SINGAPORE: REVIEW OF MAJOR POLICY STATEMENTS

by C. L. Lim∗

I. INTRODUCTION

The following issues have been selected from the past year:1

1. Relations with Malaysia concerning the proposed construction of a bridge to replace the Causeway connecting Malaysia to Singapore;

2. maritime security in the Straits of Malacca and in the region, especially in connection with increasing participation in the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP);

3. human rights, following the United Nations Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions, Professor Philip Alston’s remarks on the death penalty in Singapore, and Myanmar’s decision to forego the Chairmanship of the Association of Southeast Asian Nations (ASEAN) in 2005;

4. the Iran nuclear issue, in connection with the Non-Aligned Movement’s (NAM) statement;

5. terrorism and the proliferation of weapons of mass destruction;

6. practice in international and regional organisations, including ASEAN; and

7. other statements.

II. ON-GOING NEGOTIATIONS WITH MALAYSIA

Following the announcement by the Malaysian Government in April of this year that it would not proceed with the construction of the proposed bridge to replace the Causeway, Singapore Foreign Minister, Mr. George Yeo said in response to media queries on the same day that:2

[I]t came as quite a surprise to me because we were negotiating and making good progress. At about 1 o’clock on 12 April 2006, Syed Hamid gave me a call and told me that the Malaysian Cabinet had taken this decision and that PM Abdullah Badawi

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1 Covering the period from June 2005 to June 2006. It has also been possible to include events occurring in the earlier part of July 2006.

would be making this announcement shortly. He wanted to inform me in advance. I thanked him for it. But it came as quite a surprise to me.

We respect this decision of the Malaysian government. I’m sure our bilateral relations will continue to be very good. There are so many areas that [sic.] we are cooperating. And I have a very good working relationship with Syed Hamid and I hope that between the two of us we can continue to promote good relations between the two countries.

Syed Hamid did not give me details but he said that it concerned their domestic political considerations. They do not have very many details but I’m quite sure that in the coming days we’ll get more details.

The decision came as a surprise to me. We were having negotiations and we were moving to the technical stage. I was quite taken aback when he informed me of this. As to what are the internal considerations, well I’m quite sure their public views were taken into account, and whatever he says it is a decision that they have taken and we should respect it.

Asked whether Singapore viewed this as a victory, he added that:

[T]his has got nothing to do with victory or defeat. Whatever we’ve worked on will be to our mutual benefit. We’ve always negotiated on the basis of mutual benefit to both sides, and I’m quite sure we’ll be able to find other areas where we can cooperate to our mutual benefit.

We are working together on so many things. Our economic links are strong, our people-to-people links are good, and in ASEAN and on various regional projects we’ve cooperated very closely.

A spokesperson for the Singapore Ministry of Foreign Affairs had earlier also expressed surprise at the suddenness of Malaysia’s decision in light of on-going negotiations.3

The decision took place in the wake of heightened media attention on the issue during the months of March and April 2006. Just a little more than a week before on 3 April, the Second Minister of State for Foreign Affairs, Mr. Raymond Lim had been compelled to respond to the following supplementary question by Dr. Amy Khor in Parliament:4

I would like to ask the Minister two supplementary questions. Sir, I would like to ask the Minister, the Malaysian DPM Najib has been quoted in the press as saying that it is within Malaysia’s rights to build the scenic half-bridge within their territory. What is Singapore’s position regarding this? I would also like to ask the Minister, what is the impact on and implications to Singapore if Malaysia were to go ahead to build the so-called scenic, half-bridge within its territory?


4 “Reply By 2nd Minister for Foreign Affairs Raymond Lim to Supplementary Question in Parliament on 3 April 2006 on Singapore’s Position on Malaysian DPM Najib’s Comments that it is within Malaysia’s Right to Build a Bridge within its Territory”, Singapore Government Press Release, 3 April 2006. The Malaysian Deputy Prime Minister, Datuk Najib Tun Razak’s statements had earlier been reported in the Singapore press. Datuk Najib had reportedly said that the Causeway was “no longer feasible” and that it must therefore be replaced by a new bridge. According to the Malaysian Deputy Prime Minister, the decision to resume building work on a “scenic bridge” on the Malaysian side (only) had been made in response to public feedback: “After listening to the views of the people of Johor, the Federal Government has decided to build the bridge.” He then added to applause that: “This is our right as a sovereign nation and nobody can question or deny our right to build the bridge”. See Lydia Lim, “Causeway Must Go, Says Najib”, The Straits Times [of Singapore] (18 March 2006).
In his reply, Mr. Lim invoked Singapore’s rights under international law:\(^5\)

1. Mr. Speaker, Sir, this House may be aware of reports in the Malaysian media regarding comments by Malaysian leaders, including DPM Najib, which Dr Amy Khor alluded to just now, on the continued construction of a ‘half-bridge’ within Malaysia’s territory. Recent public comments by various Malaysian quarters reaffirm Malaysia’s intention to proceed with the construction of the half-bridge and thereafter to demolish its half of the Causeway unilaterally and Malaysia claims that it has the sovereign right to do so. On 18 March 2006, the NST [New Straits Times, Singapore] reported DPM Najib as saying:

““This is our right. Nobody can question or deny us this right as a sovereign nation. The Government is committed to building the bridge.””

2. Singapore does not accept that Malaysia has a right to demolish its side of the Causeway unilaterally and replace it with a half-bridge. This position has been repeatedly conveyed to Malaysia via formal diplomatic channels on a number of occasions. We have taken this position not lightly but after seeking expert legal advice.

3. Any major work related to the Causeway, on which also are sited the pipelines supplying water to Singapore, would affect both Singapore and Malaysia in a variety of areas of vital importance to both countries. This is why Singapore cannot accept

\(^5\) “Reply By 2nd Minister for Foreign Affairs Raymond Lim to Supplementary Question in Parliament on 3 April 2006 on Singapore’s Position on Malaysian DPM Najib’s Comments that it is within Malaysia’s Right to Build a Bridge within its Territory”, supra note 4. Cf. the Opinion of the Malaysian Attorney-General’s Chambers which was subsequently declassified by the Government in responding to recent criticisms of its policy decisions by former Malaysian Prime Minister, Tun Dr. Mahathir; “Government Replies to Allegations Raised by Dr. M: Appendix A”, The Star [of Malaysia] (15 July 2006). According to the Government of Malaysia:

In coming to its decision to abort the bridge project, the Government studied not only the Wayleave Agreements but also the Johor-Singapore Water Agreements 1961 and 1962, the Separation Agreement 1965 and took into consideration advice from the Attorney-General’s Chambers.

This is what the Attorney-General’s Chambers said: “the construction of the scenic half bridge to replace the Malaysian side of the Johor Causeway must be studied in a holistic manner in view of the fact that the scenic half bridge would have international legal implications in particular environmental impact to Singapore in and around the Straits of Johor”.

Apart from the above, the construction of the scenic half bridge will involve the demolition of the Malaysian side of the Johor Causeway. The said demolition would directly affect the water pipeline located inside the Johor Causeway and water pipelines straddling the Johor Causeway. In this regard, legal implications thereof would have to be studied based on the 1961 and 1962, Johor-Singapore Water Agreements, Wayleave Agreements and Separation Agreement 1965.

Malaysia as a sovereign and independent state has complete power and authority over its territory and in exercising the said power and authority, no other state may interfere with its affairs. Nevertheless, Malaysia cannot take unilateral action without taking into consideration international law principles and requirements, amongst others, taking into account the rights and interests of its neighbouring states.

The Malaysian Government’s responses also clarified, inter alia, that Singapore had never accepted Malaysia’s proposal to “build a crooked bridge within its own territory”, explaining further that “Singapore’s acceptance for Malaysia to build a crooked bridge was at most a reluctant acceptance based on the package approach”; ibid. Elaborating further, the Government of Malaysia stated that: “It is incorrect to say that [Singapore’s former Prime Minister, and now Senior Minister] Goh [Chok Tong] had given a commitment on the bridge in his letter on April 11, 2002. There was no signed agreement between the PMs of Malaysia and Singapore towards building the bridge”, and that “[t]he bridge became part of the package of unresolved bilateral issues as a result of Dr Mahathir’s letter” of 4 March 2002 to then Senior Minister Lee Kuan Yew; ibid. Other issues touched upon in the Malaysian Government’s response and declassification of state papers included the use of Malaysian airspace and the sale of Malaysian sand to Singapore; ibid. See also “Declassified/Setting the Record Straight for Malaysians: Why the Crooked Bridge Project was Aborted”, The New Straits Times [of Malaysia] (15 July 2006).
that Malaysia has a right to unilaterally replace its side of the Causeway with a half-bridge.

