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Singapore-Indonesia Ties: Renewed Deal for A New Age

By Barry Desker

SYNOPSIS

The Singapore-Indonesia Leaders' Retreat yesterday on Bintan Island produced a significant milestone in ties, taking the bilateral relationship into a new age, says Barry Desker, Singapore's Ambassador to Indonesia from 1986-1993.

COMMENTARY

The Leaders' Retreat in Bintan on 25 January 2022 between Prime Minister Lee Hsien Loong and President Joko Widodo set the stage for a new milestone in bilateral relations. The atmospherics at the meeting highlighted the strong level of mutual confidence and trust between the two leaders, underlined by the concrete agreements concluded between the two countries.

The interactions between the ministers reminded me of the easy informality which characterised exchanges among the participants at summit meetings during the time when I was Ambassador to Indonesia.



Prime Minister Lee Hsien Loong (in red) introducing to President Joko Widodo the Singapore delegation at the Leaders' Retreat on 25 January 2022 on Bintan Island. -- Photo by MCI Singapore

Expanded Framework

PM Lee and President Jokowi witnessed the signing of an expanded framework of agreements, covering the Flight Information Region (FIR), defence cooperation between Singapore and Indonesia, and the extradition of fugitives. Singapore's Senior Minister and Coordinating Minister for National Security Teo Chee Hean and Indonesian Coordinating Minister for Maritime Affairs and Investment Luhut Pandjaitan also signed an 'umbrella' exchange of letters to bring the three agreements into force at the same time.

Singapore and Indonesia have discussed these complex issues for several decades, including the years when I served in Indonesia. Although both parties were keen on a resolution of these issues, the challenge was to find a balanced framework which created a mutually beneficial outcome, as this would be key to the durability and long-term success of any agreement.

The set of agreements in this framework respects international law and the sovereign rights and interests of both countries. The exchange of letters sets out a clear agreement between Indonesia and Singapore on the pathway to take these agreements from the signing stage to ratification, and ultimately entry into force at the same time, on a mutually agreed date.

The signing of these agreements at the Leaders' Retreat demonstrates the maturity of the two countries' relationship and a commitment to resolve outstanding issues through discussions and negotiations conducted in a cooperative environment.

Background

This is not the first time the Indonesian and Singapore governments have sought to

resolve these long-standing issues. In 1995, an FIR Agreement was signed and ratified by both sides but did not enter into force due to complications in the International Civil Aviation Organisation (ICAO) approval process.

In 2007, the two parties signed an Extradition Treaty as well as Defence Cooperation Agreement (DCA), which were to be implemented simultaneously. However, Indonesia did not ratify these agreements.

In October 2019, PM Lee and President Jokowi endorsed a Framework for Discussions on the FIR issue and Singapore's military training in the South China Sea. In April 2021, this was expanded to include the Extradition Treaty.

2022 FIR Agreement

As someone who was involved in FIR negotiations from the 1970s onwards, my assessment is that the new Agreement provides a balance of benefits for Singapore and Indonesia. The boundary between the Singapore FIR and the Jakarta FIR will be realigned largely taking into account Indonesia's archipelagic territorial baseline, as deposited with the United Nations in 2009.

To meet Singapore's present and future civil aviation needs, Indonesia will delegate to Singapore the provision of air navigation services in Indonesian airspace adjacent to Singapore for 25 years. This arrangement will support the growth of both countries' civil aviation sectors, including Changi and Indonesian airports.

The agreement provides for Indonesia to continue to receive, in full, the revenue collected by Singapore on Indonesia's behalf for air navigation charges on flights over Indonesia where the provision of air navigation services has been delegated to Singapore.

There will also be enhanced cooperation between civil and military personnel in air traffic management. As part of these arrangements, Singapore has agreed to the stationing of Indonesian personnel in the Singapore Air Traffic Control Centre.

