

SINGAPORE AND INTERNATIONAL LAW

THIS section comprises two sub-sections. The first is intended for articles, notes and comments on issues relating to both private and public international law. This sub-section is not featured in this issue. The second comprises materials and information which illustrate Singapore's approach and attitude on questions of international law. The materials in the second sub-section are presented under the following headings:

- I. Policy Statements
- II. Legislation*
- III. Judicial Decisions*
- IV. Treaties (other than ASEAN Instruments)
- V. Association of South-East Asia Nations (ASEAN) Treaties, Declarations and other Instruments
- VI. Singapore in the United Nations and other International Organisations and Conferences.

The materials are compiled from various sources, including Singapore Government Press Releases. It should be stressed that any text reproduced herein is not to be regarded as officially supplied to the Malaya Law Review. As far as possible, speeches and statements of policy are reproduced in full, but they may be edited to omit opening statements and other unrelated details.

B. MATERIALS ON SINGAPORE AND INTERNATIONAL LAW

I. POLICY STATEMENTS

- (a) *COMMENTS ON THE SITUATION IN PANAMA: Ministry of Foreign Affairs Press Statement on 21 December 1989 (Singapore Government Press Release No. 30/DEC, 09-0/89/12/21)*

Singapore has a deep commitment to UN Charter principles that safeguard the independence, sovereignty and territorial integrity of states, especially small ones.

We note with concern the escalating tension and the loss of life in Panama following General Noriega's declaration of a state of war on 15 December 1989 and that as a result, the situation could not be resolved peacefully. We hope that foreign forces will be withdrawn soon and a democratically elected government installed.

*There are no materials under these headings in the issue.

- (b) *RELEASE OF NELSON MANDELA: Ministry of Foreign Affairs Press Statement on 16 January 1990 (Singapore Government Press Release No. 22/FEB, 09-0/90/02/16)*

Mr Nelson Mandela's unconditional release vindicates his long struggle for freedom and justice for the black majority in South Africa.

The Singapore Government remains unequivocally opposed to apartheid, and will continue to support the efforts of the UN and the Commonwealth to bring about fundamental political change in South Africa.

- (c) *PERESTROIKA AND A NEW ERA FOR THE WORLD: Speech by Prime Minister Lee Kuan Yew at a dinner in honour of Mr N I Ryzhkov, Chairman, Council of Ministers of the USSR on 16 February 1990 (Singapore Government Press Release No. 26/FEB, 02-1/90/02/16)*

It gives me great pleasure to extend a warm welcome to you, Mr Chairman, your wife and members of your delegation. The Government and people of Singapore are honoured by your visit, the first by a Chairman of the Council of Ministers of the Union of the Soviet Socialist Republics.

We are two very different countries. Your population is more than a hundred times that of Singapore. The Soviet Union spans eleven time zones. We have different economic, social and political systems. Nevertheless, we share the same aspirations: peace and a good life for our people on this increasingly fragile planet.

I am happy that our bilateral relations have taken a step forward with your visit. Today we have signed an agreement for a Joint Economic Commission. We are also ready to consider Investment Guarantee and Double Taxation arrangements with the Soviet Union. We are ready to make a serious commitment both to improve our economic cooperation and to support perestroika.

Distant as we are from Moscow, we too wish perestroika success. We have watched with awe and amazement how the new political thinking has brought down barriers in Europe, barriers which seemed destined to last forever. Even in November last year, I would not have believed that the Berlin Wall would come down in December. But it did. The political map of Europe has changed. And more changes are on the way. We hope that this new era will mean a better life in the "Common European Home" you are now trying to build.

The problems of perestroika and glasnost appear formidable. However, the history of the Soviet people and their society is one of great resilience. Time and again in history, during the Time of Troubles in the 17th Century, during Napoleon's invasion of Russia in the 19th Century, and during the Great Patriotic War in the 20th Century, when Hitler betrayed his ignorance of the Soviet Union's tenacious and resilient character, the Soviet people have shown that they may be slow to change

but once embarked upon change, they should not be under-rated.

