

INTERNATIONAL COURT OF JUSTICE

**REQUEST FOR INTERPRETATION OF THE JUDGMENT OF 23 MAY 2008 IN THE CASE
CONCERNING *SOVEREIGNTY OVER PEDRA BRANCA/PULAU BATU PUTEH, MIDDLE
ROCKS AND SOUTH LEDGE (MALAYSIA/SINGAPORE)* (MALAYSIA V. SINGAPORE)**

**WRITTEN OBSERVATIONS OF
THE REPUBLIC OF SINGAPORE**

VOLUME 7

(Annexes 79 to 109)

30 OCTOBER 2017

This page is intentionally left blank.

LIST OF ANNEXES

(VOLUME 7)

Number	Description	Annexes Page No.
Annex 79	Diplomatic note from Singapore to Malaysia, MFA/SEA/00048/2011, dated 17 November 2011	A1417
Annex 80	Diplomatic note from Singapore to Malaysia, MFA/SEA/00056/2011, dated 29 December 2011	A1423
Annex 81	Diplomatic note from Malaysia to Singapore, EC 16/2012, dated 14 February 2012	A1429
Annex 82	Diplomatic note from Malaysia to Singapore, EC 17/2011, dated 14 February 2012	A1433
Annex 83	<i>Sixth Meeting of the Malaysia-Singapore Joint Technical Committee on the Implementation of the International Court of Justice Judgment on Pedra Branca, Middle Rocks and South Ledge, Kuala Lumpur, 22-23 February 2012, Record of Meeting</i>	A1437
Annex 84	Diplomatic note from Singapore to Malaysia, MFA/SEA/00030/2012, dated 27 April 2012	A1453
Annex 85	Diplomatic note from Singapore to Malaysia, MFA/SEA1/00019/2012, dated 24 August 2012	A1465
Annex 86	Diplomatic note from Singapore to Malaysia, MFA/SEA1/00022/2012, dated 11 September 2012	A1471
Annex 87	Diplomatic note from Singapore to Malaysia, MFA/SEA/00079/2013, dated 26 December 2013	A1477
Annex 88	Diplomatic note from Singapore to Malaysia, SHC 178/2013, dated 27 December 2013	A1483
Annex 89	Diplomatic note from Malaysia to Singapore, EC 6/2014, dated 27 January 2014	A1511
Annex 90	Diplomatic note from Malaysia to Singapore, EC 10/2014, dated 28 January 2014	A1515

Annex 91	Diplomatic note from Malaysia to Singapore, EC 12/2014, dated 29 January 2014	A1519
Annex 92	Diplomatic note from Malaysia to Singapore, EC 15/2014, dated 30 January 2014	A1523
Annex 93	Diplomatic note from Malaysia to Singapore, EC 16/2014, dated 4 February 2014	A1527
Annex 94	Diplomatic note from Malaysia to Singapore, EC 19/2014, dated 5 February 2014	A1531
Annex 95	Diplomatic note from Malaysia to Singapore, EC 21/2014, dated 6 February 2014	A1535
Annex 96	Diplomatic note from Malaysia to Singapore, EC 23/2014, dated 7 February 2014	A1539
Annex 97	Diplomatic note from Malaysia to Singapore, EC 68/2014, dated 27 April 2014, but received by Singapore on 27 March 2014	A1543
Annex 98	Diplomatic note from Singapore to Malaysia, MFA/SEA1/00030/2014, dated 8 April 2014	A1549
Annex 99	Diplomatic note from Singapore to Malaysia, MFA/SEA1/00034/2014, dated 7 May 2014	A1555
Annex 100	Diplomatic note from Singapore to Malaysia, MFA/SEA1/00091/2014, dated 28 November 2014	A1583
Annex 101	Diplomatic note from Singapore to Malaysia, MFA/SEA1/00093/2014, dated 2 December 2014	A1611
Annex 102	Diplomatic note from Singapore to Malaysia, MFA/SEA1/00043/2015, dated 16 December 2015	A1617
Annex 103	Diplomatic note from Singapore to Malaysia, MFA/SEA1/00022/2017, dated 25 May 2017	A1645
Annex 104	Diplomatic note from Singapore to Malaysia, MFA/SEA1/00023/2017, dated 31 May 2017	A1651
Annex 105	Letter from Malaysia to the Registrar of the International Court of Justice, dated 6 June 2017	A1657

Annex 106	Press statement by the Maritime and Port Authority of Singapore, “Collision of US Guided-missile destroyer JOHN MCCAIN and TANKER ALNIC MC in Singapore Waters”, dated 21 August 2017	A1661
Annex 107	Screen captures of Twitter posts by and profile of Malaysia’s Chief of Navy, with enlargements of the maritime chart in the Twitter posts, and English translations by Singapore	A1665
Annex 108	Screen capture of Malaysia’s Chief of Navy’s profile on the official website of the Malaysian Armed Forces Headquarters	A1677
Annex 109	Report dated 21 August 2017 by <i>The Telegraph</i> , “‘That’s too bad’: Donald Trump criticised for response to news ten sailors missing, five injured after US warship collides with oil tanker near Singapore”	A1681

This page is intentionally left blank.

Annex 79

Diplomatic note from Singapore to Malaysia, MFA/SEA/00048/2011,
dated 17 November 2011



MFA/SEA/00048/2011

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.

Following the ICJ Judgment, the governments of both countries established a Joint Technical Committee on the Implementation of the ICJ Judgment on Pedra Branca, Middle Rocks and South Ledge for the purpose of fully implementing the ICJ Judgment in the spirit of good relations and cooperation.

The Singapore Government therefore notes with regret that Malaysia has been acting in disregard of the ICJ Judgment by unilaterally sending Royal Malaysian Air Force ("RMAF") B-200T aircraft to fly over and around South Ledge. We refer to the following dates and incidents:

- i. On 8 July 2011 at 0848 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflew South Ledge.
- ii. On 16 July 2011 at 0858 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflew South Ledge.

iii. On 21 July 2011 at 0926 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflowed South Ledge.

iv. On 24 July 2011 at 1023 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft came within 0.2 nm of South Ledge.

v. On 5 August 2011 at 0824 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflowed South Ledge.

vi. On 11 August 2011 at 1553 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft came within 0.3 nm of South Ledge.

vii. On 18 August 2011 at 0922 hrs and 0926 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflowed South Ledge twice.

The Singapore Government protests Malaysia's unilateral actions in the airspace over and around 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 in respect of South Ledge are not helpful in reaching a peaceful and amicable resolution of the issues relating to the ICJ Judgment.

The Singapore Government seeks the cooperation of the Malaysia Government to ensure the immediate cessation of its current activities in the airspace over and around 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

17 November 2011



High Commission of Malaysia
Singapore

This page is intentionally left blank.

Annex 80

Diplomatic note from Singapore to Malaysia, MFA/SEA/00056/2011,
dated 29 December 2011



MFA/SEA/00056/2011

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.

Following the ICJ Judgment, the governments of both countries established a Joint Technical Committee on the Implementation of the ICJ Judgment on Pedra Branca, Middle Rocks and South Ledge for the purpose of fully implementing the ICJ Judgment in the spirit of good relations and cooperation.

The Singapore Government therefore notes with regret that Malaysia has been acting in disregard of the ICJ Judgment by unilaterally sending Royal Malaysian Air Force ("RMAF") B-200T aircraft to fly over and around South Ledge. We refer to the following dates and incidents:

- i. On 8 September 2011 at 1433 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft came within 0.3 nm of South Ledge.

ii. On 15 September 2011 at 0930 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft came within 0.5 nm of South Ledge.

iii. On 11 October 2011 at 1625 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflew South Ledge.

iv. On 20 October 2011 at 1034 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 900 feet. The aircraft came within 0.1 nm of South Ledge.

The Singapore Government protests Malaysia's unilateral actions in the airspace over and around 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 in respect of South Ledge are not helpful in reaching a peaceful and amicable resolution of the issues relating to the ICJ Judgment.

The Singapore Government seeks the cooperation of the Malaysia Government to ensure the immediate cessation of its current activities over and around 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 ICJ Judgment, 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

29 December 2011

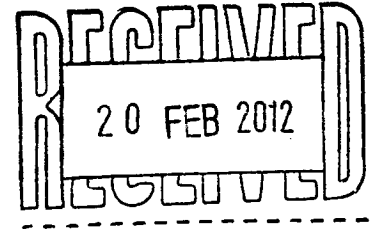
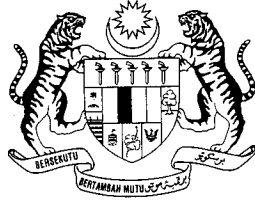
High Commission of Malaysia
Singapore



This page is intentionally left blank.

Annex 81

Diplomatic note from Malaysia to Singapore, EC 16/2012, dated
14 February 2012



EC 16 / 2012

The Ministry of Foreign Affairs of Malaysia presents its compliments to the High Commission of the Republic of Singapore in Kuala Lumpur and with reference to the Note Verbale MFA/SEA/00056/2011 dated 29 December 2011 of the Ministry of Foreign Affairs of the Republic of Singapore, the Government of Malaysia has the honour to reiterate its position that its activities near and over South Ledge are not inconsistent with the Judgment of the International Court of Justice of 23 May 2008 which had ruled that *“sovereignty over South Ledge belongs to the State in the territorial waters of which it is located”*.

As South Ledge is located only 1.7 nautical miles from Middle Rocks, in comparison to the distance of 2.2 nautical miles between South Ledge and Pedra Branca, it is therefore an undeniable geographical fact that South Ledge lies within the territorial waters of Middle Rocks which belongs to Malaysia.

The Government of Malaysia further reiterates that all and any 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 further reiterates that its activities near and over South Ledge will not preclude both countries from undertaking maritime boundary delimitation in respect of the area around the abovementioned features as agreed by the Malaysia-Singapore Joint Technical Committee on the Implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge.

The Ministry of Foreign Affairs of 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.

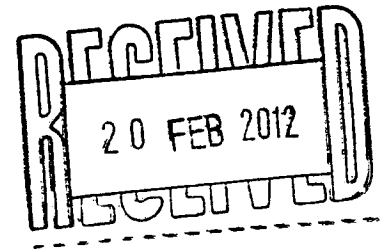
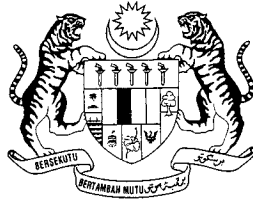


Putrajaya, 14 February 2012

**High Commission of the Republic of Singapore
Kuala Lumpur**

Annex 82

Diplomatic note from Malaysia to Singapore, EC 17/2011, dated
14 February 2012



EC 17 / 2011

The Ministry of Foreign Affairs of Malaysia presents its compliments to the High Commission of the Republic of Singapore in Kuala Lumpur and with reference to the Note Verbale MFA/SEA/00048/2011 dated 17 November 2011 of the Ministry of Foreign Affairs of the Republic of Singapore, the Government of Malaysia has the honour to reiterate its position that its activities near and over South Ledge are not inconsistent with the Judgment of the International Court of Justice of 23 May 2008 which had ruled that *"sovereignty over South Ledge belongs to the State in the territorial waters of which it is located"*.

As South Ledge is located only 1.7 nautical miles from Middle Rocks, in comparison to the distance of 2.2 nautical miles between South Ledge and Pedra Branca, it is therefore an undeniable geographical fact that South Ledge lies within the territorial waters of Middle Rocks which belongs to Malaysia.

The Government of Malaysia further reiterates that all and any 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 further reiterates that its activities near and over South Ledge will not preclude both countries from undertaking maritime boundary delimitation in respect of the area around the abovementioned features as agreed by the Malaysia-Singapore Joint Technical Committee on the Implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge.

The Ministry of Foreign Affairs of 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, 14 February 2012

High Commission of the Republic of Singapore
Kuala Lumpur

Annex 83

*Sixth Meeting of the Malaysia-Singapore Joint Technical Committee
on the Implementation of the International Court of Justice Judgment
on Pedra Branca, Middle Rocks and South Ledge, Kuala Lumpur, 22-
23 February 2012, Record of Meeting*

**SIXTH MEETING OF THE MALAYSIA-SINGAPORE
JOINT TECHNICAL COMMITTEE ON THE
IMPLEMENTATION OF THE INTERNATIONAL COURT OF
JUSTICE JUDGMENT ON PEDRA BRANCA, MIDDLE ROCKS
AND SOUTH LEDGE**

KUALA LUMPUR

22-23 FEBRUARY 2012

Record of Meeting

The Sixth Meeting of the Malaysia-Singapore Joint Technical Committee (MSJTC) on the Implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge was co-chaired by HE Tan Sri Mohd Radzi bin Abdul Rahman, Secretary-General, Ministry of Foreign Affairs, Malaysia and HE Mr Bilahari Kausikan, Permanent Secretary, Ministry of Foreign Affairs, Republic of Singapore.

2. The list of the Malaysian Delegation is attached as ANNEX A. The list of the Singapore Delegation is attached as ANNEX B. The Agenda of the Meeting is attached as ANNEX C.

3. The Meeting continued discussions on related issues arising from the International Court of Justice (ICJ) Judgment on the Case Concerning Sovereignty over Pedra Branca, Middle Rocks and South Ledge.

4. The Meeting was briefed on the outcome of the Fourteenth Meeting of the Sub-Committee on the Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge that was held in Singapore on 20 July 2011. The Meeting was informed by the Sub-Committee that the Joint Survey Works in and around Pedra Branca and Middle Rocks had been completed on 31 May 2011. The Meeting endorsed the Report of Survey and took note of the Summary of Work by the Sub-Committee. The Meeting commended the Sub-Committee on the successful completion of the Joint Survey Works in and around Pedra Branca and Middle Rocks. With the completion of the work of the Sub-Committee in accordance with its Terms of Reference, the Meeting agreed to the dissolution of the Sub-Committee on Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge.

5. Due to time constraints, the Sub-Committee on Maritime and Airspace Management and Fisheries was unable to complete its discussions on the drafting of its Records of Discussion. The Meeting agreed for the Sub-Committee on Maritime and Airspace Management and Fisheries to defer the consideration of its Records of Discussion. The Records of Discussion of the Sub-Committee on Maritime and Airspace Management and Fisheries will be finalised and communicated by both sides through diplomatic channels.

6. Subject to the concurrence of their respective governments, the Meeting agreed to establish a new Sub-Committee to discuss maritime boundary delimitation between Pedra Branca and Middle Rocks taking into account the completion of the Joint Survey Works in and around Pedra Branca and Middle Rocks.

7. The Joint Press Statement of the Meeting, which will be issued at an agreed date, is attached as **ANNEX D**.

8. The Meeting agreed that the Seventh Meeting of the Malaysia-Singapore Joint Technical Committee (MSJTC) on the Implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge will be held in September 2012. The exact date and venue of the Seventh Meeting of the MSJTC will be communicated through diplomatic channels.

.

**SIXTH MEETING OF THE MALAYSIA-SINGAPORE
JOINT TECHNICAL COMMITTEE ON THE
IMPLEMENTATION OF THE INTERNATIONAL COURT OF
JUSTICE JUDGMENT ON PEDRA BRANCA, MIDDLE ROCKS
AND SOUTH LEDGE**

KUALA LUMPUR

22-23 FEBRUARY 2012

Malaysian Delegation

Ministry of Foreign Affairs, Malaysia

1. **HE Tan Sri Mohd Radzi Bin Abdul Rahman** – Leader of
Delegation/Co-Chairman
Secretary-General
Ministry of Foreign Affairs of Malaysia
2. **HE Dato' Husni Zai Yaacob**
Deputy Secretary-General Bilateral
Ministry of Foreign Affairs of Malaysia
3. **HE Dato' Zulkifli Adnan**
Director-General
Department of Maritime Affairs
4. **Mr Amran Mohd Zin**
Undersecretary
Southeast Asia Division
5. **Dr Azfar Mohamad Mustafar**
Deputy Director-General
Department of Maritime Affairs
6. **Mr Shaharuddin Onn**

Principal Assistant Director
Department of Maritime Affairs

7. **Ms Nor'airin Abd Rashid**

Assistant Director
Department of Maritime Affairs

8. **Mr Ahmad Syazril Suhaimi**

Assistant Secretary
Division of Southeast Asia

Department of Survey and Mapping, Malaysia

9. **Datuk Prof Sr Dr Abdul Kadir Taib**

Director-General of Survey and Mapping, Malaysia

10. **Dato' Sr Mohd Noor Isa**

Director of Survey (Mapping Division)

11. **Mr Sr Tan Ah Bah**

Director of Survey (Boundary Affairs)

12. **Mr Sr Haji Zulkifli Sidek**

Principal Assistant Director

13. **Mr Zakaria Abdullah**

Assistant Director

National Security Council, Prime Minister's Department

14. **Datuk Mohamed Thajudeen Abdul Wahab**

Secretary

15. **Mr Mohd Helmy Ahmad**

Principal Assistant Secretary

16. **Ms Roslinawati Abd Rahman**

Assistant Secretary

17. **Ms Nurashikin Ahmad**

Assistant Secretary

Prime Minister's Department

18. **Mr Mohd Yusoff Pardi**
Director
19. **Mr Ahmad 'Afifi Hussain**
Principal Assistant Director

National Hydrography Centre

20. **First Admiral Dato' Pahlawan Zaaim Hasan**
Director-General

Attorney-General's Chambers

21. **First Admiral Dato' Fadzilah Mohd Salleh**
Research Officer
22. **Mr Alfian Yang Amri**
Special Task Force
International Affairs Division
23. **Ms Suraya Harun**
Senior Federal Counsel
24. **Ms Nur Fauzah Mokhtar**
Senior Federal Counsel

Royal Malaysian Air Force

25. **Brig Jen Dato' Affendi Buang**
Director General (Operation and Exercise)
26. **Major Mohamad Daud Sulaiman**
Staff Officer (Legal)

Ministry of Defence

27. **Brig Jen Dato' Affendi Buang**
Director General
Air Operation Headquarters
28. **Major General Dato' Abu Bakar Md. Said**

Chief of Staff

Joint Forces Headquarters

29. **Col Roshaimi Zakaria RMAF**
Principal Assistant Secretary
Policy and Strategic Planning Division
30. **Cdr Shaiful Nizam Abdul Manan**
Staff Officer (Legal)
Royal Malaysian Navy
31. **Ms Nurul Ellda Baharudin**
Principal Assistant Secretary
Policy and Strategic Planning Division

Office of the Johor State Secretary

32. **Dr Hj Badrul Hisham Kassim**
Deputy Director
33. **Mr Mohamed Ridha Dato' Hj Abd Kadir**
Principal Assistant Director

Malaysia Maritime Enforcement Agency

34. **Rear Admiral Dato' Ahmad Puzi Ab. Kahar**
Deputy Director-General (Operation)
35. **First Admiral Zulkifli Abu Bakar**
Director of MCID
36. **Mr Mohd Rosli Abdullah**
Senior Assistant Director

Department of Marine Malaysia

37. **Haji Baharin Dato' Abdul Hamid**
Deputy Director General
38. **Haji Rossid Musa**
Director of Safety Division

Department of Fisheries

39. Mr Abdullah Jaafar

Head of Marine Resource Management Unit

Ministry of Natural Resources and Environment

40. Mr Nordin Hamzah

Principal Assistant Secretary (Survey)

Department of Civil Aviation

41. Haji Ahmad Nizar Zolfakar

Director of Air Traffic

**SIXTH MEETING OF THE MALAYSIA-SINGAPORE
JOINT TECHNICAL COMMITTEE ON THE
IMPLEMENTATION OF THE INTERNATIONAL COURT OF
JUSTICE JUDGMENT ON PEDRA BRANCA, MIDDLE ROCKS
AND SOUTH LEDGE**

KUALA LUMPUR

22-23 FEBRUARY 2012

Singapore Delegation

1. **Mr Bilahari Kausikan – Leader of Delegation/Co-Chairman**
Permanent Secretary
Ministry of Foreign Affairs

2. **Mr. Kevin Cheok**
Second Director
Southeast Asia Directorate
Ministry of Foreign Affairs

3. **Ms Sheryl Shum**
Acting Deputy Director
Southeast Asia Directorate
Ministry of Foreign Affairs

4. **Mr Pan Jingxuan**
Country Officer
Southeast Asia Directorate
Ministry of Foreign Affairs

5. **Mr Tan Tah Jiun**

Country Officer
Southeast Asia Directorate
Ministry of Foreign Affairs

6. **Mr Harris Rusdi Chai**
Second Secretary (KL Mission)
Ministry of Foreign Affairs

7. **Mr Daren Tang**
Senior State Counsel
International Affairs Division
Attorney-General's Chambers

8. **Mr Marcus Song**
Deputy Senior State Counsel
International Affairs Division
Attorney-General's Chambers

9. **Mr Alex Quek**
Acting Manager
International Affairs Division
Attorney-General's Chambers

10. **Dr Parry Oei**
Chief Hydrographer
Maritime and Port Authority of Singapore

11. **Mr Jamie Chen**
Deputy Chief Hydrographer
Maritime and Port Authority of Singapore

12. **Mr Soh Kheng Peng**
Chief Surveyor
Singapore Land Authority

13. **Mr Kuah Kong Beng**
Director
Air Traffic Services
Civil Aviation Authority of Singapore

14. **Ms Yap Chui Wah**
Senior Manager
Air Navigation Services Policy
Civil Aviation Authority of Singapore

15. **SLTC S Subash**
Branch Head
Republic of Singapore Air Force
Ministry of Defence

16. **LTC Douglas Goh**
Branch Head
Republic of Singapore Air Force
Ministry of Defence

17. **Ms Adeline Hong**
Policy Officer
Ministry of Defence

18. **Mr Lee Yuen Hee**
Deputy Secretary (International)
Ministry of Transport

19. **Mr Robbie Poo**

Assistant Director

Air Division

Ministry of Transport

.

**SIXTH MEETING OF THE MALAYSIA-SINGAPORE
JOINT TECHNICAL COMMITTEE ON THE
IMPLEMENTATION OF THE INTERNATIONAL COURT OF
JUSTICE JUDGMENT ON PEDRA BRANCA, MIDDLE ROCKS
AND SOUTH LEDGE**

KUALA LUMPUR

22-23 FEBRUARY 2012

AGENDA

1. Opening Remarks by:
 - a) Co-Chairman of Malaysia
 - b) Co-Chairman of Singapore

2. Confirmation of Agenda

3. Joint Survey

4. Maritime and Airspace Management

4. Other Matters

5. Date and Venue of Next Meeting

6. Closing Remarks
 - a) Co-Chairman of Singapore
 - b) Co-Chairman of Malaysia

.

DRAFT JOINT PRESS STATEMENT

**JOINT PRESS STATEMENT
BY H.E. DATO' SRI ANIFAH AMAN, MINISTER OF FOREIGN
AFFAIRS, MALAYSIA
AND H.E. K. SHANMUGAM, MINISTER FOR FOREIGN
AFFAIRS,
REPUBLIC OF SINGAPORE**

**SIXTH MEETING OF THE MALAYSIA-SINGAPORE
JOINT TECHNICAL COMMITTEE ON THE
IMPLEMENTATION OF THE INTERNATIONAL COURT OF
JUSTICE JUDGMENT ON PEDRA BRANCA, MIDDLE ROCKS
AND SOUTH LEDGE**

KUALA LUMPUR

22-23 FEBRUARY 2012

Malaysia and Singapore met on 22-23 February 2012 in Kuala Lumpur to further discuss the implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge. The Malaysian delegation was led by Tan Sri Mohd Radzi Abdul Rahman, Secretary-General of the Ministry of Foreign Affairs, Malaysia and the Singapore delegation was led by Mr Bilahari Kausikan, Permanent Secretary of the Ministry of Foreign Affairs, Singapore.

The Meeting continued discussions on related issues arising from the International Court of Justice (ICJ) Judgment on the Case Concerning Sovereignty over Pedra Branca, Middle Rocks and South Ledge.

The Meeting endorsed the Report of Survey of the Joint Hydrographic Survey in and around Pedra Branca and Middle Rocks and took note of the Summary of Work by the Sub-Committee of the Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge. The Meeting commended the Sub-Committee on the successful completion of the Joint Survey Works. With the completion of the work of the Sub-Committee in accordance with its Terms of Reference, the Meeting agreed to the dissolution of the Sub-Committee on the Joint

Survey Works in and around Pedra Branca, Middle Rocks and South Ledge.

The Meeting agreed that the Seventh Meeting of the Malaysia-Singapore Joint Technical Committee (MSJTC) on the Implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge will be held in September 2012.

.

**MINISTRY OF FOREIGN AFFAIRS, MALAYSIA
MINISTRY OF FOREIGN AFFAIRS, REPUBLIC OF
SINGAPORE**

24 FEBRUARY 2012

Annex 84

Diplomatic note from Singapore to Malaysia, MFA/SEA/00030/2012,
dated 27 April 2012



MFA/SEA/00030/2012

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 Notes from the Ministry of Foreign Affairs of Malaysia Reference EC 88/2010 to EC 93/2010 dated 15 June 2010, EC 141/2010 to EC 145/2010 dated 22 September 2010, EC 169/2010 dated 1 November 2010, EC 177/2010 dated 18 November 2010, EC 193/2010 dated 8 December 2010, EC 99/2011 dated 29 June 2011, EC 105/2011 and EC 106/2011 both dated 7 July 2011, EC 115/2011 dated 4 Aug 2011, and EC 14/2012 and EC 15/2012, both dated 14 February 2012.

