



*American Model United Nations*  
**International Court of Justice**

IN THE  
INTERNATIONAL COURT OF JUSTICE  
OF THE  
AMERICAN MODEL UNITED NATIONS

MALAYSIA / SINGAPORE

Argued: November 18, 2012

Decided: November 18, 2012

1 The Majority opinion was signed by and agreed to by Justice Clark of Iceland, Justice  
2 Faler of the Former Yugoslav Republic of Macedonia, Justice Hoeflein of Ukraine,  
3 Justice Manetta of Venezuela, Justice Osborn of Australia, Justice Sarchett of Canada,  
4 Justice Selmanaj of Panama, Justice Thome of South Sudan, and Justice VanHoose of  
5 Israel.

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7 The court has jurisdiction over the case based on the Special Agreement signed on 9 May  
8 2003, between Malaysia and Singapore, requesting that the International Court of Justice  
9 resolve a longstanding territorial dispute over Pedra Branca, Middle Rocks, and South  
10 Ledge. Furthermore, based on the memorials submitted to the body, both parties  
11 recognize the court's jurisdiction to rule in this matter.

12  
13 The petitioner and the respondent have both submitted well-articulated arguments and  
14 conclusive evidence in the territorial dispute over the islands in question. Both parties  
15 made oral arguments emphasizing their territorial claims to the land and their justification  
16 behind them. It is these arguments that are in dispute before the court. In deciding this  
17 case, the court looks to the following documents: The United Nations Charter on the Law  
18 of the Sea (UNCLOS), the 1824 Crawford Treaty, the Johor Treaty, the 1953 letter sent by  
19 the honorable State Secretary of Johore to the Colonial Secretary of Singapore, the oil  
20 concessions of 1968 and the Fisheries Act of 1985.

21  
22 The opinion and explanation of reasons of the court is as follows:

23  
24 In regards to the designation of Pedra Blanca to Malaysia based on location and history,  
25 this court finds that under the 1824 Crawford Treaty, Pedra Blanca is in fact designated to  
26 Malaysia. However, historically, there is no conclusive evidence supporting Malaysia's  
27 sovereignty in this manner. This body does find Singapore's claims to Pedra Branca based  
28 on the Crawford Treaty null, due to the fact that the maritime features lay outside of 10  
29 geographical mile boundary as delineated in the Crawford Treaty. In response to the  
30 argument of Singapore's ownership based on British practices of sovereignty, this court  
31 finds that statement of fact to be valid. However, this does not establish Singaporean

32 sovereignty because according to Article 15 of the Jahor Treaty, the British did not have  
33 legitimate authority to allocate sovereignty or ownership of the islands to Singapore. The  
34 British recognition of Jahore’s sovereignty over the islands as demonstrated in their  
35 request for permission to construct Horsburgh Lighthouse explicitly demonstrates their  
36 lack of authority in regards to the delineation of ownership. This body finds Singapore’s  
37 claims to sovereignty through occupancy of the constructed lighthouse to be invalid based  
38 on the international legal definition of occupancy found in the Hague Convention which  
39 states, “a territory is considered occupied when it is placed under the authority of the  
40 hostile army.” This court finds that Malaysia has indeed exercised its own sovereignty in  
41 the disputed territory through the 1985 Fisheries Act and the Oil Concessions of 1968.  
42 Furthermore it has exercised sovereignty over the territory designated to it based on the  
43 baseline boundary of 100 nautical miles as defined by Article 47 of UNCLOS.  
44

45 While Singapore argues that sovereignty is based on the cession of the Island of  
46 Singapore as well as its surrounding islands to Britain in the Crawford Treaty of 1824,  
47 this court finds the Treaty to be invalidated by the letter of 1953, sent by the Secretary of  
48 State of Jahore. The letter does not give any clear indication of who has ownership of the  
49 island, it simply states that the State of Jahore was not laying claim to it. We find that  
50 even though the Republic of Singapore does in fact maintain the lighthouse on the island,  
51 Malaysia also has significant economic interests as stated earlier in regards to the oil and  
52 fisheries documents. In regards to Singapore justification of ownership based on the letter  
53 of 1953, this court finds that neither letters nor maps as mentioned in the oral arguments  
54 or memorials submitted to the body may lay claims to the title of territory.  
55

56 Therefore, the court orders that the islands of Pedra Branca, Middle Rocks, and South  
57 Ledge be specifically designated as Malaysia’s maritime territory. We recognize the fact  
58 that any pre-existing treaties between the two parties for purposes of trade and transport  
59 shall remain valid and in effect.