The tensions of the Cold War were felt most acutely in Europe. But since World War II the flames of war did not erupt there. Since then, more lives were lost in Southeast Asia, than in Europe. Even today, the flames of war have not been totally snuffed out in this region. Cambodia remains a victim. We sincerely hope that the Soviet Union will help to snuff out these last embers by helping to persuade Vietnam that a new era has begun in the world. Vietnam should wind up its unfortunate involvement in Cambodia which has been since December 1978, and should instead work with ASEAN to build a better life for its people. Singapore is ready to play its part in Indochina once the Cambodian conflict is resolved by an agreement on a UN interim Administration followed by a UN supervised free and fair election.

The Asia-Pacific Basin is ready for take-off. Inspired by the brilliant success of Japan, the countries of East and Southeast Asia are confident that they can march into the 21st Century at high rates of growth. There is a mood of determination and confidence to achieve rapid economic transformation. As Moscow translates her "New Political Thinking" into new and different policies for the Asia-Pacific region, we look forward to the Soviet Union participating in the rapid growth of this region.

However, these developments presuppose that there are no sudden political and military disruptions. Historically, the United States has been a stabilizing factor in the Pacific Basin. The United States is a Pacific power whose continued presence will reinforce the stability upon which the Pacific economics will grow. Despite the Atlantic Ocean that separates the European and North American continents, the Soviet Union has stressed the need for the United States and Canada to be part of the "Common European Home". For the same reason, the continued presence of the United States is essential for peace and stability in the Asia-Pacific region.

Finally, Mr Chairman, upon your return to Moscow, will you bring back the message that all of us in Singapore wish you well. A new era has been opened in world history with the advent of perestroika. Please convey to President Gorbachev that we are deeply impressed with the courageous and revolutionary changes he has already brought about and wish him further successes....

IV. TREATIES (OTHER THAN ASEAN INSTRUMENTS)

- (a) *ESTABLISHMENT OF DIPLOMATIC RELATIONS WITH THE KINGDOM OF LESOTHO: Ministry of Foreign Affairs Press Statement on 12 January 1990 (Singapore government Press Release No. 11/JAN, 09-0/90/01/12)*

The Government of the Kingdom of Lesotho and the Government of the Republic of Singapore, wishing to strengthen and develop friendly

relations between them, have agreed to establish diplomatic relations between the two countries at Ambassadorial level with effect from 12 January 1990.

- (b) *AIR SERVICES AGREEMENT WITH HUNGARY: Speech by Dr Yeo Ning Hong, Minister for Communications & Information and Second Minister for Defence (Policy), at the signing ceremony (Singapore Government Press Release No. 16/ MAR, 03-1/90/03/09)*

This morning's signing of the Air Services Agreement between the Republic of Hungary and the Republic of Singapore is timely, coming in the wake of the momentous events in Eastern Europe which have captured worldwide attention.

This world is looking at the Eastern European economies, including that of the Republic of Hungary, anticipating an increase in trade, investment and tourism opportunities. With increased economic activity, we can also expect a corresponding increase in demand for air services.

The Air Services Agreement which we have signed this morning provides a broad and flexible framework which will allow airlines in our two countries to establish direct air links. Such direct air links will help not only to promote the growth of trade and tourism but also further enhance the excellent relations between our two countries.

I am told that Malev Hungarian Airlines has plans to start a freighter service to Singapore sometime this year. And when it does, Singapore will be the first country in East Asia which Malev will be operating to. We welcome the operations of Malev. We are also very pleased that Malev has picked Singapore to start its operations to this part of the world. It is our hope that before long, Malev will expand its services to include passenger services to Singapore.

I understand that Singapore Airlines is also considering passenger services to Hungary. I hope direct passenger link between Singapore and Hungary will begin soon to better serve the people of our two countries.

We welcome all airlines to operate to Singapore. Our open-skies policy has served us well, with liberal exchanges of flights between Singapore and other countries. I am sure that with increased air services and more city links, Budapest would become a major air junction in Eastern Europe.

Finally, I would like to urge both Malev Hungarian Airlines and Singapore Airlines to take full advantage of the opportunities contained in the Agreement and establish direct air links between our two countries as soon as possible.

