

PERMANENT COURT OF ARBITRATION

PRESS RELEASE

Case Concerning Land Reclamation by Singapore In and Around the Straits of Johor (Malaysia v. Singapore)

In connection with a dispute between Malaysia and Singapore under the 1982 United Nations Convention on the Law of the Sea (“1982 Convention”), a five-member arbitral tribunal met on 10 January 2005 at the Peace Palace with the Agents of both Parties and their accompanying delegations. The case, which was initiated by Malaysia pursuant to Annex VII of the 1982 Convention, concerns certain land reclamation activities carried out by Singapore that allegedly impinge upon Malaysia’s rights in and around the Straits of Johor.

At the meeting, the arbitral tribunal was briefed by the Agents on the progress in their negotiations aimed at resolving the issues in the case, and was informed that the Parties had agreed *ad referendum* on the text of a draft Settlement Agreement. It was determined that no further action would be taken by the Tribunal at this time.

The arbitral tribunal established to hear arguments in the case consists of Mr. M.C.W. Pinto (President), Dr. Kamal Hossain, Professor Bernard H. Oxman, Professor Ivan Shearer, and Sir Arthur Watts. The Permanent Court of Arbitration (PCA), which is based in the Peace Palace, serves as registry for the arbitral tribunal.

History of the Proceedings

On 4 July 2003, Malaysia instituted proceedings against Singapore pursuant to Article 287 of the 1982 Convention, and Article 1 of Annex VII to the 1982 Convention. Malaysia’s notification to Singapore was accompanied by a request for provisional measures. According to article 290 of the 1982 Convention, pending the constitution of an arbitral tribunal to which a dispute is being submitted, the International Tribunal for the Law of the Sea (“ITLOS”) may, under certain circumstances, prescribe provisional measures. A hearing was held at the ITLOS facilities in Hamburg, Germany on 25, 26, and 27 September 2003. On 8 October 2003, an Order was issued by ITLOS which prescribed certain provisional measures, including the establishment of a group of independent experts to conduct a one year study on the land reclamation activities and to recommend, where appropriate, measures to deal with any adverse effects. (For the full text of the ITLOS Order, see www.itlos.org.)

Following issuance of the ITLOS Order, both the arbitral tribunal and the group of independent experts (“GOE”) were duly constituted. The GOE submitted their report to the Parties on 5 November 2004 and, on 22 December 2004, the GOE made a presentation to the Parties, which marked the formal completion of the GOE’s work. The Parties then met between themselves on 22-23 December 2004, and on 7-9 January 2005, prior to their meeting with the arbitral tribunal.

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Copies of this press release, as well as other information about the PCA, may be found at www.pca-cpa.org.

THE HAGUE, 14 JANUARY 2005