4. Members would recall that in 2003, Malaysia had applied to the International Tribunal for the Law of the Sea (ITLOS) to stop Singapore from undertaking reclamation works within Singapore’s sovereign territory. Malaysia’s actions were guided by the principle that any major work in the Johor Straits, even if done within the sovereign territory of Singapore, could affect Malaysia. Similarly, we have reminded Malaysia that any decision to demolish the Causeway has to comply with the principles enunciated in the ITLOS Order and must also be fully consistent with the requirements of international law.

5. Singapore has stated its position clearly and consistently. We hope that Malaysia will understand Singapore’s concerns and position.

6. As I have mentioned, Singapore has asked Malaysia to clarify its position officially with regard to the half-bridge. In the meantime, Singapore will continue negotiating with Malaysia on a possible full bridge to replace the Causeway, based on a balance of benefits.

The following question had originally been put to the Minister of State by Dr. Khor, eliciting the Government’s response below:

Dr. Amy Khor Lean Suan: To ask the Minister for Foreign Affairs if he will provide an update on the talks with Malaysia regarding the proposed new bridge across the Causeway.

REPLY:

1. Mr. Speaker, Sir, bilateral negotiations on Malaysia’s proposal to construct a full straight bridge to replace the Causeway are ongoing. Minister for Foreign Affairs, George Yeo has clarified Singapore’s position with regard to the full straight bridge in this House on several occasions, most recently on 2 March 2006. Singapore’s position remains unchanged. There are huge financial costs and no significant benefits for Singapore to construct the full straight bridge to replace the Causeway. However, in the spirit of good neighbourliness, Singapore is prepared to consider Malaysia’s proposal to replace the Causeway with a full straight bridge if there is a balance of benefits for both sides.

2. Our senior officials have met five times to discuss the details of this balance of benefits. Although there have been many reports in the Malaysian media on the details of the ongoing bilateral negotiations, Singapore has adhered to the decision taken jointly by Senior Minister Goh Chok Tong and Prime Minister Abdullah Badawi not to publicise the details of the ongoing negotiations. As such, I am unable to disclose any details of the discussions to this House. Suffice to say, our senior officials have had constructive discussions and they have made good progress. But there are a number of important related issues which both sides would need to discuss in further detail.

3. Singapore has been surprised by some of the remarks on the bridge issue and bilateral relations attributed to Malaysian politicians and leaders by the Malaysian media even as bilateral negotiations are still ongoing. For example, on 10 March 2006, Deputy Works Minister Datuk Mohd Zin bin Mohamed was reported to have said that Malaysia had “symbolically launched” construction works of the “scenic bridge” or half-bridge. On 11 March 2006, DPM Datuk Seri Najib Abdul Razak

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was reported in the Malaysian media as saying that Malaysia would proceed with the construction of the “scenic bridge”. On the same day, Malaysian Minister of Works Datuk Samy Vellu was quoted in Bernama as saying that he had asked the contractor to continue the work without any disruption.

4. Such remarks as reported by the Malaysian media are cause for some concern as they were made even as the Senior Officials from Singapore and Malaysia were in Kuala Lumpur discussing the possibility of Singapore and Malaysia cooperating to construct a full straight bridge. Such continued public comments on Malaysia’s intention to proceed with the half-bridge will not be helpful to the ongoing bilateral negotiations on the full bridge.

5. Members will remember that when Malaysian Foreign Minister, Datuk Seri Syed Hamid and Minister George Yeo met during the MFA-Wisma Putra Games in Singapore from 4-5 February 2006, they agreed that both sides should continue with the negotiations for a full bridge. Wisma Putra had also previously clarified to us in a Third Person Note (TPN) that Malaysia remained committed to negotiations for a full bridge. However, the statements by Malaysian leaders on the construction on the ‘scenic’ or half-bridge contradict what Wisma Putra had earlier communicated to us. This is why Singapore has sent Malaysia several TPNs seeking clarification on Malaysia’s position on the ‘scenic bridge’ or half-bridge. Malaysia has yet to formally reply to these TPNs.

In his earlier remarks in Parliament on 2 March 2006, Singapore’s Foreign Minister, Mr. George Yeo had expressed his understanding that:

Wisma Putra has clarified to us in a TPN that Malaysia remains committed to negotiations for a full bridge and only soil studies are being conducted. We have explained to Malaysia the serious implications of a unilateral move by Malaysia to demolish its side of the causeway and replace it by a crooked bridge, however scenic.

Prior to its recent decision not to proceed with the proposed bridge, Malaysia appears to have considered the matter as one involving her sovereign legal rights, with the onus thereby on Singapore to demonstrate flexibility during negotiations. However, Singapore appears to have considered that any decision by Malaysia to proceed with construction purely on the Malaysian side (i.e., a “scenic bridge”) would violate Singapore’s international law rights.8 Singapore’s *Straits Times* had reported on 18 March on the statements of the Malaysian Deputy Prime Minister in the following terms:

Yesterday, Datuk Seri Najib confirmed to the media that bilateral talks on a full bridge were in progress and would continue. But in his speech to Johor lawmakers and grassroots leaders, he put the onus on Singapore to be neighbourly and to recognise the economic benefits of the project for both countries.

“We hope Singapore will think deep and hard about the importance of the project for bilateral relations. That should be overriding priority.”

“There should also be the principle of give and take on the part of Singapore, in the spirit of good neighbourly relations,” he said.

8 See *supra* note 5. For the uses of legal characterisation of issues and disputes in Malaysia-Singapore relations, see C.L. Lim, “Techniques of Pacific Settlement in Malaysia-Singapore Relations” (2005) 6 Melbourne J.I.L. 313 at 326.
The Malaysian press had also reported various other statements by Malaysian political figures in the week prior to that report, on 11 and 12 March 2006, prompting a spokesperson for the Singapore Ministry of Foreign Affairs to respond that:\footnote{9 “MFA Spokesman’s Comments on Remarks Made by Malaysian Leaders on the Construction of the Half-Bridge and Bilateral Negotiation Process as Reported in the Malaysian Media on 11 And 12 March 2006”, Singapore Government Press Release, 13 March 2006. These Malaysian reports were subsequently covered by the Singapore press; see “Singapore Expresses Surprise Over Malaysian Remarks Over “Half-Bridge”, The Straits Times [of Singapore] [14 March 2006]. See also “MFA Spokesman’s Comments: Reactions To Comments Made on the Half-Bridge by Malaysian Deputy Minister of Works Datuk Mohd Zin Mohamed As Reported in the Malaysian Media on 10 March 2006”, Singapore Government Press Release, 10 March 2006.}

Singapore is surprised that Malaysian leaders should again talk about construction of a ‘half-bridge’ when Minister George Yeo and Minister Syed Hamid had agreed during the MFA-Wisma Putra Games on 4 February 2006 that negotiations for a full bridge will continue. Singapore has always been negotiating with Malaysia in good faith. These negotiations are still ongoing and significant progress has been made.

III. MARITIME SECURITY IN THE STRAITS OF MALACCA AND THE REGION

The following press statement was issued by the Ministry of Foreign Affairs in April 2006 in relation to the ReCAAP:\footnote{10 “MFA Press Release: Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP)”, Singapore Government Press Release, 7 April 2006.}

On behalf of their governments, Ambassador Park Joon-woo of the Republic of Korea, High Commissioner Alok Prasad of India and High Commissioner Shehan Ratnavale of Sri Lanka signed the Regional Cooperation Agreement on Combatting Piracy and Armed Robbery against Ships in Asia (ReCAAP) at the Ministry of Foreign Affairs today. The Republic of Korea also deposited its instrument of ratification with Singapore. India and Sri Lanka will separately deposit their instruments of ratification after the signing.

To date, eleven countries have signed the Agreement, of which seven have ratified, namely Japan, Laos, Singapore, Thailand, the Philippines, Myanmar and the Republic of Korea. The ReCAAP Agreement will enter into force 90 days after the tenth country submits its instrument of ratification to the depositary. In addition, Brunei and Cambodia have signed the Agreement and are in the process of completing their domestic procedures for ratification.

ReCAAP is a Japanese initiative for anti-piracy cooperation amongst the ASEAN countries, China, Japan, the Republic of Korea, India, Sri Lanka and Bangladesh. The ReCAAP Agreement was concluded in Tokyo in November 2004. As host of the ReCAAP Information Sharing Centre, Singapore is the depositary of the Agreement, which has been open for signature since 28 February 2005.

