



# 24TH ASIA-PACIFIC ROUNDTABLE

7-9 JUNE 2010 • KUALA LUMPUR

**STRENGTHENING COMPREHENSIVE AND  
COOPERATIVE SECURITY IN THE ASIA-PACIFIC**

**“Enhancing Maritime Security”**

***Enhancing Maritime Security – Law Enforcement  
in Malaysia***

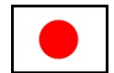
*by*

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Northern Region Commander  
Malaysian Maritime Enforcement Agency  
(MMEA)  
Malaysia**

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CONCURRENT SESSION ONE Tuesday, 08 June, 2010 1715hrs – 1845hrs

# **ENHANCING MARITIME SECURITY - LAW ENFORCEMENT IN MALAYSIA**

## **BY FIRST ADMIRAL MARITIME ZULKIFILI BIN ABU BAKAR**

### **INTRODUCTION**

Whilst it is said that the threat of piracy and sea robbery in the seas of the Asia Pacific has reduced, there are still many challenges that countries in the region face that have compelled them to quantitatively and qualitatively improve their maritime security forces. The aim of this paper is to provide an overview on the on-going efforts to enhance maritime security using Malaysia as an example and how her maritime capabilities can be leveraged in response to security concerns.

This paper will highlight the strategic importance of maintaining maritime safety and security in the Malaysian Maritime Zone (MMZ)<sup>1</sup>, including the major Sea Lanes of Communications (SLOCs) in Malaysia, especially the Straits of Malacca. It will also look at the maritime security challenges plaguing the SLOCS and the MMZ. Even though the term maritime security challenges covers traditional security threats as well as non-traditional security threats, this paper will focus on the latter. The paper will discuss the roles played by maritime security forces, in particular the Malaysian Maritime Enforcement Agency (MMEA)<sup>2</sup> and the need for maintaining a credible security force to ensure that any breach of safety and security is kept to minimum at all times. The paper will conclude by addressing the importance of establishing regional cooperation in the fight against transnational crimes.

### **THE STRATEGIC IMPORTANCE OF THE MMZ AND SLOCS**

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<sup>1</sup> This is defined in Section 2 the Malaysian Maritime Enforcement Agency Act 2004 (Act 633) as “the internal waters, territorial sea, continental shelf, exclusive economic zone and the Malaysian fisheries waters and includes the air space over the zone.

<sup>2</sup> The MMEA, which is the equivalent of a coast guard, was established on 15 Feb 2005 by virtue of the MMEA Act 2004 (Act 633).

## The Malaysian Maritime Zone

As a maritime nation, Malaysia's economy is dependent on the rich natural resources, primarily petroleum and gas found in her Continental Shelf<sup>3</sup>. The State also relies heavily on seaborne trade for the import and export of essential goods, commodities and raw materials. Almost all her commercial major ports such as Penang, Lumut, Klang, West Port, Tanjong Pelepas, Kuantan, Kuching, Miri, Labuan, Kota Kinabalu, Sandakan and Tawau provide impetus for the growth of the adjacent districts and its respective States as a whole. Safe passage and access through the MMZ therefore is the nation's primary concern.

The availability of rich fishing grounds in Malaysia's Exclusive Economic Zone has reduced her dependence on fish imports. Fishing also provides a source of food besides providing a means of income for the more than 1 million fishermen in Malaysia. Some of the most popular marine tourist spots include islands located along the coasts of Malaysia. They are, among others, the islands of Langkawi, Penang, Pangkor, Tioman, Redang, Sipadan and Ligitan. A major oil spill could easily turn into a disaster for the tourism industry. Safeguarding maritime security in the MMZ is therefore vital to Malaysia's national interest.

## The Straits of Malacca

The Straits of Malacca, a narrow channel passing between Indonesian Sumatra and the Malay Peninsula has become one of the most important sea routes in the world. The Straits form a strategic waterway by providing the shortest sea route between the Indian Ocean (via the Andaman Sea) and the Pacific Ocean (via the South China Sea).

No less than 70,000 commercial vessels that are carriers of international trade pass through the Straits of Malacca every year<sup>4</sup>. The number continues to

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<sup>3</sup> Oil money fuels Malaysia's economy by Cecilia Kok, The Star, Saturday, June 20, 2009. See also <http://www.cia.gov/library/publications/the-world-factbook/geos.my.html>

<sup>4</sup> Ships transiting through the Straits of Malacca have to report to the Vessel Traffic Management Services managed by the Marine Department of Malaysia. The reporting procedure is called Straitrep.

increase each year, more so this year, due to global economic recovery from the recession that began in 2008.

