
- xx. Between 1635 hrs to 1835 hrs on 7 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4316, 4327 and 4271;
- xxi. Between 1801 hrs to 1836 hrs on 7 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4423, 4306, 4266 and 4312;
- xxii. Between 1052 hrs to 1210 hrs on 8 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4633, 4336, 4334 and 2233;
- xxiii. Between 0841 hrs to 0958 hrs on 9 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4205;

- xxiv. Between 0920 hrs to 1027 hrs on 9 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4207;
- xxv. Between 1054 hrs to 1125 hrs on 9 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4370 and 4243;
- xxvi. Between 1059 hrs to 1119 hrs on 9 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4250;
- xxvii. Between 1102 hrs to 1134 hrs on 9 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4275 and 4276;
- xxviii. Between 1140 hrs to 1220 hrs on 9 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4263, 4202, 4203, 4350, 4262 and 4252;
- xxix. Between 1206 hrs to 1230 hrs on 9 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4300, 4301 and 4201;
- xxx. Between 1215 hrs to 1345 hrs on 9 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4360, 4346, 4351 and 4374;
- xxxi. Between 1230 hrs to 1312 hrs on 9 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4356, 4344, 4366 and 4345;
- xxxii. Between 1355 hrs to 1434 hrs on 9 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4213 and 4240;

- xxxiii. Between 1402 hrs to 1532 hrs on 9 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4324, 4326 and 4352;
- xxxiv. Between 0931 hrs to 1041 hrs on 13 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4244, 4266, 4265 and 4261;
- xxxv. Between 0931 hrs to 1108 hrs on 14 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4252;
- xxxvi. Between 1025 hrs to 1108 hrs on 14 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4277;
- xxxvii. Between 1035 hrs to 1108 hrs on 14 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4223;
- xxxviii. Between 1049 hrs to 1108 hrs on 14 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4220;
- xxxix. Between 1049 hrs to 1308 hrs on 14 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4000;
- xl. Between 1054 hrs to 1313 hrs on 14 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4202;
- xli. Between 1203 hrs to 1356 hrs on 14 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4204;
- xlii. Between 1206 hrs to 1347 hrs on 14 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4642;

- xliii. Between 1206 hrs to 1348 hrs on 14 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4625;
- xliv. Between 1512 hrs to 1611 hrs on 14 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4357;
- xlv. Between 0931 hrs to 1012 hrs on 15 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4207;
- xlvi. Between 1102 hrs to 1211 hrs on 15 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4220;
- xlvii. Between 1108 hrs to 1214 hrs on 15 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4216;
- xlviii. Between 0855 hrs to 0930 hrs on 16 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4264;
- xlix. Between 0945 hrs to 1015 hrs on 16 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4604;
- I. Between 1005 hrs to 1032 hrs on 16 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4265;
- li. Between 1005 hrs to 1035 hrs on 16 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4350;
- lii. Between 1045 hrs to 1132 hrs on 16 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4262 and 4067;
- liii. Between 1157 hrs to 1200 hrs on 16 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4205 and 4206;

- liv. Between 1245 hrs to 1345 hrs on 16 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4201 and 4207;
- lv. Between 1355 hrs to 1445 hrs on 16 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4213;
- lvi. Between 1550 hrs to 1640 hrs on 16 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4216;
- lvii. Between 0845 hrs to 0940 hrs on 19 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4202;
- lviii. Between 1040 hrs to 1126 hrs on 19 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4240;
- lix. Between 1040 hrs to 1132 hrs on 19 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4250, 4236, 4244 and 4237;
- lx. Between 1205 hrs to 1210 hrs on 20 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4367;
- lxi. Between 1206 hrs to 1211 hrs on 20 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4346;
- lxii. Between 1234 hrs to 1240 hrs on 20 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4204;
- lxiii. Between 1235 hrs to 1240 hrs on 20 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4203;

- lxiv. Between 1545 hrs to 1556 hrs on 21 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4353;
- lxv. Between 1630 hrs to 1635 hrs on 21 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4224;
- lxvi. Between 1640 hrs to 1646 hrs on 21 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4647;
- lxvii. Between 1410 hrs to 1904 hrs on 22 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4210;
- lxviii. Between 1026 hrs to 1106 hrs on 23 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4265;
- lix. Between 1055 hrs to 1130 hrs on 23 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4316;
- lxx. Between 1030 hrs to 1040 hrs on 28 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4275;
- lxxi. Between 1038 hrs to 1047 hrs on 28 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4255;
- lxxii. Between 1056 hrs to 1106 hrs on 28 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4276;
- lxxiii. Between 1103 hrs to 1110 hrs on 28 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4244;
- lxxiv. Between 1113 hrs to 1120 hrs on 28 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4255;

- lxxv. Between 1127 hrs to 1128 hrs on 28 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4254;
- lxxvi. Between 1127 hrs to 1135 hrs on 28 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4257;
- lxxvii. Between 1318 hrs to 1322 hrs on 28 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4226;
- lxxviii. Between 1352 hrs to 1358 hrs on 28 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4234;
- lxxix. Between 1127 hrs to 1133 hrs on 29 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4641;
- lxxx. Between 1536 hrs to 1544 hrs on 29 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4316;
- lxxxi. Between 1006 hrs to 1011 hrs on 30 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4247;
- lxxxii. Between 1011 hrs to 1016 hrs on 30 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4244;
- lxxxiii. Between 1012 hrs to 1019 hrs on 30 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4236;
- lxxxiv. Between 1039 hrs to 1047 hrs on 30 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4241;

- lxxxv. Between 1150 hrs to 1156 hrs on 30 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4310;
- lxxxvi. Between 1151 hrs to 1158 hrs on 30 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4306;
- lxxxvii. Between 1152 hrs to 1201 hrs on 30 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4315;
- lxxxviii. Between 1222 hrs to 1237 hrs on 30 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4302;
- lxxxix. Between 1229 hrs to 1245 hrs on 30 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4275;
- xc. Between 1238 hrs to 1302 hrs on 30 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4274;
- xc. Between 1254 hrs to 1309 hrs on 30 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4300; and
- xcii. Between 1314 hrs to 1321 hrs on 30 January 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4261.

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia wishes to further reiterate its categorical rejection of Singapore's Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000

feet of Malaysia's airspace over its territory and waters off the coast of the State of Johor, without prior consent from the Government of Malaysia. The designation of the said Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) of 1944. This act by the Government of Singapore is inconsistent with the principles adopted in Singapore's own published Aeronautical Information Publication and also goes against the spirit of ASEAN solidarity and understanding.

The Government of Malaysia wishes to further reaffirm its categorical rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) of 1944. Further, this act by Singapore goes against the spirit of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of Singapore to withdraw the said Restricted Area WSR 31 and the said NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of Singapore to refrain from further designating Restricted Areas which encroach into Malaysian airspace and from issuing further NOTAMs

which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime areas.

The Government of Malaysia wishes to further remind the Government of Singapore that the airspace above Tubir Selatan/South Ledge is part of Malaysia's airspace following the Judgment of the International Court of Justice (ICJ) of 23 May 2008 wherein the ICJ reaffirms Malaysia's sovereignty over Batuan Tengah/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*". 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.

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 surrounding the abovementioned 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.

The Government of Malaysia therefore calls upon the Government of Singapore to refrain from such intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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



Putrajaya, 12 March 2009

High Commission of the Republic of Singapore
Kuala Lumpur

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.



EC 30/2009

The Ministry of Foreign Affairs of Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by aircraft of the Singapore Government, including but not limited to the following incidents:

- i. Between 1125 hrs to 1134 hrs on 2 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4224;
- ii. Between 1126 hrs to 1135 hrs on 2 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4223;
- iii. Between 1128 hrs to 1136 hrs on 2 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4222;
- iv. Between 1141 hrs to 1148 hrs on 2 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4652;
- v. Between 1358 hrs to 1406 hrs on 2 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4366, 4275 and 4300;

- vi. Between 1709 hrs to 1716 hrs on 2 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4223;
- vii. Between 1711 hrs to 1720 hrs on 2 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4374;
- viii. Between 0825 hrs to 0835 hrs on 3 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4216;
- ix. Between 0825 hrs to 0843 hrs on 3 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4215;
- x. Between 0820 hrs to 0840 hrs on 3 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4212;
- xi. Between 0820 hrs to 0843 hrs on 3 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4214;
- xii. Between 1056 hrs to 1110 hrs on 3 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4260;
- xiii. Between 1056 hrs to 1111 hrs on 3 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4253;
- xiv. Between 1056 hrs to 1112 hrs on 3 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4264;
- xv. Between 1105 hrs to 1115 hrs on 3 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4255;
- xvi. Between 1638 hrs to 1650 hrs on 3 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4230;

- xvii. Between 1645 hrs to 1700 hrs on 3 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4235;
- xviii. Between 0929 hrs to 0936 hrs on 4 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4226 and 4224;
- xix. Between 0930 hrs to 0936 hrs on 4 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4223;
- xx. Between 0930 hrs to 0937 hrs on 4 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4225;
- xxi. Between 0955 hrs to 1004 hrs on 4 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4242;
- xxii. Between 0959 hrs to 1010 hrs on 4 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4240;
- xxiii. Between 1255 hrs to 1320 hrs on 4 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4274;
- xxiv. Between 1314 hrs to 1326 hrs on 4 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4306;
- xxv. Between 1751 hrs to 1810 hrs on 4 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4251;
- xxvi. Between 0919 hrs to 0935 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4215;

- xxvii. Between 0921 hrs to 0958 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4017;
- xxviii. Between 0926 hrs to 0945 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4201;
- xxix. Between 0952 hrs to 1012 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4307;
- xxx. Between 0956 hrs to 1026 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4256;
- xxxi. Between 1005 hrs to 1039 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4246;
- xxxii. Between 1012 hrs to 1042 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4223;
- xxxiii. Between 1019 hrs to 1056 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4241;
- xxxiv. Between 1023 hrs to 1059 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4346;
- xxxv. Between 1103 hrs to 1123 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4335;
- xxxvi. Between 1124 hrs to 1156 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4326;
- xxxvii. Between 1126 hrs to 1152 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4356;

- xxxviii. Between 1131 hrs to 1149 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4307;
- xxxix. Between 1136 hrs to 1201 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4255;
- xl. Between 1139 hrs to 1213 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4351;
- xli. Between 1152 hrs to 1223 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4240;
- xlii. Between 1303 hrs to 1326 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4057;
- xliii. Between 1356 hrs to 1423 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4261;
- xliv. Between 1612 hrs to 1643 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4610;
- xlv. Between 1623 hrs to 1652 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4014;
- xlvi. Between 1627 hrs to 1706 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4256;
- xlvii. Between 1635 hrs to 1721 hrs on 6 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4352;

- xlvi. Between 0919 hrs to 1050 hrs on 9 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4676;
- xlvii. Between 0921 hrs to 1050 hrs on 9 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4330;
- l. Between 0926 hrs to 1055 hrs on 9 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4650;
- li. Between 0952 hrs to 1055 hrs on 9 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4250;
- lii. Between 0956 hrs to 1424 hrs on 9 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4234;
- liii. Between 1005 hrs to 1424 hrs on 9 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4372;
- liv. Between 1012 hrs to 1511 hrs on 9 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4223;
- lv. Between 1019 hrs to 1511 hrs on 9 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4220;
- lvi. Between 1023 hrs to 1612 hrs on 9 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4241;
- lvii. Between 1103 hrs to 1612 hrs on 9 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4236;
- lviii. Between 1124 hrs to 1710 hrs on 9 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4255;

- lix. Between 1126 hrs to 1710 hrs on 9 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4254;
- lx. Between 1109 hrs to 1139 hrs on 10 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4250;
- lxi. Between 1157 hrs to 1221 hrs on 10 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4260;
- lxii. Between 1455 hrs to 1525 hrs on 10 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4267;
- lxiii. Between 1605 hrs to 1638 hrs on 10 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4265;
- lxiv. Between 1705 hrs to 1737 hrs on 10 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4201;
- lxv. Between 1710 hrs to 1740 hrs on 10 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4352;
- lxvi. Between 1803 hrs to 1833 hrs on 10 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4217;
- lxvii. Between 1820 hrs to 1850 hrs on 10 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4636;
- lxviii. Between 1158 hrs to 1218 hrs on 11 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4330;

- lxix. Between 1203 hrs to 1223 hrs on 11 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4260;
- lxx. Between 1400 hrs to 1420 hrs on 11 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4223, 4246 and 4241;
- lxxi. Between 1604 hrs to 1628 hrs on 11 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4204 and 4206;
- lxxii. Between 1603 hrs to 1624 hrs on 11 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4203;
- lxxiii. Between 1002 hrs to 1030 hrs on 12 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4601;
- lxxiv. Between 1031 hrs to 1045 hrs on 12 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4336;
- lxxv. Between 1042 hrs to 1058 hrs on 12 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4250;
- lxxvi. Between 1048 hrs to 1106 hrs on 12 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4654;
- lxxvii. Between 1321 hrs to 1352 hrs on 12 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4212;
- lxxviii. Between 1359 hrs to 1423 hrs on 12 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4275;
- lxxix. Between 1541 hrs to 1601 hrs on 12 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4228;

- lxxx. Between 1548 hrs to 1624 hrs on 12 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4246;
- lxxxii. Between 1423 hrs to 1443 hrs on 13 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4241;
- lxxxiii. Between 1426 hrs to 1445 hrs on 13 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4245;
- lxxxiiii. Between 1535 hrs to 1555 hrs on 13 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4207 and 4204;
- lxxxv. Between 1631 hrs to 1651 hrs on 13 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4216 and 4223;
- lxxxvi. Between 1301 hrs to 1311 hrs on 16 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4312;
- lxxxvii. Between 1305 hrs to 1316 hrs on 16 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4311;
- lxxxviii. Between 1310 hrs to 1316 hrs on 16 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4256;
- lxxxix. Between 1310 hrs to 1318 hrs on 16 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4363;
- lxxxix. Between 0851 hrs to 0859 hrs on 17 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4203;

- xc. Between 0900 hrs to 0911 hrs on 17 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4204;
- xc. Between 1151 hrs to 1156 hrs on 17 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4247;
- xcii. Between 1209 hrs to 1214 hrs on 17 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4012;
- xciii. Between 1230 hrs to 1236 hrs on 17 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4316;
- xciv. Between 1235 hrs to 1246 hrs on 17 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4315;
- xcv. Between 1034 hrs to 1052 hrs on 18 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4204;
- xcvi. Between 1036 hrs to 1056 hrs on 18 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4205;
- xcvii. Between 1045 hrs to 1052 hrs on 18 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4220;
- xcviii. Between 1047 hrs to 1058 hrs on 18 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4224;
- xcix. Between 1101 hrs to 1126 hrs on 18 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4344;
- c. Between 1410 hrs to 1425 hrs on 18 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4206;

- ci. Between 1452 hrs to 1521 hrs on 18 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4344;
- cii. Between 0859 hrs to 0953 hrs on 19 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4205 and 4210;
- ciii. Between 0911 hrs to 0941 hrs on 19 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4206 and 4207;
- civ. Between 1009 hrs to 1229 hrs on 19 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4602;
- cv. Between 1228 hrs to 1255 hrs on 19 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4243 and 4244;
- cvi. Between 1228 hrs to 1259 hrs on 19 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4235 and 4240;
- cvii. Between 1229 hrs to 1304 hrs on 19 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4245, 4247 and 4246;
- cviii. Between 0832 hrs to 0902 hrs on 20 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4207, 4206 and 4205;
- cix. Between 0837 hrs to 0916 hrs on 20 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4210, 4211, 4212 and 4214;
- cx. Between 0916 hrs to 1008 hrs on 20 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4250, 4233, 4227 and 4242;