It is also the first government-to-government (G-to-G) agreement to combat piracy and armed robbery against ships in the Asian region. By June 2006, eleven countries had ratified ReCAAP - Cambodia, Japan, Laos, Singapore, Thailand, the Philippines, Myanmar, the Republic of Korea, Vietnam, India and Sri Lanka. According to a Ministry press statement of 21 June 2006, Brunei has also signed and is currently in the process of ratifying the agreement. ReCAAP which requires ten ratifications for entry into force will now enter into force on 4 September 2006. The first ReCAAP Governing Council meeting will take place towards the end of 2006 in Singapore.\footnote{11 “Regional Cooperation Agreement on Combating Piracy And Armed Robbery Against Ships in Asia (ReCAAP)”, Singapore Government Press Release, 21 June 2006.} Safety in the Straits of Malacca and Singapore is
of particular concern to Singapore which hosts ReCAAP’s permanent Information Sharing Centre (ISC).

More broadly, maritime security concerns were highlighted by Defence Minister Teo Chee Hean during this year’s 5th International Institute Of Strategic Studies’ Asia Security Conference in June, 2006:12

Maritime security has been discussed extensively over the past two years in a number of regional fora, including the ASEAN Regional Forum, the Western Pacific Naval Symposium, the Five Power Defence Arrangements and, perhaps most significantly, at the Shangri-la Dialogue. The frank and open discussions that have taken place at these various gatherings enabled us to come to a common understanding of how maritime security impacted on the national security of all our countries. These discussions also helped us better appreciate sensitivities relating to sea lanes like the Malacca Straits.

At last year’s Shangri-La Dialogue, we quickly gravitated to a consensus around three practical principles for maritime security cooperation. First, that the primary responsibility of maritime security in the Malacca Straits lies with the littoral states. Second, that there is a role that the international community, agencies like the IMO and major user states can play. And third, that whatever measures we take have to be in accordance with international law and respectful of the sovereignty of the littoral states.

With this consensus, we were able to move quickly from principles to cooperative action. In July 2004, Indonesia, Malaysia and Singapore bolstered their existing bilateral arrangements with the launch of the trilateral Malacca Straits Sea Patrols. These provide a 24/7 naval presence in the Malacca and Singapore straits and enhance coordination among the respective navies’ ground units and operations centres. This was followed in September 2005 by the “Eyes in the Sky” maritime air patrols, an innovative idea for multinational air patrols that was raised at last year’s Shangri-la Dialogue by Malaysian Deputy Prime Minister and Defence Minister Dato’ Sri Najib Tun Razak. The “Eyes in the Sky” patrols have an innovative design which ensures that the littoral states are in the driver’s seat, while opening up to the participation of non-littoral states in the future. These two initiatives have shown good results as the incidents of piracy in the Malacca Straits have dropped significantly since their inception.

The security challenges that confront us are as pressing as they are real. It is critical that countries both in the region and stakeholders from outside the region move from principles to practice, to implement cooperative measures which will create real capacities for prevention, protection and even consequence management. We should sustain the significant progress that we have made in maritime security, while expanding our cooperation to other areas such as counter-terrorism, humanitarian assistance and disaster relief, environmental clean-up and avian flu.

It is fortunate that we have a firm foundation of trust to build upon. But we have to do more—for example, to tighten the mechanisms and channels for working together

12 “Speech by Mr Teo Chee Hean, Minister For Defence, at the 5th Shangri-La Dialogue, 4 June 2006, 9.30 a.m. at Shangri-La Hotel", Singapore Government Press Release, 4 June 2006 (original paragraph numbers removed).
so that the capacities that reside in various countries can respond more quickly and effectively and in a more coordinated way when disaster strikes. We can do this by extending the breadth and depth of multilateral activities among regional armed forces. By conducting more exercises together, for example, we could improve our systems for information exchange, dissemination and warning, procedures for requesting assistance, and agreed standard operating procedures under which multinational forces can work together under proper control of a host state.

... The progress that we have made in recent years is encouraging. Two years ago, the Ministers of the Five Power Defence Arrangements agreed to expand the activities of the FPDA to address non-conventional threats. Following this, maritime security serials have been incorporated into FPDA exercises, including in the upcoming major exercise Bersama Lima. The Western Pacific Naval Symposium which is a forum that brings together 22 Asia-Pacific navies—has also made considerable progress in developing maritime security cooperation. A year ago, 19 Western Pacific Naval Symposium navies took part in a sea exercise and a Maritime Security Information Exchange Seminar here in Singapore. A second such exercise is scheduled for 2007. Such multilateral activities help to build capacity and develop inter-operability. They also create a foundation of understanding and trust upon which future operational initiatives can be built.

Conclusion

... The security and well-being of our countries are linked together more intimately than we could have imagined only a decade ago. More than ever before, we have to develop better understanding and get down to working closely together in substantive ways to meet our national security priorities. It is now time to move beyond dialogue and principles to building practical cooperation.

Chairing the break out group discussion on Advancing Maritime Security Cooperation, Ambassador-at-Large, Professor Tommy Koh said:13

Recapitulation of 4th Shangri-La Dialogue

... The discussion on maritime security cooperation at last year’s Dialogue ended on a very positive note. We succeeded in forging a consensus based upon three principles:

(i) the primary responsibility of maritime security in the Straits of Malacca and Singapore lies with the littoral States;

(ii) the international community, relevant international organisations such as the International Maritime Organisation (IMO), and major user States, have a role to play; and

(iii) whatever measures countries undertake have to be in accordance with international law and respectful of the sovereignty of the littoral States.

...
I would also note that at our last Dialogue, the distinguished Deputy Prime Minister and Defence Minister of Malaysia, Najib Tun Razak, had put forward a proposal for Malaysia, Indonesia and Singapore to conduct joint air patrols over the Straits of Malacca. The proposal, also known as “Eyes in the Sky” was launched in September 2005. The Eyes in the Sky and the Malacca Straits Sea Patrols have now been subsumed under one overarching framework called the Malacca Straits Patrols which was signed on 21 April 2006.

Major Achievements of the Past 12 Months

... 

I am pleased to note that in past 12 months, there have been several positive developments in maritime security cooperation. Let me briefly enumerate some of them.

...

First, at the initiative of Indonesia, the Foreign Ministers of Indonesia, Malaysia and Singapore met in Batam, Indonesia, in August 2005, to forge a common position on the Straits of Malacca and Singapore. They issued the Batam Statement, which contains the following four elements:

(i) it reaffirms the sovereignty and sovereign rights of the littoral States in and over the Straits of Malacca and Singapore;
(ii) it upholds their primary responsibility over the safety of navigation, environmental protection and maritime security in the Straits;
(iii) it acknowledges the interest of user States and relevant international organisations and the role they play in the Straits; and
(iv) it welcomes closer collaboration with and the assistance of the user States, relevant international organisations and the shipping community in the areas of capacity building, training and technology transfer.

...

Second, the IMO held a successful meeting on the Straits of Malacca and Singapore in Jakarta in September 2005. The Jakarta Statement, inter alia, acknowledges the rights and obligations in the 1982 UN Convention on the Law of the Sea (UNCLOS), in particular, Article 43 on burden sharing; and invited the IMO to consider, in consultation with the littoral States, convening a series of follow-on meetings for the littoral States to identify and prioritise their needs, and for the user States to identify possible assistance to respond to those needs, which may include information exchange, training and technical support. Malaysia has been working hard with the IMO to host the next meeting in Kuala Lumpur in September this year. Singapore will host the meeting next year and build on the success of the Jakarta and Kuala Lumpur meetings.

...

Third, I have already referred to the Malacca Straits Patrols. I wish to point out that its terms of reference and the current arrangements would allow for extra-regional stakeholders to participate in or contribute their assets to the patrols at some point in the future, with the consent of the littoral States.

...

Fourth, I wish to welcome the creation by Malaysia of a new Coast Guard Agency, the MMEA. This shows that Malaysia is taking its responsibility seriously and is devoting
resources to back its words. We should also welcome the Indonesian patrols, especially Operation Gurita.

Fifth, the commitment of the littoral States to cooperate on concrete measures to promote maritime security has led to a dramatic decline in the number of piracy incidents in the Straits. In view of this, we do not think that the Lloyd’s Joint War Committee is justified in classifying the Straits of Malacca as a war risk zone.

Comprehensive Approach to Maritime Security

There is a growing awareness that the challenges to maritime security are many and they are often interlinked. Increasingly, the littoral States, the IMO and the key user States are recognising the need to adopt a comprehensive approach in our response. Apart from navigational safety, armed robbery, piracy and maritime terrorism, other forms of transnational crimes such as the trafficking of persons and the smuggling of arms should also be dealt with as part of maritime security issues.

