

Agenda item 10

MARINE ENVIRONMENT IN THE STRAITS OF MALACCA AND SINGAPORE

Submitted by Malaysia

Background

1. The Meeting of the Foreign Ministers of Indonesia, Malaysia and Singapore held in Manila on 23 February 1977 has agreed to consider the measures to enhance safety of navigation and to promote close cooperation and coordination on anti-pollution policy and measures in the Straits of Malacca and Singapore (Straits). Subsequent to it, the Foreign Ministers of the littoral States signed the Joint Agreement on Safety of Navigation in the Straits (Joint Agreement) adopting recommendation or guidelines in dealing with issues on safety of navigation and environment protection, amongst other :-

- (i) Navigational aids and facilities be improved for the effective and efficient implementation of the Traffic Separation Scheme (TSS);
- (ii) The existing voluntary reporting procedure and mechanism for large vessels be maintained (which later resulted the STRAITREP, IMO Res. MSC 73 (69) in 1998);
- (iii) Rule 10 of the International Regulations for Preventing Collisions At Sea, 1972, be applied as far as practicable within the TSS;
- (iv) A joint policy to deal with marine pollution be formulated;

The full text of the Joint Agreement as in Appendix 1.

2. In essence, the Joint Agreement represents co-operation between coastal States bordering a strait used for international navigation and user States as well as other stakeholders, the underlying spirit and intent of article 43 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) which states that:

“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.”

3. Subsequent to it, the littoral States have formalised the Joint Agreement through the conducts of the Tripartite Technical Experts Group (TTEG) on Safety of Navigation in the Straits and placed an agenda on issues within the context of the Joint Statement on Safety of Navigation in the Straits of Malacca and Singapore (Annex C of the Appendix 1) and Guidelines For Senior Officials and Technical Experts Group on Safety of Navigation in the Straits of Malacca and Singapore (Annex D of the Appendix 1).

4. In addition to the above, TTEG also has formalised arrangements in dealing with marine pollution through Revolving Fund Committee (RFC) establishment on 11th February 1981 between the littoral States and the Malacca Strait Council (MSC), which is supported by the Japanese shipping community.

Marine Environment Protection

5. Over the years, the TTEG meetings organized by the littoral States consistently discussed measures to enhance safety of navigation in the Straits which includes :-

- (i) Marine casualty incidents affecting traffic movement in the Straits of Malacca and Singapore.
- (ii) Cases of vessels not complying with the provision of STRAITREP (Mandatory Ship Reporting System)
- (iii) Cases of vessels not complying with Rule 10 of the International Regulations for Preventing Collisions at Sea (COLREGS).

6. On the other hand, the marine environment status in the Straits are less discussed in the annual TTEG meetings. Looking at present trends, the international shipping looks set to continue to grow despite the expected downturn in the global economy. The increase in international shipping frequency and other trends in global shipping such as the use of larger container vessels, increased air emission from vessels, and the coming into force of IMO regulations on ballast water, anti-fouling and air pollution pose a new set of challenges in navigation and environmental protection in restricted waterways such as the SOMS.

7. Therefore, there is an urgent need to the littoral States to review issues in relation to the present pollutants and actions developed to address the potential increase in pollution levels. Marine pollution, in particular oil and chemical pollution from ships, is a constant challenge facing the maritime community. It affects the marine environment as well as navigation of ships. This issue is even more critical in the Straits which is among the busiest and most critical waterways in the world. Therefore, the cooperation between the littoral states and the international community is vital to ensure safety navigation and environmental protection of the Straits. Thus, the “inspiration” for the agreement by the littoral States during 6th Tripartite Technical Experts Group (TTEG) Meeting in Bali, Indonesia in 2013 is timely manner to introduce the new agenda on the marine environment protection efforts and reports by the littoral States consistent with the recommendations addressed in the Joint Agreement.

8. As world trade continues to expand parallel to the increment of shipping traffic, the task of maintaining safety and preserving the marine environment in the Straits grows in tandem.

