

Regulation of Shipping in the Straits of Malacca and Singapore

CIL

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Visit at World Maritime University

Malmö, Sweden

27 September 2017

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Wikipedia

I. Straits of Malacca and Singapore (SOMS)

- Historical Background
- Legal Status & Legal Regime

II. IMO Measures

- Trilateral Cooperation
- Ships' Routeing and Ship Reporting

III. Cooperative Mechanism

- Establishment
- Components

IV. Response to Threats to Maritime Security

- MSP/IFC/ReCAAP

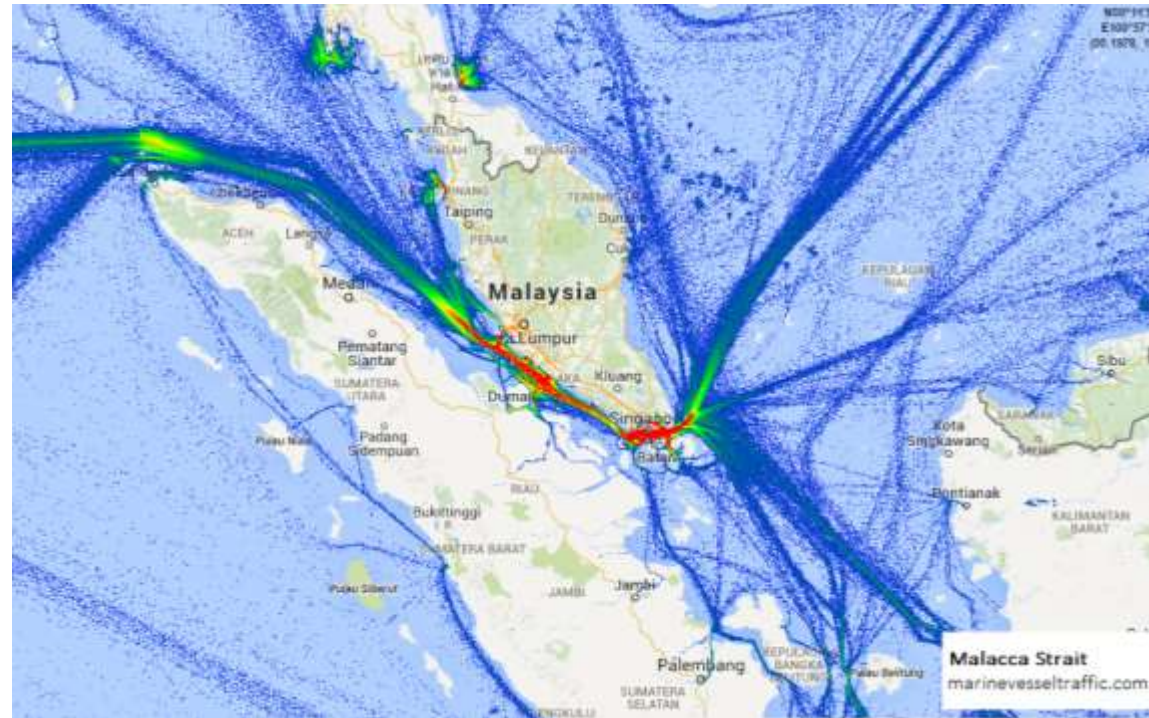
I. SOMS – Overview

Northernmost point of Sumatra to Southern extremity of Goh Puket (Approx. 520 M)

Southeast point of Johore to Northeastern extreme of Bintan (Approx. 43 M)



Welt-Atlas Map



(Marine Vessel Traffic)

Annual Traffic: > 60,000 vessels
Goods: half of the world's oil flows, LNG and one-third of the world's seaborne trade

I. SOMS – Challenges to Navigation

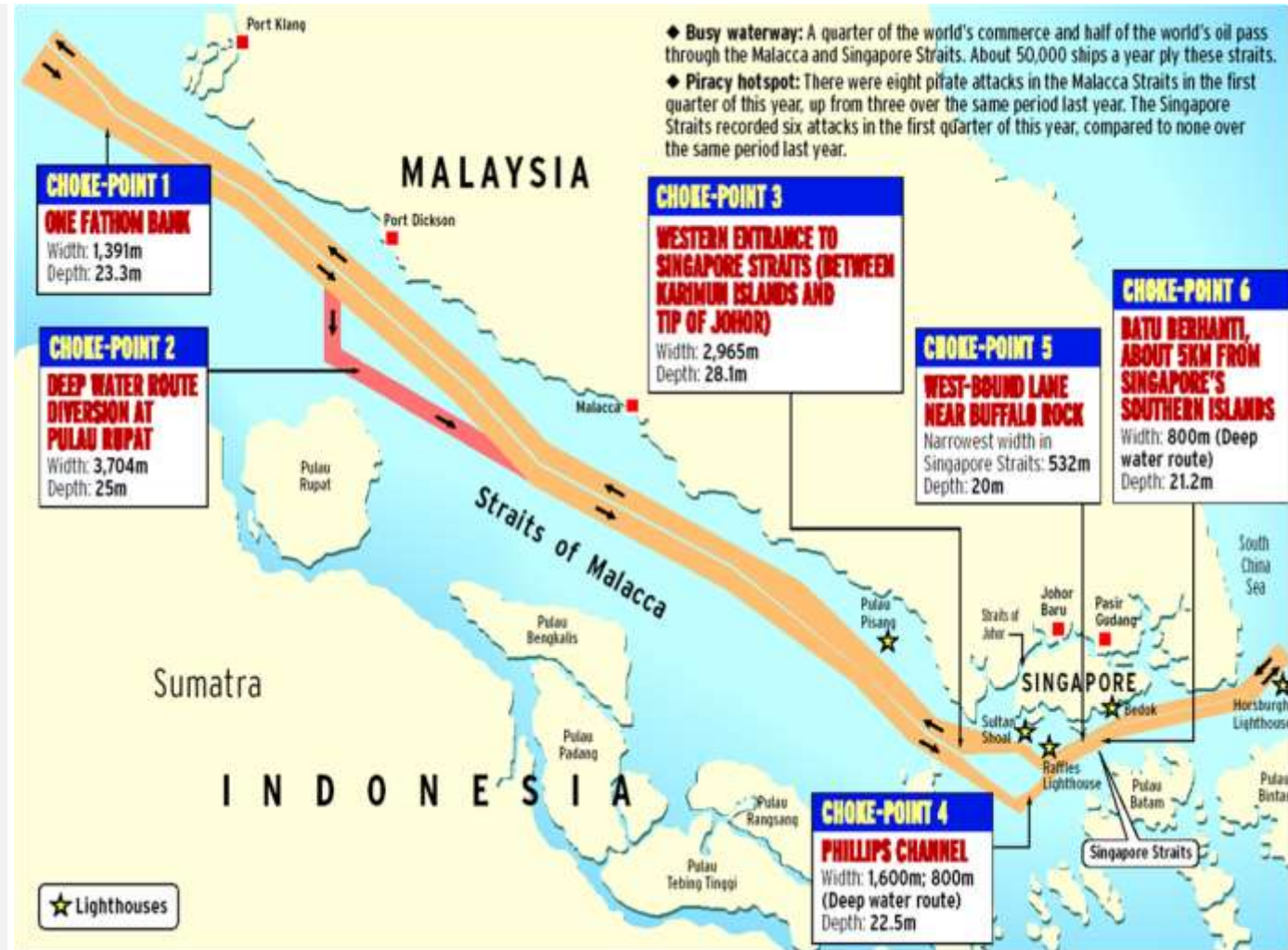
Natural hazards:
narrow passage,
shallow sand bank,
numerous
shipwrecks

Density of the traffic

Navigation aids

Competing marine
activities

Threats to maritime
security



I. SOMS – *Negotiation at the Third Conference*

The Straits Problem

- Independence of the three littoral States
- The trend to extend the width of the territorial sea
- Potential enclosure of many strategic chokepoints under the territorial sea regime