The Government of Singapore categorically rejects Malaysia's allegations in the aforementioned Notes of violations of Malaysian airspace over its territory and waters off the coast of the State of Johor by Singapore Government aircraft in the period September 2009 to November 2011. Based on the Singapore Government's records, there was no violation of Malaysia's airspace by any Singapore Government aircraft in this period. In particular, the flights listed in the 20 Notes include (a) flights by other foreign government aircraft or civilian aircraft instead of Singapore Government aircraft; (b) flights by Singapore Government aircraft which either took place wholly within Singapore airspace or were exercising the right of transit passage in the Singapore Strait; or (c) flights which could not be matched to any actual flights in the Singapore Government's records. [A

list of examples of Malaysia's unfounded allegations is at the Annex.] The Government of Singapore therefore requests that the Government of Malaysia clarify the allegations.

The Government of Singapore notes with regret that the Government of Malaysia has continued to repeat its earlier allegations regarding Singapore's Restricted Area WSR31 and Singapore's issuance of Notice to Airmen (NOTAM) in the area around Pedra Branca without addressing the former's response in Note Reference MFA/SEA/00044/2008 dated 9 December 2008. As explained in Note MFA/SEA/00044/2008, the issuance of the said NOTAM and Singapore's actions in relation to Restricted Area WSR31 are in accordance with Singapore's Flight Information Region (FIR) authority over Pedra Branca, Middle Rocks and South Ledge as allocated by the International Civil Aviation Organisation and are consistent with international law. However, in the spirit of cooperation that has characterised the Malaysia-Singapore Joint Technical Committee (MSJTC), the Government of Singapore has proposed that the contents of the NOTAM be transferred into the Singapore Aeronautical Information Publication. The Government of Singapore is studying the alternative text proposed by Malaysia via Note Reference EC 23/2012 dated 15 February 2012, and will reply separately in due course.

The Government of Singapore further rejects the claim of the Government of Malaysia that sovereignty over South Ledge belongs to Malaysia. In its Judgment of 23 May 2008, the International Court of Justice (ICJ) ruled that sovereignty over South Ledge belongs to the State in the territorial waters of which it is located. The Government of Singapore

reiterates that the status of South Ledge can only be determined through the process of maritime boundary delimitation between our two countries.

The Government of Singapore strongly rejects the assertion by the Government of Malaysia that the waters around Pedra Branca are territorial waters of Malaysia, as well as the assertion that the airspace over the waters around Pedra Branca is part of Malaysia's airspace. The Government of Singapore reiterates that such assertions are completely baseless. In its Judgment of 23rd May 2008, the ICJ had affirmed "that sovereignty over Pedra Branca/Pulau Batu Puteh belongs to Singapore" and also spoke of the "territorial waters generated by Pedra Branca/Pulau Batu Puteh". It is incontrovertible that Singapore's sovereignty over Pedra Branca clearly extends to the waters and airspace in and around the island. Such statements by Malaysia are also incongruent with Malaysia's commitment "to honour and abide by the ICJ's Judgment" as stated in the Joint Press Statements issued by the Foreign Ministers of Singapore and Malaysia on 6 June and 20 August 2008.

The Government of Singapore reiterates that it is fully committed to the MSJTC as a suitable forum for discussing issues relating to Pedra Branca, Middle Rocks and South Ledge 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

27 April 2012

High Commission of Malaysia
Singapore



Examples of Malaysia's Unfounded Allegations

(A) Flights by Other Foreign Government Aircraft or Civil Aircraft

1 On 23 February 2010, between 1438 hrs to 1505 hrs, USAF aircraft squawking Mode 3/A 4355 and 4350 (Callsign: VIPER 21 and VIPER 22) were authorised under diplomatic clearance MDCN/DOR/UD/163,164/10 DT:2/9 to operate in Malaysian airspace.

2 On 1 March 2010, between 0922 to 0959 hrs, USAF aircraft squawking Mode 3/A 4256 (Callsign: VIPER 1) was authorised under diplomatic clearance MDCN/DOR/UD/169,170/10 DT:2/9 to operate in Malaysian airspace.

3 On 2 July 2010, between 1233 hrs to 1241 hrs, civil aircraft squawking Mode 3/A 0047 (Callsign: FDX 9093) operated in Malaysian airspace with commercial aviation rights.

4 On 27 July 2010, between 1000 hrs to 1028 hrs, USAF aircraft squawking Mode 3/A 4223 (Callsign RASTA 11) was authorised under diplomatic clearance MDCN/DOR/UD/819/10 DT:6/17 to operate in Malaysian airspace.

5 On 3 August 2010, between 1946 to 1948 hrs, civil aircraft squawking Mode 3/A 0037 (Callsign: KP005) operated in Malaysian airspace with commercial aviation rights.

6 On 5 September 2011, between 0836 to 0910 hrs, USAF aircraft squawking Mode 3/A 4221 (Callsign SLING11 and SLING12) either operated wholly within Singapore airspace or were exercising the right of transit passage in the Singapore Strait.

(B) Flights by Singapore Government aircraft which either took place wholly within Singapore airspace or were exercising the right of transit passage in the Singapore Strait

7 On 2 September 2009, between 0928 hrs to 1011 hrs, Singapore Government aircraft squawking Mode 3/A 4221 and 4222 either operated wholly within Singapore airspace or were exercising the right of transit passage in the Singapore Strait.

8 On 11 June 2010, between 0924 hrs to 0944 hrs, Singapore Government aircraft squawking Mode 3/A 4205 either operated wholly within Singapore airspace or were exercising the right of transit passage in the Singapore Strait.

9 On 27 August 2010, between 1353 hrs to 1438 hrs, Singapore Government aircraft squawking Mode 3/A 4354 and 4223 either operated wholly within Singapore airspace or were exercising the right of transit passage in the Singapore Strait.

10 On 27 September 2010, between 0951 hrs to 0958 hrs, Singapore Government aircraft squawking Mode 3/A 4612 either operated wholly within Singapore airspace or were exercising the right of transit passage in the Singapore Strait.

11 On 4 October 2010, between 0930 hrs to 0932 hrs, Singapore Government aircraft squawking Mode 3/A 4614 either operated wholly within Singapore airspace or were exercising the right of transit passage in the Singapore Strait.

12 On 1 February 2011, between 1501 to 1509 hrs, Singapore Government aircraft squawking Mode 3/A 4266 either operated wholly within Singapore airspace or were exercising the right of transit passage in the Singapore Strait.

13 On 18 April 2011, between 1410 to 1459 hrs, Singapore Government aircraft squawking Mode 3/A 0074 either operated wholly within Singapore airspace or were exercising the right of transit passage in the Singapore Strait.

14 On 12 May 2011, between 1415 to 1424 hrs, Singapore Government aircraft squawking Mode 3/A 0011 either operated wholly within Singapore airspace or were exercising the right of transit passage in the Singapore Strait.

15 On 21 June 2011, between 0913 to 1020 hrs, Singapore Government aircraft squawking Mode 3/A 4204 either operated wholly within Singapore airspace or were exercising the right of transit passage in the Singapore Strait.

16 On 18 July 2011, between 1145 to 1153 hrs, Singapore Government aircraft squawking Mode 3/A 0050 either operated wholly within Singapore airspace or were exercising the right of transit passage in the Singapore Strait.

17 On 14 October 2011, between 0755 to 0816 hrs, Singapore Government aircraft squawking Mode 3/A 4214 either operated wholly within Singapore airspace or were exercising the right of transit passage in the Singapore Strait.

18 On 22 November 2011, between 1719 to 1721 hrs, Singapore Government aircraft squawking Mode 3/A 0077 either operated wholly within Singapore airspace or were exercising the right of transit passage in the Singapore Strait.

(C) Flights that could not be matched to actual flights in the Singapore Government's records

19 On 4 March 2010, between 1028 hrs to 1045 hrs, there was no actual flight with aircraft squawking Mode 3/A 4271 operating in the vicinity of Malaysian airspace.

20 On 23 April 2010, between 0835 hrs to 0905 hrs, there was no actual flight with aircraft squawking Mode 3/A 4354 and 4355 operating in the vicinity of Malaysian airspace.

21 On 5 July 2010, between 1415 hrs to 1437 hrs, there was no actual flight with aircraft squawking Mode 3/A 0062 operating in the vicinity of Malaysian airspace.

22 On 17 August 2011, between 1557 hrs to 1654 hrs, there was no actual flight with aircraft squawking Mode 3/A 4231 operating in the vicinity of Malaysian airspace.

.

This page is intentionally left blank.

Annex 85

Diplomatic note from Singapore to Malaysia,
MFA/SEA1/00019/2012, dated 24 August 2012



MFA/SEA1/00019/2012

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.

Following the ICJ Judgment, the governments of both countries established a Joint Technical Committee on the Implementation of the ICJ Judgment on Pedra Branca, Middle Rocks and South Ledge for the purpose of fully implementing the ICJ Judgment in the spirit of good relations and cooperation.

The Singapore Government therefore notes with regret that Malaysia has been acting in disregard of the ICJ Judgment by unilaterally sending Royal Malaysian Air Force ("RMAF") B-200T aircraft to fly over and around South Ledge. We refer to the following dates and incidents:

- i. On 8 March 2012 at 1522 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflew South Ledge.

ii. On 14 March 2012 at 0933 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflowed South Ledge twice.

iii. On 15 March 2012 at 0919 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 500 feet. The aircraft overflowed South Ledge.

iv. On 26 March 2012 at 0727 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft came within 0.2 nm of South Ledge.

v. On 6 April 2012 at 1613 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 500 feet. The aircraft overflowed South Ledge.

vi. On 10 April 2012 at 0825 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 500 feet. The aircraft overflowed South Ledge twice.

vii. On 17 April 2012 at 1443 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft came within 0.1 nm of South Ledge.

viii. On 25 April 2012 at 0725 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft came within 0.1 nm of South Ledge.

The Singapore Government protests Malaysia's unilateral actions in the airspace over and around 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 in respect of South Ledge are not helpful in reaching a peaceful and amicable resolution of the issues relating to the ICJ Judgment.

The Singapore Government seeks the cooperation of the Malaysian Government to ensure the immediate cessation of its current activities over and around 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



24 August 2012
High Commission of Malaysia
Singapore

Annex 86

Diplomatic note from Singapore to Malaysia,
MFA/SEA1/00022/2012, dated 11 September 2012



MFA/SEA1/00022/2012

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.

Following the ICJ Judgment, the governments of both countries established a Joint Technical Committee on the Implementation of the ICJ Judgment on Pedra Branca, Middle Rocks and South Ledge for the purpose of fully implementing the ICJ Judgment in the spirit of good relations and cooperation.

The Singapore Government therefore notes with regret that Malaysia has been acting in disregard of the ICJ Judgment by unilaterally sending Royal Malaysian Air Force (RMAF) B-200T aircraft to fly over and around South Ledge. We refer to the following dates and incidents:

- i. On 10 May 2012 at 0822 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft came within 0.2 nm of South Ledge.

ii. On 24 May 2012 at 0930 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflew South Ledge.

iii. On 28 May 2012 at 0930 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflew South Ledge.

iv. On 6 June 2012 at 1010 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 400 feet. The aircraft came within 0.3 nm of South Ledge.

v. On 14 June 2012 at 1309 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 500 feet. The aircraft overflew South Ledge twice.

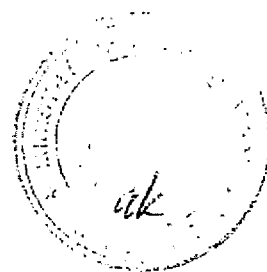
The Singapore Government protests Malaysia's unilateral actions in the airspace over and around South Ledge, which go against the spirit of the Malaysia-Singapore Joint Technical Committee and are inconsistent with the mutual agreement to honour and abide by the ICJ Judgment. Malaysia's actions in respect of South Ledge are not helpful in reaching a peaceful and amicable resolution of the issues relating to the ICJ Judgment.

The Singapore Government seeks the cooperation of the Malaysia Government to ensure the immediate cessation of its current activities over and around 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



11 September 2012
High Commission of Malaysia
Singapore

This page is intentionally left blank.

Annex 87

Diplomatic note from Singapore to Malaysia, MFA/SEA/00079/2013,
dated 26 December 2013



MFA/SEA/00079/2013

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.

Following the ICJ Judgment, the governments of both countries established a Joint Technical Committee on the Implementation of the ICJ Judgment on Pedra Branca, Middle Rocks and South Ledge for the purpose of fully implementing the ICJ in the spirit of good relations and cooperation.

The Singapore Government therefore notes with regret that Malaysia has been acting in disregard of the ICJ Judgment by unilaterally sending Royal Malaysian Air Force (RMAF) B-200T aircraft to fly over and around South Ledge. We refer to the following dates and incidents:

- i. On 7 June 2013 at 1654 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflew South Ledge twice.

- ii. On 13 June 2013 at 0838 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflew South Ledge.

- iii. On 28 June 2013 at 0841 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflew South Ledge twice.

The Singapore Government protests Malaysia's unilateral actions in the airspace over and around 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 in respect of South Ledge are not helpful in reaching a peaceful and amicable resolution of the issues relating to the ICJ Judgment.

The Singapore Government seeks the cooperation of the Malaysia Government to ensure the immediate cessation of its current activities over and around 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

26 December 2013



High Commission of Malaysia
Singapore

This page is intentionally left blank.

Annex 88

Diplomatic note from Singapore to Malaysia, SHC 178/2013, dated
27 December 2013



SHC 178/2013

The High Commission of the Republic of Singapore presents its compliments to the Ministry of Foreign Affairs of Malaysia, and has the honour to refer to the Seventh Meeting of the Malaysia-Singapore Joint Technical Committee (MSJTC) on the Implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge, which was held in Singapore from 28 to 29 November 2013.

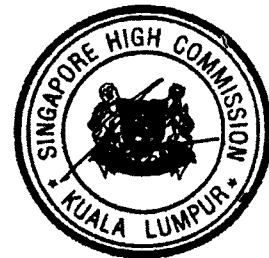
The High Commission further has the honour to recall that, at the close of the meeting, the MSJTC co-Chairs agreed that the Record of Meeting for the 7th MSJTC Meeting would be finalised through diplomatic channels. In accordance with this, the High Commission has the honour to enclose the draft Record of Meeting for the Ministry's consideration.

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

KUALA LUMPUR

27 December 2013

Ministry of Foreign Affairs of Malaysia
Putrajaya



enc.

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE
JOINT TECHNICAL COMMITTEE ON THE
IMPLEMENTATION OF THE INTERNATIONAL COURT OF
JUSTICE JUDGMENT ON
PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**28-29 NOVEMBER 2013
SINGAPORE**

Record of Meeting

The Seventh Meeting of the Malaysia-Singapore Joint Technical Committee (MSJTC) on the Implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge was co-chaired by H.E. Mr Chee Wee Kiong, Permanent Secretary, Ministry of Foreign Affairs, Republic of Singapore and H.E. Datuk Othman Hashim, Secretary-General, Ministry of Foreign Affairs, Malaysia.

2. The Singapore Delegation list is attached as **ANNEX A**. The Malaysian Delegation list is attached as **ANNEX B**. The Agenda of the Meeting is attached as **ANNEX C**.
3. The Meeting continued discussions on related issues arising from the ICJ Judgment on the Case Concerning Sovereignty over Pedra Branca, Middle Rocks and South Ledge.

Maritime boundary delimitation sub-committee

4. The Meeting confirmed that both sides have obtained the mandates from their respective Governments to proceed with maritime boundary delimitation and to establish a new sub-committee for this purpose.
5. Malaysia noted that the final delimitation of the maritime boundary between Pedra Branca and Middle Rocks would mean that there would be no grey areas in that part of the region, and both countries'

enforcement activities would not be overwhelmed by cases of intrusions into each other's territories. Singapore noted that the final agreement should work towards complete delimitation, leaving no grey area in the vicinity of Pedra Branca, Middle Rocks and South Ledge.

6. Singapore informed the Meeting that its co-chair for the new maritime boundary delimitation sub-committee would be Mr. Pang Khang Chau, Director-General, International Affairs Division, Attorney-General's Chambers. Malaysia informed the Meeting that its co-chair for the said sub-committee would be Dato' Zulkifli Adnan, Director-General, Maritime Affairs Division, Ministry of Foreign Affairs.

7. Both sides held informal discussions on the issue of the name of the new sub-committee. Singapore's view was that the new sub-committee should be named, 'the Sub-Committee on Maritime Boundary Delimitation in the area around Pedra Branca, Middle Rocks and South Ledge'. This would provide a link to the work of the earlier Sub-Committee on Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge, which had laid the groundwork for maritime boundary delimitation, and which name had been stated in the MSJTC's Joint Press Statements of 3 June 2008 and 23 February 2012. Singapore's proposed name for the new sub-committee would therefore provide continuity with the work of the previous Joint Survey Works Sub-Committee, and would also not confuse the public who would be familiar with its work and would expect the linkage between the old and new sub-committees to be maintained.

8. Malaysia's view was that the new sub-committee should be named, 'the Sub-Committee on Maritime Boundary Delimitation between Pedra Branca and Middle Rocks'. This would resemble the language used in paragraph 6 of the Record of Meeting for the 6th MSJTC Meeting held on 22 and 23 February 2012. Malaysia's view was that this was the formulation which both sides had agreed on for the name of the new sub-committee. Malaysia recalled that, at the restricted bilateral discussion between the two MSJTC co-chairs at the 6th MSJTC Meeting in February 2012, Singapore had stated that the ICJ Judgment should be

implemented in a step-by-step approach, with the delimitation of the area around Pedra Branca and Middle Rocks first carried out in order to determine the two features' respective territorial waters. Only through that manner would the status of South Ledge be determined. Malaysia's view was also that since the joint survey had been carried out in order to obtain the necessary hydrographic data for the area around Pedra Branca and Middle Rocks, which data was to be used for the delimitation, it was only logical that the scope of work of the new sub-committee should proceed based on the work of the joint survey.

9. Malaysia also proposed an alternative possibility for the name of the new sub-committee: 'the Sub-Committee on Maritime Boundary Delimitation on the Implementation of the ICJ Judgment on Sovereignty over Pedra Branca, Middle Rocks and South Ledge'. Malaysia explained that this proposal was in line with both sides' commitment to cooperate with each other to ensure the smooth implementation of the ICJ Judgment.

10. In response, Singapore pointed out that there had not been any agreement at the 6th MSJTC Meeting on the name of the new maritime boundary delimitation sub-committee. Paragraph 6 of the Record of Meeting for the 6th MSJTC Meeting, which Malaysia had referred to, was merely descriptive and did not record the formal name of the sub-committee. Singapore reiterated that there should be linkage between the Joint Survey Works sub-committee and the new sub-committee, especially having regard to the fact that previous joint press statements emanating from the MSJTC had referred very clearly to the full name of the Joint Survey Works sub-committee: 'the Sub-Committee on Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge'. It was for that reason that Singapore had proposed naming the new sub-committee, 'the Sub-Committee on Maritime Boundary Delimitation in the area around Pedra Branca, Middle Rocks and South Ledge'.

11. Singapore noted that apart from the issue of continuity, the terms of reference of the Joint Survey Works sub-committee had also specified that the purpose of that sub-committee had been to prepare for eventual talks on maritime issues in and around Pedra Branca, Middle Rocks and South Ledge. 'Maritime issues' in this context, as both sides were aware, referred to maritime delimitation. It was therefore clear that the entire object and purpose of the formation of the Sub-Committee on Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge was to prepare for maritime delimitation in and around Pedra Branca, Middle Rocks and South Ledge. On the issue of the implementation of the ICJ Judgment, which was one of the arguments that Malaysia had used during the informal discussions, Singapore pointed out that the ICJ Judgment had determined the ownership of Pedra Branca and Middle Rocks, and declared that South Ledge belongs to the country in whose territorial waters it was located. There had been no instruction from the ICJ to the parties to undertake any form of delimitation in a particular area or a particular manner, nor any instruction to conduct delimitation including or excluding any particular features. Singapore's view was that if both countries were to undertake delimitation as a result of the ICJ Judgment, it would be because both countries wished to undertake delimitation in light of the sovereign status that has been determined by the ICJ, and having regard to the object and purpose of having Singapore and Malaysia agree to submit the sovereign dispute over Pedra Branca, Middle Rocks and South Ledge to the ICJ – which was to comprehensively resolve the bilateral issue over these features in order to lead to better bilateral relations, remove one constant source of irritation between the two countries, and close the chapter on this issue. With this object and purpose in mind, Singapore therefore agreed with Malaysia's comments that the delimitation should be a complete one with no grey areas left. The new sub-committee would need to take a holistic view of the delimitation situation and comprehensively address the issue of delimitation for the entire vicinity of Pedra Branca, Middle Rocks and South Ledge. Such delimitation would involve not just delimitation between Pedra Branca and Middle Rocks, but also other features in the vicinity, such as the Johor mainland. Artificial division of the area would not lead to a complete settlement of the delimitation issue and would not lead to

fulfillment of the object and purpose of both sides embarking on the delimitation exercise.

12. The Meeting noted that both sides had had candid informal discussions on the work of the new sub-committee, and encouraged the two co-chairs to continue their discussions over the name of the sub-committee, including inter-sessionally if necessary.

Sub-Committee on Maritime & Airspace Management and Fisheries

13. The Sub-Committee on Maritime & Airspace Management and Fisheries held informal discussions on the issue of the drafting of the Record of Discussion for its 3rd Meeting, which had not been completed when the Sub-Committee last met on 22 and 23 February 2012 in Kuala Lumpur. Although some progress was made, both sides were not able to arrive at an agreed text for the Record of Discussion.

14. Singapore noted that two outstanding issues remained: the issue of Tompok Utara and the issue of Ramunia Shoal. On the issue of Tompok Utara, Singapore's view was that the Tompok Utara Light Beacon lay within Singapore's territorial waters. Singapore had conveyed in its letter dated 30 April 1999 from the Maritime and Port Authority of Singapore to the Marine Department of Malaysia that Singapore consented to the move of the Tompok Utara Light Beacon from its original proposed position to its current location on technical grounds. Singapore had also stated in the letter that the location of the light beacon does not affect either the sovereignty of Pedra Branca, Middle Rocks and South Ledge or any further delimitation negotiations between Singapore and Malaysia in respect of the maritime zones in the area. Singapore noted that it agrees that the maintenance of the Tompok Utara Light Beacon is under the responsibility of Malaysia. In this regard, the Maritime and Port Authority of Singapore had sent another letter to the Marine Department of Malaysia on 30 July 2013 stating clearly that the agreement set out in the 1999 letter covers activities which are performed in maintenance of the Tompok Utara Light Beacon, including the search for, recovery and reconstruction of the Tompok Utara Light

Beacon, and the deployment of temporary light buoys and other measures as are necessary to facilitate safe navigation while the Tompok Utara Light Beacon is not operational.

15. On the issue of Ramunia Shoal, Singapore strongly protested Malaysia's designations in Malaysia's Port Circulars No. 13/2011, 16/2011, 19/2011, 20/2011 and 21/2011 of dredging areas, work areas and dumping sites in Ramunia Shoal in a manner that encroached in Singapore's territorial waters and Exclusive Economic Zone. Further, the activities of vessels purportedly authorised by Malaysia in Singapore territorial waters were in violation of Singapore law. As such, they had committed offences for which enforcement action could be taken against them by Singapore. Singapore also rejected Malaysia's claim that the activities of the vessels took place in Malaysia's territorial waters, and noted that Malaysia's actions in purporting to authorise such dredging in Singapore waters were in violation of Singapore's sovereignty and contrary to international law. Singapore highlighted that these positions have been previously conveyed by Singapore to Malaysia through diplomatic notes MFA/SEA/00046/2011 dated November 2011; SHC004/2012 dated 16 January 2012; MFA/SEA/00049/2011 dated 6 December 2011 and MFA/SEA/00050/2011 dated 6 December 2011.

16. Singapore expressed the hope that with the clarification on the above two issues, both sides would be able to finalise the ROD for the 3rd Meeting of the Sub-Committee on Maritime & Airspace Management and Fisheries.

17. In response, Malaysia noted that as far as it was concerned, both Tompok Utara and Ramunia Shoal lay within Malaysia's territorial waters and within its 1979 map.

18. The Meeting expressed its appreciation to both co-chairs of the sub-committee for their hard work and effort in trying to move the work of the sub-committee forward, and encouraged the sub-committee to continue discussions on the drafting for the ROD for the 3rd Meeting of the Sub-Committee, so that the 4th Meeting of the Sub-Committee could be convened.