A good number of these vessels are merchant ships and oil tankers and it is reported that annually, half of the global energy shipments<sup>5</sup> and RM3.8 billion worth of goods and services<sup>6</sup> world's oil and one third of global trade passes through the Straits of Malacca. The maintenance of security in the Straits of Malacca as a SLOC therefore cannot be taken for granted or under-emphasized. Any disruption of the free flow of trade and navigation in the Straits would adversely affect the economy of all the trading nations which depend largely on seaborne trade especially the littoral States of Indonesia, Singapore and Malaysia.

Security in the Straits of Malacca is also important to Malaysia for the following reasons:

Firstly, there is the international perception that the security of the Straits of Malacca is the responsibility of the littoral states. Perhaps the pressure was more on Malaysia because the name Malacca, which is one of the 13 states in the country, is synonymous to Malaysia.

Secondly, lack of enforcement portrays lack of display of authority and eventually, sovereignty. As some may recall, due to the rising number of piracy cases, the Straits of Malacca was once listed as a war risk zone<sup>7</sup> by the insurance companies for a brief period in 2006. In fact, the absence of an effective law enforcement mechanism invites intervention by the security forces from other States. This was clearly reflected in a number of United Nation's Security Council Resolutions (UNSCR) which called for assistance from other

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<sup>5</sup> Webpage Centre for the Straits of Malacca, Maritime Institute of Malaysia. <http://www.mima.gov.my>.

<sup>6</sup> Malacca Straits Research and Development Centre, Universiti Putra Malaysia. <http://www.fsas.upm.edu.my/~masdec/web/straits.html>.

<sup>7</sup> Lloyds Market Association.

States to address the piracy situation, specifically in Somalia. The presence of qualifying statements such as “...this resolution shall not be considered as establishing customary international law....” will not, however, stop the UNSCR from becoming customary international law because UNSCR in itself is customary rules of international law.<sup>8</sup>

The maintenance of maritime security for the other areas in the MMZ is also of primary concern to Malaysia. The South China Sea is strategically located, being in the hub of maritime activities and economic development of ASEAN states. The increase in volume of international trade that results from these activities mean that more goods will be transported by sea, thus there will be more ships plying the old trade routes in the region. This increase in maritime traffic leads to a corresponding increase in non-military threats, also commonly known as non-traditional threats, to maritime security.

## **MARITIME SECURITY CHALLENGES**

### Security Threats

Recognizing the needs of the international community and the littoral states to secure the safe passage of vessels in the Straits of Malacca, which is also in the MMZ, there is a continuous need to address the non-traditional security threats. These threats include terrorism, piracy, sea robbery, smuggling, human and narcotics trafficking.

These threats may also be classified into the following categories:

- A. Transnational crimes;
- B. Illegal seaborne migration; and
- C. Environmental and economic issues.

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<sup>8</sup> International Legal Framework (UNCLOS, SUA & UN Resolutions): How Are They in Tackling Piracy by Samuel Pyeatt Menefee at p. 3.

Transnational crimes refers to activities carried out firstly by, criminals, who smuggle drugs, weapons and even people across the porous maritime borders within the region. The latest development in trans-boundary cases for this region would be the increase in smuggling of food commodities. As rice is the staple food for most ASEAN countries, the shortage of such commodity would force people to smuggle the item out of necessity or for a quick gain.

Secondly, pirates and sea robbers prey on vessels that ply the trade routes, particularly the waters of the Straits of Malacca. The number of reported attacks, however, has been drastically reduced due to coordinated efforts undertaken by the littoral states of Malaysia, Singapore and Indonesia and the active preventive measures adopted by the onboard ship's crew.

Cases of suspected human trafficking that have been increasingly intercepted of late<sup>9</sup> are now becoming a major concern. While the figures are still relatively low, it is undeniable that such cases do exist and efforts are ongoing to ensure that the problem is nipped in the bud. There are also cases of smuggling of people, purportedly organized by crime syndicates, who succeed because there are, gaps and seams in the laws of the affected countries.

As regards illegal seaborne migration, the unfortunate disparity in economic prosperity between one country and another attracts movement of illegal immigrants between the two. Some seek better sources of income while others seek a better future in the countries of their choice. These have sometimes caused strained relationships between the States affected together with possibly enhanced social and health related problems.

One must also be mindful of the fact that the migration of individuals may not be limited to those venturing for a better life but may also include the movement of

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<sup>9</sup> It has become a standard procedure for MMEA that whenever there is an an arrest involving foreigner or individuals believed to be a minor, investigation procedures on suspicion of human trafficking shall be carried out first.

criminals or even terrorists who come seeking a safe haven under the pretext of migration, while waiting for the right time to launch their next strike.