Maritime Powers vs. Littoral States

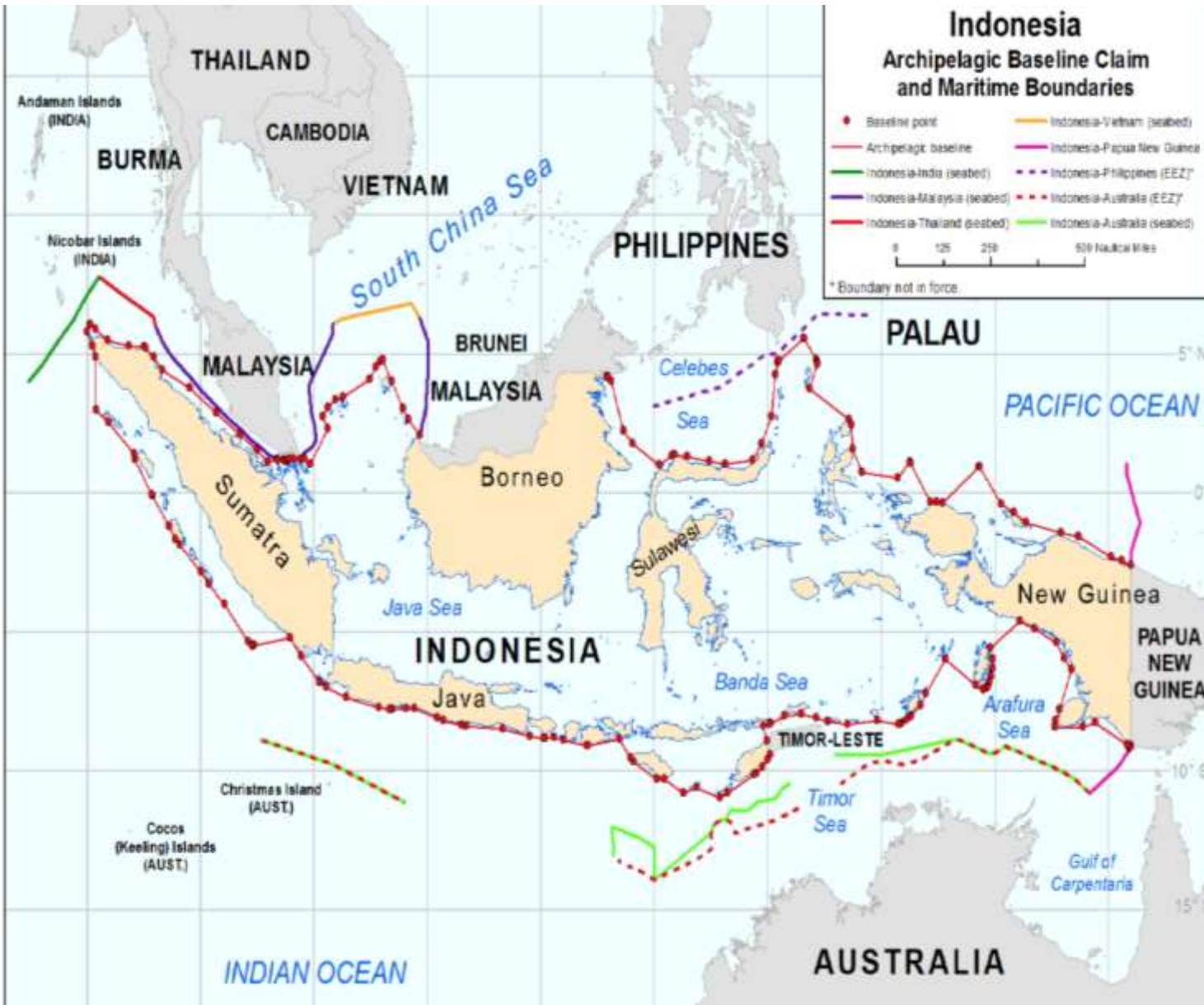
- Maintaining the freedom of transit through chokepoints, particularly for warships
- Maintaining sovereignty over the straits

I. SOMS – *Negotiation at the Third Conference*

Positions of Malaysia, Indonesia and Singapore

- Singapore – enclosed by its neighbors, relaying on the free transit through the straits, advocating rights for LL/GDS States
- Malaysia – claimed 12 M territorial sea, against internationalization of the strait, allow only innocent passage in the strait
- Indonesia – claimed 12 M territorial sea, against internationalization of the strait, promoting the concept of archipelagic State

I. SOMS – *Indonesia: the Statehood*



Declared independence on 17 Aug 1945;

Comprising of 17,000 islands;

Regional governance;

Over 300 ethnic groups, six official religions and over 200 non-official religions

Limits in the Seas No.141

I. SOMS – *Indonesia: the Statehood*

The Concept of Archipelagic State

- Consolidate the government/political party
 - Unite the regional governors
 - Eliminating external influence
- Mochtar Kusumaatmadja, Ahmad Subardjo Djoyoadisuryo and other diplomats/officials
- 1957 Government Announcement Concerning the Water Territory of the Republic of Indonesia
- 1960 Government Regulation in Lieu of a Law

I. SOMS – *Indonesia: the Archipelagic State*

Diplomatic Campaign to Seek International Recognition

- Trade off with neighboring States over maritime boundary delimitations: Australia, India, Malaysia, Singapore and Thailand
- Design the legal concept with other potential archipelagic States
- Limit the eligible States to States that are made up by archipelagos and islands
- Getting support from empathic States, particularly through the preservation of rights/interests for neighboring States
- Getting support from maritime powers

I. SOMS – *Indonesia: the Archipelagic State*

- Negotiations with the United States: packaged with finding a solution for the regime governing straits
- Indonesia gained sovereignty over the archipelagic waters while recognizing the freedom of communication for all States
- Designed different passage regimes for the territorial sea, Straits used for international navigation and the Archipelagic waters
- A compromise: Indonesia wanted more restricted passage regimes with regard to military vessels/aircrafts, limited passage to a designed corridor for ships only, no approval of sea lanes/tss from any international bodies, more restricted regime for straits

I. SOMS – *Legal Status*

Negotiation at the Third Conference:

- Negotiation Groups
 - States boarding the straits: Cyprus, Greece, Indonesia, Malaysia, Morocco, Philippines, Spain and Yemen
 - Private Group on Strait: Fiji, UK, Singapore (17)
- Satya N. Nandan – finding a moderate way to make compromise with both sides (Why Fiji?)
- Special considerations for the SOMS

I. SOMS – *Legal Status*

Part III Straits used for International Navigation

- A package deal: 12 M territorial sea & 200 M EEZ, free passage of ships/aircraft through straits, recognition of the status of archipelagic waters
- A balance between the interests of the littoral States to maintain sovereignty and jurisdiction over the straits, and other user States to enjoy the right of transit passage
- International rules for international shipping

I. SOMS – *Legal Status*

Straits used for International Navigation

- Straits which are used for international navigation between one part of the high seas or an exclusive economic zone (EEZ) and another part of the high seas or an EEZ, and that do not include a corridor of EEZ or high seas.

265 International Straits in the World

- 52 with least width less than 6 M;
- 153 with least width between 6-24 M;
- 60 with least width more than 24 M;

I. SOMS – *Legal Regime*

Territorial Sea **Innocent Passage**

- 1) Apply to ships only
- 2) Submarines must surface and show flag
- 3) Coastal States may suspend IP
- 4) Coastal States may adopt laws and regulations on extensive matters
- 5) Coastal States shall take into account the recommendations of IMO for the designation of sea lanes and the prescription of TSS

Straits used for Int'l Nav. **Transit Passage**

- 1) Apply to ships and aircraft
- 2) Transit in normal modes
- 3) No suspension of TP
- 4) Littoral States may regulate limited matters by giving effect to international rules and regulations
- 5) Littoral States may designate sea lanes and prescribe TSS after approval from IMO

I. SOMS – *Legal Regime – International Shipping*

User States

Art. 39(2) Ships in transit passage shall:

- (a) comply with **generally accepted international** regulations, procedures and practices for **safety** at sea, including the International Regulations for Preventing Collisions at Sea;
- (b) comply with **generally accepted international** regulations, procedures and practices for the prevention, reduction and control of **pollution** from ships.

