

# Environmental Management and Conflict in Southeast Asia – Land Reclamation and its Political Impact

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**Environmental Management and Conflict  
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*With Compliments*

**Institute of Defence and Strategic  
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## ABSTRACT

Land-scarce Singapore has no choice but to carry out massive reclamation to cope with its population growth and economic development. The ability for Singapore to continue to carry out its reclamation to enlarge its territory is tied to its survival as a competitive economy. Land reclamation works have been carried out in Singapore since the late 19<sup>th</sup> century when Singapore was a British colony. After Singapore was separated from Malaysia in 1965, massive land reclamation has been ongoing almost non-stop since then without giving rise to any dispute with its neighbours. Dredged sea sand has been used for reclamation in Singapore long ago, initially the sea sand come from seabed within Singapore's territory and later from Malaysia and Indonesia. But for the first time in 2002, such reclamation works have figured in volatile ties between Singapore and Malaysia when Malaysia protested vehemently about the trans-boundary environmental impact of Singapore's reclamation works. At the same time, Indonesian leaders imposed an export ban of sea sand from Indonesia to Singapore because they felt that sea sand was being shipped to enlarge Singapore's territory at environmental costs that surpassed the economic benefits from selling the sand. This paper will review the reclamation efforts by Singapore and the perceived threat that it poses to neighbouring countries including Malaysia and Indonesia in the context of the concerns over environmental degradation, territorial rights and the tensions engendered in the relations among these countries. This paper will argue that the dispute between Singapore and Malaysia as well as Singapore and Indonesia should not be securitised. Instead, such non-traditional security issues should be viewed as 'desecuritized'. This need is particularly acute in this uncertain time because of the threats of terrorism and the challenge of escalation in economic rivalry brought about by globalisation and the opening of China and India.

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# **Environmental Management and Conflict in Southeast Asia – Land Reclamation and its Political Impact**

## **Introduction**

Environmental insecurity in Southeast Asia, it has been argued, is characterised by growing environmental scarcity<sup>1</sup>. Such an argument is based on the view that scarcity implies not only a diminishing in the traditional ‘natural’ resources upon which societies in Southeast Asia depend for livelihoods but also the depletion and degradation of the resources that are now considered to be strategic - water, forests and arable land. Yet others have counter-argued that while environmental scarcity as well as issues such as, differential access, demands and vulnerabilities to these environmental resources, have become increasingly the source of bilateral or multilateral tensions, still few of such spats have actually led to military warfare<sup>2</sup>. Such more sanguine views notwithstanding, one can well argue that environmental disputes either over resources or problems of degradation are a source of tensions and potentially a de-stabilising factor in regional security.

Southeast Asia in particular, can be considered to be vulnerable to environmental disputes and conflicts not only because it is a region that is well-endowed with natural resources but also the shared resources among nation-states which include rivers, seas, coastlines, river basins, water sheds and rainforests. Added to such natural conditions is the historical legacy of both colonialism and pre-colonial states to which the modern nation-states of Southeast Asia owe their origins. These modern nation-states have imposed national boundaries that cut across natural areas with resources in demand by a number of states. Hence, there are conditions inherent in the nation-building process within Southeast Asia, that make environmental conflicts an inevitable aspect of regional security issues, albeit non-traditional. These conditions include the competition among nation-states in a globalising world for international investments. Such competition has sped up the rate of development and implementation of economic plans that have had deleterious effects on the natural environment<sup>3</sup>.

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<sup>1</sup> Allan Dupont, *The Environment and Security in Pacific Asia*, Oxford: Oxford University Press, 1998; Lorraine Elliot, ‘Regional Environmental Security: Pursuing a Non-Traditional Approach,’ in Andrew T.H. Tan and J.D. Kenneth Boutin (eds), *Non-Traditional Security Issues in Southeast Asia*, Singapore: Institute of Defence and Strategic Studies, 2000, p.439.

<sup>2</sup> E. Goh, ‘The Hydro-Politics of the Mekong River Basin: Regional Cooperation and Environmental Security,’ in Andrew T.H. Tan and J.D. Kenneth Boutin, (eds.), *Non-Traditional Security Issues in Southeast Asia*, Singapore: Select Books, 2000, p. 471.

<sup>3</sup> *Ibid.*

Indeed, there have been several developments in the relations between Malaysia and Singapore that are related to disputes over environmental resources as well as degradation. The more recent incidents that have led to bilateral problems between the two neighbouring states have involved the supply of water by Malaysia to Singapore as well as the reclamation works that Singapore is carrying out in the waters of the Straits of Johor<sup>4</sup>. While the agreements on water supply between Malaysia and Singapore are essentially bilateral and involve cross-border negotiations, the dispute involving reclamation works by Singapore concerns a domestic development project with what Malaysia claims to be trans-boundary environmental impact and implications on its side of the waters of the Straits of Johor. The Malaysian government has reportedly claimed that the reclamation project would narrow the straits shared by the two countries and also affect the livelihood of 1,000 fisher folks. The media also quoted a source from Johor's state security department who charged that Singapore's reclamation would put pressure on Malaysia to 'defend its territory'<sup>5</sup>. This in turn prompted Malaysia's Deputy Prime Minister to caution Singapore not to encroach on Malaysia's territory and breach the agreement on border demarcation. Such rhetoric by the unnamed Johor's state official has unfortunately securitised the dispute involving Singapore's reclamation works in the Malaysia-Singapore relations.

Since the 1997 financial crisis, the Indonesia-Singapore relations have been jostled out of its comfort zone of predictability and stability for the last three decades. Relations between Indonesia and Singapore were subjected to severe stresses and strains during the brief and turbulent presidencies of B. J. Habibie and Abdulrahman Wahid. While relations have improved and settled down to an even keel under Megawati Sukarnoputri's administration, the relationship continues to be fragile. The litany of complaints against Singapore included the behaviour of sharp-tongued Minister Mentor Lee Kuan Yew, Singapore poor understanding of Islam, and its reluctance to sign an extradition treaty with Indonesia because Indonesian leaders believed Singapore 'greatly benefited' from hiding 'problematic' Indonesian tycoons in the city-state. This is despite the fact that a number of these 'problematic' tycoons that once moved to Singapore have returned to Indonesia, like Prajogo Pangestu and Syamsul Nursalim, but they remain untouched by Indonesia law enforcers<sup>6</sup>. In addition, there are also intermittent irritations

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<sup>4</sup> Kwa Chong Guan, (ed.), *Beyond Vulnerability? - Water in Singapore-Malaysia Relations*, Singapore: Institute of Defence and Strategic Studies, 2002, p. 154; Lydia Lim, 'Bigger Singapore - from sea and swamp,' *The Straits Times*, Singapore, 30 March 2002, p. H2.

<sup>5</sup> Lim, Lydia, 'Bigger Singapore - from sea and swamp.'

<sup>6</sup> Kormelius Purba, 'Singapore-Indonesia: Between love and hatred', *The Jakarta Post*, Jakarta, 19 July 2002.

over issues such as the forest fire in Sumatra<sup>7</sup> and trade figures between Singapore and Indonesian. Indonesia is also irritated with Singapore perceived impatience over the slow implementation of the ASEAN Free Trade Area by moving ahead with its Free Trade Agreements with the US, Japan and other developed countries. Other grievances include Singapore's involvement in sand mining in Riau, and its reclamation<sup>8</sup>.