While this is primarily the responsibility of the three littoral States, there is a need for a wider co-operation between the littoral States and other users of the Straits to ensure that this important channel remains safe and open to traffic.

9. In this regard, each littoral State has agreed for Malaysia to propose the general terms of reference and introduce scope of marine environmental protection, by means of coordinating respective resources, manpower, technology within the ambit of international convention as in Appendix 2.

Action requested of the Committee

10. The Committee is invited to consider the proposal by Malaysia and decide as it may deem appropriate.

ANNEX 'A'

REPORT OF THE SENIOR OFFICIALS MEETING
ON SAFETY OF NAVIGATION IN THE
STRAITS OF MALACCA AND
SINGAPORE

Manila, Philippines, 23 February 1977

1. The Meeting of the Senior Officials of Indonesia, Malaysia and Singapore on Safety of Navigation in the Straits of Malacca and Singapore was held at the Indonesian Embassy in Manila on 23 February 1977.
2. The Meeting was attended by the Delegations of Indonesia, Malaysia and Singapore. The list of Delegates appears as Annex A. Rear Admiral Harjono Nimpuno, Leader of the Indonesian Delegation, was unanimously elected Chairman of the Meeting.
3. The Meeting adopted the final texts of the following documents:
 - (i) Agreement on Safety of Navigation in the Straits of Malacca and Singapore, which appears as Annex B.
 - (ii) Joint Statement on Safety of Navigation in the Straits of Malacca and Singapore, which appears as Annex C.
 - (iii) Guidelines for Senior Officials and Technical Experts Group on Safety of Navigation in the Straits of Malacca and Singapore, which appears as Annex D.
 - (iv) Record of the Meeting of Foreign Ministers of Indonesia, Malaysia and Singapore on Safety of Navigation in the Straits of Malacca and Singapore, which appears as Annex E.
4. The Meeting was held in a cordial atmosphere and in the spirit of mutual understanding and cooperation.

Dated this 23rd day of February 1977.

For Indonesian Delegation,

(REAR ADMIRAL HARJONO NIMPUNO)

For Malaysian Delegation,

(N. PARAMESWARAN)

For Singapore Delegation,

(TAN BOON SENG)

LIST OF DELEGATIONINDONESIA

1. REAR ADMIRAL HARJONO NIMPUNO
Director-General of Sea Communication,
Department of Communication - Leader
2. CAPTAIN M.S. WIBOWO
Director of Shipping and Marine Safety,
Department of Communication - Member
3. MR. HUSEIN JOESOEF
Directorate of Asia-Pacific,
Department of Foreign Affairs - Member
4. MR. ALIMUDDIN LOEBIS
Directorate of International Treaties,
Department of Foreign Affairs - Member
5. MR. PUDIJANTO SADARJOEN
Minister-Counsellor,
Indonesian Embassy - Member

MALAYSIA

1. MR. N. PARAMESWARAN
Principal Assistant Secretary,
Ministry of Foreign Affairs - Leader
2. MR. MOHAMMED DAUD M. YUSOFF
Third Secretary,
Malaysian Embassy - Member

SINGAPORE

1. MR. TAN BOON SENG
Director of Political Division,
Ministry of Foreign Affairs - Leader
2. MR. CHAO HICK TIN
Deputy Senior State Counsel - Member
3. MR. PETER CHAN JER HING
Deputy Director, Ministry of
Foreign Affairs - Member
4. MR. VERGHESE MATHEWS
Desk Officer, Ministry of
Foreign Affairs - Member

For the Government of Malaysia,

TENGGU AHMAD RITHAUDDEEN
Minister of Foreign Affairs

For the Government of the
Republic of Singapore,

S. RAJARATNAM
Minister for Foreign Affairs

AGREEMENT ON SAFETY OF NAVIGATION
IN THE STRAITS OF MALACCA AND SINGAPORE

The Ministers for Foreign Affairs of the Republic of Indonesia, Malaysia and the Republic of Singapore;

