

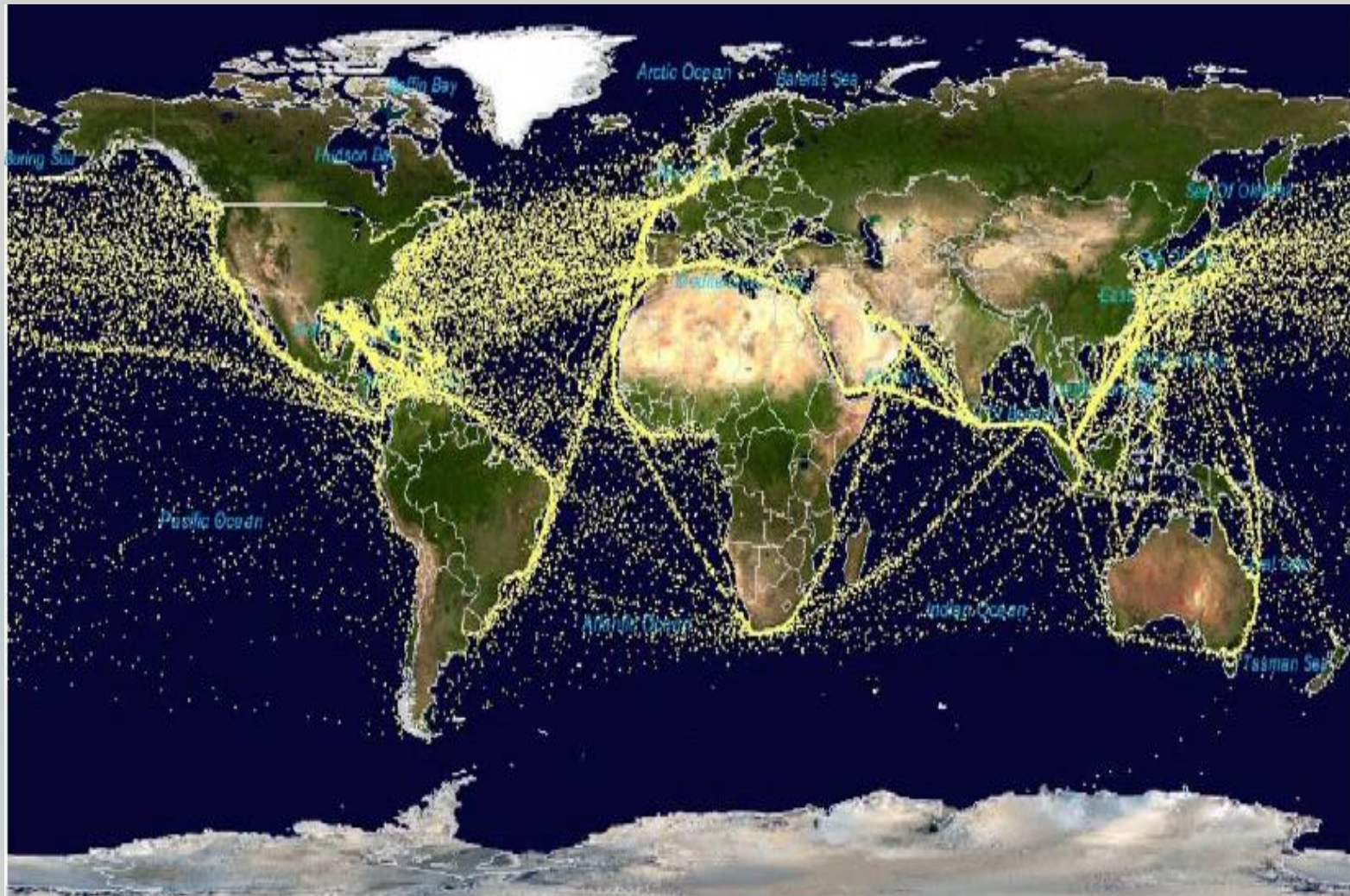


Enhancement of Marine Environmental Protection in the SOMS

**9th Cooperation Forum
Committee Meeting on SOMS
Yogyakarta, 26-27 September 2016**

**Ministry of Foreign Affairs
Republic of Indonesia**

International Shipping Routes

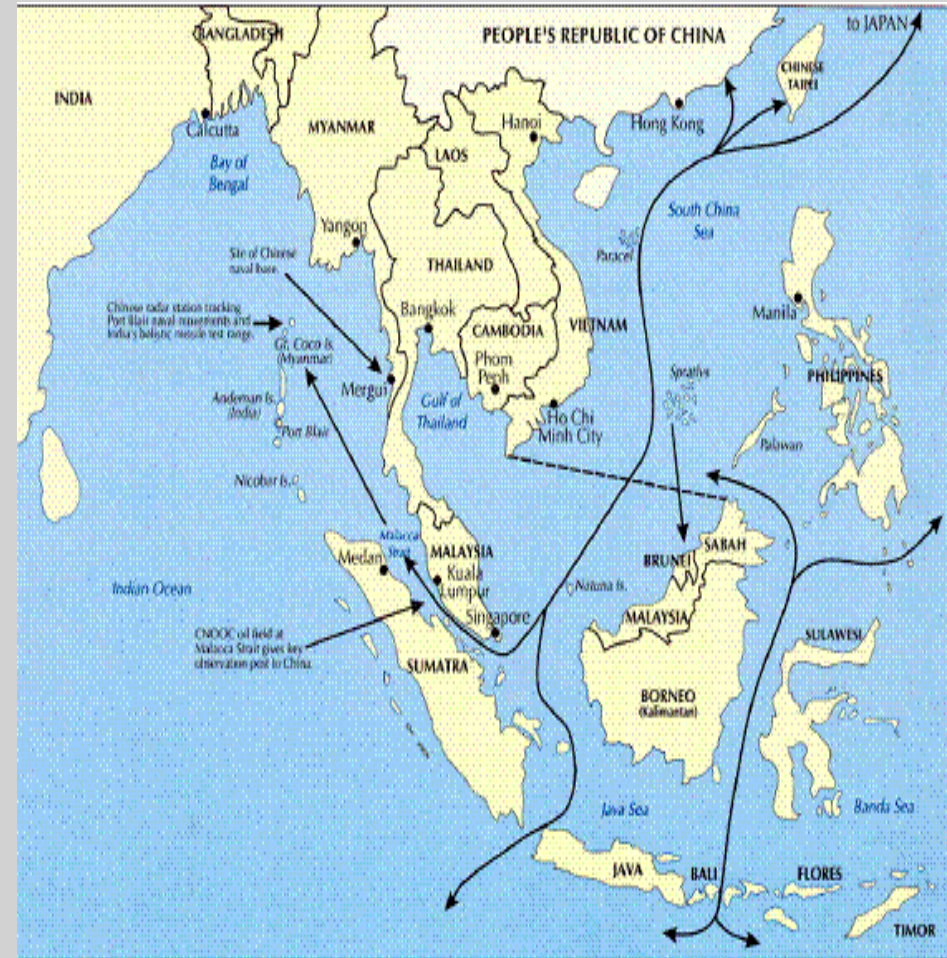


2009

South East Asia's Vital and Strategic Navigational Routes



- ▶ SOMS is one of the world's most strategic and important shipping lanes:
 - ▶ Vital artery linking the **region's economy** with rest of the world
 - ▶ Pivotal link in international trade and transportation
- ▶ Issue of safe and secure area from:
 - ▶ crimes
 - ▶ navigation
 - ▶ environmental pollution



SOMS; Sunda and Lombok Straits

The Cooperative Mechanism



Straits of Malacca and Singapore

- Straits Used For International Navigation
- International Usage
- International Interest
- Shared Responsibility

The Cooperative Mechanism



The Background

- Jakarta Meeting, 7-8 Sep 05
 - calls to establish **mechanism** for regular exchanges between littoral states and users
- Kuala Lumpur Meeting, 18-20 Sep 06
 - principles and broad concept presented
 - six projects presented
- Singapore Meeting, 4-6 Sep 07
 - Cooperative Mechanism to be formally launched
 - encourage and garner **broad support**