Besides this, there are environmental and economic issues that result from the increase in traffic density of ships and other related maritime activities. The seas are vulnerable to threats of maritime pollution due to accidental spills, illegal dumping of waste, overfishing as well as illegal fishing. In recent years, cases of oil pollution from accidental spills and dumping activities have resulted in the degradation of the marine environment, thus contributing to scarcity of rich fishing grounds. Such cases have also threatened the tourism industry which largely depends on the unspoilt nature and beauty of the environment.

Since the causes of these problems originate from vessels of different States, managing law enforcement issues without the guidance of an existing cooperative mechanism becomes increasingly difficult for any one State.

The threats to security mentioned above are by no means exhaustive in nature. Indeed there are many others but it is sufficient to say that the damage caused by the illegal activities that have been mentioned can be very costly to the economy of a State, notwithstanding the costs of managing the problems. There is therefore, a need to have an effective law enforcement organization to tackle the maritime threats and challenges.

### Safety of Navigation

In some cases, breach of safety practices may result in security problems. Efforts are being done to ensure safe navigation in the Straits of Malacca. Under the auspices of the International Maritime Organization and in accordance with Article 43 of the Law of the Sea Convention (LOSC), the littoral states have formed a Maritime Cooperative Mechanism<sup>10</sup> which provides a framework of

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<sup>10</sup> The Cooperative Mechanism comprised 3 components, i.e. Cooperation Forum, Project Coordination Committee and Aids to Navigation Fund. It was first introduced in September 2006 at the Kuala Lumpur Meeting and was endorsed and agreed upon by the 3 littoral states of Indonesia, Singapore and Malaysia at the Singapore Meeting in September 2007.

cooperation and burden sharing between the littoral states and users of the Straits of Malacca and Singapore. For example, in order to further enhance the safety of navigation in the Straits, ships transiting through the Straits have to report to the Vessel Traffic Management Services, based in Port Klang, Malaysia<sup>11</sup>. This is to facilitate identification and communication between ships and shore-based activities for the passing of relevant safety information.

### Significant Threats

Among the maritime security threats mentioned above, the one that attracts international interest including from the global media would be threats posed by pirates or sea robbers. This is particularly significant in light of the present piracy cases off the coast of Somalia. In the case of South East Asia, the areas in the MMZ where most incidents of piracy or sea robbery have been recorded are in the Straits of Malacca and the South China Sea.

Sometimes the word piracy and sea robbery is used interchangeably. This occasionally happens when the focus of the subject matter is to reflect the gravity of the actual crime. There are differences between them but the most pronounced difference between piracy and sea robbery is the location where the offence is committed. If the offence happens on the high seas (EEZ for that matter by virtue of article 58 (2) of the LOSC) it will be termed as piracy<sup>12</sup>. If it happens in the territorial seas and internal waters, then the offence is sea robbery where the coastal state would have jurisdiction.

The number of piracy and sea robbery cases in the Straits of Malacca since the year 2000 to this date has reduced drastically from 40 in 2000 to 1 case in 2009. For this present year of 2010, only one case has been reported so far. It involved a fishing vessel reportedly attempting to board a Very Large Crude Carrier. This incident, however, has not been confirmed. Incidences of piracy or sea robbery

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<sup>11</sup> Ibid 2.

<sup>12</sup> Article 105 LOSC invites universal jurisdiction.

reports come from the International Maritime Bureau Piracy Reporting Centre, Maritime Port Authority of Singapore, Information Sharing Centre for ReCAAP<sup>13</sup> and local enforcement authorities including the MMEA.

The reduction in the number of piracy cases is due to effective security mechanisms that were put in place at the height of piracy incidents in the Straits in 2006. In fact, in March 2009, the European Commission held an international workshop<sup>14</sup> that discussed and commended the success of the three littoral states in implementing cooperative security measures to combat piracy. Among the mechanisms that drew praise were the Eyes in the Sky, the Malacca Straits Surface Patrol (MSSP) and the Maritime Cooperative Mechanism which were jointly implemented by the three states, the establishment of the Information Sharing Centre, ReCAAP based in Singapore and the formation of the MMEA.

