

**CASE CONCERNING SOVEREIGNTY OVER
PULAU LIGITAN AND PULAU SIPADAN**

Indonesia/Malaysia

COURT SEISED OF JURISDICTION

On 2 November 1998 Indonesia and Malaysia seised jointly the International Court of Justice of their dispute concerning sovereignty over Pulau Ligitan and Pulau Sipadan, two islands in the Celebes Sea. They did so by notifying the Court of a Special Agreement that they signed on 31 May 1997 at Kuala Lumpur which entered into force on 14 May 1998.

In the Special Agreement, there were three main points:

1. The parties requested the Court "to determine on the basis of the treaties, agreements and any other evidence furnished by [them], whether sovereignty over Pulau Ligitan and Pulau Sipadan belongs to the Republic of Indonesia or to Malaysia".
2. They expressed the wish to settle their dispute "in the spirit of friendly relations existing between [them] as enunciated in the 1976 Treaty of Amity and Co-operation in Southeast Asia".
3. They declared in advance that they will "accept the Judgment of the Court given pursuant to [the] Special Agreement as final and binding upon them".

THE PROCEDURE

Under the Rules of Court, in a case unilaterally brought by one state against another state (by means of an Application), the applicant submits a Memorial to which the respondent subsequently files a Counter Memorial within different time limits. However, in a case brought jointly by two states (under a Special Agreement), each of the parties submits a Memorial and subsequently a Counter Memorial, within the same time limits.

Taking into account the provisions of the Special Agreement between the parties by which they submitted the case, the Court fixed initially 2 March 2000 as the time limit for the filing of the two Counter Memorials. However, in a joint letter of 18 August 1999, Indonesia and Malaysia had asked the Court for a four-month extension of this time limit, stating that it

did not leave them sufficient time to address issues that might be raised in their respective Memorials. The parties stressed that, apart from this modification, the Special Agreement remained unchanged, including the time limit fixed for the filing of Memorials on 2 November 1999.

As a result, on 16 September 1999 the Court granted the requested extension by an Order. The Order extended the time limit for the filing of a Counter Memorial by each of the parties until 2 July 2000. The subsequent procedure was reserved for further decision.