Incident involving MMEA and GOLDEN SWAN

19. Singapore referred to the capsizing of Mongolian-registered vessel GUO LIANG 677 on 25 July 2013 in the waters near Horsburgh Lighthouse, and the Search and Rescue (SAR) Operations which were subsequently conducted for the missing crew of the vessel. Singapore noted that the vessel GUO LIANG 677 was a rivercraft which was not suitable for operating in the open waters around Ramunia Shoal. Singapore highlighted that while SAR Operations for the missing crew of GUO LIANG 677 were being carried out by a commercial vessel GOLDEN SWAN, a Malaysian Maritime Enforcement Agency (MMEA) vessel had moved alongside GOLDEN SWAN. An MMEA official then went on board GOLDEN SWAN and commanded that its crew stop their SAR Operations and leave the site immediately. The MMEA official then threatened to handcuff and arrest the crew members of GOLDEN SWAN. Singapore noted that it had sent a protest note to Malaysia regarding this incident. Singapore further noted that it was regrettable that such an incident had occurred, and that while it understood fully that Singapore and Malaysia had to protect their legal positions, this should not be at the expense of saving lives at sea. Singapore pointed out that such incidents could also have a negative impact on both countries' reputations. Singapore highlighted that at the 1st MSJTC Meeting in June 2008, both sides had agreed that for SAR Operations, the nearest vessel could provide assistance regardless of the vessel's nationality, on the understanding that any action would be without prejudice to sovereignty issues and the eventual delimitation of maritime boundaries. Singapore stressed the importance of keeping channels of communication open on the ground from both sides, and suggested that both sides look into how to strengthen channels of

communications in order to manage future accidents and so that the agreement at the 1st MSJTC Meeting on SAR Operations that humanitarian assistance would be provided by both sides to ensure safety and security in the water would be put into full effect.

20. In response, Malaysia agreed that SAR Operations was an important component in providing humanitarian assistance in emergency situations, and that cooperation between Malaysia and Singapore was very important. Malaysia agreed that both sides had to abide by international law, and that it was important to give priority to SAR Operations. This should be the guiding principle whenever activities are undertaken at sea. Malaysia reiterated that it stands by the agreement reached at the 1st MSJTC Meeting on SAR Operations, and agreed that it was important to maintain channels of communications between both sides.

21. With regard to the incident involving the commercial vessel and the MMEA official, Malaysia expressed its view that the actions of the MMEA on 25 July 2013 in relation to the capsized vessel GUO LIANG 677 were conducted in the course of carrying out SAR Operations within Malaysia's territorial waters. Malaysia noted that these actions were in accordance with international law as well as the discussions held at the first breakout session of the 1st MSJTC Meeting relating to maritime rules of engagement on SAR and airspace management. Malaysia noted that upon arrival at the scene, the MMEA vessel had found that salvage works were being carried out by the commercial vessel on the capsized vessel without first having obtained the relevant consent and approval from the Malaysia authorities. The MMEA officials had therefore cautioned the crew of the commercial vessel that they were in violation of Malaysia's laws and that if they did not cease and desist from their activities, action would be taken against them. Malaysia noted that MMEA had conducted further on-site investigations and subsequently ordered the commercial vessel to leave Malaysian territorial waters. Malaysia assured the Meeting that no handcuffing had taken place. Malaysia further noted that Malaysia would continue to carry out enforcement activities within its waters.

22. In response, Singapore noted that the commercial vessel, GOLDEN SWAN, had not been conducting salvage operations as alleged by Malaysia. It was not a salvage vessel as claimed by Malaysia, but rather a dive boat which had been contracted by the Maritime and Port Authority of Singapore to conduct dive operations for the missing crew members of GUO LIANG 677. These dive operations had been carried out with the aim of locating and rescuing survivors from the capsized vessel in the critical hours after it had gone down. The crew members of GOLDEN SWAN had in fact informed the MMEA officials that it was there to conduct SAR Operations. Singapore was concerned that the MMEA official had disrupted the dive operations by demanding that the crew members stop their SAR Operations and leave the site immediately. This had seriously jeopardised the safety and lives of the seamen, which was Singapore's first and foremost concern. Singapore further highlighted that it is the IMO-designated Maritime Search and Rescue Coordinating Centre for the region where the vessel capsized. Apart from disrupting SAR Operations, Singapore was also concerned about the fact that MMEA officials were purporting to take enforcement action in Singapore territorial waters, which was contrary to international law.

Building of permanent structures on Middle Rocks

23. Singapore noted that according to media reports, Malaysia will be building some permanent structures on Middle Rocks. Singapore noted that although the ICJ has decided that Middle Rocks belongs to Malaysia, because of its proximity to Horsburgh Lighthouse, Singapore was concerned that the navigational aids that Singapore maintains in the area, which are a common good for all ships travelling in the area, may be affected by the development on Middle Rocks. These navigational aids include the Horsburgh Lighthouse itself, VTIS radar as well as differential GPS. Singapore noted that since the safety of navigation in the area was of common interest to both countries, the Sub-Committee on Maritime & Airspace Management and Fisheries should discuss whether the developments by Malaysia on Middle Rocks would affect navigation in the area.

24. In response, Malaysia reassured Singapore that it would not do anything which would affect the safety of ships navigating through the area and other movements in the area. Malaysia reiterated that works in and around Middle Rocks were an exercise of Malaysia's sovereignty over Middle Rocks pursuant to the Judgment of the ICJ in the case concerning sovereign over Pedra Branca, Middle Rocks and South Ledge dated 23 May 2008. In this respect, Malaysia has taken all necessary steps to ensure the safety of navigation in and around Middle Rocks, as well as taking into account other aspects of safety. Malaysia further agreed that this was one of the issues which the Sub-Committee could look into.

Joint Press Statement

25. The Joint Press Statement of the Meeting, which will be issued at an agreed date, is attached as ANNEX D.

Next MSJTC Meeting

26. The Meeting agreed that the 8th Meeting of the MSJTC will be held in 2014. The exact date and venue of the 8th Meeting will be communicated through diplomatic channels.

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE JOINT
TECHNICAL COMMITTEE ON THE IMPLEMENTATION OF THE
INTERNATIONAL COURT OF JUSTICE JUDGMENT ON PEDRA
BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**28 – 29 NOVEMBER 2013
SINGAPORE**

SINGAPORE DELEGATION

1. **Mr Chee Wee Kiong – Leader of Delegation/Co-Chairman**
Permanent Secretary
Ministry of Foreign Affairs

2. **Mr Lim Hong Huai**
Director-General
Southeast Asia I Directorate
Ministry of Foreign Affairs

3. **Mr Kamal Vaswani**
Deputy Director-General
Southeast Asia I Directorate
Ministry of Foreign Affairs

4. **Ms Sheryl Shum**
Deputy Director
Southeast Asia I Directorate
Ministry of Foreign Affairs

5. **Mr Hadrian Tsang**
Country Officer
Southeast Asia I Directorate
Ministry of Foreign Affairs

6. **Mr Gursharn Singh Gill**
Country Officer
Southeast Asia I Directorate
Ministry of Foreign Affairs

7. **Mr Rifdi Ridwan**
Country Officer
Southeast Asia I Directorate
Ministry of Foreign Affairs

8. **Ms Lin Zhiping**
Country Officer
Southeast Asia I Directorate
Ministry of Foreign Affairs

9. **Mr Pang Khang Chau**
Director-General
International Affairs Division
Attorney-General's Chambers

10. **Mr Leong Kwang Ian**
Deputy Senior State Counsel
International Affairs Division
Attorney-General's Chambers
11. **Mr David Low**
Deputy Senior State Counsel
International Affairs Division
Attorney-General's Chambers
12. **Mr Michael Lin**
State Counsel
International Affairs Division
Attorney-General's Chambers
13. **Mr Kevin Shum**
Deputy Secretary (International)
Ministry of Transport
14. **Mr Robbie Poo**
Assistant Director
Air Division
Ministry of Transport
15. **Ms Poh Shi Hui**
Assistant Director
Sea Division
Ministry of Transport

16. **Dr Parry Oei**
Chief Hydrographer
Maritime and Port Authority of Singapore

17. **Mr Cheong Keng Soon**
Director (Port)
Maritime and Port Authority of Singapore

18. **Mr Jamie Chen**
Deputy Chief Hydrographer
Maritime and Port Authority of Singapore

19. **Mr Rosly Saad**
Director
Air Traffic Services
Civil Aviation Authority of Singapore

20. **Mr Loo Chee Beng**
Director
Air Navigation Services Policy and Planning
Civil Aviation Authority of Singapore

21. **Ms Penny Ng**
Deputy Division Head
Air Navigation Services Policy
Civil Aviation Authority of Singapore

Edi... ..

...

22. **Ms Yap Chui Wah**
Senior Manager
Air Navigation Services Policy
Civil Aviation Authority of Singapore
23. **LTC Chen Boon Chong**
Branch Head
Air Operations Department
Republic of Singapore Air Force
Ministry of Defence
24. **LTC Joseph Neo**
Branch Head
Naval Operations Department
Republic of Singapore Navy
Ministry of Defence
25. **Ms Christina Kwok**
Branch Head
Defence Policy Office
Ministry of Defence
26. **Ms Janice Tan**
Deputy Director
Strategic Planning Division
Ministry of National Development

27. **Tan Tian Yeow**
Head Operations & Security
Police Coast Guard
Singapore Police Force

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE JOINT
TECHNICAL COMMITTEE ON THE IMPLEMENTATION OF THE
INTERNATIONAL COURT OF JUSTICE JUDGMENT ON PEDRA
BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**28 – 29 NOVEMBER 2013
SINGAPORE**

MALAYSIAN DELEGATION

1. **HE Datuk Othman Hashim – Leader of Delegation/Co-Chairman**
Secretary-General
Ministry of Foreign Affairs

2. **HE Dato' Husni Zai bin Yaacob**
High Commissioner of Malaysia to Singapore

3. **HE Dato' Zulkifli Adnan**
Director-General
Department of Maritime Affairs
Ministry of Foreign Affairs

4. **Dr Azfar Mohamad Mustafar**
Deputy Director-General
Department of Maritime Affairs
Ministry of Foreign Affairs

5. **Ms Astanah Abdul Aziz**
Director
Department of Maritime Affairs
Ministry of Foreign Affairs
6. **Mr Mohd Suhaimi Ahmad Tajuddin**
Principal Assistant Secretary
Southeast Asia I Division
Ministry of Foreign Affairs
7. **Mr Nik Ady Arman Nik Mohd. Kamil**
Counsellor (Political)
High Commission of Malaysia
8. **Ms Norhalilah Abd. Jalil**
Counsellor (Economics)
High Commission of Malaysia
9. **Ms Nor'airin Abd Rashid**
Assistant Director
Department of Maritime Affairs
Ministry of Foreign Affairs
10. **Datuk Mohamed Thajudeen Abdul Wahab**
Secretary
National Security Council
Prime Minister's Department

11. **Mr Abdul Rahim Hussin**
Undersecretary
National Security Council
Prime Minister's Department

12. **Mr Mohd Helmy Ahmad**
Principal Assistant Secretary
National Security Council
Prime Minister's Department

13. **Ms Rosmilawati Dzulkipli**
Assistant Secretary
National Security Council
Prime Minister's Department

14. **Mr Tan Ah Bah**
Director of Survey (Boundary Affairs)
Department of Survey and Mapping

15. **Mr Kamarul Azam Kamarul Baharin**
Principal Assistant Director
Department of Survey and Mapping

16. **Mr Alfian Yang Amri**
Head of Legal Division
Attorney General's Chambers

17. **Mr Faezul Adzra Patail**
Senior Federal Counsel
Attorney General's Chambers

18. **Laksma Hanafiah Hassan**
Director of Hydrography
National Hydrography Centre

19. **Mr Iskandar Sazlan Mohd Salleh**
Principal Assistant Secretary
Ministry of Defence

20. **Major Mohamad Daud Sulaiman**
Staff Officer I (Legal)
Royal Malaysian Air Force
Ministry of Defence

21. **Major Norazrin Shamsudin**
Staff Officer II (Legal)
Royal Malaysian Air Force
Ministry of Defence

22. **Cdr. Shaiful Nizam Abdul Manan**
Acting Director, International Relations
Navy Operation and Exercise Department
Royal Malaysian Navy
Ministry of Defence

23. **Mr Ahmad Afifi Hussain**
Principal Assistant Director
Prime Minister's Department

SECRET
IN
Int'l Relations
Exercise

24. **Mr Mohammed Ridha Dato' Hj. Abd. Kadir**

Deputy Director

Johor Land and Mines Office

Johor State Government

25. **Haji Rossid Musa**

Director of Safety Division

Department of Marine

26. **Haji Ahmad Nizar Zolfakar**

Director of Air Traffic

Department of Civil Aviation

27. **First Admiral Maritime Dato' Che Hassan Jusoh**

Director of Enforcement and Exercise Division

Malaysia Maritime Enforcement Agency

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE JOINT
TECHNICAL COMMITTEE ON THE IMPLEMENTATION OF THE
INTERNATIONAL COURT OF JUSTICE JUDGMENT ON PEDRA
BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

28-29 NOVEMBER 2013

SINGAPORE

MEETING AGENDA

1. Opening Remarks by:
 - (a) Co-Chairman of Singapore
 - (b) Co-Chairman of Malaysia

2. Confirmation of Agenda

3. Delimitation of Maritime Boundaries

4. Maritime and Airspace Management

5. Any Other Matters

6. Date and Venue of Next Meeting

7. Closing Remarks by:
 - (a) Co-Chairman of Malaysia
 - (b) Co-Chairman of Singapore

JOINT PRESS STATEMENT
BY H.E. K SHANMUGAM, MINISTER FOR FOREIGN AFFAIRS,
REPUBLIC OF SINGAPORE
AND H.E. DATO' SRI ANIFAH AMAN, MINISTER OF FOREIGN
AFFAIRS, MALAYSIA

SEVENTH MEETING OF THE MALAYSIA-SINGAPORE
JOINT TECHNICAL COMMITTEE ON THE IMPLEMENTATION
OF THE INTERNATIONAL COURT OF JUSTICE JUDGMENT
ON PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE

SINGAPORE

28-29 NOVEMBER 2013

Singapore and Malaysia met on 28-29 November 2013 in Singapore to discuss the implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge. The Singapore delegation was led by Mr Chee Wee Kiong, Permanent Secretary of the Ministry of Foreign Affairs, Singapore and the Malaysian delegation was led by Datuk Othman bin Hashim, Secretary-General of the Ministry of Foreign Affairs, Malaysia.

The Meeting continued discussions on related issues arising from the International Court of Justice (ICJ) Judgment on the Case Concerning Sovereignty over Pedra Branca, Middle Rocks and South Ledge.

Following Prime Minister Mr Lee Hsien Loong and Prime Minister Dato' Sri Mohd Najib Tun Abdul Razak's agreement at the Leaders' Retreat in February 2013 that "the next step would be for the MSJTC to move into the delimitation of maritime boundaries", the Meeting agreed to set up a new sub-committee for this purpose and held informal consultations on its establishment.

The Meeting agreed that the Eighth Meeting of the Malaysia-Singapore Joint Technical Committee (MSJTC) on the Implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge will be held in 2014.

MINISTRY OF FOREIGN AFFAIRS, REPUBLIC OF SINGAPORE
MINISTRY OF FOREIGN AFFAIRS, MALAYSIA
30 NOVEMBER 2013

Minister (M. K. J. ...)
ICJ Judgment ...

Minister (M. K. J. ...)
ICJ Judgment ...

This page is intentionally left blank.

Annex 89

Diplomatic note from Malaysia to Singapore, EC 6/2014, dated
27 January 2014



EC 6 / 2014

The Ministry of Foreign Affairs, Malaysia presents its compliments to the High Commission of the Republic of Singapore in Kuala Lumpur and with reference to Note MFA/SEA1/00019/2012 dated 24 August 2012 and MFA/SEA1/00022/2012 dated 11 September 2012 by the Ministry of Foreign Affairs of the Republic of Singapore, the Government of Malaysia reiterates that its activities on South Ledge are not inconsistent with the Judgment of the International Court of Justice of 23 May 2008 which had ruled that "sovereignty over South Ledge belongs to the State in the territorial waters of which it is located".

As South Ledge is located only 1.7 nautical miles from Middle Rocks as compared to the distance of 2.2 nautical miles between South Ledge and Pedra Branca, it is therefore an undeniable geographical fact that South Ledge lies within the territorial waters of Middle Rocks, which belongs to Malaysia.

The Government of Malaysia further reiterates that all and any activities undertaken by Malaysia in its territory, including activities pertaining to and surrounding the above-mentioned 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 further reiterates that its activities on South Ledge will not preclude both countries from undertaking maritime boundary delimitation in respect of the area around the above-mentioned features, as agreed by the Malaysia-Singapore Joint Technical Committee on the Implementation of the International Court of Justice Judgment on Pedra Branca, Middle Rocks and South Ledge.

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.



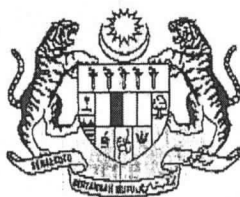
Putrajaya, 27 January 2014

High Commission of the Republic of Singapore
Kuala Lumpur

This page is intentionally left blank.

Annex 90

Diplomatic note from Malaysia to Singapore, EC 10/2014, dated
28 January 2014



EC 10 / 2014

The Ministry of Foreign Affairs, Malaysia presents its compliments to the High Commission of the Republic of Singapore in Kuala Lumpur and with reference to Note MFA/SEA1/00027/2012 dated 1 November 2012 by the Ministry of Foreign Affairs of the Republic of Singapore, the Government of Malaysia reiterates that its activities on South Ledge are not inconsistent with the Judgment of the International Court of Justice of 23 May 2008 which had ruled that "*sovereignty over South Ledge belongs to the State in the territorial waters of which it is located*".

As South Ledge is located only 1.7 nautical miles from Middle Rocks as compared to the distance of 2.2 nautical miles between South Ledge and Pedra Branca, it is therefore an undeniable geographical fact that South Ledge lies within the territorial waters of Middle Rocks, which belongs to Malaysia.

The Government of Malaysia further reiterates that all and any activities undertaken by Malaysia in its territory, including activities pertaining to and surrounding the above-mentioned 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 further reiterates that its activities on South Ledge will not preclude both countries from undertaking maritime boundary delimitation in respect of the area around the above-mentioned features, as agreed by the Malaysia-Singapore Joint Technical Committee on the Implementation of the International Court of Justice Judgment on Pedra Branca, Middle Rocks and South Ledge.

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.



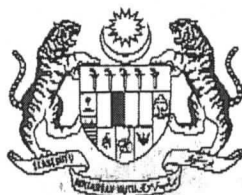
Putrajaya, 28 January 2014

High Commission of the Republic of Singapore
Kuala Lumpur

This page is intentionally left blank.

Annex 91

Diplomatic note from Malaysia to Singapore, EC 12/2014, dated
29 January 2014



EC 12 / 2014

The Ministry of Foreign Affairs, Malaysia presents its compliments to the High Commission of the Republic of Singapore in Kuala Lumpur and with reference to Note MFA/SEA1/00002/2013 dated 11 January 2013 by the Ministry of Foreign Affairs of the Republic of Singapore, the Government of Malaysia reiterates that its activities on South Ledge are not inconsistent with the Judgment of the International Court of Justice of 23 May 2008 which had ruled that "*sovereignty over South Ledge belongs to the State in the territorial waters of which it is located*".

As South Ledge is located only 1.7 nautical miles from Middle Rocks as compared to the distance of 2.2 nautical miles between South Ledge and Pedra Branca, it is therefore an undeniable geographical fact that South Ledge lies within the territorial waters of Middle Rocks, which belongs to Malaysia.

The Government of Malaysia further reiterates that all and any activities undertaken by Malaysia in its territory, including activities pertaining to and surrounding the above-mentioned 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 further reiterates that its activities on South Ledge will not preclude both countries from undertaking maritime boundary delimitation in respect of the area around the above-mentioned features, as agreed by the Malaysia-Singapore Joint Technical Committee on the Implementation of the International Court of Justice Judgment on Pedra Branca, Middle Rocks and South Ledge.

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.



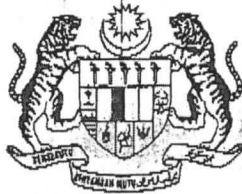
Putrajaya, 29 January 2014

High Commission of the Republic of Singapore
Kuala Lumpur

This page is intentionally left blank.

Annex 92

Diplomatic note from Malaysia to Singapore, EC 15/2014, dated
30 January 2014



EC 15 / 2014

The Ministry of Foreign Affairs, Malaysia presents its compliments to the High Commission of the Republic of Singapore in Kuala Lumpur and with reference to Note MFA/SEA1/00026/2013 dated 3 June 2013 by the Ministry of Foreign Affairs of the Republic of Singapore, the Government of Malaysia reiterates that its activities on South Ledge are not inconsistent with the Judgment of the International Court of Justice of 23 May 2008 which had ruled that *"sovereignty over South Ledge belongs to the State in the territorial waters of which it is located"*.

As South Ledge is located only 1.7 nautical miles from Middle Rocks as compared to the distance of 2.2 nautical miles between South Ledge and Pedra Branca, it is therefore an undeniable geographical fact that South Ledge lies within the territorial waters of Middle Rocks, which belongs to Malaysia.

The Government of Malaysia further reiterates that all and any activities undertaken by Malaysia in its territory, including activities pertaining to and surrounding the above-mentioned 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 further reiterates that its activities on South Ledge will not preclude both countries from undertaking maritime boundary delimitation in respect of the area around the above-mentioned features, as agreed by the Malaysia-Singapore Joint Technical Committee on the Implementation of the International Court of Justice Judgment on Pedra Branca, Middle Rocks and South Ledge.

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, 30 January 2014

High Commission of the Republic of Singapore
Kuala Lumpur

This page is intentionally left blank.

Annex 93

Diplomatic note from Malaysia to Singapore, EC 16/2014, dated
4 February 2014



EC 16 / 2014

The Ministry of Foreign Affairs, Malaysia presents its compliments to the High Commission of the Republic of Singapore in Kuala Lumpur and with reference to Note MFA/SEA1/00046/2013 dated 18 June 2013 by the Ministry of Foreign Affairs of the Republic of Singapore, the Government of Malaysia reiterates that its activities on South Ledge are not inconsistent with the Judgment of the International Court of Justice of 23 May 2008 which had ruled that "*sovereignty over South Ledge belongs to the State in the territorial waters of which it is located*".

As South Ledge is located only 1.7 nautical miles from Middle Rocks as compared to the distance of 2.2 nautical miles between South Ledge and Pedra Branca, it is therefore an undeniable geographical fact that South Ledge lies within the territorial waters of Middle Rocks, which belongs to Malaysia.

The Government of Malaysia further reiterates that all and any activities undertaken by Malaysia in its territory, including activities pertaining to and surrounding the above-mentioned 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 further reiterates that its activities on South Ledge will not preclude both countries from undertaking maritime boundary delimitation in respect of the area around the above-mentioned features, as agreed by the Malaysia-Singapore Joint Technical Committee on the Implementation of the International Court of Justice Judgment on Pedra Branca, Middle Rocks and South Ledge.

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.



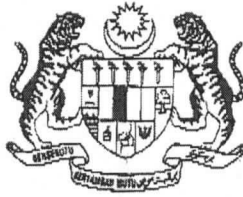
Putrajaya, 4 February 2014

High Commission of the Republic of Singapore
Kuala Lumpur

This page is intentionally left blank.

Annex 94

Diplomatic note from Malaysia to Singapore, EC 19/2014, dated
5 February 2014



EC 19 / 2014

The Ministry of Foreign Affairs, Malaysia presents its compliments to the High Commission of the Republic of Singapore in Kuala Lumpur and with reference to Note MFA/SEA1/00074/2013 dated 4 November 2013 by the Ministry of Foreign Affairs of the Republic of Singapore, the Government of Malaysia reiterates that its activities on South Ledge are not inconsistent with the Judgment of the International Court of Justice of 23 May 2008 which had ruled that "sovereignty over South Ledge belongs to the State in the territorial waters of which it is located".

As South Ledge is located only 1.7 nautical miles from Middle Rocks as compared to the distance of 2.2 nautical miles between South Ledge and Pedra Branca, it is therefore an undeniable geographical fact that South Ledge lies within the territorial waters of Middle Rocks, which belongs to Malaysia.

The Government of Malaysia further reiterates that all and any activities undertaken by Malaysia in its territory, including activities pertaining to and surrounding the above-mentioned 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 further reiterates that its activities on South Ledge will not preclude both countries from undertaking maritime boundary delimitation in respect of the area around the above-mentioned features, as agreed by the Malaysia-Singapore Joint Technical Committee on the Implementation of the International Court of Justice Judgment on Pedra Branca, Middle Rocks and South Ledge.

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, 5 February 2014

High Commission of the Republic of Singapore
Kuala Lumpur

This page is intentionally left blank.

Annex 95

Diplomatic note from Malaysia to Singapore, EC 21/2014, dated
6 February 2014



EC 21 / 2014

The Ministry of Foreign Affairs, Malaysia presents its compliments to the High Commission of the Republic of Singapore in Kuala Lumpur and with reference to Note MFA/SEA1/00079/2013 dated 26 December 2013 by the Ministry of Foreign Affairs of the Republic of Singapore, the Government of Malaysia reiterates that its activities on South Ledge are not inconsistent with the Judgment of the International Court of Justice of 23 May 2008 which had ruled that "sovereignty over South Ledge belongs to the State in the territorial waters of which it is located".

As South Ledge is located only 1.7 nautical miles from Middle Rocks as compared to the distance of 2.2 nautical miles between South Ledge and Pedra Branca, it is therefore an undeniable geographical fact that South Ledge lies within the territorial waters of Middle Rocks, which belongs to Malaysia.

