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PROTECTION OF VITAL SHIPPING LANES

Recent developments pertaining to the Cooperative Mechanism for the Straits of Malacca and Singapore

Submitted by Indonesia, Malaysia and Singapore

SUMMARY

Executive summary: This document reports on recent developments pertaining to the Cooperative Mechanism for the Straits of Malacca and Singapore

Strategic direction: 6.1

High-level action: 6.1.1

Output: No related provisions

Action to be taken: Paragraph 15

Related documents: C/ES.28/8/1 and C/ES.28/D, section 8; C 116/12/1 and C 116/D, section 12 and C 117/12/1

Introduction

1 The Cooperative Mechanism on Safety of Navigation and Environmental Protection in the Straits of Malacca and Singapore (Cooperative Mechanism) was launched at the Singapore Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection in September 2007 as a result of a series of IMO-sponsored meetings organized under IMO's "Protection of Vital Shipping Lanes" initiative.¹

2 The Cooperative Mechanism was established based on four key principles. **First**, it reaffirms the sovereignty, sovereign rights, jurisdiction and territorial integrity of the littoral States over the Straits of Malacca and Singapore (SOMS). **Second**, it is consistent with international law, in particular, Article 43 of the United Nations Convention on the Law of the

¹ There were three meetings in total. First, the "Jakarta Meeting" held in Jakarta, Indonesia in September 2005; second, the "Kuala Lumpur Meeting" held in Kuala Lumpur, Malaysia in September 2006; and third, the "Singapore Meeting" held in Singapore in September 2007.

Sea (UNCLOS).² **Third**, it is established within the framework of the Tripartite Technical Experts Group on the Safety of Navigation in the Straits of Malacca and Singapore (TTEG), and recognizes that the primary responsibility over the safety of navigation and environmental protection in the SOMS lies with the littoral States. **Fourth**, it recognizes the interests of user States and other stakeholders, and the role that they could play in respect of the SOMS, and appreciates that such cooperation should be on a voluntary basis.

3 The establishment of the Cooperative Mechanism represented a landmark achievement in cooperation between littoral States bordering a strait used for international navigation, user States, as well as other stakeholders. Notably, the Cooperative Mechanism was the first concrete framework which realized the spirit and intent of Article 43 of UNCLOS. To date, the SOMS remain the only straits which have implemented Article 43 of the Convention.

4 The Cooperative Mechanism comprises three interconnected and complementary components:

- .1 Cooperation Forum (CF) which serves as a platform for dialogue between the littoral States, user States and the international maritime community on issues of common interest in the SOMS;
- .2 Project Coordination Committee (PCC) which coordinates the implementation of Straits Projects agreed upon through the TTEG to promote navigational safety and environmental protection in the SOMS; and
- .3 Aids to Navigation Fund (ANF) which receives direct financial contributions from user States and the international maritime community for the provision and maintenance of critical navigational aids in the SOMS.

5 The 9th CF and 9th PCC meetings were hosted by Indonesia, from 26 to 30 September 2016 in Yogyakarta. The 17th ANF Committee meeting was hosted by Singapore from 22 to 23 September 2016. The meetings continued to receive strong support and contributions from the user States and organizations.

Ninth CF

6 The 9th CF (CF-9) was held from 26 to 27 September 2016. The meeting was officially opened by Mr. Sugihardjo, the Secretary-General of the Ministry of Transportation of the Republic of Indonesia, on behalf of the Minister for Transport of Indonesia. Further, the meeting was chaired by Mr. A. Tonny Budiono, Director General for Sea Transportation, and it was attended by 119 participants from the three littoral States, seven user States, and 15 international organizations/stakeholders.

7 At the opening session, the meeting witnessed a Signing Ceremony for the success of Phase II – Joint Hydrographic Resurvey of the Traffic Separation Scheme in the Straits of Malacca and Singapore, which was signed by the Director General for Sea Transportation Indonesia, the Head of the Hydrographic and Oceanographic Office, Indonesia, the Deputy Director General, Marine Department Malaysia, the Chief Executive of the Maritime and Port Authority of Singapore, and the Executive Director of the Malacca Strait Council.

² Article 43 of UNCLOS provides for cooperation between user States and coastal States bordering a strait used for international navigation – such as the SOMS – in maintaining navigational safety and environmental protection of the strait.

