

**Threats to Maritime Security and Responses Thereto:  
A Focus on Armed Robbery against Ships at Sea in the Straits of Malacca and Singapore  
Indonesian Experience**

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Introduction

1. Being the world's largest archipelagic country, Indonesia has more than 17 thousand islands with 81.000 km in length of its coastal lines. The geographic location of Indonesia between the Pacific and Indian oceans makes some of its waters serve the most important sea lane of communication. One of them is the Straits of Malacca and Singapore for international navigation. With approximately 900 km in length, these are one of the world's choke points. Around 200 ships from different regions transit through these straits. Hence, ensuring the safety of navigation in these waters constitutes an important element to Indonesian maritime policy.

Institutional Frameworks

3. The strategic importance of the Malacca and Singapore straits as a sea lane of communication brings with it a number of problems. These are not only related to the safety of navigation and maritime security but also to the protection of marine environment. Having shared these concerns to address those problems, Indonesia, together with Malaysia and Singapore, agreed on the joint efforts to manage the Straits. A Ministerial Meeting was held to address those matters. The joint statement of the three littoral states bordering the Straits of Malacca and Singapore of 1971 - adopted by the Tripartite Ministerial Meeting - established two fundamental policies. First, the responsibility to ensure the safety of navigation is on the littoral states, this is the basic principle for management of the Straits. Second, the establishment of a tripartite institutional framework consisting of a three-layer mechanism, namely the Tripartite Ministerial Meeting, the Tripartite SOM Meeting and the Tripartite Technical Expert Group (TTEG). The policies guidelines are formulated by the Ministers and to be implemented by the SOM and especially by the TTEG, which until to day has met regularly at least once a year.

5. In 24 February 1977, the Tripartite Ministerial Meeting as the highest political institutional framework of signed the Agreement on Safety of Navigation in the Straits of Malacca and Singapore and also agreed on the high need for coordinated measures to address the pollution in the Straits.

6. The basic principle agreed by the littoral states in the management of the Straits is in fact endorsed by the UNCLOS 1982 which reaffirmed the position of the littoral states by acknowledging the sovereignty and sovereign rights of the littoral states over the Straits used for international navigation. This is reflected in Article 34 paragraph 1. Accordingly, the exercise of transit passage in the straits of Malacca and Singapore shall be conducted continuously and expeditiously and without delay through or

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over the straits. Article 39-40 further imposes the duties of user States in the exercise of their transit passage, inter alia, to refrain from any threat or use of force against the sovereignty, territorial integrity or political independence of states bordering the strait, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations.

7. Given the geography of the straits, it is clear that the waters beyond the territorial seas in the Straits of Malacca and Singapore fall within the jurisdiction of coastal states in their respective portions for the purpose of immigration or sanitation (contiguous zone), exploitation and conservation of fisheries resources (EEZ) or exploration of mineral resources (continental shelf). No high seas regime may be applicable within the Straits; thus the universal jurisdiction against piracy as contained in article 101 of the UNCLOS 1982 is not applicable.

#### Recent Institutional Measures

8. After the Agreement in the 1970s, the Tripartite Ministerial Meeting was held in Batam, Indonesia in 2 August 2005. The Batam Joint Statement 2005 reaffirmed the primary responsibility of the littoral States for safety of navigation, environmental protection and maritime security of the Straits. It further emphasized that any measures undertaken in the Straits should be consistent with international laws, particularly UNCLOS 1982. The Meeting also paved the way for the establishment of new mechanism aiming at further strengthening the existing cooperation as well as expanding the cooperation with user States and other stakeholders.

