

News in Focus

A ROUND-UP OF EVENTS WITH POSSIBLE LESSONS AND IMPLICATIONS FOR SINGAPORE

1 Defending Singapore's Territorial Waters

Incursions by Malaysian vessels

In a media conference on 6 Dec, Minister for Transport Khaw Boon Wan revealed that in the past two weeks there had been 14 incursions by Malaysian Government vessels into Singapore's waters, and three of the vessels were still in Singapore's territory.

He outlined how the incursions stemmed from Malaysia's unilateral decision in October to extend the Johor Bahru port limits into Singapore's territorial waters, a move which Singapore protested. Since 1999, Singapore has been exercising jurisdiction over these waters. Malaysia has never laid claim to these waters or protested our actions there. Now, out of the blue, it is claiming that these waters belong to them. (Refer to timeline below.)

Singapore's position: Stay vigilant, resolute and united

Singapore is encouraged by Malaysia's latest statement on 10 Dec that it would take steps to de-escalate the situation and hold talks on resolving the issue, but is disappointed that Malaysia would not withdraw its vessels from Singapore's waters. Singapore sees this as "a blatant provocation and a serious violation of our sovereignty and international law".

As highlighted by Minister for Defence Ng Eng Hen, "our security forces have acted with restraint despite continuing intrusions and provocations". Mr Khaw also emphasised that Singapore cannot allow our sovereignty to be violated and "if it becomes necessary, we will not hesitate to take firm actions against intrusions and unauthorised activities in our waters to protect our territory and sovereignty".

While Singapore will continue to seek close and friendly relations with Malaysia, it is important that we always uphold international law and respect bilateral agreements. When our national interests are challenged, we have to quietly but firmly stand our ground and stay united as one people.

[Sources: CNA, ST & TODAY, 4 -11 Dec; MOT 4 -10 Dec]

"The intrusions by Malaysian government vessels into Singapore territorial waters... is a serious matter of national interest."

– Minister for Finance Heng Swee Kiat on 9 December 2018

1979

Malaysia published a map depicting the limits of the territorial waters it claimed. It included areas at the western and eastern approaches to Singapore as well as Pedra Branca. Singapore was not consulted in the making of this map.

1980

Singapore lodged a diplomatic protest with Malaysia over its 1979 map, asserting that the boundary lines indicated in the map were unacceptable and that Pedra Branca belonged to Singapore.

1987

Malaysia published its Johor Bahru Port Limits which tracked its territorial sea limits as claimed in its 1979 map.

1995

Singapore and Malaysia concluded the 1995 Agreement between the Government of Malaysia and the Government of the Republic of Singapore to Delimit Precisely the Territorial Waters Boundary in Accordance with the Straits Settlements and Johore Territorial Waters Agreement 1927.

1999

Malaysia amended its Johor Bahru Port Limits, which continued to track the territorial sea limits claimed in its 1979 map.

2018

25 Oct: Malaysia again amended its Johor Bahru Port Limits which now encroached into Singapore Territorial Waters (STW) and went beyond even the territorial sea claim in the area made in their 1979 map, which Singapore had never accepted.

4 Dec: Singapore lodged a "strong protest" over Malaysia's move to extend the Johor Bahru Port Limits and requested Malaysia to refrain from taking any further unilateral action. MOT also said that Malaysian Government vessels had repeatedly intruded into the STW in the past two weeks.

6 Dec: Singapore extended its port limits off Tuas, which is well within the STW. It was also made known that a Malaysian vessel had been anchored in the STW for several days.

7 Dec: Malaysia proposed that both countries "cease and desist" from sending assets into the area from midnight on 8 Dec. Singapore rejected this proposal and reiterated that Malaysian vessels should leave the area.

8 Dec: Singapore sent a third-party note to the High Commission of Malaysia to call on Malaysia to return to the status quo before 25 Oct. Singapore also welcomed talks between both sides but was prepared to put the issue to third-party dispute settlement should talks fail.

10 Dec: Malaysia said that it would negotiate with Singapore and take all effective measures to de-escalate the situation. However, they would not withdraw its vessels in the area. Singapore expressed disappointment and reiterated its call to Malaysia to return to the status quo before 25 Oct, in order to avoid misunderstandings and issues on the ground. Singapore welcomed Malaysia's agreement for officials to meet in the second week of 2019 to exchange views on resolving the issue.





“While we seek cooperation and friendship with other countries, we must never let other countries take advantage of us. When our national interests are challenged, we have to quietly but firmly stand our ground and stay united as one people.”

– Minister for Transport Khaw Boon Wan at a media conference on 6 December 2018

Singapore-Malaysia airspace dispute: Not about sovereignty, but air safety

On 4 Dec, Malaysia’s Transport Minister Anthony Loke said that Malaysia wanted to reclaim the airspace over southern Johor which had been delegated to Singapore since 1974, citing concerns over sovereignty and national interest.

In response, Singapore’s Ministry of Transport issued a statement pointing out that “international law is clear that cross-border airspace is not incompatible with sovereignty”.

In 1973, Malaysia, Singapore and other regional states agreed on arrangements to ensure efficient air traffic flows into, out of and overflying Singapore.

These arrangements were subsequently approved by the International Civil Aviation Organisation (ICAO) and operationalised through a bilateral agreement with Malaysia in 1974.

Under these arrangements, the provision of air traffic services over southern Johor was delegated to Singapore. Such arrangements have been working well for both Singapore and Malaysia, and have facilitated air traffic growth within an airspace that is one of the most complex in the world.

To minimise impact on airlines and passengers, consultations would be required for any proposed changes.

Speaking to reporters on 4 Dec, Mr Khaw reiterated that airspace management has nothing to do with sovereignty. In fact, many countries have parts of their airspace managed by other countries.

He also added that ICAO procedures and processes indicate that any change must improve status quo.

“If it doesn’t, what is the point of changing? The criteria for improvement are safety and efficiency. Does it make it safer? Does it make it more efficient? Otherwise, why change?”

[Sources: MOT, 4 Dec; CNA, 4 – 6 Dec]

2 Ukraine-Russia Clash at Sea

In another development far from our shores on 25 Nov, Russian border guards fired at and seized three Ukrainian navy boats in the waters off Crimea, claiming that they had illegally entered Russian territorial waters.

All 24 Ukrainian soldiers on board, including several injured from the clash, were captured and kept under Russian detention to await trial.

The Russian attack happened despite a bilateral treaty between the two countries giving them access to the Sea of Azov,

which borders Ukraine and Russia and is linked by the Kerch Strait to the Black Sea.

This treaty did not detail the specific “dotted line” boundaries of each country’s limits in this area. The coordinates released subsequently by both Ukrainian and Russian authorities verified that the Russian attack happened in international waters near the Kerch Strait.

On 6 Dec, at a meeting of the Organisation for Security and Cooperation in Europe (OSCE),

Ukraine said that the recent seizure of their naval vessels and crew represented another assault by Russia on international law and urged OSCE ministers to increase sanctions against Russia. In return, Russia accused Ukraine of orchestrating the clash.

The US, Canadian and European ministers dismissed Russia’s version of events and pledged their full support for Ukraine, demanding the immediate release of the detained soldiers.

[Sources: TODAY, 25 Nov; ST & CNA, 26 Nov; BBC, 30 Nov; CNA, 7 Dec]