The Cooperative Mechanism



- Significance
 - Milestone Framework
- Actualizes UNCLOS Article 43
 - “User States and States bordering a strait should by agreement cooperate:
 - in the establishment and maintenance in a strait of necessary navigational and safety aids or other improvements in aid of international navigation
 - for the prevention, reduction and control of pollution from ships. ”

The Cooperative Mechanism



Landmark Achievement

- Acknowledges interests and role of user States and **other stakeholders**
- **Commitment** and invitation on part of littoral States to cooperate
- **Consensus** between littoral States and **users**
- **Structured basis** for co-operation

Objectives

- Promote dialogue and facilitate co-operation between littoral States, user States and other stakeholders
- Enhance navigational safety and environmental protection

The Cooperative Mechanism



Fundamental Principles

- **Consistent** with international law
- **Respects** sovereignty of littoral States
- Established within the Tripartite Technical Experts Group (TTEG) framework
- **Voluntary basis** of collaboration and contributions
- Flexible, open and inclusive

A Flexible Framework

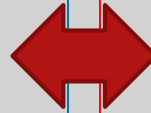
- **Contributions**
 - Financial, Expertise, Equipment, etc
- **Project Participation**
 - One, some or all components
- **Co-operation**
 - Bilateral or Multilateral
 - Through agreement

The Cooperative Mechanism: Environmental issue



- ▶ The littoral states cannot manage the protection and preservations of the marine environment of the straits **by themselves**

- ▶ Have no full capacity
- ▶ Less policy and resources



- ▶ The development of the mechanism focusing on environmental protection does not, yet, in corporate to increasing numbers of ships transiting the SOMS.



- ▶ Navigational traffic in SOMS would be over 140.000 transits annually in 2020 (JITI and MIMA) excluded local vessels activities around the straits
- ▶ Oil spill typical of shipping activities, in addition to,
- ▶ Other shipping activities discharge that is **harmful** and **unwarranted** wastes (marine debris, disposal sewage, spills of HNS, noise emissions and air pollution...)

The Cooperative Mechanism: International Law Protection



Comprehensive international law on the protection of marine environment from pollution by **oil** originating ships

Indonesia's laws and regulations to the prevention, reduction and control of oil pollution originating from vessel:

1. Law No. 6/1996 – Indonesian Waters
2. Law No. 17/2008 - Shipping
3. Govt Reg. No. 5/2010 – Navigation and No. 21/2010 - Protection of Maritime Environment
4. Presidential Decree No. 109/2006 - Disaster Emergency due to Oil Spill in the Ocean



- The 1982 UNCLOS
- The MARPOL 73/78
- International Convention for Oil Pollution Preparedness 1980
- The CLC 1992 and the Fund 1992
- COLREG 1972



Malaysia's
Merchant
Acts/Order/Re
gulations

Singapore's
Merchant and
Prevention
Pollution Act

The Cooperative Mechanism: The Facts



- ▶ The vulnerability of the strait's environment, long been recognized by international community
- ▶ Challenging courses for ships transiting the straits
- ▶ Another threats from land-based pollution
- ▶ International users consider the straits as sea lane used for international navigations (Part III of 1982 UNCLOS)-maintain and securing is undertaken by coastal states



- ▶ Users of the straits need to **actively assist**, or
- ▶ Littoral states **may** “restrict” the full transit rights along the straits, which will not be favoured to by most users and maritime states



- ▶ Sustainable balance of shipping and the protection of the maritime environment
- ▶ The need of **sharing the burden**
- ▶ The impact of **long term** environmental damage

The Cooperative Mechanism: The Efforts



- Littoral States cross-sectoral cooperation on maritime security and,
- Littoral States and IMO successful efforts to improve safety shown positive impact and results...

but...the increase of shipping transiting the straits, is immensely high and that need to be taken into the next level of cooperative works between littoral states and users.
Increasing transits is equivalent to threat of traffic risks and thus the **threats to pollution**...

Measures have been taken to improve safety navigation through MEH, STRAITREP etc that are contributing to the SOMS environment, but then...

What **sort of mechanism** that productively or actively needed by the straits to increase awareness and/or action to preserve marine and maritime environmental protection in the straits...