Sand dredging is big business with an S\$ 11.5 billion a year global market, and Southeast Asia was the world's most active market with 54 of the world's 70 biggest dredgers actively working in Riau waters for reclamation projects in Malaysia and Singapore. It has been estimated that Singapore need 1.8 billion m<sup>3</sup> of sand over the next 7-8 years for land reclamation. About 80-85% of reclamation sand used in Singapore came from Indonesia. This works out to be about 200 million m<sup>3</sup> a year of Indonesian sand export to Singapore for reclamation projects. Malaysia imports around 600 million m<sup>3</sup> of sand a year from Indonesia<sup>9</sup>. Demand for Indonesian sea sand was expected to increase further with more reclamation projects announced in Malaysia<sup>10</sup>. For the first time, the Indonesian Navy deployed two warships - the KRI Ajak and the KRI Surya - to capture seven dredgers carrying foreign flags when they were transporting sand from Riau province to Singapore in July 2002<sup>11</sup>. Seven dredgers including the world's biggest dredger, Vasco da Gama, had been detained for months after being arrested by Indonesian navy vessels. Shots had reportedly been fired. An angry Indonesia official claimed the foreign dredgers were smuggling and worse, 'stealing' its sand. The foreign dredgers said that was nonsense. They claimed they were working for agents who had contracts with Indonesian authorities in the Riau province to dredge sand from the Indonesian seabed and delivered it to Singapore for reclamation. In August 2002, dozens of massive sand dredgers owned by companies from Belgium, The Netherlands, Russia and South Korea were found lying inactive at anchor in Singapore harbour. Some called it the 'Sand War' and parties in Jakarta, Singapore and various European capitals were seeking to draw a line on it lest it went out of hand<sup>12</sup>. On 28 February 2003, Indonesian Trade and Industry Minister Rini Soewandi issued a decree to ban sand exports to all countries in a bid to curb rampant mining which was causing damage to the

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<sup>7</sup> Ooi Giok Ling, Simon Tay and Kog Yue Choong, 'Environmental Agreements in Southeast Asia: balancing economic interests and regional politics,' in Paul G. Harris (ed.), *International Environmental Cooperation: Politics and Diplomacy in Pacific Asia*, University Press of Colorado, Boulder, 2002, pp.133-46.

<sup>8</sup> Kormelius Purba, 'Singapore-Indonesia: Between love and hatred.'

<sup>9</sup> 'Indonesia bans sand exports to curb rampant mining', *Reuters News Service*, 10 March 2002, Indonesia.

<sup>10</sup> Leo S. Wahyudi, 'Government to issue Inpres (presidential instruction) to regulate sand quarrying', *The Jakarta Post*, Jakarta, 7 March 2002.

<sup>11</sup> Fadli, 'Navy foils sand smuggling to Singapore', *The Jakarta Post*, Jakarta, 29 July 2002.

<sup>12</sup> Eric Ellis, 'Jakarta draws line sand in Singapore dredging battle', *Australian*, Australia, 6 September 2002.

environment. The Ministry had not decided how long the ban would last but would review it later<sup>13</sup>. The unnamed Indonesia official, the Indonesian Navy and the Minister Rini Soewandi are the securitising actors in the so-called ‘Sand War’. The specific audience is the Indonesian public and the international brokers selling sand to the reclamation contractors. How did it happen? Why did it happen?

This paper proposes to discuss the reclamation efforts by Singapore and the perceived threat that it poses to neighbouring countries including Malaysia and Indonesia in the context of the concerns over environmental degradation, territorial rights and the tensions engendered in the relations among these countries. Given the environmental impacts of unilateral actions such as land reclamation, there is a need to understand the management of the relations with these neighbouring countries in the face of the likelihood that they can ‘securitise’ the issues and aggravate problems in regional relations among ASEAN member-states that are experiencing particularly difficult times. Otherwise effort at de-securitisation of the issues may prove elusive with regional relations taking the heaviest toll from the falling out among neighbouring ASEAN member-states. The discussion is premised on the argument that the issues arising from environmental security need to be placed firmly within the agenda of regional relations and non-traditional security concerns. In fact, this paper will argue that such non-traditional security issues such as land reclamation works should be viewed as ‘desecuritized’. This need is particularly acute in this uncertain time because of the threats of terrorism and the challenge posed by the escalation in economic rivalry among Southeast Asian countries such as Malaysia and Singapore, escalation in economic rivalry brought about by globalisation and the opening up of China and India.

### **Environmental Dimensions of Non-traditional Security Concerns**

Territorial claims and security concerns related to these have been very much a part of the ASEAN process of ‘ironing out’ differences since the 1960s. Some writers actually see such historical territorial claims and rivalry among countries in the region as having coloured contemporary ASEAN relations<sup>14</sup>. There are several such outstanding claims involving member

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<sup>13</sup> Chan Hwa Loon, ‘Indonesia bans sand exports to all countries’, *channelnewasia*, 10 March 2003. Available online at <<http://www.channelnewasia.com/stories/singaporebusinessnews/view/34136/1/.html>> (accessed 29 July 2003).

<sup>14</sup> W. Huff, *The Economic Growth of Singapore*, Cambridge: Cambridge University Press, 1994.

countries of ASEAN and other Asian neighbours like that of the Spratly Islands. Others are relatively more recent like the Pedra Branca issue, which has clouded bilateral relations between Singapore and Malaysia. Another dispute over islands like Sipadan was settled between Indonesia and Malaysia at international courts.

A new dimension has developed in the security concerns that would appear to be non-traditional and while it has something to do with territorial claims, it is more related to environmental impacts. This is the reclamation programme and works that Singapore has been doing offshore for the last few decades. The reclamation effort has in the recent one to two years been met with strong objection from the Malaysian government. The objection to Singapore's reclamation has been based more on the environmental impact of such reclamation works rather than concerns about the territorial expansion effort of Singapore.

The protests by Malaysia to what is essentially a domestic programme as far as Singapore is concerned raise the stakes in international security concerns arising from such projects as reclamation. In addition, reclamation has been important to the economic competitiveness of Singapore in the past and will be important in the future. From the perspective of the Singapore government, this constitutes an existential threat. Clearly the tension arising from the protests lodged by the Malaysian government has little to do with traditional territorial claims that are land or marine-based. The protests have to do with environmental impacts of domestic development work and programmes which apparently had consequences affecting neighbouring countries.

Environmental management in Singapore has been to some extent the source of conflict, albeit at the domestic level involving government agencies and non-government organisations or civil society groups. Being however such a small city-state, it appears inevitable that environmental management would imply some management of conflict, at the international level. Such conflict has not been isolated to small countries but rather to neighbouring countries sharing resources such as a river. Indeed, Singapore and Malaysia have recently been locked in negotiations and bilateral relations have been affected by the difficulties involved with reaching an agreement on the sharing of water resources.

Bilateral or multilateral relations involved in issues related to environmental management and conflict complicate the management of such conflict. This is because the resolution of the conflict entails bilateral or multilateral agreement and settlement. Domestic conflict can be

settled differently because it generally requires unilateral decisions on the part of the state towards conflict resolution.

In the incident concerning the Malaysian protests against the reclamation works that Singapore is carrying out, the environmental dimension added to international relations and security concerns present a non-traditional area of security concern for those looking after international affairs and security issues. Malaysia's protest is predicated on its concerns about the domestic welfare of the fishing community arising from a neighbouring country's development activity. Singapore's response has been couched in terms of its sovereign rights to do reclamation within its territory. This is indeed what has been going on within Singapore's share of international waters and what it rightly claims as its territory.

