



**SPECIAL AGREEMENT FOR SUBMISSION
TO THE INTERNATIONAL COURT OF JUSTICE
OF THE DISPUTE BETWEEN MALAYSIA AND SINGAPORE
CONCERNING SOVEREIGNTY OVER
PEDRA BRANCA/PULAU BATU PUTEH,
MIDDLE ROCKS AND SOUTH LEDGE**

The Government of Malaysia and the Government of the Republic of Singapore (hereinafter referred to as "the Parties");

Considering that a dispute has arisen between them regarding sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge;

Desiring that this dispute should be settled by the International Court of Justice (hereinafter referred to as "the Court");

Have agreed as follows:

**Article 1
Submission of Dispute**

The Parties agree to submit the dispute to the Court under the terms of Article 36(1) of its Statute.

**Article 2
Subject of the Litigation**

The Court is requested to determine whether sovereignty over:-

- (a) Pedra Branca/Pulau Batu Puteh;
- (b) Middle Rocks;
- (c) South Ledge,

belongs to Malaysia or the Republic of Singapore.

Article 3
Order of Names

For the purposes of this Special Agreement the order of the use of the names Pedra Branca/Pulau Batu Puteh or vice versa shall not be treated as having any relevance to the question of sovereignty to be determined by the Court.

Article 4
Procedure

1. The proceedings shall consist of written pleadings and oral hearings.

2. Without prejudice to any question as to the burden of proof, the Parties agree, having regard to Article 46 of the Rules of Court, that the written proceedings should consist of:

- (a) a Memorial presented by each of the Parties not later than 8 months after the notification of this Special Agreement to the Registry of the International Court of Justice;
- (b) a Counter-Memorial presented by each of the Parties not later than 10 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 10 months after the date on which each has received the certified copy of the Counter-Memorial of the other Party;
- (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 authorises or prescribes the presentation of a Rejoinder.

3. The above-mentioned parts of the written proceedings and their annexes presented to the Registrar will not be transmitted to the other Party until the Registrar has received the part of the proceedings corresponding to the said Party.



4. The question of the order of speaking at the oral hearings shall be decided by mutual agreement between the Parties but in all cases the order of speaking adopted shall be without prejudice to any question of the burden of proof.

Article 5 Applicable Law

The principles and rules of international law applicable to the dispute shall be those recognised in the provisions of Article 38, paragraph 1, of the Statute of the International Court of Justice.

Article 6 Judgment of the Court

The Parties agree to accept the Judgment of the Court given pursuant to this Special Agreement as final and binding upon them.

Article 7 Entry into Force

1. This Special Agreement shall enter into force upon the exchange of instruments of ratification on a date to be determined through diplomatic channels.

2. This Special Agreement shall be registered with the Secretariat of the United Nations pursuant to Article 102 of the United Nations Charter, jointly or by either of the Parties.



**Article 8
Notification**

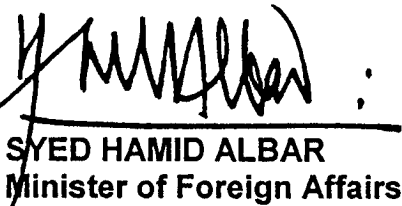
In accordance with Article 40 of the Statute of the Court, this Special Agreement shall be notified to the Registrar of the Court by a joint letter from the Parties as soon as possible after it has entered into force.


In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed the present Special Agreement.

Done in triplicate at Putrajaya on the 6th day of February 2003.

For the Government of Malaysia

**For the Government of the
Republic of Singapore**


SYED HAMID ALBAR
Minister of Foreign Affairs


S JAYAKUMAR
Minister for Foreign Affairs