- cxii. Between 0924 hrs to 0956 hrs on 20 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4223 and 4225;
- cxiii. Between 0925 hrs to 1008 hrs on 20 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4243;
- cxiiii. Between 0925 hrs to 1010 hrs on 20 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4245;
- cxv. Between 0925 hrs to 1012 hrs on 20 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4246 and 4240;
- cxvi. Between 1409 hrs to 1508 hrs on 20 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4241 and 4245;
- cxvii. Between 1523 hrs to 1603 hrs on 20 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4207 and 4204;
- cxviii. Between 1525 hrs to 1606 hrs on 20 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4216 and 4223;
- cxix. Between 1012 hrs to 1052 hrs on 23 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4212;
- cx. Between 1015 hrs to 1056 hrs on 23 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4214;
- cxi. Between 1136 hrs to 1152 hrs on 23 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4216;

- cxxi. Between 1145 hrs to 1203 hrs on 23 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4250;
- cxxii. Between 1221 hrs to 1126 hrs on 23 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4352;
- cxxiii. Between 1226 hrs to 1425 hrs on 23 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4210;
- cxxiv. Between 1245 hrs to 1521 hrs on 23 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4410;
- cxxv. Between 0832 hrs to 1152 hrs on 24 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4223;
- cxxvi. Between 0832 hrs to 1146 hrs on 24 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4225;
- cxxvii. Between 0832 hrs to 1252 hrs on 24 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4242;
- cxxviii. Between 0837 hrs to 1310 hrs on 24 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4240;
- cxxix. Between 0837 hrs to 1345 hrs on 24 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4261;
- cxxx. Between 0837 hrs to 1354 hrs on 24 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4365;
- cxxxi. Between 0837 hrs to 1410 hrs on 24 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4224;

- cxxxii. Between 0916 hrs to 1412 hrs on 24 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4212;
- cxxxiii. Between 0916 hrs to 1423 hrs on 24 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4207;
- cxxxiv. Between 0916 hrs to 1432 hrs on 24 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4256;
- cxxxv. Between 0916 hrs to 1452 hrs on 24 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4721;
- cxxxvi. Between 0924 hrs to 1513 hrs on 24 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4320;
- cxxxvii. Between 0924 hrs to 1524 hrs on 24 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4456;
- cxxxviii. Between 0925 hrs to 1536 hrs on 24 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4244;
- cxxxix. Between 0925 hrs to 1901 hrs on 24 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4325;
- cxl. Between 0925 hrs to 1924 hrs on 24 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4233;
- cxli. Between 0925 hrs to 2041 hrs on 24 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4227;

- cxlii. Between 1130 hrs to 1150 hrs on 25 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4330;
- cxliii. Between 1143 hrs to 1203 hrs on 25 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4250;
- cxliv. Between 1329 hrs to 1349 hrs on 25 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4246;
- cxlv. Between 1331 hrs to 1351 hrs on 25 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4241 and 4304;
- cxlvi. Between 1526 hrs to 1556 hrs on 25 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4206;
- cxlvii. Between 1536 hrs to 1556 hrs on 25 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4203;
- cxlviii. Between 1541 hrs to 1501 hrs on 25 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4631;
- cxlix. Between 1655 hrs to 1706 hrs on 25 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4211;
- cl. Between 1658 hrs to 1714 hrs on 25 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4220;
- cli. Between 1127 hrs to 1147 hrs on 26 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4212;
- clii. Between 1128 hrs to 1148 hrs on 26 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4261;

- cliii. Between 1214 hrs to 1224 hrs on 26 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4204;
- cliv. Between 1215 hrs to 1235 hrs on 26 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4203 and 4216;
- clv. Between 1109 hrs to 1128 hrs on 27 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4620 and 4604;
- clvi. Between 1213 hrs to 1243 hrs on 27 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4215;
- clvii. Between 1610 hrs to 1639 hrs on 27 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4220; and
- clviii. Between 1611 hrs to 1640 hrs on 27 February 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4311.

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia wishes to further reiterate its categorical rejection of Singapore's Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet of Malaysia's airspace over its territory and waters off the coast of the State of Johor, without prior consent from the Government of Malaysia. The designation of the said Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the

Convention on International Civil Aviation (Chicago Convention) of 1944. This act by the Government of Singapore is inconsistent with the principles adopted in Singapore's own published Aeronautical Information Publication and also goes against the spirit of ASEAN solidarity and understanding.

The Government of Malaysia wishes to further reaffirm its categorical rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) of 1944. Further, this act by Singapore goes against the spirit of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of Singapore to withdraw the said Restricted Area WSR 31 and the said NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of Singapore to refrain from further designating Restricted Areas which encroach into Malaysian airspace and from issuing further NOTAMs which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime areas.

The Government of Malaysia wishes to further remind the Government of Singapore that the airspace above Tubir Selatan/South Ledge is part of Malaysia's airspace following the Judgment of the International Court of Justice (ICJ) of 23 May 2008 wherein the ICJ reaffirms Malaysia's sovereignty over Batuan Tengah/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*". 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.

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 surrounding the abovementioned 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.

The Government of Malaysia therefore calls upon the Government of Singapore to refrain from such intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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



Putrajaya, 2 April 2009

High Commission of the Republic of Singapore
Kuala Lumpur

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.



EC 73/2009

The Ministry of Foreign Affairs of Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by aircraft of the Singapore Government, including but not limited to the following incidents:

- i. Between 0905 hrs to 0931 hrs on 03 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4202;
- ii. Between 1536 hrs to 1549 hrs on 3 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4331;
- iii. Between 1630 hrs to 1643 hrs on 3 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4351;
- iv. Between 1631 hrs to 1644 hrs on 3 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 0074;
- v. Between 1348 hrs to 1357 hrs on 4 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4366;

- vi. Between 1407 hrs to 1414 hrs on 4 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4276;
- vii. Between 1408 hrs to 1415 hrs on 4 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4342;
- viii. Between 1409 hrs to 1416 on 4 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4303;
- ix. Between 1410 hrs to 1416 hrs on 4 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4215;
- x. Between 1228 hrs to 1300 hrs on 5 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4235, 4236 and 4237;
- xi. Between 1300 hrs to 1330 hrs on 5 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4250, 4251 and 4257;
- xii. Between 1658 hrs to 1726 hrs on 5 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4303, 4275 and 4276;
- xiii. Between 0937 hrs to 1407 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4321;
- xiv. Between 0937 hrs to 1408 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4342;
- xv. Between 0959 hrs to 1409 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4216;
- xvi. Between 0959 hrs to 1410 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4220;

- xvii. Between 0959 hrs to 1407 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4223;
- xviii. Between 0959 hrs to 1408 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4354;
- xix. Between 1028 hrs to 1409 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4341;
- xx. Between 1028 hrs to 1410 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4230;
- xxi. Between 1028 hrs to 1407 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4233;
- xxii. Between 1028 hrs to 1408 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4234;
- xxiii. Between 1057 hrs to 1409 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4247;
- xxiv. Between 1057 hrs to 1410 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4251;
- xxv. Between 1057 hrs to 1407 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4252;
- xxvi. Between 1057 hrs to 1408 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4250;

- xxvii. Between 1108 hrs to 1409 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4317;
- xxviii. Between 1108 hrs to 1410 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4343;
- xxix. Between 1425 hrs to 1437 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4363;
- xxx. Between 1425 hrs to 1448 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4603;
- xxxi. Between 1427 hrs to 1449 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4203;
- xxxii. Between 1427 hrs to 1440 hrs on 6 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4212;
- xxxiii. Between 0924 hrs to 0944 hrs on 10 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4230;
- xxxiv. Between 0925 hrs to 0945 hrs on 10 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4227;
- xxxv. Between 1030 hrs to 1050 hrs on 10 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4027;
- xxxvi. Between 1035 hrs to 1051 hrs on 10 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4241;
- xxxvii. Between 1454 hrs to 1514 hrs on 10 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4267;

- xxxviii. Between 1455 hrs to 1515 hrs on 10 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4206;
- xxxix. Between 1723 hrs to 1743 hrs on 10 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4222;
- xl. Between 1724 hrs to 1744 hrs on 10 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4215 and 4217;
- xli. Between 0955 hrs to 1015 hrs on 11 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4201 and 4237;
- xlii. Between 0956 hrs to 1016 hrs on 11 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4220;
- xliii. Between 1315 hrs to 1335 hrs on 11 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4276;
- xliv. Between 1316 hrs to 1336 hrs on 11 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4266;
- xlv. Between 1519 hrs to 1544 hrs on 11 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4210;
- xlvi. Between 1524 hrs to 1547 hrs on 11 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4222;
- xlvii. Between 1614 hrs to 1638 hrs on 11 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4236;

- xlvi. Between 1617 hrs to 1639 hrs on 11 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4224;
- xlix. Between 1012 hrs to 1032 hrs on 12 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4223;
- I. Between 1013 hrs to 1033 hrs on 12 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4225;
- li. Between 1014 hrs to 1034 hrs on 12 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4224;
- lii. Between 1014 hrs to 1534 hrs on 12 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4226;
- liii. Between 1515 hrs to 1535 hrs on 12 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4260;
- liv. Between 1516 hrs to 1536 hrs on 12 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4600;
- lv. Between 1616 hrs to 1636 hrs on 12 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4274;
- lvi. Between 1617 hrs to 1637 hrs on 12 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4205;
- lvii. Between 1720 hrs to 1740 hrs on 12 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4275;
- lviii. Between 1721 hrs to 1741 hrs on 12 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4276;

- lix. Between 1106 hrs to 1123 hrs on 13 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4605;
- lx. Between 1126 hrs to 1152 hrs on 13 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4013;
- lxi. Between 1132 hrs to 1203 hrs on 13 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4273;
- lxii. Between 1647 hrs to 1700 hrs on 16 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4241;
- lxiii. Between 1647 hrs to 1708 hrs on 16 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4276;
- lxiv. Between 1141 hrs to 1152 hrs on 17 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4220;
- lxv. Between 1142 hrs to 1153 hrs on 17 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4216;
- lxvi. Between 1249 hrs to 1301 hrs on 17 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4262 and 4344;
- lxvii. Between 1249 hrs to 1302 hrs on 17 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4636;
- lxviii. Between 1248 hrs to 1303 hrs on 17 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4640;

- lxix. Between 1250 hrs to 1301 hrs on 17 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4267;
- lxx. Between 1001 hrs to 1012 hrs on 18 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4214;
- lxxi. Between 1243 hrs to 1250 hrs on 18 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4274;
- lxxii. Between 1244 hrs to 1251 hrs on 18 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4353;
- lxxiii. Between 1244 hrs to 1252 hrs on 18 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4356;
- lxxiv. Between 1156 hrs to 1205 hrs on 19 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4213;
- lxxv. Between 1157 hrs to 1208 hrs on 19 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4215;
- lxxvi. Between 1130 hrs to 1145 hrs on 20 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4235;
- lxxvii. Between 1130 hrs to 1159 hrs on 20 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4236;
- lxxviii. Between 1205 hrs to 1312 hrs on 20 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4257;
- lxxix. Between 1213 hrs to 1230 hrs on 20 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4345;

- lxxx. Between 1213 hrs to 1228 hrs on 20 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4337;
- lxxxi. Between 0924 hrs to 1025 hrs on 23 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4220 and 4221;
- lxxxii. Between 0936 hrs to 1031 hrs on 23 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4232 and 4224;
- lxxxiii. Between 1027 hrs to 1043 hrs on 23 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4342 and 4233;
- lxxxiv. Between 1034 hrs to 1058 hrs on 23 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4235 and 4341;
- lxxxv. Between 1536 hrs to 1633 hrs on 23 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4236;
- lxxxvi. Between 1538 hrs to 1633 hrs on 23 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4235;
- lxxxvii. Between 1538 hrs to 1635 hrs on 23 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4212, 4216 and 4342;
- lxxxviii. Between 1223 hrs to 1304 hrs on 25 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4231 and 4261;
- lxxxix. Between 1224 hrs to 1304 hrs on 25 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4256 and 4243;

- xc. Between 1211 hrs to 1240 hrs on 26 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4235 and 4234;
- xc. Between 1215 hrs to 1241 hrs on 26 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4244 and 4235;
- xcii. Between 1221 hrs to 1541 hrs on 27 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4614;
- xciii. Between 1230 hrs to 1255 hrs on 27 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4615; and
- xciv. Between 1230 hrs to 1251 hrs on 27 March 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4620.

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia wishes to further reiterate its categorical rejection of Singapore's Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet of Malaysia's airspace over its territory and waters off the coast of the State of Johor, without prior consent from the Government of Malaysia. The designation of the said Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) of 1944. This act by the Government of Singapore is inconsistent with the principles adopted

in Singapore's own published Aeronautical Information Publication and also goes against the spirit of ASEAN solidarity and understanding.

The Government of Malaysia wishes to further reaffirm its categorical rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) of 1944. Further, this act by Singapore goes against the spirit of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of Singapore to withdraw the said Restricted Area WSR 31 and the said NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of Singapore to refrain from further designating Restricted Areas which encroach into Malaysian airspace and from issuing further NOTAMs which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime areas.

The Government of Malaysia wishes to further remind the Government of Singapore that the airspace above Tubir Selatan/South Ledge is part of Malaysia's airspace following the Judgment of the International Court of Justice

(ICJ) of 23 May 2008 wherein the ICJ reaffirms Malaysia's sovereignty over Batuan Tengah/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*". 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.

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 surrounding the abovementioned 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.

The Government of Malaysia therefore calls upon the Government of Singapore to refrain from such intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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



Putrajaya, 3 July 2009

High Commission of the Republic of Singapore
Kuala Lumpur

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.



EC 75/2009

The Ministry of Foreign Affairs of Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by aircraft of the Singapore Government, including but not limited to the following incidents:

- i. Between 0913 hrs to 0927 hrs on 5 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4252 and 4253;
- ii. Between 1055 hrs to 1122 hrs on 6 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4324;
- iii. Between 1138 hrs to 1142 hrs on 7 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4341 and 4342;
- iv. Between 1005 hrs to 1016 hrs on 8 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4327;
- v. Between 1021 hrs to 1030 hrs on 8 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4231;

- vi. Between 1106 hrs to 1118 hrs on 8 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4222;
- vii. Between 1124 hrs to 1137 hrs on 8 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4217;
- viii. Between 1221 hrs to 1233 hrs on 8 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4306;
- ix. Between 1323 hrs to 1344 hrs on 8 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4321;
- x. Between 1345 hrs to 1357 hrs on 8 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4324;
- xi. Between 1031 hrs to 1042 hrs on 11 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4216;
- xii. Between 1032 hrs to 1042 hrs on 11 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4220;
- xiii. Between 1634 hrs to 1644 hrs on 11 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4248;
- xiv. Between 1326 hrs to 1339 hrs on 12 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4216;
- xv. Between 1516 hrs to 1528 hrs on 12 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4221;
- xvi. Between 1622 hrs to 1632 hrs on 12 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4257;

- xvii. Between 1718 hrs to 1730 hrs on 12 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4233;
- xviii. Between 1412 hrs to 1502 hrs on 13 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4312;
- xix. Between 1508 hrs to 1526 hrs on 13 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4651;
- xx. Between 1602 hrs to 1630 hrs on 18 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4336; and
- xxi. Between 1446 hrs to 1505 hrs on 20 May 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 3601 and 3602.

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia wishes to further reiterate its categorical rejection of Singapore's Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet of Malaysia's airspace over its territory and waters off the coast of the State of Johor, without prior consent from the Government of Malaysia. The designation of the said Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) of 1944. This act by the Government of Singapore is inconsistent with the principles adopted

in Singapore's own published Aeronautical Information Publication and also goes against the spirit of ASEAN solidarity and understanding.

The Government of Malaysia wishes to further reaffirm its categorical rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) of 1944. Further, this act by Singapore goes against the spirit of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of Singapore to withdraw the said Restricted Area WSR 31 and the said NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of Singapore to refrain from further designating Restricted Areas which encroach into Malaysian airspace and from issuing further NOTAMs which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime areas.