The current phase of poor bilateral relations between Singapore and Malaysia might account for the heightening tensions over issues like that of the environmental impact of reclamation in the Straits of Johor. There has however been concern raised by Indonesia over the sale of sand to Singapore for its reclamation works<sup>15</sup>. This has resulted in disruptions to the supply of sand for the reclamation programme that is on-going in Singapore. Part of the reason behind the concern on the Indonesia side appears to be also the environmental impact arising of sand mining in Indonesian territory for reclamation works in Singapore. There has been perception on the Indonesian side among observers that sand from Indonesian islands near to Singapore as well as sea-sand off the shores of these islands is being shipped to enlarge Singapore's territory at environmental costs that surpassed the economic benefits from selling the sand<sup>16</sup>.

## **A Review of Reclamation in Singapore**

Reclamation is the process of depositing soil, usually sand or sandy soil; not just in the sea, but also in low-lying swampy areas in such a way that usable land is formed. Land reclamation in Singapore had started while Singapore was still a British colony and dates back to the late 19<sup>th</sup>

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<sup>15</sup> *Business Times*, 24 August, 2002; 'Johor fishermen complain about S'pore land reclamation', *The Straits Times*, Singapore, 3 March 2002; 'Local media absorbed by land reclamation issue', *The Straits Times*, Singapore, 13 March 2002.

<sup>16</sup> *The Straits Times*, 13 July 2002, Singapore; Haidir Anwar, 'Riau sand exports take toll on environment', *The Jakarta Post*, Jakarta, 3 July 2001; The Information Division, Ministry of Communication and Information, Singapore, 'Land reclamation: our resources stretched,' *The Mirror*, Singapore, February 1986, Vol. 22, No.3: 1-16.

century. Since Singapore embarked on its industrialisation programme in August 1961, land reclamation for residential, commercial and industrial use has contributed to the success of the development of the Singapore economy. The government of Singapore has actively carried out very extensive coastal reclamation to meet the rising demand for residential, commercial, industrial, social and recreational purposes of Singapore residents. The land area of Singapore has increased from 581 km<sup>2</sup> in 1966 to 695 km<sup>2</sup> in 2003.

How crucial land reclamation is to the tiny Singapore's survival and existence as a viable city-state? According to James Chew, the chief executive officer of SIP Consultants, an urban planning company backed by the Singapore Institute of Planners, Singapore 'would be bursting at the seams if we (Singapore) don't reclaim' taking into account the projected economic and population growth. More importantly, reclamation is not just about pure expansion, but also strategic expansion. Jurong Island was one such example where the hazardous industries developed there could not have been sited next to schools, hospitals and residential areas on the main land. Other experts pointed out the importance of the ongoing Tuas reclamation project which 'has features ideal for a new container port: deep waters allowing container ships to enter, accessibility to industrial areas and expressways so that goods can be distributed easily, and proximity to the Second Link, a route often taken by goods vehicles travelling to and from Malaysia'<sup>17</sup>.

Since the sixties, almost all the reclamation projects have been undertaken by the three government agencies: Housing and Development Board, Jurong Town Corporation and Port of Singapore Authority (PSA). They represent the three important aspects of Singapore development, i.e. housing, industrial, and seaport/airport facilities respectively. In Singapore, the largest industrial estate is in Jurong Town which becomes a landmark for industrialisation in Singapore today. Other such examples of reclaimed land in Singapore are Changi Airport, Marine Parade, East Coast Park, West Coast Park, Jurong Island and the future downtown of Singapore, Marina South.

After the earth fill from the land is substantially exhausted and the limited sand deposits on the seabed depleted, the contractors for the reclamation works in Singapore have relied on the supply of imported sand from Indonesia and Malaysia. The three government agencies have left to the contractors, usually the Japanese, Dutch, Belgian or the Korean contractors, to source for

the cheapest supply of sand. It is very clear in the reclamation contracts that the securing of required quantity of sand is the sole responsibility of the contractors.

In the planning of any reclamation projects in Singapore, one of the prime factors considered by the three government agencies is the effect that the project will have on its surroundings such as the effect on the existing water courses. Large-scale reclamation can interrupt the natural process by which the foreshore remains stable. This may result in siltation of existing navigable waterways or the undermining of sea defences. For this reason, the three government agencies always carried out a hydraulic model study with the scale model of Singapore with simulated tides and current to study the effects that a reclamation project might have on its surrounding prior to the any reclamation project. For each reclamation project, the location, size and configuration of the proposed reclamation were examined, evaluated and altered if necessary to arrive at the most feasible design. In addition, the model study examines the effects of the proposed reclamation to the surrounding hydraulic regimes, in particular the changes of the current pattern due to the proposed reclamation, which may give rise to adverse siltation or erosion in the surrounding areas. Assistance has also been sought from the Japanese and the Netherlands government for further engineering and economic feasibility studies from time to time whenever it is necessary. Regular and extensive site monitoring, and measurement of the siltation, current velocity, the suspended sediment content, and the seabed level are implemented for reclamation projects in Singapore.

Reclamation works in Tuas and Pasir Ris, which are fronting the Johor Straits have been carried out in 1973 and 1978 respectively. There was no unhappiness expressed by the Malaysian and Indonesian government then. There is also no adverse report of the Malaysian and Indonesian marine environment damaged by any reclamation projects in Singapore. In fact, reclamation in Singapore was never an issue in the bi-lateral Singapore-Malaysia and Singapore-Indonesia relations prior to 2002. A close examination reveals that Singapore has carried out all the necessary precautions that are within its control to guard against and minimise any adverse effects that its reclamation projects may have on the neighbours. Despite all these efforts, there are still complaints and drastic actions taken by the Malaysian and Indonesian government in 2002 to impede and disrupt Singapore's reclamation operations. The following discussion will focus on the major complaints of the Malaysian and Indonesian government.

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<sup>17</sup> Laurel Teo, 'Reclaiming land: sands and sensibility', *The Straits Times*, Singapore, 11 October 2003, p. H14.

## Malaysia and Singapore Dispute on Reclamation Works

Plans to reclaim land have always been discussed openly in Singapore, both in the Parliament and the media. This is the first time such reclamation has figured in volatile ties with Malaysia following a report in Malaysia's Malay-language *Berita Minggu*. Meanwhile, Johor state government has already terminated the issuance of permits to companies supplying sand to Singapore for the reclamation works<sup>18</sup>.

The process of securitisation of Singapore's reclamation works can be seen from the detailed account of how the dispute on the land reclamation started given by Lim<sup>19</sup> which is summarised as follows. *Berita Minggu* quoted a source from Johor's state security department, who said that the Tekong reclamation works had narrowed the Johor Straits separating the two countries. The source also charged that Singapore's reclamation at Tuas would affect Johor's Tanjung Pelepas Port and put pressure on Malaysia to 'defence its territory'. The securitising actors in this instant are the Johor's state security department and *Berita Minggu*. This report prompted Malaysia's Deputy Prime Minister Abdullah Badawi to say that 'it's important that the reclamation works do not spill over into our territory or breach the agreement on matters related to the principles of Malaysia-Singapore border demarcation'. In response, Singapore's Foreign Affairs Ministry clarified that the reclamation works were entirely within the Republic's territorial waters, and the issue of encroachment upon Malaysian territory did not arise. In addition, the reclamation would also not have any effect on the border fixed with a precise set of latitude and longitude co-ordinates in an agreement signed in 1995. This boundary is a permanent one and cannot be affected by any future development, including reclamation. Even though the Singapore's response that there was no encroachment and that the border would not be altered was never disputed, the Malaysian media maintained that the works might damage Malaysian interests in other ways. The Malaysian media and some of the state and national political leaders continued to play the role of the securitising actors despite of Singapore's response and clarification. The damages that were claimed by the Malaysian media can be summarised as follows.

