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PROTECTION OF VITAL SHIPPING LANES

Recent Developments of 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

High-level action: 6.1.1

Output: No related provisions

Action to be taken: Paragraph 17

Related documents: C/ES.28/INF.2 and C/ES.28/D, section 8; C 117/12/2, C 117/D, section 12 and C/ES.29/9

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 the IMO's "Protection of Vital Shipping Lanes" initiative.¹

2 The establishment of the Cooperative Mechanism was based on four key principles as follows:

- .1 reaffirms the sovereignty, sovereign rights, jurisdiction and territorial integrity of the littoral States over the Straits of Malacca and Singapore (SOMS);

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.

- .2 consistent with international law, in particular, Article 43 of the United Nations Convention on the Law of the Sea (UNCLOS)²;
- .3 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; and
- .4 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 the UNCLOS. To date, the SOMS remain the only straits which have implemented Article 43 of the Convention.

4 The Cooperative Mechanism comprises three interconnected 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 10th CF and 10th PCC meetings were hosted by Malaysia, from 2 to 4 October 2017 in Kota Kinabalu, Sabah. The 19th ANF Committee meeting was hosted by Singapore from 14 to 15 September 2017. The meetings continued to receive strong support and contributions from the user States and organizations.

Tenth CF

6 The 10th CF was held from 2 to 3 October 2017. The Forum was officially opened by Hon. Deputy Minister of Transport, Malaysia, Datuk Abd Aziz Kaprawi. The Forum was attended by 138 participants from the three littoral States, 7 user States and 9 users of the Straits and stakeholders. This Forum marked the start of the fourth three-year cycle of the Cooperative Mechanism and its tenth anniversary since the first Cooperation Forum in 2008. During one of the panel discussion sessions, the littoral States shared their views on the way forward for the Cooperative Mechanism, which included driving the platform towards customer-centricity and broader engagement of stakeholders; and seeking innovative and creative ways to address the human element to improve safety of navigation and environmental protection in the SOMS. The littoral States also expressed support for exploring the suggestion to

² Article 43 of the 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 in and environmental protection of the strait.

reconvene the 3+1 meetings concept between the littoral States and users of the Straits and other stakeholders, to further discuss and deliberate on important issues to enhance the safety of navigation and environmental protection in the SOMS.

7 At the opening session, the Forum witnessed a ceremony for the handing over of the administration and operation of the ANF, as well as the chairmanship of the ANF Committee, from Singapore to Malaysia, for a period from 2018 until 2020. There is an approximate balance of \$6 million in the ANF bank account. The Forum also witnessed a Signing Ceremony of the Memorandum of Understanding (MoU) on the conduct of phase 2 of the Joint Hydrographic Survey in the SOMS, which was signed by Director General for Sea Transportation Indonesia, Chief of Indonesian Hydrographic Center, Director General of Marine Department Malaysia, Chief Executive of Maritime and Port Authority of Singapore (MPA), and President of Malacca Straits Council (MSC). The purpose of this Joint Hydrographic Survey was to acquire comprehensive and accurate hydrographic data, to produce up-to-date and large-scale nautical charts and associated navigational publications, in order to enhance safety of navigation in the Traffic Separation Scheme and the Precautionary Area (TSS) in the SOMS.

8 The Forum was introduced to **MV Polaris** that was commissioned on 30 August 2017 by Malaysia. It is designed as a Buoy Tender Vessel, training vessel and as Emergency Towing Vessel to provide assistance to the ships in distress in the Straits. The vessel also equipped with modern integrated Vessel Bridge Management System, Class 2 Dynamic Positioning System, Firefighting Ship Class 1 and fitted with twin Azimuth Propulsion System. The idea to build the vessel came from the Forum and the Straits Project 7: *Feasibility Study on the Establishment of Emergency Towing Vessel Services in the SOMS*.