#### The Roles Played by the Navy, Coast Guard and the Marine Police Force

The maritime security forces of a country may comprise a navy, a coast guard or a marine police. A navy has a military or war-fighting role as its primary role and law enforcement as its secondary or peace time role. A coast guard usually performs a law enforcement or constabulary role in peace time and augments the navy during war or a state of emergency. A marine police force normally exists in countries where there are no coast guards. The advantage of having a coast guard in comparison to a marine police is that since the former is paramilitary in nature, it reduces a country's defense expenditure as it can perform a dual role. The coast guard crew must however, be capable of swift adaptation from constabulary to traditional naval roles when required. A State therefore does not need to maintain a big navy nor does it need to maintain a large marine police force to carry out law enforcement role since the navy and coast guard

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<sup>13</sup> The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against ships in Asia is the first government-to-government agreement to enhance the security of regional waters.

<sup>14</sup> Validation Workshop on Critical Maritime Routes from the Straits of Malacca to the Horn of Africa and the Gulf of Aden, Brussels 9-10 March 2009 organized by the European Commission.

complement each other. With the increasing complexity of maritime security over the past few years and the high operating costs of maintaining too many law enforcement agencies at sea, States are moving towards creating a coast guard or changing the roles of the marine police to becoming a coast guard.

Some States even have other agencies such as customs, environment, fisheries, health and immigration departments to augment the law enforcement roles carried out by the navy, coast guard or the marine police force. These agencies have a variety of vessels at their disposal. The roles of these agencies in law enforcement however, may be limited since they have their own primary functions such as anti smuggling for customs, breach of environmental provisions for the department of environment, combating illegal, unreported and unregulated fishing for the fisheries department, and so on, thus there cannot be a specific focus on maritime security as a whole. It is therefore advantageous to have a single agency with autonomous powers to carry out law enforcement.

### The Law Enforcement Role

In the exercise of duties to ensure maritime security, especially when it comes to addressing traditional security threats, the biggest challenge in combating these threats is usually related to the issue of target identification. There is therefore, a need for the maritime security forces especially those involved in law enforcement duties to harness its surveillance capabilities in order to search, detect, classify and identify targets.

In this respect, while it is true to say those warships, in particular larger vessels which are configured for combat roles are better equipped with advanced surveillance gadgets to detect contacts; the problem of target identification would still prevail as some targets get cluttered among the many fishing vessels found in certain areas. Target identification becomes more challenging during harsh weather conditions and during night operations.

Navies, however, can still be of assistance in providing picture compilation for the purpose of law enforcement. If they cannot dedicate their time to law

enforcement duties, the information gathered can still be passed on to the relevant law enforcement agencies for further action. The next issue then would be inter-operability among the agencies to work together. In this aspect, as the navy and the coast guard has inter-changeable role; inter-operability therefore can best be achieved between the navy and the coast guard. While the challenges faced by security agencies may be complex, the job would still have to be managed.

There are views that the military, in particular, navies, due to the size of its assets may want to focus on the war fighting role<sup>15</sup>. Engaging in law enforcement duties, inevitably, requires a substantial commitment of time and effort in terms of training, execution, and court duties. Ultimately, it is for the stakeholder to decide on the eventual role.

### The Changing Nature of the Law Enforcement Role in Malaysia

One of the biggest challenges faced by the Malaysian Government is maritime law enforcement. With a vast maritime area of interest versus a limited number of resources, there is a need to be focused on the type of enforcement operations to be done. Prior to the formation of the MMEA, there were 8 agencies responsible for enforcing more than 40 relevant statutes. They are:

- Department of Immigration;
- Department of Fisheries;
- Department of Environment (DOE);
- Marine Department;
- Royal Malaysian Air Force;

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<sup>15</sup> This is particularly true for the Royal Malaysian Navy (RMN) as it was strong proponent for the setting up of the Malaysian Maritime Enforcement Agency. The RMN continues to be support the MMEA in terms of assets, personnel and training. Almost 85% of the personnel in the MMEA comprise of retired or ex-naval personnel. The recruits for MMEA are still being trained at the RMN Recruit Training Centre in Johore.

- Royal Malaysian Navy;
- Royal Malaysians Customs;
- Royal Malaysian Police (Marine and Air Wing)

In the past, some of the agencies worked in isolation in meeting the requirements of the Acts governing them. For example, the Fisheries Act, the Environmental Quality Act (EQA), the Customs Act, and the Immigration Act stipulate the management of enforcement activities by the Fisheries Department, the DOE, the Customs Department and the Immigration Department respectively. The Fisheries Act however, authorizes the RMN, Marine Police, Marine Department and Customs officers to carry out its enforcement. A similar provision is found in the EQA authorizing officers from the various agencies to enforce cases of oil pollution. As a result of some uncertainties and overlapping jurisdiction in combating the maritime threats, the National Maritime Enforcement and Coordination Centre (NMECC) was formed in 1985 in order to coordinate the enforcement activities. This was to avoid confusion and delineation of specific duties by the various agencies.