As such, maritime security is not just the responsibility of our navies. It requires a coordinated approach involving the navy, the coast guard, local police and port and customs authorities. One of the challenges which all of us face is how to bring about a well-coordinated internal machinery which encourages and enables effective internal enforcement as well as effective cooperation with external parties.

Convergent Interests of Littoral and User States

Contrary to conventional wisdom, I wish to put forward the proposition that the US, Japan, China and India have convergent, not divergent, interests in ensuring the freedom and safety of navigation through the critical sealines of communications (SLOCs). I wish to put forward a second proposition, which is, that the major powers and the littoral States have a shared interest to cooperate in order to ensure that the SLOCs are kept open and safe for navigation. It is in the interests of the major powers and other user States to assist the littoral States. Maritime security cooperation need not be a sensitive subject so long as the sovereign rights of the littoral States are respected and the offers of assistance by user States are given in a culturally sensitive manner.

I therefore believe that it is possible for us to build a regional framework for maritime security cooperation so long as it is open, transparent and inclusive.

Earlier in August 2005, Singapore Foreign Minister George Yeo had also met his Malaysian and Indonesian counterparts to discuss the security concerns in the Straits of Malacca and Singapore, including anti-piracy cooperation, strengthening information exchanges, the IMO’s role and the interests of other user States in the Straits.14

IV. HUMAN RIGHTS

A. The Mandatory Death Penalty in Singapore

In November 2005, Professor Philip Alston, Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions of the United Nations Commission on Human Rights called upon the Singapore Government not to proceed with the execution of Australian national, Nguyen Tuong Van. In his remarks on the imposition of the mandatory death penalty in Singapore for drug trafficking, Professor Alston of the New York University Law School had argued that the imposition of the mandatory death penalty would violate international legal standards. Echoing the argument of Nguyen’s lawyers before Singapore’s Court of Appeal earlier during the year, Professor Alston had argued that a mandatory penalty is too “black and white”.

Making such a penalty mandatory—thereby eliminating the discretion of the court—makes it impossible to take into account mitigating or extenuating circumstances and eliminates any individual determination of an appropriate sentence in a particular case.

Singapore’s Court of Appeal had earlier found instead that Nguyen’s lawyers had not shown that the mandatory death penalty is contrary to international law as “there was simply not sufficient state practice” to support such a prohibition at the present time. The Court of Appeal observed, however, that “it is quite widely accepted” that there is a customary international law prohibition against cruel and inhuman treatment or punishment, and that “the Prosecution had not made any assertions to the contrary”. Citing the Restatement (Third) of Foreign Relations Law of the United States, Singapore’s Court of Appeal also agreed that if the imposition of capital punishment is grossly disproportionate to the crime, it may constitute cruel and inhuman punishment and therefore a violation of customary international law. But the Court of Appeal found Singapore law to be sufficiently discriminating and therefore within the bounds of the proportionality principle.

Professor Alston nonetheless argued against the judgment for omitting consideration of the Privy Council decision in Boyce and Joseph v. The Queen, in which four Law Lords had endorsed the view that: “No international human rights tribunal anywhere in the world has ever found a mandatory death penalty regime compatible with international human rights norms”. A spokesperson for the Singapore Ministry of Foreign Affairs responded to media enquiries by saying that:

This is all just a smoke screen. Mr. Alston has still not explained why in his statement of 15 November 2005 he tried to mislead the public by claiming that the Singapore courts had not taken into consideration the case he cited and why he cited only the dissenting opinion in that case. He tried to conceal the fact that the majority of judges in that case upheld the mandatory death penalty in Barbados.

These remarks follow what appears to be a pattern of practice where the Singapore Government has directly engaged in the exchange of legal claims regarding the legality of

17 Supra note 15 at para. 92.
19 Ibid., at para. 91.
20 Ibid., at para. 87.
the death penalty under international law in the face of external criticism. What is perhaps noteworthy is that, in this latest exchange, a spokesperson for the Ministry of Foreign Affairs went on to debate the judgment of Singapore’s Court of Appeal in Nguyen with Professor Alston.

B. Myanmar

The 2005 issue of this Year Book reported last year as it went into print that Myanmar had elected to forego its turn at the Chairmanship of ASEAN. The following statements in relation to Myanmar’s decision were made by Singapore’s Foreign Minister, Mr. George Yeo at a media conference during ASEAN’s 38th Ministerial Meeting on 26 July 2005 in Vientiane:

The decision by Myanmar to opt out of the Chairmanship is not an easy one for them to make. What they have decided is to decouple their domestic reconciliation and democratization process from the affairs of ASEAN. And this, I believe is a wise decision. It simplifies their own domestic politics because otherwise, they cannot concentrate on bargaining with the various parties within the country to create a good outcome. We should lay the basis for their return to constitutional rule and towards a democratic process. When we were at Cebu (ASEAN Foreign Ministers’ Retreat), they understood from the other ASEAN Ministers our concern about the external dimension. But we did tell them that at the end, it was their call because it would establish a very bad precedent for ASEAN to take away the Chairmanship from anybody. So they reflected upon it and decided at the AMM, to give us their response. We respect their decision. We appreciate their factoring in of ASEAN and we believe that by decoupling the Chairmanship of ASEAN from their domestic politics, this is good for their own domestic politics and is also good for ASEAN. So that is my comment which I ought to make because I have made other comments before in the past.

Readers may wish to turn to the 2004 issue of this Year Book for the Singapore Government’s rebuttal of United Kingdom-based Amnesty International’s report entitled “Singapore—The Death Penalty: A Hidden Toll of Executions”. Singapore’s rebuttal highlighted the practice of states in the international community in previous attempts to outlaw the death penalty under international law both in the General Assembly and in resolutions adopted in the United Nations Commission on Human Rights. In respect of the latter, the Singapore Home Ministry’s response to Amnesty argued that Amnesty had “failed to say that at least on seven occasions, a significant number of countries disassociated themselves from those resolutions” and that “[i]n 2003, 63 countries, or one-third of the UN membership, disassociated themselves”. See Simon S.C. Tay, “Review of Major Policy Statements” (2004) 8 S.Y.B.I.L. 219 at 233–234. For a review of the argument that customary international law (at least) limits the death penalty to the most serious of crimes in light of Singapore’s criminal laws, see Michael Hor, “The Death Penalty in Singapore and International Law”, (2004) 8 S.Y.B.I.L. 105 at 106–109. The “most serious crimes” requirement is reflected in Article 4(2) of the 1966 International Covenant on Civil and Political Rights, 999 U.N.T.S. 171 (entered into force 23 March, 1976); see further the Human Rights Committee’s General Comment in GC 6(16), Doc. A/37/40, paragraph 6; also in Doc. CCPR/C/21/Add. 1, adopted by the Human Rights Committee, 378th meeting (July 1982).

While there is no great likelihood that Singapore will change its policy anytime soon on the mandatory death penalty on drug trafficking and other offences which it considers sufficiently serious, it might appear that Singapore’s Court of Appeal in Nguyen has left open the possibility of evolving customary international law (including the possibility of further international law restrictions on the death penalty in the future) being incorporated into the Singapore Constitution itself (i.e., beyond the reach of any contrary Parliamentary statute under the Constitution’s Supremacy Clause); cf. C. L. Lim, “The Constitution and the Reception of Customary International Law: Nguyen Tuong Van v. Public Prosecutor”, [2005] S.J.L.S. 218.

There followed a series of questions from the media which are reproduced here in full, together with the Minister’s responses:\textsuperscript{26}

Q (Asahi Shimbun): May I know if it is the consensus of ASEAN Ministers that the release of Aung San Suu Kyi and the returning of UN Secretary General Special Envoy to Myanmar, Razali Ismail to Myanmar as a factor to deem that Myanmar is ready to Chair ASEAN?

A: We did not discuss that at all. This is for Myanmar to decide. When Myanmar is ready to resume the Chair, we will immediately make way for Myanmar to come back in.

Q (Financial Times): Does ASEAN have any thoughts among the members’ minds on what would signify the readiness by Myanmar?

A: It is for Myanmar to decide.

Q (Channel NewsAsia): How would this decision by Myanmar be good for ASEAN’s relationship with its Dialogue Partners for example the US and the EU?

A: It removes a thorny issue. We made a clear position that despite external pressures, we would stick to our own principled position, which is, that the Chairmanship would go by rotation. So that was a call by Myanmar and they decided for their own reasons to opt out for the time being.

Q (Today): Was the decision by Myanmar made at the Retreat this morning?

A: No, they had decided in Yangon on the decision and they were here to inform us. I did not expect them to make their statement at the time they did.

Q (AFP): Has this removed a potentially divisive issue?