V. ASSOCIATION OF SOUTH-EAST ASIA NATIONS (ASEAN)
TREATIES, DECLARATIONS AND OTHER INSTRUMENTS

- (a) *ASEAN AGRICULTURAL AND FORESTRY CO-OPERATION:*
Speech by Mr S Dhanabalan, Minister for National Development at the 11th ASEAN Ministers on Agriculture and Forestry meeting on 9 November 1989 (Singapore Government Press Release No. 23/NOV, 14-1/89/11/09)

The first Meeting of the ASEAN Ministers on Agriculture and Forestry (AMAF) Meeting was held in Manila in August 1979. Ten years have gone by. If we take stock of the achievements in the field of agriculture and forestry, we will find that much progress has been made. It is fashionable to measure progress in regional economic groups by progress in the area of market sharing. Some foreign observers have commented on the slow progress in trade and market sharing arrangements within ASEAN. But this should not be the only measure of progress. In ASEAN, real and concrete achievements in science and technology cooperation have been made. Many points of common interest have been identified and the web of cooperative projects and efforts in ASEAN has been strengthened. We should make this progress more widely known. Let me touch on some of these efforts before we discuss new proposals.

In the last decade, we had agreed on agricultural policies of common interest and had cooperated in the fields of crops, livestock, fisheries, forestry and food handling. There has been common understanding on the need to improve our agricultural output by our upgrading our farming methods; our post-harvest technology; food safety techniques and by developing new markets. The common thread which binds us together is our willingness to develop and share technology which will improve the livelihood of our farmers.

Our Meetings have given direction and guidance to the ASEAN Committee on Food, Agriculture and Forestry (COFAF) to implement projects and find agreement on matters of common interest. Through COFAF, we have completed four projects and have 21 on-going ones. That we have cooperated and shared in successfully implementing and benefitting from so many projects is something which we can be proud of. I would like to mention some projects in each of the common areas of our endeavours.

In the field of food handling, we have the Food Handling Project and the ASEAN Grains Post-Harvest Programme. These major projects which are being conducted over five years contributed towards improving post-harvest technology and food safety within the region.

The ASEAN Plant Quarantine Centre and Training Institute (PLANTI) is a centre for research into plant pests and has trained our technicians and professional officers in phytosanitation.

In forestry, the establishment of the ASEAN-Canada Forest Tree Seed Centre in 1983 and the ASEAN Institute of Forest Management in 1986 demonstrate our concern for our natural resources and the environment.

The ASEAN Poultry Disease and Training Centre will in time upgrade our ability to control diseases in poultry.

We have also cooperated in aquaculture development through the ASEAN-EC Aquaculture Development Coordinating Programme.

All these projects bring together our scientists and research and development workers. Jointly, we will find solutions to agricultural problems within the region. And together we will develop new technology to maximise farm productivity. Over the last ten years, a bond has emerged amongst our agricultural scientists and many friendships have been forged.

In addition to technical projects, we have also established an ASEAN Food Security Reserve. This agreement provides the machinery to assist ASEAN member countries in the supply of the [sic] rice when the need arises from unforeseen circumstances or natural calamities.

In recognition of the ever-increasing threat of exotic pests and diseases of plants and animals in the region and in order to facilitate trade, we have had several Ministerial Understandings on Plant and Animal Quarantine measures.

We have also shown our determination to eradicate Foot-and-Mouth Disease from ASEAN through our declaration to eradicate Foot-and-Mouth Disease at the 3rd AMAF Meeting in Jakarta in 1981. Towards this end, I am glad to note that several areas in ASEAN have been declared free of Foot-and Mouth Disease. As the presence of Foot-and-Mouth Disease limits our potential to export meat and meat products to other developed countries, we must accelerate our efforts to eradicate Foot-and-Mouth Disease from the ASEAN region. The recent development of new and more effective vaccines against the disease provides us with a strong disease control tool. I am confident that we will be rid of Foot-and-Mouth Disease in the not too distant future.

In the last two years, we have also taken a new direction. We have decided to encourage the private sector to become more involved in our development projects. We believe that much of the R & D results, arising from our projects, can be used and developed into viable and profitable commercial enterprises.

I note with satisfaction that in October this year, the Coordinating Group on Fisheries has assisted in the founding of the ASEAN Fisheries Federation which will provide a forum to explore business and investment opportunities in fisheries ventures. This initiative will certainly assist us in the difficult task of achieving greater private sector participation within the framework of COFAF.

