

Public-Private Partnership for the Safety of Navigation and Pollution Prevention in the Straits of Malacca and Singapore

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The Straits of Malacca and Singapore is the shortest sea route between the Middle East and Asia. Currently, around 80 percent of Japan's and China's imported oil originating from the Persian Gulf transits through the Straits of Malacca and Singapore.¹ With busy shipping flows reaching 400-600 ships every day, the problems of collisions and near misses in the Straits are at the heart of public and private actors' concerns.²

Public-private partnership is central to improve navigational safety and protect the marine environment in the Straits. The Straits harbours rich marine life including mangroves and coral reefs.³ A number of shipping incidents have taken place in the straits involving major releases of oil and hazardous and noxious substances into the waters, causing destruction to the marine environment.⁴

Concrete public-private collaborations in the Straits have been carried out through the existing Cooperative Mechanism, a cooperation initiative which emerged as a result of the IMO's sponsored meetings (2005-2007) on the Straits. Under the Cooperative Mechanism at the 2006 Kuala Lumpur meeting straits states identified six cooperative programs that need to be implemented and cost over US\$ 42.8 million.⁵ These include removal of identified wrecks in the straits, capacity building on Hazardous and Noxious Substances (HNS) preparedness and response, the installation of class B Automatic Identification System on small ships, the development of setting up tide, current and wind measurement systems in 12 locations, and the replacement of aids of navigation including 7 of those that were damaged by the 2004 tsunami.⁶

¹ The United States Energy Information Administration, "World Oil Transit Chokepoints: Malacca," available from http://www.eia.doe.gov/cabs/world_oil_transit_chokepoints/malacca.html, accessed 28 March 2011.

² Arif Havas Oegroseno, "The Straits of Malacca and Challenges Ahead: Indonesian Point of View" *Building A Comprehensive Security Environment in the Straits of Malacca* (Kuala Lumpur: Maritime Institute of Malaysia, 2006), at 28; Interview with representatives of maritime businesses in Singapore, August 2010.

³ Anugerah Nontji, "Managing the Marine Environment of the Straits of Malacca", in Mohd Nizam Basiron & Amir Dastan, *Building A Comprehensive Security Environment* (Kuala Lumpur: Maritime Institute of Malaysia, 2006), at 145

⁴ Ibid.

⁵ Hasjim Djalal, "The Development of Cooperation on the Straits of Malacca and Singapore"; Maritime and Port Authority of Singapore, "Singapore Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection 4- 6 September 2007," available from http://www.mpa.gov.sg/sites/pdf/spore_statement.pdf, accessed 7 September 2012; Hasjim Djalal "Regulation of International Straits," *Jurnal Hukum Internasional* 6:3 (2009), at 321.

⁶ Ibid.

As part of the public-private partnership, the Aids to Navigation Fund (ANF) has been set up for the long term maintenance of 22 aids to navigation in the Straits' Traffic Separation Scheme.⁷ The Nippon Foundation of Japan announced its commitment to provide one-third of the five year costs of the ANF that totals US\$ 9 million.⁸ The Cooperative Mechanism is a useful cooperation scheme to further attract user states and businesses to sponsor projects identified by strait states at the 2006 Kuala Lumpur meeting and future projects to improve navigational safety and marine protection in the Straits.

⁷ Mohd Nizam Basiron, "Steady as She Goes- report of Singapore Meeting on the Straits of Malacca and Singapore," *MIMA Researchers' paper* (Kuala Lumpur: MIMA, 2007), at 1-2.

⁸ *Ibid*, at 2.