Survival, success and the sea: The importance of Unclos to Singapore

Unclos has played a pivotal role in Singapore’s development from a maritime colony to a modern maritime state.

Tara Davenport

Singapore’s survival and success are intricately linked to the oceans. From its colonial history to its independence in 1965, Singapore has always been a vital conduit for maritime trade due to its strategic location, connecting the Indian and Pacific Oceans through the Straits of Malacca and Singapore (Soms). Today, Singapore is a major global maritime hub. It is the world’s busiest container transshipment port, and bunkering port, has the fifth largest registry of ships and was recently voted the Leading Maritime City this year. This is no mean feat for a young nation without a hinterland or natural resources and whose leaders have had to work hard to prove itself as a viable independent state. It is in this context that the 1982 UN Convention on the Law of the Sea (Unclos) has played a pivotal role in Singapore’s development from colonial maritime colony to maritime state. The treaty, which celebrates its 40th anniversary this year, continues to have enduring relevance to Singapore.

First, the Unclos negotiations—which ended in 1982 after nine years—were the first international forum in which Singapore, free from the foreign policy shackles of its colonial masters, was able to explicitly articulate its identity as an independent maritime nation. The negotiations, involving more than 150 states, occurred against a backdrop of decolonisation, Cold War politics, unilateral maritime claims and calls for a redistribution of global resources. Coastal states dominated the negotiations and the majority of the Group of 77, desired greater control over maritime economic and security reasons.

Singapore was a small, newly independent, developing state, a G77 member and a founding member of the Group of 77. Its overarching interest was to achieve a legal regime that preserved freedom of navigation and mitigated against aggressive coastal state claims.

Second, the complexity of the negotiations impacted invaluable lessons on coalition-building, consensus, and compromise in multilateral negotiations. Singapore had few diplomats that were experienced in international navigation. It adopted a position different from the other Soms littoral states and fellow Asian members, Indonesia and Malaysia, who wanted stricter state regulatory authority over the Soms. Singapore and Indonesia also cooperated to draft Article 56 which sought to preserve Singapore’s existing rights in what would become Indonesia’s archipelagic waters. The Unclos negotiations cemented Singapore’s reputation as a maritime state that could play a dominant role.

Small States and Big Powers

Third, Singapore’s success is driven by its small size, its location, and its role as a maritime hub. The island-state is less vulnerable to the vagaries of international politics than larger states. This is evident in its relationships with its neighbours, particularly with China and the United States. Singapore has been able to maintain a strong relationship with both, despite the territorial disputes that have occurred in recent years. The country’s ability to balance its relationships with these two major powers has been a key factor in its success.

The UN Convention on the Law of the Sea (Unclos) is a key instrument that has helped to shape Singapore’s maritime policies. It has been instrumental in establishing a legal framework for the management of the world’s oceans and seas, and has provided a basis for resolving disputes between states. The convention has been widely accepted and is considered a cornerstone of international maritime law.

In conclusion, Singapore’s success as a maritime state is a testament to its commitment to the principles of the UN Convention on the Law of the Sea. The country’s ability to navigate the challenges of maritime governance, as well as its role as a hub for international trade and navigation, is a direct result of its adherence to these principles. As the convention continues to evolve and respond to new challenges, Singapore is well-positioned to continue to play a leading role in shaping the future of the world’s oceans and seas.