On this note, let us begin our meeting. In line with our fine tradition, I am sure our Senior Officials who have met over the last three days have prepared a comprehensive report for us. Let us now proceed to discuss it.

VI. SINGAPORE IN THE UNITED NATIONS AND OTHER
INTERNATIONAL ORGANISATIONS AND CONFERENCES

- (a) *SINGAPORE'S STAND ON UN INTERIM ADMINISTRATION IN CAMBODIA: Comments by the Minister for Foreign Affairs on 17 January 1990 (Singapore Government Press Release No. 17/ JAN, 09-0/90/01/17).*

Singapore welcomes the proposal to set up an UN Interim Administration to govern Cambodia and to prepare for free elections. We have always believed that only the UN has the authority, impartiality and expertise to end the bloodshed and to create conditions that will allow the Cambodian people to exercise their right to self-determination.

The meeting of the Five Permanent Members of the UN Security Council that was just concluded in Paris was a very significant development. It reflected the growing international consensus that only the full involvement of the UN can break the current impasse on Cambodia. I am pleased that Vietnam and Hun Sen have finally conceded that no solution is possible without the UN. I hope they will agree with the Five Permanent Members that free and fair elections must be conducted under direct UN Administration and in a neutral political environment in which no party would be advantaged.

Many have contributed to bringing about this emerging new consensus. ASEAN's role is widely recognised. I would like to express my appreciation to my friend, Gareth Evans, the Foreign Minister of Australia for his courage in seizing the opportunity to develop the concept of a UN Administration that was first mooted by HRH Prince Norodom Sihanouk in March 1981*.

As far back as nine years ago, Prince Sihanouk had the vision to recognise that some form of UN authority was the best hope for his country. Congressman Stephen Solarz of the US has also played a critical role by giving a fresh boost to the idea of an UN Interim Administration. The Bush Administration's initiative in conveying the meeting of the Five Permanent Members in Paris was welcome and timely. My friend foreign Minister Alatas of Indonesia is now engaged in consultations to see how best ASEAN can help move the process further forward. I hope that ASEAN senior officials will meet soon to discuss the matter.

While the concept of an UN Interim Administration has received growing acceptance, many crucial details have still to be agreed on and developed to make it operationally viable. The main areas that need to be addressed are the nature and role of an UN Interim Administration, its legal foundations and its impact on the status of the CGDK and the PRK, the size, composition and duties of the accompanying international peacekeeping force, and the question of financing. Other issues are less important. For instance, the status of the UN seat will be clarified once agreement is reached on the creation of an UN Interim Administration.

* In an interview published in *Asiaweek* of 6 March 1981.

The Security Council has a key role to play for, as in the case of Namibia, a UN Security Council resolution will have to authorise the setting up of such an UN Interim Administration. The concurrence of the Five Permanent Members is essential. They should continue their discussions and start working on a draft Security Council resolution. This process will initiate more careful thinking on the actual modalities and mechanisms of an UN Interim Administration.

The basic political role of an UN Interim Administration is to ensure a level playing field on which all Cambodians can compete in free elections in an atmosphere of peace and trust. This UN Interim Administration will have to be scrupulously fair both in the governing of the country in the interim period and, more importantly, in ensuring that elections are fair. In my view, for the UN to play such a role efficiently, several issues must be addressed, for example:-

- (i) The establishment of a sufficiently large Administration with adequate numbers of civilian UN officials to keep the country running and ensure that it is efficiently and fairly administered in the interim period;
- (ii) The creation of a strong and adequately armed peace-keeping component to verify the withdrawal of all foreign forces, maintain law and order and to ensure that the electoral process is conducted without intimidation by any armed groups;
- (iii) An adequate interim period to allow calm and normalcy to return to Cambodia and also allow all parties to prepare themselves adequately for elections. This could take more than a few months;
- (iv) An effective institutional apparatus to ensure that the elections are conducted freely and fairly; and
- (v) The selection of an UN Interim Administrator of stature, accountable to the UN Security Council and respected by all Cambodians.

I do not underestimate the difficulties. However, I believe that the creation of an UN Administration is the most promising approach to take. The details can be negotiated.