Hereby Signed:

*Justice Clark*

*Justice Faler*

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*Justice Hoeflein*

*Justice Maretta*

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*Justice Osborn*

*Justice Sarchett*

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*Justice Selmanaj*

*Justice Thome*

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*Justice VanHoose*

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60 The Dissenting opinion was signed by and agreed to by Justice Cooper of the Dominican  
61 Republic, Justice Do of Nepal, Justice Kaylor of Singapore, Justice Krasic of Bolivia,  
62 Justice Perlin of Bulgaria, Justice Shaw of India, and Justice Wagner of Nicaragua.

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64 Keeping in the mind that both parties came to the International Court of Justice (the  
65 “ICJ”) with full expectation of submitting to their full authority in a decision, the ICJ  
66 supports the claim that we have jurisdiction in this case. In further support of the ICJ’s  
67 jurisdiction in this case, the ICJ cites *Passing of Sovereignty: the Malaysia/Singapore*  
68 *Territorial Dispute before the ICJ* stating, “In view of the lack of progress in the  
69 negotiations, the Parties signed a Special Agreement on 6 February 2003 (entered into  
70 force on 9 May 2003) and submitted the dispute to the International Court of Justice...on  
71 24 July 2003.”

72  
73 This dissent includes discussion of both oral arguments and memorials written by both  
74 parties.

75  
76 We agree with our fellow justices in the consensus on the validity of the letter from the  
77 State Secretary of Javor to the Colonel Secretary of Singapore in not granting ownership  
78 of the islands: Pedra Branca, Middle Rocks, and South Ledge to either party. However, no  
79 government official of Singapore is recorded renouncing sovereignty or territorial claims  
80 to the aforementioned islands. Emphasizing the general role of ownership, it has been  
81 apparent in international action and reaction that Malaysia has sought permission from  
82 Singapore for use of the islands to further their economic endeavors. In light of  
83 international contentions of national sovereignty, economic claims, occupation, and  
84 territorial claims, the ICJ acknowledges that this case is within our purview. The decision  
85 used to grant sovereignty to Malaysia was not analyzed in the same way in regards to  
86 Singapore’s claims to sovereignty. The threshold to which we grant “sovereign claims”  
87 was not duly respected.

88  
89 The dissent recognizes Singapore’s presence on Pedra Branca as the Singapore Marine  
90 Ensign Flag has been flying for over 100 years. In addition, Malaysia protested the flying  
91 of the same flag on Pulau Pisang, a recognized Malaysian territory, but not on Pedra  
92 Branca. The uninhibited flying of the Singapore Marine Ensign Flag on Pedra Branca  
93 thus symbolizes Malaysia’s acceptance of Singapore’s territorial claim. The flag is an  
94 official sign of Singapore’s claim and Malaysia never attempted to remove that sign.

95  
96 Noting with zest the oral arguments brought to the ICJ, it is important to note the future  
97 actions to be taken by each party. Singapore claims that their handling of the disputed  
98 territories will not change. Malaysia indicates that their handling of the islands *will*  
99 change. Malaysia affirms that in addition to limiting the mutually beneficial economic  
100 opportunities offered currently, there will, in addition be, “A change in the workers in the  
101 lighthouse.” Malaysia recognized the necessary change in occupation of the lighthouse.  
102 This denotes Malaysia’s recognition that the Singaporean representation in the lighthouse  
103 in the form of workers on Pedra Branca indicates an occupational claim of Singapore to  
104 the island that Malaysia felt necessary to alter. This practice indicates a clear Singaporean  
105 sovereignty.

106 The majority opinion has asserted that the Petroleum Treaty of 1968 and the Fishery  
107 Agreement of 1985, which Malaysia has entered into with private parties are acts of  
108 economic dependency on the disputed islands. This dissenting body finds that in light of  
109 Malaysia's inaction to take advantage of these islands prior to 1968 proves that Malaysia  
110 is not economically dependent upon its operations on the contested islands.

111  
112 Furthermore, this dissenting body has determined that both parties have historically  
113 benefited by the operation of the lighthouse by Singapore. Singapore's large ports and  
114 open access along the strait has contributed to the economic gains of Malaysia. Therefore,  
115 it is our opinion, Singapore's economic claims to the island are more legitimate.

*Justice Cooper*

*Justice Do*

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*Justice Kaylor*

*Justice Krasic*

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*Justice Perlin*

*Justice Shaw*

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*Justice Wagner*

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