The Government of Malaysia wishes to further remind the Government of Singapore that the airspace above Tubir Selatan/South Ledge is part of Malaysia's airspace following the Judgment of the International Court of Justice

(ICJ) of 23 May 2008 wherein the ICJ reaffirms Malaysia's sovereignty over Batuan Tengah/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*". 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.

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 surrounding the abovementioned 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.

The Government of Malaysia therefore calls upon the Government of Singapore to refrain from such intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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



Putrajaya, 3 July 2009

High Commission of the Republic of Singapore
Kuala Lumpur

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.



EC 115/2009

The Ministry of Foreign Affairs of Malaysia presents its compliments to the High Commission of the Republic of Singapore and has the honour to refer to Diplomatic Note MFA/SEA/00029/2009 dated 3 September 2009 from the Ministry of Foreign Affairs of the Republic of Singapore.

The Government of Malaysia categorically rejects the contentions of the Government of the Republic of Singapore that the Malaysian Government vessels referred to in the abovementioned Note had entered Singapore's purported territorial waters surrounding Batu Puteh which occurred during the period stated in the said Note from 7 January 2009 to 30 June 2009.

The Government of Malaysia strongly rejects the assertions by the Government of the Republic of Singapore that the aforementioned Malaysian Government vessels executed manoeuvres and committed other acts that were inconsistent with the right of passage since the Malaysian Government vessels were patrolling and carrying out their normal duties in the territorial waters and maritime area of Malaysia.

The Government of Malaysia rejects further the contention of the Government of the Republic of Singapore that Malaysia's activities went against the spirit of the Malaysia-Singapore Joint Technical Committee. The Government of Malaysia strongly rejects the assertions made by the Government of the Republic of

Singapore that Malaysia's activities were inconsistent with the mutual agreement to honour and abide by the judgment of the International Court of Justice (ICJ) of 23 May 2008 as Malaysia's actions were carried out in and around its own territorial waters and maritime area.

The Government of Malaysia also 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 area 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 ICJ. Malaysia strongly reiterates that such activities undertaken by Malaysian Government vessels before the judgment of the ICJ were also an exercise of sovereignty and jurisdiction over its own territorial waters and maritime area.

The Government of Malaysia further reiterates that any and all activities undertaken by Malaysia in its territory, including activities pertaining to and surrounding the abovementioned maritime area and its airspace 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.

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

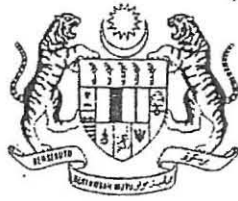


Putrajaya, 7 October 2009

High Commission of the Republic of Singapore
Kuala Lumpur

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.



EC 116/2009

The Ministry of Foreign Affairs of Malaysia presents its compliments to the High Commission of the Republic of Singapore and has the honour to refer to Diplomatic Note MFA/SEA/00030/2009 dated 3 September 2009 from the Ministry of Foreign Affairs of the Republic of Singapore.

The Government of Malaysia categorically rejects the contention of the Government of the Republic of Singapore that Malaysia's actions pertaining to and surrounding the airspace of Tubir Selatan/South Ledge went against the spirit of the Malaysia-Singapore Joint Technical Committee. The Government of Malaysia also strongly rejects the assertions by the Government of the Republic of Singapore that Malaysia's actions were inconsistent with the mutual agreement to honour and abide by the judgment of the International Court of Justice (ICJ) of 23 May 2008 as Malaysia's actions were carried out in and around its own airspace.

The Government of Malaysia wishes to further remind the Government of the Republic of Singapore that the airspace above Tubir Selatan/South Ledge is part of Malaysia's airspace following the Judgment of the International Court of Justice (ICJ) of 23 May 2008 wherein the ICJ reaffirms Malaysia's sovereignty over Batuan Tengah/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*". 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.

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 and 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 surrounding the abovementioned 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.

The Government of Malaysia wishes to further reiterate its categorical rejection of Singapore's Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet of Malaysia's airspace over its territory and waters off the coast of the State of Johor, without prior consent from the Government of Malaysia. The designation of the said Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) of 1944. This act by the Government of Singapore is inconsistent with the principles adopted in Singapore's own published Aeronautical Information Publication and also goes against the spirit of ASEAN solidarity and understanding.

The Government of Malaysia wishes to further reaffirm its categorical rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and

up to an altitude of 2,000 feet which encroaches into Malaysian airspace above Malaysian territory and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) of 1944. Further, this act by Singapore goes against the spirit of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of Singapore to withdraw the said Restricted Area WSR 31 and the said NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of Singapore to refrain from further designating Restricted Areas which encroach into Malaysian airspace and from issuing further NOTAMs which encroach into Malaysian airspace above Malaysian territory and its maritime areas.

The Government of Malaysia therefore calls upon the Government of Singapore to refrain from any intrusion into Malaysian territory, territorial waters and the airspace over its territory and waters.

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



Putrajaya, 7 October 2009

High Commission of the Republic of Singapore
Kuala Lumpur

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.



EC 117/2009

The Ministry of Foreign Affairs of Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by aircraft of the Singapore Government, including but not limited to the following incidents:

- i. Between 0957 hrs to 1035 hrs on 02 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4334;
- ii. Between 1228 hrs to 1302 hrs on 02 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4241 and 4240;
- iii. Between 0959 hrs to 1008 hrs on 03 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4233;
- iv. Between 1059 hrs to 1133 hrs on 03 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4244;
- v. Between 1112 hrs to 1153 hrs on 03 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4240, 4242 and 4360;

- vi. Between 1200 hrs to 1232 hrs on 03 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4266;
- vii. Between 1202 hrs to 1205 hrs on 03 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4260;
- viii. Between 1308 hrs to 1352 hrs on 03 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4670;
- ix. Between 0937 hrs to 0941 hrs on 09 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4675;
- x. Between 1008 hrs to 1015 hrs on 12 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4331;
- xi. Between 1232 hrs to 1240 hrs on 15 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4665;
- xii. Between 1254 hrs to 1307 hrs on 15 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4264;
- xiii. Between 1420 hrs to 1431 hrs on 15 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4331;
- xiv. Between 1431 hrs to 1441 hrs on 15 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4356;
- xv. Between 1432 hrs to 1444 hrs on 15 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4353;
- xvi. Between 1516 hrs to 1539 hrs on 15 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4323;

- xvii. Between 1518 hrs to 1529 hrs on 15 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4325 and 4352;
- xviii. Between 2042 hrs to 2053 hrs on 15 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4263;
- xix. Between 2042 hrs to 2054 hrs on 15 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4304;
- xx. Between 1017 hrs to 1027 hrs on 16 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4250;
- xxi. Between 1032 hrs to 1045 hrs on 16 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4247;
- xxii. Between 1039 hrs to 1054 hrs on 16 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4245;
- xxiii. Between 1147 hrs to 1201 hrs on 16 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4256 and 4264;
- xxiv. Between 1337 hrs to 1349 hrs on 16 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4227 and 4226;
- xxv. Between 1337 hrs to 1350 hrs on 16 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4224;
- xxvi. Between 1856 hrs to 1906 hrs on 16 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4305 and 4301;

- xxvii. Between 0846 hrs to 0859 hrs on 17 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4341;
- xxviii. Between 1245 hrs to 1256 hrs on 17 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4253;
- xxix. Between 1256 hrs to 1306 hrs on 17 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4233;
- xxx. Between 1305 hrs to 1312 hrs on 17 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4257;
- xxxi. Between 1350 hrs to 1401 hrs on 17 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4267;
- xxxii. Between 1408 hrs to 1418 hrs on 17 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4266;
- xxxiii. Between 1650 hrs to 1700 hrs on 17 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4216;
- xxxiv. Between 1716 hrs to 1727 hrs on 17 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4214;
- xxxv. Between 1529 hrs to 1608 hrs on 18 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4236; and
- xxxvi. Between 1637 hrs to 1703 hrs on 18 June 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4351.

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia wishes to further reiterate its categorical rejection of Singapore's Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet of Malaysia's airspace over its territory and waters off the coast of the State of Johor, without prior consent from the Government of Malaysia. The designation of the said Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) of 1944. This act by the Government of Singapore is inconsistent with the principles adopted in Singapore's own published Aeronautical Information Publication and also goes against the spirit of ASEAN solidarity and understanding.

The Government of Malaysia wishes to further reaffirm its categorical rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) of 1944. Further, this act by Singapore goes against the spirit of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of Singapore to withdraw the said Restricted Area WSR 31 and the said NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of Singapore to refrain from further designating Restricted Areas which encroach into Malaysian airspace and from issuing further NOTAMs which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime areas.

The Government of Malaysia wishes to further remind the Government of Singapore that the airspace above Tubir Selatan/South Ledge is part of Malaysia's airspace following the Judgment of the International Court of Justice (ICJ) of 23 May 2008 wherein the ICJ reaffirms Malaysia's sovereignty over Batuan Tengah/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*". 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.

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 surrounding the abovementioned 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.

The Government of Malaysia therefore calls upon the Government of Singapore to refrain from such intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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



Putrajaya, 7 October 2009

High Commission of the Republic of Singapore
Kuala Lumpur

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.



EC 118/2009

The Ministry of Foreign Affairs of Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by aircraft of the Singapore Government, including but not limited to the following incidents:

- i. Between 0838 hrs to 0840 hrs on 13 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4213;
- ii. Between 1145 hrs to 1150 hrs on 13 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4314;
- iii. Between 0811 hrs to 0814 hrs on 14 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4212;
- iv. Between 0822 hrs to 0927 hrs on 14 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4345;
- v. Between 0826 hrs to 0830 hrs on 14 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4215;

- ;
- vi. Between 1125 hrs to 1128 hrs on 14 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4277;
 - vii. Between 1317 hrs to 1942 hrs on 15 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4217;
 - viii. Between 1621 hrs to 1631 hrs on 15 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4212;
 - ix. Between 1210 hrs to 1214 hrs on 16 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4262;
 - x. Between 0949 hrs to 1000 hrs on 20 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4261 and 4257;
 - xi. Between 0949 hrs to 1001 hrs on 20 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4237;
 - xii. Between 0950 hrs to 1001 hrs on 20 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4220;
 - xiii. Between 1011 hrs to 1021 hrs on 20 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4226;
 - xiv. Between 1011 hrs to 1022 hrs on 20 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4360;
 - xv. Between 1117 hrs to 1129 hrs on 20 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4351;
 - xvi. Between 1322 hrs to 1334 hrs on 20 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4334 and 4341;

- xvii. Between 1441 hrs to 1452 hrs on 20 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4246 and 4235;
- xviii. Between 1442 hrs to 1452 hrs on 20 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4350;
- xix. Between 1506 hrs to 1516 hrs on 20 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4252 and 4254;
- xx. Between 0812 hrs to 0823 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4224;
- xxi. Between 0926 hrs to 0936 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4241;
- xxii. Between 0926 hrs to 0937 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4242 and 4224;
- xxiii. Between 0927 hrs to 0937 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4244;
- xxiv. Between 1126 hrs to 1136 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4232, 4261 and 4262;
- xxv. Between 1127 hrs to 1136 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4263;
- xxvi. Between 1151 hrs to 1201 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4273 and 4355;

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- xxvii. Between 1152 hrs to 1202 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4267;
 - xxviii. Between 1246 hrs to 1257 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4316;
 - xxix. Between 1240 hrs to 1257 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4317;
 - xxx. Between 1247 hrs to 1257 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4321;
 - xxxi. Between 1257 hrs to 1307 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4322;
 - xxxii. Between 1257 hrs to 1308 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4313;
 - xxxiii. Between 1258 hrs to 1308 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4323 and 4320;
 - xxxiv. Between 1350 hrs to 1401 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4223 and 4234;
 - xxxv. Between 1446 hrs to 1456 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4241 and 4225;
 - xxxvi. Between 1450 hrs to 1500 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4237;
 - xxxvii. Between 1456 hrs to 1507 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4354;

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- xxxviii. Between 1457 hrs to 1508 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4242 and 4244;
 - xxxix. Between 1520 hrs to 1531 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 0026;
 - xl. Between 1539 hrs to 1549 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4220, 4214 and 4252;
 - xli. Between 1540 hrs to 1551 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4253 and 4356;
 - xlii. Between 1705 hrs to 1736 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4331;
 - xliii. Between 1743 hrs to 1753 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4317;
 - xliv. Between 1817 hrs to 1827 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4302;
 - xlv. Between 1826 hrs to 1836 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4242;
 - xlvi. Between 1840 hrs to 1850 hrs on 21 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4247;
 - xlvii. Between 1402 hrs to 1406 hrs on 22 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 0074;

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- xlvi. Between 1144 hrs to 1240 hrs on 23 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4627;
 - xlvi. Between 1409 hrs to 1412 hrs on 29 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4301;
 - I. Between 1020 hrs to 1031 hrs on 30 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4602;
 - li. Between 1111 hrs to 1122 hrs on 30 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4235;
 - lii. Between 1112 hrs to 1123 hrs on 30 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4240 and 4237;
 - liii. Between 1144 hrs to 1156 hrs on 30 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4257 and 4247;
 - liv. Between 1144 hrs to 1157 hrs on 30 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4245 and 4254;
 - lv. Between 1147 hrs to 1158 hrs on 30 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4253;
 - lvi. Between 1147 hrs to 1159 hrs on 30 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4324;
 - lvii. Between 1147 hrs to 1200 hrs on 30 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4256;
 - lviii. Between 1147 hrs to 1201 hrs on 30 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4262;

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- lix. Between 1238 hrs to 1233 hrs on 30 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4351;
 - lx. Between 1307 hrs to 1317 hrs on 30 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4353;
 - lxi. Between 1605 hrs to 1615 hrs on 30 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4214;
 - lxii. Between 1606 hrs to 1616 hrs on 30 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4252;
 - lxiii. Between 1606 hrs to 1617 hrs on 30 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4253 and 4356;
 - lxiv. Between 0846 hrs to 0857 hrs on 31 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4237;
 - lxv. Between 0848 hrs to 0857 hrs on 31 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4256;
 - lxvi. Between 0934 hrs to 0944 hrs on 31 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4266;
 - lxvii. Between 0944 hrs to 0956 hrs on 31 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4258;
 - lxviii. Between 0956 hrs to 1007 hrs on 31 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4262;

- ix.
- Ixix. Between 1043 hrs to 1053 hrs on 31 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4317;
 - Ixx. Between 1057 hrs to 1109 hrs on 31 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4314;
 - Ixxi. Between 1150 hrs to 1201 hrs on 31 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4321;
 - Ixxii. Between 1202 hrs to 1212 hrs on 31 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4322;
 - Ixxiii. Between 1549 hrs to 1601 hrs on 31 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4350; and
 - Ixxiv. Between 1601 hrs to 1632 hrs on 31 July 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4256 and 4347.

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia wishes to further reiterate its categorical rejection of Singapore's Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet of Malaysia's airspace over its territory and waters off the coast of the State of Johor, without prior consent from the Government of Malaysia. The designation of the said Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) of 1944. This

act by the Government of Singapore is inconsistent with the principles adopted in Singapore's own published Aeronautical Information Publication and also goes against the spirit of ASEAN solidarity and understanding.

The Government of Malaysia wishes to further reaffirm its categorical rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) of 1944. Further, this act by Singapore goes against the spirit of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of Singapore to withdraw the said Restricted Area WSR 31 and the said NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of Singapore to refrain from further designating Restricted Areas which encroach into Malaysian airspace and from issuing further NOTAMs which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime areas.

The Government of Malaysia wishes to further remind the Government of Singapore that the airspace above Tubir Selatan/South Ledge is part of

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Malaysia's airspace following the Judgment of the International Court of Justice (ICJ) of 23 May 2008 wherein the ICJ reaffirms Malaysia's sovereignty over Batuan Tengah/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*". 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.

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 surrounding the abovementioned 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.

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The Government of Malaysia therefore calls upon the Government of Singapore to refrain from such intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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



Putrajaya, 7 October 2009

High Commission of the Republic of Singapore
Kuala Lumpur

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.