A: Yes, of course.

Q (Sydney Morning Herald): While it resolves a potentially thorny issue for ASEAN, it doesn’t actually resolve the problem within Myanmar. Would ASEAN continue to work with Myanmar on that issue?

A: Our position is this: What happens in Myanmar, for better or for ill, the consequences would be borne principally by the people of Myanmar. While we can urge them to do certain things or we can express our views, in the end, they are autonomous and they have got to make the decision for themselves. Right or wrong, they bear the consequences. And we take that position. But in this particular case like the Chairmanship, their domestic politics and our interests as a regional grouping have been intertwined, and it is good now that the two issues have been disentangled.

Q (Australia Broadcasting): Doesn’t this show in fact that the pressure does work? That the EU/US pressure worked on ASEAN, and ASEAN’s pressure on Myanmar did work, that ASEAN does have an ability to apply pressure to Myanmar when it so decides.

\textsuperscript{26} \textit{Ibid.} In an interview four days later with the Singapore media, the Foreign Minister added that: “I think it caused some disappointment to the international media because they were expecting it to blow up, but decoupling has both a positive and a negative aspect. By decoupling Myanmar’s domestic politics from ASEAN’s, it does not mean that those who are supporting Aung San Suu Kyi in Myanmar will be happy because in fact it removes a pressure point on the State Peace and Development Council (SPDC). But that is a domestic concern of the Myanmar people, and not something that we can really interfere with”; see “Transcript of Foreign Minister George Yeo’s Remarks to Singapore Media at 38th AMM/PMC/12th ARF on 29 Jul 2005, Vientiane”, Singapore Government Press Release, 31 July 2005.
A: Singapore was prepared, as I believe other ASEAN countries were prepared, for Myanmar to say, “Look, we insist on holding on to the Chairmanship.” And if they had done so, this would have been a thorny problem. Our relations with the EU and the Americans might have been affected. But we were prepared to bear that because we felt that the integrity of the region was more important.

Q (Australia Broadcasting): The pressure worked.
A: We were prepared to stand up to that pressure.

Q (Australian Broadcasting): But your pressure worked.
A: The pressure within the family are of a different nature from external pressure. Did that work? It might have contributed to their decision-making process but I would not think that it was primary. I think their principal consideration was, if they have this Chairmanship hanging over them, it would have made their own domestic process of achieving reconciliation more difficult.

Q (BBC World Service): What’s ASEAN’s view and particularly your view on the national reconciliation of Burma? Would the participation of the National League of Democracy, which won the landslide majority in the elections, in the National Convention be brought back for reconsideration?
A: It is complicated. I do not want to be in a position to judge what is right and what is wrong. These are all heavy decisions to be made by the Myanmar people, as they are organised into different political parties and groups. I have my own sympathies but I rather not state them officially.

Q (Financial Times): Two years ago, when ASEAN Foreign Ministers called for the release of Aung San Suu Kyi, I wonder if there is any feeling about the lack of any evident role for Aung San Suu Kyi in the current national reconciliation process as has been outlined in the roadmap for democracy.
A: We have not rescinded that call that we made two years ago.

Q (Financial Times): Will you continue to express your concerns about this at the meetings, or is this just...
A: That position stays.

Q (Australia Broadcasting): Foreign Minister, what does it mean for the ASEAN way? Are we seeing a muscular way to achieving an ASEAN consensus?
A: No, it is a lively organisation. It responses [sic.] to changes in the world and you talk about external pressures earlier. Indeed the external pressures on ASEAN have grown. We discussed earlier on—and this, the Chairman I’m sure will brief you in a few hours time—about UN Security Council Reform and how, as individual countries, we have been suddenly put under pressure to support one side or the other, and we resent it. And we are going to issue a statement to say, look, this is not right, and we urge the protagonists who are involved in all this to reflect deeply and try to move in a way which is less hurried and more conciliatory.

But as a regional grouping, we are responding now to the re-emergence of China and India, we are responding to globalisation, to the problems of terrorism, to the problems of income disparity within the region, and, I think, in a robust way. So the discussions have been very lively. That many of the discussions take place behind closed doors, not transparent to you, doesn’t mean that the discussions have not been taking place. Sometimes in order to preserve our own solidarity, we settle amongst
ourselves first before presenting a common front to you. And when we made the announcement on Myanmar, Myanmar was going to do it on its own. So we decided, no, we had to gather as a family, and we present one united position.

Q (BBC News): Can you take us through how this decision was reached? You just said that Burma has decided itself to do this.

A: Well, we address Burma as Myanmar in ASEAN you are aware. No, in fact, we have not even discussed the subject. They indicated to the Chair that they wanted to inform us as a family about the decision. So came coffee break, the Chairman said, “Can we adjourn to the next room in a more intimate setting.” I was in the toilet with the Myanmar Minister, he said, “Yes, we are going to announce our decision.” So I said, “Then it is important that we rally around you.” And so we proceeded to the coffee break, he gave us the decision, and we rallied around him.

Q (BBC News): Did it come as a relief for ASEAN that the situation could be solved in such a way?

A: Well, it was a relief to us and it must be a disappointment to you (laughter).

Q (Bangkok Post): A lot of critics have come up with a response to the ASEAN and Myanmar decision and they said, ‘Why don’t you have a timeframe for the democratisation?’ because it is a regional problem and also it will be a problem still for ASEAN in the next coming years.

A: We have defused an immediate problem which is a mixing of the two issues. You are right. This decision taken by Myanmar does not solve Myanmar’s own domestic political problem. But as I have said earlier, is a problem principally for the Myanmar people to resolve for themselves.

Q (Sydney Morning Herald): On the East Asia Summit (EAS) we hear that Australia is going to accede to the Treaty of Amity and Cooperation. Is Australia guaranteed an invitation to the EAS in Malaysia?

A: For all intents and purpose, yes. Australia will, at this meeting in Vientiane, sign the Declaration of Intent. On this basis, an invitation will be sent, and Australia has informed us that it will accede before the Summit. The Malaysian host will try to arrange for that to be done one or two days before the Summit itself, and then all will be there when we celebrate the launch. We are looking forward to it. All of us.

Q (Today): Foreign Minister, are you the designated spokesman for ASEAN on this matter?

A: No, no, no, no. Because Singapore has given its views on this issue before and I did have an opportunity earlier to give my position, I thought I should do so.

Last question, (referring to the journalist from Financial Times) and your third.

Q (Financial Times): Two questions. Do you really think this is going to end international pressure on ASEAN regarding the conditions inside Burma or do you think ASEAN will still be under pressure from a wider international community to nudge Burma along. And the second question is, you specifically said you are a family and this kind of pressure in a family is different from external pressure. What role do you see for ASEAN in trying to encourage Burma along a path to greater prosperity than it currently has?

A: No, let’s take a step back. Because the line of questioning is, if ASEAN were to step up its pressure on Myanmar, then with a wave of the wand, all the problems will be resolved and everybody will live happily ever after. We don’t believe that
because that’s not the way it is going to happen. There is an embargo by the US and Europe, but Myanmar has the back-gate to China wide open. India, in its own geo-strategic calculation has decided to keep its side-gate to Myanmar open. So it must be in the interest of ASEAN to keep our side-gate open whatever happens in Myanmar. These are pure geo-strategic calculations. And Myanmar has decided from very early that it would rather be a part of South-East Asia than be a part of South Asia, and we welcome that. And that is the larger strategic picture against which all these questions are being set.

In June 2005, the Foreign Minister reiterated Singapore’s earlier-stated position during a lunch talk at the Foreign Correspondents’ Association (Singapore) that “taking away the Chairmanship from Myanmar” would have set a bad precedent within ASEAN:27

Q (Roberto Coloma, AFP): I have 2 questions. Myanmar is a big problem for ASEAN now. Number 1—Do think it was a mistake for ASEAN to admit Myanmar as a full member in 1997? Number 2—How do you see the chairmanship issue coming up next month in Vientiane?

A: At that time, when Myanmar, Laos and Cambodia were admitted into ASEAN, Singapore’s position was that it might be premature because their economies were still not sufficiently opened up. But, in the event, other members of ASEAN felt strongly that we should complete the ASEAN construction quickly. So we went along. Prime Minister Mahathir was one of those who supported it strongly. He expressed some words of regret subsequently, but it is no point dwelling back on the history. We work on the basis of where we are today. The issue of Myanmar’s ASEAN chairmanship next year was fully discussed when the Foreign Ministers met in Cebu in April this year. I expect that there would be some follow-up discussion when we meet again in Vientiane next month.

Q: Is it being left up to Myanmar to declare next month whether to go ahead with taking the chair?