I appeal to all parties to negotiate seriously the creation of an UN Interim Administration on the basis that it should give the Cambodian people the right and the opportunity to freely exercise their right of self-determination. At an appropriate time, the Paris Conference on Cambodia could be reconvened to serve as the negotiating forum.

- (b) *GLOBAL WAR AGAINST DRUGS: Speech delivered on 10 April 1990, Dr Lee Boon Yang, Senior Minister of State (National Development & Home Affairs) at the World Ministerial Summit to reduce demand for drugs and to combat the cocaine threat, held in London (Singapore Government Press Release No. 07/APR, 11-2/90/04/10)*

A new consensus has emerged in the global war against drugs. It is marked by the recognition that no country can be unscathed by the drug problem and all countries must share responsibility in this fight. It is pointless for isolated battles to be won by different countries if the international community does not win the war.

The recent UN 17th Special Session on Narcotic Drugs and the Political Declaration and Global Programme of Action which were adopted unanimously signalled the forging of this new consensus. The international community has clearly demonstrated its political will to combat this insidious menace.

We congratulate the Government of the United Kingdom for its initiative in organizing this World Ministerial Summit. This meeting, we hope, will be an important impetus to the UN 17th Special Session's initiatives. It should further strengthen international cooperation against drug abuse. We recall the action-oriented speech of the Rt. Hon. Douglas Hurd, the Secretary for Foreign and Commonwealth Affairs, at the UN Special Session and we are confident that the same urgent yet pragmatic tone and spirit he embodied will pervade this Summit.

We all know that the global drug situation is deteriorating. Therefore, it is most timely that this Summit should focus on reducing drug demand, drug enforcement and drug control. More opium was produced last year and the Golden Triangle's annual production is expected to double this year. Cocaine and crack abuse is spreading throughout the United States and making inroads into Europe. Cocaine syndicates are now looking for new markets in other parts of the world and this is of grave concern for my delegation. A new generation of drugs has made the scene. "Crank", "crack" and "ice", each as deadly as the other and associated with much violence are insidiously penetrating the demand market.

In the debate on the strategy to be adopted for tackling the problem of illicit narcotic drugs, the emphasis has traditionally focussed on supply reduction. Producing countries have been called upon to take measures to cut back production and switch crops. It is however unrealistic to expect producer countries, the majority of which are developing countries, saddled with economic and debt servicing problems, to isolate the narcotic supply problem from the development problem. There are two sides to this proposition. Developed countries must lend support by giving market access to the crop substitution programmes introduced in the producing countries and provide some measure of debt relief to these countries. This approach will give the developing producer countries a better chance of success in their efforts to eradicate narcotic crops.

But suppression of supply is not enough. We should also give high priority to reducing demand. Because of the growing demand for drugs, suppliers and traffickers find devious and brutal means of circumventing stringent checks and laws for greater monetary gains. In the context of reducing drug demand, we regard any argument for the legalisation of narcotic drugs to be ill-conceived and unhelpful. The legalisation of

illicit drugs in one country will not help countries elsewhere to reduce demand. Instead of succumbing to sophistry out of despair and defeat, we should, as an international community, confront the problem in a mutually supportive way. We should pool our ideas to work out disincentives for demand. We should develop bilateral, regional and international cooperation to buttress our national efforts in fighting the drug problem. The Cartagena Summit held on February 15 this year and the watershed agreement for concerned action signed by the Presidents of Bolivia, Colombia, Peru and the United States exemplify the new regional and sub-regional cooperation and could serve as a model for future cooperative efforts.

There is no doubt that increasingly effective and comprehensive anti-narcotic drugs strategies involve a measure of obligation-to-cooperate and a concept of shared responsibility. But this cooperation should be on the basis of mutual respect for sovereignty and recognition of the need to build up the resources of the weaker partners to the level of equal partners. This would entail stepping up aid and training in drug enforcement and drug control to countries that are less experienced and without the necessary financial resources to cope with the problem.

As we are here to learn from each other how we can best with this global threat, I shall now briefly review the comprehensive approach adopted by my Government against illicit narcotic drugs in Singapore. Let me also share with you how we perceive our role in assisting in the global fight against narcotics.

