

The Order of the International Tribunal for the Law of the Sea (ITLOS) in the case concerning land reclamation by Singapore in and around the Straits of Johor (Malaysia v. Singapore), Provisional Measures

The Order of the International Tribunal for the Law of the Sea (ITLOS) in the case concerning land reclamation by Singapore in and around the Straits of Johor (Malaysia v. Singapore), Provisional Measures was delivered on 8 October 2003.

The ITLOS decision supports Singapore's position that there was no need for Singapore to stop its land reclamation works either at Pulau Tekong or Tuas.

The judgement by ITLOS also upholds Singapore's consistent position that our land reclamation works, which are carried out strictly within our territorial waters, are in full compliance with international law.

On 5 September 2003, Malaysia had made the following four requests to ITLOS for provisional measures:

- a. 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);*
- b. 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);*
- c. afford Malaysia a full opportunity to comment upon the works and their potential impacts having regard, inter alia, to the information provided; and*
- d. agree to negotiate with Malaysia concerning any remaining unresolved issues.*

ITLOS has rejected Malaysia's key application to order Singapore to stop its reclamation works at Pulau Tekong and Tuas.

The Tribunal also found no basis whatsoever for Malaysia's request for provisional measures based on their territorial claim to "Point 20" at Tuas.

The Tribunal's decision that both countries promptly establish a group of independent experts to conduct a joint study is in line with Singapore's position, which we had conveyed to Malaysia after a bilateral meeting in August and before the case at ITLOS.

The Tribunal also noted Singapore's offers to exchange information, consult and negotiate with Malaysia, which we had made to Malaysia in July 2003.

The Tribunal has ruled in line with Singapore's offers and assurances, while allowing our reclamation works to continue.

The text of the Order is available [here](#).

[ITLOS President Dolliver M. Nelson](#) and [Judge David Anderson](#) appended separate declarations to the Order.

Judges [Chandrasekhara Rao](#), [Anthony A. Lucky](#), [Jose Luis Jesus](#), [Tafsir Malick Ndiaye](#) (in French) and [Jean-Pierre Cot](#) (in French) appended separate opinions to the Order.

Judges *ad hoc* Bernard H. Oxman and Kamal Hossain appended a [joint declaration](#) to the Order.

Click [here](#) for the MFA Spokesman's Comments on the ITLOS Judgement.

Click [here](#) for the transcript of press conference by Foreign Minister Prof S Jayakumar and National Development Minister Mah Bow Tan following the ITLOS judgement.

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