EC 119/2009

The Ministry of Foreign Affairs of Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by aircraft of the Singapore Government, including but not limited to the following incidents:

- i. Between 0925 hrs to 1010 hrs on 04 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4270 and 4273;
- ii. Between 0931 hrs to 1012 hrs on 04 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4356 and 4252;
- iii. Between 0937 hrs to 1016 hrs on 04 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4251;
- iv. Between 1430 hrs to 1511 hrs on 04 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4252;
- v. Between 1433 hrs to 1514 hrs on 04 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4235;

- vi. Between 0810 hrs to 0840 hrs on 05 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4626;
- vii. Between 0825 hrs to 0850 hrs on 05 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4215;
- viii. Between 0850 hrs to 0901 hrs on 05 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 2202;
- ix. Between 0902 hrs to 0910 hrs on 05 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4357;
- x. Between 0908 hrs to 1010 hrs on 05 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4221;
- xi. Between 0954 hrs to 1033 hrs on 05 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4273;
- xii. Between 1020 hrs to 1050 hrs on 05 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4345;
- xiii. Between 1025 hrs to 1053 hrs on 05 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4630;
- xiv. Between 1100 hrs to 1107 hrs on 05 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4300, 4311, 4312 and 4310;
- xv. Between 1121 hrs to 1126 hrs on 05 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4251;

- xvi. Between 1340 hrs to 1402 hrs on 05 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4327;
- xvii. Between 1349 hrs to 1425 hrs on 05 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4246;
- xviii. Between 1409 hrs to 1515 hrs on 05 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4226;
- xix. Between 1410 hrs to 1515 hrs on 05 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4223;
- xx. Between 1457 hrs to 1522 hrs on 05 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4275;
- xxi. Between 1457 hrs to 1534 hrs on 05 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4267;
- xxii. Between 1503 hrs to 1609 hrs on 05 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4247;
- xxiii. Between 1518 hrs to 1818 hrs on 05 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 0023;
- xxiv. Between 1728 hrs to 1738 hrs on 05 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4344 and 4316;
- xxv. Between 1442 hrs to 1454 hrs on 06 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4350 and 4240;
- xxvi. Between 1442 hrs to 1455 hrs on 06 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4231;

- xxvii. Between 1443 hrs to 1455 hrs on 06 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4313;
- xxviii. Between 1456 hrs to 1507 hrs on 06 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4352 and 4351;
- xxix. Between 1546 hrs to 1556 hrs on 06 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4252 and 4231;
- xxx. Between 1547 hrs to 1557 hrs on 06 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4221;
- xxxi. Between 1624 hrs to 1636 hrs on 06 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4225;
- xxxii. Between 1626 hrs to 1634 hrs on 06 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4257;
- xxxiii. Between 1633 hrs to 1650 hrs on 06 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4245;
- xxxiv. Between 0841 hrs to 0853 hrs on 07 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4213;
- xxxv. Between 0939 hrs to 0951 hrs on 07 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4225 and 4224;
- xxxvi. Between 1123 hrs to 1147 hrs on 07 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4265;

- xxxvii. Between 1125 hrs to 1151 hrs on 07 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4337;
- xxxviii. Between 1128 hrs to 1150 hrs on 07 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4333;
- xxxix. Between 1129 hrs to 1152 hrs on 07 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4242;
- xl. Between 1131 hrs to 1158 hrs on 07 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4312;
- xli. Between 1139 hrs to 1338 hrs on 07 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4335;
- xlii. Between 1310 hrs to 1345 hrs on 07 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4221;
- xliii. Between 1326 hrs to 1345 hrs on 07 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4213;
- xliv. Between 1328 hrs to 1345 hrs on 07 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4217;
- xlv. Between 1637 hrs to 1713 hrs on 07 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4216;
- xlvi. Between 1638 hrs to 1716 hrs on 07 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4226;
- xlvii. Between 1638 hrs to 1715 hrs on 07 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4214;

- xlvi. Between 1642 hrs to 1715 hrs on 07 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4212;
- xlix. Between 1759 hrs to 1810 hrs on 09 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4223;
- I. Between 2127 hrs to 2137 hrs on 09 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4223;
- ii. Between 2145 hrs to 2159 hrs on 09 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4223;
- iii. Between 1416 hrs to 1431 hrs on 11 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4222;
- iiii. Between 1418 hrs to 1440 hrs on 11 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4202;
- lv. Between 1440 hrs to 1512 hrs on 11 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4225 and 4226;
- lv. Between 1440 hrs to 1513 hrs on 11 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4200;
- lvi. Between 1453 hrs to 1514 hrs on 11 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4223;
- lvii. Between 1624 hrs to 1703 hrs on 11 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4337 and 4350;

- lviii. Between 1659 hrs to 1727 hrs on 11 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4321;
- lix. Between 1659 hrs to 1728 hrs on 11 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4306;
- lx. Between 1358 hrs to 1430 hrs on 12 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4320;
- lxi. Between 1459 hrs to 1459 hrs on 12 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4351, 4343, 4302 and 4262;
- lxii. Between 1525 hrs to 1525 hrs on 12 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4236 and 4243;
- lxiii. Between 1626 hrs to 1626 hrs on 12 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4235;
- lxiv. Between 1647 hrs to 1647 hrs on 12 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4330;
- lxv. Between 2106 hrs to 2106 hrs on 12 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4246 and 4243;
- lxvi. Between 2147 hrs to 2147 hrs on 12 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4253 and 4252;
- lxvii. Between 2200 hrs to 2200 hrs on 12 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4260 and 4330;

- Ixviii. Between 0819 hrs to 0920 hrs on 14 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4224;
- Ixix. Between 0922 hrs to 1005 hrs on 14 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4231;
- Ixx. Between 0922 hrs to 1006 hrs on 14 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4233 and 4200;
- Ixxi. Between 1022 hrs to 1100 hrs on 14 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4257 and 4260;
- Ixxii. Between 1022 hrs to 1101 hrs on 14 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4277;
- Ixxiii. Between 1114 hrs to 1210 hrs on 14 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 0062;
- Ixxiv. Between 1700 hrs to 1720 hrs on 14 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4264;
- Ixxv. Between 1057 hrs to 1101 hrs on 17 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4270;
- Ixxvi. Between 1058 hrs to 1103 hrs on 17 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4263;
- Ixxvii. Between 1107 hrs to 1111 hrs on 17 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4266;
- Ixxviii. Between 1107 hrs to 1113 hrs on 17 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4264;

- Ixxix. Between 1109 hrs to 1116 hrs on 17 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4273;
- Ixxx. Between 1110 hrs to 1118 hrs on 17 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4267;
- Ixxxi. Between 1317 hrs to 1357 hrs on 17 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4343;
- Ixxxii. Between 1330 hrs to 1357 hrs on 17 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4257 and 4255;
- Ixxxiii. Between 1411 hrs to 1444 hrs on 17 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4253;
- Ixxxiv. Between 1411 hrs to 1450 hrs on 17 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4234;
- Ixxxv. Between 1412 hrs to 1453 hrs on 17 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4260;
- Ixxxvi. Between 1715 hrs to 1749 hrs on 17 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4360;
- Ixxxvii. Between 1716 hrs to 1749 hrs on 17 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4331;
- Ixxxviii. Between 1722 hrs to 1753 hrs on 17 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4354 and 4261;

- lxxxix. Between 1927 hrs to 2010 hrs on 18 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4276;
- xc. Between 1927 hrs to 2012 hrs on 18 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4350;
- xc. Between 1930 hrs to 2005 hrs on 18 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4211 and 4215;
- xcii. Between 1930 hrs to 2008 hrs on 18 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4217;
- xciii. Between 1932 hrs to 1954 hrs on 18 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4225 and 4210;
- xciv. Between 1934 hrs to 2015 hrs on 18 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4245;
- xcv. Between 1934 hrs to 2017 hrs on 18 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4244;
- xcvi. Between 1934 hrs to 2019 hrs on 18 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4243;
- xcvii. Between 2020 hrs to 2038 hrs on 18 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4341;
- xcviii. Between 2028 hrs to 2040 hrs on 18 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4326;
- xcix. Between 2028 hrs to 2034 hrs on 18 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4274;

- c. Between 2030 hrs to 2050 hrs on 18 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4344;
- ci. Between 2031 hrs to 2105 hrs on 18 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4343;
- cii. Between 2018 hrs to 2109 hrs on 19 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4217 and 4215;
- ciii. Between 2024 hrs to 2100 hrs on 19 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4227 and 4231;
- civ. Between 2049 hrs to 2123 hrs on 19 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4346 and 4300;
- cv. Between 2052 hrs to 2128 hrs on 19 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4246 and 4241;
- cvi. Between 0955 hrs to 1009 hrs on 20 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4234;
- cvii. Between 0752 hrs to 0815 hrs on 21 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4215;
- cviii. Between 1020 hrs to 1059 hrs on 21 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4653;
- cix. Between 1100 hrs to 1121 hrs on 21 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4244;

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- cx. Between 1100 hrs to 1122 hrs on 21 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4243;
 - cx. Between 1100 hrs to 1123 hrs on 21 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4003;
 - cxii. Between 1112 hrs to 1126 hrs on 21 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4240;
 - cxiii. Between 1112 hrs to 1132 hrs on 21 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4253;
 - cxiv. Between 1113 hrs to 1130 hrs on 21 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4257;
 - cxv. Between 1202 hrs to 1231 hrs on 21 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4302 and 4277;
 - cxvi. Between 1224 hrs to 1308 hrs on 21 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4364;
 - cxvii. Between 1225 hrs to 1247 hrs on 21 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4351;
 - cxviii. Between 1230 hrs to 1308 hrs on 21 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4342;
 - cxix. Between 1230 hrs to 1310 hrs on 21 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4353;
 - cxx. Between 0939 hrs to 1000 hrs on 24 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 0003;

- cxxi. Between 0942 hrs to 1015 hrs on 24 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4261;
- cxxii. Between 1306 hrs to 1335 hrs on 24 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4300;
- cxxiii. Between 1429 hrs to 1537 hrs on 24 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4220;
- cxxiv. Between 1458 hrs to 1605 hrs on 24 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4237 and 4275;
- cxxv. Between 1458 hrs to 1605 hrs on 24 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4241;
- cxxvi. Between 1515 hrs to 1611 hrs on 24 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4316, 4264 and 4321;
- cxxvii. Between 1518 hrs to 1613 hrs on 24 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4322;
- cxxviii. Between 1518 hrs to 1614 hrs on 24 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4253;
- cxxix. Between 1525 hrs to 1610 hrs on 24 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4226;
- cxix. Between 1539 hrs to 1542 hrs on 24 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4234;

- cxxx. Between 1553 hrs to 1627 hrs on 24 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4212;
- cxxxii. Between 1553 hrs to 1631 hrs on 24 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4216 and 4364;
- cxxxiii. Between 1640 hrs to 1711 hrs on 24 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4363;
- cxxxiv. Between 1640 hrs to 1713 hrs on 24 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4211;
- cxxxv. Between 0835 hrs to 0941 hrs on 25 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4226;
- cxxxvi. Between 0835 hrs to 0940 hrs on 25 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4232;
- cxxxvii. Between 0835 hrs to 0940 hrs on 25 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4227;
- cxxxviii. Between 0835 hrs to 0941 hrs on 25 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4202;
- cxxxix. Between 0835 hrs to 0944 hrs on 25 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4233;
- cxl. Between 0837 hrs to 0850 hrs on 25 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4345;
- cxli. Between 1705 hrs to 1749 hrs on 25 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4320;

- cxlii. Between 1705 hrs to 1736 hrs on 25 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4265;
- cxliii. Between 1705 hrs to 1749 hrs on 25 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4317;
- cxliv. Between 1924 hrs to 1954 hrs on 25 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4260 and 4235;
- cxlv. Between 1924 hrs to 1954 hrs on 25 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4233;
- cxlvi. Between 1945 hrs to 1953 hrs on 25 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4264;
- cxlvii. Between 2225 hrs to 2307 hrs on 25 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4303, 4306 and 4302;
- cxlviii. Between 0831 hrs to 0837 hrs on 26 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4662;
- cxlix. Between 0910 hrs to 0925 hrs on 27 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4232;
- cl. Between 0827 hrs to 0912 hrs on 28 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4220;
- cli. Between 0834 hrs to 0921 hrs on 28 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4222 and 4217;

- :
- clii. Between 0834 hrs to 0922 hrs on 28 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4224;
 - cliii. Between 0851 hrs to 1015 hrs on 28 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4227;
 - cliv. Between 0853 hrs to 1015 hrs on 28 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4674;
 - clv. Between 0918 hrs to 1032 hrs on 28 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4233, 4232 and 4232;
 - clvi. Between 0952 hrs to 1015 hrs on 28 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4672;
 - clvii. Between 1200 hrs to 1242 hrs on 28 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4303, 4305 and 4302;
and
 - clviii. Between 1456 hrs to 1515 hrs on 28 August 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4330 and 4221.

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia wishes to further reiterate its categorical rejection of Singapore's Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet of Malaysia's airspace over its territory and waters off the coast of the State of Johor, without prior consent from the Government of Malaysia. The

Designation of the said Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) of 1944. This act by the Government of Singapore is inconsistent with the principles adopted in Singapore's own published Aeronautical Information Publication and also goes against the spirit of ASEAN solidarity and understanding.

The Government of Malaysia wishes to further reaffirm its categorical rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) of 1944. Further, this act by Singapore goes against the spirit of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of Singapore to withdraw the said Restricted Area WSR 31 and the said NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of Singapore to refrain from further designating Restricted Areas which encroach into Malaysian airspace and from issuing further NOTAMs which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime areas.

The Government of Malaysia wishes to further remind the Government of Singapore that the airspace above Tubir Selatan/South Ledge is part of Malaysia's airspace following the Judgment of the International Court of Justice (ICJ) of 23 May 2008 wherein the ICJ reaffirms Malaysia's sovereignty over Batuan Tengah/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". 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.

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 surrounding the abovementioned 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.

The Government of Malaysia therefore calls upon the Government of Singapore to refrain from such intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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

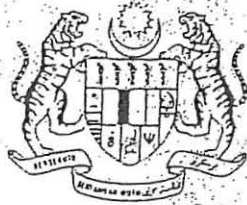


Putrajaya, 7 October 2009

High Commission of the Republic of Singapore
Kuala Lumpur

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.



11



EC 88/2010

The Ministry of Foreign Affairs Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by Singapore government aircraft, including but not limited to the following incidents:

- i. Between 1137 hrs to 1154 hrs on 02 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4275;
- ii. Between 1701 hrs to 1740 hrs on 02 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4303;
- iii. Between 1701 hrs to 1738 hrs on 02 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4304;
- iv. Between 1703 hrs to 1738 hrs on 02 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4302;
- v. Between 1703 hrs to 1739 hrs on 02 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4325;
- vi. Between 1614 hrs to 1635 hrs on 3 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4217;
- vii. Between 1636 hrs to 1711 hrs on 3 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4304;
- viii. Between 1702 hrs to 1740 hrs on 3 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4335;

- ix. Between 1702 hrs to 1751 hrs on 3 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4314 and 4312;
- x. Between 1017 hrs to 1058 hrs on 4 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4215, 4213, 4214 and 4212;
- xi. Between 1205 hrs to 1230 hrs on 4 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4227, 4232 and 4235;
- xii. Between 1206 hrs to 1230 hrs on 4 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4226;
- xiii. Between 1819 hrs to 2001 hrs on 4 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4252, 4253 and 0022;
- xiv. Between 1820 hrs to 2002 hrs on 4 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4312;
- xv. Between 1328 hrs to 1410 hrs on 5 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 0015 and 0017 and 0015;
- xvi. Between 1328 hrs to 1411 hrs on 5 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4212;
- xvii. Between 1329 hrs to 1411 hrs on 5 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4302;
- xviii. Between 1002 hrs to 1056 hrs on 8 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4267;
- xix. Between 1010 hrs to 1046 hrs on 8 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4273;

- xxxi. Between 0902 hrs to 0933 hrs on 17 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4243.
- xxxii. Between 1118 hrs to 1124 hrs on 17 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4351.
- xxxiii. Between 1210 hrs to 1226 hrs on 17 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4316.
- xxxiv. Between 1438 hrs to 1505 hrs on 23 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4355 and 4350.
- xxxv. Between 1333 hrs to 1401 hrs on 24 February 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4362, 4364 and 4363.