A: We took a clear position that it would set a very bad precedent for ASEAN to take away the chairmanship from any member.

More recently, in May 2006, a spokesperson for the Singapore Ministry of Foreign Affairs stated that:28

Singapore is disappointed by the extension of Aung San Suu Kyi’s detention. We reiterate ASEAN’s position that Aung San Suu Kyi should be released as soon as possible.

This follows a Ministry spokesperson’s comments a few days earlier on the visit of the United Nations Undersecretary-General for Political Affairs to Myanmar:29

Singapore is happy to learn that UN Undersecretary-General for Political Affairs Ibrahim Gambari had a good visit in Myanmar, including having a meeting with Aung San Suu Kyi.

We hope Myanmar will build on Gambari’s visit and work closely with the international community, including the UN and ASEAN, to make further progress.

ASEAN, we have taken a position that Aung San Suu Kyi should be released as soon as possible.

V. THE IRAN NUCLEAR ISSUE

The NAM issued the following statement amidst reports of “fierce resistance” by some NAM countries during the Ministerial Meeting of NAM’s Coordinating Bureau from 27-30 May 2006 at Putrajaya, Malaysia:

1. The ministers reiterated their principled positions on nuclear disarmament and non-proliferation reflected in the final document of the ministerial meeting of the coordinating bureau of the Non-Aligned Movement, held in Putrajaya, Malaysia from May 27 to 30, 2006. They considered the developments regarding the implementation of the NPT safeguards agreement in the Islamic Republic of Iran.

2. The ministers reaffirmed the basic and inalienable right of all states, to develop research, production and use of atomic energy for peaceful purposes, without any discrimination and in conformity with their respective legal obligations. Therefore, nothing should be interpreted in a way as inhibiting or restricting this right of states to develop atomic energy for peaceful purposes. They furthermore reaffirmed that states’ choices and decisions in the field of peaceful uses of nuclear technology and its fuel cycle policies must be respected.

3. The ministers recognized the International Atomic Energy Agency (IAEA) as the sole, competent authority for verification of the respective safeguards obligations of member states and stressed that there should be no undue pressure or interference in the agency’s activities, specially its verification process, which would jeopardize the efficiency and credibility of the agency.

4. The ministers welcomed the cooperation extended by the Islamic Republic of Iran to the IAEA including those voluntary confidence-building measures undertaken, with a view to resolve the remaining issues. They noted the assessment of the IAEA director-general that all nuclear material declared by Iran had been accounted for. They noted, at the same time, that the process for drawing a conclusion with regard to the absence of undeclared material and activities in Iran is an ongoing and time-consuming process. In this regard, the ministers encouraged Iran to urgently continue to cooperate actively and fully with the IAEA within the agency’s mandate to resolve outstanding issues in order to promote confidence and a peaceful resolution of the issue.

5. The ministers emphasized the fundamental distinction between the legal obligations of states to their respective safeguards agreements and any confidence-building measures voluntarily undertaken to resolve difficult issues, and believed that such voluntary undertakings are not legal safeguards obligations.

6. The ministers considered the establishment of nuclear-weapons-free zones (NWFZs) as a positive step towards attaining the objective of global nuclear disarmament and reiterated the support for the establishment in the Middle East of a nuclear weapons free zone in accordance with relevant General Assembly and Security Council resolutions. Pending the establishment of such a zone, they demanded Israel

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to accede to the NPT without delay and place promptly all its nuclear facilities under comprehensive IAEA safeguards.

7. The ministers reaffirmed the inviolability of peaceful nuclear activities and that any attack or threat of attack against peaceful nuclear facilities, operational or under construction, poses a great danger to human beings and the environment, and constitutes a grave violation of international law, principles and purposes of the Charter of the United Nations and regulations of the IAEA. They recognized the need for a comprehensive multilaterally negotiated instrument, prohibiting attacks, or threat of attacks on nuclear facilities devoted to peaceful uses of nuclear energy.

8. The ministers strongly believed that all issues on safeguards and verification, including those of Iran, should be resolved within the IAEA framework, and be based on technical and legal grounds. They further emphasized that the agency should continue its work to resolve the Iranian nuclear issue within its mandate under the statute of the IAEA.

9. The ministers also strongly believed that diplomacy and dialogue through peaceful means must continue to find a long term solution to the Iranian nuclear issue. They expressed their conviction that the only way to resolve the issue is to resume negotiations without any preconditions and to enhance cooperation with the involvement of all necessary parties to promote international confidence with the view to facilitating agency’s work on resolving the outstanding issues.

The Singapore delegation took the floor, saying that the text does not go far enough in recognising the serious international concerns over Iran’s nuclear programme:31

Mr. Chairman,

1. Allow me to express my deepest appreciation to the delegation of Malaysia for the Herculean efforts with which it has presided over the very complex and difficult discussions on the NAM Statement on the Iran Nuclear Issue.

2. The Statement before us is still unsatisfactory in many ways. But it is less unbalanced than earlier drafts. The text does not adequately recognise that there are serious international concerns over Iran’s nuclear programme. We would have preferred a clearer balance between Iran’s obligations and its rights.

3. The IAEA has acknowledged that Iran continues to facilitate the implementation of the Safeguards Agreement and that it has accounted for all nuclear material that Iran had declared. But the IAEA DG’s latest report (GOV/2006/27) of 28 April 2006 also states the crux of the basis for continuing international concerns clearly: “...gaps remain in the Agency’s knowledge with respect to the scope and content of Iran’s centrifuge programme. Because of this, and other gaps in the agency’s knowledge, ...the Agency is unable to make progress in its efforts to provide assurances about the absence of undeclared nuclear material and activities in Iran... After more than three years of Agency efforts to seek clarity about all aspects of Iran’s nuclear programme, the existing gaps in knowledge continue to be a matter of concern.”

This is the key reason why, as the NAM Statement on the Iran Nuclear Issue states in paragraph 4, “...the process for drawing a conclusion with regard to the absence of undeclared material and activities in Iran is an ongoing and time-consuming process.”

4. The IAEA DG’s report was direct in stating:

“Any progress in that regard requires full transparency and active cooperation by Iran—transparency that goes beyond the measures prescribed in the Safeguards Agreement and Additional Protocol—if the Agency is to be able to understand fully the twenty years of undeclared nuclear activities by Iran.”

5. The IAEA is a neutral and professional UN body. We are disappointed but not entirely surprised that any attempt to emulate the admirable clarity of the IAEA DG’s report in the NAM Statement on the Iran Nuclear Issue had provoked fierce resistance from a few—very few—NAM delegations in the course of our negotiations.

6. A refusal to acknowledge facts does not help either NAM’s credibility or international confidence in Iran’s nuclear programme. Nevertheless, while we would have preferred greater clarity and a stronger acknowledgement of Iran’s responsibilities, we are, in a spirit of compromise, prepared to live with the Statement.

7. In conclusion, let me once again express my delegation’s thanks to Malaysia for the efforts that it has put into the NAM Statement on Iran and the professionalism with which it has conducted the negotiations. The shortcomings of the Statement that we have highlighted are in no way Malaysia’s responsibility.

Thank you.

VI. TERRORISM AND THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

Following the Dahab bombing, both the President and the Prime Minister wrote to the Egyptian President to express Singapore’s condolences. In his letter of 25 April 2006, Prime Minister Lee Hsien Loong referred to the terrorist acts as “criminal acts”.

Excellency,

On behalf of the Government of Singapore, I would like to convey our deepest condolences to Your Excellency and the people of Egypt over the savage bombings in Dahab. Our thoughts are with the victims of the bomb attacks and the bereaved families. The scourge of terror is a global threat and we stand with Egypt in strongly condemning these cowardly and criminal acts of terrorism.

I am confident that under your leadership, the Government and people of Egypt will remain strong and united in its fight against the threat of international terrorism.

Please accept, Excellency, the assurances of my highest consideration.

[Sgd.] Lee Hsien Loong

In response to the suicide attack in Tel Aviv on 17 April 2006, a spokesperson for the Ministry of Foreign Affairs responded to media enquiries by saying:

We condemn the suicide attack in Tel Aviv which targeted innocent civilians during the Jewish Passover holidays. We urge all parties to work for peace and stability in the Middle East.

Singapore hosted the ASEAN Regional Forum (ARF) Seminar on Non-Proliferation of Weapons of Mass Destruction from 27-29 March 2006. The following press release was issued by the Ministry of Foreign Affairs:

Singapore will host the ASEAN Regional Forum (ARF) Seminar on Non-proliferation of Weapons of Mass Destruction from 27-29 March 2006. Co-chairing the event with Singapore will be the People’s Republic of China and the United States of America.