The creation of NMECC however, did not solve the problem of enforcement as each agency was still engulfed with its own priorities and interests particularly in managing its assets and human resources. Besides this, NMECC also lacked command and control functions over the agencies while the assets assigned to her were meant to meet specific duties only. There were still other challenges that were not addressed including inter-agency cooperation as well as interoperability among maritime agencies. The approach taken by each maritime agency in combating threats to maritime security was more sectoral in nature and the disparity in the capability of assets and resources between one agency and another required further resolution.

In 1999, the government directed a feasibility study to be carried out on the formation of a coast guard. As a result of the study, a decision was made to establish a coast guard by amalgamating all the various assets and human

resources dealing with maritime law enforcement. Subsequently, the MMEA was born.

## **MMEA**

Under the MMEA Act, MMEA has been tasked to perform enforcement functions under all federal laws for ensuring the safety and security of the MMZ and is the primary agency responsible for search and rescue at sea. To ensure that MMEA is able to perform its functions, MMEA has been given assets that include surface vessels<sup>16</sup>, rotary and fixed wing aircraft and radar sea surveillance systems. While the air assets, surveillance radars and boats are new, some of the ships however, are almost 50 years old<sup>17</sup> and need to be replaced. To date, MMEA has in its inventory the following assets:

Types	Numbers
Ships (>20m in length)	50
Boats (<20m in length)	25
RHIBs	52
Total	127

**Figure 1 - Surface Vessels**

Types	Numbers
Helicopter	3 (Dauphine)

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<sup>16</sup> Out of 50 ships and 21 boats, 1 ship was given by the Nippon Foundation, 2 new boats by TM while the rest of the ships and boats were used ships given by the following agencies: RMN (17), Marine Police(15), Customs(5), Fisheries(12) and Marine Department(21)

<sup>17</sup> The 15 Patrol Craft class of ships given by the RMN.

Fixed Wing	2 (CL 415)
Total	5

**Figure 2 - Air Assets**

### **Radar Sea Surveillance Systems**

Upon its formation, MMEA inherited the existing Radar Sea Surveillance Systems (RSSS) situated along the coast facing the Straits of Malacca. These radars were previously operated by the NMECC<sup>18</sup> based in Lumut. The RSSS serve a dual function, firstly to provide radar picture for the safety of navigation under the Vessel Traffic Services (VTS) operated by the Marine Department and secondly for surveillance and security purposes of the MMEA. They are operated by independent VTS and MMEA radar operators. The RSSS has proven to be a useful tool for MMEA with a significant number of successful interdictions due to their effective use<sup>19</sup>. A similar type of surveillance radars are currently in the process of being installed from Sandakan in the east coast to the western coast of Sabah on the island of Borneo.

Today, MMEA is in its fifth year of operation. Some wonder whether MMEA has evolved to be the sole maritime enforcement agency as it was intended to be in Malaysia or whether MMEA is the ninth agency. This is because over the years even after MMEA's formation, the other law enforcement agencies such as the Marine Police Force, The Fisheries Department and the Customs Department (Marine section) are still operating at sea. As it is, MMEA has already embarked on a strategic plan that will eventually make it the sole maritime enforcement agency in Malaysia by August 2011. During this time MMEA has had the opportunity to equip her personnel and assets to be ready to meet the dateline. The statistical data provided speak for themselves.

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<sup>18</sup> NMECC has been absorbed as part of MMEA with effect from 1<sup>st</sup> June 2009.

<sup>19</sup> The successful interdiction of a vessel carrying 240 kg of cannabis on 24<sup>th</sup> May 2010 was a result of continuous surveillance by the RSSS stationed in Langkawi.

Year	Inspections	Arrests
2006	360	173
2007	4497	691
2008	7396	679
2009	13598	1037
2010-20 May	4657	572

**Figure 3 – MMEA Statistics**

ACT	2006	2007	2008	2009	2010- 20 May
FISHERIES	132	527	515	700	283
IMMIGRATION	11	49	39	95	85
CUSTOMS	17	27	26	39	25
FORESTRY		2	5	1	-
ENVIRONMENT			5	3	4
MERCHANT SHIPPING	7	54	39	132	114
SUPPLY CONTROL	2	25	41	27	45
RICE PADDIES REGULATIONS		2			1
NATIONAL LAND CODE	1	4	7	23	5
DANGEROUS DRUGS		1	1	3	1
FIRE ARMS			1	1	
WILDLIFE PROTECTION				3	

