

*A n n e x I I I*

KEPUTUSAN PROVISIONAL MEASURES  
ARBITRASI TRIBUNAL  
Tanggal 8 Oktober 2003

THE TRIBUNAL,

1. Unanimously,

Prescribes, pending a decision by the annex vii arbitral tribunal, the following provisional measures under article 290, paragraph 5, of the convention :

Malaysia and Singapore shall cooperate and shall, for this purpose, enter into consultations forthwith in order to :

- (a) establish promptly a group of independent experts with the mandate
  - (i) to conduct a study, on terms of reference to be agreed by Malaysia and Singapore, to determine, within a period not exceeding one year from the date of this Order, the effects of Singapore's land reclamation and to propose, as appropriate, measures to deal with any adverse effects of such land reclamation;

- (ii) to prepare, as soon as possible, an interim report on the subject of infilling works in Area D at Pulau Tekong;
- (b) exchange, on a regular basis, information on, and assess risks or effects of, Singapore's land reclamation works;
- (c) implement the commitments noted in this Order and avoid any action incompatible with their effective implementation, and, without prejudice to their positions on any issue before the Annex VII arbitral tribunal, consult with a view to reaching a prompt agreement on such temporary measures with respect to Area D at Pulau Tekong, including suspension or adjustment, as may be found necessary to ensure that the infilling operations pending completion of the study referred to in subparagraph (a) (i) with respect to that area do not prejudice Singapore's ability to implement the commitments referred to in paragraph 85 to 87.

2. Unanimously,

*Directs* Singapore not to conduct its land reclamation in ways that might cause irreparable prejudice to the rights of Malaysia or serious harm to the marine environment, taking especially into account the reports of the group of independent experts.

3. Unanimously,

*Decides* that Malaysia and Singapore shall each submit the initial report referred to in article 95, paragraph 1, of the Rules, not later than 9 January 2004 to this Tribunal and to the Annex VII arbitral tribunal, unless the arbitral tribunal decides otherwise.

4. Unanimously,

*Decides* that each party shall bear its own costs.

Done in English and in French, both texts being authoritative, in the Free and Hanseatic City of Hamburg, this eighty day of October, two thousand and three, in three copies, one of which will be placed in the archives of the Tribunal and the others transmitted to the Government of Malaysia and the Government of Singapore, respectively.

*(signed)*  
L. Dolliver M. Nelson,  
*President*

*(signed)*  
Philippe Gautier,  
*Registrar*

## KEPUSTAKAAN

- Jawaban Menteri Negara Lingkungan Hidup pada Rapat Kerja Pembicaraan Pendahuluan RAPBN 2004 dengan Komisi VIII DPR-RI, Jakarta, 26 Mei 2003.
- DOC. A/58/423, 8 October 2003
- A Regular Process for the Global Reporting and Assessment of the State of the Marine Environment : Proposal on Modalities Report of the Secretary General.*
- Valentina Germani – DOALOS 1  
*“Marine Environment from the Conclusion of the United Nations Convention on the Law of the Sea to the World Summit on Sustainable Development”*  
<http://www.oceansatlas.org>
- United Nations A/58/65  
 General Assembly Distr. : General 3 March 2003  
*Original : English Fifty eighth session*
- Item 53 of the preliminary list\**  
*Ocean and the law of the sea Report of the Secretary General\*\**
- UN Convention on the Law of the Sea (UNCLOS)
- United Nations system wide  
*Earthwatch – Emerging Issues for Agenda 21 Chapter 17 Oceans and Coastal Areas*  
 Source <http://gesamp.imo.org>
- UN General Assembly  
 Resolution 53/243.  
*Report of the Secretary General on Environment and Human Settlements – 28 July 1999 A/RE/53/242*
- UN General Assembly  
 Resolution 44/224.  
*International Cooperation in the Monitoring, Assessment and Anticipation of Environmental Threats and in Assistance in Cases of Environmental Emergency – 22 December 1989 A/RE/44/224.*

Agenda 21 KTT Bumi (*Earth Summit*)

Report of the Secretary General to the UN General Assembly on the UN Reform : Environment and Human Settlements – 6 October 1998 (extract) : *information, monitoring, assessment and early warning.*

UN Task Force on Environment and Human Settlements, Report to the Secretary General, 15 June 1998 (extract) : *information, monitoring, assessment and early warning.*

Artikel Harian Kompas, 2 Maret 2004 “*Kikis Egoisme Sektoral untuk berdayakan Kelautan*”

Dinas Hidro Oceanografi, TNI AL “*Implikasi Reklamasi Daratan Singapura terhadap Perbatasan Laut Kedua Negara dan Kondisi Pulau Nipa di Selat Singapura*”

“*Obligations to Protect Marine Ecosystem under International Conventions and other Legal Instruments*” by Dr. Transform Aqorau, Legal Counsel Forum Fisheries Agency, Solomon Island.

UN General Assembly Document A/Conf.151/26 (Vol.1) “*Report of the United Nations Conference on Environment and Development*”.