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia further wishes to reiterate its categorical rejection of Singapore's designation of Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet within Malaysia's airspace over its territory and waters off the coast of the State of Johor, without the prior consent of the Government of Malaysia. The designation of the said Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944. This act by the Government of Singapore is inconsistent with the principles adopted in Singapore's own published Aeronautical Information Publication and also goes against the principles of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia further reaffirms its categorical objection and rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace

above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944. This act by Singapore again goes against the spirit of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of the Republic of Singapore to withdraw the designation of Restricted Area WSR 31 and NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of the Republic of Singapore to refrain from further designating any Restricted Areas which encroach into Malaysian airspace and from further designating any NOTAMS which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime areas.

The Government of Malaysia wishes to remind the Government of the Republic of Singapore that the airspace above Tubir Selatan/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 Batuan Tengah/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*". Due to the proximity of Tubir Selatan/South Ledge to the mainland of Johor and Batuan Tengah/Middle Rocks, it is therefore 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.

The Government of Malaysia wishes to also remind the Government of the Republic of Singapore that the airspace over the waters around Batu Puteh, 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.

The Government of Malaysia further reiterates that any and all activities undertaken by Malaysia in its territory, including activities pertaining to and surrounding the abovementioned airspace and its maritime areas are legitimate

exercises of its sovereignty and jurisdiction. As such, Malaysian government vessels and aircraft have and will continue to patrol and conduct their activities in the territorial waters, maritime areas and airspace of Malaysia.

The Government of Malaysia therefore calls upon the Government of the Republic of Singapore to cease and refrain from such intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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

Putrajaya, 15 June 2010

High Commission of the Republic of Singapore
Kuala Lumpur



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.



EC 89/2010

The Ministry of Foreign Affairs Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by Singapore government aircraft, including but not limited to the following incidents:

- i. Between 0927 hrs to 0937 hrs on 05 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4212;
- ii. Between 0943 hrs to 0953 hrs on 05 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4612;
- iii. Between 0955 hrs to 1013 hrs on 05 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4313;
- iv. Between 1034 hrs to 1045 hrs on 05 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4317;
- v. Between 1143 hrs to 1149 hrs on 05 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4211;
- vi. Between 1147 hrs to 1149 hrs on 05 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4231;
- vii. Between 1156 hrs to 1219 hrs on 05 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4224;
- viii. Between 1210 hrs to 1216 hrs on 05 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4612;

- ix. Between 1537 hrs to 1545 hrs on 05 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4201;
- x. Between 1558 hrs to 1614 hrs on 05 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4226;
- xi. Between 1608 hrs to 1617 hrs on 05 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4232;
- xii. Between 1329 hrs to 1548 hrs on 07 January 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4227;
- xiii. Between 1503 hrs to 1523 hrs on 07 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4664;
- xiv. Between 1647 hrs to 1712 hrs on 07 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 0043;
- xv. Between 1703 hrs to 1815 hrs on 07 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4336;
- xvi. Between 1703 hrs to 1817 hrs on 07 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4266;
- xvii. Between 1704 hrs to 1809 hrs on 07 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4265;
- xviii. Between 1032 hrs to 1103 hrs on 08 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4216;
- xix. Between 1033 hrs to 1103 hrs on 08 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4220;

- xx. Between 1033 hrs to 1104 hrs on 08 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4244;
- xxi. Between 1157 hrs to 1249 hrs on 08 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4267 and 4266;
- xxii. Between 1637 hrs to 1707 hrs on 13 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 0054;
- xxiii. Between 1637 hrs to 1708 hrs on 13 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4242;
- xxiv. Between 1638 hrs to 1708 hrs on 13 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4363;
- xxv. Between 1223 hrs to 1259 hrs on 14 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4264;
- xxvi. Between 1223 hrs to 1247 hrs on 14 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4254;
- xxvii. Between 1224 hrs to 1256 hrs on 14 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4266;
- xxviii. Between 1224 hrs to 1257 hrs on 14 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4267;
- xxix. Between 1226 hrs to 1303 hrs on 14 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4256 and 4257;
- xxx. Between 1227 hrs to 1303 hrs on 14 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4263;

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- xxxi. Between 1227 hrs to 1305 hrs on 14 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4261;
- xxxii. Between 1234 hrs to 1311 hrs on 14 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4276 and 4274;
- xxxiii. Between 1103 hrs to 1129 hrs on 15 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4201 and 4205;
- xxxiv. Between 0856 hrs to 0902 hrs on 18 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4216;
- xxxv. Between 0909 hrs to 0915 hrs on 18 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4221;
- xxxvi. Between 0925 hrs to 0955 hrs on 18 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4232 and 4230;
- xxxvii. Between 0945 hrs to 1010 hrs on 18 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4243 and 4247;
- xxxviii. Between 0947 hrs to 1034 hrs on 18 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4264 and 4263;
- xxxix. Between 1002 hrs to 1025 hrs on 18 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4261 and 4265;
- xl. Between 1204 hrs to 1207 hrs on 18 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4211 and 4215;
- xli. Between 1320 hrs to 1354 hrs on 19 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4312;

- xlii. Between 1328 hrs to 1356 hrs on 19 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4316;
- xliii. Between 1328 hrs to 1400 hrs on 19 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4317;
- xliv. Between 1017 hrs to 1058 hrs on 25 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4215, 4213, 4214 and 4212;
- xlv. Between 1205 hrs to 1230 hrs on 25 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4227, 4232 and 4235;
- xlvi. Between 1206 hrs to 1230 hrs on 25 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4226;
- xlvii. Between 1819 hrs to 2001 hrs on 25 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4252, 4253 and 0022;
- xlviii. Between 1820 hrs to 2002 hrs on 25 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4312;
- xlix. Between 1451 hrs to 1525 hrs on 26 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4307 and 4233;
- i. Between 1452 hrs to 1525 hrs on 26 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4223;
- li. Between 1452 hrs to 1526 hrs on 26 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4225;
- lii. Between 1240 hrs to 1301 hrs on 27 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4256;

- liii. Between 1118 hrs to 1130 hrs on 28 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4230; and
- liv. Between 0916 hrs to 0927 hrs on 29 January 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4300.

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia further wishes to reiterate its categorical rejection of Singapore's designation of Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet within Malaysia's airspace over its territory and waters off the coast of the State of Johor, without the prior consent of the Government of Malaysia. The designation of the said Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944. This act by the Government of Singapore is inconsistent with the principles adopted in Singapore's own published Aeronautical Information Publication and also goes against the principles of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia further reaffirms its categorical objection and rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944. This act by Singapore again goes against the spirit of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of the Republic of Singapore to withdraw the designation of Restricted Area WSR 31 and NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of

the Republic of Singapore to refrain from further designating any Restricted Areas which encroach into Malaysian airspace and from further designating any NOTAMs which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime areas.

The Government of Malaysia wishes to remind the Government of the Republic of Singapore that the airspace above Tubir Selatan/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 Batuan Tengah/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*". Due to the proximity of Tubir Selatan/South Ledge to the mainland of Johor and Batuan Tengah/Middle Rocks, it is therefore 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.

The Government of Malaysia wishes to also remind the Government of the Republic of Singapore that the airspace over the waters around Batu Puteh, 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.

The Government of Malaysia further reiterates that any and all activities undertaken by Malaysia in its territory, including activities pertaining to and surrounding the abovementioned airspace and its maritime areas are legitimate exercises of its sovereignty and jurisdiction. As such, Malaysian government vessels and aircraft have and will continue to patrol and conduct their activities in the territorial waters, maritime areas and airspace of Malaysia.

The Government of Malaysia therefore calls upon the Government of the Republic of Singapore to cease and refrain from such intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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

Putrajaya, 15 June 2010

High Commission of the Republic of Singapore
Kuala Lumpur



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.



41

EC 90/2010

The Ministry of Foreign Affairs Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by Singapore government aircraft, including but not limited to the following incidents:

- i. Between 0935 hrs to 0955 hrs on 01 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4226;
- ii. Between 0949 hrs to 1005 hrs on 01 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4232;
- iii. Between 1044 hrs to 1059 hrs on 01 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4347;
- iv. Between 1140 hrs to 1200 hrs on 01 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4237;
- v. Between 1158 hrs to 1218 hrs on 01 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4204;
- vi. Between 1204 hrs to 1219 hrs on 01 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4242;
- vii. Between 1208 hrs to 1222 hrs on 01 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4247;
- viii. Between 1529 hrs to 1541 hrs on 01 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4305;

- ix. Between 1529 hrs to 1550 hrs on 01 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4201;
- x. Between 2029 hrs to 2050 hrs on 01 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4331;
- xi. Between 2030 hrs to 2053 hrs on 01 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4326;
- xii. Between 2032 hrs to 2058 hrs on 01 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4304;
- xiii. Between 2040 hrs to 2105 hrs on 01 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4241;
- xiv. Between 2048 hrs to 2110 hrs on 01 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4237;
- xv. Between 0825 hrs to 0850 hrs on 02 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4211;
- xvi. Between 0830 hrs to 0851 hrs on 02 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4216;
- xvii. Between 1101 hrs to 1122 hrs on 02 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4212;
- xviii. Between 1116 hrs to 1123 hrs on 02 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4201;
- xix. Between 1220 hrs to 1240 hrs on 02 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4305;

- xx. Between 1421 hrs to 1441 hrs on 02 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4253;
- xxi. Between 0955 hrs to 1213 hrs on 03 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4236;
- xxii. Between 0956 hrs to 1009 hrs on 03 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4234;
- xxiii. Between 1132 hrs to 1304 hrs on 03 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4223;
- xxiv. Between 1328 hrs to 1344 hrs on 03 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4213;
- xxv. Between 1333 hrs to 1352 hrs on 03 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4360;
- xxvi. Between 1341 hrs to 1353 hrs on 03 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4310;
- xxvii. Between 1032 hrs to 1058 hrs on 04 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4257;
- xxviii. Between 1034 hrs to 1103 hrs on 04 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4242;
- xxix. Between 1408 hrs to 1419 hrs on 07 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4247;
- xxx. Between 1410 hrs to 1423 hrs on 07 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4220;

- xxxi. Between 1503 hrs to 1540 hrs on 11 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4665;
- xxxii. Between 1509 hrs to 1552 hrs on 11 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4310;
- xxxiii. Between 1555 hrs to 1630 hrs on 11 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4668;
- xxxiv. Between 1608 hrs to 1634 hrs on 11 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4410;
- xxxv. Between 1614 hrs to 1650 hrs on 11 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4312;
- xxxvi. Between 1650 hrs to 1708 hrs on 11 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4622;
- xxxvii. Between 1531 hrs to 1540 hrs on 15 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4317;
- xxxviii. Between 1659 hrs to 1705 hrs on 15 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4267;
- xxxix. Between 0916 hrs to 0958 hrs on 16 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4320;
- xl. Between 0921 hrs to 0952 hrs on 22 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4232 and 4611;
- xli. Between 0922 hrs to 0953 hrs on 22 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4233;

- xlii. Between 1527 hrs to 1613 hrs on 23 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 0063;
- xlili. Between 1819 hrs to 1845 hrs on 23 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 0036;
- xliv. Between 1408 hrs to 1441 hrs on 28 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4215;
- xlv. Between 0859 hrs to 0934 hrs on 29 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4224 and 4227;
- xlvi. Between 0906 hrs to 0935 hrs on 29 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4222 and 4226;
- xlvii. Between 0942 hrs to 1031 hrs on 29 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4245;
- xlviii. Between 0942 hrs to 1033 hrs on 29 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4244; and
- xlix. Between 1427 hrs to 1539 hrs on 29 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4677.

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia further wishes to reiterate its categorical rejection of Singapore's designation of Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet within Malaysia's airspace over its territory and waters off the coast of the State of Johor, without the prior consent of the Government of Malaysia. The designation of the said Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on

International Civil Aviation (Chicago Convention) 1944. This act by the Government of Singapore is inconsistent with the principles adopted in Singapore's own published Aeronautical Information Publication and also goes against the principles of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia further reaffirms its categorical objection and rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944. This act by Singapore again goes against the spirit of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of the Republic of Singapore to withdraw the designation of Restricted Area WSR 31 and NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of the Republic of Singapore to refrain from further designating any Restricted Areas which encroach into Malaysian airspace and from further designating any NOTAMs which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime areas.

The Government of Malaysia wishes to remind the Government of the Republic of Singapore that the airspace above Tubir Selatan/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 Batuan Tengah/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*". Due to the proximity of Tubir Selatan/South Ledge to the mainland of Johor and Batuan Tengah/Middle Rocks, it is therefore 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.

The Government of Malaysia wishes to also remind the Government of the Republic of Singapore that the airspace over the waters around Batu Puteh, 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.

The Government of Malaysia further reiterates that any and all activities undertaken by Malaysia in its territory, including activities pertaining to and surrounding the abovementioned airspace and its maritime areas are legitimate exercises of its sovereignty and jurisdiction. As such, Malaysian government vessels and aircraft have and will continue to patrol and conduct their activities in the territorial waters, maritime areas and airspace of Malaysia.

The Government of Malaysia therefore calls upon the Government of the Republic of Singapore to cease and refrain from such intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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

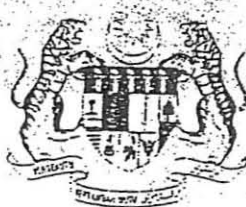
Putrajaya, 15 June 2010

High Commission of the Republic of Singapore
Kuala Lumpur



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.



