

**IN THE INTERNATIONAL COURT OF JUSTICE**

**THE REPUBLIC OF SINGAPORE**

**APPLICANT**

**V.**

**THE FEDERATION OF MALAYSIA**

**RESPONDENT**

**MEMORIAL OF THE FEDERATION OF MALAYSIA**

COMES NOW the Federation of Malaysia and for their Memorial to the Court states the following:

**JURISDICTIONAL STATEMENT AND ARGUMENT:**

Both parties have agreed to respect the decision reached by the International Court of Justice through the ratification of the Special Agreement that was negotiated by Malaysia and Singapore in February 2003. Malaysia seeks to reach an equitable solution that resolves this long-standing territorial dispute to reach an equally advantageous outcome.

**STATEMENT OF FACTS:**

The islands of Pedra Branca are a small grouping of three islands that lie 7.7 nautical miles off the coast of Johor (Malaysia). The dispute over Pedra Branca began with the publishing of a map by Malaysia in 1979 that laid claim to the islands. As a result, Singapore was compelled to create and outline their own case for the sovereignty of the islands due to their strategic importance near the Strait of Singapore. Pedra Branca was claimed as part of the territory of the Sultanate of Johor since before at least 1528. Johor's sovereignty over Pedra Branca did not cease when Singapore was sold to the British as part of the Anglo-Dutch Treaty of 1824 and the Crawford Treaty. Johor's sovereignty over the islands was not granted to Great Britain/Singapore when the Sultan of Johor granted permission for the British to construct a lighthouse on the island. The Sultanate of Johor allowed for Singapore to continue to maintain the lighthouse and recognize it as a Singaporean station but this action did not end supersede the sultan's claim of sovereignty over the islands. Malaysia has strongest legitimate claim to the islands based upon the historical actions by Singapore and Great Britain which never produced a document or transaction for the transition of the disputed territory.

**STATEMENT OF LAWS:**

1. Various treaties have been negotiated and ratified by Malaysia that have denoted its control of the Pedra Branca and its surrounding islands that were not protested by

Singapore. Therefore, the prior lack of action by Singapore reflects their unwillingness to stake out their claim in a consistent manner.

#### **ARGUMENT:**

1. The islands have clearly been under the territorial domain of Malaysia (1963-present) and its predecessor states, the new Sultanate of Johor (1855-1963), and the old Sultanate of Johor (1528-1855), thereby demonstrating a strong historical and culture claim to the islands. Meanwhile, in both the sale of Singapore to Great Britain (aka the historical founding of the modern state of Singapore) and the confirmation of the sale in the Anglo-Dutch Treaty of 1824, there was no mention of the island of Pedra Branca. This is in contrast to the territorial claims of Johor which purposefully included the islands of Pedra Branca when the territory was passed on to Temenggong Abu Bakar (who became Sultan of Johor) whose father was a notably signatory to the two previous mentioned treaties involving Singapore.
2. To counter Singapore's main claim of historical presence on the island, the grants given to Great Britain, and by extension Singapore, were temporary in nature to build a lighthouse on one of the islands. Therefore, the sovereignty of the Pedra Branca islands was retained by the Sultanate of Johor but only the permission to build and maintain a lighthouse was granted to Great Britain and its colonial possession of Singapore.
3. The Singaporean actions such as investigating shipwrecks and hazards in accordance with the UN Convention on the Law of the Sea and the Convention on the Safety of Life at Sea were not an establishment of its sovereignty over the islands but instead complying with best practice to ensure the preservation of human life.
4. Lastly, Singapore's own listing of ownership of islands omits Palau Batu Puteh (Pedra Branca) in a series of pamphlets published by the Singaporean Ministry of Culture in 1972. Then, only in 1992 was Palau Batu Puteh (Pedra Branca) added to Singapore's lists of islands. Overall, Singapore did not present a continuous claim over the sovereignty of the islands until Malaysia attempted to solidify control over its own land.

#### **SUMMARY AND REQUESTS:**

At no time since the initial granting of permission to build a lighthouse by Johor on the islands of Pedra Branca did Singapore actually claim sovereignty over the islands. The actions by Singapore regarding the management of the lighthouse do not constitute an expression of sovereignty over Pedra Branca. Furthermore, Malaysia has produced several maps and made various treaties with other countries (the 1969 Treaty between Malaysia and Indonesia that delimited the Continental Shelf) that denote Pedra Branca as Malaysian territory without objections from the government of Singapore. Highlighting the lack of commitment that Singapore has historically expressed towards their claim to the islands, the ICJ should reaffirm

Malaysia's control of Pedra Branca based upon the clear historical basis of Malaysian ownership of islands which has never faltered