LAND AND MINERAL				1	
CORRUPTION				4	
SALES OF DRUG				2	
NATIONAL REGISTRATION				2	2
ANIMAL 1953				1	1
HUMAN TRAFFICKING					6
POISONS					1
TOTAL	170	691	679	1037	573

**Figure 4 – Arrest Statistics According To Statutes**

### **THE IMPORTANCE OF REGIONAL COOPERATION**

As had been said before, the events in Somalia has attracted overwhelming international attention to the success stories of the littoral states in curbing piracy in the Straits of Malacca. It has brought about opportunities for the littoral states to look back and improve on previous weaknesses. It has also strengthened regional cooperation among the littoral states as generally people realize that no one state will be able to tackle transnational crimes alone.

The fact remains that managing law enforcement operations across different national frontiers requires regional and even international cooperation. Logic dictates that even countries that are capable of increased maritime domain awareness may not be able to achieve effective enforcement, particularly for criminal activities that transcend different maritime borders. There is a need to develop information sharing mechanisms among related agencies as well as between countries within the region. For this reason, the establishment of a focal

point network will facilitate such information sharing and consequently expedite the use of existing arrangements on mutual assistance in criminal matters.

As a follow up to the above, States should also develop standard operating procedures that will enable swift decision-making processes and pre-planned responses for any eventualities.

One of the most important elements in law enforcement is the speed by which maritime interdiction can be successfully achieved. By participating in joint or combined exercises, States will be able to increase their proficiency in law enforcement, while at the same time validating the standard operating procedures that have been developed together.

It is also essential that States in the region cooperate, identify and resolve weaknesses in their enforcement mechanisms, including all elements of ambiguities, and lacunae of existing international and domestic laws. By doing so, they will ensure that no criminals are able to escape the hands of the law, and this will in turn pose a sufficient deterrence to would-be offenders. After all, prevention is still the best form of effective law enforcement.

Since its formation, MMEA has taken steps to establish bi-lateral as well as multi-lateral relationships with several countries in the Asia Pacific region. MMEA has a close working relationship with the following organizations:

- a. ISC ReCAAP in Singapore;
- b. Singapore Police Coastguard;
- c. Maritime Port Authority of Singapore;
- d. Japan Coastguard; and
- e. United States Coastguard.

## **THE WAY AHEAD**

Through the working mechanisms of the Head of Asian Coast Guards and the ASEAN Senior Official Meetings on Transnational Crimes (SOM TC), MMEA is also seeking to establish a multilateral cooperation with the coast guard agencies of several countries to facilitate information sharing in the fight against transnational crimes. Furthermore, under SOM TC, Malaysia has become the lead nation for the fight against piracy.

For now, the law enforcement arrangements in the fight against piracy in the Straits of Malacca are generally undertaken by cooperation between the Armed Forces of the littoral states. Once MMEA is able to establish relationship with its direct partners, especially the coast guards of Indonesia and Singapore, it is anticipated that the general law enforcement activities may eventually be undertaken by the coast guards of the littoral States. This also applies to the situation in the Sulu Sulawesi areas.

## **CONCLUSION**

Based on the foregoing arguments although the threats of piracy and sea robbery have tremendously reduced in the Straits of Malacca, there are still other non-traditional security concerns that are equally if not more, threatening. There is therefore a need for Malaysia to maintain a credible security force to ensure that any breach of safety and security is kept to minimum at all times. The Malaysian Government's move to establish MMEA as the sole maritime law enforcement agency shows that the nation has taken a focused approach to tackle law enforcement. The formation of MMEA to take over the maritime law enforcement roles from the other 8 agencies should also be viewed as a consolidation effort which can be leveraged in response to the prevailing maritime security environment. With good regional cooperation, Malaysia's commitment to provide maritime safety and security for the passage of vessels through the MMZ and the Straits of Malacca can be assured.