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<sup>18</sup> 'DOE to monitor reclamation works in Singapore', *The Star*, Kuala Lumpur 20 March 2002.

<sup>19</sup> Lydia Lim, 'Bigger Singapore - from sea and swamp.'

The Malaysian media reported that the reclamation had affected 1,000 Johor fishermen in Tanjung Kupang since 1999, when Singapore embarked on its reclamation project in Tuas, which was just across Tanjung Kupang<sup>20</sup>. Fishermen in Tanjung Surat, Kota Tinggi and the surrounding areas who used Johor river mouth facing Pulau Tekong Besar and Pulau Tekong Kecil claimed that they too were adversely affected by the reclamation works<sup>21</sup>. In addition, the reclamation works also degraded the water quality and harmed marine life in Malaysian waters. The *Berita Harian* even published a front-page story claiming that reclamation works were responsible for the deaths of scores of endangered dugong mammals<sup>22</sup>. Johor Menteri Besar (Chief Minister) Abdul Ghani Othman charged that the reclamation at Tekong would restrict and narrow the approach route to the Pasir Gudang port and discouraged ships from calling there. However, Malaysian Transport Minister Ling Liong Sik later contradicted him when he said that the initial findings by Pasir Gudang port officials and the Marine Department showed that the reclamation was being done away from the shipping routes. On the Tuas reclamation, Dr Ling Liong Sik asked the Tanjung Pelepas port officials to monitor for any adverse impact even though the reclamation works were taking place 3.6 nautical miles (6.7 km) away from the port. It will be of interest to note that reclamation works are being carried out in the Malaysian port Tanjung Pelepas where eight container berths are being built at a cost of S\$ 550 million. The sand dredging operations in the sea near Desaru and Muar for this reclamation project have been reported to adversely affect the livelihood of hundreds of fishermen<sup>23</sup>.

A fortnight later, Malaysian Prime Minister Dr Mahathir Mohamad again aired concerns about the impact of the reclamation works on the shipping lane in the Johor Straits. Malaysia wanted an assurance from Singapore that they would not affect the Straits' deepest point. He did not think the reclamation off Singapore's Pulau Tekong would affect access to Johor's Pasir Gudang Port<sup>24</sup>. This was followed by Malaysian mariners reported by the English-language tabloid, *The Star*, to be deeply concerned about Singapore's plans to build three bridges linking Pulau Ubin, Pulau Tekong and Changi which were indicated in the Singapore's 2001 Concept Plan for land use even though it has not specified if these will be bridges, tunnels or other forms of linkages. Dr Mahathir later said that Malaysia would not cooperate with Singapore on a new water supply agreement if Singapore continued to reclaim land in Johor Straits. Water supply is crucial to the

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<sup>20</sup> 'Johor fishermen complain about S'pore land reclamation', *The Straits Times*, Singapore, 3 March 2002.

<sup>21</sup> 'Singapore reclamation works "hurt Johor fishing"', *The Straits Times*, Singapore, 9 July 2003.

<sup>22</sup> 'Local media absorbed by land reclamation issue', *The Straits Times*, Singapore, 13 March 2002.

<sup>23</sup> 'Johor fishermen hit by port reclamation', *The Straits Times*, Singapore, 20 June 2003.

<sup>24</sup> 'Reclamation within our rights and international law: Singapore', *The New Straits Times*, Kuala Lumpur, 9 March 2002.

survival of Singapore. The specific audience for the use of the ‘securitising’ language by Dr Mahathir must be the Singapore leaders and the Malaysian public.

A report in *Berita Harian* suggested with a diagram that the holding walls of the reclaimed land encroached the borders under the sea. But in fact the base of the holding wall of the reclamation works is at least 200 m away from the port limits and the border. The Ministry of the Environment in Singapore with the Johor’s Department of the Environment have carried out bi-monthly checks to monitor the water quality in the Johor Straits since 1991, and found that the water quality there had ‘remained unchanged’<sup>25</sup>. The Singapore’s Environment Minister Lim Swee Say said that Singapore was doing whatever it could to keep the Johor Straits clean. The most important step is the construction of the deep tunnel sewerage system, which is expected to be ready in 4-5 years. The \$ 7 billion system will channel sewage from the east to the west of Singapore and release it into the open sea, after it has been treated. When the system is ready, Singapore will no longer discharge treated sewage water into the Johor Straits<sup>26</sup>.

A check by the *Straits Times* with several Government agencies and shipping sources in Singapore showed that the existing shipping lane south of Pulau Tekong will remain unchanged even after reclamation works since the reclamation works are being done on the shallower parts around the shores. This is because only shallow areas can be reclaimed efficiently as deep-water reclamation will be technically difficult. Studies have found only a slight increase in the current speeds within the waterway. This will have no significant impact on shipping. Regular surveys are conducted to monitor the silt in the shipping lane to ensure the lane remain deep enough for safe navigation. The shipping channel, which runs through Singapore’s territorial waters between the mainland and the islands of Pulau Tekong and Pulau Ubin, is used by ships, which are headed towards Singapore’s own Sembawang Shipyard, as well as the Malaysian port of Pasir Gudang. An estimated 40-50 vessels use the channel daily. At least 20 of these are destined for Pasir Gudang, while 15 to 20 vessels make their way to Sembawang Shipyard and PSA’s Sembawang Terminal. The channel is 600 m at its narrowest, between Pulau Ubin and Singapore. But this is a natural formation, not the result of any reclamation, and the ships pass through this every day, as they have been doing for years. On the other hand, the channel above Pulau Tekong, near the Johor coast is very hazardous for navigation. There are a lot of rocks and

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<sup>25</sup> Natalie Soh, ‘Reclamation will not hit shipping lanes’, *The Straits Times*, Singapore, 30 March 2002, p. 3.

<sup>26</sup> ‘But what exactly is the problem?’, *The Straits Times*, Singapore, 1 April 2003, p.4.

other obstacles, which can be very dangerous, so almost all commercial traffic will avoid this route<sup>27</sup>.

The Malay evening news on Malaysia's widely watched TV1 on April 8 aired a report on Pulau Tekong's land reclamation with ominous overtones. This is another example of the use of 'securitising' language and the specific audience is the Malaysian public. It was reported that some Malaysians said that Singapore should be taught a lesson for its arrogance, because every time a conflict occurred, Malaysia became the victim and was forced to give way. In this report, Malaysians were told in no uncertain terms that the Singapore's reclamation works would be a shipping hazard, and would pollute the water, deprive fishermen of their livelihood, and cause flooding and ecological damage to Johor<sup>28</sup>.

The Malaysian government sent three notes to Singapore protesting against Singapore's reclamation works at Tuas and around Pulau Tekong and Pulau Ubin on 28 January 2002, 2 April 2002 and 30 April 2002 respectively. The first two notes were confined solely on the Malaysia's claim that the reclamation works in the Tuas area had encroached on Malaysia's jurisdiction. Singapore has categorically refuted these claims. The third note protested against reclamation works around Pulau Tekong and Pulau Ubin on broad grounds of trans-boundary environmental impact. But Singapore maintained that none of the notes gave any detailed facts about the concerns of how the reclamation had affected Malaysia. In response, Singapore has requested for notes itemising Malaysia's concerns<sup>29</sup>.