RECALLING the decision of the three countries as reflected in the Joint Statement of 16 November, 1971 inter alia, that the safety of navigation in the Straits of Malacca and Singapore is the responsibility of the three coastal States;

REAFFIRMING their determination to further promote the existing tripartite co-operation on enhancing safety of navigation and promoting close co-operation and co-ordination and anti-pollution policy and measures in the Straits of Malacca and Singapore;

TAKING INTO CONSIDERATION the results of various Tripartite Consultations since 1971;

HAVE AGREED TO ADOPT

THE recommendations contained in the Report of the Senior Officials Meeting held in Jakarta from 20 to 21 December, 1976 and accordingly instruct their Senior Officials and Technical Experts Group to implement the recommendations.

DONE in Manila, this 24th day of February in the year One Thousand Nine Hundred and Seventy Seven.

For the Government of the
Republic of Indonesia,

ADAM MALIK
Minister for Foreign Affairs

JOINT STATEMENT ON SAFETY OF NAVIGATION
IN THE STRAITS OF MALACCA AND SINGAPORE

The Meeting of the Foreign Ministers of Indonesia, Malaysia and Singapore was held in Manila on 24 February 1977 to consider measures to enhance safety of navigation and to promote close cooperation and coordination on anti-pollution policy and measures in the Straits of Malacca and Singapore.

H.E. Adam Malik, Minister for Foreign Affairs of Indonesia, Y.B.M. Tengku Ahmad Rithauddeen, Minister of Foreign Affairs of Malaysia and H.E. S. Rajaratnam, Minister for Foreign Affairs of Singapore, attended the Meeting.

The Foreign Ministers considered and reviewed the Report of the Senior Officials Meeting held in Jakarta from 20 to 21 December, 1976 and signed the Agreement on Safety of Navigation in the Straits of Malacca and Singapore adopting the following recommendations:

- (i) Vessels maintain a single Under Keel Clearance (UKC) of at least 3.5 metres at all times during the entire passage through the Straits of Malacca and Singapore and that they also take all necessary safety precautions especially when navigating through the critical areas.
- (ii) The delineation of the Traffic Separation Scheme (TSS) in three specified critical areas of the Straits of Malacca and Singapore, namely in the One Fathom Bank area, the Main Strait and Philip Channel, and off Horsburgh Lighthouse.
- (iii) Deep draught vessels, namely vessels having draughts of 15 meters and above, are required to pass through the designated Deep Water Route (DWR) in the Strait of Singapore up to Buffalo

Rock and are recommended to navigate in the specified route from Buffalo Rock up to Batu Berhanti area. Other vessels are recommended not to enter the DWR except in an emergency.

- (iv) Navigational aids and facilities be improved for the effective and efficient implementation of the TSS.
- (v) The existing voluntary reporting procedure and mechanism for large vessels be maintained.
- (vi) The principle of voluntary pilotage through the critical areas in the Strait of Singapore be applied.
- (vii) VLCCs and deep draught vessels are advised to navigate at a speed of not more than 12 knots during their passage through critical areas, and that no overtaking be allowed in the DWR.
- (viii) Charts and current and tidal data be improved.
- (ix) Rule 10 of the International Regulations for Preventing Collisions At Sea, 1972, be applied as far as practicable within the TSS.
- (x) The implementation of the TSS should not pose a financial burden on the coastal States and the necessary funds be obtained from the users.
- (xi) A joint policy to deal with marine pollution be formulated.
- (xii) All tankers and large vessels navigating through the Straits of Malacca and

Singapore be adequately covered by insurance and compensation schemes.

The Foreign Ministers of Indonesia, Malaysia and Singapore expresses their appreciation to the Government of the Republic of the Philippines for having provided the facilities for their meeting in Manila.

