

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

AFFAIRE RELATIVE À LA SOUVERAINETÉ
SUR PULAU LIGITAN ET PULAU SIPADAN

(INDONÉSIE/MALAISIE)

ORDONNANCE DU 10 NOVEMBRE 1998

1998

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

CASE CONCERNING SOVEREIGNTY
OVER PULAU LIGITAN AND PULAU SIPADAN

(INDONESIA/MALAYSIA)

ORDER OF 10 NOVEMBER 1998

Mode officiel de citation:

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General List
No. 102CASE CONCERNING SOVEREIGNTY OVER
PULAU LIGITAN AND PULAU SIPADAN

(INDONESIA/MALAYSIA)

ORDER

Present: President SCHWEBEL; *Vice-President* WEERAMANTRY; *Judges* ODA, BEDJAoui, GUILLAUME, RANJEVA, HERCZEGH, SHI, FLEISCHHAUER, KOROMA, VERESHCHETIN, HIGGINS, PARRA-ARANGUREN, KOOLJIMANS, REZEK; *Registrar* VALENCIA-OSPINA.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Articles 40 and 48 of the Statute of the Court and to Articles 39, 40, 44 and 46 of the Rules of Court,

Makes the following Order:

Whereas, by a joint letter dated 30 September 1998, filed in the Registry of the Court on 2 November 1998, the Ministers for Foreign Affairs of the Republic of Indonesia and of Malaysia notified to the Registrar a Special Agreement between the two States, signed at Kuala Lumpur on 31 May 1997 and having entered into force on 14 May 1998, date of the exchange of instruments of ratification;

Whereas in the said Special Agreement the Parties request the Court

“to determine on the basis of the treaties, agreements and any other evidence furnished by the Parties, whether sovereignty over Pulau Ligitan and Pulau Sipadan belongs to the Republic of Indonesia or to Malaysia”;

Whereas in accordance with Article 40, paragraph 3, of the Rules of Court the Governments of Indonesia and Malaysia have informed the Court of the appointment as Agents of, respectively, H.E. Mr. Nugroho Wisnumurti and H.E. Mr. Datuk Abdul Kadir Mohamad; and whereas Indonesia and Malaysia have further stated that they have appointed as their respective Co-Agents H.E. the Ambassador of Indonesia to the Netherlands (whose name will be communicated to the Court in due course) and H.E. Mr. A. Ganapathy;

Whereas in Article 3, paragraph 2, of the Special Agreement the Parties have agreed that the written pleadings should consist of:

- “(a) a Memorial presented simultaneously by each of the Parties not later than 12 months after the notification of this Special Agreement to the Registry of the Court;
- (b) a Counter-Memorial presented by each of the Parties not later than 4 months after the date on which each has received the certified copy of the Memorial of the other Party;
- (c) a Reply presented by each of the Parties not later than 4 months after the date on which each has received the certified copy of the Counter-Memorial of the other Party; and
- (d) a Rejoinder, if the Parties so agree or if the Court decides ex officio or at the request of one of the Parties that this part of the proceedings is necessary and the Court authorizes or prescribes the presentation of a Rejoinder”;

Fixes as follows the time-limits for the initial pleadings in the case:

2 November 1999 for the filing by each of the Parties of a Memorial;
2 March 2000 for the filing by each of the Parties of a Counter-Memorial; and

Reserves the subsequent procedure for further decision.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this tenth day of November, one thousand nine hundred and ninety-eight, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Republic of Indonesia and the Government of Malaysia, respectively.

(Signed) Stephen M. SCHWEBEL,
President.

(Signed) Eduardo VALENCIA-OSPINA,
Registrar.