It was reported that Malaysia wanted Singapore to stop its reclamation work at Pulau Tekong immediately because an environmental impact study had shown that the reclamation works were hurting Malaysia's ecology and sea-lanes. A detailed report would be submitted to Singapore in the next few days. The Foreign Minister Syed Hamid Albar said that there should be close consultations between both nations on reclamation, despite it being carried out on Singapore territory. Meanwhile, the Defence Ministry said it would submit a separate letter of protest to Singapore over the same issue, claiming that the reclamation work was also affecting the route of Royal Malaysian Navy (RMN) vessels at the RMN's Recruit Training Centre (Pularek) in

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<sup>27</sup> Soh, Natalie, 'Reclamation will not hit shipping lanes.'

<sup>28</sup> Lim Kim Chew, 'Why the Malaysian media clamour over Tekong?' *The Straits Times*, Singapore, 16 April 2002, p. 12.

<sup>29</sup> Serena Ng, 'Three KL protest notes over reclamation received: Jaya', *The Straits Times*, 4 May 2002, p. 8.

Tanjung Pengelih, Johor<sup>30</sup>. The implication of this claim is that RMN's defence capacity will be adversely affected by Singapore's reclamation works. Malaysia claimed that the reclamation had reduced the channel between the Centre and the reclaimed area in Pulau Tekong to only 700 metres<sup>31</sup>.

The attempts by the some of the Malaysian leaders and the media to securitise the dispute on Singapore's reclamation works have not succeeded because of Singapore's restrained response to the anti-Singapore rhetoric and the numerous unsubstantiated accusations. Malaysia first served notice to Singapore on 4 July 2003 that it wanted arbitration to decide whether Singapore has the right to reclaim the land off Tuas and Pulau Tekong. Malaysia had also embarked on a second and separate legal track, applying to the International Tribunal for the Law of the Sea (ITLOS) on 5 Sep 2003 for an order on provisional measures that Singapore stop reclamation work immediately. Malaysia charged that Singapore had rebuffed its many attempts to settle the reclamation matter peacefully through negotiation, thus leaving it with no choice but to take legal action by applying to the tribunal. Singapore said that it was Malaysia that refused to negotiate because there was no negotiations prior to 4 July 2003 despite the request by Singapore for Malaysia for more than a year to provide information on its exact concerns so that Singapore could address them. At Singapore's suggestion, Malaysia later agreed to a meeting on 13 and 14 August 2003, but terminated the talks after just one meeting<sup>32</sup>.

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<sup>30</sup> 'KL calls for immediate halt to S'pore's land reclamation', *The Straits Times*, Singapore, 12 January 2003.

<sup>31</sup> 'Malaysia, Singapore at odds over reclamation issue', *Asia Features*, 30 March 2002.

<sup>32</sup> 'It was KL that refused to negotiate', *The Straits Times*, Singapore, 27 September 2003, p. H3.

During the hearing on 25 –27 Sep 2003, Malaysia charged that Singapore’s reclamation at Tuas covered an area known as Point 20, which it claimed is part of its territorial waters. Malaysia also charged that Singapore reclamation works at Pulau Tekong are damaging its marine and coastal environments because it would cause a significant build-up of mud and sand on Malaysia beaches and affect the water quality on Malaysia’s side of the Straits of Johor and the Johor River, resulting in damage to its fisheries and mangroves<sup>33</sup>. This relates directly to Malaysia’s right of respect for its territorial integrity and its sovereignty as well as its right to unimpeded maritime access to its ports. It has the right not to suffer from serious pollution and other significant damage to its marine environment. Malaysia’s case regarding Pulau Tekong rests entirely upon environmental impacts.

Its claim regarding Tuas, on the other hand, rests almost entirely on the sovereignty claim to the Point 20 sliver. Its evidence indicates that environmental concerns around Tuas are of a very low order indeed. Malaysia is advancing different arguments in respect of the two different sites. As far as Malaysia is concerned, it is an emergency because if the reclamation is completed at Point 20 and if the marine environment is adversely affected as claimed by Malaysia, then damage will be irreversible. This emergency necessitated the International Tribunal for the Law of the Sea (ITLOS) to issue an order on provisional measures that Singapore stop reclamation work immediately.

On the other orders requested by Malaysia, Malaysia is relying on the principle, which is at the heart of this case, and that is the duty to co-operate. The duty to co-operate is well-established in the international law of the sea as can be inferred from numerous provisions in the Convention. In a relatively small sea with a sensitive ecological system such as the Straits of Johor, it requires first of all bilateral co-operation in order to prevent or to contain and solve trans-boundary problems. At a minimum this requires notification and prior information on planned activities which may impact on the rights of the neighbouring state. Subsequently, the duty to co-operate should give rise to consultations and negotiations with the potentially affected state to resolve differences at a bilateral or regional level. Malaysia claimed that this is in sharp contrast with the actual behaviour of Singapore in following an entirely unilateral path with its land reclamation works. Malaysia said that the obligation incumbent upon every state to use its own territory in such a way as to not encroach upon the rights of other states. This approach is all the more

relevant for the proper management of a sea area such as the Straits of Johor, which combines one of the most intensively used economic areas in the world with a fragile marine ecosystem. Such a situation calls for close co-operation between Malaysia and Singapore in order to allow for the sustainable use of this sea area.

Singapore responded by pointing out the Malaysia's claim to Point 20 to the south of Tuas is inconsistent with the agreed sea boundaries drawn up in two binding bilateral treaties of 1927 and 1995 and during the 14 years that Singapore and Malaysia spent negotiating the 1995 treaty, Kuala Lumpur never raised its claim. Both treaties show plainly that Point 20 is well within Singapore's waters. On the second Malaysia's charge, Singapore responded by citing Singapore's open and consultative approach in planning its reclamation works. Singapore proceeded with the reclamation at Pulau Tekong and Tuas only after its studies on erosion, ecology and water quality found that it had no significant impact on the environment. During the ongoing works, its agencies continued to monitor the various environmental measures such as water quality, the condition of the mangroves and the silt level. Silt barricades were also constructed to contain silt and therefore minimise pollution. A satellite photograph taken on 10 Oct 1998, way before Singapore began reclaiming in the area in early 2001, showed that the waters in the Straits of Johor were already 'turbid' or opaque with sediment, as a result of Malaysia's own land clearing activities in Tanjung Langsat<sup>34</sup>.

On the last day of the court hearing, Malaysia ignored the earlier charges and moved on to another target which was a specific area south of Pulau Tekong, known as Area D, and asked Singapore to give an undertaking not to reclaim this area. Singapore agreed that no irreversible action in Area D would be taken pending the completion of the joint environmental study<sup>35</sup>. In an unanimous decision, ITLOS ruled that Singapore could continue with the reclamation begun two years ago. In addition, it ordered (1) the two countries to set up a panel of independent experts to monitor the works and issue its findings within a year; (2) the two countries must exchange 'on a regular basis' information on the works; (3) the independent panel of experts must prepare an interim report on the reclamation being done in Area D; and (4) Singapore was called upon not to conduct its land reclamation 'in ways that might cause irreparable prejudice to the rights of Malaysia or serious harm to the marine environment'. On the ITLOS' order (2)

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<sup>33</sup> Lydia Lim, 'KL argues reclamation case,' *The Straits Times*, Singapore, 26 September 2003, p. 3.

<sup>34</sup> 'KL Singapore reclamation works "hurt Johor fishing,"' *The Straits Times*, Singapore, 9 July 2003.

<sup>35</sup> 'KL's last-minute mystery request', *The Sunday Times*, Singapore, 28 September 2003, p. 22.

and (3), Singapore have told Malaysia that they agreed to these requests way back in July and August 2003, prior to the hearing.