Littoral States

Art.42(1) Subject to the provisions of this section, States bordering straits may adopt laws and regulations relating to transit passage through straits, in respect of all or any of the following:

- (a) the **safety** of navigation and the regulation of maritime traffic, as provided in article 41;
- (b) the prevention, reduction and control of **pollution**, by **giving effect to applicable international regulations** regarding the discharge of oil, oily wastes and other noxious substances in the strait;

I. SOMS – Legal Regime – International Shipping

User States

Art.217 Enforcement by Flag States

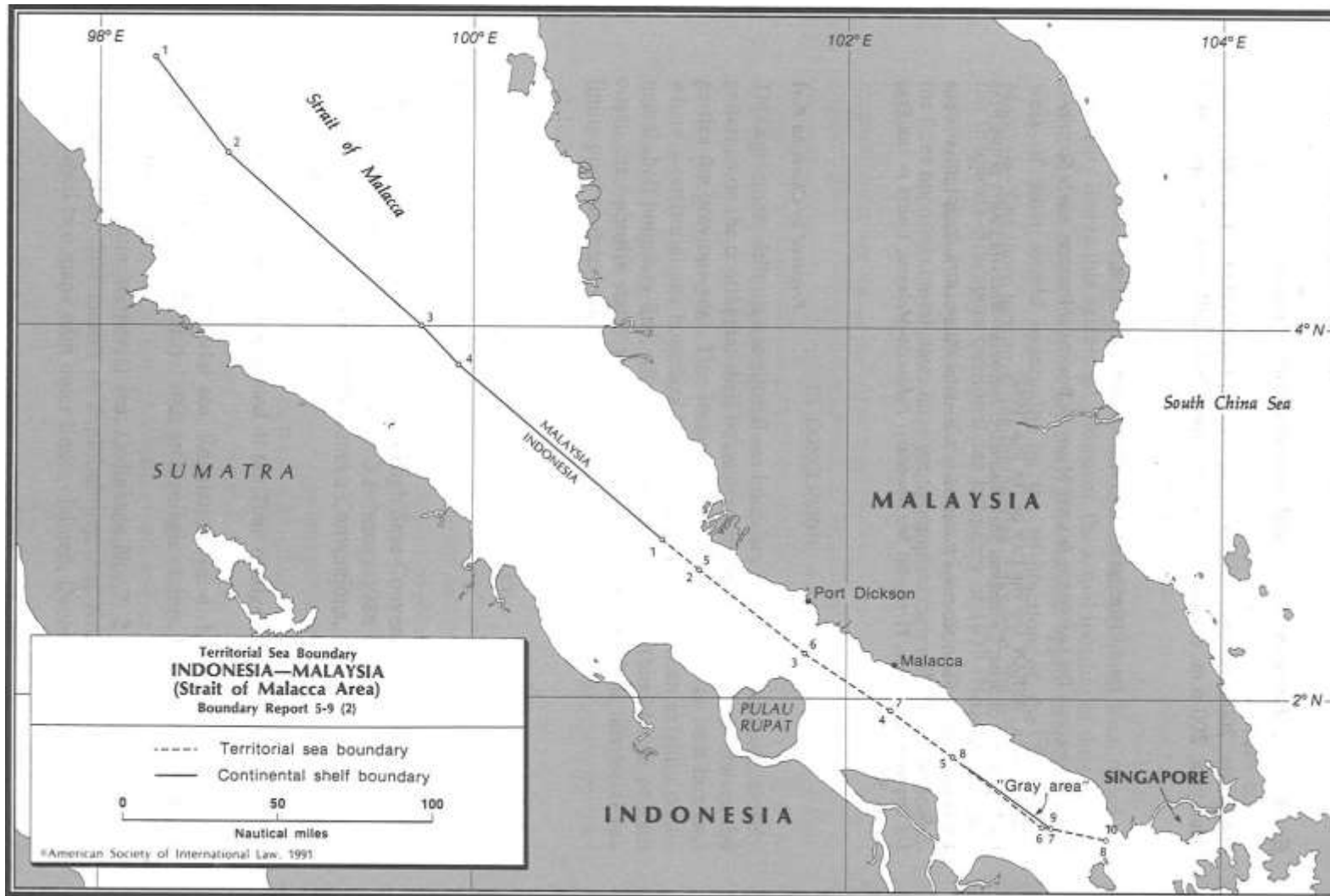
1) States shall **ensure compliance** by vessels flying their flag or of their registry with applicable international rules and standards, established through the competent international organization or general diplomatic conference... Flag States shall **provide for the effective enforcement** of such rules, standards, laws and regulations, irrespective of where a violation occurs.

Littoral States

Art.233 Safeguards with Respect to Straits used for Int'l Navigation

Nothing in sections 5, 6 and 7 affects the legal regime of straits used for international navigation. However, if a foreign ship other than those referred to in section 10 has committed a violation of the laws and regulations referred to in article 42, paragraph 1(a) and (b), causing or threatening major damage to the marine environment of the straits, the States bordering the straits may **take appropriate enforcement measures** and if so shall respect *mutatis mutandis* the provisions of this section.

I. SOMS – *Malacca Strait*

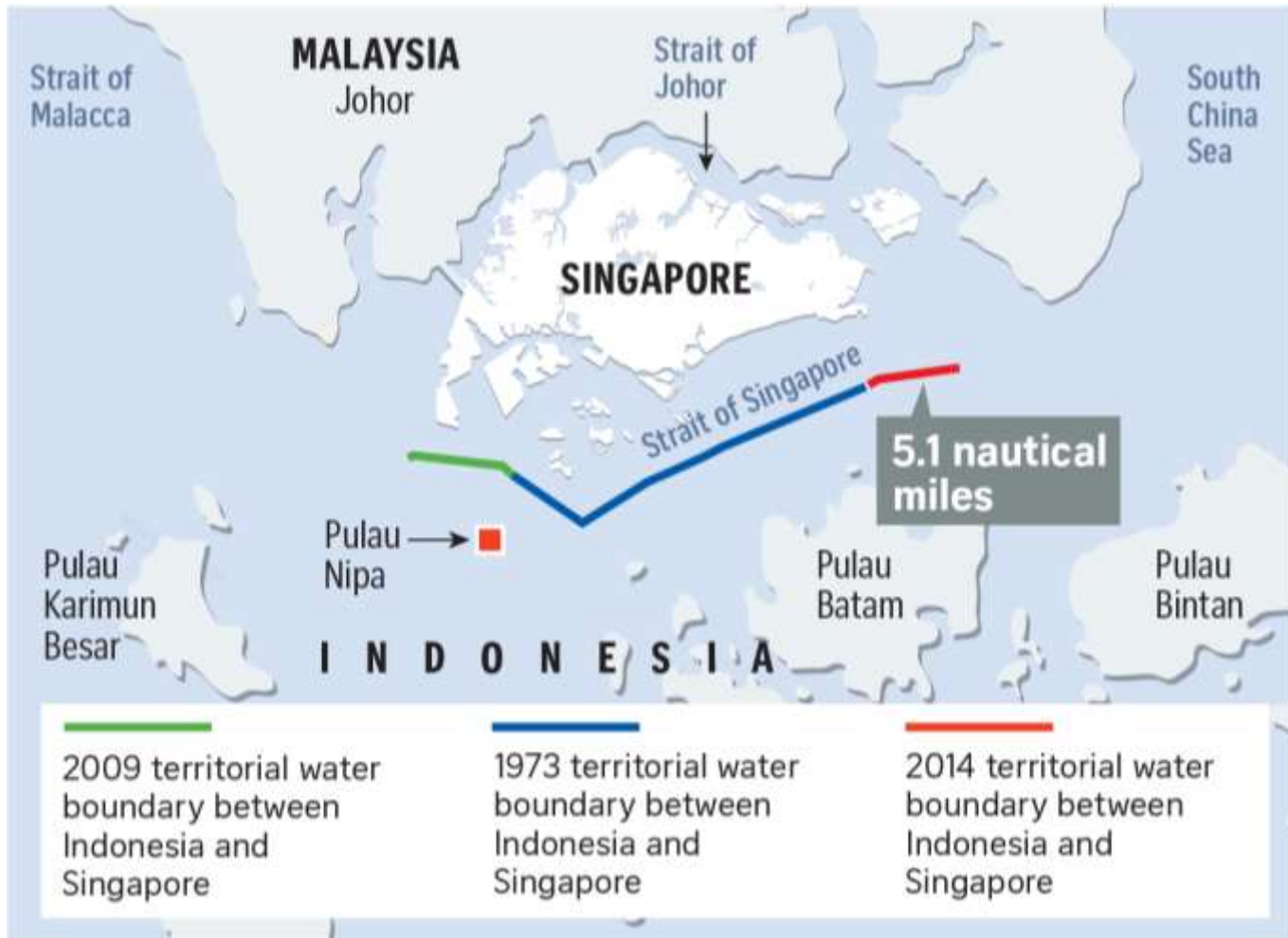


**Malaysia-
Indonesia**

1969
Continental
Shelf
Agreement
1970
Territorial
Sea
Agreement

(International Maritime Boundaries Vol.I, pp.1034)

I. SOMS – *Singapore Strait*



STRAITS TIMES GRAPHICS

Indonesia-Singapore

Remaining:
Triparty
delimitation at
the west and
east ends of the
Strait

(Straits Times 17/12/2016)

I. SOMS – *Legal Status*

Special Considerations for SOMS

- Indonesia/Malaysia – Art.43 ‘Navigational and safety aids and other improvements and the prevention, reduction and control of pollution’ & Art.233 ‘Safeguards with respect to straits used for international navigation’
- Singapore – Art.38(2) ‘the requirement of continuous and expeditious transit does not preclude passage through the strait for the purpose of entering, leaving or returning from a State bordering the strait, subject to the conditions of entry to that State.’

