



INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA
TRIBUNAL INTERNATIONAL DU DROIT DE LA MER

Press Release

**DISPUTE OVER LAND RECLAMATION ACTIVITIES
IN AND AROUND THE STRAITS OF JOHOR
(MALAYSIA V. SINGAPORE)
REQUEST FOR PROVISIONAL MEASURES SUBMITTED BY MALAYSIA**

A request for the prescription of provisional measures was submitted today to the International Tribunal for the Law of the Sea by Malaysia against Singapore, pending the constitution of an arbitral tribunal to be established under Annex VII of the United Nations Convention on the Law of the Sea.

The dispute concerns land reclamation activities carried out by Singapore which allegedly impinge upon Malaysia's rights in and around the Straits of Johor, which separate the island of Singapore from Malaysia.

In its Request for provisional measures, Malaysia claims that Singapore's action in engaging in land reclamation around Pulau Tekong and Tuas is causing serious and irreversible damage to the marine environment and serious prejudice to the rights of Malaysia. Malaysia maintains that the land reclamation activities are producing major changes to both the flow regime and sedimentation and are effecting coastal erosion. According to the Request, Malaysia seeks to preserve its rights relating to the maintenance of the marine and coastal environment and the preservation of its rights of maritime access to its coastline, as guaranteed by the Convention. Malaysia also relies upon the precautionary principle which, under international law, must direct any State Party in the application and implementation of its obligations under the Convention.

According to article 290, paragraph 5, of the Convention, pending the constitution of an arbitral tribunal to which a dispute is being submitted and if, within two weeks from the date of a request for provisional measures, the parties do not agree to submit the request to another court or tribunal, the Tribunal may prescribe provisional measures if it considers that *prima facie* the arbitral tribunal to be constituted would have jurisdiction and that the urgency of the situation so requires. By notification, dated 4 July 2003 and addressed to the High Commission of the Republic of Singapore in Kuala Lumpur, Malaysia instituted arbitral proceedings under Annex VII of the Convention against Singapore and requested provisional measures. There was a further exchange of views between the parties at a meeting held on 13 and 14 August 2003. Noting that

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considerably more than two weeks have elapsed since the date upon which Malaysia made its request to Singapore for provisional measures, and that no agreement has been reached between the parties, Malaysia has now submitted its request to the Tribunal.

Pending the constitution of the arbitral tribunal, Malaysia seeks the prescription of the following provisional measures:

- (1) that Singapore shall, pending the decision of the arbitral tribunal, suspend all current land reclamation activities in the vicinity of the maritime boundary between the two States or of areas claimed as territorial waters by Malaysia (and specifically around Pulau Tekong and Tuas);
- (2) to the extent it has not already done so, provide Malaysia with full information as to the current and projected works, including in particular their proposed extent, their method of construction, the origin and kind of materials used, and designs for coastal protection and remediation (if any);
- (3) afford Malaysia a full opportunity to comment upon the works and their potential impacts having regard, *inter alia*, to the information provided; and
- (4) agree to negotiate with Malaysia concerning any remaining unresolved issues.

Pursuant to article 90, paragraph 2, of the Rules of the Tribunal, the Tribunal, or the President if the Tribunal is not sitting, shall fix the earliest possible date for the hearing.

The Press Releases of the Tribunal, documents and other information are available on the Tribunal's websites: <http://www.itlos.org> and <http://www.tidm.org> and from the Registry of the Tribunal. Please contact Ms. Julia Pope at Am Internationalen Seegerichtshof 1, 22609 Hamburg, Germany, Tel.: +49 (40) 35607-227, Fax: +49 (40) 35607-245;
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