Why the sudden clamour over Pulau Tekong's and Tuas reclamation when the projects had been going on for several years now? According to Lim<sup>36</sup>, the most plausible cause is Prime Minister Dr Mahathir Mohamad's unhappiness over the price of raw water that Malaysia sells to Singapore under the existing agreements. If in deed this were the motivation for securitising the dispute on the reclamation works, then it has not succeeded because it has failed to force Singapore to accept the price of raw water that Malaysia wanted. The onslaught of anti-Singapore rhetoric is occurring just as competition intensifies between Singapore and Malaysia, including between their ports. Malaysia has plans to develop Johor into a transshipment hub to rival Singapore. Malaysia fears that the reclamation project is too close to its border and could obstruct ships headed for ports in Johor, which are being promoted to rival Singapore's port. The Johor state's Menteri Besar, Abdul Ghani believed that Johor was no longer in a complementary role to Singapore; instead Johor was now competing against Singapore. In August 2003, Dr Mahathir attended a ceremony for the commencement of the construction of a road bridge to replace its half of the Causeway with Singapore despite not being able to secure Singapore's agreement to replace the Singapore's half of the Causeway<sup>37</sup>. This demonstrates Malaysia's unilateral approach to issues affecting the two countries and indicates that the Singapore-Malaysia relations are at a low point.

Both countries need to desecuritize the dispute on reclamation works in Singapore by engaging in dialogue, co-operation and consultation following the rulings by ITLOS. The best approach towards resolving this dispute is, therefore, to substantiate the adverse environmental impact with a proper environmental impact assessment taking into account all the current reclamations in both countries and all other polluting sources affecting the environmental conditions in the Straits of Johor so that the major problem areas can be identified and properly dealt with. Now that Abdullah Ahmad Badawi has taken over from Dr Mahathir Mohamad to become the Prime Minister of Malaysia and the initial indications are that the relations between Malaysia and Singapore will improve from now on. This augurs well to the satisfactory resolution of this dispute. There is already an existing framework of co-operation between the Ministry of the Environment in Singapore and the Johor's Department of the Environment that have worked

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<sup>36</sup> Lim Kim Chew, 'Why the Malaysian media clamour over Tekong?'

<sup>37</sup> Reme Ahmad, 'Bridge could divert cargo from S'pore', *The Straits Times*, Kuala Lumpur, 2 Aug 2003, p. A14.

closely together to monitor the water quality in the Johor Straits since 1991. Perhaps, this existing arrangement can be expanded to include all the reclamation projects in the Straits of Johor that are being carried out in both countries so that any issue can be properly addressed with evidences and not via the media with unsubstantiated allegations. This will certainly help in avoiding and reducing any unnecessary tensions between the two countries.

## Indonesia Banned Sand Export to Singapore

Sand dredging in Riau waters for export started in 1979. In 1980, there were only three companies that were allowed to extract sand off Riau. The licenses were issued by the central government. According to the Indonesian Centre for Forestry Studies (LPHI), so far around 500 million m<sup>3</sup> of sand have been exported from Riau to Singapore<sup>38</sup>. The regional autonomy law in Indonesia went into effect on 1 January 2001. The regent/mayor have the right to issue approval of Kuasa Pertambangan (KP) exploration and exploitation for 0-4 miles sea area, and the governor has the right to issue KP approval for 4-12 miles sea area. The Riau provincial administration took over the control of licensing for sand mining from the central government in Jakarta and issued the licenses to 18 companies in March 2002 exporting to Singapore. Each m<sup>3</sup> of sand delivered to Singapore is priced at S\$7, while mid-sea transactions come to S\$4. The business people get a profit of up to S\$3 for each m<sup>3</sup> of sand sold, while the Riau provincial administration gets S\$1. The central government still reserves the right to collect S\$3 as 'exploration fee', and S\$5 as 'exploitation fee' for every hectare of sand dug out of the Riau seabed. There is rampant illegal sand quarrying activities because of the lucrative sand export business<sup>39</sup>. Illegal sand mining was allegedly controlled by a cartel of three companies, which counted on their close ties with naval officers and government officials to protect them from legal action<sup>40</sup>. However, Navy Chief of Staff Admiral Bernard Kent Sondakh denied any Navy backing or involvement in sand smuggling to Singapore<sup>41</sup>.

According to the Chairman of LPHI, Andreas Herry Khahurifan, some 4,000 km<sup>2</sup> of seabed and an extensive area of coral reefs have been damaged by sand mining in Riau. At least S\$ 1.7 million is needed to reclaim and rehabilitate an area of 1 km<sup>2</sup> of seabed. He reckoned that the money earned by the central and local administration by exporting sand is very little compared to the money needed to save the environment. It would take the marine ecosystem at least 30 years to heal<sup>42</sup>. Yet the provincial administration continued to issue mining licenses with the short-term aim of revenue-raising taking priority over long term resource sustainability. There

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<sup>38</sup> Haidir Anwar, 'Riau environmentalists to sue Singapore over sand imports', *The Jakarta Post*, Jakarta, 18 January 2003.

<sup>39</sup> Anwar, Haidir, 'Riau sand exports take toll on environment.'

<sup>40</sup> 'Sand mining destroys community resources', *Down to Earth*, No. 51, November 2001. Available online at <<http://dte.gn.apc.org/51snd.htm>> (accessed on 29 July 2003).

<sup>41</sup> Adianto P. Simamora and Tiarna Siboro, 'Trade Minister issues decree limiting sand exports to Singapore', *The Jakarta Post*, Jakarta, 4 September 2002.

<sup>42</sup> Anwar, Haidir, 'Riau sand exports take toll on environment.'

are currently more than 300 companies with licenses to operate in Riau<sup>43</sup>. The provincial administration acknowledged that sand mining, both legal and illegal, had been running out of control but argued the mess was a legacy of the period before the regional autonomy policy. A number of rules had been established, and only area without coral reefs would be selected for sand mining and they would make sure that the sand mining would not disturb fishermen's activities. If the activity went as planned, the Riau provincial administration would earn 25% of the price of every m<sup>3</sup> of sand exported<sup>44</sup>. But local NGOs doubted that the authorities had the political will to enforce these conditions. A team set up by the governor to monitor activities was under-funded and poorly equipped. Local environmental NGO Kaliptra pointed to tens of companies that had permits to mine sand in the district of Karimun alone. According to a report in Tempo, a map of the district issued by the mines and energy ministry showed that 'not 1 cm<sup>2</sup>' of the waters was not covered by sand mining concessions. Sometimes, the dredging was within metres of the shore, which caused coastline erosion and destroyed fishing grounds used by coastal villages. The waters became dark brown and smelt putrid. Almost all the small-scale fishermen in the district had not been able to go to sea, as there was no fish left to catch within 12 miles of the shore. Investigations by Kaliptra and Mapala Phylomina Unri (a student environmental group) found that the compensation companies offered to fishing communities for the loss of their fishing grounds was far below the amount the community could earn from fishing<sup>45</sup>. But Herwin Nasution from the environmental group Wahli in Sumatra opined that sand mining was not the only culprit, fishermen who used cyanide bombs to stun fish and in turn destroyed coral reefs, logging tropical timber and the destruction of mangrove forests causing erosion were also contributing to the environmental damage and the sinking of small islets<sup>46</sup>.

