

11.- TOPICS TO BE CONSIDERED

11.1. Malacca Strait

Docs: S-23WG2-11A Areas of Concern: Views expressed by WG Members
S-23WG2-11D Letter from India on Malacca Strait

The Chairman indicated that India's proposal was to move the *Malacca Strait* from Chapter 6 (South China Sea and Eastern Archipelagic Seas) to Chapter 5 (Indian Ocean). India further suggested changing the western limit of the *Malacca Strait* from T. Jamboaye (Sumatra, Indonesia) – Lem Phra Chao (Thailand) to Pedropunt (Sumatra, Indonesia) - Lem Phra Chao. These changes are illustrated in the diagram at Annex E.

The Chair invited to meeting to consider the treatment of the *Malacca and Singapore Straits* as a single, continuous waterway. To support the status of the *Malacca and Singapore Straits* as a single, continuous waterway, Singapore presented justification based on the establishment of the TSS and STRAITREP by IMO. The meeting agreed unanimously to consider the *Malacca and Singapore Straits* as a single, continuous waterway.

The Vice-Chair referred to a statement by the 1919 IHC that "Straits joining two seas have been allotted to one of them", suggesting that *Malacca & Singapore Straits* should be treated accordingly. Singapore's presentation showed that the *Malacca and Singapore Straits* fall under NAVAREA XI (Japan coordination), INT Region K (Japan coordination) and the East Asia Hydrographic Commission; hence, if the intention was to allot the it to one of the two adjoining seas, it would be logical to associate the *Malacca & Singapore Straits* with Chapter 6 to facilitate administration and provisions of services described in S-53, as well as to ensure consistency between publications.

Indonesia expressed preference for the *Malacca and Singapore Straits*, due to its importance to international navigation and safety at sea, to be considered a separate body of water, independent from the *Indian Ocean* (Chapter 5) and the *South China Sea and Eastern Archipelagic Seas* (Chapter 6), as in the 3rd edition of 1953. They reported that Indonesia, already a member of the East Asia Hydrographic Commission, was currently in the process of joining the North Indian Ocean Hydrographic Commission. They suggested that a new RHC be formed to address the issues pertaining to the *Malacca & Singapore Straits*. On the latter point, the Chair commented that RHC establishment is an issue for littoral States to address.

The lack of justification by India for the *Malacca Strait* to be part of the *Indian Ocean* was emphasized by Japan and Singapore.

There being diverging views on this proposal, i.e. with Australia, China, France, Japan, Nigeria and Singapore expressing preference for the *Malacca and Singapore Straits* being placed in Chapter 6, whereas Malaysia (not represented at the meeting), UK and USA preferring to have the straits in Chapter 5, and Indonesia suggesting they form an independent body of water, the Chair proposed that this issue be re-visited later during the meeting, thus giving participants the opportunity to give further thoughts to the matter. This was agreed.

Re-visiting the Malacca and Singapore Straits issue on the last day of the meeting.

The Chair asked if there was any objection to the proposed change by India to the western limit of the *Malacca Strait*. There was none. The proposed new western limit, as per the 1953 3rd Edition/ 1986 draft 4th Edition of S-23, was therefore agreed.

Singapore reiterated the importance for member States to justify their proposals of renaming/rezoning by providing the necessary technical reasons. Singapore highlighted that no justification had been provided for

placing the *Malacca Strait* as part of Indian Ocean, and conveyed that Singapore supported the proposal for *Malacca and Singapore Straits* to be treated as an independent waterway given their significance to international navigation.” Indonesia maintained their position that the *Malacca and Singapore Straits* should be treated as an independent maritime area.

Australia reported that the proposal which was made in 1999 by Australia to associate the *Malacca and Singapore Straits* with Chapter 6, aimed at facilitating S-57 ENC encoding at that time. As this justification was no longer relevant, Australia stated that the 1999 Australian proposal (letter AH 26/074/03 of 14 April 1999) should be considered withdrawn.

Japan emphasized that there was a need for smooth and safe navigation throughout the *Malacca and Singapore Straits*. As a result, they were inclined to support Indonesia’s proposal for an independent area.

After discussion, Indonesia’s proposal for the *Malacca and Singapore Straits* to form an independent maritime area within S-23 was agreed.

Outcomes:

- The WG agreed that the *Malacca and Singapore Straits*, a single continuous waterway, be considered an independent area forming a separate administrative division in S-23, due to their significance for international navigation.
- Amendment of the western limit of the *Malacca Strait*, as proposed by India, was agreed by the WG.