The Government of Malaysia further reiterates that all and any activities undertaken by Malaysia in its territory, including activities pertaining to and surrounding the above-mentioned 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 further reiterates that its activities on South Ledge will not preclude both countries from undertaking maritime boundary delimitation in respect of the area around the above-mentioned features, as agreed by the Malaysia-Singapore Joint Technical Committee on the Implementation of the International Court of Justice Judgment on Pedra Branca, Middle Rocks and South Ledge.

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.



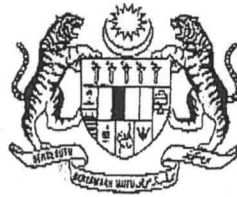
Putrajaya, 6 February 2014

High Commission of the Republic of Singapore
Kuala Lumpur

This page is intentionally left blank.

Annex 96

Diplomatic note from Malaysia to Singapore, EC 23/2014, dated
7 February 2014



EC 23 / 2014

The Ministry of Foreign Affairs, Malaysia presents its compliments to the High Commission of the Republic of Singapore in Kuala Lumpur and with reference to Note MFA/SEA/00002/2014 dated 7 January 2014 by the Ministry of Foreign Affairs of the Republic of Singapore, the Government of Malaysia reiterates that its activities on South Ledge are not inconsistent with the Judgment of the International Court of Justice of 23 May 2008 which had ruled that *"sovereignty over South Ledge belongs to the State in the territorial waters of which it is located"*.

As South Ledge is located only 1.7 nautical miles from Middle Rocks as compared to the distance of 2.2 nautical miles between South Ledge and Pedra Branca, it is therefore an undeniable geographical fact that South Ledge lies within the territorial waters of Middle Rocks, which belongs to Malaysia.

The Government of Malaysia further reiterates that all and any activities undertaken by Malaysia in its territory, including activities pertaining to and surrounding the above-mentioned 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 further reiterates that its activities on South Ledge will not preclude both countries from undertaking maritime boundary delimitation in respect of the area around the above-mentioned features, as agreed by the Malaysia-Singapore Joint Technical Committee on the Implementation of the International Court of Justice Judgment on Pedra Branca, Middle Rocks and South Ledge.

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, 7 February 2014

High Commission of the Republic of Singapore
Kuala Lumpur

This page is intentionally left blank.

Annex 97

Diplomatic note from Malaysia to Singapore, EC 68/2014, dated 27 April 2014, but received by Singapore on 27 March 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**

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE
JOINT TECHNICAL COMMITTEE ON THE IMPLEMENTATION
OF THE INTERNATIONAL COURT OF JUSTICE JUDGMENT ON
PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**28-29 NOVEMBER 2013
SINGAPORE**

Record of Meeting

The Seventh Meeting of the Malaysia-Singapore Joint Technical Committee (MSJTC) on the Implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge was co-chaired by H.E. Mr Chee Wee Kiong, Permanent Secretary, Ministry of Foreign Affairs, Republic of Singapore and H.E. Datuk Othman Hashim, Secretary-General, Ministry of Foreign Affairs, Malaysia.

2. The Singapore Delegation list is attached as ANNEX A. The Malaysian Delegation list is attached as ANNEX B. The Agenda of the Meeting is attached as ANNEX C.

3. The Meeting continued discussions on related issues arising from the ICJ Judgment on the Case Concerning Sovereignty over Pedra Branca, Middle Rocks and South Ledge.

4. The Meeting confirmed that both sides have obtained the mandates from their respective Governments to proceed with maritime boundary delimitation and to establish a new sub-committee for this purpose. Malaysia stated that the final delimitation of the maritime boundary between Pedra Branca and Middle Rocks would mean that there would be no grey areas in that part of the region, and both countries' enforcement activities would not be overwhelmed by cases of intrusions into each other's territories. Singapore responded that the final agreement should work towards complete

delimitation, leaving no grey area in the vicinity of Pedra Branca, Middle Rocks and South Ledge. On the issue of the name of the newly established sub-committee, Singapore highlighted the need for continuity with the previous Sub-Committee on Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge, as published in earlier joint press statements of the MSJTC to avoid confusion.

5. Malaysia took note that the Sub-Committee on Joint Survey Works had done a commendable job and hoped that both parties would be able to harness the outcome of their exercise and move apace with the task at hand. The completion of the work of that Sub-Committee paved the way for the establishment of the Sub-Committee on Maritime Boundary Delimitation between Pedra Branca and Middle Rocks, which should proceed to implement the ICJ decision in a step-by-step approach. Singapore also commended the work of the Sub-Committee on Joint Survey Works, and noted that it would facilitate the complete delimitation of the area around Pedra Branca, Middle Rocks and South Ledge.

6. The Meeting noted that Mr Pang Khang Chau, Director-General of the International Affairs Division of the Attorney-General's Chambers, Singapore; and Dato' Zulkifli Adnan, Director-General of the Department of Maritime Affairs, Ministry of Foreign Affairs, Malaysia would co-chair the sub-committee. Informal consultations were held on the name and scope of work of the sub-committee on maritime boundary delimitation.

7. The Co-Chairmen of the Sub-Committee on Maritime & Airspace Management and Fisheries held informal consultations and agreed to work towards the finalisation of the Record of Discussion of the Third Meeting of the Sub-Committee on Maritime and Airspace Management and Fisheries via diplomatic channels.

8. The Joint Press Statement of the Meeting, which will be issued at an agreed date, is attached as ANNEX D.

9. The Meeting agreed that the Eighth Meeting of the MSJTC will be held in 2014. The exact date and venue of the Eighth Meeting will be communicated through diplomatic channels.

.

Annex 98

Diplomatic note from Singapore to Malaysia,
MFA/SEA1/00030/2014, dated 8 April 2014



MFA/SEA1/00030/2014

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.

Following the ICJ Judgment, the governments of both countries established a Joint Technical Committee on the Implementation of the ICJ Judgment on Pedra Branca, Middle Rocks and South Ledge for the purpose of fully implementing the ICJ Judgment in the spirit of good relations and cooperation.

The Singapore Government therefore notes with regret that Malaysia has been acting in disregard of the ICJ Judgment by unilaterally sending Royal Malaysian Air Force (RMAF) B-200T aircraft to fly over and around South Ledge. We refer to the following dates and incidents:

- i. On 11 September 2013 at 0837 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflew South Ledge three times.

ii. On 17 October 2013 at 1540 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflew South Ledge.

iii. On 25 October 2013 at 0833 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflew South Ledge.

The Singapore Government protests Malaysia's unilateral actions in the airspace over and around 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 in respect of South Ledge are not helpful in reaching a peaceful and amicable resolution of the issues relating to the ICJ Judgment.

The Singapore Government seeks the cooperation of the Malaysia Government to ensure the immediate cessation of its current activities over and around 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

8 April 2014



High Commission of Malaysia

Singapore

This page is intentionally left blank.

Annex 99

Diplomatic note from Singapore to Malaysia,
MFA/SEA1/00034/2014, dated 7 May 2014



MFA/SEA1/00034/2014

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 Note from the Ministry of Foreign Affairs of Malaysia EC 68/2014 dated 27 April 2014, which the High Commission of the Republic of Singapore in Kuala Lumpur received on 27 March 2014, on the draft Record of Meeting (ROM) for 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 from 28 to 29 November 2013 in Singapore.

Singapore has the honour to note that at the close of the 7th MSJTC Meeting, the MSJTC co-chairs (Permanent Secretary of the Ministry of Foreign Affairs of the Republic of Singapore H.E. Mr Chee Wee Kiong and Secretary-General of the Ministry of Foreign Affairs of Malaysia H.E. Datuk Othman Hashim) agreed that the ROM would record what was said by the delegates of both sides at the MSJTC Meeting. In that regard, both co-chairs agreed that the ROM would be drafted as close to verbatim as possible.

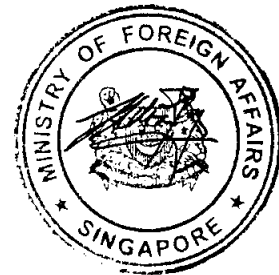
Singapore notes that the draft ROM conveyed in the High Commission of the Republic of Singapore's Note SHC 178/2013 dated 27 December 2013 was prepared in line with this agreement between the two co-chairs. In Singapore's view, the draft ROM fairly and accurately records what was said by the delegates of both sides during the closing plenary of the

7th MSJTC Meeting. Bearing the above in mind, Singapore has the honour to enclose the said draft ROM for Malaysia's re-consideration.

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

7 May 2014



High Commission of Malaysia

Singapore

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE
JOINT TECHNICAL COMMITTEE ON THE
IMPLEMENTATION OF THE INTERNATIONAL COURT OF
JUSTICE JUDGMENT ON
PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**28-29 NOVEMBER 2013
SINGAPORE**

Record of Meeting

The Seventh Meeting of the Malaysia-Singapore Joint Technical Committee (MSJTC) on the Implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge was co-chaired by H.E. Mr Chee Wee Kiong, Permanent Secretary, Ministry of Foreign Affairs, Republic of Singapore and H.E. Datuk Othman Hashim, Secretary-General, Ministry of Foreign Affairs, Malaysia.

2. The Singapore Delegation list is attached as ANNEX A. The Malaysian Delegation list is attached as ANNEX B. The Agenda of the Meeting is attached as ANNEX C.

3. The Meeting continued discussions on related issues arising from the ICJ Judgment on the Case Concerning Sovereignty over Pedra Branca, Middle Rocks and South Ledge.

Maritime boundary delimitation sub-committee

4. The Meeting confirmed that both sides have obtained the mandates from their respective Governments to proceed with maritime boundary delimitation and to establish a new sub-committee for this purpose.

5. Malaysia noted that the final delimitation of the maritime boundary between Pedra Branca and Middle Rocks would mean that there would be no grey areas in that part of the region, and both countries'

enforcement activities would not be overwhelmed by cases of intrusions into each other's territories. Singapore noted that the final agreement should work towards complete delimitation, leaving no grey area in the vicinity of Pedra Branca, Middle Rocks and South Ledge.

6. Singapore informed the Meeting that its co-chair for the new maritime boundary delimitation sub-committee would be Mr Pang Khang Chau, Director-General, International Affairs Division, Attorney-General's Chambers. Malaysia informed the Meeting that its co-chair for the said sub-committee would be Dato' Zulkifli Adnan, Director-General, Maritime Affairs Division, Ministry of Foreign Affairs.

7. Both sides held informal discussions on the issue of the name of the new sub-committee. Singapore's view was that the new sub-committee should be named, 'the Sub-Committee on Maritime Boundary Delimitation in the area around Pedra Branca, Middle Rocks and South Ledge'. This would provide a link to the work of the earlier Sub-Committee on Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge, which had laid the groundwork for maritime boundary delimitation, and which name had been stated in the MSJTC's Joint Press Statements of 3 June 2008 and 23 February 2012. Singapore's proposed name for the new sub-committee would therefore provide continuity with the work of the previous Joint Survey Works Sub-Committee, and would also not confuse the public who would be familiar with its work and would expect the linkage between the old and new sub-committees to be maintained.

8. Malaysia's view was that the new sub-committee should be named, 'the Sub-Committee on Maritime Boundary Delimitation between Pedra Branca and Middle Rocks'. This would resemble the language used in paragraph 6 of the Record of Meeting for the 6th MSJTC Meeting held on 22 and 23 February 2012. Malaysia's view was that this was the formulation which both sides had agreed on for the name of the new sub-committee. Malaysia recalled that, at the restricted bilateral discussion between the two MSJTC co-chairs at the 6th MSJTC Meeting in February 2012, Singapore had stated that the ICJ Judgment should be

implemented in a step-by-step approach, with the delimitation of the area around Pedra Branca and Middle Rocks first carried out in order to determine the two features' respective territorial waters. Only through that manner would the status of South Ledge be determined. Malaysia's view was also that since the joint survey had been carried out in order to obtain the necessary hydrographic data for the area around Pedra Branca and Middle Rocks, which data was to be used for the delimitation, it was only logical that the scope of work of the new sub-committee should proceed based on the work of the joint survey.

9. Malaysia also proposed an alternative possibility for the name of the new sub-committee: 'the Sub-Committee on Maritime Boundary Delimitation on the Implementation of the ICJ Judgment on Sovereignty over Pedra Branca, Middle Rocks and South Ledge'. Malaysia explained that this proposal was in line with both sides' commitment to cooperate with each other to ensure the smooth implementation of the ICJ Judgment.

10. In response, Singapore pointed out that there had not been any agreement at the 6th MSJTC Meeting on the name of the new maritime boundary delimitation sub-committee. Paragraph 6 of the Record of Meeting for the 6th MSJTC Meeting, which Malaysia had referred to, was merely descriptive and did not record the formal name of the sub-committee. Singapore reiterated that there should be linkage between the Joint Survey Works sub-committee and the new sub-committee, especially having regard to the fact that previous joint press statements emanating from the MSJTC had referred very clearly to the full name of the Joint Survey Works sub-committee: 'the Sub-Committee on Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge'. It was for that reason that Singapore had proposed naming the new sub-committee, 'the Sub-Committee on Maritime Boundary Delimitation in the area around Pedra Branca, Middle Rocks and South Ledge'.

11. Singapore noted that apart from the issue of continuity, the terms of reference of the Joint Survey Works sub-committee had also specified that the purpose of that sub-committee had been to prepare for eventual talks on maritime issues in and around Pedra Branca, Middle Rocks and South Ledge. 'Maritime issues' in this context, as both sides were aware, referred to maritime delimitation. It was therefore clear that the entire object and purpose of the formation of the Sub-Committee on Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge was to prepare for maritime delimitation in and around Pedra Branca, Middle Rocks and South Ledge. On the issue of the implementation of the ICJ Judgment, which was one of the arguments that Malaysia had used during the informal discussions, Singapore pointed out that the ICJ Judgment had determined the ownership of Pedra Branca and Middle Rocks, and declared that South Ledge belongs to the country in whose territorial waters it was located. There had been no instruction from the ICJ to the parties to undertake any form of delimitation in a particular area or a particular manner, nor any instruction to conduct delimitation including or excluding any particular features. Singapore's view was that if both countries were to undertake delimitation as a result of the ICJ Judgment, it would be because both countries wished to undertake delimitation in light of the sovereign status that has been determined by the ICJ, and having regard to the object and purpose of having Singapore and Malaysia agree to submit the sovereign dispute over Pedra Branca, Middle Rocks and South Ledge to the ICJ – which was to comprehensively resolve the bilateral issue over these features in order to lead to better bilateral relations, remove one constant source of irritation between the two countries, and close the chapter on this issue. With this object and purpose in mind, Singapore therefore agreed with Malaysia's comments that the delimitation should be a complete one with no grey areas left. The new sub-committee would need to take a holistic view of the delimitation situation and comprehensively address the issue of delimitation for the entire vicinity of Pedra Branca, Middle Rocks and South Ledge. Such delimitation would involve not just delimitation between Pedra Branca and Middle Rocks, but also other features in the vicinity, such as the Johor mainland. Artificial division of the area would not lead to a complete settlement of the delimitation issue and would not lead to

fulfillment of the object and purpose of both sides embarking on the delimitation exercise.

12. The Meeting noted that both sides had had candid informal discussions on the work of the new sub-committee, and encouraged the two co-chairs to continue their discussions over the name of the sub-committee, including inter-sessionally if necessary.

Sub-Committee on Maritime & Airspace Management and Fisheries

13. The Sub-Committee on Maritime & Airspace Management and Fisheries held informal discussions on the issue of the drafting of the Record of Discussion for its 3rd Meeting, which had not been completed when the Sub-Committee last met on 22 and 23 February 2012 in Kuala Lumpur. Although some progress was made, both sides were not able to arrive at an agreed text for the Record of Discussion.

14. Singapore noted that two outstanding issues remained: the issue of Tompok Utara and the issue of Ramunia Shoal. On the issue of Tompok Utara, Singapore's view was that the Tompok Utara Light Beacon lay within Singapore's territorial waters. Singapore had conveyed in its letter dated 30 April 1999 from the Maritime and Port Authority of Singapore to the Marine Department of Malaysia that Singapore consented to the move of the Tompok Utara Light Beacon from its original proposed position to its current location on technical grounds. Singapore had also stated in the letter that the location of the light beacon does not affect either the sovereignty of Pedra Branca, Middle Rocks and South Ledge or any further delimitation negotiations between Singapore and Malaysia in respect of the maritime zones in the area. Singapore noted that it agrees that the maintenance of the Tompok Utara Light Beacon is under the responsibility of Malaysia. In this regard, the Maritime and Port Authority of Singapore had sent another letter to the Marine Department of Malaysia on 30 July 2013 stating clearly that the agreement set out in the 1999 letter covers activities which are performed in maintenance of the Tompok Utara Light Beacon, including the search for, recovery and reconstruction of the Tompok Utara Light

Beacon, and the deployment of temporary light buoys and other measures as are necessary to facilitate safe navigation while the Tompok Utara Light Beacon is not operational.

15. On the issue of Ramunia Shoal, Singapore strongly protested Malaysia's designations in Malaysia's Port Circulars No. 13/2011, 16/2011, 19/2011, 20/2011 and 21/2011 of dredging areas, work areas and dumping sites in Ramunia Shoal in a manner that encroached in Singapore's territorial waters and Exclusive Economic Zone. Further, the activities of vessels purportedly authorised by Malaysia in Singapore territorial waters were in violation of Singapore law. As such, they had committed offences for which enforcement action could be taken against them by Singapore. Singapore also rejected Malaysia's claim that the activities of the vessels took place in Malaysia's territorial waters, and noted that Malaysia's actions in purporting to authorise such dredging in Singapore waters were in violation of Singapore's sovereignty and contrary to international law. Singapore highlighted that these positions have been previously conveyed by Singapore to Malaysia through diplomatic notes MFA/SEA/00046/2011 dated November 2011; SHC004/2012 dated 16 January 2012; MFA/SEA/00049/2011 dated 6 December 2011 and MFA/SEA/00050/2011 dated 6 December 2011.

16. Singapore expressed the hope that with the clarification on the above two issues, both sides would be able to finalise the ROD for the 3rd Meeting of the Sub-Committee on Maritime & Airspace Management and Fisheries.

17. In response, Malaysia noted that as far as it was concerned, both Tompok Utara and Ramunia Shoal lay within Malaysia's territorial waters and within its 1979 map.

18. The Meeting expressed its appreciation to both co-chairs of the sub-committee for their hard work and effort in trying to move the work of the sub-committee forward, and encouraged the sub-committee to continue discussions on the drafting for the ROD for the 3rd Meeting of the Sub-Committee, so that the 4th Meeting of the Sub-Committee could be convened.

Incident involving MMEA and GOLDEN SWAN

19. Singapore referred to the capsizing of Mongolian-registered vessel GUO LIANG 677 on 25 July 2013 in the waters near Horsburgh Lighthouse, and the Search and Rescue (SAR) Operations which were subsequently conducted for the missing crew of the vessel. Singapore noted that the vessel GUO LIANG 677 was a rivercraft which was not suitable for operating in the open waters around Ramunia Shoal. Singapore highlighted that while SAR Operations for the missing crew of GUO LIANG 677 were being carried out by a commercial vessel GOLDEN SWAN, a Malaysian Maritime Enforcement Agency (MMEA) vessel had moved alongside GOLDEN SWAN. An MMEA official then went on board GOLDEN SWAN and commanded that its crew stop their SAR Operations and leave the site immediately. The MMEA official then threatened to handcuff and arrest the crew members of GOLDEN SWAN. Singapore noted that it had sent a protest note to Malaysia regarding this incident. Singapore further noted that it was regrettable that such an incident had occurred, and that while it understood fully that Singapore and Malaysia had to protect their legal positions, this should not be at the expense of saving lives at sea. Singapore pointed out that such incidents could also have a negative impact on both countries' reputations. Singapore highlighted that at the 1st MSJTC Meeting in June 2008, both sides had agreed that for SAR Operations, the nearest vessel could provide assistance regardless of the vessel's nationality, on the understanding that any action would be without prejudice to sovereignty issues and the eventual delimitation of maritime boundaries. Singapore stressed the importance of keeping channels of communication open on the ground from both sides, and suggested that both sides look into how to strengthen channels of

communications in order to manage future accidents and so that the agreement at the 1st MSJTC Meeting on SAR Operations that humanitarian assistance would be provided by both sides to ensure safety and security in the water would be put into full effect.

20. In response, Malaysia agreed that SAR Operations was an important component in providing humanitarian assistance in emergency situations, and that cooperation between Malaysia and Singapore was very important. Malaysia agreed that both sides had to abide by international law, and that it was important to give priority to SAR Operations. This should be the guiding principle whenever activities are undertaken at sea. Malaysia reiterated that it stands by the agreement reached at the 1st MSJTC Meeting on SAR Operations, and agreed that it was important to maintain channels of communications between both sides.

21. With regard to the incident involving the commercial vessel and the MMEA official, Malaysia expressed its view that the actions of the MMEA on 25 July 2013 in relation to the capsized vessel GUO LIANG 677 were conducted in the course of carrying out SAR Operations within Malaysia's territorial waters. Malaysia noted that these actions were in accordance with international law as well as the discussions held at the first breakout session of the 1st MSJTC Meeting relating to maritime rules of engagement on SAR and airspace management. Malaysia noted that upon arrival at the scene, the MMEA vessel had found that salvage works were being carried out by the commercial vessel on the capsized vessel without first having obtained the relevant consent and approval from the Malaysia authorities. The MMEA officials had therefore cautioned the crew of the commercial vessel that they were in violation of Malaysia's laws and that if they did not cease and desist from their activities, action would be taken against them. Malaysia noted that MMEA had conducted further on-site investigations and subsequently ordered the commercial vessel to leave Malaysian territorial waters. Malaysia assured the Meeting that no handcuffing had taken place. Malaysia further noted that Malaysia would continue to carry out enforcement activities within its waters.

22. In response, Singapore noted that that the commercial vessel, GOLDEN SWAN, had not been conducting salvage operations as alleged by Malaysia. It was not a salvage vessel as claimed by Malaysia, but rather a dive boat which had been contracted by the Maritime and Port Authority of Singapore to conduct dive operations for the missing crew members of GUO LIANG 677. These dive operations had been carried out with the aim of locating and rescuing survivors from the capsized vessel in the critical hours after it had gone down. The crew members of GOLDEN SWAN had in fact informed the MMEA officials that it was there to conduct SAR Operations. Singapore was concerned that the MMEA official had disrupted the dive operations by demanding that the crew members stop their SAR Operations and leave the site immediately. This had seriously jeopardised the safety and lives of the seamen, which was Singapore's first and foremost concern. Singapore further highlighted that it is the IMO-designated Maritime Search and Rescue Coordinating Centre for the region where the vessel capsized. Apart from disrupting SAR Operations, Singapore was also concerned about the fact that MMEA officials were purporting to take enforcement action in Singapore territorial waters, which was contrary to international law.

Building of permanent structures on Middle Rocks

23. Singapore noted that according to media reports, Malaysia will be building some permanent structures on Middle Rocks. Singapore noted that although the ICJ has decided that Middle Rocks belongs to Malaysia, because of its proximity to Horsburgh Lighthouse, Singapore was concerned that the navigational aids that Singapore maintains in the area, which are a common good for all ships travelling in the area, may be affected by the development on Middle Rocks. These navigational aids include the Horsburgh Lighthouse itself, VTIS radar as well as differential GPS. Singapore noted that since the safety of navigation in the area was of common interest to both countries, the Sub-Committee on Maritime & Airspace Management and Fisheries should discuss whether the developments by Malaysia on Middle Rocks would affect navigation in the area.

24. In response, Malaysia reassured Singapore that it would not do anything which would affect the safety of ships navigating through the area and other movements in the area. Malaysia reiterated that works in and around Middle Rocks were an exercise of Malaysia's sovereignty over Middle Rocks pursuant to the Judgment of the ICJ in the case concerning sovereign over Pedra Branca, Middle Rocks and South Ledge dated 23 May 2008. In this respect, Malaysia has taken all necessary steps to ensure the safety of navigation in and around Middle Rocks, as well as taking into account other aspects of safety. Malaysia further agreed that this was one of the issues which the Sub-Committee could look into.

Joint Press Statement

25. The Joint Press Statement of the Meeting, which will be issued at an agreed date, is attached as ANNEX D.

Next MSJTC Meeting

26. The Meeting agreed that the 8th Meeting of the MSJTC will be held in 2014. The exact date and venue of the 8th Meeting will be communicated through diplomatic channels.

.