Licences for Riau sand mining were also given out by the central government, resulting in too many licences around. The increase in number of sand exporters, coupled with illegal exports had meant a steady fall in sand prices. According to the Indonesian authority, the sand in February 2002 cost about S\$1.4-1.6 per m<sup>3</sup> to the international brokers compared with the previous prices of about S\$14 per m<sup>3</sup>. The international brokers then sold the sand to Singapore construction firms for S\$15 per m<sup>3</sup><sup>47</sup>. Nurdiana, Komara and Febrian claimed that there was a

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<sup>43</sup> 'Sand mining destroys community resources', *Down to Earth*, No. 51, November 2001.

<sup>44</sup> Anwar, Haidir, 'Riau sand exports take toll on environment.'

<sup>45</sup> 'Sand mining destroys community resources', *Down to Earth*, No. 51, November 2001.

<sup>46</sup> Marianne Kearney, 'Sand miners threaten Indonesia's borders', 3 February 2003, Jakarta. Available online at <<http://www.kabar-irian.com/pipermail/kabar-indonesia/2003-February/000222.html>> (accessed on 29 July 2003).

<sup>47</sup> Adianto P. Simamora, 'Singapore must help Indonesia curb illegal sand mining, activists say', *The Jakarta Post*, Jakarta, 27 July 2002.

cartel system of two Indonesian companies that controlled the entire sea sand sale to Singapore and it caused Indonesian sea sand price to drop to S\$0.45 per m<sup>3</sup>. The local media estimated that the government was losing about S\$450 million a year due to the illegal sand mining activity in the Riau province.<sup>48</sup> Minister of Marine Affairs and Fisheries Rokhmin Dahuri claimed that up to 300 million m<sup>3</sup> of sand was being smuggled out of Indonesia to Malaysia and Singapore every year<sup>49</sup>. Another consequence of legal and illegal sand mining has been severe environmental damage, including the disappearance of at least seven small islets near Riau peninsula on Sumatra Island such as Palau Nipah, which marks Indonesia's maritime border with Singapore, since 1990<sup>50</sup>. Sand exports had sparked protests from many parties, including legislators and environmental groups. It was reported that the Minister of Industry and Trade Rini M. Soewandi said that 'the sand exports have hurt the pride of our nation'. Subsequently, a new decree, which came into effect on 18 February 2002, withheld new licenses for sand exporting companies for three months, until it had developed a way to ensure an environmentally sound system for sand mining activities. Existing companies were allowed to continue their operation as long as they could prove that they had sale and purchase contracts to fulfil<sup>51</sup>.

The government quietly issued a Presidential Decree No. 33/2002 in May 2002 that effectively allowed sand exports to Singapore. Sea sand mining was to be controlled and supervised by the central government, through a special team led by the Ministry of Maritime Affairs and Fisheries. The decree stated that all sand exports required a permit from the central government, via the Ministry of Trade and Industry. Since the issuance of the presidential decree in May 2002 up to July 2002, the Ministry of Trade and Industry had issued 71 licenses to sand exports, and some 3.7 million m<sup>3</sup> of sand had been exported to Singapore from Riau<sup>52</sup>. The Ministry of Maritime Affairs and Fisheries issued a decree on the zoning of the coastal and sea areas for sand mining resulting in some 50% of existing sand quarries being prohibited from sand mining. The purpose of the zoning mechanism was to protect the marine environment and to force companies to mine sand in deeper water, thus raising production costs and selling price. The

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<sup>48</sup> Titis Nurdiana, Sianne Komara and Ahmad Febrian, 'This is not a matter of self esteem, outside sea sand export forbidden to Singapore', *Kontan*, Jakarta, 18 February 2002. Available online at <<http://english.pbc.or.id/article-view.php?id=54>> (accessed on 30 July 2003).

<sup>49</sup> Leo S. Wahyudi, 'Government to issue Inpres (presidential instruction) to regulate sand quarrying.'

<sup>50</sup> Sonia Kolesnikov, 'First Malaysian water, now Indonesian sand', *United Press International*, Singapore, 11 February 2002.

<sup>51</sup> 'Government allows sand exports to continue', *The Jakarta Post*, Jakarta, 16 February 2002.

<sup>52</sup> Adianto P. Simamora, 'Singapore must help Indonesia curb illegal sand mining, activists say.'

Director of Research for Maritime Territory and Nonliving Resources, Safri Burhanuddin, felt that they had a strong bargaining position to raise the price of sand to Singapore<sup>53</sup>.

As mentioned earlier for the first time, the Indonesian Navy deployed two warships - the KRI Ajak and the KRI Surya - to capture seven vessels carrying foreign flags when they were transporting sand from Riau province to Singapore because they failed to show the necessary documents for the sand they were carrying<sup>54</sup>. Minister of Maritime Affairs and Fisheries Rokhmin Dahuri said that the impounded vessels accused of smuggling sand to Singapore would be released upon payment of bonds in court. The value set for the bonds could be up to S\$ 440 million<sup>55</sup>. The charges were dismissed in October 2002<sup>56</sup>.

In Sep 2002, the Ministry of Trade and Industry issued a Decree No. 598/2002, restricting sand exports from Riau province to Singapore over the next four months to 26 million m<sup>3</sup>. If the limits were to be exceeded before the end of December, the government would impose a temporary export ban. Under the decree, sand exporters had to first seek approval from the local administration for the volume of their sand exports. The Riau provincial government would then issue permits under a quota system<sup>57</sup>. In a House of Representatives hearing, the Director General of Defence Strategy at the Ministry of Defence Major General Sudrajat said that the sand exports to Singapore for its reclamation works would not affect the 12-mile continental borderline but would affect Singapore's 200-mile exclusive economic zone<sup>58</sup>. Singapore was blamed for its ignorance over the maritime boundary problem with Indonesia in its reclamation projects<sup>59</sup>.

On 28 February 2003, Indonesian Trade and Industry Minister Rini Soewandi issued a decree to ban sand exports to all countries in a bid to curb rampant mining, which was causing damage to the environment. The Ministry had not decided how long the ban would last but would review it later<sup>60</sup>. Subsequently, It was reported that Indonesia's Riau provincial administration and the

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<sup>53</sup> Simamora, Adiando P., 'Government restricts coastal sand extraction to aid environment', *The Jakarta Post*, Jakarta 29 July 2002.

<sup>54</sup> Fadli, 'Navy foils sand smuggling to Singapore.'

<sup>55</sup> Adiando P. Simamora and Tiarna Siboro, 'Trade Minister issues decree limiting sand exports to Singapore.'

<sup>56</sup> 'NGO to sue Singapore over sand imports', *Down to Earth*, No. 56, February 2003. available online at <<http://dte.gn.apc.org/56brf.htm>> (accessed on 29 July 2003).

<sup>57</sup> Adiando P. Simamora and Tiarna Siboro, 'Trade Minister issues decree limiting sand exports to Singapore.'

<sup>58</sup> Moch. N. Kurniawan and Tiarna Siboro, 'House calls for sand-mining ban as marine damage looms', *The Jakarta Post*, Jakarta, 10 September 2002.

<sup>59</sup> Kormelius Purba, 'Singapore-Indonesia: Between love and hatred.'

<sup>60</sup> Chan, Hwa Loon, 'Indonesia bans sand exports to all countries.'

central government were considering a plan to export marine sand to Malaysia. The plan to export marine sand to Malaysia would be made on a government-to-government basis. Riau Governor Saleh Djasit said that the central government had approved a Malaysian request to purchase the Riau sea sand but export to Singapore was still prohibited because there was no agreement between the two countries<sup>61</sup>.