EC 91/2010

The Ministry of Foreign Affairs Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by Singapore government aircraft, including but not limited to the following incidents:

- i. Between 1241 hrs to 1305 hrs on 09 November 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4622;
- ii. Between 1139 hrs to 1144 hrs on 10 November 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4646;
- iii. Between 1425 hrs to 1431 hrs on 10 November 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4274;
- iv. Between 1426 hrs to 1431 hrs on 10 November 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4267, 4276, 4342 and 4275;
- v. Between 1141 hrs to 1151 hrs on 11 November 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4233;
- vi. Between 1147 hrs to 1157 hrs on 11 November 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4644;
- vii. Between 1220 hrs to 1230 hrs on 11 November 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4231;
- viii. Between 1310 hrs to 1320 hrs on 11 November 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4265;

- ix. Between 1318 hrs to 1328 hrs on 11 November 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4605;
- x. Between 1326 hrs to 1326 hrs on 11 November 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4256;
- xi. Between 1333 hrs to 1343 hrs on 11 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4650;
- xii. Between 1413 hrs to 1423 hrs on 11 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4212;
- xiii. Between 1426 hrs to 1436 hrs on 11 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4221;
- xiv. Between 1531 hrs to 1541 hrs on 11 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4355;
- xv. Between 1136 hrs to 1156 hrs on 12 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4273;
- xvi. Between 1144 hrs to 11546 hrs on 12 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4243;
- xvii. Between 1217 hrs to 1227 hrs on 12 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4347;
- xviii. Between 1231 hrs to 1248 hrs on 12 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4306 and 4307;
- xix. Between 1253 hrs to 1309 hrs on 12 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4621;

- xx. Between 1449 hrs to 1459 hrs on 12 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4265;
- xxi. Between 1455 hrs to 1505 hrs on 12 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4351;
- xxii. Between 1455 hrs to 1506 hrs on 12 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4301;
- xxiii. Between 1550 hrs to 1603 hrs on 12 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4210;
- xxiv. Between 1601 hrs to 1614 hrs on 12 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4321;
- xxv. Between 1629 hrs to 1639 hrs on 12 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4262;
- xxvi. Between 1631 hrs to 1643 hrs on 12 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4636;
- xxvii. Between 1720 hrs to 1725 hrs on 14 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4330;
- xxviii. Between 1814 hrs to 1845 hrs on 14 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4344;
- xxix. Between 1102 hrs to 1139 hrs on 16 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 0032;
- xxx. Between 1300 hrs to 1335 hrs on 16 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4637;

- xxxi. Between 1640 hrs to 1802 hrs on 16 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 0036;
- xxxii. Between 1029 hrs to 1040 hrs on 17 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4661;
- xxxiii. Between 1038 hrs to 1053 hrs on 17 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4221;
- xxxiv. Between 1052 hrs to 1109 hrs on 17 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4224;
- xxxv. Between 1053 hrs to 1110 hrs on 17 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4634;
- xxxvi. Between 1413 hrs to 1428 hrs on 17 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4616;
- xxxvii. Between 1440 hrs to 1455 hrs on 17 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4314;
- xxxviii. Between 1500 hrs to 1516 hrs on 17 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4228;
- xxxix. Between 1526 hrs to 1540 hrs on 17 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4231;
- xl. Between 1537 hrs to 1553 hrs on 17 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4214;
- xli. Between 0945 hrs to 1005 hrs on 18 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4616;

- xlii. Between 0947 hrs to 1007 hrs on 18 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4233;
- xliii. Between 1005 hrs to 1020 hrs on 18 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4313;
- xliv. Between 1044 hrs to 1116 hrs on 18 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4225;
- xlv. Between 1058 hrs to 1109 hrs on 18 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4234;
- xlvi. Between 1104 hrs to 1124 hrs on 18 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4265;
- xlvii. Between 1058 hrs to 1109 hrs on 18 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4234;
- xlviii. Between 1228 hrs to 1248 hrs on 18 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4221;
- xlix. Between 1232 hrs to 1230 hrs on 18 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4626;
- i. Between 1350 hrs to 1410 hrs on 18 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4333;
- ii. Between 1617 hrs to 1717 hrs on 18 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4316;
- iii. Between 1655 hrs to 1719 hrs on 18 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4211;

- xcvii Between 1342 hrs to 1358 hrs on 30 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4266;
- xcviii Between 1344 hrs to 1359 hrs on 30 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 0076;
- xcix. Between 1418 hrs to 1432 hrs on 30 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 0005; and
- c. Between 1530 hrs to 1551 hrs on 30 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 0004.

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia further wishes to reiterate its categorical rejection of Singapore's designation of Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet within Malaysia's airspace over its territory and waters off the coast of the State of Johor, without the prior consent of the Government of Malaysia. The designation of the said Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944. This act by the Government of Singapore is inconsistent with the principles adopted in Singapore's own published Aeronautical Information Publication and also goes against the principles of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia further reaffirms its categorical objection and rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation

- Ixiv. Between 1429 hrs to 1459 hrs on 23 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4255;
- Ixv. Between 1707 hrs to 1745 hrs on 23 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4256;
- Ixvi. Between 1707 hrs to 1747 hrs on 23 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4257;
- Ixvii. Between 0912 hrs to 0943 hrs on 24 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 0035;
- Ixviii. Between 1152 hrs to 1232 hrs on 24 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4320;
- Ixix. Between 1152 hrs to 1237 hrs on 24 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4334;
- Ixx. Between 1158 hrs to 1238 hrs on 24 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4312;
- Ixxi. Between 1217 hrs to 1256 hrs on 24 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4260;
- Ixxii. Between 1218 hrs to 1257 hrs on 24 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4307;
- Ixxiii. Between 1257 hrs to 1323 hrs on 24 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4343;
- Ixxiv. Between 1257 hrs to 1327 hrs on 24 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4267;

- lxxv. Between 1259 hrs to 1328 hrs on 24 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4276;
- lxxvi. Between 0927 hrs to 0937 hrs on 25 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4212;
- lxxvii. Between 0943 hrs to 0933 hrs on 25 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4612;
- lxxviii. Between 0955 hrs to 1013 hrs on 25 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4313;
- lxxix. Between 1034 hrs to 1045 hrs on 25 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4317;
- lxxx. Between 0955 hrs to 1013 hrs on 25 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4313;
- lxxxi. Between 0955 hrs to 1013 hrs on 25 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4313;
- lxxxii. Between 1034 hrs to 1045 hrs on 25 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4317;
- lxxxiii. Between 1134 hrs to 1149 hrs on 25 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4211;
- lxxxiv. Between 1147 hrs to 1155 hrs on 25 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4231;
- lxxxv. Between 1150 hrs to 1213 hrs on 25 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4224;

lxxxvi. Between 1210 hrs to 1216 hrs on 25 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4613;

lxxxvii. Between 1537 hrs to 1545 hrs on 25 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4201;

lxxxviii. Between 1558 hrs to 1614 hrs on 25 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4226;

lxxxix. Between 1608 hrs to 1617 hrs on 25 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4322;

xc. Between 1024 hrs to 1039 hrs on 26 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4212;

xci. Between 1031 hrs to 1042 hrs on 26 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4216;

xcii. Between 1324 hrs to 1338 hrs on 26 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4343;

xciii. Between 1428 hrs to 1450 hrs on 26 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4311;

xciv. Between 1431 hrs to 1457 hrs on 26 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4266;

xcv. Between 0957 hrs to 1038 hrs on 30 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 0002;

xcvi. Between 1057 hrs to 1102 hrs on 30 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4242;

- xcvii. Between 1342 hrs to 1358 hrs on 30 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4266;
- xcviii. Between 1344 hrs to 1359 hrs on 30 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 0076;
- xcix. Between 1418 hrs to 1432 hrs on 30 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 0005; and
- c. Between 1530 hrs to 1551 hrs on 30 December 2009 by Singapore government aircraft SQUAQWK Mode 3/A 0004.

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia further wishes to reiterate its categorical rejection of Singapore's designation of Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet within Malaysia's airspace over its territory and waters off the coast of the State of Johor, without the prior consent of the Government of Malaysia. The designation of the said Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944. This act by the Government of Singapore is inconsistent with the principles adopted in Singapore's own published Aeronautical Information Publication and also goes against the principles of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia further reaffirms its categorical objection and rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation

(Chicago Convention) 1944. This act by Singapore again goes against the spirit of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of the Republic of Singapore to withdraw the designation of Restricted Area WSR 31 and NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of the Republic of Singapore to refrain from further designating any Restricted Areas which encroach into Malaysian airspace and from further designating any NOTAMs which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime areas.

The Government of Malaysia wishes to remind the Government of the Republic of Singapore that the airspace above Tubir Selatan/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 Batuan Tengah/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*". Due to the proximity of Tubir Selatan/South Ledge to the mainland of Johor and Batuan Tengah/Middle Rocks, it is therefore 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.

The Government of Malaysia wishes to also remind the Government of the Republic of Singapore that the airspace over the waters around Batu Puteh, 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.

The Government of Malaysia further reiterates that any and all activities undertaken by Malaysia in its territory, including activities pertaining to and surrounding the abovementioned airspace and its maritime areas are legitimate exercises of its sovereignty and jurisdiction. As such, Malaysian government vessels and aircraft have and will continue to patrol and conduct their activities in the territorial waters, maritime areas and airspace of Malaysia.

The Government of Malaysia therefore calls upon the Government of the Republic of Singapore to cease and refrain from such intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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

Putrajaya, 15 June 2010

High Commission of the Republic of Singapore
Kuala Lumpur



4/10

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.



EC 92/2010

The Ministry of Foreign Affairs Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by Singapore government aircraft, including but not limited to the following incidents:

- i. Between 0940 hrs to 0952 hrs on 01 October 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4216;
- ii. Between 1106 hrs to 1117 hrs on 01 October 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4665;
- iii. Between 1402 hrs to 1410 hrs on 01 October 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4243;
- iv. Between 1443 hrs to 1446 hrs on 01 October 2009 by Singapore government aircraft SQUAQWK Mode 3/A 0034;
- v. Between 1453 hrs to 1606 hrs on 02 October 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4273 and 4274;
- vi. Between 1130 hrs to 1210 hrs on 11 October 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4627;
- vii. Between 1304 hrs to 1400 hrs on 11 October 2009 by Singapore government aircraft SQUAQWK Mode 3/A 0031;
- viii. Between 1401 hrs to 1438 hrs on 15 October 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4622;

- ix. Between 1017 hrs to 1028 hrs on 23 October 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4226;
- x. Between 1017 hrs to 1059 hrs on 23 October 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4264;
- xi. Between 1020 hrs to 1124 hrs on 23 October 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4243;
- xii. Between 1053 hrs to 1125 hrs on 23 October 2009 by Singapore government aircraft SQUAQWK Mode 3/A 0073;
- xiii. Between 1216 hrs to 1217 hrs on 23 October 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4220;
- xiv. Between 1024 hrs to 1034 hrs on 28 October 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4221, 4220, 4216 and 4346;
- xv. Between 1724 hrs to 1804 hrs on 28 October 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4203 and 4331;
- xvi. Between 2127 hrs to 2207 hrs on 28 October 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4216, 4222 and 4214;
- xvii. Between 1002 hrs to 1008 hrs on 29 October 2009 by Singapore government aircraft SQUAQWK Mode 3/A 0051;
- xviii. Between 1039 hrs to 1046 hrs on 30 October 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4606;
- xix. Between 1212 hrs to 1217 hrs on 30 October 2009 by Singapore government aircraft SQUAQWK Mode 3/A 4220;

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia further wishes to reiterate its categorical rejection of Singapore's designation of Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet within Malaysia's airspace over its territory and waters off the coast of the State of Johor, without the prior consent of the Government of Malaysia. The designation of the said Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944. This act by the Government of Singapore is inconsistent with the principles adopted in Singapore's own published Aeronautical Information Publication and also goes against the principles of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia further reaffirms its categorical objection and rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944. This act by Singapore again goes against the spirit of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of the Republic of Singapore to withdraw the designation of Restricted Area WSR 31 and NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of the Republic of Singapore to refrain from further designating any Restricted Areas which encroach into Malaysian airspace and from further designating any NOTAMs which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime areas.

The Government of Malaysia wishes to remind the Government of the Republic of Singapore that the airspace above Tubir Selatan/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 Batuan Tengah/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*". Due to the proximity of Tubir Selatan/South Ledge to the mainland of Johor and Batuan Tengah/Middle Rocks, it is therefore 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.

The Government of Malaysia wishes to also remind the Government of the Republic of Singapore that the airspace over the waters around Batu Puteh, 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.

The Government of Malaysia further reiterates that any and all activities undertaken by Malaysia in its territory, including activities pertaining to and surrounding the abovementioned airspace and its maritime areas are legitimate exercises of its sovereignty and jurisdiction. As such, Malaysian government vessels and aircraft have and will continue to patrol and conduct their activities in the territorial waters, maritime areas and airspace of Malaysia.

The Government of Malaysia therefore calls upon the Government of the Republic of Singapore to cease and refrain from such intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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

Putrajaya, 15 June 2010

High Commission of the Republic of Singapore
Kuala Lumpur



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.



47

EC 93/2010

The Ministry of Foreign Affairs Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by aircraft of the Singapore Government, including but not limited to the following incidents:

- i. Between 0928 hrs to 1011 hrs on 02 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4221 and 4222;
- ii. Between 1014 hrs to 1047 hrs on 02 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4227;
- iii. Between 1015 hrs to 1048 hrs on 02 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4236;
- iv. Between 1058 hrs to 1121 hrs on 02 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4261 and 4262;
- v. Between 1058 hrs to 1123 hrs on 02 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4260;
- vi. Between 1225 hrs to 1302 hrs on 02 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4311;

- vii. Between 1227 hrs to 1304 hrs on 02 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4306;
- viii. Between 1230 hrs to 1304 hrs on 02 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4207;
- ix. Between 0829 hrs to 0835 hrs on 03 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4330;
- x. Between 0859 hrs to 0910 hrs on 03 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 0075;
- xi. Between 0859 hrs to 0940 hrs on 03 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4326;
- xii. Between 0955 hrs to 1035 hrs on 03 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4317;
- xiii. Between 1127 hrs to 1136 hrs on 03 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4305;
- xiv. Between 1127 hrs to 1137 hrs on 03 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4243;
- xv. Between 0903 hrs to 0946 hrs on 04 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4226;
- xvi. Between 0950 hrs to 1059 hrs on 04 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4234;
- xvii. Between 1009 hrs to 1038 hrs on 04 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4242;

xviii. Between 1015 hrs to 1023 hrs on 04 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4240.

xix. Between 1031 hrs to 1114 hrs on 04 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4260 and 4257;

xx. Between 1043 hrs to 1049 hrs on 04 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4227;

xxi. Between 1051 hrs to 1145 hrs on 04 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4264 and 4266;

xxii. Between 1054 hrs to 1205 hrs on 04 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4265;

xxiii. Between 1122 hrs to 1230 hrs on 04 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4277;

xxiv. Between 1449 hrs to 1547 hrs on 04 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4247 and 4246;

xxv. Between 1501 hrs to 1644 hrs on 04 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4243, 4333 and 4244;

xxvi. Between 1014 hrs to 1018 hrs on 07 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4225;

xxvii. Between 1508 hrs to 1520 hrs on 08 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4244;

- xxviii. Between 1503 hrs to 1529 hrs on 08 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4242;
- xxix. Between 1237 hrs to 1347 hrs on 09 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4245;
- xxx. Between 1542 hrs to 1558 hrs on 09 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4324;
- xxxi. Between 0852 hrs to 0916 hrs on 11 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4226;
- xxxii. Between 0854 hrs to 0916 hrs on 11 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4233;
- xxxiii. Between 1135 hrs to 1158 hrs on 11 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4605;
- xxxiv. Between 0852 hrs to 0920 hrs on 14 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4233;
- xxxv. Between 0854 hrs to 0920 hrs on 14 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4235;
- xxxvi. Between 1017 hrs to 1105 hrs on 14 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4275;
- xxxvii. Between 1017 hrs to 1106 hrs on 14 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4274;
- xxxviii. Between 1126 hrs to 1140 hrs on 14 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4247;

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- xxxix. Between 1143 hrs to 1204 hrs on 14 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4356;
 - xl. Between 1154 hrs to 1209 hrs on 14 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4344;
 - xli. Between 1212 hrs to 1222 hrs on 14 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4222;
 - xlii. Between 1212 hrs to 1224 hrs on 14 September by the Singapore Government aircraft SQUAQWK Mode 3/A 4224;
 - xliii. Between 1239 hrs to 1310 hrs on 14 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4211 and 4212;
 - xliv. Between 0914 hrs to 1030 hrs on 15 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4325;
 - xlv. Between 1024 hrs to 1115 hrs on 15 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4253;
 - xlvi. Between 1029 hrs to 1120 hrs on 15 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4666;
 - xlvii. Between 1030 hrs to 1130 hrs on 15 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4303;
 - xlviii. Between 1056 hrs to 1230 hrs on 15 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4623;
 - xlix. Between 1137 hrs to 1235 hrs on 15 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4344;

- I. Between 1146 hrs to 1240 hrs on 15 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4612;
- li. Between 1215 hrs to 1255 hrs on 15 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4228;
- lii. Between 1225 hrs to 1255 hrs on 15 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4240;
- liii. Between 1245 hrs to 1320 hrs on 15 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4230;
- liv. Between 1320 hrs to 1320 hrs on 15 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4622;
- lv. Between 1334 hrs to 1334 hrs on 15 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4652;
- lvi. Between 1409 hrs to 1433 hrs on 15 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4360;
- lvii. Between 1451 hrs to 1521 hrs on 15 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4637;
- lviii. Between 1451 hrs to 1459 hrs on 15 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4260;
- lix. Between 1451 hrs to 1522 hrs on 15 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4665;
- lx. Between 0854 hrs to 0935 hrs on 16 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4215 and 4217;