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE JOINT
TECHNICAL COMMITTEE ON THE IMPLEMENTATION OF THE
INTERNATIONAL COURT OF JUSTICE JUDGMENT ON PEDRA
BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**28 – 29 NOVEMBER 2013
SINGAPORE**

SINGAPORE DELEGATION

1. **Mr Chee Wee Kiong – Leader of Delegation/Co-Chairman**
Permanent Secretary
Ministry of Foreign Affairs

2. **Mr Lim Hong Huai**
Director-General
Southeast Asia I Directorate
Ministry of Foreign Affairs

3. **Mr Kamal Vaswani**
Deputy Director-General
Southeast Asia I Directorate
Ministry of Foreign Affairs

4. **Ms Sheryl Shum**
Deputy Director
Southeast Asia I Directorate
Ministry of Foreign Affairs

5. **Mr Hadrian Tsang**
Country Officer
Southeast Asia I Directorate
Ministry of Foreign Affairs

6. **Mr Gursharn Singh Gill**
Country Officer
Southeast Asia I Directorate
Ministry of Foreign Affairs

7. **Mr Rifdi Ridwan**
Country Officer
Southeast Asia I Directorate
Ministry of Foreign Affairs

8. **Ms Lin Zhiping**
Country Officer
Southeast Asia I Directorate
Ministry of Foreign Affairs

9. **Mr Pang Khang Chau**
Director-General
International Affairs Division
Attorney-General's Chambers

10. **Mr Leong Kwang Ian**
Deputy Senior State Counsel
International Affairs Division
Attorney-General's Chambers

11. **Mr David Low**
Deputy Senior State Counsel
International Affairs Division
Attorney-General's Chambers

12. **Mr Michael Lin**
State Counsel
International Affairs Division
Attorney-General's Chambers

13. **Mr Kevin Shum**
Deputy Secretary (International)
Ministry of Transport

14. **Mr Robbie Poo**
Assistant Director
Air Division
Ministry of Transport

15. **Ms Poh Shi Hui**
Assistant Director
Sea Division
Ministry of Transport

16. **Dr Parry Oei**
Chief Hydrographer
Maritime and Port Authority of Singapore

17. **Mr Cheong Keng Soon**
Director (Port)
Maritime and Port Authority of Singapore

18. **Mr Jamie Chen**
Deputy Chief Hydrographer
Maritime and Port Authority of Singapore

19. **Mr Rosly Saad**
Director
Air Traffic Services
Civil Aviation Authority of Singapore

20. **Mr Loo Chee Beng**
Director
Air Navigation Services Policy and Planning
Civil Aviation Authority of Singapore

21. **Ms Penny Ng**
Deputy Division Head
Air Navigation Services Policy
Civil Aviation Authority of Singapore

22. **Ms Yap Chui Wah**
Senior Manager
Air Navigation Services Policy
Civil Aviation Authority of Singapore

23. **LTC Chen Boon Chong**
Branch Head
Air Operations Department
Republic of Singapore Air Force
Ministry of Defence
24. **LTC Joseph Neo**
Branch Head
Naval Operations Department
Republic of Singapore Navy
Ministry of Defence
25. **Ms Christina Kwok**
Branch Head
Defence Policy Office
Ministry of Defence
26. **Ms Janice Tan**
Deputy Director
Strategic Planning Division
Ministry of National Development
27. **Tan Tian Yeow**
Head Operations & Security
Police Coast Guard
Singapore Police Force

.

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE JOINT
TECHNICAL COMMITTEE ON THE IMPLEMENTATION OF THE
INTERNATIONAL COURT OF JUSTICE JUDGMENT ON PEDRA
BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**28 – 29 NOVEMBER 2013
SINGAPORE**

MALAYSIAN DELEGATION

1. **HE Datuk Othman Hashim – Leader of Delegation/Co-Chairman**
Secretary-General
Ministry of Foreign Affairs

2. **HE Dato' Husni Zai bin Yaacob**
High Commissioner of Malaysia to Singapore

3. **HE Dato' Zulkifli Adnan**
Director-General
Department of Maritime Affairs
Ministry of Foreign Affairs

4. **Dr Azfar Mohamad Mustafar**
Deputy Director-General
Department of Maritime Affairs
Ministry of Foreign Affairs

5. **Ms Astanah Abdul Aziz**
Director
Department of Maritime Affairs
Ministry of Foreign Affairs

6. **Mr Mohd Suhaimi Ahmad Tajuddin**
Principal Assistant Secretary
Southeast Asia I Division
Ministry of Foreign Affairs

7. **Mr Nik Ady Arman Nik Mohd. Kamil**
Counsellor (Political)
High Commission of Malaysia

8. **Ms Norhalilah Abd. Jalil**
Counsellor (Economics)
High Commission of Malaysia

9. **Ms Nor'airin Abd Rashid**
Assistant Director
Department of Maritime Affairs
Ministry of Foreign Affairs

10. **Datuk Mohamed Thajudeen Abdul Wahab**
Secretary
National Security Council
Prime Minister's Department

11. **Mr Abdul Rahim Hussin**
Undersecretary
National Security Council
Prime Minister's Department

12. **Mr Mohd Helmy Ahmad**
Principal Assistant Secretary
National Security Council
Prime Minister's Department

13. **Ms Rosmilawati Dzulkifli**
Assistant Secretary
National Security Council
Prime Minister's Department

14. **Mr Tan Ah Bah**
Director of Survey (Boundary Affairs)
Department of Survey and Mapping

15. **Mr Kamarul Azam Kamarul Baharin**
Principal Assistant Director
Department of Survey and Mapping

16. **Mr Alfian Yang Amri**
Head of Legal Division
Attorney General's Chambers

17. **Mr Faezul Adzra Patail**
Senior Federal Counsel
Attorney General's Chambers

18. **Laksma Hanafiah Hassan**
Director of Hydrography
National Hydrography Centre

19. **Mr Iskandar Sazlan Mohd Salleh**
Principal Assistant Secretary
Ministry of Defence

20. **Major Mohamad Daud Sulaiman**
Staff Officer I (Legal)
Royal Malaysian Air Force
Ministry of Defence

21. **Major Norazrin Shamsudin**
Staff Officer II (Legal)
Royal Malaysian Air Force
Ministry of Defence

22. **Cdr. Shaiful Nizam Abdul Manan**
Acting Director, International Relations
Navy Operation and Exercise Department
Royal Malaysian Navy
Ministry of Defence

23. **Mr Ahmad Afifi Hussain**
Principal Assistant Director
Prime Minister's Department

24. **Mr Mohammed Ridha Dato' Hj. Abd. Kadir**
Deputy Director
Johor Land and Mines Office
Johor State Government

25. **Haji Rossid Musa**
Director of Safety Division
Department of Marine

26. **Haji Ahmad Nizar Zolfakar**
Director of Air Traffic
Department of Civil Aviation

27. **First Admiral Maritime Dato' Che Hassan Jusoh**
Director of Enforcement and Exercise Division
Malaysia Maritime Enforcement Agency

.

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE JOINT
TECHNICAL COMMITTEE ON THE IMPLEMENTATION OF THE
INTERNATIONAL COURT OF JUSTICE JUDGMENT ON PEDRA
BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

28-29 NOVEMBER 2013

SINGAPORE

MEETING AGENDA

1. Opening Remarks by:
 - (a) Co-Chairman of Singapore
 - (b) Co-Chairman of Malaysia

2. Confirmation of Agenda

3. Delimitation of Maritime Boundaries

4. Maritime and Airspace Management

5. Any Other Matters

6. Date and Venue of Next Meeting

7. Closing Remarks by:
 - (a) Co-Chairman of Malaysia
 - (b) Co-Chairman of Singapore

.

**JOINT PRESS STATEMENT
BY H.E. K SHANMUGAM, MINISTER FOR FOREIGN AFFAIRS,
REPUBLIC OF SINGAPORE
AND H.E. DATO' SRI ANIFAH AMAN, MINISTER OF FOREIGN
AFFAIRS, MALAYSIA**

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE
JOINT TECHNICAL COMMITTEE ON THE IMPLEMENTATION
OF THE INTERNATIONAL COURT OF JUSTICE JUDGMENT
ON PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

SINGAPORE

28-29 NOVEMBER 2013

Singapore and Malaysia met on 28-29 November 2013 in Singapore to discuss the implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge. The Singapore delegation was led by Mr Chee Wee Kiong, Permanent Secretary of the Ministry of Foreign Affairs, Singapore and the Malaysian delegation was led by Datuk Othman bin Hashim, Secretary-General of the Ministry of Foreign Affairs, Malaysia.

The Meeting continued discussions on related issues arising from the International Court of Justice (ICJ) Judgment on the Case Concerning Sovereignty over Pedra Branca, Middle Rocks and South Ledge.

Following Prime Minister Mr Lee Hsien Loong and Prime Minister Dato' Sri Mohd Najib Tun Abdul Razak's agreement at the Leaders' Retreat in February 2013 that "the next step would be for the MSJTC to move into the delimitation of maritime boundaries", the Meeting agreed to set up a new sub-committee for this purpose and held informal consultations on its establishment.

The Meeting agreed that the Eighth Meeting of the Malaysia-Singapore Joint Technical Committee (MSJTC) on the Implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge will be held in 2014.

.

MINISTRY OF FOREIGN AFFAIRS, REPUBLIC OF SINGAPORE
MINISTRY OF FOREIGN AFFAIRS, MALAYSIA
30 NOVEMBER 2013

This page is intentionally left blank.

Annex 100

Diplomatic note from Singapore to Malaysia,
MFA/SEA1/00091/2014, dated 28 November 2014



MFA/SEA1/00091/2014

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 former's Note MFA/SEA1/00034/2014 dated 7 May 2014, which enclosed for Malaysia's re-consideration the draft Record of Meeting (ROM) for 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 from 28 to 29 November 2013 in Singapore.

The Ministry notes that the MSJTC co-chairs (Permanent Secretary of the Ministry of Foreign Affairs of the Republic of Singapore H.E. Mr Chee Wee Kiong and Secretary General of the Ministry of Foreign Affairs of Malaysia H.E. Datuk Othman Hashim) met on 8 May and 27 August 2014, where Singapore raised the issue of the draft ROM for the 7th MSJTC Meeting with Malaysia. Both Parties also recalled the agreement that the ROM would be drafted as close to verbatim as possible. In this regard, Singapore would appreciate Malaysia's response to the draft ROM, which is in the enclosed Annex for Malaysia's re-consideration. As the 7th MSJTC Meeting agreed that the 8th MSJTC Meeting will be held in 2014, Singapore also looks forward to hearing from Malaysia the details for the 8th MSJTC Meeting.

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

28 November 2014



High Commission of Malaysia

Singapore

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE
JOINT TECHNICAL COMMITTEE ON THE
IMPLEMENTATION OF THE INTERNATIONAL COURT OF
JUSTICE JUDGMENT ON
PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**28-29 NOVEMBER 2013
SINGAPORE**

Record of Meeting

The Seventh Meeting of the Malaysia-Singapore Joint Technical Committee (MSJTC) on the Implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge was co-chaired by H.E. Mr Chee Wee Kiong, Permanent Secretary, Ministry of Foreign Affairs, Republic of Singapore and H.E. Datuk Othman Hashim, Secretary-General, Ministry of Foreign Affairs, Malaysia.

2. The Singapore Delegation list is attached as **ANNEX A**. The Malaysian Delegation list is attached as **ANNEX B**. The Agenda of the Meeting is attached as **ANNEX C**.

3. The Meeting continued discussions on related issues arising from the ICJ Judgment on the Case Concerning Sovereignty over Pedra Branca, Middle Rocks and South Ledge.

Maritime boundary delimitation sub-committee

4. The Meeting confirmed that both sides have obtained the mandates from their respective Governments to proceed with maritime boundary delimitation and to establish a new sub-committee for this purpose.

5. Malaysia noted that the final delimitation of the maritime boundary between Pedra Branca and Middle Rocks would mean that there would be no grey areas in that part of the region, and both countries'

enforcement activities would not be overwhelmed by cases of intrusions into each other's territories. Singapore noted that the final agreement should work towards complete delimitation, leaving no grey area in the vicinity of Pedra Branca, Middle Rocks and South Ledge.

6. Singapore informed the Meeting that its co-chair for the new maritime boundary delimitation sub-committee would be Mr Pang Khang Chau, Director-General, International Affairs Division, Attorney-General's Chambers. Malaysia informed the Meeting that its co-chair for the said sub-committee would be Dato' Zulkifli Adnan, Director-General, Maritime Affairs Division, Ministry of Foreign Affairs.

7. Both sides held informal discussions on the issue of the name of the new sub-committee. Singapore's view was that the new sub-committee should be named, 'the Sub-Committee on Maritime Boundary Delimitation in the area around Pedra Branca, Middle Rocks and South Ledge'. This would provide a link to the work of the earlier Sub-Committee on Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge, which had laid the groundwork for maritime boundary delimitation, and which name had been stated in the MSJTC's Joint Press Statements of 3 June 2008 and 23 February 2012. Singapore's proposed name for the new sub-committee would therefore provide continuity with the work of the previous Joint Survey Works Sub-Committee, and would also not confuse the public who would be familiar with its work and would expect the linkage between the old and new sub-committees to be maintained.

8. Malaysia's view was that the new sub-committee should be named, 'the Sub-Committee on Maritime Boundary Delimitation between Pedra Branca and Middle Rocks'. This would resemble the language used in paragraph 6 of the Record of Meeting for the 6th MSJTC Meeting held on 22 and 23 February 2012. Malaysia's view was that this was the formulation which both sides had agreed on for the name of the new sub-committee. Malaysia recalled that, at the restricted bilateral discussion between the two MSJTC co-chairs at the 6th MSJTC Meeting in February 2012, Singapore had stated that the ICJ Judgment should be

implemented in a step-by-step approach, with the delimitation of the area around Pedra Branca and Middle Rocks first carried out in order to determine the two features' respective territorial waters. Only through that manner would the status of South Ledge be determined. Malaysia's view was also that since the joint survey had been carried out in order to obtain the necessary hydrographic data for the area around Pedra Branca and Middle Rocks, which data was to be used for the delimitation, it was only logical that the scope of work of the new sub-committee should proceed based on the work of the joint survey.

9. Malaysia also proposed an alternative possibility for the name of the new sub-committee: 'the Sub-Committee on Maritime Boundary Delimitation on the Implementation of the ICJ Judgment on Sovereignty over Pedra Branca, Middle Rocks and South Ledge'. Malaysia explained that this proposal was in line with both sides' commitment to cooperate with each other to ensure the smooth implementation of the ICJ Judgment.

10. In response, Singapore pointed out that there had not been any agreement at the 6th MSJTC Meeting on the name of the new maritime boundary delimitation sub-committee. Paragraph 6 of the Record of Meeting for the 6th MSJTC Meeting, which Malaysia had referred to, was merely descriptive and did not record the formal name of the sub-committee. Singapore reiterated that there should be linkage between the Joint Survey Works sub-committee and the new sub-committee, especially having regard to the fact that previous joint press statements emanating from the MSJTC had referred very clearly to the full name of the Joint Survey Works sub-committee: 'the Sub-Committee on Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge'. It was for that reason that Singapore had proposed naming the new sub-committee, 'the Sub-Committee on Maritime Boundary Delimitation in the area around Pedra Branca, Middle Rocks and South Ledge'.

11. Singapore noted that apart from the issue of continuity, the terms of reference of the Joint Survey Works sub-committee had also specified that the purpose of that sub-committee had been to prepare for eventual talks on maritime issues in and around Pedra Branca, Middle Rocks and South Ledge. 'Maritime issues' in this context, as both sides were aware, referred to maritime delimitation. It was therefore clear that the entire object and purpose of the formation of the Sub-Committee on Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge was to prepare for maritime delimitation in and around Pedra Branca, Middle Rocks and South Ledge. On the issue of the implementation of the ICJ Judgment, which was one of the arguments that Malaysia had used during the informal discussions, Singapore pointed out that the ICJ Judgment had determined the ownership of Pedra Branca and Middle Rocks, and declared that South Ledge belongs to the country in whose territorial waters it was located. There had been no instruction from the ICJ to the parties to undertake any form of delimitation in a particular area or a particular manner, nor any instruction to conduct delimitation including or excluding any particular features. Singapore's view was that if both countries were to undertake delimitation as a result of the ICJ Judgment, it would be because both countries wished to undertake delimitation in light of the sovereign status that has been determined by the ICJ, and having regard to the object and purpose of having Singapore and Malaysia agree to submit the sovereign dispute over Pedra Branca, Middle Rocks and South Ledge to the ICJ - which was to comprehensively resolve the bilateral issue over these features in order to lead to better bilateral relations, remove one constant source of irritation between the two countries, and close the chapter on this issue. With this object and purpose in mind, Singapore therefore agreed with Malaysia's comments that the delimitation should be a complete one with no grey areas left. The new sub-committee would need to take a holistic view of the delimitation situation and comprehensively address the issue of delimitation for the entire vicinity of Pedra Branca, Middle Rocks and South Ledge. Such delimitation would involve not just delimitation between Pedra Branca and Middle Rocks, but also other features in the vicinity, such as the Johor mainland. Artificial division of the area would not lead to a complete settlement of the delimitation issue and would not lead to

fulfillment of the object and purpose of both sides embarking on the delimitation exercise.

12. The Meeting noted that both sides had had candid informal discussions on the work of the new sub-committee, and encouraged the two co-chairs to continue their discussions over the name of the sub-committee, including inter-sessionally if necessary.

Sub-Committee on Maritime & Airspace Management and Fisheries

13. The Sub-Committee on Maritime & Airspace Management and Fisheries held informal discussions on the issue of the drafting of the Record of Discussion for its 3rd Meeting, which had not been completed when the Sub-Committee last met on 22 and 23 February 2012 in Kuala Lumpur. Although some progress was made, both sides were not able to arrive at an agreed text for the Record of Discussion.

14. Singapore noted that two outstanding issues remained: the issue of Tompok Utara and the issue of Ramunia Shoal. On the issue of Tompok Utara, Singapore's view was that the Tompok Utara Light Beacon lay within Singapore's territorial waters. Singapore had conveyed in its letter dated 30 April 1999 from the Maritime and Port Authority of Singapore to the Marine Department of Malaysia that Singapore consented to the move of the Tompok Utara Light Beacon from its original proposed position to its current location on technical grounds. Singapore had also stated in the letter that the location of the light beacon does not affect either the sovereignty of Pedra Branca, Middle Rocks and South Ledge or any further delimitation negotiations between Singapore and Malaysia in respect of the maritime zones in the area. Singapore noted that it agrees that the maintenance of the Tompok Utara Light Beacon is under the responsibility of Malaysia. In this regard, the Maritime and Port Authority of Singapore had sent another letter to the Marine Department of Malaysia on 30 July 2013 stating clearly that the agreement set out in the 1999 letter covers activities which are performed in maintenance of the Tompok Utara Light Beacon, including the search for, recovery and reconstruction of the Tompok Utara Light

Beacon, and the deployment of temporary light buoys and other measures as are necessary to facilitate safe navigation while the Tompok Utara Light Beacon is not operational.

15. On the issue of Ramunia Shoal, Singapore strongly protested Malaysia's designations in Malaysia's Port Circulars No. 13/2011, 16/2011, 19/2011, 20/2011 and 21/2011 of dredging areas, work areas and dumping sites in Ramunia Shoal in a manner that encroached in Singapore's territorial waters and Exclusive Economic Zone. Further, the activities of vessels purportedly authorised by Malaysia in Singapore territorial waters were in violation of Singapore law. As such, they had committed offences for which enforcement action could be taken against them by Singapore. Singapore also rejected Malaysia's claim that the activities of the vessels took place in Malaysia's territorial waters, and noted that Malaysia's actions in purporting to authorise such dredging in Singapore waters were in violation of Singapore's sovereignty and contrary to international law. Singapore highlighted that these positions have been previously conveyed by Singapore to Malaysia through diplomatic notes MFA/SEA/00046/2011 dated November 2011; SHC004/2012 dated 16 January 2012; MFA/SEA/00049/2011 dated 6 December 2011 and MFA/SEA/00050/2011 dated 6 December 2011.

16. Singapore expressed the hope that with the clarification on the above two issues, both sides would be able to finalise the ROD for the 3rd Meeting of the Sub-Committee on Maritime & Airspace Management and Fisheries.

17. In response, Malaysia noted that as far as it was concerned, both Tompok Utara and Ramunia Shoal lay within Malaysia's territorial waters and within its 1979 map.

18. The Meeting expressed its appreciation to both co-chairs of the sub-committee for their hard work and effort in trying to move the work of the sub-committee forward, and encouraged the sub-committee to continue discussions on the drafting for the ROD for the 3rd Meeting of the Sub-Committee, so that the 4th Meeting of the Sub-Committee could be convened.

Incident involving MMEA and GOLDEN SWAN

19. Singapore referred to the capsizing of Mongolian-registered vessel GUO LIANG 677 on 25 July 2013 in the waters near Horsburgh Lighthouse, and the Search and Rescue (SAR) Operations which were subsequently conducted for the missing crew of the vessel. Singapore noted that the vessel GUO LIANG 677 was a rivercraft which was not suitable for operating in the open waters around Ramunia Shoal. Singapore highlighted that while SAR Operations for the missing crew of GUO LIANG 677 were being carried out by a commercial vessel GOLDEN SWAN, a Malaysian Maritime Enforcement Agency (MMEA) vessel had moved alongside GOLDEN SWAN. An MMEA official then went on board GOLDEN SWAN and commanded that its crew stop their SAR Operations and leave the site immediately. The MMEA official then threatened to handcuff and arrest the crew members of GOLDEN SWAN. Singapore noted that it had sent a protest note to Malaysia regarding this incident. Singapore further noted that it was regrettable that such an incident had occurred, and that while it understood fully that Singapore and Malaysia had to protect their legal positions, this should not be at the expense of saving lives at sea. Singapore pointed out that such incidents could also have a negative impact on both countries' reputations. Singapore highlighted that at the 1st MSJTC Meeting in June 2008, both sides had agreed that for SAR Operations, the nearest vessel could provide assistance regardless of the vessel's nationality, on the understanding that any action would be without prejudice to sovereignty issues and the eventual delimitation of maritime boundaries. Singapore stressed the importance of keeping channels of communication open on the ground from both sides, and suggested that both sides look into how to strengthen channels of

communications in order to manage future accidents and so that the agreement at the 1st MSJTC Meeting on SAR Operations that humanitarian assistance would be provided by both sides to ensure safety and security in the water would be put into full effect.

20. In response, Malaysia agreed that SAR Operations was an important component in providing humanitarian assistance in emergency situations, and that cooperation between Malaysia and Singapore was very important. Malaysia agreed that both sides had to abide by international law, and that it was important to give priority to SAR Operations. This should be the guiding principle whenever activities are undertaken at sea. Malaysia reiterated that it stands by the agreement reached at the 1st MSJTC Meeting on SAR Operations, and agreed that it was important to maintain channels of communications between both sides.

21. With regard to the incident involving the commercial vessel and the MMEA official, Malaysia expressed its view that the actions of the MMEA on 25 July 2013 in relation to the capsized vessel GUO LIANG 677 were conducted in the course of carrying out SAR Operations within Malaysia's territorial waters. Malaysia noted that these actions were in accordance with international law as well as the discussions held at the first breakout session of the 1st MSJTC Meeting relating to maritime rules of engagement on SAR and airspace management. Malaysia noted that upon arrival at the scene, the MMEA vessel had found that salvage works were being carried out by the commercial vessel on the capsized vessel without first having obtained the relevant consent and approval from the Malaysia authorities. The MMEA officials had therefore cautioned the crew of the commercial vessel that they were in violation of Malaysia's laws and that if they did not cease and desist from their activities, action would be taken against them. Malaysia noted that MMEA had conducted further on-site investigations and subsequently ordered the commercial vessel to leave Malaysian territorial waters. Malaysia assured the Meeting that no handcuffing had taken place. Malaysia further noted that Malaysia would continue to carry out enforcement activities within its waters.

22. In response, Singapore noted that the commercial vessel, GOLDEN SWAN, had not been conducting salvage operations as alleged by Malaysia. It was not a salvage vessel as claimed by Malaysia, but rather a dive boat which had been contracted by the Maritime and Port Authority of Singapore to conduct dive operations for the missing crew members of GUO LIANG 677. These dive operations had been carried out with the aim of locating and rescuing survivors from the capsized vessel in the critical hours after it had gone down. The crew members of GOLDEN SWAN had in fact informed the MMEA officials that it was there to conduct SAR Operations. Singapore was concerned that the MMEA official had disrupted the dive operations by demanding that the crew members stop their SAR Operations and leave the site immediately. This had seriously jeopardised the safety and lives of the seamen, which was Singapore's first and foremost concern. Singapore further highlighted that it is the IMO-designated Maritime Search and Rescue Coordinating Centre for the region where the vessel capsized. Apart from disrupting SAR Operations, Singapore was also concerned about the fact that MMEA officials were purporting to take enforcement action in Singapore territorial waters, which was contrary to international law.

Building of permanent structures on Middle Rocks

23. Singapore noted that according to media reports, Malaysia will be building some permanent structures on Middle Rocks. Singapore noted that although the ICJ has decided that Middle Rocks belongs to Malaysia, because of its proximity to Horsburgh Lighthouse, Singapore was concerned that the navigational aids that Singapore maintains in the area, which are a common good for all ships travelling in the area, may be affected by the development on Middle Rocks. These navigational aids include the Horsburgh Lighthouse itself, VTIS radar as well as differential GPS. Singapore noted that since the safety of navigation in the area was of common interest to both countries, the Sub-Committee on Maritime & Airspace Management and Fisheries should discuss whether the developments by Malaysia on Middle Rocks would affect navigation in the area.

24. In response, Malaysia reassured Singapore that it would not do anything which would affect the safety of ships navigating through the area and other movements in the area. Malaysia reiterated that works in and around Middle Rocks were an exercise of Malaysia's sovereignty over Middle Rocks pursuant to the Judgment of the ICJ in the case concerning sovereign over Pedra Branca, Middle Rocks and South Ledge dated 23 May 2008. In this respect, Malaysia has taken all necessary steps to ensure the safety of navigation in and around Middle Rocks, as well as taking into account other aspects of safety. Malaysia further agreed that this was one of the issues which the Sub-Committee could look into.