This double standard in the treatment of Singapore and Malaysia leads logically to the question of the motivation and catalysts that encourage securitising actors to articulate the dispute concerning Singapore's reclamation works. "When the US and Malaysia talked about Jemmah Islamiah in Indonesia plotting violence, nothing happened. But when Singapore said it, Jakarta got mad, why?" How does one deal with a larger but poorer neighbour who continues to whine about Singapore's perceived arrogance and carelessness and that Singapore has become rich from their sweat<sup>62</sup>? The questions asked by A.P. Simamora have probably shed some light on the motivation of securitising actors.

The New Paper<sup>63</sup> reported that "Indonesia rejected Malaysian reports that Jakarta had ordered the navy to sink ships smuggling sand from the waters off the Riau islands to Singapore. Accusing the Malaysian media of trying to harm Singapore-Indonesia ties, a naval officer said the military would 'never act indiscriminately', especially against vessels of a friendly neighbouring country". This augurs well for the Singapore-Indonesia relations and reflects the good relations still prevailing between some of the institutions in both countries. In the case of reclamation works in Singapore, Singapore has a fairly strong case of 'plausible deniability' for three reasons. First, in the reclamation contracts awarded to the Japanese, Dutch, Belgian and Korean contractors since the eighties, securing of sand for the reclamation works has always been the sole responsibility of the contractors. Therefore, the three government agencies in Singapore are not directly involved in the agreement of Indonesian sand export to Singapore. It is acknowledged in the Indonesia media that the contractors in Singapore paid S\$ 15 per m<sup>3</sup> of Indonesian sea sand to the international brokers who in turn paid only \$ 1.5 per m<sup>3</sup> to the licensees for sand mining in Indonesia<sup>64</sup>. It's the international brokers who had made huge profit in the Indonesian sand trade and they should take on the responsibility to ensure that there is no

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<sup>61</sup>'Indonesia may sell sand to Malaysia', *Asia Times*, 26 July 2003. Available online at <[http://www.atimes.com/atimes/Southeast\\_Asia/EG26Ae05.html](http://www.atimes.com/atimes/Southeast_Asia/EG26Ae05.html)> (accessed on 30 July 2003).

<sup>62</sup>Adianto P.Simamora, 'Singapore must help Indonesia curb illegal sand mining, activists say.'

<sup>63</sup>'No order to sink', *The New Paper*, 4 July 2003. Available online at <<http://newpaper.asia1.com.sg/news/q/0,4143,1057334340,00.html>> (accessed on 29 July 2003).

<sup>64</sup>Adianto P.Simamora, 'Singapore must help Indonesia curb illegal sand mining, activists say.'

environmental damage arising from the sand trade and that local fishermen were adequately compensated. Second, the export of Indonesian sand from Riau province to Malaysia is 600 million m<sup>3</sup> per year based on the report by Reuters News Service<sup>65</sup> and this is three times that of the export to Singapore of 200 million m<sup>3</sup>. It seems strange that Singapore is being held solely responsible for the reported adverse environmental impact that sand mining has created in the Riau province. Third, sand mining is not the only contributory factor to the adverse environmental damage according to some local environmentalists in Indonesia<sup>66</sup>. There are two other contributory factors: fishermen who used cyanide bombs to stun fish and in turn destroyed coral reefs, logging tropical timber and the destruction of mangrove forests causing erosion were also contributing to the environmental damage and the sinking of small islets. All these boil down to local control and enforcement at the provincial administration level in Indonesia. Therefore, it is an encumbrance upon the Japanese, Dutch, Belgian and Korean reclamation contractors to resolve the sea sand supply problem because of the imposition of the ban on the export of Indonesian sea sand with the international brokers, the licensees of sand mining and the Indonesian authority.

Notwithstanding the above discussion, it is imperative for both countries to desecuritize the so-called 'Sand War' for the sake of close Singapore-Indonesia relations. According to Sebastian, while win-win economic opportunities be emphasised, Singapore's foreign policy should not be based predominantly on investment relations. An even greater emphasis on building institutions and institutional capacity should be sought. Singapore's special relationship with the TNI is important and must continue to be cultivated. However, in a fluid political environment where the absence of strong leadership will be normal in the short to medium term and when TNI is being displaced of the central role in foreign policy, Singapore's relationship with the other as well as the new socio-political forces emerging should also be cultivated. TNI should now be seen as one part of the sum total of Singapore relationships with the new socio-political forces emerging in the Indonesian experiment with democratic rule. A programme targeted at building institutional capacity particularly in areas of governance and public policy in Indonesia would be useful starting points to influence ideas and mediate policy outcome.<sup>67</sup> Opening more channels for dialogue between Singapore and Indonesia will definitely help create better understanding by the Indonesian policy and opinion makers on Singapore's reclamation works

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<sup>65</sup> 'Indonesia bans sand exports to curb rampant mining', *Reuters News Service*, Indonesia, 10 March 2003,.

<sup>66</sup> Kearney, Marianne, 'Sand miners threaten Indonesia's borders.'

<sup>67</sup> Leonard C. Sebastian, 'New directions for Indonesia-Singapore relations', *The Straits Times*, Singapore, 23 December 2002.

and vice versa. It will be in Singapore's interests to go beyond developing close ties with political and business elites to reach out to the broadest spectrum of Indonesians possible to explain the various measures that have been, can be and cannot be taken by the government agencies in Singapore with regards to the Indonesian sand export and the Singapore's reclamation works.

## **Conclusion**

Land-scarce Singapore has no choice but to carry out massive reclamation so as to continue as a viable city-state with a competitive economy. Based on the contractual requirement of the reclamation projects, the reclamation contractors must resolve the supply of securing adequate sea sand for the completion of the projects. If they decide to continue to make use of Indonesian sea sand for the reclamation projects, then they must work together with the international brokers, the licensees of sand mining and the Indonesian authority to lift the ban on the export of Indonesian sea sand to Singapore.

The securitisation of the disputes between Singapore and Malaysia as well as Singapore and Indonesia concerning Singapore's reclamation works does not augur well for the Southeast Asia region at a time when they are confronted with the threats of terrorism, impact of globalisation and increasing economic rivalry. It is important for Singapore, Malaysia and Indonesia to desecuritize the disputes on Singapore's reclamation works by resolving the disputes via existing arrangement or creating new channel for dialogue. It is, therefore, heartening to note that when Deputy Prime Minister Lee Hsien Loong met his Malaysia counterpart Abdullah Ahmad Badawi and Prime Minister Mahathir Mohamad on 11 March 2003, both countries said that they did not want the dispute to sour relation even though they stood firm in their positions<sup>68</sup>. Disputes are better settled through quiet diplomacy because if the disputes get played up in the press and become a big issue, they become more difficult to resolve because both sides will have their manoeuvre room restricted. The existing framework of co-operation between the Ministry of the Environment in Singapore and the Johor's Department of the Environment that have worked closely together to monitor the water quality in the Johor Straits since 1991 can be expanded to include all the reclamation projects in the Straits of Johor that are

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<sup>68</sup> 'Malaysia and Singapore stick to their guns in land reclamation row', *Agence France Presse*, Kuala Lumpur, 11 March 2002.

being carried out in both countries so that any issue can be properly addressed with evidences and not via the media with unsubstantiated allegations. This will certainly help in avoiding and reducing any unnecessary tensions between the two countries. Opening more channels for dialogue between Singapore and Indonesia will definitely help create better understanding by the Indonesian policy and opinion makers on Singapore's reclamation works and vice versa. It will be in Singapore's interests to go beyond developing close ties with political and business elites to reach out to the broadest spectrum of Indonesians possible to explain the various measures that have been, can be and cannot be taken by the government agencies in Singapore with regards to the Indonesian sand export and the Singapore's reclamation works.

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