- lxi. Between 0854 hrs to 0936 hrs on 16 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4220;
- lxii. Between 0854 hrs to 0927 hrs on 16 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4221;
- lxiii. Between 0910 hrs to 0930 hrs on 16 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4336;
- lxiv. Between 1044 hrs to 1058 hrs on 16 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4347;
- lxv. Between 1055 hrs to 1245 hrs on 16 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4226;
- lxvi. Between 1118 hrs to 1148 hrs on 16 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 0013;
- lxvii. Between 1530 hrs to 1545 hrs on 16 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 0046;
- lxviii. Between 1540 hrs to 1625 hrs on 16 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4605;
- lix. Between 0830 hrs to 0835 hrs on 17 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4647 and 4607;
- lxx. Between 0855 hrs to 1018 hrs on 18 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4317;
- lxxi. Between 0911 hrs to 0938 hrs on 18 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4320;

- lxxii. Between 1028 hrs to 1049 hrs on 22 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4261;
- lxxiii. Between 1103 hrs to 1230 hrs on 22 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4610;
- lxxiv. Between 1116 hrs to 1147 hrs on 22 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4312;
- lxxv. Between 0854 hrs to 1000 hrs on 23 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4223;
- lxxvi. Between 0842 hrs to 1102 hrs on 23 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4220;
- lxxvii. Between 0845 hrs to 1103 hrs on 23 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4224;
- lxxviii. Between 1241 hrs to 1312 hrs on 23 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 0016;
- lxxix. Between 1316 hrs to 1451 hrs on 23 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4215;
- lxxx. Between 1325 hrs to 1458 hrs on 23 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4214;
- lxxxi. Between 1437 hrs to 1515 hrs on 23 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4335 and 4314;
- lxxxii. Between 1439 hrs to 1500 hrs on 23 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4342;

lxxxiii. Between 1433 hrs to 1525 hrs on 23 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4334 and 4316.

lxxxiv. Between 1452 hrs to 1542 hrs on 23 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4631;

lxxxv. Between 1533 hrs to 1621 hrs on 23 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4254, 4260 and 4257;

lxxxvi. Between 1650 hrs to 1730 hrs on 23 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4620;

lxxxvii. Between 1531 hrs to 1615 hrs on 24 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4265 and 4264;

lxxxviii. Between 1320 hrs to 1433 hrs on 28 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 0047;

lxxxix. Between 1440 hrs to 1444 hrs on 28 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4642;

xc. Between 1534 hrs to 1704 hrs on 29 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4651;

xci. Between 1134 hrs to 1201 hrs on 30 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4640;

xcii. Between 1622 hrs to 1625 hrs on 30 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 4235;

xciii Between 1627 hrs to 1635 hrs on 30 September 2009 by the Singapore Government aircraft SQUAQWK Mode 3/A 0020:

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia wishes to further reiterate its categorical rejection of Singapore's Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet of Malaysia's airspace over its territory and waters off the coast of the State of Johor, without prior consent from the Government of Malaysia. The designation of the said Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) of 1944. This act by the Government of Singapore is inconsistent with the principles adopted in Singapore's own published Aeronautical Information Publication and also goes against the spirit of ASEAN solidarity and understanding.

The Government of Malaysia wishes to further reaffirm its categorical rejection of Singapore's continuous issuance of Notice to Airmen (NOTEM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) of 1944. Further, this act by Singapore goes against the spirit of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of Singapore to withdraw the said Restricted Area WSR 31 and the said NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of Singapore to refrain from further designating Restricted Areas

which encroach into Malaysian airspace and from issuing further NOTAMs which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime areas.

The Government of Malaysia wishes to further remind the Government of Singapore that the airspace above Tubir Selatan/South Ledge is part of Malaysia's airspace following the Judgment of the International Court of Justice (ICJ) of 23 May 2008 wherein the ICJ reaffirms Malaysia's sovereignty over Batuan Tengah/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*". Due to the proximity of Tubir Selatan/South Ledge to the mainland of Johor and Batuan Tengah/Middle Rocks, it is therefore 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.

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 activity undertaken by Malaysia in its territory; including activities pertaining to and surrounding the abovementioned 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.

The Government of Malaysia therefore calls upon the Government of Singapore to refrain from such intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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

Putrajaya, 15 June 2010

High Commission of the Republic of Singapore
Kuala Lumpur



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.



EC 141/2010

The Ministry of Foreign Affairs Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by Singapore government aircraft, including but not limited to the following incidents:

- i. Between 1238 hrs to 1244 hrs on 09 April 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4667;
- ii. Between 1251 hrs to 1336 hrs on 09 April 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4671;
- iii. Between 1451 hrs to 1456 hrs on 16 April 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4231;
- iv. Between 1455 hrs to 1501 hrs on 21 April 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4355, 4362 and 4364;
- v. Between 1308 hrs to 1310 hrs on 22 April 2010 by Singapore government aircraft SQUAQWK Mode 3/A 0007;
- vi. Between 0835 hrs to 0905 hrs on 23 April 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4354 and 4355;
- vii. Between 0850 hrs to 0923 hrs on 24 April 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4237 and 4242;
- viii. Between 0851 hrs to 0923 hrs on 24 April 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4314;

- ix. Between 0851 hrs to 0924 hrs on 24 April 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4247; and
- x. Between 1300 hrs to 1411 hrs on 28 April 2010 by Singapore government aircraft SQUAQWK Mode 3/A 0033.

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of the Republic of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia further wishes to reiterate its categorical rejection of Singapore's designation of Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet within Malaysia's airspace, over its territory and waters off the coast of the State of Johor, without the prior consent of the Government of Malaysia. The designation by the Republic of Singapore of the said airspace as a Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944, and is in fact an abuse of Singapore's administrative powers as the Flight Information Region authority. This act by the Government of the Republic of Singapore is therefore inconsistent with the principles adopted in Singapore's own published Aeronautical Information Publication and also goes against the principles of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia further reaffirms its categorical objection and rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944. This act by Singapore again goes against the spirit of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of the Republic of Singapore to withdraw the designation of Restricted Area WSR 31 and issuance of NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of the Republic of Singapore to refrain from designating any Restricted Areas which encroach into Malaysian airspace and from further issuing any NOTAMs which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime areas.

Due to the proximity of Tubir Selatan/South Ledge to the mainland of Johor and Batuan Tengah/Middle Rocks, it is clear that Tubir Selatan/South Ledge is 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. As such, the Government of Malaysia wishes to remind the Government of the Republic of Singapore that the airspace above Tubir Selatan/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 Batuan Tengah/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*".

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The Government of Malaysia wishes to also remind the Government of the Republic of Singapore that the airspace over the waters around Batu Puteh, 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.

The Government of Malaysia further reiterates that any and all activities undertaken by Malaysia in its territory; including activities pertaining to and surrounding the abovementioned airspace and its maritime areas are legitimate exercises of its sovereignty and jurisdiction. As such, Malaysian government vessels and aircraft have and will continue to patrol and conduct their activities in the territorial waters, maritime areas and airspace of Malaysia.

The Government of Malaysia therefore calls upon the Government of the Republic of Singapore to cease and refrain from any intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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

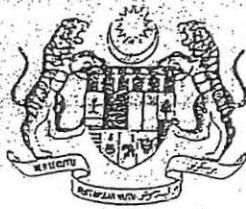


Putrajaya, 22 September 2010

High Commission of the Republic of Singapore
Kuala Lumpur

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.



EC 142/2010

The Ministry of Foreign Affairs Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by Singapore government aircraft, including but not limited to the following incidents:

- i. Between 1258 hrs to 1145 hrs on 20 May 2010 by Singapore government aircraft SQUAQWK Mode 3/1 4673/71;
- ii. Between 1258 hrs to 1303 hrs on 20 May 2010 by Singapore government aircraft SQUAQWK Mode 3/1 4330/71;
- iii. Between 1256 hrs to 1303 hrs on 20 May 2010 by Singapore government aircraft SQUAQWK Mode 3/1 4311/71;
- iv. Between 1247 hrs to 1329 hrs on 20 May 2010 by Singapore government aircraft SQUAQWK Mode 3/1 4332/71;
- v. ~~Between 1247 hrs to 1247 hrs on 20 May 2010~~ by Singapore government aircraft SQUAQWK Mode 3/1 4244/71;
- vi. Between 1132 hrs to 1340 hrs on 20 May 2010 by Singapore government aircraft SQUAQWK Mode 3/1 4243/71; and
- vii. Between 1235 hrs to 1255 hrs on 24 May 2010 by Singapore government aircraft SQUAQWK 3/1 4241/00 and 0017/71; and
- viii. Between 1235 hrs to 1345 hrs on 24 May 2010 by Singapore government aircraft SQUAQWK 3/1 4346/71 and 4236/71.

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of the Republic of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia further wishes to reiterate its categorical rejection of Singapore's designation of Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet within Malaysia's airspace, over its territory and waters off the coast of the State of Johor, without the prior consent of the Government of Malaysia. The designation by the Republic of Singapore of the said airspace as a Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944, and is in fact an abuse of Singapore's administrative powers as the Flight Information Region authority. This act by the Government of the Republic of Singapore is therefore inconsistent with the principles adopted in Singapore's own published Aeronautical Information Publication and also goes against the principles of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia further reaffirms its categorical objection and rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944. This act by Singapore again goes against the spirit of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of the Republic of Singapore to withdraw the designation of Restricted Area WSR 31 and issuance of NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of the Republic of Singapore to refrain from designating any Restricted Areas which encroach into Malaysian airspace and from further issuing any NOTAMs which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime areas.

Due to the proximity of Tubir Selatan/South Ledge to the mainland of Johor and Batuan Tengah/Middle Rocks, it is clear that Tubir Selatan/South Ledge is 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. As such, the Government of Malaysia wishes to remind the Government of the Republic of Singapore that the airspace above Tubir Selatan/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 Batuan Tengah/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*".

The Government of Malaysia wishes to also remind the Government of the Republic of Singapore that the airspace over the waters around Batu Puteh, 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.

The Government of Malaysia further reiterates that any and all activities undertaken by Malaysia in its territory; including activities pertaining to and surrounding the abovementioned airspace and its maritime areas are legitimate exercises of its sovereignty and jurisdiction. As such, Malaysian government vessels and aircraft have and will continue to patrol and conduct their activities in the territorial waters, maritime areas and airspace of Malaysia.

The Government of Malaysia therefore calls upon the Government of the Republic of Singapore to cease and refrain from any intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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



Putrajaya, 22 September 2010

High Commission of the Republic of Singapore
Kuala Lumpur

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.



EC 143/2010

The Ministry of Foreign Affairs Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by Singapore government aircraft, including but not limited to the following incidents:

- i. Between 0924 hrs to 0944 hrs on 11 June 2010 by Singapore government aircraft SQUAQWK Mode 3 4205;
- ii. Between 0927 hrs to 0946 hrs on 11 June 2010 by Singapore government aircraft SQUAQWK Mode 3 4255;
- iii. Between 1245 hrs to 1250 hrs on 15 June 2010 by Singapore government aircraft SQUAQWK Mode 3 4610;
- iv. Between 1405 hrs to 1509 hrs on 22 June 2010 by Singapore government aircraft SQUAQWK Mode 3 4657;
- v. Between 1128 hrs to 1154 hrs on 23 June 2010 by Singapore government aircraft SQUAQWK Mode 3 0017;
- vi. Between 1117 hrs to 1207 hrs on 24 June 2010 by Singapore government aircraft SQUAQWK Mode 3 4257 and 4256;
- vii. Between 1117 hrs to 1206 hrs on 24 June 2010 by Singapore government aircraft SQUAQWK 3 4343;
- viii. Between 1135 hrs to 1140 hrs on 24 June 2010 by Singapore government aircraft SQUAQWK 3 0046;

- ix. Between 1405 hrs to 1421 hrs on 24 June 2010 by Singapore government aircraft SQUAQWK 3 0053;
- x. Between 1329 hrs to 1400 hrs on 24 June 2010 by Singapore government aircraft SQUAQWK 3 4303 and 4246;
- xi. Between 1240 hrs to 1252 hrs on 26 June 2010 by Singapore government aircraft SQUAQWK 3 4234;
- xii. Between 1115 hrs to 1145 hrs on 28 June 2010 by Singapore government aircraft SQUAQWK 3 4204;
- xiii. Between 1431 hrs to 1455 hrs on 29 June 2010 by Singapore government aircraft SQUAQWK 3 4273;
- xiv. Between 1431 hrs to 1455 hrs on 29 June 2010 by Singapore government aircraft SQUAQWK 3 4274;
- xv. Between 2056 hrs to 2143 hrs on 30 June 2010 by Singapore government aircraft SQUAQWK 3 4244;
- xvi. Between 2056 hrs to 2143 hrs on 30 June 2010 by Singapore government aircraft SQUAQWK 3 4325; and
- xvii. Between 2104 hrs to 2143 hrs on 30 June 2010 by Singapore government aircraft SQUAQWK 3 4317, 4327 and 4265.

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of the Republic of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia further wishes to reiterate its categorical rejection of Singapore's designation of Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet within Malaysia's airspace, over its territory and waters off the coast of the State of Johor, without the prior consent of the Government of Malaysia. The

designation by the Republic of Singapore of the said airspace as a Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944, and is in fact an abuse of Singapore's administrative powers as the Flight Information Region authority. This act by the Government of the Republic of Singapore is therefore inconsistent with the principles adopted in Singapore's own published Aeronautical Information Publication and also goes against the principles of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia further reaffirms its categorical objection and rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944. This act by Singapore again goes against the spirit of good neighbourliness and that of ASEAN solidarity and understanding.

225 The Government of Malaysia calls upon the Government of the Republic of Singapore to withdraw the designation of Restricted Area WSR 31 and issuance of NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of the Republic of Singapore to refrain from designating any Restricted Areas which encroach into Malaysian airspace and from further issuing any NOTAMs which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime areas.

Due to the proximity of Tubir Selatan/South Ledge to the mainland of Johor and Batuan Tengah/Middle Rocks, it is clear that Tubir Selatan/South Ledge is 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. As such, the Government of Malaysia wishes to remind the Government of the Republic of Singapore that the airspace above Tubir Selatan/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 Batuan

Tengah/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".

The Government of Malaysia wishes to also remind the Government of the Republic of Singapore that the airspace over the waters around Batu Puteh, 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.

The Government of Malaysia further reiterates that any and all activities undertaken by Malaysia in its territory; including activities pertaining to and surrounding the abovementioned airspace and its maritime areas are legitimate exercises of its sovereignty and jurisdiction. As such, Malaysian government vessels and aircraft have and will continue to patrol and conduct their activities in the territorial waters, maritime areas and airspace of Malaysia.

The Government of Malaysia therefore calls upon the Government of the Republic of Singapore to cease and refrain from any intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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



Putrajaya, 22 September 2010

High Commission of the Republic of Singapore
Kuala Lumpur

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.