**ENHANCING  
MARITIME  
SECURITY – LAW  
ENFORCEMENT IN  
MALAYSIA**



**FIRST ADMIRAL MARITIME  
ZULKIFLI BIN ABU BAKAR**

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- ❖ REGIONAL COOPERATION
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# MALAYSIA MARITIME ZONE

## PETROLEUM AND GAS

798,000 barrels crude oil per day

2.2 trillion cubic feet of gas per day

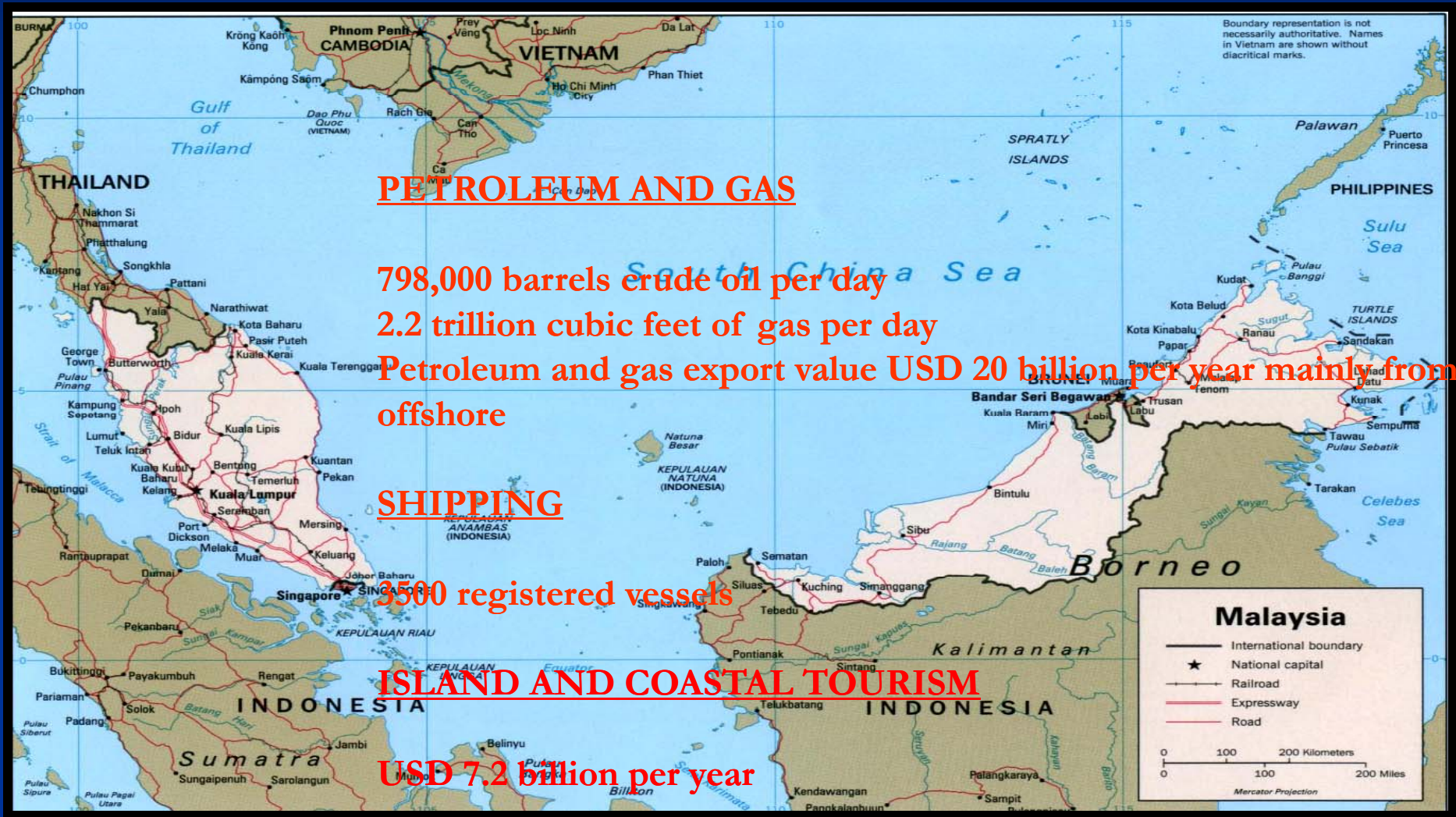
Petroleum and gas export value USD 20 billion per year mainly from offshore