Joint Press Statement

25. The Joint Press Statement of the Meeting, which will be issued at an agreed date, is attached as ANNEX D.

Next MSJTC Meeting

26. The Meeting agreed that the 8th Meeting of the MSJTC will be held in 2014. The exact date and venue of the 8th Meeting will be communicated through diplomatic channels.

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE JOINT
TECHNICAL COMMITTEE ON THE IMPLEMENTATION OF THE
INTERNATIONAL COURT OF JUSTICE JUDGMENT ON PEDRA
BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**28 – 29 NOVEMBER 2013
SINGAPORE**

SINGAPORE DELEGATION

1. **Mr Chee Wee Kiong – Leader of Delegation/Co-Chairman**
Permanent Secretary
Ministry of Foreign Affairs
2. **Mr Lim Hong Huai**
Director-General
Southeast Asia I Directorate,
Ministry of Foreign Affairs
3. **Mr Kamal Vaswani**
Deputy Director-General
Southeast Asia I Directorate
Ministry of Foreign Affairs
4. **Ms Sheryl Shum**
Deputy Director
Southeast Asia I Directorate
Ministry of Foreign Affairs

5. **Mr Hadrian Tsang**
Country Officer
Southeast Asia I Directorate
Ministry of Foreign Affairs
6. **Mr Gursharn Singh Gill**
Country Officer
Southeast Asia I Directorate
Ministry of Foreign Affairs
7. **Mr Rifdi Ridwan**
Country Officer
Southeast Asia I Directorate
Ministry of Foreign Affairs
8. **Ms Lin Zhiping**
Country Officer
Southeast Asia I Directorate
Ministry of Foreign Affairs
9. **Mr Pang Khang Chau**
Director-General
International Affairs Division
Attorney-General's Chambers
10. **Mr Leong Kwang Ian**
Deputy Senior State Counsel
International Affairs Division
Attorney-General's Chambers

11. **Mr David Low**
Deputy Senior State Counsel
International Affairs Division
Attorney-General's Chambers
12. **Mr Michael Lin**
State Counsel
International Affairs Division
Attorney-General's Chambers
13. **Mr Kevin Shum**
Deputy Secretary (International)
Ministry of Transport
14. **Mr Robbie Poo**
Assistant Director
Air Division
Ministry of Transport
15. **Ms Poh Shi Hui**
Assistant Director
Sea Division
Ministry of Transport
16. **Dr Parry Oei**
Chief Hydrographer
Maritime and Port Authority of Singapore

17. **Mr Cheong Keng Soon**
Director (Port)
Maritime and Port Authority of Singapore

18. **Mr Jamie Chen**
Deputy Chief Hydrographer
Maritime and Port Authority of Singapore

19. **Mr Rosly Saad**
Director
Air Traffic Services
Civil Aviation Authority of Singapore

20. **Mr Loo Chee Beng**
Director
Air Navigation Services Policy and Planning
Civil Aviation Authority of Singapore

21. **Ms Penny Ng**
Deputy Division Head
Air Navigation Services Policy
Civil Aviation Authority of Singapore

22. **Ms Yap Chui Wah**
Senior Manager
Air Navigation Services Policy
Civil Aviation Authority of Singapore

23. **LTC Chen Boon Chong**
Branch Head
Air Operations Department
Republic of Singapore Air Force
Ministry of Defence
24. **LTC Joseph Neo**
Branch Head
Naval Operations Department
Republic of Singapore Navy
Ministry of Defence
25. **Ms Christina Kwok**
Branch Head
Defence Policy Office
Ministry of Defence
26. **Ms Janice Tan**
Deputy Director
Strategic Planning Division
Ministry of National Development
27. **Tan Tian Yeow**
Head Operations & Security
Police Coast Guard
Singapore Police Force

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE JOINT
TECHNICAL COMMITTEE ON THE IMPLEMENTATION OF THE
INTERNATIONAL COURT OF JUSTICE JUDGMENT ON PEDRA
BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**28 – 29 NOVEMBER 2013
SINGAPORE**

MALAYSIAN DELEGATION

1. **HE Datuk Othman Hashim – Leader of Delegation/Co-Chairman**
Secretary-General
Ministry of Foreign Affairs

2. **HE Dato' Husni Zai bin Yaacob**
High Commissioner of Malaysia to Singapore

3. **HE Dato' Zulkifli Adnan**
Director-General
Department of Maritime Affairs
Ministry of Foreign Affairs

4. **Dr Azfar Mohamad Mustafar**
Deputy Director-General
Department of Maritime Affairs
Ministry of Foreign Affairs

5. **Ms Astanah Abdul Aziz**
Director
Department of Maritime Affairs
Ministry of Foreign Affairs

6. **Mr Mohd Suhaimi Ahmad Tajuddin**
Principal Assistant Secretary
Southeast Asia I Division
Ministry of Foreign Affairs

7. **Mr Nik Ady Arman Nik Mohd. Kamil**
Counsellor (Political)
High Commission of Malaysia

8. **Ms Norhalilah Abd. Jalil**
Counsellor (Economics)
High Commission of Malaysia

9. **Ms Nor'airin Abd Rashid**
Assistant Director
Department of Maritime Affairs
Ministry of Foreign Affairs

10. **Datuk Mohamed Thajudeen Abdul Wahab**
Secretary
National Security Council
Prime Minister's Department

11. **Mr Abdul Rahim Hussin**
Undersecretary
National Security Council
Prime Minister's Department

12. **Mr Mohd Helmy Ahmad**
Principal Assistant Secretary
National Security Council
Prime Minister's Department

13. **Ms Rosmilawati Dzulkipli**
Assistant Secretary
National Security Council
Prime Minister's Department

14. **Mr Tan Ah Bah**
Director of Survey (Boundary Affairs)
Department of Survey and Mapping

15. **Mr Kamarul Azam Kamarul Baharin**
Principal Assistant Director
Department of Survey and Mapping

16. **Mr Alfian Yang Amri**
Head of Legal Division
Attorney General's Chambers

17. **Mr Faezul Adzra Patail**
Senior Federal Counsel
Attorney General's Chambers

18. **Laksmah Hanafiah Hassan**
Director of Hydrography
National Hydrography Centre

19. **Mr Iskandar Sazlan Mohd Salleh**
Principal Assistant Secretary
Ministry of Defence

20. **Major Mohamad Daud Sulaiman**
Staff Officer I (Legal)
Royal Malaysian Air Force
Ministry of Defence

21. **Major Norazrin Shamsudin**
Staff Officer II (Legal)
Royal Malaysian Air Force
Ministry of Defence

22. **Cdr. Shaiful Nizam Abdul Manan**
Acting Director, International Relations
Navy Operation and Exercise Department
Royal Malaysian Navy
Ministry of Defence

23. **Mr Ahmad Afifi Hussain**
Principal Assistant Director
Prime Minister's Department

Cdr. Shaiful Nizam Abdul Manan

24. **Mr Mohammed Ridha Dato' Hj. Abd. Kadir**
Deputy Director
Johor Land and Mines Office
Johor State Government

25. **Haji Rossid Musa**
Director of Safety Division
Department of Marine

26. **Haji Ahmad Nizar Zolfakar**
Director of Air Traffic
Department of Civil Aviation

27. **First Admiral Maritime Dato' Che Hassan Jusoh**
Director of Enforcement and Exercise Division
Malaysia Maritime Enforcement Agency

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE JOINT
TECHNICAL COMMITTEE ON THE IMPLEMENTATION OF THE
INTERNATIONAL COURT OF JUSTICE JUDGMENT ON PEDRA
BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

28-29 NOVEMBER 2013

SINGAPORE

MEETING AGENDA

1. Opening Remarks by:
 - (a) Co-Chairman of Singapore
 - (b) Co-Chairman of Malaysia

2. Confirmation of Agenda

3. Delimitation of Maritime Boundaries

4. Maritime and Airspace Management

5. Any Other Matters

6. Date and Venue of Next Meeting

7. Closing Remarks by:
 - (a) Co-Chairman of Malaysia
 - (b) Co-Chairman of Singapore

**JOINT PRESS STATEMENT
BY H.E. K SHANMUGAM, MINISTER FOR FOREIGN AFFAIRS,
REPUBLIC OF SINGAPORE
AND H.E. DATO' SRI ANIFAH AMAN, MINISTER OF FOREIGN
AFFAIRS, MALAYSIA**

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE
JOINT TECHNICAL COMMITTEE ON THE IMPLEMENTATION
OF THE INTERNATIONAL COURT OF JUSTICE JUDGMENT
ON PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

SINGAPORE

28-29 NOVEMBER 2013

Singapore and Malaysia met on 28-29 November 2013 in Singapore to discuss the implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge. The Singapore delegation was led by Mr Chee Wee Kiong, Permanent Secretary of the Ministry of Foreign Affairs, Singapore and the Malaysian delegation was led by Datuk Othman bin Hashim, Secretary-General of the Ministry of Foreign Affairs, Malaysia.

The Meeting continued discussions on related issues arising from the International Court of Justice (ICJ) Judgment on the Case Concerning Sovereignty over Pedra Branca, Middle Rocks and South Ledge.

Following Prime Minister Mr Lee Hsien Loong and Prime Minister Dato' Sri Mohd Najib Tun Abdul Razak's agreement at the Leaders' Retreat in February 2013 that "the next step would be for the MSJTC to move into the delimitation of maritime boundaries", the Meeting agreed to set up a new sub-committee for this purpose and held informal consultations on its establishment.

CONFIDENTIAL

Min.

The Meeting agreed that the Eighth Meeting of the Malaysia-Singapore Joint Technical Committee (MSJTC) on the Implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge will be held in 2014.

.....

MINISTRY OF FOREIGN AFFAIRS, REPUBLIC OF SINGAPORE
MINISTRY OF FOREIGN AFFAIRS, MALAYSIA
30 NOVEMBER 2013

CONFIDENTIAL

Min.

CONFIDENTIAL

Min.

This page is intentionally left blank.

Annex 101

Diplomatic note from Singapore to Malaysia,
MFA/SEA1/00093/2014, dated 2 December 2014



MFA/SEA1/00093/2014

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.

Following the ICJ Judgment, the governments of both countries established a Joint Technical Committee on the Implementation of the ICJ Judgment on Pedra Branca, Middle Rocks and South Ledge (MSJTC) for the purpose of fully implementing the ICJ Judgment in the spirit of good relations and cooperation.

The Singapore Government therefore notes with regret that Malaysia has been acting in disregard of the ICJ Judgment by unilaterally sending Malaysian Government aircraft to fly over and around South Ledge. We refer to the following dates and incidents:

- i. On 9 January 2014 at 1039 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflew South Ledge twice.
- ii. On 18 January 2014 at 1621 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflew South Ledge.

- iii. On 4 February 2014 at 0918 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflowed South Ledge.
- iv. On 7 February 2014 at 1046 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflowed South Ledge.
- v. On 10 February 2014 at 1014 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflowed South Ledge.
- vi. On 27 February 2014 at 1229 hrs, an RMAF B-200T aircraft was observed to be operating in the airspace near South Ledge at a height of approximately 200 feet. The aircraft overflowed South Ledge twice.

The Singapore Government protests Malaysia's unilateral actions in the airspace over and around South Ledge, which go against the spirit of the MSJTC and are inconsistent with the mutual agreement to honour and abide by the ICJ Judgment. Malaysia's actions in respect of South Ledge are not helpful in reaching a peaceful and amicable resolution of the issues relating to the ICJ Judgment.

The Singapore Government seeks the cooperation of the Malaysian Government to ensure the immediate cessation of its current activities over and around 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

2 December 2014



High Commission of Malaysia
Singapore

This page is intentionally left blank.

Annex 102

Diplomatic note from Singapore to Malaysia,
MFA/SEA1/00043/2015, dated 16 December 2015



MFA/SEA1/00043/2015

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 former's Notes MFA/SEA1/00034/2014 dated 7 May 2014 and MFA/SEA1/00091/2014 dated 28 November 2014 conveying the draft Record of Meeting (ROM) for the Seventh Meeting of the Malaysia-Singapore Joint Technical Committee (MSJTC) on the Implementation of the International Court of Justice Judgement on Pedra Branca, Middle Rocks and South Ledge on 28 to 29 November 2013 in Singapore and seeking details for the Eighth MSJTC Meeting to be held in Malaysia.

The Ministry notes that it has yet to receive a response from Malaysia on both the Eighth MSJTC Meeting and the draft ROM for the Seventh MSJTC Meeting, which is enclosed for Malaysia's re-consideration. In this regard, the Ministry recalls that the MSJTC co-chairs (Permanent Secretary of the Ministry of Foreign Affairs of the Republic of Singapore Mr Chee Wee Kiong and Secretary General of the Ministry of Foreign Affairs of Malaysia H.E. Datuk Othman Hashim) had agreed that the ROM would be drafted as close to verbatim as possible. The Ministry reiterates its request for Malaysia's response to the draft ROM and looks forward to hearing from Malaysia the details for the Eighth MSJTC Meeting.

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

16 December 2015



High Commission of Malaysia
Singapore

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE
JOINT TECHNICAL COMMITTEE ON THE
IMPLEMENTATION OF THE INTERNATIONAL COURT OF
JUSTICE JUDGMENT ON
PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**28-29 NOVEMBER 2013
SINGAPORE**

Record of Meeting

The Seventh Meeting of the Malaysia-Singapore Joint Technical Committee (MSJTC) on the Implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge was co-chaired by H.E. Mr Chee Wee Kiong, Permanent Secretary, Ministry of Foreign Affairs, Republic of Singapore and H.E. Datuk Othman Hashim, Secretary-General, Ministry of Foreign Affairs, Malaysia.

2. The Singapore Delegation list is attached as ANNEX A. The Malaysian Delegation list is attached as ANNEX B. The Agenda of the Meeting is attached as ANNEX C.
3. The Meeting continued discussions on related issues arising from the ICJ Judgment on the Case Concerning Sovereignty over Pedra Branca, Middle Rocks and South Ledge.

Maritime boundary delimitation sub-committee

4. The Meeting confirmed that both sides have obtained the mandates from their respective Governments to proceed with maritime boundary delimitation and to establish a new sub-committee for this purpose.
5. Malaysia noted that the final delimitation of the maritime boundary between Pedra Branca and Middle Rocks would mean that there would be no grey areas in that part of the region, and both countries'

enforcement activities would not be overwhelmed by cases of intrusions into each other's territories. Singapore noted that the final agreement should work towards complete delimitation, leaving no grey area in the vicinity of Pedra Branca, Middle Rocks and South Ledge.

6. Singapore informed the Meeting that its co-chair for the new maritime boundary delimitation sub-committee would be Mr Pang Khang Chau, Director-General, International Affairs Division, Attorney-General's Chambers. Malaysia informed the Meeting that its co-chair for the said sub-committee would be Dato' Zulkifli Adnan, Director-General, Maritime Affairs Division, Ministry of Foreign Affairs.

7. Both sides held informal discussions on the issue of the name of the new sub-committee. Singapore's view was that the new sub-committee should be named, 'the Sub-Committee on Maritime Boundary Delimitation in the area around Pedra Branca, Middle Rocks and South Ledge'. This would provide a link to the work of the earlier Sub-Committee on Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge, which had laid the groundwork for maritime boundary delimitation, and which name had been stated in the MSJTC's Joint Press Statements of 3 June 2008 and 23 February 2012. Singapore's proposed name for the new sub-committee would therefore provide continuity with the work of the previous Joint Survey Works Sub-Committee, and would also not confuse the public who would be familiar with its work and would expect the linkage between the old and new sub-committees to be maintained.

8. Malaysia's view was that the new sub-committee should be named, 'the Sub-Committee on Maritime Boundary Delimitation between Pedra Branca and Middle Rocks'. This would resemble the language used in paragraph 6 of the Record of Meeting for the 6th MSJTC Meeting held on 22 and 23 February 2012. Malaysia's view was that this was the formulation which both sides had agreed on for the name of the new sub-committee. Malaysia recalled that, at the restricted bilateral discussion between the two MSJTC co-chairs at the 6th MSJTC Meeting in February 2012, Singapore had stated that the ICJ Judgment should be

implemented in a step-by-step approach, with the delimitation of the area around Pedra Branca and Middle Rocks first carried out in order to determine the two features' respective territorial waters. Only through that manner would the status of South Ledge be determined. Malaysia's view was also that since the joint survey had been carried out in order to obtain the necessary hydrographic data for the area around Pedra Branca and Middle Rocks, which data was to be used for the delimitation, it was only logical that the scope of work of the new sub-committee should proceed based on the work of the joint survey.

9. Malaysia also proposed an alternative possibility for the name of the new sub-committee: 'the Sub-Committee on Maritime Boundary Delimitation on the Implementation of the ICJ Judgment on Sovereignty over Pedra Branca, Middle Rocks and South Ledge'. Malaysia explained that this proposal was in line with both sides' commitment to cooperate with each other to ensure the smooth implementation of the ICJ Judgment.

10. In response, Singapore pointed out that there had not been any agreement at the 6th MSJTC Meeting on the name of the new maritime boundary delimitation sub-committee. Paragraph 6 of the Record of Meeting for the 6th MSJTC Meeting, which Malaysia had referred to, was merely descriptive and did not record the formal name of the sub-committee. Singapore reiterated that there should be linkage between the Joint Survey Works sub-committee and the new sub-committee, especially having regard to the fact that previous joint press statements emanating from the MSJTC had referred very clearly to the full name of the Joint Survey Works sub-committee: 'the Sub-Committee on Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge'. It was for that reason that Singapore had proposed naming the new sub-committee, 'the Sub-Committee on Maritime Boundary Delimitation in the area around Pedra Branca, Middle Rocks and South Ledge'.

11. Singapore noted that apart from the issue of continuity, the terms of reference of the Joint Survey Works sub-committee had also specified that the purpose of that sub-committee had been to prepare for eventual talks on maritime issues in and around Pedra Branca, Middle Rocks and South Ledge. 'Maritime issues' in this context, as both sides were aware, referred to maritime delimitation. It was therefore clear that the entire object and purpose of the formation of the Sub-Committee on Joint Survey Works in and around Pedra Branca, Middle Rocks and South Ledge was to prepare for maritime delimitation in and around Pedra Branca, Middle Rocks and South Ledge. On the issue of the implementation of the ICJ Judgment, which was one of the arguments that Malaysia had used during the informal discussions, Singapore pointed out that the ICJ Judgment had determined the ownership of Pedra Branca and Middle Rocks, and declared that South Ledge belongs to the country in whose territorial waters it was located. There had been no instruction from the ICJ to the parties to undertake any form of delimitation in a particular area or a particular manner, nor any instruction to conduct delimitation including or excluding any particular features. Singapore's view was that if both countries were to undertake delimitation as a result of the ICJ Judgment, it would be because both countries wished to undertake delimitation in light of the sovereign status that has been determined by the ICJ, and having regard to the object and purpose of having Singapore and Malaysia agree to submit the sovereign dispute over Pedra Branca, Middle Rocks and South Ledge to the ICJ – which was to comprehensively resolve the bilateral issue over these features in order to lead to better bilateral relations, remove one constant source of irritation between the two countries, and close the chapter on this issue. With this object and purpose in mind, Singapore therefore agreed with Malaysia's comments that the delimitation should be a complete one with no grey areas left. The new sub-committee would need to take a holistic view of the delimitation situation and comprehensively address the issue of delimitation for the entire vicinity of Pedra Branca, Middle Rocks and South Ledge. Such delimitation would involve not just delimitation between Pedra Branca and Middle Rocks, but also other features in the vicinity, such as the Johor mainland. Artificial division of the area would not lead to a complete settlement of the delimitation issue and would not lead to

fulfillment of the object and purpose of both sides embarking on the delimitation exercise.

12. The Meeting noted that both sides had had candid informal discussions on the work of the new sub-committee, and encouraged the two co-chairs to continue their discussions over the name of the sub-committee, including inter-sessionally if necessary.

Sub-Committee on Maritime & Airspace Management and Fisheries

13. The Sub-Committee on Maritime & Airspace Management and Fisheries held informal discussions on the issue of the drafting of the Record of Discussion for its 3rd Meeting, which had not been completed when the Sub-Committee last met on 22 and 23 February 2012 in Kuala Lumpur. Although some progress was made, both sides were not able to arrive at an agreed text for the Record of Discussion.

14. Singapore noted that two outstanding issues remained: the issue of Tompok Utara and the issue of Ramunia Shoal. On the issue of Tompok Utara, Singapore's view was that the Tompok Utara Light Beacon lay within Singapore's territorial waters. Singapore had conveyed in its letter dated 30 April 1999 from the Maritime and Port Authority of Singapore to the Marine Department of Malaysia that Singapore consented to the move of the Tompok Utara Light Beacon from its original proposed position to its current location on technical grounds. Singapore had also stated in the letter that the location of the light beacon does not affect either the sovereignty of Pedra Branca, Middle Rocks and South Ledge or any further delimitation negotiations between Singapore and Malaysia in respect of the maritime zones in the area. Singapore noted that it agrees that the maintenance of the Tompok Utara Light Beacon is under the responsibility of Malaysia. In this regard, the Maritime and Port Authority of Singapore had sent another letter to the Marine Department of Malaysia on 30 July 2013 stating clearly that the agreement set out in the 1999 letter covers activities which are performed in maintenance of the Tompok Utara Light Beacon, including the search for, recovery and reconstruction of the Tompok Utara Light

Beacon, and the deployment of temporary light buoys and other measures as are necessary to facilitate safe navigation while the Tompok Utara Light Beacon is not operational.

15. On the issue of Ramunia Shoal, Singapore strongly protested Malaysia's designations in Malaysia's Port Circulars No. 13/2011, 16/2011, 19/2011, 20/2011 and 21/2011 of dredging areas, work areas and dumping sites in Ramunia Shoal in a manner that encroached in Singapore's territorial waters and Exclusive Economic Zone. Further, the activities of vessels purportedly authorised by Malaysia in Singapore territorial waters were in violation of Singapore law. As such, they had committed offences for which enforcement action could be taken against them by Singapore. Singapore also rejected Malaysia's claim that the activities of the vessels took place in Malaysia's territorial waters, and noted that Malaysia's actions in purporting to authorise such dredging in Singapore waters were in violation of Singapore's sovereignty and contrary to international law. Singapore highlighted that these positions have been previously conveyed by Singapore to Malaysia through diplomatic notes MFA/SEA/00046/2011 dated November 2011; SHC004/2012 dated 16 January 2012; MFA/SEA/00049/2011 dated 6 December 2011 and MFA/SEA/00050/2011 dated 6 December 2011.

16. Singapore expressed the hope that with the clarification on the above two issues, both sides would be able to finalise the ROD for the 3rd Meeting of the Sub-Committee on Maritime & Airspace Management and Fisheries.

17. In response, Malaysia noted that as far as it was concerned, both Tompok Utara and Ramunia Shoal lay within Malaysia's territorial waters and within its 1979 map.

18. The Meeting expressed its appreciation to both co-chairs of the sub-committee for their hard work and effort in trying to move the work of the sub-committee forward, and encouraged the sub-committee to continue discussions on the drafting for the ROD for the 3rd Meeting of the Sub-Committee, so that the 4th Meeting of the Sub-Committee could be convened.

Incident involving MMEA and GOLDEN SWAN

19. Singapore referred to the capsizing of Mongolian-registered vessel GUO LIANG 677 on 25 July 2013 in the waters near Horsburgh Lighthouse, and the Search and Rescue (SAR) Operations which were subsequently conducted for the missing crew of the vessel. Singapore noted that the vessel GUO LIANG 677 was a rivercraft which was not suitable for operating in the open waters around Ramunia Shoal. Singapore highlighted that while SAR Operations for the missing crew of GUO LIANG 677 were being carried out by a commercial vessel GOLDEN SWAN, a Malaysian Maritime Enforcement Agency (MMEA) vessel had moved alongside GOLDEN SWAN. An MMEA official then went on board GOLDEN SWAN and commanded that its crew stop their SAR Operations and leave the site immediately. The MMEA official then threatened to handcuff and arrest the crew members of GOLDEN SWAN. Singapore noted that it had sent a protest note to Malaysia regarding this incident. Singapore further noted that it was regrettable that such an incident had occurred, and that while it understood fully that Singapore and Malaysia had to protect their legal positions, this should not be at the expense of saving lives at sea. Singapore pointed out that such incidents could also have a negative impact on both countries' reputations. Singapore highlighted that at the 1st MSJTC Meeting in June 2008, both sides had agreed that for SAR Operations, the nearest vessel could provide assistance regardless of the vessel's nationality, on the understanding that any action would be without prejudice to sovereignty issues and the eventual delimitation of maritime boundaries. Singapore stressed the importance of keeping channels of communication open on the ground from both sides, and suggested that both sides look into how to strengthen channels of

communications in order to manage future accidents and so that the agreement at the 1st MSJTC Meeting on SAR Operations that humanitarian assistance would be provided by both sides to ensure safety and security in the water would be put into full effect.