8 CF-9 noted the presentations on safety of navigation and marine environmental protection in the SOMS delivered by the littoral States, user States, industry, associations and international organizations. With regard to the safety of navigation, there were several issues which related to the initiatives to enhance the safety of navigation in the Straits of Malacca and Singapore, i.e. Project 10 "Study of the Blueprint for the Future Development of Safety of Navigation and Marine Environment Protection in the SOMS", Project 13 "New Study for the Safety of Navigation in the SOMS", Voluntary Pilotage Services in the Straits of Malacca and Singapore, and also related to the Submarine Cable and its importance and contribution to the safety of navigation and marine environmental protection. CF-9 also noted that technology used in e-navigation and the communication between onboard and ashore were two key elements in supporting the safety of navigation in the SOMS. In addition, CF-9 noted that Phase II of the Joint Hydrographic Resurvey in the SOMS was scheduled to be conducted from 2017 to 2020.

9 With regard to environmental protection, participants shared ideas and views on how to better prevent the marine pollution in the SOMS, for example, the need for effective implementation of international regulation on the issues of marine environment protection; a regional arrangement in the SOMS; additional research to clearly identify the source of the pollution; and also the need of port reception facilities in the Straits to have cost-efficient shipping and the marine environment protected. The Forum also noted new initiatives concerning the enhancement of marine environment protection in the SOMS, and the proposal to set up a comprehensive management plan to monitor, manage, and protect the development of marine environment protection in the SOMS.

Ninth PCC

10 The 9th PCC meeting was held from 29 to 30 September 2016. At the meeting, the littoral States, user States and also the industry provided updates on the seven existing projects. The meeting also discussed and shared the ideas to implement the projects. The seven existing Projects under the Cooperative Mechanism in the Straits of Malacca and Singapore, are:

- .1 Straits Project 1: Removal of wrecks in the Traffic Separation Scheme in the Straits of Malacca and Singapore;
- .2 Straits Project 5: Replacement and Maintenance of Aids to Navigation in the SOMS;
- .3 Straits Project 9: Ship Traffic Management System in the SOMS;
- .4 Straits Project 10: Study of the Blueprint for the Future Development of Safety of Navigation and Marine Environmental Protection in the SOMS;
- .5 Straits Project 11: Development of Guidelines on the Places of Refuge for Ships in need of Assistance in the SOMS;
- .6 Straits Project 12: Marine Oil Spill Monitoring System in the SOMS; and
- .7 Straits Project 13: New Study for the Safety of Navigation in the SOMS

Seventeenth ANF Committee Meeting

11 Singapore, as the current Chair of the ANF Committee, hosted the 17th ANF Committee meeting (ANF-17) from 22 to 23 September 2016. This was the second ANF Committee meeting convened in 2016; ANF-16 was hosted by Singapore in April 2016. At ANF-17, it was noted that the balance in the ANF bank account, as at 31 August 2016, was \$6,669,194. ANF-17 approved the total budget for the ANF's work programme, including self-funded projects, of \$1,522,039 for 2017, and also the disbursement of \$728,718 from the ANF for 2017. One of the work items that will be funded by the ANF in 2017 is a study by the Malacca Strait Council to investigate the root causes of the increase in frequency of collisions with Batu Berhanti light buoy, so that appropriate measures can be implemented. Singapore, as the Chair of the ANF Committee, thanked the contributors for their contributions to the ANF and encouraged all stakeholders to also make contributions to capacity building and other initiatives that go toward the establishment and maintenance of aids to navigation in the SOMS. ANF-17 agreed that Singapore would extend its chairmanship of the ANF Committee by an additional year until 2017.

Conclusion

12 Since its inception in 2007, the Cooperative Mechanism has showed its continuous commitment and has made good progress in keeping the SOMS safe, clean and open for shipping. The success of the Cooperative Mechanism would not have been possible without the contributions and participation from user States, users of the Straits and the international maritime community. The co-sponsors would like to thank all IMO Member States and other stakeholders of the SOMS who have contributed to the Straits Projects under the Cooperative Mechanism. The co-sponsors would also like to thank all contributors to the ANF, which continues to play an important role in the provision and upkeep of critical aids to navigation in the SOMS.

13 The 10th CF and 10th PCC meetings will be hosted by Malaysia in 2017. Singapore will host the 18th and 19th meetings of the ANF Committee in 2017.

14 The full report of the 9th CF and 9th PCC can be found at: <https://tteg-indonesia.com/>.

Action requested of the Council

15 The Council is invited to note the information provided in this document and comment as it may deem appropriate.