II. IMO Measures – *IMO*

- 1948 Convention on the IMO
- 1958 establishment of Inter-Governmental Maritime Consultative Organization (IMCO) (name changed to IMO in 1982)
- Mandate of the IMO

To provide machinery for co-operation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting **shipping engaged in international trade**; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning **the maritime safety, efficiency of navigation and prevention and control of marine pollution from ships**

II. IMO Measures – *IMO at the Third Conference*

Participation by IMO Representatives

- To make known of IMO's work/activities
- To ensure that the elaboration of IMO instruments conformed with the basic principles guiding the elaboration of UNCLOS
- To provide expert opinion on specific issues

Reference to IMO under UNCLOS

- Competent International Organization
- Sources of generally accepted international rules/regulations
- Annex VIII Special Arbitration 'The list of experts shall be drawn up and maintained, ... in the field of navigation, including pollution from vessels and by dumping, by the IMO'

II. IMO Measures – *IMO & Ships' Routeing*

IMO is recognized as the **only international body** for developing guidelines, criteria and regulations on **an international level** for ships' routeing systems.

- The International Convention for the Safety of Life at Sea, 1974 (SOLAS), Chapter V Safety of navigation
- The International Regulations for Preventing Collisions at Sea, 1972 (COLREG)

II. IMO Measures – Art.41

1. States bordering straits may designate **sea lanes** and prescribe **traffic separation schemes** (TSS) for navigation in straits where necessary to promote the safe passage of ships.
4. Before designating or substituting sea lanes or prescribing or substituting TSS, States bordering straits shall refer proposals to the **competent international organization** with a view to their adoption. The organization may adopt only such sea lanes and TSS as may be agreed with the States bordering the straits, after which the States may designate, prescribe or substitute them.
5. In respect of a strait where sea lanes or TSS through the waters of two or more States bordering the strait are being proposed, the States concerned shall co-operate in formulating proposals in consultation with the competent international organization.

II. IMO Measures – *Background*

- Trilateral relationship: decolonization – independence – confrontations – normalization
- ASEAN Declaration 1967

The countries of South East Asia share a primary responsibility for strengthening the economic and social stability of the region and ensuring their peacefull and progressive national development, and that they are determined to ensure their stability and security from external interference in any form or manifestation in order to preserve their national identities in accordance with the ideals and aspirations of their peoples.

- Delimitation of maritime boundaries

II. IMO Measures – *Background*

- Increase of traffic in the number and size of the vessels since the 1960s
- Lack of charting/surveying and navigation aids of the strait
- Alarming risk of incidents: 1967 the grounding of supertanker *Tokyo Maru* in the Malacca Strait (internationally the *Torrey Canyon* oil spill incident)
- Japan's efforts: preliminary survey; proposal at IMCO for littoral States to establish traffic separate systems in the SOMS; established Malacca Strait Council in 1968 to support the safety of navigation in the SOMS

II. IMO Measures – *Tripartite Cooperation*

1971 Joint Statement: Adopting a common position on matters relating to the Straits of Malacca and Singapore

- 1) The **safety of navigation** in the SOMS is the responsibility of the coastal States concerned;
- 2) A tripartite cooperation on the safety of navigation is needed;
- 3) The problem of the safety of navigation and the question of internationalisation of the straits are two separate issues;
- 4) the governments of the Indonesia and of Malaysia agreed that the SOMS are not international straits, while fully recognising their use for international shipping in accordance with the principle of innocent passage. The Government of Singapore takes note of the position of the Governments of the Indonesia and of Malaysia on this point;

II. IMO Measures – *Tripartite Cooperation*

Tripartite Technical Experts Group (TTEG)

- Established in 1977
- Minister level meetings to set guidelines for senior officials and technical experts to further their work in the Straits
- Terms of Reference:
 - Working to enhance safety of navigation
 - Promote cooperation and coordination on anti-pollution policy and measures in the Straits
 - Initiate consultation with IMCO, (the then IMO) on the Traffic Separation Scheme, and with users of the Straits

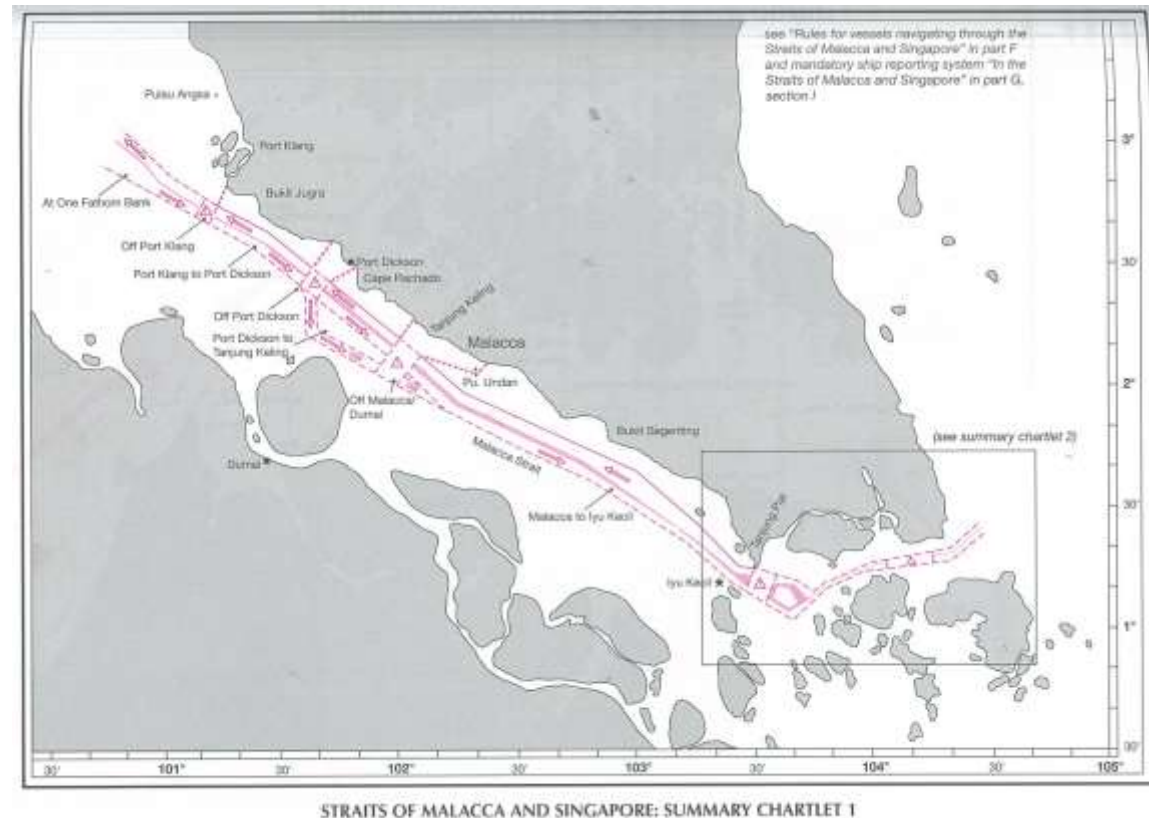
II. IMO Measures – *Ships' Routeing*

1977 A.375(X)

1998 MSC.69/22

Strait of Malacca

- Traffic Separation Scheme
- Precautionary Areas
- Inshore Traffic Zones
- Deep-water Routes



IMO Ships' Routeing (2015)