20. In response, Malaysia agreed that SAR Operations was an important component in providing humanitarian assistance in emergency situations, and that cooperation between Malaysia and Singapore was very important. Malaysia agreed that both sides had to abide by international law, and that it was important to give priority to SAR Operations. This should be the guiding principle whenever activities are undertaken at sea. Malaysia reiterated that it stands by the agreement reached at the 1st MSJTC Meeting on SAR Operations, and agreed that it was important to maintain channels of communications between both sides.

21. With regard to the incident involving the commercial vessel and the MMEA official, Malaysia expressed its view that the actions of the MMEA on 25 July 2013 in relation to the capsized vessel GUO LIANG 677 were conducted in the course of carrying out SAR Operations within Malaysia's territorial waters. Malaysia noted that these actions were in accordance with international law as well as the discussions held at the first breakout session of the 1st MSJTC Meeting relating to maritime rules of engagement on SAR and airspace management. Malaysia noted that upon arrival at the scene, the MMEA vessel had found that salvage works were being carried out by the commercial vessel on the capsized vessel without first having obtained the relevant consent and approval from the Malaysia authorities. The MMEA officials had therefore cautioned the crew of the commercial vessel that they were in violation of Malaysia's laws and that if they did not cease and desist from their activities, action would be taken against them. Malaysia noted that MMEA had conducted further on-site investigations and subsequently ordered the commercial vessel to leave Malaysian territorial waters. Malaysia assured the Meeting that no handcuffing had taken place. Malaysia further noted that Malaysia would continue to carry out enforcement activities within its waters.

22. In response, Singapore noted that that the commercial vessel, GOLDEN SWAN, had not been conducting salvage operations as alleged by Malaysia. It was not a salvage vessel as claimed by Malaysia, but rather a dive boat which had been contracted by the Maritime and Port Authority of Singapore to conduct dive operations for the missing crew members of GUO LIANG 677. These dive operations had been carried out with the aim of locating and rescuing survivors from the capsized vessel in the critical hours after it had gone down. The crew members of GOLDEN SWAN had in fact informed the MMEA officials that it was there to conduct SAR Operations. Singapore was concerned that the MMEA official had disrupted the dive operations by demanding that the crew members stop their SAR Operations and leave the site immediately. This had seriously jeopardised the safety and lives of the seamen, which was Singapore's first and foremost concern. Singapore further highlighted that it is the IMO-designated Maritime Search and Rescue Coordinating Centre for the region where the vessel capsized. Apart from disrupting SAR Operations, Singapore was also concerned about the fact that MMEA officials were purporting to take enforcement action in Singapore territorial waters, which was contrary to international law.

Building of permanent structures on Middle Rocks

23. Singapore noted that according to media reports, Malaysia will be building some permanent structures on Middle Rocks. Singapore noted that although the ICJ has decided that Middle Rocks belongs to Malaysia, because of its proximity to Horsburgh Lighthouse, Singapore was concerned that the navigational aids that Singapore maintains in the area, which are a common good for all ships travelling in the area, may be affected by the development on Middle Rocks. These navigational aids include the Horsburgh Lighthouse itself, VTIS radar as well as differential GPS. Singapore noted that since the safety of navigation in the area was of common interest to both countries, the Sub-Committee on Maritime & Airspace Management and Fisheries should discuss whether the developments by Malaysia on Middle Rocks would affect navigation in the area.

24. In response, Malaysia reassured Singapore that it would not do anything which would affect the safety of ships navigating through the area and other movements in the area. Malaysia reiterated that works in and around Middle Rocks were an exercise of Malaysia's sovereignty over Middle Rocks pursuant to the Judgment of the ICJ in the case concerning sovereign over Pedra Branca, Middle Rocks and South Ledge dated 23 May 2008. In this respect, Malaysia has taken all necessary steps to ensure the safety of navigation in and around Middle Rocks, as well as taking into account other aspects of safety. Malaysia further agreed that this was one of the issues which the Sub-Committee could look into.

Joint Press Statement

25. The Joint Press Statement of the Meeting, which will be issued at an agreed date, is attached as ANNEX D.

Next MSJTC Meeting

26. The Meeting agreed that the 8th Meeting of the MSJTC will be held in 2014. The exact date and venue of the 8th Meeting will be communicated through diplomatic channels.

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE JOINT
TECHNICAL COMMITTEE ON THE IMPLEMENTATION OF THE
INTERNATIONAL COURT OF JUSTICE JUDGMENT ON PEDRA
BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**28 – 29 NOVEMBER 2013
SINGAPORE**

SINGAPORE DELEGATION

1. **Mr Chee Wee Kiong – Leader of Delegation/Co-Chairman**
Permanent Secretary
Ministry of Foreign Affairs

2. **Mr Lim Hong Huai**
Director-General
Southeast Asia I Directorate,
Ministry of Foreign Affairs

3. **Mr Kamal Vaswani**
Deputy Director-General
Southeast Asia I Directorate
Ministry of Foreign Affairs

4. **Ms Sheryl Shum**
Deputy Director
Southeast Asia I Directorate
Ministry of Foreign Affairs

5. **Mr Hadrian Tsang**
Country Officer
Southeast Asia I Directorate
Ministry of Foreign Affairs

6. **Mr Gursharn Singh Gill**
Country Officer
Southeast Asia I Directorate
Ministry of Foreign Affairs

7. **Mr Rifdi Ridwan**
Country Officer
Southeast Asia I Directorate
Ministry of Foreign Affairs

8. **Ms Lin Zhiping**
Country Officer
Southeast Asia I Directorate
Ministry of Foreign Affairs

9. **Mr Pang Khang Chau**
Director-General
International Affairs Division
Attorney-General's Chambers

10. **Mr Leong Kwang Ian**
Deputy Senior State Counsel
International Affairs Division
Attorney-General's Chambers

11. **Mr David Low**
Deputy Senior State Counsel
International Affairs Division
Attorney-General's Chambers

12. **Mr Michael Lin**
State Counsel
International Affairs Division
Attorney-General's Chambers

13. **Mr Kevin Shum**
Deputy Secretary (International)
Ministry of Transport

14. **Mr Robbie Poo**
Assistant Director
Air Division
Ministry of Transport

15. **Ms Poh Shi Hui**
Assistant Director
Sea Division
Ministry of Transport

16. **Dr Parry Oei**
Chief Hydrographer
Maritime and Port Authority of Singapore

17. **Mr Cheong Keng Soon**
Director (Port)
Maritime and Port Authority of Singapore

18. **Mr Jamie Chen**
Deputy Chief Hydrographer
Maritime and Port Authority of Singapore

19. **Mr Rosly Saad**
Director
Air Traffic Services
Civil Aviation Authority of Singapore

20. **Mr Loo Chee Beng**
Director
Air Navigation Services Policy and Planning
Civil Aviation Authority of Singapore

21. **Ms Penny Ng**
Deputy Division Head
Air Navigation Services Policy
Civil Aviation Authority of Singapore

22. **Ms Yap Chui Wah**
Senior Manager
Air Navigation Services Policy
Civil Aviation Authority of Singapore

23. **LTC Chen Boon Chong**
Branch Head
Air Operations Department
Republic of Singapore Air Force
Ministry of Defence
24. **LTC Joseph Neo**
Branch Head
Naval Operations Department
Republic of Singapore Navy
Ministry of Defence
25. **Ms Christina Kwok**
Branch Head
Defence Policy Office
Ministry of Defence
26. **Ms Janice Tan**
Deputy Director
Strategic Planning Division
Ministry of National Development
27. **Tan Tian Yeow**
Head Operations & Security
Police Coast Guard
Singapore Police Force

ANNEX B

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE JOINT
TECHNICAL COMMITTEE ON THE IMPLEMENTATION OF THE
INTERNATIONAL COURT OF JUSTICE JUDGMENT ON PEDRA
BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

**28 – 29 NOVEMBER 2013
SINGAPORE**

MALAYSIAN DELEGATION

1. **HE Datuk Othman Hashim – Leader of Delegation/Co-Chairman**
Secretary-General
Ministry of Foreign Affairs

2. **HE Dato' Husni Zai bin Yaacob**
High Commissioner of Malaysia to Singapore

3. **HE Dato' Zulkifli Adnan**
Director-General
Department of Maritime Affairs
Ministry of Foreign Affairs

4. **Dr Azfar Mohamad Mustafar**
Deputy Director-General
Department of Maritime Affairs
Ministry of Foreign Affairs

5. **Ms Astanah Abdul Aziz**
Director
Department of Maritime Affairs
Ministry of Foreign Affairs

6. **Mr Mohd Suhaimi Ahmad Tajuddin**
Principal Assistant Secretary
Southeast Asia I Division
Ministry of Foreign Affairs

7. **Mr Nik Ady Arman Nik Mohd. Kamil**
Counsellor (Political)
High Commission of Malaysia

8. **Ms Norhalilah Abd. Jalil**
Counsellor (Economics)
High Commission of Malaysia

9. **Ms Nor'airin Abd Rashid**
Assistant Director
Department of Maritime Affairs
Ministry of Foreign Affairs

10. **Datuk Mohamed Thajudeen Abdul Wahab**
Secretary
National Security Council
Prime Minister's Department

11. **Mr Abdul Rahim Hussin**
Undersecretary
National Security Council
Prime Minister's Department

12. **Mr Mohd Helmy Ahmad**
Principal Assistant Secretary
National Security Council
Prime Minister's Department

13. **Ms Rosmilawati Dzulkipli**
Assistant Secretary
National Security Council
Prime Minister's Department

14. **Mr Tan Ah Bah**
Director of Survey (Boundary Affairs)
Department of Survey and Mapping

15. **Mr Kamarul Azam Kamarul Baharin**
Principal Assistant Director
Department of Survey and Mapping

16. **Mr Alfian Yang Amri**
Head of Legal Division
Attorney General's Chambers

17. **Mr Faezul Adzra Patail**
Senior Federal Counsel
Attorney General's Chambers

18. **Laksmā Hanafiah Hassan**
Director of Hydrography
National Hydrography Centre

19. **Mr Iskandar Sazlan Mohd Salleh**
Principal Assistant Secretary
Ministry of Defence

20. **Major Mohamad Daud Sulaiman**
Staff Officer I (Legal)
Royal Malaysian Air Force
Ministry of Defence

21. **Major Norazrin Shamsudin**
Staff Officer II (Legal)
Royal Malaysian Air Force
Ministry of Defence

22. **Cdr. Shaiful Nizam Abdul Manan**
Acting Director, International Relations
Navy Operation and Exercise Department
Royal Malaysian Navy
Ministry of Defence

23. **Mr Ahmad Afifi Hussain**
Principal Assistant Director
Prime Minister's Department

24. **Mr Mohammed Ridha Dato' Hj. Abd. Kadir**
Deputy Director
Johor Land and Mines Office
Johor State Government

25. **Haji Rossid Musa**
Director of Safety Division
Department of Marine

26. **Haji Ahmad Nizar Zolfakar**
Director of Air Traffic
Department of Civil Aviation

27. **First Admiral Maritime Dato' Che Hassan Jusoh**
Director of Enforcement and Exercise Division
Malaysia Maritime Enforcement Agency

.

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE JOINT
TECHNICAL COMMITTEE ON THE IMPLEMENTATION OF THE
INTERNATIONAL COURT OF JUSTICE JUDGMENT ON PEDRA
BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

28-29 NOVEMBER 2013

SINGAPORE

MEETING AGENDA

1. Opening Remarks by:
 - (a) Co-Chairman of Singapore
 - (b) Co-Chairman of Malaysia

2. Confirmation of Agenda

3. Delimitation of Maritime Boundaries

4. Maritime and Airspace Management

5. Any Other Matters

6. Date and Venue of Next Meeting

7. Closing Remarks by:
 - (a) Co-Chairman of Malaysia
 - (b) Co-Chairman of Singapore

ANNEX D

**JOINT PRESS STATEMENT
BY H.E. K SHANMUGAM, MINISTER FOR FOREIGN AFFAIRS,
REPUBLIC OF SINGAPORE
AND H.E. DATO' SRI ANIFAH AMAN, MINISTER OF FOREIGN
AFFAIRS, MALAYSIA**

**SEVENTH MEETING OF THE MALAYSIA-SINGAPORE
JOINT TECHNICAL COMMITTEE ON THE IMPLEMENTATION
OF THE INTERNATIONAL COURT OF JUSTICE JUDGMENT
ON PEDRA BRANCA, MIDDLE ROCKS AND SOUTH LEDGE**

SINGAPORE

28-29 NOVEMBER 2013

Singapore and Malaysia met on 28-29 November 2013 in Singapore to discuss the implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge. The Singapore delegation was led by Mr Chee Wee Kiong, Permanent Secretary of the Ministry of Foreign Affairs, Singapore and the Malaysian delegation was led by Datuk Othman bin Hashim, Secretary-General of the Ministry of Foreign Affairs, Malaysia.

The Meeting continued discussions on related issues arising from the International Court of Justice (ICJ) Judgment on the Case Concerning Sovereignty over Pedra Branca, Middle Rocks and South Ledge.

Following Prime Minister Mr Lee Hsien Loong and Prime Minister Dato' Sri Mohd Najib Tun Abdul Razak's agreement at the Leaders' Retreat in February 2013 that "the next step would be for the MSJTC to move into the delimitation of maritime boundaries", the Meeting agreed to set up a new sub-committee for this purpose and held informal consultations on its establishment.

The Meeting agreed that the Eighth Meeting of the Malaysia-Singapore Joint Technical Committee (MSJTC) on the Implementation of the International Court of Justice (ICJ) Judgment on Pedra Branca, Middle Rocks and South Ledge will be held in 2014.

.

MINISTRY OF FOREIGN AFFAIRS, REPUBLIC OF SINGAPORE
MINISTRY OF FOREIGN AFFAIRS, MALAYSIA
30 NOVEMBER 2013

This page is intentionally left blank.

Annex 103

Diplomatic note from Singapore to Malaysia,
MFA/SEA1/00022/2017, dated 25 May 2017



MFA/SEA1/00022/2017

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 Note EC46/17 dated 20 April 2017 from the Ministry of Foreign Affairs of Malaysia to the High Commission of Singapore in Kuala Lumpur.

The Government of the Republic of Singapore has the further honour to recall that in paragraphs 297-299 of the Judgment of the International Court of Justice (ICJ) of 23 May 2008 on the case concerning sovereignty over Pedra Branca, Middle Rocks and South Ledge, the ICJ held as follows:

“297. In view of its previous jurisprudence and the arguments of the Parties, as well as the evidence presented before it, the Court will proceed on the basis of whether South Ledge lies within the territorial waters generated by Pedra Branca/Pulau Batu Puteh, which belongs to Singapore, or within those generated by Middle Rocks, which belongs to Malaysia. In this regard the Court notes that South Ledge falls within the apparently overlapping territorial waters generated by the mainland of Malaysia, Pedra Branca/Pulau Batu Puteh and Middle Rocks.

298. The Court recalls that in the Special Agreement and in the final submissions it has been specifically asked to decide the matter of sovereignty separately for each of the three maritime features. At the same time the Court has not been mandated by the Parties to draw the line of delimitation with respect to the territorial waters of Malaysia and Singapore in the area in question.

299. In these circumstances, the Court concludes that for the reasons explained above sovereignty over South Ledge, as a low-tide elevation, belongs to the State in the territorial waters of which it is located.”

It therefore follows that the status of South Ledge can only be determined after the process of maritime boundary delimitation is completed.

The Government of the Republic of Singapore notes that both countries have agreed to discuss issues relating to the implementation of the ICJ’s Judgment at the Malaysia-Singapore Joint Technical Committee (MSJTC). Singapore further recalls that Prime Minister Lee Hsien Loong and Prime Minister Dato’ Sri Mohd Najib Tun Abdul Razak agreed at the Singapore-Malaysia Leaders’ Retreat in Singapore on 19 February 2013 that following the successful completion of the Joint Hydrographic Survey, the next step would be for the MSJTC to move into the delimitation of maritime boundaries. Singapore has on several occasions reiterated its readiness to continue with this process. In this regard, Singapore welcomes Malaysia’s confirmation in its Note EC 46/17 dated 20 April 2017 that it is willing to discuss the question of delimitation.

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

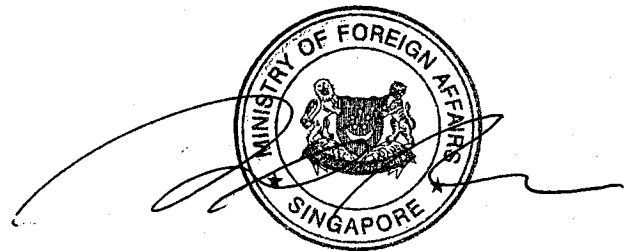
The Ministry of Foreign Affairs of the Republic of Singapore avails itself of this opportunity to renew to the High Commission of Malaysia the assurances of its highest consideration.

SINGAPORE

25 May 2017

High Commission of Malaysia

Singapore



This page is intentionally left blank.

Annex 104

Diplomatic note from Singapore to Malaysia,
MFA/SEA1/00023/2017, dated 31 May 2017



MFA/SEA1/00023/2017

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 capsizing of *Cai Jun 3* on 13 March 2017, at approximately 1310 hrs. The incident occurred within Singapore Territorial Waters, 7 nautical miles northeast Pedra Branca.

Following the incident, search and rescue operations for the 17 crew members of *Cai Jun 3* were conducted by the Republic of Singapore Navy and Singapore Police Coast Guard in coordination with the Maritime and Port Authority of Singapore (MPA), which also undertook immediate investigations into the incident. MPA has also been coordinating the on-going salvage and recovery operations.

The Government of the Republic of Singapore strongly protests the following actions by Malaysian Government Vessels (MGVs) and personnel which infringe Singapore's sovereignty over Singapore Territorial Waters:

- i. Repeated intrusions of MGVs into Singapore Territorial Waters around the wreck site since 13 March 2017, which were inconsistent with the bona fide exercise of passage rights;
- ii. The unauthorised laying of an Isolated Danger Buoy by Malaysia Marine Department (MMD) personnel in Singapore Territorial Waters near the wreck site on 1 May 2017 at 0925 hrs; and

- iii. MMD personnel's removal on 1 May 2017 at 1016 hrs of an Isolated Danger Buoy which had previously been laid by MPA at the wreck site in Singapore Territorial Waters on 15 March 2017.

The Government of the Republic of Singapore notes that these actions also go against the spirit of the Malaysia-Singapore Joint Technical Committee, in particular the mutual agreement between Malaysia and Singapore to honour and abide by the International Court of Justice (ICJ) Judgment of 23 May 2008, wherein the ICJ affirmed that sovereignty over Pedra Branca belongs to Singapore, as well as the mutual agreement to cooperate and maintain a calm situation on the ground and prevent incidents in the waters around Pedra Branca, Middle Rocks and South Ledge.

The Government of the Republic of Singapore further notes that MMD's removal of MPA's buoy and unauthorised placement of its own buoy were completely unnecessary and pose a risk to the safety of navigation. MPA's buoy already served to alert shipping in the vicinity to the presence of the wreck. MMD's buoy is not optimally placed to safely direct ships away from the wreck, which lies in a busy shipping area. It is also indiscriminately placed at a location just 68 metres away from a charted submarine cable, posing an unnecessary risk of damage to the cable.

The risks to safety of navigation are further exacerbated by the fact that MMD's Notice to Mariners 30 (T)/2017 dated 1 May 2017 lists erroneous coordinates (Latitude 01° 26.6' N; Longitude 104° 27.7' E) for the position of MMD's unauthorised buoy. As the responsible authority in the waters in question, MPA determined the actual coordinates of the location of MMD's

buoy (Latitude 1° 25.615' N; Longitude 104° 27.765' E) through a positional survey.

The Government of the Republic of Singapore requests that the Government of Malaysia remove MMD's buoy immediately so as to reduce the threat to international navigation and shipping that it continues to pose. The Government of the Republic of Singapore further demands that the Government of Malaysia return MPA's buoy to the Singapore authorities immediately. The Government of the Republic of Singapore also seeks the cooperation of the Government of Malaysia to ensure the cessation of activities of this nature, to refrain from further activities that hinder efforts to remove the wreck and risk the safety of navigation in the area, and to maintain a calm situation on the ground.

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

31 May 2017

High Commission of Malaysia

Singapore



This page is intentionally left blank.

Annex 105

Letter from Malaysia to the Registrar of the International Court of
Justice, dated 6 June 2017



KEDUTAAN BESAR MALAYSIA
(EMBASSY OF MALAYSIA)
Rustenburgweg 2
2517 KE THE HAGUE
THE NETHERLANDS

Telephone : (070) 3 50 65 06
Fax : (070) 3 50 65 36
E-mail : mwthe Hague@kln.gov.my

H.E. Mr Philippe Couvreur
The Registrar
International Court of Justice
Peace Palace
2517 KJ The Hague
The Netherlands

Excellency,

Application for Revision of the Judgment of 23 May 2008 in the Case concerning Sovereignty over Pedra Branca/Puleh Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)

I have the honour to refer to the Application for Revision 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)*, pursuant to Article 61 of the Statute of the Court (Application for Revision), which was filed by Malaysia on 2nd February 2017.

2. I have further the honour to inform you that in pursuance of its duty to keep the Court fully apprised of the situation, and in order to assist the Court in its work, my Government has instructed me to notify you that Malaysia will shortly be submitting an 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)*, pursuant to Article 60 of the Statute of the Court (Application for Interpretation).


3. Malaysia had originally intended to submit the Application for Interpretation at the same time as the Application for Revision was filed on 2nd February 2017. However, in view of the strict provisions concerning the six-month rule contained in Article 61(4) of the Statute of the Court, it became necessary to submit the two applications separately. It is anticipated that the Application for Interpretation will now be submitted no later than 30 June 2017.

4. The reason for drawing this to the Court's attention at this point is that, given the relationship between the Application for Revision and the Application for Interpretation, the Court may consider it appropriate for the two applications to be addressed in parallel. In the event, for example, that Singapore were in due course to raise objections to the jurisdiction or admissibility of the Application for Interpretation, the Court may wish to consider whether the hearings on such objections should coincide with the hearing on the admissibility of the Application for Revision.

~

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



DATO' AHMAD NAZRI YUSOF
CO-AGENT FOR MALAYSIA

6 June 2017

Annex 106

Press statement by the Maritime and Port Authority of Singapore,
“Collision of US Guided-missile destroyer JOHN MCCAIN and
TANKER ALNIC MC in Singapore Waters”, dated 21 August 2017,
available at <http://www.mpa.gov.sg/web/portal/home/media-centre/news-releases/mpa-news-releases/detail/15cb4851-92e7-4610-a692-c87a65b0a1bf>
(last accessed: 12 September 2017)

Collision of US Guided-missile destroyer JOHN MCCAIN and TANKER ALNIC MC in Singapore Waters

21 August 2017

10 unaccounted for, five injured. No oil pollution reported; Traffic in Singapore Strait is unaffected

At about 0530 hrs on 21 August 2017, Maritime and Port Authority of Singapore (MPA) was notified of a collision between a US guided-missile destroyer USS JOHN MCCAIN with Liberian-flagged merchant vessel ALNIC MC in Singapore territorial waters in the Singapore Strait.

USS JOHN MCCAIN sustained damage to her port side and requested for tug assistance. ALNIC MC sustained damage to her Fore Peak Tank 7m above the waterline, with no crew injuries. The United States Navy reported 10 crew unaccounted for and five injured.

Singapore is leading the Search and Rescue operations, and relevant Singapore agencies are rendering all possible assistance. RSAF helicopters have transferred the injured from USS JOHN MCCAIN to Singapore for medical attention. MPA has sent three tugboats to assist. Republic of Singapore Navy (RSN) and Singapore Police Coast Guard (PCG) have also deployed a total of four vessels on scene to render assistance.

USS JOHN MCCAIN and ALNIC MC are currently on their way to Singapore to assess their damage.

There is no report of oil pollution and traffic in the Singapore Strait is unaffected. MPA is investigating the incident.

This page is intentionally left blank.