The Seminar will bring together senior officials and experts from the ARF countries to share national experiences in responding to the proliferation threat, review the various aspects of the global non-proliferation regime, and discuss ways to enhance our capacity and coordinate our responses to counter these threats.

... The 25 ARF participants are: Australia, Brunei Darussalam, Cambodia, Canada, China, European Union (EU), India, Indonesia, Japan, Democratic Peoples’ Republic of Korea, Republic of Korea, Laos, Malaysia, Myanmar, Mongolia, New Zealand, Pakistan, Papua New Guinea, Philippines, Russian Federation, Singapore, Thailand, Timor Leste, United States, Vietnam.

**VII. Practice in International and Regional Organisations, Including ASEAN**

A. United Nations Organisation

1. Vindication of Mr. Dileep Nair

A Ministry spokesperson commented on the vindication of Mr. Dileep Nair, formerly Under-Secretary-General for the Office of Internal Oversight Services (OIOS):

   More than 18 months ago, the Secretary General of the United Nations had written to Mr. Dileep Nair, informing him that an earlier investigation had completely exonerated him of any wrongdoing, and expressing “every confidence that the good work of OIOS (Office of Internal Oversight Services) under your (Mr Nair’s) leadership will continue”.

   It was therefore never clear why the Secretary-General saw a need to re-open the investigation into Mr. Nair. More than a year later, the findings by Mr. Jerome Ackerman and Mr. John Vanderstar, who conducted this second investigation, have only confirmed that re-opening of the enquiry was unwarranted. The Findings of Mr. Ackerman and Mr. Vanderstar have vindicated Mr. Nair and cleared him once again of any wrongdoing.

2. United Nations Reform

Deputy Prime Minister, Professor S. Jayakumar and Foreign Minister, Mr. George Yeo attended the 60th Session of the United Nations General Assembly (UNGA) in New York during September 2005. The Deputy Prime Minister delivered the following speech entitled “The United Nations at Sixty: The Challenges Ahead” on the on-going process of United Nations reform during the High-Level Plenary Meeting (HLPM) convened to mark the 60th Anniversary of the United Nations:

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1. This is not the best of times for the UN. The organisation is under attack from many directions. But I take this as cause for comfort not despair. Tension between the interests of nations and the idea of international community is inherent in the very nature of the state system. Seldom in the 60 years of its existence has the UN been entirely free of crisis and controversy. Debate over the UN’s role and future is a sign of its continued engagement with the issues of our day. A worse fate than controversy is indifference. We may complain about the UN. Yet we instinctively turn to the UN as we seek to organise life in an ever more interdependent world. As a matter of reflex, we look to the UN for help and comfort when confronted with urgent new challenges of terrorism, proliferation of weapons of mass destruction, pandemic diseases and tsunamis, among others. By and large, the controversies are over the extent to which and how best the UN should be involved. That it should be somehow involved is taken for granted. By so doing, we continually validate the ideals of the UN Charter.

2. The real problem is perhaps not that the UN is ignored, but that all too often we demand too much of the UN. It is not a panacea. The continuing validity of UN Charter principles does not absolve its members of national responsibilities in an international system in which the state is still the central actor and state interests the essential motor of international relations. The UN is only one diplomatic instrument in a repertoire. Whether this instrument or some other is deployed in any particular instance depends on what we regard as the most effective mode for advancing our interests. No state will ever leave its vital interests hostage to multilateralism. At the same time, it is a fact that only the UN has a global mandate and near-universal legitimacy. It is the only organisation equipped to facilitate cooperation between sovereign nation-states, especially where national interests need to be aligned with the interests of the international community. Herein lies the crux of the issue before us. UN Charter principles are, we all agree, vitally valid. But the Charter is not a sacred text laid down in tablets of stone for all time. Principles need to be operationalised to be relevant. UN reform is not something that should just seize us only on anniversaries. It would be a mistake, I think, to consider the 60th Anniversary, or any anniversary, a make or break occasion. Change and adaptation must be a continual part of the evolution of every living entity. Continuing debate, discussion, even heated argument, is a necessary part of this dynamic.

3. My delegation welcomes the opportunity to share our views on the Outcome Document that is before us. It contains many excellent ideas. But fruitful discussion on this wide ranging Document needs some organising principle. It is worthwhile reminding ourselves that the key purpose of our gathering this year is to review the progress since the Millennium Summit adopted the Millennium Development Goals five years ago. Improvement in the lives of our peoples is the criterion by which history will judge us. It is from this perspective that I will offer my delegation’s comments on three issues contained in the Outcome Document: management, human rights and peacebuilding. We consider them the core enabling issues because they structure the mechanisms through which we will succeed or fail in making the UN a more effective instrument to achieve social and economic development.

Management

4. Management reforms directly confront the interests of members against those of the organisation as a whole. They are difficult. But they cannot be avoided and are vital to restore public confidence and support without which no institution can function effectively. The demands on the UN are ever growing. Resources are finite. More effective use of available resources is therefore imperative if development and other goals are
to be achieved. The draft Outcome Document has set out a comprehensive set of proposals. We welcome them as initiating a necessary discussion whose outcome I would not at this stage want to prejudge. I do, however, draw attention to the suggestion for an independent oversight advisory committee to assist the General Assembly and for an evaluation of the UN’s entire internal control and oversight system as having special urgency under current circumstances.

Human Rights
5. The empowerment of our peoples with economic, social as well as political and civil rights must be both the end and the means of development. My delegation has an open mind on the proposal to transform the Commission on Human Rights into a Human Rights Council. But are the essential problems really only structural? The fact of the matter is that all but a handful of what are asserted to be rights are still essentially contested concepts. Is the basic function of the UN to enforce agreed norms or to expand the consensus on what constitutes agreed norms? The answer of course must be both. But the penchant of some states to present their views as universal norms inevitably provokes resistance, unnecessarily politicises the process and is ultimately unhelpful to the cause of human rights. Unless this deeper issue is squarely addressed, any change will be only superficial.

Peacebuilding
6. Stability and the ability to govern are fundamental prerequisites for development. Bitter experience has shown that instability in one state can have a powerful contagion effect far beyond its borders, stymying development prospects for many. The manner in which internal developments in one state have wider ramifications is only one illustration of how narrow notions of sovereignty no longer hold. The proposed Peacebuilding Commission is an idea worthy of support. But given the complexities and sensitivities inherent in its proposed functions, we should be prepared to take a flexible approach and envisage changes in structure and function over time and in different circumstances. In so doing, we must acknowledge that the concept of absolute sovereignty—always more an ideal than a reality—will not always be a viable operating principle. For this reason, if for no other, a Peacebuilding Commission will be a contentious enterprise but the difficulties should not deter us from a worthy goal.

Security Council Expansion
7. In the run-up to the 60th Anniversary Summit, expansion of the Security Council has dominated discussions on UN reform. This is to be expected as the Security Council lies at the heart of the UN system. Because the stakes are huge, the positions taken by various countries have become sharply polarised. Whether a vote is taken on any particular resolution or not, the issue has become very divisive. Singapore continues to believe that there should be an expansion of the Security Council to better reflect contemporary geopolitical realities. However, we are of the view that new permanent members should not have the veto because this will make it even more difficult for the Security Council to be an instrument of world peace.

Moving On
8. We should continue to explore compromises on the reform of the Security Council and other issues that are before us. We should not, because of our inability to make progress on any particular issue, lose interest in the other issues that are no less important. Reform is a process not an event. Where there is consensus, let us take big strides. Where the issues are still contentious, let us be prepared to take smaller steps.
B. *Association of Southeast Asian Nations (ASEAN)*

A Ministry spokesperson issued the following statement in November 2005:37

Singapore welcomes the launching of the ASEAN-US Enhanced Partnership. It signals the strong US commitment to ASEAN. The Enhanced Partnership, comprising political and security, economic, social and development cooperation, will substantively broaden the US’ engagement with ASEAN. It will foster closer cooperation between ASEAN and the US and will better position both sides to meet the challenges ahead.