9. Following the Batam Joint Statement of 2005, a series of international conferences were convened in collaboration with the International Maritime Organization (IMO) in order to facilitate close cooperation between the littoral States, user States and other stakeholders. These conferences were held in Jakarta on September 2005, Kuala Lumpur on September 2006 and Singapore on September 2007. New concrete cooperation was established as result of these conferences, namely the Cooperative Mechanism which consists of three main components: (a) Cooperation Forum for open dialogues and discussions; (b) Project Coordination Committee on the implementation of projects in cooperation with sponsoring users; and (c) Aids to Navigation Fund (ANF) to receive financial contribution for renewal and maintenance of aids to navigation.

10. The First Aids to Navigation Fund Committee - launched on 16-17 April 2008 in Penang, Malaysia – marks the first successful implementation of the Cooperative Mechanism. Major contributions were received from the Republic of Korea, United Arab Emirates, Nippon Foundation, and Middle East Navigation Aids Service (MENAS). Other user States, such as China, Japan, Greece and Saudi Arabia have also pledged their support to the ANF.

11. The 1st Cooperation Forum was held last month in Kuala Lumpur, Malaysia. This Forum will serve as an avenue for littoral States, user States and other stakeholders to discuss and exchange views on issues relating to safety of navigation and environmental protection in the Straits.

#### Security Issues

12. Indonesia considers that threat to maritime security need to be addressed in a comprehensive manner; thus avoiding the selective approach to address one particular threat to maritime security. It is because armed robbery against ships, smuggling of goods, people and weapons, as well as illegal fishing are serious breach to maritime security.

13. In repressing armed robbery and other criminal acts against ships at sea, the Indonesian government has taken various measures at national level and coordinated actions at littoral states level with Malaysia and Singapore;

(a) At a national level: the establishment of the Navy Control Command Center (Puskodal) for armed robbery against ships in Batam and Belawan, increasing air and sea patrol in strategic sea lanes and susceptible waters, increasing early detection capability in certain areas to gain maritime intelligence, and deploying specific intelligence operations. In addition to strengthening the enforcement measures, the Indonesian government also established Integrated Maritime Surveillance System (IMSS) along the Indonesia's coast of Malacca Strait with the assistance of the United States. The Government of Japan in the near future will also cooperate in this area. Meanwhile, within the framework of bilateral Maritime Cooperation between Indonesia and China, Indonesian capacity to develop the surveillance system along the Straits will also be facilitated by China.

(b) At littoral states level: Indonesia established and strengthened coordinated patrols between the Navy of Indonesia, Malaysia and Singapore through both bilateral coordinated patrols as well trilateral coordinated patrols. Until to day the Indonesia-Malaysia Coordinated Patrols, Indonesia-Singapore Coordinated Patrols as well as Indonesia-Malaysia-Singapore Coordinated Patrols are conducted in regular fashion.

14. It is important to underline that many have misunderstood that the issue of armed robbery against ships at sea is a pure issue of maritime affairs. In fact, most armed robberies against ships are planned in land. The base operations are also in land. The security problem caused by internal conflicts can also be a critical factor in this regard.

15. We speak from our own experience. Many incidents of armed robbery and other criminal acts at the Strait of Malacca prior to 2005 were associated with Aceh Freedom Movement (GAM). Hence, successful political settlement between Indonesia and GAM has contributed significantly in reducing the number of such incidents. This situation might apply also to the case of Somalia. Strengthening law enforcement even before robbers set sail and the peaceful settlement of political problems in land are prerequisite for repressing such incidents at sea.

17. Indonesia believes that no country can solely mount defense in tackling the threats to safety of navigation and maritime security. In this regard, Indonesia is of the view that any international cooperation for the safety of navigation and maritime security should be based with the full respect for the sovereignty of the littoral States. In the context of safety of navigation, the only framework to materialize such cooperation is through the Cooperative Mechanism established by the littoral states. Furthermore, in Indonesia's view any specific measures undertaken to ensure maritime security in the Straits shall be conducted through a bilateral mechanism between littoral States themselves or between the littoral States and other States respectfully. Finally, a comprehensive approach to eliminate armed robbery and other criminal acts against ships at sea shall also include in-land operations.

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