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### Tackling the critical question of Schooling's NS deferment after his poor Tokyo Olympics performance

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Some were stunned by how meekly Schooling surrendered his title in his pet 100m butterfly event, failing to progress beyond the heat.

Others were hurtful and personal in their comments on Schooling's performance.

But, significantly, there were also many who cheered Schooling on. He has indicated that his swimming career is not over and that he has "so much more left in the tank".

What's done is done. There will be the usual post-mortems by Schooling and his coaches, the Singapore Swimming Association, and Sport Singapore (SportSG).

After the high that Schooling took the nation to in 2016, his dramatic slide requires a no holds barred review of what went disastrously wrong.

### **NS DEFERMENT ISSUE UNDER SCRUTINY**

Much is at stake. The unhappiness in some quarters is perhaps legitimate.

The concern pivots on whether Schooling has made full use of his long-term deferment from National Service (NS), which provided him with the privileged and unparalleled opportunity to hone his talent to achieve new heights without any interruption.

Second, as an Olympic champion, he receives a stipend of at least S\$8,400 a month by virtue of being in the top band of SportSG's spexScholarship programme, as noted in a TODAY commentary last week.

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Schooling has been on long-term NS deferment since 2014.

In the last two decades, only three sportsmen — Schooling, his fellow swimmer Quah Zheng Wen and sailor Maximilian Soh — have been granted long-term NS deferment.

Sportsmen may be granted long-term NS deferment on account of their world-class sporting prowess and potential to perform well on the world stage.

The telltale signs of Schooling's downward trajectory were evident after the 2018 Asian Games when he successfully defended his title in a new meet record of 51.04 seconds.

In 2019, the year before the Tokyo Olympics were originally due to take place, he did not qualify for the 100m butterfly semi-finals at the World Championships in South Korea.

At the 2019 SEA Games, Schooling did not look in the best physical shape, which affected his times in the pool.

National training centre head coach Gary Tan had commented then about Schooling having "to change in the lifestyle part of it, especially getting a bit more trim and ... to work towards getting fitter as well".

Now that the Tokyo Olympic campaign is over, the issue of NS deferment comes to the fore for Schooling, the Ministry of Defence (Mindef), and the Ministry of Culture, Community and Youth, which oversees sports.

What is at stake is the integrity of long-term NS deferment, and the precedent-setting decision calculus will come under intense scrutiny.

Mindef will have to decide whether it should grant Schooling, 26, further deferment from NS and, if so, for how long.

The next major competition will be the World Championships in Fukuoka, Japan, in May 2022, followed soon by the Asian Games next September in Hangzhou, China. Schooling won the 100m butterfly event at the 2014 and 2018 Asian Games.

Mindef has consistently, and rightly so, indicated that it grants deferment to an individual if his deferment serves Singapore's national interest first and foremost.

Thus, the question is whether there is strong merit in extending Schooling's long-term NS deferment, notwithstanding his lackadaisical performances in the pool in the last two to three years.

## **EQUITY IN NS IS KEY**

It is trite that NS is the cornerstone of Singapore's defence and security. In serving NS at 18 as military conscripts, Singaporean young men are required to put on hold their personal pursuits and aspirations.

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NS has significant public acceptance and legitimacy because it is applied even-handedly and impartially.

Where long-term deferment applications are concerned, the principle of equity-equality of treatment regardless of background or status must be stringently upheld without fear or favour.

Defence Minister Ng Eng Heng had stated in Parliament in August 2018, that "to preserve equity for all national servicemen, Mindef will only defer individuals very selectively if their deferment serves Singapore's interest first and foremost, never their own. That is the only basis."

In 2017, a three-judge appellate High Court ruling on NS defaulters acknowledged the fundamental principle of equity in NS.

Those serving full-time NS should do so "at around the same age" and when required to enlist, a person must do so "without regard to his personal convenience and considerations".

Otherwise, there will be "strong feelings of unfairness and resentment in those who have made personal sacrifices to serve NS and over time, lower their morale and eventually also erode public support for NS".

Furthermore, any "perception that NS can be done on one's own terms would undermine the strength of our defence force and thus our national security", the court observed.

These principles and norms must apply with equal force and validity to long-term NS deferment as well.

The authorities will give due consideration to Schooling's (and mostly likely Quah's) application for another NS deferment.

Schooling has indicated on several occasions that he is ready to enlist if he is not deferred.

Dr Ng had added that clear expectations were laid out for a sportsman when deferment was given, including on the standards required for their sport training. If a sportsman did not meet the standards agreed upon, deferment would be curtailed.

He stated unequivocally that deferment was neither "open-ended nor unconditional".

These strict conditions "are necessary because even for these individuals who can bring glory to Singapore, there are detractors, who think it's unfair for anyone to be deferred".

Schooling and his stakeholders will have to look ahead now and determine the best path forward.

Perhaps he can be granted an additional one-year deferment in the first instance to enable him to prepare for the 2022 World Championships and Asian Games.

It is a packed swimming calendar in 2022, with the SEA Games also likely in April/May and the Commonwealth Games in July.

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If he redeems himself next year and demonstrates that he is back in serious reckoning, then another extension for the 2024 Paris Olympics could perhaps be justified. By then, he would have deferred NS for about 10 years.

Five years ago, for a young country starved of sporting success on the world stage, Singapore had exuberantly lionised and feted Schooling for his sensational victory in the Rio Olympics.

With his audacious self-belief, he had achieved what most would not even dare dream of. Despite his Tokyo flop, no one can take his inspiring Olympic triumph away from him.

For now, however, the authorities have to determine whether Schooling has what it takes to be among the very best once again.

**ABOUT THE AUTHOR:**

Eugene K B Tan is an associate professor of law at the Singapore Management University. He was team manager of Singapore's 2004 Athens Olympics national swim team.