9 The Forum noted 15 presentations on safety of navigation and marine environmental protection in the SOMS delivered by the littoral States, user States, users of the Straits and stakeholders. For new initiatives and technology, the Forum noted presentations by the littoral States about developing a stronger safety culture through insurance, the completion of the second phase of Indonesia's Vessel Traffic System, and Singapore's test-bedding project on the use of Enhanced Racon (eRACON). On the other hand, user States and users of the Straits made presentations about a satellite-powered solution for the maritime domain, future cooperation with the industry, and automated ship-shore information exchange.

Tenth PCC

10 Malaysia hosted the 10th PCC Meeting on 4th October 2017 at Hilton, Kota Kinabalu, Sabah. The meeting was chaired by Mr. Rossid Musa, Deputy Director General, Marine Department Malaysia. More than 90 delegates from the 3 littoral States, 5 user States and 7 users of the Straits and stakeholders attended the 10th PCC Meeting. At this PCC meeting, the littoral States and their respective project co-leads provided updates on the seven ongoing Straits projects. The PCC also discussed and shared the ideas to effectively implement the projects. To date, there were 13 projects that have been implemented under the PCC; where seven projects already completed and six projects are still underway. The six projects that are still underway under the PCC of the Cooperative Mechanism are:

- .1 Straits Project 1 – Removal of Wrecks in the Traffic Separation Scheme in the Straits of Malacca and Singapore supervised by Malaysia.
- .2 Straits Project 5 – Replacement and Maintenance of Aids to Navigation in the Straits of Malacca and Singapore supervised by Indonesia.

- .3 Straits Project 10 – Study of the Blueprint for the Future Development of Safety of Navigation and Marine Environment Protection in the Straits of Malacca and Singapore supervised by Indonesia.
 - .4 Straits Project 11 – Development of Guidelines on the Places of Refuge for Ships in need of Assistance in the Straits of Malacca and Singapore supervised by Malaysia.
 - .5 Straits Project 12 – Marine Oil Spill Assessment & Monitoring System in the Straits of Malacca and Singapore supervised by Malaysia and co-led by People's Republic of China.
 - .6 Straits Project 13 – New Study for the Safety of Navigation in the Straits of Malacca and Singapore supervised by Singapore and co-led by the MSC.
- 11 Besides, at this PCC meeting, two Technical Working Groups were convened to discuss the following projects:
- .1 Straits Project 10 – Study of the Blueprint for the Future Development of Safety of Navigation and Marine Environment Protection in the Straits of Malacca and Singapore supervised by Indonesia.
 - .2 Straits Project 12 – Marine Oil Spill Assessment & Monitoring System in the Straits of Malacca and Singapore supervised by Malaysia and co-led by People's Republic of China. For this project, the People's Republic of China has contributed an amount of \$150,000.00.

Nineteenth ANF Committee Meeting

12 Singapore, as the current Chair of the ANF Committee, hosted the 19th ANF Committee meeting from 14 to 15 September 2017. This was the second ANF Committee meeting convened in 2017; the 18th ANF Committee meeting was hosted by Singapore in April 2017. At the 19th ANF Committee meeting, it was noted that the balance in the ANF bank account, as at 31 August 2017, was \$6,779,870. The 19th ANF approved the total budget of \$1,354,933 for the ANF's work programme for 2018, of which \$587,084.00 will be disbursed from the ANF for, inter alia, the littoral States' aids to navigation maintenance and repair works, as well as the conduct of a work performance audit by the MSC. At the meeting, the ANF Committee also noted and discussed the proposals for the next Five-Years Planned Maintenance Programme (PMP). In addition, the 19th ANF noted the successful completion of the study, funded by the ANF and conducted by the MSC, to investigate the root causes of the increase in frequency of collisions with Batu Berhanti light buoy.

13 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. Singapore will hand over the chairmanship of the ANF Committee in 2018 to Malaysia.

Conclusion

14 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.

15 The 11th CF and 11th PCC meetings will be hosted by Singapore in 2018. Malaysia will host the 20th and 21st meetings of the ANF Committee in 2018.

16 The full report of the 10th CF and 10th PCC meetings could be found at: <http://www.cm-soms.com/>

Action requested of the Council

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