II. IMO Measures – *Ships' Routeing*

1977 A.375(X)

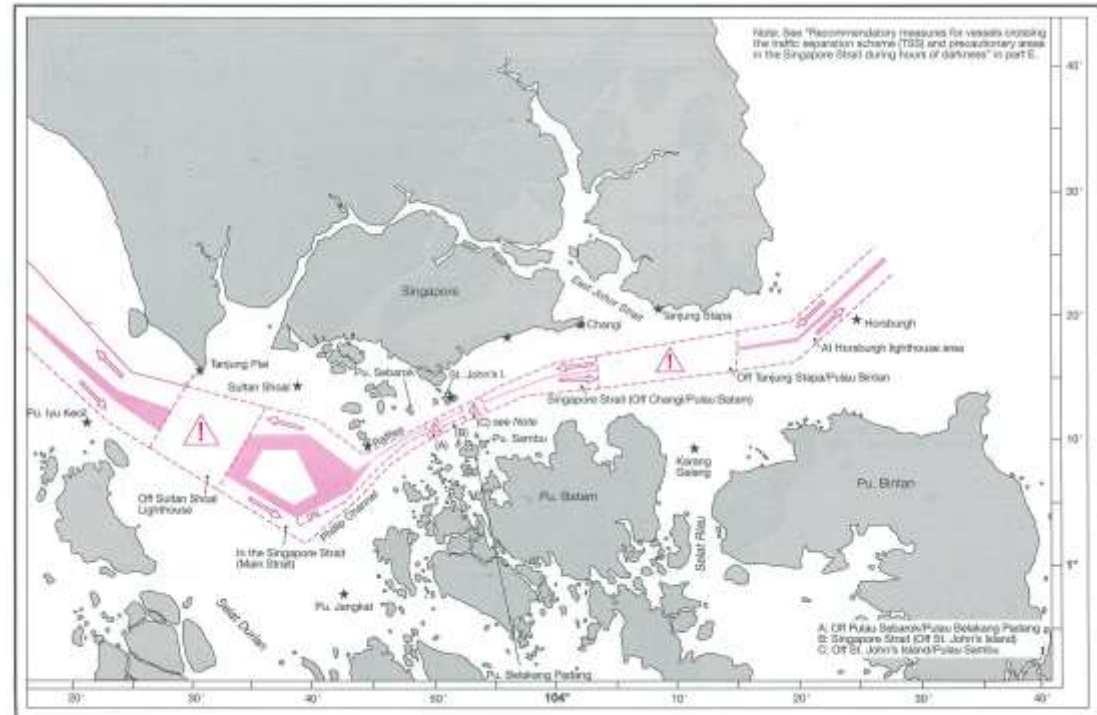
1998 MSC.69/22

Strait of Singapore

- Traffic Separation Scheme
- Precautionary Areas
- Inshore Traffic Zones
- Area to be Avoided

2012 A.858(20)

Recommendatory Measure for Vessels Crossing the TSS and Precautionary Areas in the Singapore Strait during Hours of Darkness



STRAITS OF MALACCA AND SINGAPORE: SUMMARY CHARTLET 2

IMO Ships' Routeing (2015)

II. IMO Measures – *Rules of Navigation*

1977 A.375(X) & 1981 A.476(XII)

Application:

- Deep-draught vessel \geq a draught of 15 meters;
- Very large crude carrier (VLCC) \geq 150,000 dwt;

General Provisions:

- An under-keel clearance of at least 3.5 meters of all times;
- Recommended to use pilotage;
- Maintain vigorous and take precautionary approach;

11 Rules

Aids to Navigation to be Installed or Improved

II. IMO Measures – *Statement at the Third Conference*

Statement Relating to Article 233 of the Draft Convention on the Law of the Sea in Its Application to the SOMS (1982)

Indonesia, Malaysia, Singapore and Australia, France, Germany, Japan, UK, US

- A violation of A.375(X), IMO measures for the SOMS, ‘shall be deemed to be a violation within the meaning of Art.233’
- The States bordering the Straits may take appropriate enforcement measures ... may include preventing a vessel violating the required under keel clearance from proceeding
- Such action shall not constitute denying, hampering, impairing or suspending the right of transit passage

II. IMO Measures – *STRAITREP*

1998 MSC.73(69)

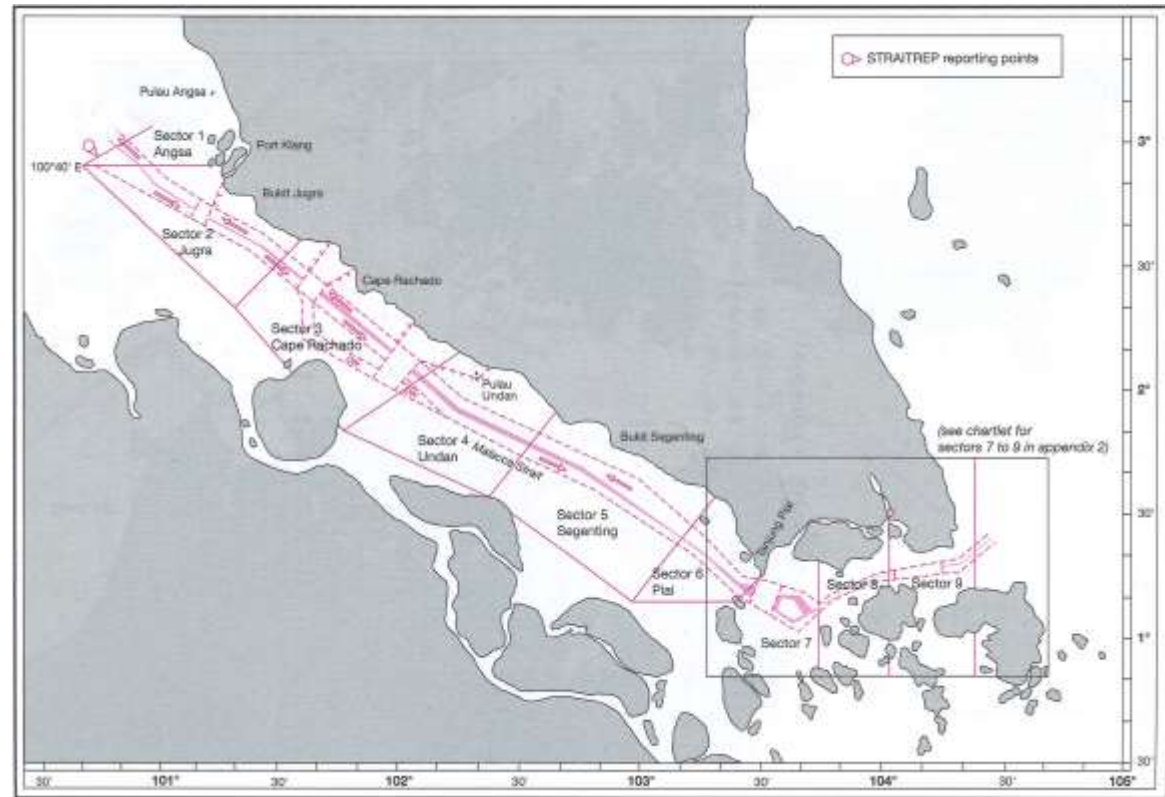
Application

- ≥ 300 gross tonnage;
- ≥ 50 metres;
- Carrying hazardous cargo;
- All passenger vessels;

VTs Authorities

- S1-5 Klang VTS
- S 6 Johor VTS
- S 7-9 Singapore VTS

Information Required



IMO Ships' Routeing (2015)

II. IMO Measures

IMO measures adopted in the SOMS go beyond the scope of Art.41 which covers only the designation of sea lanes and the prescription of TSS

IMO measures adopted in the SOMS demonstrate a balance between regulating shipping through international rules and the littoral States' interests in maintaining jurisdiction

- Littoral States make the proposals to adopt and amendment international rules
- IMO, including representatives of both the littoral States and user States, to act as the approval body

III. Cooperative Mechanism – *Background*

- Entering into force of UNCLOS
- Meetings to discuss the prospect of implementing Art.43
- Increasing security concerns:
 - Increase of incidents of piracy/armed robbery
 - Global security influence: 9/11, PSI, RMSI
- Extension of the TSS, additional burden of the littoral States to install and maintain navigational aids in the TSS
- Potential withdraw of support from Japan
- IMO's Protection of Vital Shipping Lanes Initiative

III. Cooperative Mechanism – *Background*

Art.24

Duties of the Coastal State

2. The coastal State shall give **appropriate publicity** to any **danger to navigation**, of which it has knowledge, within its territorial sea.

Art.26

Charges which may be levied upon foreign ships

1. **No charge** may be levied upon foreign ships **by reason only of their passage through** the territorial sea.

Art.43

Navigational and safety aids and other improvements and the prevention, reduction and control of pollution

User States and States bordering a strait **should** by agreement cooperate:

(a) in the establishment and maintenance in a strait of necessary navigational and safety aids or other improvements in **aid of international navigation**; and

(b) for the prevention, reduction and control of **pollution** from ships.