The Singapore Government has waged a relentless war against illicit drug abuse for many years. Our location in the vicinity of the Golden Triangle and at the crossroads of communications in Southeast Asia makes us especially vulnerable to drug trafficking. As a nation with a small population base with no mineral or agricultural resources, we naturally place a high value on our human resource. We have equipped ourselves with a set of tough legislative, enforcement and preventive measures to curb drug abuse and trafficking. We have also designed a long-term educational and rehabilitative programme for the drug addict.

We enacted a Misuse of Drugs Act in the 70's to tackle the emerging drug problem which addresses the suppression of both the supply and demand of drugs.

We have meted out the death penalty for drug traffickers who are the purveyors of death and suffering. Traffickers of lesser quantities are liable for a minimum imprisonment term of five years with caning. Drug traffickers who cannot be convicted because witnesses are too frightened to testify in Court are detained under preventive detention laws. We deny travel documents to convicted drug traffickers and addicts to prevent them from perpetuating their drug activities abroad.

Drug addicts are sent to drug rehabilitation centres for compulsory treatment and rehabilitation. This allows them an opportunity to overcome their addiction and to start life anew. The period of treatment and

rehabilitation varies from six months for first-timers to three years for those who are hardcore abusers. On their release, the ex-addicts are carefully supervised for a period of two years. They are required to report regularly to supervision centres for counselling and urine tests. Those who suffer relapses are sent back to the drug rehabilitation centres for further treatment and rehabilitation.

Preventative education is carried out extensively and continuously, by both the Singapore Government and voluntary organisations on a nationwide basis, involving the entire community. Voluntary organisations, like the Singapore Anti-Narcotics Association, spearhead preventive education efforts and help recruit volunteers to provide counselling and aftercare to released drug addicts. Other voluntary organisations run half-way houses which provide refuge for ex-addicts to assist them on the path to leading useful and drug-free lives in society.

By a combination of supply and demand reduction measures, the drug problem has been brought under control since the 1970s. The number of known drug addicts dropped from an estimated heroin addict population of 13, 000 in 1977 to 9,000 presently.

Recently, in light of the deteriorating global drug situation, we again amended our laws to introduce the death penalty for trafficking in a wider range of drugs, including opium, cannabis and cocaine.

I have gone into some details on how my Government deals with the problem of illicit narcotic drugs with a purpose of sharing our national experiences. We have, over the years, learnt one lesson well, that is, in dealing with narcotic drugs, political will and firm action pays.

Our laws and measures have been effective within our jurisdiction and have deterred big time traffickers from physically operating in Singapore. However, we are fully aware that the drug problem is not just a national problem but a global one. We are committed to the global war against illicit drugs. That is why we take action even against transiting traffickers caught at our border entry points with drugs meant for other destinations.

Singapore also actively cooperates with other countries. The Central Narcotics Bureau of Singapore works closely with national drug enforcement agencies in ASEAN and international agencies like INTERPOL, the United Nations and the Colombo Plan Bureau on drug matters. Valuable intelligence is shared and joint operations are mounted to combat the drug problem.

In the Context of the growing consensus in the UN and at other international forums that an effective instrument to fight traffickers is to confiscate their ill-gotten profits, Singapore is now in the process of drafting an asset seizure law to trace, freeze and confiscate drug proceeds. This will be another weapon in our arsenal against drug abuse. As part of our commitment to the global war against drugs, we intend to have bilateral agreements for cross border co-operation with countries with similar drug asset seizure laws.

This World Ministerial Summit gives us an opportunity once again to galvanise the world community to act against the global threat of drug abuse. The determined fight against the awesome power of drug cartels and the sacrifices they have suffered provides an inspiration to all of us. My country pledges its commitment to the global war on drug abuse and will continue to cooperate actively with other countries.

At the close of his speech to the UN 17th Special Session on International Cooperation against Narcotic Drugs, the United Nations Secretary-General HE Mr Javier Perez de Cuellar, graphically described the problem of drug abuse in these words:-

“Drug abuse is a time-bomb ticking away in the heart of our civilization. We must now find measures to deal with it before it explodes and destroys us”.

We have been the time-bomb for what it is. Let us now take decisive measures together to defuse it before it explodes. If we lose the war against illicit drugs either as individual nations or as a community of nations, the consequences are unthinkable.