The Cooperative Mechanism: Way Forward



- ▶ Malaysia's identification and designation of PSSA areas (8th CF)
- ▶ The Importance of Collaboration and Coordination in the SOMS (8th CF/BP Shipping)
- ▶ Informal meetings and discussion between littoral states and shipping industry and other users
- ▶ Academic and realistic exercises

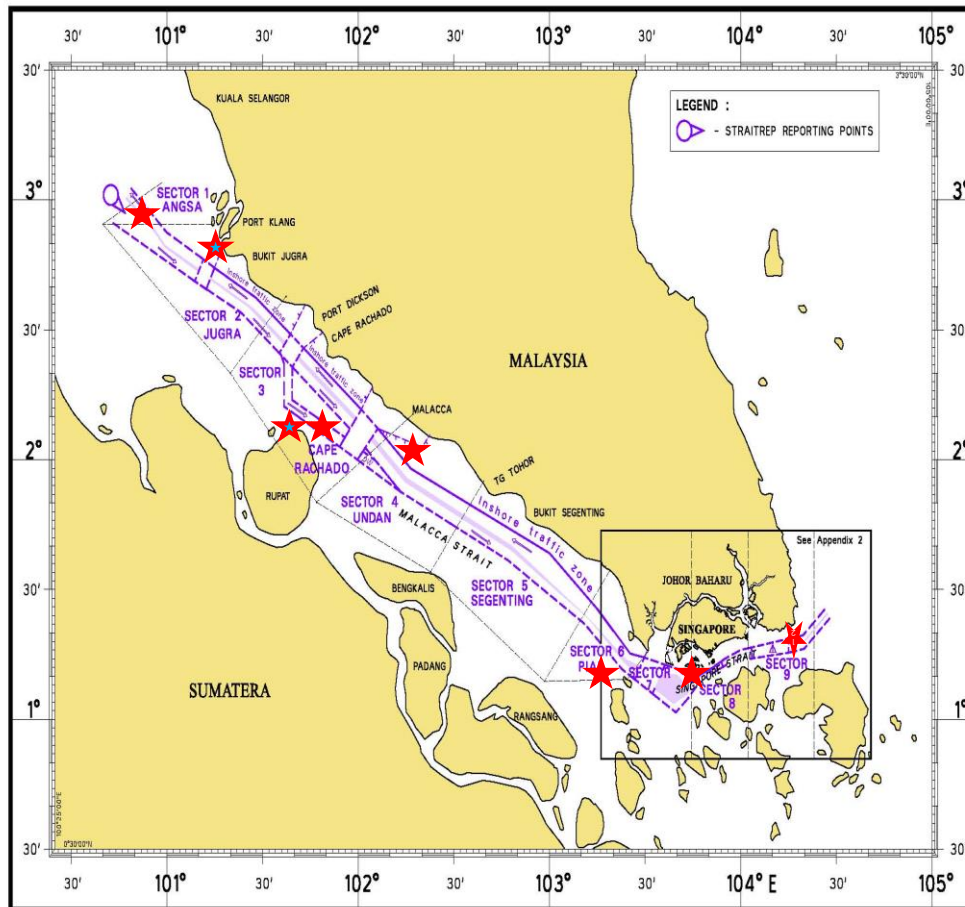


- ▶ A plan of an **applicable management** to
 - ▶ Continue to keep the straits serving the users,
 - ▶ Balance of maintaining the shipping activity with protection of environment,
 - ▶ Develop related laws and regulations
- ▶ **Precautionary approach principles** towards environmental profile of the straits that would categorize various environmental hazards and extension of threat to environment and to what extent this condition should be approached by all stakeholders of the straits

The Cooperative Mechanism: Transit Corridor in the SOMS



Traffic Separation Scheme: 1977



Source: Maritime and Port Authority of Singapore

Environmental profile and effectively enhance the implementation of related projects and to push forward the slow moving to balance the increasing transits with the marine and maritime environmental protection. Using the existing TSS as an entry point to identify risks analysis; possible enforcing laws and regulation; cooperative funding for environmental protection project; involvement of users and shipping industry towards modalities of cooperation.

The Cooperative Mechanism: Environmental Protection



- A milestone development
- New heights in international co-operation in Straits of Malacca and Singapore
- Invitation by littoral States to co-operate and collaborate
- Opportunity for users to participate and contribute



Thank You

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