Airspace management involve complex technical and operational matters which fall under the jurisdiction of ICAO. Both parties will jointly submit to ICAO the proposal for the realignment of the FIR boundaries and the delegation arrangement, after all three agreements have been ratified. Airspace users and other stakeholders will also need to be consulted.

As a major international air hub, Singapore's interest lies in ensuring reliable and effective air traffic management for the safety of aviation in the region that enables air traffic growth in a planned and sustained manner. With this agreement, Singapore continues to provide the air navigation services needed for Changi's air traffic for the duration of the 25-year agreement.

Defence Cooperation

The Defence Cooperation Agreement (DCA), including its Implementing Arrangement, was signed in 2007 and remains unchanged. It provides a comprehensive strategic

framework for a closer defence relationship between the Singapore Armed Forces (SAF) and the Tentara Nasional Indonesia (TNI).

The DCA will facilitate mutually beneficial cooperative activities, which will strengthen the professionalism and inter-operability of the SAF and TNI. The DCA also provides clarity on the arrangements for the SAF's military training and exercises in training areas which became part of Indonesian waters and airspace subsequent to the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

The DCA builds on the long-standing joint exercises and joint training arrangements between the two militaries. It also provides for the possible future development of joint training facilities and training areas to strengthen cooperation and the capabilities of both armed forces.

The agreement, which is valid for the next 25 years, forms the basis for an enduring bilateral relationship between the TNI and the SAF. The development of this relationship could serve as a benchmark for the strengthening of ASEAN defence cooperation as ASEAN navigates a more challenging regional and international security environment in the years ahead.

Extradition Treaty

The 2022 treaty is almost identical to the 2007 extradition treaty, except for an extension of the retrospective operation period from 15 years to 18 years prior to entry into force, at Indonesia's request to match the statute of limitations for the prosecution of offences in Indonesia. It will strengthen existing cooperation in combatting crime.

Although the 2007 treaty did not enter into force, Singapore and Indonesia have been cooperating to prevent fugitives from using their respective territories as safe havens, whether it is the deportation of Singaporean terrorist fugitives to Singapore from Indonesia, or CPIB assisting the Indonesian Corruption Eradication Commission (KPK) including serving summons requests to persons under investigation.

Implementation of this treaty will signal both countries' commitment to upholding the rule of law and will complement an ASEAN extradition treaty for which negotiations are ongoing.

Next Stage: Ratification

The next stage for both countries will be the ratification of these agreements. The endorsement of the DCA by Indonesian Defence Minister Prabowo Subianto is to be welcomed. He has been touted as a candidate for the presidency in 2024 and is the chairman of Gerindra Party, the third largest party in President Jokowi's coalition which dominates parliament.

The Extradition Treaty will be signed by Indonesian Law and Human Rights Minister Yasonna Laoly, a senior member of the Indonesian Democratic Party of Struggle (PDI-P), the largest party in the parliament, which President Jokowi is also a member of. The party leaders will have to explain to their parliamentarians that ratification of these agreements is important and good for Indonesia.

Ratification and implementation of the Expanded Framework agreements will demonstrate the mutual commitment to resolve long-standing issues in an open and constructive manner. Implementation of these agreements will bring Indonesia and Singapore closer together and build mutual trust and confidence.

Mature Relationship

This set of agreements signifies a mature bilateral relationship built on trust, cooperation and mutual benefit. The Jokowi Administration deserves credit for its pragmatic and decisive approach to finding win-win solutions. While President Jokowi's first term focused on domestic issues, he is leaving a foreign policy legacy in his second term.

Although most observers have highlighted Indonesia's role as Chair of the G20 this year, President Jokowi has also played a leading role in the ASEAN response to the coup in Myanmar and strengthening ASEAN as an institution. Through the signing of these agreements, President Jokowi has demonstrated a commitment to enhancing bilateral ties with Indonesia's closest neighbours.

For Singapore and Indonesia, the conclusion of these agreements resolves long-standing issues which have posed problems in the Singapore/Indonesia bilateral relationship. The new framework institutionalises the relationship and fosters mutually beneficial cooperation.

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