GUIDELINES FOR SENIOR OFFICIALS AND
TECHNICAL EXPERTS GROUP ON SAFETY OF
NAVIGATION IN THE STRAITS OF
MALACCA AND SINGAPORE

The Foreign Ministers of Indonesia, Malaysia and Singapore met in Manila on 24 February, 1977 and set the following guidelines to enhance safety of navigation and to promote close cooperation and coordination on anti-pollution policy and measures in the Straits of Malacca and Singapore:

- (1) To work out jointly the procedure and the modality for voluntary utilization of pilotage services of the respective countries.
- (2) To expedite the conclusion of joint projects on common datum chart and currents and tides observations.
- (3) To study the financial sources that could be tapped for funding the implementation of the TSS. (2)
- (3) To formulate a joint policy to deal with marine pollution, especially by coordinating their resources, manpower and technology. (3)
- (5) To devise ways to expedite adequate compensation for any damage caused by oil pollution either through TOVALOP and CRISTAL arrangements or through other insurance and compensation schemes, including the possibility of ratifying the International Convention on Civil Liability for Oil Pollution Damage, 1969 and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971. (3)

(6) To study the need and possibility of creating a "revolving" fund for anti-pollution activities. 3d.

(7) To initiate consultation with IMCO on the TSS at the earliest possible date. ①

(8) To initiate consultation with the users of the Straits.

(9) To continue to cooperate in various fields relating to the Straits of Malacca and Singapore.

RECORDS OF THE MEETING OF FOREIGN MINISTERS OF
INDONESIA, MALAYSIA AND SINGAPORE ON SAFETY
OF NAVIGATION IN THE STRAITS OF MALACCA
AND SINGAPORE

The Foreign Ministers of Indonesia, Malaysia and Singapore met in Manila on 24 February, 1977 and concluded the following matters:

- (1) The signing of the Agreement on Safety of Navigation in the Straits of Malacca and Singapore;
- (2) The approval of the Joint Statement on Safety of Navigation in the Straits of Malacca and Singapore; and
- (3) The adoption of the Guidelines for Senior Officials and Technical Experts Group on Safety of Navigation in the Straits of Malacca and Singapore.

Manila, 24 February 1977.

General Terms of Reference

1. Primary responsibility on the marine environmental protection of the Straits lies with the three littoral States.
2. To provide an avenue for littoral States in the TTEG Meetings to discuss and exchange views on issues relating to marine environmental protection in the Straits.
3. To identify and prioritise co-operative arrangements among the littoral States for the enhancement of marine environmental protection in the Straits.
4. To seek and co-ordinate resources required to be undertaken in respect of the Straits.
5. To explore ways to further promote co-operation on the enhancement of marine environmental protection in the Straits.
6. Any measures undertaken in the Straits should respect the sovereignty, sovereign rights, jurisdiction and territorial integrity of the littoral States and be in accordance with international law.
7. Any measures undertaken in the Straits should be consistent with international law and in particular article 43 of the United Nations Convention on the Law of the Sea (UNCLOS) in which littoral States and user States co-operate by agreement in respect of the Straits.

Scope of the Marine Environmental Protection

Consistent with the paragraph (4) of the “Guidelines For Senior Officials and Technical Experts Group on Safety of Navigation in the Straits of Malacca and Singapore”, the scope of the marine environmental protection would include :-

- (i) Report and evaluate the status, progress and outcomes of the incidental spillages along the Straits in accordance to the MEPC.1/Circ. 318.
- (ii) Report on the Revolving Fund Committee:-
 - a. The establishment / readiness of oil spill response (OSR) centres;
 - b. Status of OSR assets;
- (iii) Facilitate and co-ordinate the integration of the activities of the projects into national and joint programmes concerning marine environmental protection in the Straits, such as :-
 - a. Formulation on the Joint SOP on Oil and Chemical Spillage;
 - b. Capacity Building;

- (iv) Liability and compensation regime;
- (v) Status report and services by the Reception Facilities along the Straits;
- (vi) Other matters related to the effects of shipping on the environment of the Straits of Malacca and Singapore including on ecosystems; and
- (vii) To consider various measures to enhance marine environment protection in the Straits of Malacca and Singapore
