



INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

Website: www.icj-cij.org Twitter Account: @CIJ_ICJ

Press Release

Unofficial

No. 2017/28

30 June 2017

Malaysia requests an 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)

THE HAGUE, 30 June 2017. Today Malaysia filed an Application requesting interpretation of the Judgment delivered by the International Court of Justice (ICJ) on 23 May 2008 in the case concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore).

It is recalled that, in that Judgment, the Court found that (1) sovereignty over Pedra Branca/Pulau Batu Puteh belongs to the Republic of Singapore; (2) sovereignty over Middle Rocks belongs to Malaysia; and (3) sovereignty over South Ledge belongs to the State in the territorial waters of which it is located (for more details, see Press Release No. 2008/10, available on the Court's website).

As basis of its request for interpretation, Malaysia invokes Article 60 of the Statute of the Court, which provides that "[i]n the event of a dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party". It also invokes Article 98 of the Rules of the Court.

The Applicant explains that "Malaysia and Singapore have attempted to implement the 2008 Judgment through co-operative processes". To that end, they established the Malaysia-Singapore Joint Technical Committee (MSJTC) on the Implementation of the Court's 2008 Judgment, which was *inter alia* tasked with addressing "the delimitation of the maritime boundaries between the territorial waters of both countries". According to Malaysia, the MSJTC reached an impasse in November 2013. Malaysia asserts that "[o]ne reason of this impasse is that the Parties have been unable to agree over the meaning of the 2008 Judgment as it concerns South Ledge and the waters surrounding Pedra Branca/Pulau Batu Puteh".

More particularly, Malaysia indicates in its Application that:

"[t]he Parties have been unable to agree on the meaning and/or scope of the following two points of the 2008 Judgment:

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

The Applicant goes on to argue that "[t]he ongoing uncertainty" as to which State is sovereign over the disputed areas "continues to complicate the task of ensuring orderly and

peaceful relations”. It affirms that “the need to achieve a viable solution to this dispute is pressing”, considering the “high volume of aerial and maritime traffic in the area”.

Accordingly, Malaysia requests the Court to adjudge and declare that:

“(a) ‘The waters surrounding Pedra Branca/Pulau Batu Puteh remain within the territorial waters of Malaysia’; and

(b) ‘South Ledge is located in the territorial waters of Malaysia, and consequently sovereignty over South Ledge belong to Malaysia.’”

Malaysia adds that the present Application for interpretation of the 2008 Judgment, which was filed on the basis of Article 60 of the Statute of the Court, “is separate and autonomous” from the Application of revision of the same Judgment filed on 2 February 2017 on the basis of Article 61 of the Statute of the Court (See Press Release No. 2017/6 of 3 February 2017), “even if the two proceedings are necessarily closely related”.

The full text of Malaysia’s Application for interpretation will shortly be available on the Court’s website.

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the “World Court”, it is the only court of a universal character with general jurisdiction.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Tribunal for the former Yugoslavia (ICTY, an ad hoc court created by the Security Council), the International Criminal Court (ICC, the first permanent international criminal court, established by treaty, which does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an international judicial body with an independent legal personality, established by the United Nations Security Council upon the request of the Lebanese Government and composed of Lebanese and international judges), or the Permanent Court of Arbitration (PCA, an independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

Information Department:

Mr. Andrey Poskakukhin, First Secretary of the Court, Head of Department (+31 (0)70 302 2336)

Mr. Boris Heim and Ms Joanne Moore, Information Officers (+31 (0)70 302 2337)

Mr. Avo Sevag Garabet, Associate Information Officer (+31 (0)70 302 2394)

Ms Genoveva Madurga, Administrative Assistant (+31 (0)70 302 2396)