III. Cooperative Mechanism – 2005 Batam Joint Statement

4. The Ministers **reaffirmed the sovereignty and sovereign rights** of the Littoral States over the SOMS, ... the primary responsibility over the safety of navigation, environmental protection and maritime security in the SOMS lies with the littoral States.

12. The Ministers agreed to establish a TTEG on Maritime Security to complement the works of the existing TTEG on Safety of Navigation and the Revolving Fund Committee.

13. Bearing in mind the responsibility and burden of littoral States and the **interests of user States** in maintaining the safety of navigation, environmental protection and maritime security, the Ministers **welcomed the assistance** of the user States, relevant international agencies, and the shipping community in the areas of capacity building, training and technology transfer, and other forms of assistance in accordance with UNCLOS 1982.

III. Cooperative Mechanism – *IMO Meetings*

Protection of Vital Shipping Lanes – IMO Council & Secretary-General

Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection

- 2005 Jakarta Meeting (C/ES.23/8)
- 2006 Kuala Lumpur Meeting (C 97/12)
- 2007 Singapore Meeting (C/ES.24/7)

III. Cooperative Mechanism – *IMO Meetings*

Key Points of Meeting Statements

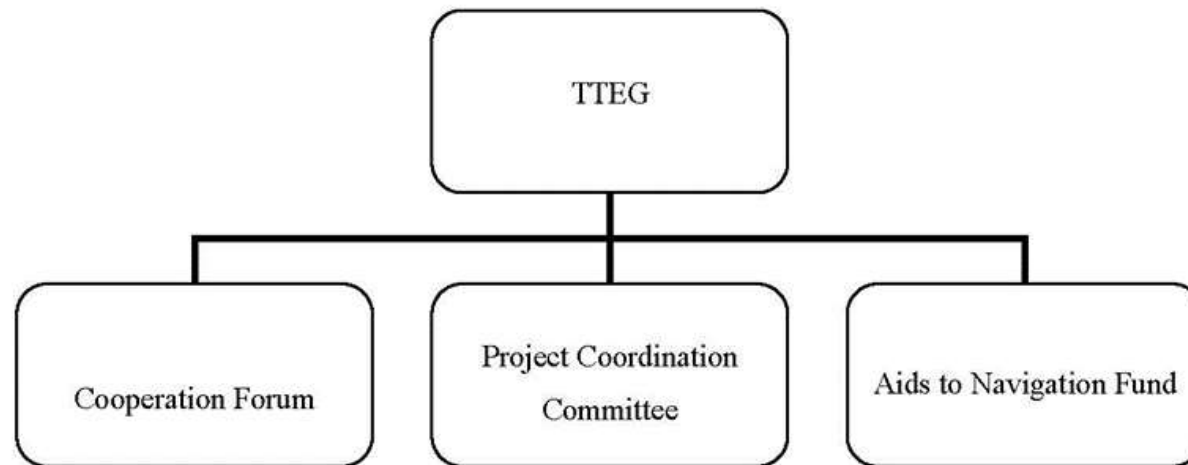
- The work of the TTEG should continue to be supported and encouraged
- User States, shipping industry and other stakeholders should seek to participate in and endeavour to contribute, on a voluntary basis, to the work of the Co-operative Mechanism
- The littoral States should continue their efforts towards enhancing maritime security in the Straits and that such efforts should be supported and encouraged
- Invited the IMO to continue to co-operate with the littoral States and to provide every assistance possible in attracting sponsors for the agreed projects and contributors for the maintenance, repair and replacement of the aids to navigation in the Straits

III. Cooperative Mechanism – *Establishment*

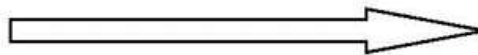
Principles of the Cooperative Mechanism

- 1) It reaffirms the sovereignty, sovereign rights, jurisdiction and territorial integrity of the littoral States over the SOMS.
- 2) It is consistent with international law, in particular Art 43 of UNCLOS.
- 3) It is established within the framework of the TTEG on the Safety of Navigation in the SOMS, and that the primary responsibility over the safety of navigation and environmental protection in the SOMS lies with the littoral States.
- 4) It recognizes the interests of user States and other stakeholders and the role they could play in enhancing navigational safety and environmental protection in the SOMS.

III. Cooperative Mechanism – *Structure*



Promote dialogue and exchange of views on issues of common interests in the Straits.



Identify and prioritise projects for safety of navigation and environmental Protection in the Straits.



Oversee the co-ordination of implementation of projects.



Receive direct financial contribution from user States and other stakeholders for the provision and maintenance of aids to navigation in the Straits.

III. Cooperative Mechanism – *Cooperation Forum*

- The main avenue for **user States**, the **shipping industry and other stakeholders** to be invited to meet and hold open discussion with the littoral States. It serves to promote general dialogue and exchange of views on issues of common interest in the Straits.
- The Forum will be hosted by the three littoral States on the basis of rotation: 10th Meeting in Kota Kinabalu, Malaysia on 02-03 Oct 2017.

III. Cooperative Mechanism – *Cooperation Forum*

Topics Covered at the 9th CF

- **Users Point of Views**
- **Navigational Safety:** removal of wrecks, replacement and maintenance of aids to navigation, strategic management of navigational safety, voluntary pilotage services, vessel traffic service, submarine cables, survey
- **E-Navigation:** ship traffic management system, electronic nautical charts, marine electronic highway
- **Marine Environment Protection:** places of refuge for ships, oil spill monitoring system, green port, role of classification society, particularly sensitive sea areas

III. Cooperative Mechanism – *Project Coordination Committee*

- Comprising the **littoral States** and **sponsors** of projects, oversees the coordination of the implementation of these projects through a joint Project Implementation Team.
- All decisions of the PCC must be made by consensus.
- Contributors: Australia, China, Germany, India, Japan, Republic of Korea, Norway, Saudi Arabia, International Foundation for Aids to Navigation, the United Arab Emirates and the United States; the European Commission, the IMO, the Malacca Strait Council and the Nippon Foundation

III. Cooperative Mechanism – *Projects*

- 1 - Removal of Wrecks in the Traffic Separation Scheme in the Straits
- 2 - Cooperation and Capacity Building on Hazardous and Noxious Substance (HNS) Preparedness and Response in the Straits
- 3 - Demonstration Project of Class B Automatic Identification System (AIS) Transponders on Small Ships
- 4 - Setting Up of a Tide, Current and Wind Measurement System for the Straits
- 5 - Replacement and Maintenance of Aids to Navigation in the Straits
- 6 - Replacement of Aids to Navigation Destroyed or Damaged by the Tsunami in December 2004

III. Cooperative Mechanism – *Projects*

- 7 - Feasibility Study on Emergency Towing Vessel (ETV) Service in SOMS
- 8 - Concept Study on Real-time Monitoring of Under-Keel Clearance in the SOMS
- 9 - Ship Traffic Management System in the SOMS
- 10 - Study of the Blueprint for the Future Development of Safety of Navigation and Marine Environment Protection in the SOMS
- 11 - Development of Guidelines on Places of Refuge for Ships in Need of Assistance in the SOMS
- 12 - Marine Oil Spill Monitoring System in the SOMS
- 13 - New Study for the Enhancement of Safety of Navigation in the SOMS

III. Cooperative Mechanism – *Aids To Navigation Fund*

- Administrated and operated by an Authority appointed by the littoral States on a 3-year rotational basis that reports to the Fund Committee.
- All decisions of the Fund Committee must be made by consensus.
- As at 31 August 2016, the balance of the Fund was approx. US \$6.6 M. Total contribution of approx. US \$21.7 M received since its inception.
- Contributions to the Fund are on voluntary basis.
- Contributors: China, India, Japan, Republic of Korea, United Arab Emirates, Saudi Arabia, International Foundation for Aids to Navigation, IMO, Malacca Strait Council, The Nippon Foundation and Witherby Publishing Group.

