

FACT SHEET ON THE IMO-SINGAPORE MEETING AND THE CO-OPERATIVE MECHANISM

On the United Nations Convention on the Law of the Sea

The United Nations Convention on the Law of the Sea (UNCLOS) was concluded in 1982 and entered into force in 1994. It is an international agreement on a set of rules for the use of the world's oceans, which cover 70 percent of the Earth's surface. The Convention replaced four 1958 treaties that were out of date.

2 The Convention defines the rights and responsibilities of nations in their use of the seas, by establishing clear guidelines for businesses, protecting the environment, and improving the management of marine natural resources. Among the more important features of the treaty include provisions on navigational rights, territorial sea limits, economic jurisdiction, legal status of resources on the seabed beyond the limits of national jurisdiction, passage of ships through narrow straits, protection of the marine environment, and a binding procedure for settlement of disputes between States.

Article 43

3 Article 43 provides for co-operation between coastal States bordering a strait used for international navigation such as the Straits of Malacca and Singapore, and users in maintaining the navigational safety and environmental protection of the straits.

4 The actual text of Article 43 is as follows:

“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; and for the prevention, reduction and control of pollution from ships.”

On the Co-operative Mechanism

Milestone Framework - Principles of Co-operative Mechanism

5 The Co-operative Mechanism breaks new ground as it is the first time that cooperation under Art 43 of UNCLOS has been realised through such a concrete and detailed framework. This is a significant milestone in the implementation of UNCLOS, one of the most important bodies of international law.

6 The Co-operative Mechanism is based on the key principles of respect for national sovereignty and international law. It recognises that all users and stakeholders have a role to play in maintaining and enhancing navigational safety and marine environmental protection in the Straits. The Co-operative Mechanism is inclusive in nature, and will operate on a basis of voluntary contribution and consensus.

7 At present, the maintenance of navigational safety and protection of marine environment in the Straits are undertaken by the three littoral States. Japan has been the only major Straits user that has made significant contributions, particularly towards the provision and maintenance of aids to navigation such as lighthouses and beacons.

Details of Co-operative Mechanism

8 The specific details of the Co-operative Mechanism will be presented by the littoral States at the Singapore Meeting. In brief, the Co-operative Mechanism will provide a package of co-operative arrangements for littoral States and users to exchange views, jointly undertake projects or make direct monetary contributions to maintain navigation aids in the Straits.

9 The Co-operative Mechanism consists of three components, namely, (i) a Co-operation Forum that will serve as a platform for dialogue between the littoral States and the international maritime community; (ii) a Project Co-ordination Committee to co-ordinate the implementation of Straits projects that involve contributions from the international maritime community; and (iii) an Aids to Navigation Fund to receive direct financial contributions from the international maritime community to maintain marine navigational aids in the Straits.

10 The Co-operative Mechanism has been structured to be flexible so as to provide a range of modalities or menu of options to users and stakeholders through which they can work with the littoral States. Contributions and participation can be in-kind, such as the provision of technical expertise and consultancy, or financial in the form of direct monetary contributions. This is intended to accommodate the varied interests and circumstances of the contributing parties.

11 The components of the Co-operative Mechanism are inter-connected and complementary. For example, initiatives discussed under the Co-operation Forum can be forwarded to the Project Co-ordination Committee for actual implementation.

Concrete Progress on Co-operation in the Straits

12 Concrete progress has been made by user States in contributing to and sponsoring projects to maintain navigational safety in the Straits.

13 Six projects were first presented at the Kuala Lumpur Meeting in 2006, and provide a concrete avenue for users and stakeholders of the Straits to work with the littoral States in a tangible and direct manner. The projects are:

- (i) Removal of wrecks in the Traffic Separation Scheme in the Straits;
- (ii) Cooperation and capacity building on Hazardous and Noxious Substance (HNS) preparedness and response in the Straits
- (iii) Demonstration project of class B automatic identification system (AIS) transponder on small ships
- (iv) Setting up a tide, current and wind measurement system for the Straits to enhance navigation safety and marine environment protection
- (v) Replacement and maintenance of aids to navigation in the Straits

(vi) Replacement of aids to navigation damaged by the tsunami incident

14 A number of user States such as China and the United States of America have already committed resources or expressed commitment to undertake some of the projects. The implementation of these projects will take place under the broad umbrella of the Co-operative Mechanism.

On the Straits of Malacca and Singapore

15 The Straits of Malacca and Singapore are widely acknowledged as among the busiest and most important waterways in the world. It is estimated that 90,000 vessels carrying about a third of global trade and half of the world's oil pass through the Straits annually. Not much wider than one nautical mile at its narrowest point, navigational safety and environmental protection in the Straits are issues of international concern.