According to the Joint Vision Statement on the ASEAN-US Enhanced Partnership:

RECALLING that the significant progress made in the relations between the Association of Southeast Asian Nations (ASEAN) and the United States since 1977 has contributed to the deepening of ties in all fields of cooperation, and such has been nurtured through the annual ASEAN Post Ministerial Conference, the ASEAN-US Dialogue at senior officials’ level, and other fora;

FURTHER RECALLING the meeting between Leaders of ASEAN Member Countries which are members of the Asia-Pacific Economic Cooperation (APEC) and the President of the United States during the APEC Economic Leaders’ Meeting at Los Cabos, Mexico on 26 October 2002, and the announcement by the United States that year of the Enterprise for ASEAN Initiative (EAI) and the ASEAN Cooperation Plan (ACP) which have contributed to growing cooperation between ASEAN and the United States in numerous areas of interest;

WELCOMING the continuing progress in ASEAN-U.S. Dialogue Relations recently, particularly following the meeting between the ASEAN Foreign Ministers and the Secretary of State of the United States in New York on 12 September 2005;

SHARING a common desire to live with one another and with the world at large in a just, democratic and harmonious environment, and in this context, recognizing that equitable, democratic and caring societies are the foundation for durable peace, stability and shared prosperity;

EXPRESSING the need to work closely to help alleviate poverty and address development gaps in ASEAN, through sustained economic growth and enhanced economic interaction and links between ASEAN and the United States, and joint efforts in nurturing human, cultural and natural resources for sustainable development, and to further build on the existing friendship, goodwill, understanding and people-to-people linkages between ASEAN and the United States;

REAFFIRMING support for the principles and purposes of the Charter of the United Nations (UN) and other universally recognized principles of international law;

EXPRESSING a common interest in the development of ASEAN as a regional institution that will effectively contribute to peace, prosperity and stability in Southeast Asia and the world, and RECOGNIZING the important contribution of the United States to maintaining peace and stability and to promoting prosperity;

SHARING a great interest in the success of ASEAN’s efforts in pursuing comprehensive integration towards the realization of an open and outward looking, dynamic and resilient ASEAN Community by 2020 and a Southeast Asia bonded together in partnership as a community of caring societies, as envisioned in the Declaration of ASEAN Concord II;

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EXPRESSING desire to further increase cooperation and friendship between ASEAN and the United States to seize the opportunities and meet the challenges of an increasingly interdependent world.

ASEAN and the United States hereby:

1. Agree to launch an ASEAN-United States Enhanced Partnership that is comprehensive, action oriented and forward-looking, and comprising political and security cooperation, economic cooperation and social and development cooperation including, but not limited to, the following elements:

   Political and Security Cooperation

2. Support the integration of ASEAN, leading to an ASEAN Community through, inter alia, the implementation of the Vientiane Action Programme (VAP) and appropriate successor plans;

3. Acknowledge that the Treaty of Amity, and Cooperation in Southeast Asia (TAC) acts as a code of conduct governing inter-State relations in the region for the promotion of peace and stability, and its role as a unifying concept for ASEAN and respect the spirit and principles of the TAC, in line with the commitment of ASEAN and the United States to enhance their partnership;

4. Support the ASEAN Regional Forum (ARF) as the premier regional political and security forum in the Asia-Pacific region with ASEAN as the driving force;

5. Recognize the importance of non-proliferation in all aspects of nuclear weapons in Southeast Asia;

6. Promote closer cooperation on combating transnational crimes, including inter alia, terrorism, proliferation of weapons of mass destruction, illicit drug trafficking, trafficking in persons, and enhancing maritime and border security, and express readiness to build on the ASEAN-United States Joint Declaration for Cooperation to Combat International Terrorism signed in Bandar Seri Begawan in 2002 to develop joint activities;

7. Cooperate in multilateral frameworks, including the UN, the World Trade Organization (WTO) and the APEC, emphasize the importance of ambitious outcomes in the Doha Round that would bring tangible benefits to all, support the early accession of Laos and Viet Nam to the WTO and consider the admission of ASEAN Member Countries that are not members of APEC into that forum;

Economic Cooperation

8. Strengthen economic cooperation by, inter alia, continuing to implement the EAI which serves as a mechanism to enhance trade and investment flows between ASEAN and the United States, and in this regard, agree to work together to conclude a region-wide ASEAN-United States Trade and Investment Framework Agreement (TIFA).

9. Further enhance further economic linkages, which will assist in sustaining economic growth in ASEAN and the US, and cooperate jointly in support of ASEAN’s realization of an ASEAN Economic Community by 2020, if not earlier;

10. Enhance economic cooperation in areas to be mutually agreed upon between ASEAN and the US, including but not limited to trade and investment facilitation; and undertake missions and measures to strengthen the investment climate in ASEAN thereby encouraging US investment into the region;

11. Collaborate to reform and strengthen international financial institutions and in the areas of economic surveillance through the sharing of macroeconomic and financial
information where disclosure of information is permitted by domestic laws and regulations of the respective countries, and agree to work more closely in international financial institutions to promote the influence of Asia to a level more commensurate with its economic weight;

12. Promote greater interaction between their respective private sectors, recognizing the pivotal role of the business community;

13. Pursue the development and employment of cleaner, more efficient energy technologies of all kinds, including renewable and other low emitting sources of energy, enhance ASEAN’s regional energy infrastructure, promote energy security, promote the protection of the environment and the sustainability of natural resources, recognizing that economic growth is a necessary condition for deploying the cleaner technologies needed for continued environmental improvement and pledge further collaboration in all modes of transport, including air maritime, and multimodal transport to facilitate the movement of peoples and goods;

Social and Development Cooperation

14. Collaborate in the implementation of the Vientiane Action Programme (VAP) and its successor programmes or plans so that ASEAN may accelerate its regional integration, recognizing the importance of the Initiative for ASEAN Integration (IAI) and other sub-regional growth areas which would bridge the development gaps within ASEAN, and stress the importance of cooperation to promote sustainable development;

15. Cooperate at the regional and global levels on disaster management, including the development of regional and global standby arrangements for disaster management and emergency response, and in this connection, welcome the ASEAN Standby Arrangements for Disaster Relief and Emergency Response;

16. Resolve to work together to prevent the spread and reduce the harm of HIV/AIDS, SARS, other infectious diseases and, on an urgent basis, develop mechanisms for cooperation to contain outbreaks of avian influenza as well as pledge cooperation to put in place systems and procedures to control infectious diseases including animal diseases;

17. Foster and deepen cooperation in science and technology, and information and communications technology and encourage people-to-people interactions and exchanges as well as inter-faith dialogues, and promote cooperation through networking activities and capacity building in education such as student exchange, fellowship programme, academic attachment and research collaboration, as well as promotion of ASEAN studies in the US and US studies in ASEAN Member Countries.

18. Welcome the intention of the U.S. to foster educational exchanges and the continuing efforts of the U.S. to strengthen its engagement with the ASEAN Secretariat and support the capacity building of the Secretariat.

Follow-Up

19. Call on the ASEAN Foreign Ministers and the U.S. Secretary of State, with the assistance of the senior officials, to develop a Plan of Action to implement the ASEAN-United States Enhanced Partnership.

20. Call on the ASEAN Economic Ministers (AEM) and the United States Trade Representative (USTR) to meet and contribute to the implementation of the ASEAN-US Enhanced Partnership and its Plan of Action.
VIII. OTHER STATEMENTS

In a letter dated 23 May 2006, the Prime Minister wrote to the Prime Minister of Iraq, His Excellency Mr. Nouri Al-Maliki:\(^{38}\)

*Your Excellency,*

Please accept my warmest congratulations on your new appointment as the Prime Minister of the Republic of Iraq.

You assume office at a critical juncture in Iraq’s history. The challenges that confront Iraq are daunting. Your vision of security and reconciliation offers the hope of a better future for the Iraqi people. I am confident that under your able leadership, Iraq will move forward to secure peace and progress for its people.

Please accept, Excellency, my best wishes and the assurances of my highest consideration.

[Sgd.] Lee Hsien Loong

On 3 May 2006, the Prime Minister wrote to the President of the Republic of Costa Rica, and the Minister for Foreign Affairs wrote to the Minister of Foreign Relations of the Republic of Costa Rica congratulating the President and the Minister of Foreign Relations on their respective appointments.\(^{39}\)

On 4 March 2006, the Ministry of Foreign Affairs issued a press statement in respect of the establishment of diplomatic relations with the Socialist People’s Libyan Arab Jamahiriya:\(^{40}\)

The Government of the Republic of Singapore and the Government of the Socialist People’s Libyan Arab Jamahiriya, wishing to strengthen and develop friendly relations between them, have agreed to establish diplomatic relations between the two countries with effect from 3 March 2006.

The Ministry for Foreign Affairs issued a press statement on 12 December 2005 stating that:\(^{41}\)

The Government of the Republic of Singapore and the Government of the Republic of San Marino, wishing to strengthen and develop friendly relations between them, have agreed to establish diplomatic relations at Ambassadorial level with effect from 9 December 2005.

IX. CONCLUSION

That is a brief survey of the major policy statements made during the period under review. A review of major policy statements from June 2006 onwards will appear in the next issue of this *Year Book.*

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