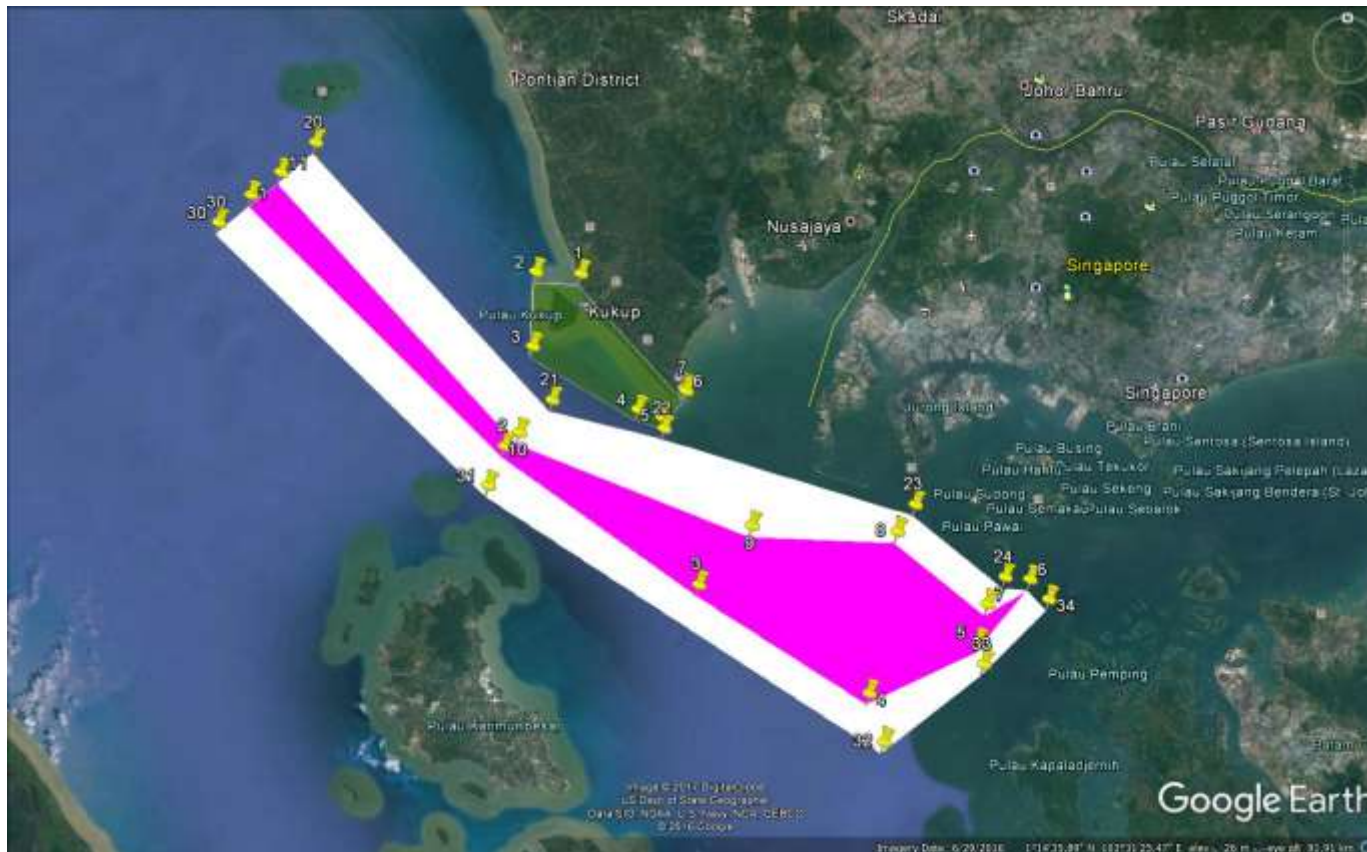
III. Cooperative Mechanism – *Contributions*

- Implementation and Further Development of Art.43
 - Recognises **IMO**'s role as a facilitator on the establishment of the Cooperative Mechanism
 - Clarifies the scope of “user States”, and provides for participation by **non-State entities** in addition to user States
- Lifts the burden of the littoral States to provide navigation aids and taking measures to prevent marine pollution
- Provides user States and other stakeholders opportunities to engage in the management of projects relating to the use of the Strait

Malaysia's Proposal for a PSSA

Pulau Kukup and Tanjung Piai Area

APM: no-anchorage zone, speed limit, mandatory reporting



Indonesia: the proposed PSSA coincides with area currently subject to bilateral maritime boundary negotiation

Singapore: the proposed routing systems may pose risks to the safety of navigation in the TSS

IV. Response to Threats to Maritime Security

Threats to Maritime Security in the SOMS

Traditional Maritime Security

- Government owned or Military Vessels
- Threat to/Use of Force
- Military Confrontation
- War

Non-Traditional Maritime Security

- **Piracy and Armed Robbery against Ships**
- **Maritime Terrorism**
- **Trafficking of Drugs**
- **Human Trafficking and Smuggling of Migrants**
- **Illegal Trade of Arms**
- **IUU Fishing**
- **[Others]**

Maritime Safety

- Safety of Navigation
- Design, Construction, Manning, Equipment
- Rules of the Road

IV. Response to Threats to Maritime Security

Background

- Both Indonesia and Malaysia insisted on separating security issues from the safety of navigation
- Pressure from domestic administration: Ministry of Defense vs. Ministry of Transport
- Distrust between/among the three littoral States on security issues
- Inefficiency of existing bilateral framework, such as the Indonesia-Singapore Coordinated Patrols, to tackle the upsurge of piracy and sea robbery threats in the early-2000

IV. Response to Threats to Maritime Security

Background

- In 2005 Lloyd's Joint War Risks Committee listed the SOMS as “high-risk war zone”
- Shipping industry called for “internationalising” SOMS's security
- Indication from China/Japan/India to send patrolling vessels to escort their commercial vessels through SOMS
- Post 9/11 security concerns, US proposed the Regional Maritime Security Initiative (RMSI) envisaged US policing of the strait in 2004

IV. Response to Threats to Maritime Security – *MSP*

Year	Malacca Strait Patrol (MSP)
2004	Malacca Straits Sea Patrol (MALSINDO) launched by Indonesia, Malaysia and Singapore (coordinated patrol)
2005	" Eyes-in-the-Sky (EiS) " combined maritime air patrols initiative launched Thailand joins as an observer
2006	Signing of the Malacca Straits Patrol <u>Joint Co-ordinating Committee</u> Terms of Reference and Standard Operating Procedures Malacca Straits Patrol Intelligence Exchange Group (IEG) launched
2008	Developed the Malacca Straits Patrol Information System , or the MSP-IS, to facilitate information-sharing and to further enhance coordination Inaugural Malacca Straits Patrol Information Sharing Exercise Thailand becomes a full member of the Malacca Straits Patrol
2010	2nd Malacca Straits Patrol Information Sharing Exercise
2011-	Annual Malacca Straits Patrol Exercise

IV. Response to Threats to Maritime Security – *IFC*

Information Fusion Center (IFC)

- Established in 2009, a regional maritime security centre hosted by Singapore Navy to facilitate information sharing and collaboration
- Maintains the MSP Information System
- Has linkages to 71 operation centres from 38 countries, hosted 111 International Liaison Officers (ILO) from 23 countries
- Main activities: information sharing through database, reports and meetings; administer a regional voluntary community reporting system; provides security updates and advisories to shipping industry; conducts exercises/courses/visits
- IFC has strengthened multinational and inter-agency collaboration amongst regional and extra-regional stakeholders

IV. Response to Threats to Maritime Security – IFC

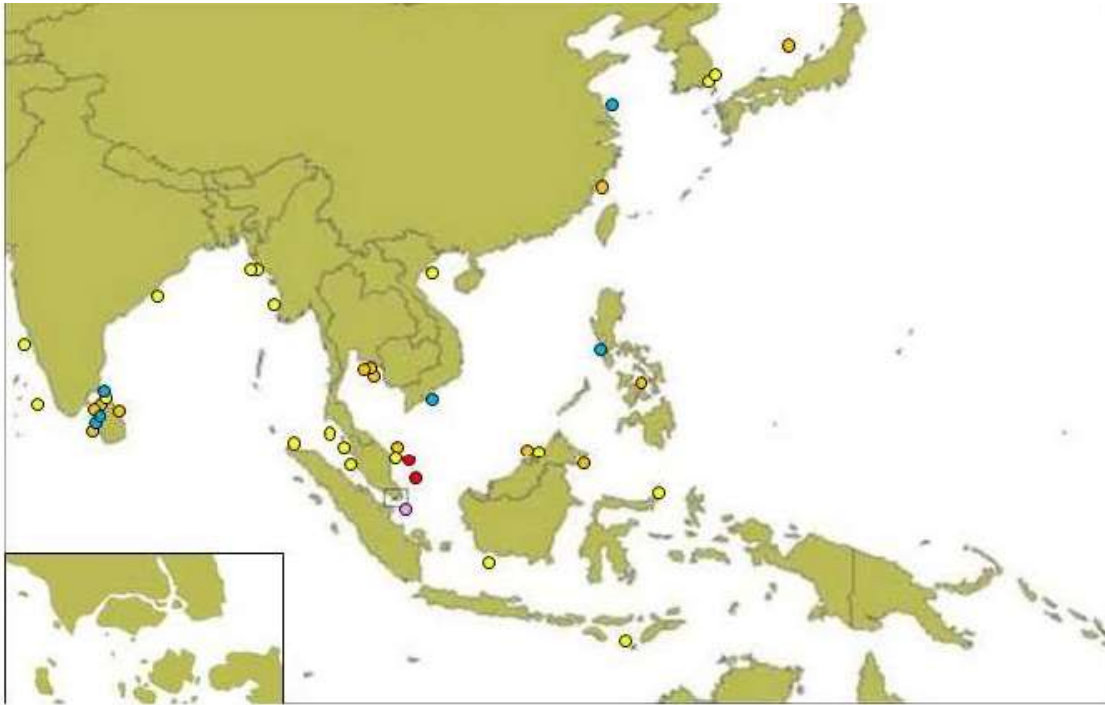


Figure 1: Location of Incidents in IFC Area of Interest

For the period from 02-08 Sep 17, IFC received information as follows:

