

## **CENTRE FOR THE STRAITS OF MALACCA**

The Centre for the Straits of Malacca (SOM) had a busy and an eventful 2012. In addition to its research projects, SOM also provided input and opinion papers on maritime boundary delimitation and security to various ministries and organised a training course on maritime boundaries, an informal workshop on the South China Sea and arranged for visits by foreign delegations to MIMA. Additionally, SOM researchers also presented papers at seminars, workshops and conferences, participated in regional meetings and attended training courses.

The highlight of SOM's activities in 2012 includes:

- Organising a seminar on the Code of Conduct on the South China Sea on 14 February 2012.
- Organising an informal regional workshop on the Code of Conduct for the South China Sea on 16 June 2012.
- Organising a training course on maritime boundary delimitation from 16 – 19 July 2012.
- Attending the 17<sup>th</sup> Session of the Rhodes Academy on the Ocean Law and Policy from 1 – 20 July 2012.
- Organising visits by China Institute for International and Strategic Studies and the Korean Institute of Defence Analysis on 8 December 2012 and 13 December 2012 respectively.

## **RESEARCH PROJECTS AND SUMMARY OF FINDINGS**

### **Ecosystems conservation and marine environment protection in the Straits of Malacca and Singapore: future perspectives**

The study found that while there has been no significant decline in the marine water quality in the Straits of Malacca, pollution from land-based activities remain a perennial threat especially from non-point sources of marine pollution and pig farms. In addition, the spectre of major oil and hazardous and noxious substances (HNS) spills continuous to loom large as the number and size of vessels increase. Marine and coastal ecosystems on the other hand are faring less well with a steady decline in mangroves and uncertainties over the status of coral reefs and seagrasses. Moreover, the Straits of Malacca is also lacking in marine protected areas as only Pulau Payar and Tanjung Tuan have been gazette as Marine Park and Fisheries Prohibited Area respectively. To

address the problems a number of measures should be undertaken including establishing contingency plans for HNS spills and gazetted marine protected areas for islands such as Pulau Jarak, Pulau Perak and Pulau Sembilan.

### **Marine environment management in Malaysia: 20 years after the Earth Summit**

Like other countries Malaysia made commitments to protect its marine environment and ecosystems and sustainably develop its marine resources at the 1992 United Nations Conference on Environment and Development (UNCED) and the subsequent World Summit on Sustainable Development (WSSD) in 2002. Despite making initial progress immediately following UNCED, Malaysia's follow-on to WSSD is less than exemplary with many commitments concerning fisheries resources, establishment of protected areas and the ratification of conventions unfulfilled. Because the documents from UNCED and WSSD are in essence timeless they do offer continuous opportunities to improve marine environment management in any country. It is suggested that Malaysia relook at its commitment and develop a national plan of action to implement these commitments.

### **Future of cooperative mechanism**

The Straits of Malacca and Singapore Cooperative Mechanism which was launched in 2008 heralded a new era in coastal state-user cooperation in a straits used for international navigation. The implementation of its six projects has progressed well and the Aids to Navigation Fund established under its auspices have also received contributions amounting to more than USD 14 million. However, its short term success needs to be sustained in the longer term and important questions concerning financial sustainability, continue donor support and institutional framework resolved. It is suggested that the littoral States consider giving the Cooperative Mechanism more focus by concentrating on safety of navigation specifically on sustaining the Aids to Navigation Fund while undertaking other projects on a needs basis. It is also recommended that the littoral States consider establishing a dedicated secretariat to support the Cooperative Mechanism and TTEG as well as carry out activities such as data collection and dissemination, organisation of meetings and publicity and promotions.

### **Documenting the history of Malaysia's claims over and occupation of features in the South China Sea**

Malaysia's initial claim and occupation of features in the South China Sea parallels the development of the Peta Baru 1979 and was the culmination of a series of cabinet and technical meetings on the matter in response to the publication of new maps by China and the Philippines. The first phase of the work was completed by October 1977 involving detailed survey of the features that Malaysia claimed and the construction of monuments. Subsequent phases completed in the mid-1990s was more elaborate and involved the placement of modules, reclamation and construction of an air strip on Pulau Layang-Layang.

## **Unlocking the Sulawesi Maritime Boundaries Conundrum – Options for Malaysia**

The study reviews and analyses the unresolved maritime boundaries delimitation with Indonesia with particular reference to the Sulawesi Sea areas where delimitation line have not been fully established. In addition, the recent incidents between Malaysia and Indonesia fishermen being arrested within these areas have caused tension between both countries. At the same time, the disputes also includes the dispute over the Ambalat block believed to be rich in mineral resources, a large part of it is within the Malaysia's continental shelf. Indonesia has awarded concessions to ENI of Italy and US Unocal in these area which overlaps with Block ND6 and Block ND7 of PETRONAS. It proposed that Malaysia adopt a three-pronged approach involving a review of the strategies adopted in the ongoing negotiation based on the case laws and jurisprudence arguments in the ongoing negotiation between Malaysia and Indonesia, a study other countries approach based on the International Court of Justice (ICJ) and Permanent Court of Arbitration (PCA) cases as discussed above in order to support Malaysia's legal argument and a consideration of models of joint development in trying to resolve the issues on oil concession.