

Kuala Lumpur Meeting on the Straits of Malacca and Singapore:
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“Prospects for Enhanced Regional
Cooperation in the Straits of Malacca
and Singapore and Article 44 of
UNCLOS”

by

Dato' Engr. Dr. A. Bakar Jaafar
Senior Principal Environmental Consultant
(www.envirolift.com.my)
& Adjunct Senior Fellow
Maritime Institute of Malaysia (MIMA)
(E-mail: datoabj@streamyx.com)

THE ISSUE

The continuing search by the littoral States to look for **additional means of financing** various services in the Straits **largely used for international navigation** has not been that forthcoming !?

EXPECTED RESPONSE

THE NEED FOR A REGIONAL CO-OPERATION: The Question of How?

- EXTRA-REGIONAL (Article 43)
- **INTRA-REGIONAL (Article 44)**

EXTRA-REGIONAL CO-OPERATION

as per Article 43 of UNCLOS :

“User States and States bordering a Strait should by agreement co-operate ...”

- To-date, both the “user States” and the “States bordering the Straits of Malacca and Singapore” have yet to come to any sort of agreement, (*other than the joint survey of the Straits and the implementation of the IMO Rules for Navigation in the Straits*);
- the distinction between the “user States” and “the strait-bordering States” does not and would not help, *unless there exists a prior intra-regional co-operation or agreement*;
- What would be helpful is to identify who are the “users” of the Straits as “beneficiaries”, much as “economic, not political, entities”, and as “those who bear the costs of preserving and protecting the integrity of the Straits”.

INTRA-REGIONAL CO-OPERATION as per Article 44:
the “Duties of States bordering Straits”

“States bordering straits shall not hamper transit passage, and shall give appropriate publicity to any danger to navigation and over flight within or over the strait of which they have knowledge. There shall be no suspension of transit passage.”

KEY ASSUMPTIONS

- $kNOWNledge = f(INFORMAtion (data \& facts))$
- $DECISion = f(Wisdom (kNOWNledge +++))$

All rest with the relevant authorities of both coastal and flag States, and all Users of the Straits

Proposition

The States bordering the Straits of Malacca and Singapore are to agree:

- **to gather all relevant information or intelligence;**
and
- **to give the due publicity and related information for FREE** with the support of advanced Information and Communication Technology.

Note: This proposition is also consistent with the UNCED Principle Number 10:

*“Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, **each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities,** and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.”*

PROJECT PROPOSAL

(Technological Aspect)

- Increasing use of ICT and the Media;
- Real-time and on-line data/information gathering and dissemination; and
- Direct FREE access to knowledge-databases

Institutional Arrangement: Proposed PRIVATISATION

... there is **value in timely and quality information** which is, by the way, the very foundation of the multi-billion dollar business in advertising ...

*(Ref: Prof George Joseph Stigler of Chicago University
(1961))*

OTHER SOURCES OF EXPECTED REVENUE

(AS FIRST RAPID ASSESSMENT)

4 FINANCING INFORMATION SERVICES

<i>Economic Sector as "Beneficiary"</i>	<i>US\$ million</i>
A. 40,000 repeat-users-in-transit x US\$1k of annual subscription by voluntary membership	40
B. 300,000 tonnes of fish annual landing (West Coast) @US\$10/tonne or 1cent/kg	3
C. Light Dues to Ports of (Malaysia only)	1
<i>National Sub-Total (per year)</i>	44

Note: Yet to include potential contributions from other sectors, including E&E of Oil, Gas, Minerals, and Other Materials

CONCLUSION

By providing timely and quality information as a service to all users in the Straits, through both *intra*-(Art. 44) and *extra*-(Art. 43) regional cooperation, it would help ensure the Straits of Malacca and Singapore remain safe, secured and healthy toward future sustainability.

RECOMMENDATION

- LAUNCHING GRANT, OR TECHNICAL ASSISTANCE, SHOULD BE SOUGHT IN CARRYING OUT THE NECESSARY FEASIBILITY STUDY OF SUCH AN INFORMATION SERVICE; and
- PROVIDING THE REQUIRED SERVICE BY MEANS OF PRIVATISATION, AT NATIONAL LEVEL, SHOULD BE EXPLORED, AS AN ADDITIONAL MEANS OF FINANCING.

TERIMA KASIH

Thank You

Merci

Gracias

Spasibo

Shieh-Shieh

Shukran