Piracy / Sea Robbery / Sea Theft	2	Maritime Terrorism	0
IUU Fishing	13	Contraband Trafficking/ Weapons Trafficking	6
Maritime Incidents	19	Others	0
Irregular Human Migration	1		

Note: Of the events above, 6 x IUU incidents, 12 x Maritime Incidents, 3 x Contraband Trafficking incidents and 1 IHM incident occurring out of the reporting period.

MARSEC Weekly Report

02-08 September 2017

- Overview of Incidents
- Recommendations
- News Links

IFC provides actionable information to cue responses by regional and international **navies, coast guards and other maritime agencies** to deal with the full range of maritime security threats and incidents

IV. Response to Threats to Maritime Security – *ReCAAP*

The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (2006)

- The first regional government-to-government agreement to promote and enhance cooperation against piracy and armed robbery against ships in Asia
- 20 Contracting Parties: Australia, Bangladesh, Brunei, Cambodia, China, Denmark, India, Japan, Republic of Korea, Laos, Myanmar, the Netherlands, Norway, the Philippines, **Singapore**, Sri Lanka, Thailand, UK, US, and Viet Nam
- Information Sharing Centre (ReCAAP ISC) based in Singapore

IV. Response to Threats to Maritime Security – *ReCAAP*

Information Sharing

- Focal Points of Contracting Parties
- Issue warnings and alerts to shipping industry
- Facilitate the responses by the law enforcement agencies
- Publish periodical reports, guidelines, and special reports

Capacity Building

- Technical assistance
- Workshops and training programme to share experiences and best practice

Cooperative Arrangements

- Request for cooperation among contracting parties
- Promote cooperation with other regional and international organisations to share information and best practices

IV. Response to Threats to Maritime Security

UNSC S/RES/1816(2008) – *Somalia Piracy*

Affirms that the authorization provided in this resolution **applies only with respect to the situation in Somalia** and shall not affect the rights or obligations or responsibilities of member states under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores in particular that it **shall not be considered as establishing customary international law**, and affirms further that this authorization has been provided **only following receipt of the letter from the Permanent Representative of the Somalia Republic** to the United Nations to the President of the Security Council dated 27 February 2008 conveying the consent of the TFG;

V. Conclusions

- Maritime safety and environmental protection are managed by the three littoral States in accordance with international law
- Maritime Security is addressed by national States as well as through trilateral cooperation and regional cooperation
- SOMS is the first Strait to implement UNCLOS Art.43
- The littoral States have demonstrated that they are willing to cooperate with the user States and other stakeholders on the basis that they recognise their sovereignty, sovereign rights and jurisdiction over the waters of the SOMS and is consistent with international law;

V. Conclusions

- The role of diplomats
- Core interests
- Political will to make compromise
- Finding common grounds
- “think not like a craftsman – ‘the cobbler, a plumber or a carpenter’ – who worked within the confines of existing international law but as a ‘master builder or architect with a mission to build a new and better world’” -- Mochtar Kusumaatmadja

Further Reading

- M. Leifer, *Malacca, Singapore and Indonesia* (Sijthoff, 1978)
- H. Djalal, *Indonesia and the Law of the Sea* (Jakarta, 1995)
- B.B Jia, *The Regime of Straits in International Law* (Oxford, 1998)
- H. Caminos & V.P. Cogliati-Bantz, *The Legal Regime of Straits* (Cambridge, 2014)
- D.D. Caron & N. Oral, *Navigating Straits: Challenges for International Law* (Brill, 2014)
- L.M. Alexander & J.A. Roach, *Navigational Restrictions within the New LOS Context* (Brill, 2017)
- J.G. Butcher & R.E. Elson, *Sovereignty and the Sea* (NUS Press, 2017)
- http://legal.un.org/diplomaticconferences/1973_los/
- <http://www.cm-soms.com/index.php>
- <http://www.recaap.org/>

Further Reading



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- › September 2017
- › Hardback (xxiv, 448 pp.)
- › ISBN: 9789004339378
- List price: €149 / \$172
- › E-ISBN: 9789004339385
- › Language: English
- › Publications on Ocean Development, 84
- › Imprint: Brill | Nijhoff

Subject

International Law › Law of the Sea
International Law › International Law: General Interest



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Governance of Arctic Shipping

Balancing Rights and Interests of Arctic States and User States

Edited by Robert C. Beckman, *National University of Singapore*; Tore Henriksen, *UiT The Arctic University of Tromsø*; Kristine Dalaker Kraabel, *UiT The Arctic University of Tromsø*; Erik J. Molenaar, *Utrecht University*; and J. Ashley Roach, *U.S. Navy, U.S. Department of State (retired)*

Governance of Arctic Shipping: Balancing Rights and Interests of Arctic States and User States examines potential cooperative mechanisms for balancing rights and interests of Arctic States and user States in light of experiences with Southeast Asian cooperative mechanisms. This volume analyzes the applicable international regulatory framework with special attention to the roles of the International Maritime Organization and the Arctic Council. The rights, interests, positions and practice of Arctic coastal States are compared with those of user States, with particular emphasis on China, Japan and South Korea. The final chapters analyze cooperative arrangements in Southeast Asia, in order to explore if these could act as models to enhance cooperation among coastal States and user States in the Arctic.

READERSHIP:

All interested in international regulation of Arctic shipping, the rights, interests, positions and practice of Arctic coastal States and Asian user States, and prospects for new Arctic cooperative mechanisms.

For more information see <https://www.brill.com/pood>



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- › December 2016
- › Paperback (xviii, 212 pp.)
- › ISBN: 9789004327108
- List price: €192 / \$221
- › E-ISBN: 9789004327115
- › Language: English
- › International Straits of the World, 16
- › Imprint: Brill | Nijhoff

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Navigational Restrictions within the New LOS Context

Geographical Implications for the United States

Lewis M. Alexander; Edited by J. Ashley Roach, *U.S. Navy, U.S. Department of State (retired)*

In 1986, Lewis M. Alexander, a world-renowned marine geographer, prepared for the U.S. Department of Defense a report, *Navigational Restrictions within the New LOS Context: Geographical Implications for the United States*.

Edited by J. Ashley Roach, the reformatted report is presented in five sections and includes 20 maps, illustrating the world's international straits and major ocean navigation routes. Forty-three tables present the most comprehensive descriptions of the world's straits used for international navigation, as well as identify various categories of maritime claims. What made the Report extraordinarily valuable in 1986, and which makes it equally valuable today, is the compilation of geographic data - not available elsewhere - describing the world's straits used for international navigation and illustrations of the chokepoints and major international shipping trade routes.

Roach has faithfully reproduced Alexander's seminal work by retaining the original structure and references. A table of defined terms and an index have ...

READERSHIP:

All interested in the international straits, the 1982 Law of the Sea Convention, and international law.

For more information see <https://www.brill.com/insw>

Further Reading

“Safe Passage Video in the Singapore Strait” was launched at the International Safety@SeaConference in Singapore on 30 Aug 2016

- It is distributed widely to shipping companies
- Accessible in the training system onboard 12,000 vessels
- Available at MPA YouTube Channel:
 - Westbound Passage: <https://youtu.be/YvJc8cLzQo4>
 - Eastbound Passage: <https://youtu.be/GKPWyNIVXzw>

THANK YOU

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