EC 144/2010

The Ministry of Foreign Affairs Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by Singapore government aircraft, including but not limited to the following incidents:

- i. Between 1220 hrs to 1233 hrs on 1 July 2010 by Singapore government aircraft SQUAQWK Mode 3 0074;
- ii. Between 1233 hrs to 1241 hrs on 2 July 2010 by Singapore government aircraft SQUAQWK Mode 3 0047;
- iii. Between 0943 hrs to 1004 hrs on 5 July 2010 by Singapore government aircraft SQUAQWK Mode 3 4247, 4246 and 4241;
- iv. Between 1234 hrs to 1239 hrs on 5 July 2010 by Singapore government aircraft SQUAQWK Mode 3 0060;
- v. Between 1415 hrs to 1437 hrs on 5 July 2010 by Singapore government aircraft SQUAQWK Mode 3 0062;
- vi. Between 1543 hrs to 1554 hrs on 5 July 2010 by Singapore government aircraft SQUAQWK Mode 3 4353;
- vii. Between 1144 hrs to 1153 hrs on 6 July 2010 by Singapore government aircraft SQUAQWK 3 4241, 4243 and 4244;
- viii. Between 0911 hrs to 0956 hrs on 7 July 2010 by Singapore government aircraft SQUAQWK 3 4310;

- ix. Between 0910 hrs to 0958 hrs on 7 July 2010 by Singapore government aircraft SQUAQWK 3 4247;
- x. Between 1449 hrs to 1453 hrs on 7 July 2010 by Singapore government aircraft SQUAQWK 3 4636;
- xi. Between 1509 hrs to 1610 hrs on 7 July 2010 by Singapore government aircraft SQUAQWK 3 4677;
- xii. Between 1941 hrs to 2000 hrs on 7 July 2010 by Singapore government aircraft SQUAQWK 3 4363, 4364 and 4313;
- xiii. Between 1239 hrs to 1312 hrs on 8 July 2010 by Singapore government aircraft SQUAQWK 3 4652;
- xiv. Between 1541 hrs to 1632 hrs on 14 July 2010 by Singapore government aircraft SQUAQWK 3 0016;
- xv. Between 1545 hrs to 1637 hrs on 14 July 2010 by Singapore government aircraft SQUAQWK 3 4224 and 4350;
- xvi. Between 1430 hrs to 1437 hrs on 15 July 2010 by Singapore government aircraft SQUAQWK 3 0055;
- xvii. Between 1356 hrs to 1424 hrs on 20 July 2010 by Singapore government aircraft SQUAQWK 3 4225, 4303, 4333 and 4350;
- xviii. Between 1359 hrs to 1430 hrs on 20 July 2010 by Singapore government aircraft SQUAQWK 3 0057;
- xix. Between 1233 hrs to 1239 hrs on 21 July 2010 by Singapore government aircraft SQUAQWK 3 0043;

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- xx. Between 1239 hrs to 1312 hrs on 24 July 2010 by Singapore government aircraft SQUAQWK 3 4652;
 - xxi. Between 0943 hrs to 1004 hrs on 26 July 2010 by Singapore government aircraft SQUAQWK 3 4247, 4246 and 4241;
 - xxii. Between 1234 hrs to 1259 hrs on 26 July 2010 by Singapore government aircraft SQUAQWK 3 0060;
 - xxiii. Between 1415 hrs to 1437 hrs on 26 July 2010 by Singapore government aircraft SQUAQWK 3 0062;
 - xxiv. Between 0907 hrs to 0936 hrs on 27 July 2010 by Singapore government aircraft SQUAQWK 3 4240, 4312, 4322 and 4335;
 - xxv. Between 0909 hrs to 0943 hrs on 27 July 2010 by Singapore government aircraft SQUAQWK 3 4217;
 - xxvi. Between 0913 hrs to 0956 hrs on 27 July 2010 by Singapore government aircraft SQUAQWK 3 4201;
 - xxvii. Between 1000 hrs to 1028 hrs on 27 July 2010 by Singapore government aircraft SQUAQWK 3 4251 and 4223;
 - xxviii. Between 1220 hrs to 1246 hrs on 27 July 2010 by Singapore government aircraft SQUAQWK 3 4222;
 - xxix. Between 1227 hrs to 1240 hrs on 27 July 2010 by Singapore government aircraft SQUAQWK 3 4207;
 - xxx. Between 1230 hrs to 1328 hrs on 27 July 2010 by Singapore government aircraft SQUAQWK 3 4653;

- xxxi. Between 1257 hrs to 1330 hrs on 27 July 2010 by Singapore government aircraft SQUAQWK 3 4342, 4356, 4346 and 4252; and
- xxxii. Between 1539 hrs to 1749 hrs on 27 July 2010 by Singapore government aircraft SQUAQWK 3 4611.

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of the Republic of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia further wishes to reiterate its categorical rejection of Singapore's designation of Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet within Malaysia's airspace, over its territory and waters off the coast of the State of Johor, without the prior consent of the Government of Malaysia. The designation by the Republic of Singapore of the said airspace as a Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944, and is in fact an abuse of Singapore's administrative powers as the Flight Information Region authority. This act by the Government of the Republic of Singapore is therefore inconsistent with the principles adopted in Singapore's own published Aeronautical Information Publication and also goes against the principles of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia further reaffirms its categorical objection and rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944. This act by Singapore again goes against the spirit of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of the Republic of Singapore to withdraw the designation of Restricted Area WSR 31 and issuance of NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of the Republic of Singapore to refrain from designating any Restricted Areas which encroach into Malaysian airspace and from further issuing any NOTAMs which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime areas.

Due to the proximity of Tubir Selatan/South Ledge to the mainland of Johor and Batuan Tengah/Middle Rocks, it is clear that Tubir Selatan/South Ledge is 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. As such, the Government of Malaysia wishes to remind the Government of the Republic of Singapore that the airspace above Tubir Selatan/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 Batuan Tengah/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*".

The Government of Malaysia wishes to also remind the Government of the Republic of Singapore that the airspace over the waters around Batu Puteh, 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.

The Government of Malaysia further reiterates that any and all activities undertaken by Malaysia in its territory, including activities pertaining to and surrounding the abovementioned airspace and its maritime areas are legitimate exercises of its sovereignty and jurisdiction. As such, Malaysian government vessels and aircraft have and will continue to patrol and conduct their activities in the territorial waters, maritime areas and airspace of Malaysia.

The Government of Malaysia therefore calls upon the Government of the Republic of Singapore to cease and refrain from any intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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



Putrajaya, 22 September 2010

High Commission of the Republic of Singapore
Kuala Lumpur

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.



EC 145/2010

The Ministry of Foreign Affairs Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by Singapore government aircraft, including but not limited to the following incidents:

- i. Between 1439 hrs to 1609 hrs on 3 August 2010 by Singapore government aircraft SQUAQWK Mode 3 0011;
- ii. Between 1946 hrs to 1948 hrs on 3 August 2010 by Singapore government aircraft SQUAQWK Mode 3 0037;
- iii. Between 0901 hrs to 0911 hrs on 5 August 2010 by Singapore government aircraft SQUAQWK Mode 3 4603;
- iv. Between 1638 hrs to 1802 hrs on 16 August 2010 by Singapore government aircraft SQUAQWK Mode 3 4617;
- v. Between 1708 hrs to 1808 hrs on 16 August 2010 by Singapore government aircraft SQUAQWK Mode 3 0067;
- vi. Between 0926 hrs to 1032 hrs on 23 August 2010 by Singapore government aircraft SQUAQWK Mode 3 4640;
- vii. Between 1230 hrs to 1247 hrs on 26 August 2010 by Singapore government aircraft SQUAQWK Mode 3 0030;

- viii. Between 1037 hrs to 1043 hrs on 27 August 2010 by Singapore government aircraft SQUAQWK Mode 3 0052;
- ix. Between 1353 hrs to 1438 hrs on 27 August 2010 by Singapore government aircraft SQUAQWK Mode 3 4354 and 4223;
- x. Between 0934 hrs to 0939 hrs on 28 August 2010 by Singapore government aircraft SQUAQWK Mode 3 4623;
- xi. Between 0940 hrs to 1137 hrs on 28 August 2010 by Singapore government aircraft SQUAQWK Mode 3 0060; and
- xii. Between 1036 hrs to 1114 hrs on 31 August 2010 by Singapore government aircraft SQUAQWK Mode 3 4643.

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of the Republic of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia further wishes to reiterate its categorical rejection of Singapore's designation of Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet within Malaysia's airspace, over its territory and waters off the coast of the State of Johor, without the prior consent of the Government of Malaysia. The designation by the Republic of Singapore of the said airspace as a Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944, and is in fact an abuse of Singapore's administrative powers as the Flight Information Region authority. This act by the Government of the Republic of Singapore is therefore inconsistent with the principles adopted in Singapore's own published Aeronautical Information Publication and also goes against the principles of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia further reaffirms its categorical objection and rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from

0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944. This act by Singapore again goes against the spirit of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of the Republic of Singapore to withdraw the designation of Restricted Area WSR 31 and issuance of NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of the Republic of Singapore to refrain from designating any Restricted Areas which encroach into Malaysian airspace and from further issuing any NOTAMs which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime areas.

Due to the proximity of Tubir Selatan/South Ledge to the mainland of Johor and Batuan Tengah/Middle Rocks, it is clear that Tubir Selatan/South Ledge is 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. As such, the Government of Malaysia wishes to remind the Government of the Republic of Singapore that the airspace above Tubir Selatan/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 Batuan Tengah/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*".

The Government of Malaysia wishes to also remind the Government of the Republic of Singapore that the airspace over the waters around Batu Puteh, 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.

The Government of Malaysia further reiterates that any and all activities undertaken by Malaysia in its territory, including activities pertaining to and surrounding the abovementioned airspace and its maritime areas are legitimate exercises of its sovereignty and jurisdiction. As such, Malaysian government vessels and aircraft have and will continue to patrol and conduct their activities in the territorial waters, maritime areas and airspace of Malaysia.

The Government of Malaysia therefore calls upon the Government of the Republic of Singapore to cease and refrain from any intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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

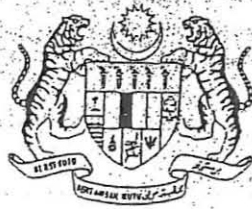


Putrajaya, 22 September 2010

High Commission of the Republic of Singapore
Kuala Lumpur

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.



EC 169/ 2010

The Ministry of Foreign Affairs Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by Singapore government aircraft, including but not limited to the following incidents:

- i. Between 1350 hrs to 1547 hrs on 3 September 2010 by Singapore government aircraft SQUAQWK Mode 3 4660;
- ii. Between 0924 hrs to 0940 hrs on 7 September 2010 by Singapore government aircraft SQUAQWK Mode 3 4617;
- iii. Between 1112 hrs to 1215 hrs on 20 September 2010 by Singapore government aircraft SQUAQWK Mode 3 4664;
- iv. Between 1429 hrs to 1559 hrs on 22 September 2010 by Singapore government aircraft SQUAQWK Mode 3 0044;
- v. Between 1030 hrs to 1100 hrs on 23 September 2010 by Singapore government aircraft SQUAQWK Mode 3 4612;
- vi. Between 1110 hrs to 1113 hrs on 23 September 2010 by Singapore government aircraft SQUAQWK Mode 3 0012; and
- vii. Between 0951 hrs to 0958 hrs on 27 September 2010 by Singapore government aircraft SQUAQWK Mode 3 4612.

Due to the proximity of Tubir Selatan/South Ledge to the mainland of Johor and Batuan Tengah/Middle Rocks, it is clear that Tubir Selatan/South Ledge is 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. As such, the Government of Malaysia wishes to remind the Government of the Republic of Singapore that the airspace above Tubir Selatan/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 Batuan Tengah/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*".

The Government of Malaysia wishes to also remind the Government of the Republic of Singapore that the airspace over the waters around Batu Puteh, 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.

The Government of Malaysia further reiterates that any and all activities undertaken by Malaysia in its territory, including activities pertaining to and surrounding the abovementioned airspace and its maritime areas are legitimate exercises of its sovereignty and jurisdiction. As such, Malaysian government vessels and aircraft have and will continue to patrol and conduct their activities in the territorial waters, maritime areas and airspace of Malaysia.

The Government of Malaysia therefore calls upon the Government of the Republic of Singapore to cease and refrain from any intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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

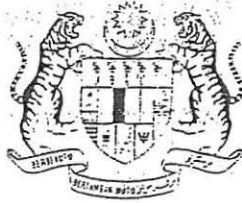


Putrajaya, 1 November 2010

High Commission of the Republic of Singapore
Kuala Lumpur

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.



EC 177/ 2010

The Ministry of Foreign Affairs Malaysia presents its compliments to the High Commission of the Republic of Singapore and strongly protests the violation of Malaysia's airspace over its territory and waters off the coast of the State of Johor by Singapore government aircraft, including but not limited to the following incidents:

- i. Between 0922 hrs to 0959 hrs on 1 March 2010 by Singapore government aircraft SQUAQWK Mode 3/A 4256;
- ii. Between 1209 hrs to 1235 hrs on 1 March 2010 by Singapore government aircraft SQUAQWK 3/A 4275;
- iii. Between 1211 hrs to 1237 hrs on 1 March 2010 by Singapore government aircraft SQUAQWK 3/A 4265;
- iv. Between 1028 hrs to 1045 hrs on 4 March 2010 by Singapore government aircraft SQUAQWK 3/A 4271;
- v. Between 0851 hrs to 0920 hrs on 5 March 2010 by Singapore government aircraft SQUAQWK 3/A 0073;
- vi. Between 1112 hrs to 1450 hrs on 10 March 2010 by Singapore government aircraft SQUAQWK 3/A 4625;
- vii. Between 1408 hrs to 1433 hrs on 10 March 2010 by Singapore government aircraft SQUAQWK 3/A 4636; and

viii. Between 1407 hrs to 1421 hrs on 17 March 2010 by Singapore government aircraft SQUAQWK 3/A 0045.

In view of the above, the Government of Malaysia reiterates its strong objection to the presence of aircraft belonging to the Government of the Republic of Singapore in Malaysia's airspace off the coast of the State of Johor.

The Government of Malaysia further wishes to reiterate its categorical rejection of Singapore's designation of Restricted Area WSR 31 from an altitude of 3,500 feet to 10,000 feet within Malaysia's airspace, over its territory and waters off the coast of the State of Johor, without the prior consent of the Government of Malaysia. The designation by the Republic of Singapore of the said airspace as a Restricted Area without the prior consent of the Government of Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944, and is in fact an abuse of Singapore's administrative powers as the Flight Information Region authority. This act by the Government of the Republic of Singapore is therefore inconsistent with the principles adopted in Singapore's own published Aeronautical Information Publication and also goes against the principles of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia further reaffirms its categorical objection and rejection of Singapore's continuous issuance of Notice to Airmen (NOTAM) from 0700 hrs to 1900 hrs daily which covers a radius of 3 nautical miles around Batu Puteh and up to an altitude of 2,000 feet which encroaches into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime area. The issuance of the said NOTAM without prior consent from Malaysia is inconsistent with international law, in particular the Convention on International Civil Aviation (Chicago Convention) 1944. This act by Singapore again goes against the spirit of good neighbourliness and that of ASEAN solidarity and understanding.

The Government of Malaysia calls upon the Government of the Republic of Singapore to withdraw the designation of Restricted Area WSR 31 and issuance of NOTAM with immediate effect. The Government of Malaysia further calls upon the Government of the Republic of Singapore to refrain from designating any Restricted

Areas which encroach into Malaysian airspace and from further issuing any NOTAMS which encroach into Malaysian airspace above the Malaysian territory of Batuan Tengah/Middle Rocks and its maritime areas.

Due to the proximity of Tubir Selatan/South Ledge to the mainland of Johor and Batuan Tengah/Middle Rocks, it is clear that Tubir Selatan/South Ledge is 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. As such, the Government of Malaysia wishes to remind the Government of the Republic of Singapore that the airspace above Tubir Selatan/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 Batuan Tengah/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*".

The Government of Malaysia wishes to also remind the Government of the Republic of Singapore that the airspace over the waters around Batu Puteh, 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.

The Government of Malaysia further reiterates that any and all activities undertaken by Malaysia in its territory, including activities pertaining to and surrounding the abovementioned airspace and its maritime areas are legitimate exercises of its sovereignty and jurisdiction. As such, Malaysian government vessels and aircraft have and will continue to patrol and conduct their activities in the territorial waters, maritime areas and airspace of Malaysia.

The Government of Malaysia therefore calls upon the Government of the Republic of Singapore to cease and refrain from any intrusions into Malaysian territory, territorial waters and the airspace over its territory and waters.

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



Putrajaya, 18 November 2010

High Commission of the Republic of Singapore
Kuala Lumpur