Annex 107

Screen captures of Twitter posts by and profile of Malaysia's Chief of Navy, with enlargements of the maritime chart in the Twitter posts, and English translations by Singapore

**TWITTER POSTS BY AND PROFILE OF MALAYSIA'S CHIEF OF NAVY ADMIRAL
TAN SRI AHMAD KAMARULZAMAN**

Twitter post, 21 August 2017, 9.29 am
(last accessed: 21 August 2017)

●●●● Singtel 3G 1:20 PM @ 1 96%
< Tweet +



Chief of Navy - PTL
@mykamarul

USS John McCain collides wt merchant ship. KD Handalan, @MaritimMalaysia
KM Marudu conducting SAR



USS John S. McCain collides with merchant ship east of Singapore
channelnewsasia.com

8/21/17, 9:29 AM

40 Retweets 37 Likes

Tweet your reply



Twitter post, 21 August 2017, 9.45 am
(last accessed: 21 August 2017)

Singtel 3G

1:20 PM

96%

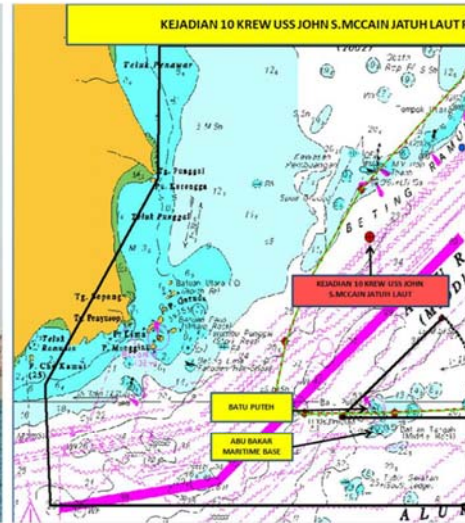


Tweet



Chief of Navy - PTL
@mykamarul

SAR activated for possible missing sailors from #ussjohnmccain collision off Johor #KDHandalan #KMmarudu



8/21/17, 9:45 AM

164 Retweets 99 Likes



sanggamalaya @zuliskandar85 · 3h

Tweet your reply



Twitter post, 21 August 2017, 10.18 am
(last accessed: 21 August 2017)

●●●● Singtel 3G 1:20 PM @ 1:20 PM 96% 🔋



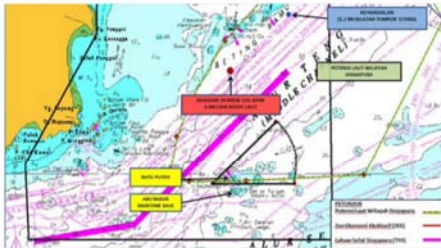
Tweet



Chief of Navy - PTL
@mykamarul



Navy, Airforce and MMEA ships and aircrafts tasked to assist in [#USSJohnSMcCain](#) SAR off Johor



8/21/17, 10:18 AM

91 Retweets 70 Likes



Austin Jamison Kurtz @AustinJa · 49m

Tweet your reply



Twitter post, 21 August 2017, 10.21 am
(last accessed: 21 August 2017)

●●●● Singtel 3G 1:20 PM 96%



Tweet



Chief of Navy - PTL
@mykamarul



KD Handalan, kapal APMM dan pesawat TUDM dan TLDM dikerah bantu SAR 10 anggota #USSJohnSMcCain yg hilang setelah berlanggar Timur Johor



8/21/17, 10:21 AM

48 Retweets **45** Likes



Tweet your reply



Twitter post, 21 August 2017, 10.21 am – with Singapore’s annotations containing a translation of the text from the Malay to the English language, for reference

●●●● Singtel 3G 1:20 PM @ 96% 🔋



Tweet



Chief of Navy - PTL
@mykamarul

This translates to, “KD Handalan, APM ship (boat) and Air Force and Navy aircraft deployed to help Search and Rescue 10 crew of #USSJohnSMcCain who went missing after their ship collided in East Johor”.

KD Handalan, kapal APM dan pesawat TUDM dan TLDM dikerah bantu SAR 10 anggota #USSJohnSMcCain yg hilang setelah berlanggar Timur Johor



8/21/17, 10:21 AM

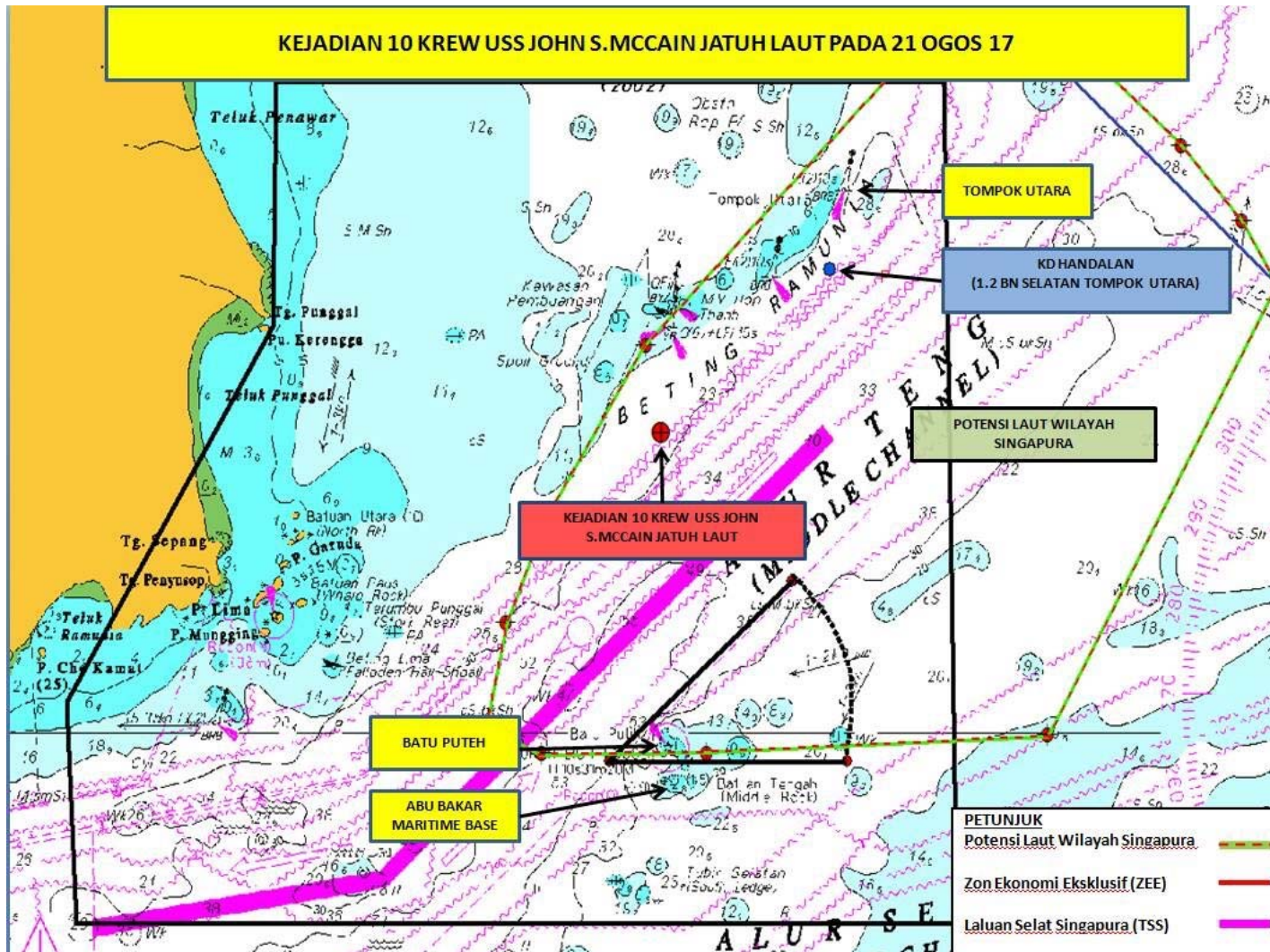
48 Retweets 45 Likes



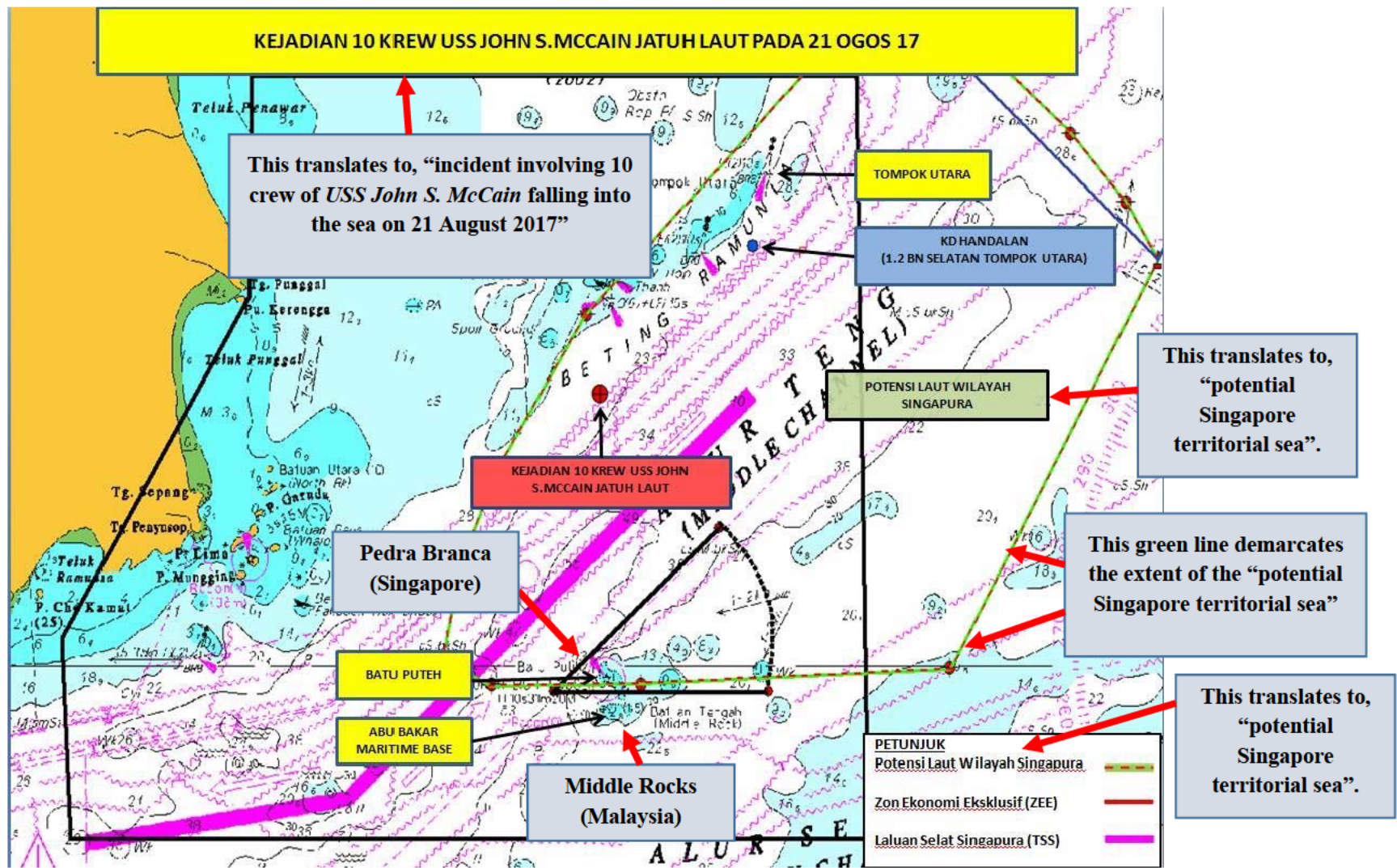
Tweet your reply



Enlargement of the Maritime Chart in the Twitter posts by Malaysia's Chief of Navy Admiral Tan Sri Ahmad Kamarulzaman of 21 August 2017 at 9.45 am, 10.18 am and 10.21 am



Enlargement of the Maritime Chart in the Twitter post by Malaysia’s Chief of Navy Admiral Tan Sri Ahmad Kamarulzaman of 21 August 2017 at 9.45 am, 10.18 am and 10.21 am – with Singapore’s further annotations, including translations of relevant words from the Malay to the English language, for reference



Screen captures of Malaysia's Chief of Navy Admiral Tan Sri Ahmad Kamarulzaman's Twitter account profile (last accessed: 12 October 2017)



Follow

Chief of Navy - PTL

@mykamarul

Look at challenges as opportunities! Think positive and be positive!

Kuala Lumpur web.stagram.com/mykamarul

205 Following 14.2K Followers

Tweets

Tweets & replies

Media

Likes

Chief of Navy - PTL Retweeted



Blue Ocean Strategy @BlueOc... · 11h
#BlueOceanShift again hits the
#StraitsTimesSingapore bestseller list.

1. (1) Neither Civil Nor Servant: The Philip Yeo Story by Peh Shing Huei
2. 4. (4) The Subtle Art Of Not Giving A F*** by Mark Manson
3. (3) When Breath Becomes Air by Paul Kalanithi
4. (2) Guilty As Charged edited by Abdul Hafiz

5. (-) Blue Ocean Shift: Beyond Competing by W. Chan Kim and Renee Mauborgne

6. (6) Singapore Is Not An Island by Bilahari Kausikan
7. (7) Option B by Sheryl Sandberg



Done



web.stagram.com



WEBSTAGRAM



mykamarul

163 posts 3078 followers 16 followings

Panglima Tentera Laut - CN RMN HONOUR - LOYALTY - COURAGE - PRIDE "Sedia Berkorban"

Iklan ditutup oleh Google

Related Hashtags: #PASKAL #NegaraKuMalaysia #AkuNegaraKu #SentiasaTerbaik #DefenceDiplomacy



This page is intentionally left blank.

Annex 108

Screen capture of Malaysia's Chief of Navy's profile on the official website of the Malaysian Armed Forces Headquarters, available at:
www.mafhq.mil.my/index.php/en/commander-s-profile/royal-malaysian-navy/chief-of-navy
(last accessed: 12 October 2017)

Malaysia's Chief of Navy's profile on the official website of the Malaysian Armed Forces Headquarters, available at: www.mafhq.mil.my/index.php/en/commander-s-profile/royal-malaysian-navy/chief-of-navy (last accessed: 12 October 2017)

THURSDAY OCTOBER 12 2017 - THURSDAY MUHARRAM 21 1439


MAIN ABOUT US COMMANDER'S PROFILE PUBLICATIONS NEWS CONTACT US LINKS ARCHIVE

OFFICIAL PORTAL
MALAYSIAN ARMED FORCES HEADQUARTERS
(MAFHQ)

MyGov MinDef MAB TDM TLDM TUDM

CHIEF OF NAVY

Hits: 32154



ADMIRAL TAN SRI AHMAD KAMARULZAMAN BIN HAJI AHMAD BADARUDDIN
PGAT PSM PJN SPTS SPMS DGNP DGSM PSAT DPMS PGDK PAT JMN SMS KAT KMN PJM PKN PPS PPA THE ORDER OF KING ABDULAZIZ (EXCELLENT GRADE)(SAUDI ARABIA) MBA (Strathclyde) MA (UKM) mpat psc
CHIEF OF NAVY

Admiral Tan Sri Ahmad Kamarulzaman joined the Navy on 24 February 1977 after completing his education at the Royal Military College. He took over as Chief of Navy on 18 Nov 2015. His previous appointment was as Deputy Chief of Navy. During the service, he held a number of positions in the Navy and Joint Services such as Chief of Staff Malaysian Armed Forces Headquater, Commander Joint Force in Kuala Lumpur, Fleet Commander in Lumut, Commander Naval Area 2 in Kota Kinabalu, and Assistant Chief of Staff (Plan and Operations) at the Naval Headquarters. His last service at sea was onboard KD JEBAT (FFG 29).

Admiral Tan Sri Ahmad Kamarulzaman graduated from the US Naval Staff Course, Naval War College, Newport, Rhode Island as well as the Distinguished Graduate of the Fu Hshing Kang College, Republic of China in Political Warfare. He also attended International Surface Warfare Officer's Course at Naval Amphibious School in Coronado, San Diego. He was also a graduate of Principle Warfare Officer of HMS DRYAD, Portsmouth. He attended courses on International Crisis Management Course at the National Administrative Institute (INTAN), Kuala Lumpur and also various other military education programmes both locally as well as in Australia and the United States of America.

Admiral Tan Sri Ahmad Kamarulzaman is a spokesman for the Maritime Security and participated in several seminars and conferences including the ASEAN Regional Forum (ARF) in India and Kuala Lumpur, US Military Operations (MILOPS) Conference in Singapore, International Maritime Organization (IMO) Conference in Jakarta, Littoral Defense Conference in Singapore, Electronic Warfare Conference in London and MIMA International Conference in Kuala Lumpur. He obtained his MBA from the University of Strathclyde Business School, Scotland and MA in Defense Studies and International Relations at the National University of Malaysia. He completed the Executive Program in Business Management in the year 2009 in the Kenan-Flagler Business School, University of North Carolina, USA.

Admiral Tan Sri Ahmad Kamarulzaman has received numerous awards and recognitions from the Federal as well as the State Governments. He was the first person to have received the Chief of Navy Medal of Merit. Admiral Tan Sri Ahmad Kamarulzaman is married to Puan Sri Noor Azrina binti Abdullah and blessed with a son. He likes reading, hiking and golfing.

Updated on Thursday, 28 Mac 2017 1030H

This page is intentionally left blank.

Annex 109

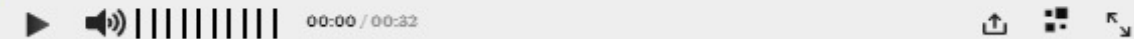
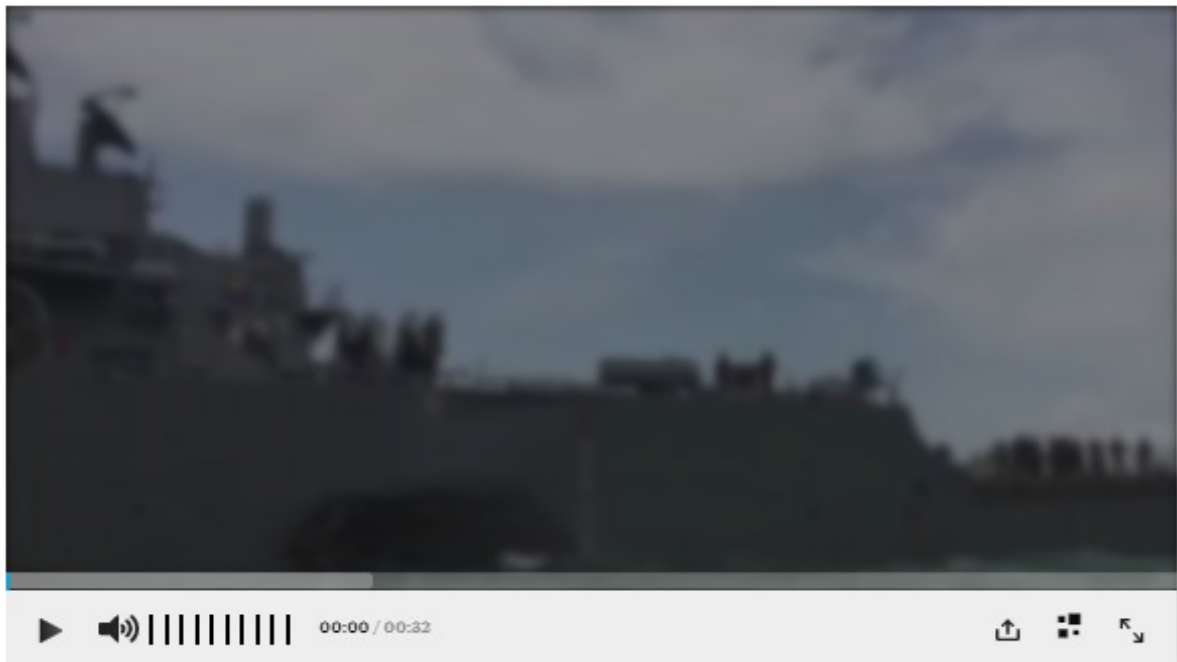
Report dated 21 August 2017 by *The Telegraph*, “‘That’s too bad’: Donald Trump criticised for response to news ten sailors missing, five injured after US warship collides with oil tanker near Singapore”, available at <http://www.telegraph.co.uk/news/2017/08/20/rescue-efforts-launched-us-warship-collides-merchant-vessel/> (last accessed: 14 September 2017)

News

'That's too bad': Donald Trump criticised for response to news ten sailors missing, five injured after US warship collides with oil tanker near Singapore



206



Win £500 and have your film featured on the Telegraph


Read more >
Sponsored


By **Chris Graham**
21 AUGUST 2017 • 9:38AM

Ten US sailors were missing after a US destroyer collided with an oil tanker in southeast Asia, the second serious accident involving American Navy ships in the region in little more than two months.


Returning to the White House on Sunday night, President Donald Trump responded to reporters' questions about the accident by saying: "That's too bad."

strongly criticised on social media for his response, he later tweeted: "Thoughts & prayers are w/ our @USNavy sailors aboard the #USSJohnSMcCain where search & rescue efforts are underway."

Paid content Recommended by 



Reserved elections 'critical as president serves unifying role':...
The Straits Times



Retire with a steady income stream. Find out now
Standard Chartered Bank

Search and rescue efforts were launched after the USS John S McCain was involved in a collision with the Alnic MC east of Singapore and the Strait of Malacca, the US 7th Fleet said in a statement.



Malaysia's Navy chief tweeted a picture of the damaged USS John S McCain CREDIT: @MYKAMARUL/TWITTER

The collision with the tanker happened at 5.24am local time as the guided-missile destroyer was heading to Singapore for a routine visit.

"There are currently 10 sailors missing and five injured," the Japan-based 7th Fleet said.





President Donald Trump returns to the White House, where he said the collision was "too bad" CREDIT: AP

Four of the injured were airlifted to a Singapore hospital for non-life threatening injuries. The fifth injured sailor did not require further medical attention.



Damage on the US Navy guided-missile destroyer USS John S. McCain after a collision CREDIT: REUTERS

"Our first priority is determining the safety of the ship and crew," Adm. John Richardson, chief of naval operations, wrote on Twitter. "As more information is learned, we will share it."



In addition to US Navy aircraft, Singaporean ships, helicopters and tug boats were in the area to help conduct search and rescue efforts after the warship suffered damage the port side aft, or left rear.

"The extent of damage and personnel injuries is being determined," it said, adding that the incident was being investigated.





Malaysia's Navy are helping with the search and rescue effort CREDIT: REUTERS

Malaysia's navy chief Ahmad Kamarulzaman Ahmad Badaruddin tweeted that two ships as well as aircraft from its navy and air force had also been deployed to help look for the missing US sailors.

The destroyer was currently sailing under its own power and heading to port.

Senator John McCain, a war hero who is now being treated for brain cancer, tweeted: "Cindy & I are keeping America's sailors aboard the USS John S McCain in our prayers tonight - appreciate the work of search & rescue crews."



The vessel was named in honour of the senator's grandfather and father, who were US admirals.

Based at the fleet's homeport of Yokosuka, Japan, the USS John S McCain has a crew of 23 officers, 24 chief petty officers and 291 enlisted sailors, according to the Navy's website.

The ship it hit, the Liberian-flagged Alnic MC, is a 183 metre long oil tanker with a deadweight of more than 50,000 tonnes, according to the Marine Traffic website.



Chief of Navy - PTL
@mykamarul

Follow

SAR activated for possible missing sailors from #ussjohnmccain collision off Johor #KDHandalan #KMmarudu

9:45 AM - Aug 21, 2017

13 215 180

The vessel was carrying nearly 12,000 tonnes of fuel oil, but there was no oil spill, a crew member said.

"We are carrying 11,987 tonnes of fuel oil. There is no oil spill. We were carrying fuel oil from Taiwan to discharge to Singapore ... We are proceeding to Raffles Reserved Anchorage where the owners will investigate the matter. There was some damage to the valve," the crew member who did not want to be identified, told Reuters via telephone.

The Maritime and Port Authority of Singapore (MPA) lists the Raffles Reserved Anchorage to the South of Bukom Island to be reserved for "vessels requiring emergency repairs and damaged vessels or as directed by the Port Master."

The MPA said no oil pollution had been reported and traffic in the busy Strait was not affected. No injuries were reported from the Alnic, it said.





The USS John S. McCain is a guided missile destroyer CREDIT: AP

A family assistance centre has been established to help family members of sailors on board the USS McCain.

The waterways around Singapore are some of the busiest and most important in the world, carrying around a quarter of the world's trade in goods and oil.

The accident comes two months after seven US sailors died when a US destroyer collided with a merchant ship off the Japanese coast.

 **7th Fleet** 
@US7thFleet 

#USSJohnSMcCain: Family Assistance Center established for family members. Phone numbers are
On base: 243-1728
INT'L: 011-81-46-816-1728
9:24 AM - Aug 21, 2017
17 replies 560 retweets 313 likes

The sailors, aged 19 to 37, were found by divers in flooded sleeping berths a day after the collision tore a huge gash in the side of the Fitzgerald.

The Fitzgerald's captain was relieved of command and other sailors would be punished after the Navy found poor seamanship and flaws in keeping watch contributed to the collision, the Navy announced last week.

An investigation into how and why the Fitzgerald collided with the other ship was not finished, but enough details were known to take those actions, the Navy said.



Seven missing sailors found dead onboard USS Fitzgerald



01:05

Euan Graham, director of the international security programme at the Lowy Institute in Sydney, called the latest accident “extraordinary” and said it would certainly lead to the asking of pointed questions within the Navy.

The incident also could affect the 7th Fleet and its readiness, Mr Graham said, according to the [Washington Post](#).

“They were already stretched after the Fitzgerald collision, and now they’ve lost a second frontline destroyer at an acute time in the region, with the tensions around North Korea and in the South China Sea,” he said.



Euan Graham
@graham_euan

Follow

Hard to believe. Another US Navy/merchant vessel collision in the region - east of Singapore this time.
[twitter.com/DaggerNav/stat...](#)

7:54 AM - Aug 21, 2017

2 4 3

The USS Fitzgerald and USS John S. McCain are both ballistic missile defence (BMD) capable ships and part of the same Japan-based destroyer squadron. The Seventh Fleet has six ships assigned to BMD patrols, with half of those out on patrol at any one time.

Asked whether the US Navy would need to bring forward other ships to maintain its strength, a spokesman for the Seventh Fleet told Reuters it was “way too early to know”.

Related Topics

[USA](#) [US Navy](#) [Asia](#) [Singapore](#)



206

FOLLOW TELEGRAPH NEWS

Follow on Facebook Follow on Twitter Follow on Instagram

Show comments

This page is intentionally left blank.