

IN THE INTERNATIONAL COURT OF JUSTICE

THE REPUBLIC OF SINGAPORE

APPLICANT

V.

THE FEDERATION OF MALAYSIA

RESPONDENT

MEMORIAL OF THE REPUBLIC OF SINGAPORE

COMES NOW the Republic of Singapore and for their Memorial to the Court states the following:

STATEMENT OF LAW:

- 1) Under Article 102 paragraph 1 of the United Nations: “Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it,” the Republic of Singapore and the Federation of Malaysia entered into a Special Agreement on 6 February 2003 recognizing the ICJ able to adjudicate this dispute.

- 2) The Republic of Singapore and the Federation of Malaysia entered a Special Agreement to the International Court of Justice of which Article 2 states that, “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.”

STATEMENT OF FACT

The issue before the court contends the sovereignty of the Under the precedent set by the Permanent Court of Arbitration in 1928 during the *Island of Palmas* case, Article 5 paragraph 21 states that the title of sovereignty shall be given to the state which exercises acts of sovereignty over the region, rather than the simple act of discovering and claiming territories. In understanding this important precedent, Singapore displays an enumeration of sovereign acts over the territories over the years.

Firstly, the construction of the Horsburgh lighthouse on the island of Pedra Blanca from 1847-1851 was conducted through the British East India Company, then controlled by the British Crown. There was no opposition to the construction and possession of Pedra Branca by the British. Moreover, the Sultanate of Johor (known as the Federation of Malaysia) acquiesced the island to the British East India Company for the construction of the lighthouse. The construction and the pursuant management of the lighthouse by the British East India Company constitutes British sovereignty over the island of Pedra Branca. Upon gaining sovereignty in 1965, the control of the island shifted from agents of the British Crown to Singapore.

This recognition of sovereignty is furthered by a correspondence between the Sultan of

Johor to the colonial Governor of Singapore on 21 September 1953 expressing the “...the Johore government does not claim recognition over Pedra Branca.” This expression was completed without reservation or addendums, therefore constituting that Pedra Branca is not claimed by Malaysia and that sovereignty is then derived by Singapore since its control of the island since 1847.

Singapore’s claim of sovereignty over Middle Rocks and South Ledge attribute the territories as one group of maritime features due to their inability to function as autonomous geographic features; they are dependencies of Pedra Branca. Therefore, as Singapore is sovereignty of Pedra Branca, Middle Rocks and South Ledge or included in the territorial waters of the island.

STATEMENT OF JURISDICTION

1. The case is brought to the Court under the jurisdiction of Article 36, paragraph 1 of the Court statute: “The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force”.
2. The Special Agreement for Submission to the International Court of Justice of the Dispute Between Malaysia and Singapore Concerning Sovereignty over Pedra Branca, Middle Rocks and South Ledge

ARGUMENTS

1. Singapore has claims to sovereignty to the island of Pedra Branca since the construction of the Horsburgh lighthouse by the British East India Company. Singapore has been the sole state to perform acts of State on the island which, by the precedent set during the *Island of Palmas* case deems that in so performing these State actions, Singapore’s claim of sovereignty is more valid than the claim of sovereignty by discovery by Malaysia.
2. Malaysia was given the opportunity to express sovereignty over the region in 1953 and denied the claim in a letter sent by the Sultanate of Johor to Singapore. This further proves that Malaysia did not have a claim to the island and refused to acknowledge one upon inquiry.
3. Middle Rocks and South Ledge form one group of maritime features in concordance with Pedra Branca. As part of the territorial waters of Pedra Branca, these features are also within Singapore’s territory and sovereignty.

SUMMARY AND REQUESTS

Reiterating the multiple instances of Singapore’s claim to Pedra Branca, Middle Rocks, and South Ledge, the Republic of Singapore prays the court rule these territories sovereign to Singapore. Singapore further requests that by the conditions of the Special Agreement, Malaysia recognize the Court’s decision and removes Pedra Branca, Middle Rocks, and South Ledge from official maps of the territories of the Federation of Malaysia.