## SHIPPING

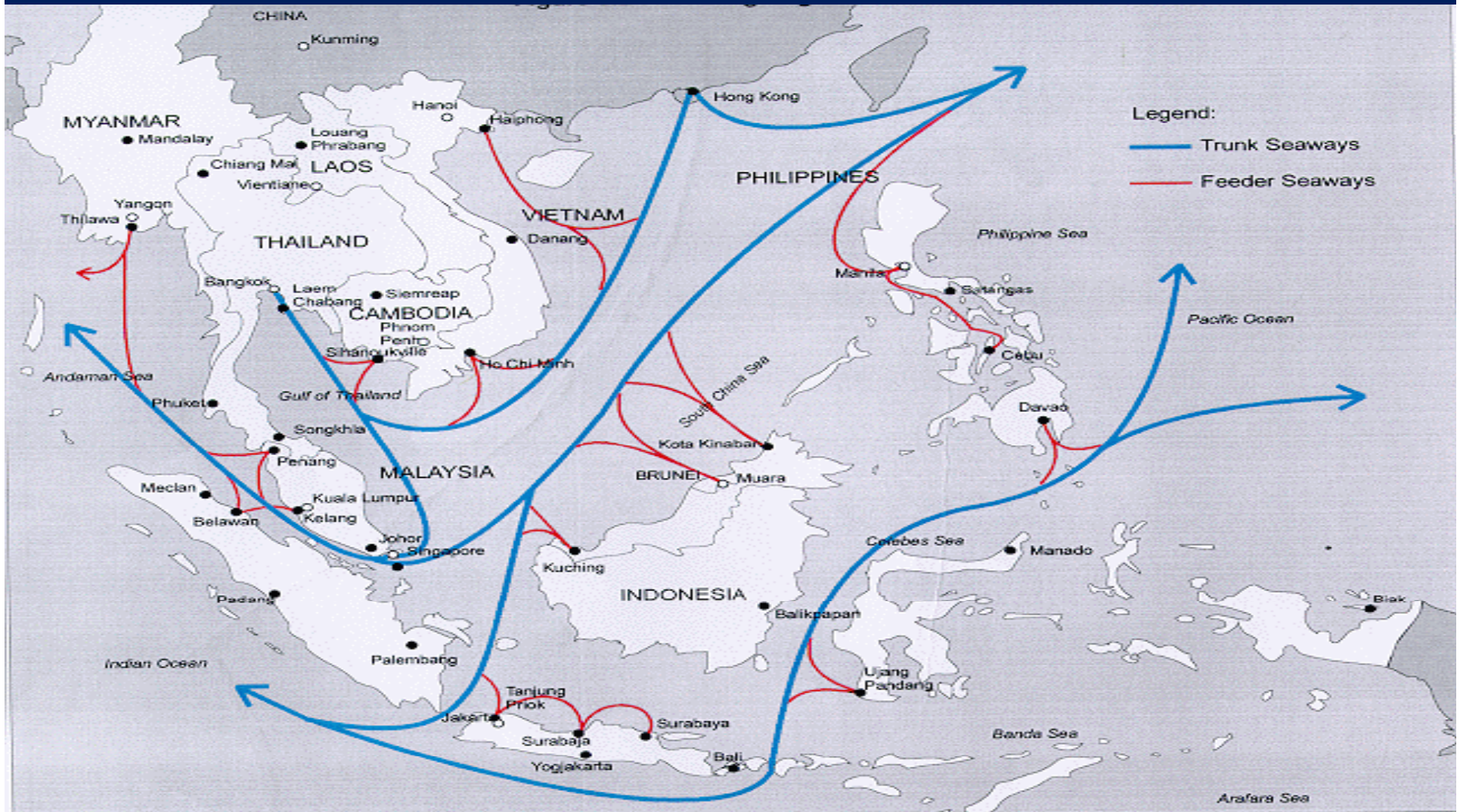
3500 registered vessels

## ISLAND AND COASTAL TOURISM

USD 7.2 billion per year



# STRATEGIC SLOC – STRAITS OF MALACCA



# **NON-TRADITIONAL SECURITY THREATS**

**TRANSNATIONAL CRIMES**

**ILLEGAL SEABORNE MIGRATION**

**ENVIRONMENTAL & ECONOMIC  
ISSUES**

# TRANSNATIONAL CRIMES

## ■ Transnational criminals

- *Smugglers (drugs/ weapons/ contraband/ people/ logs/ sand)*
- *Human Trafficking*
- *Piracy & Sea Robbery*

## ■ Illegal seaborne migration

- *Illegal immigration*
- *Criminal movement across borders*

## ■ Environmental &/ or economic issues

- *Accidental Spills*
- *Illegal Dumping*
- *Over-fishing/ illegal fishing*



# SAFETY OF NAVIGATION

- THE STRAITS OF MALACCA IS A HIGHWAY FOR EAST AND WEST TRADE ROUTES. POSSIBLE RISK OF COLLISION, ENVIRONMENTAL POLLUTION. THEREFORE NEEDS A HIGH MAINTENANCE OF AIDS TO NAVIGATION.
- ONGOING EFFORTS UNDER AUSPICES OF IMO TO ENCOURAGE CONTRIBUTION BY USER STATES FOR THE MAINTENANCE OF SAFETY TO NAVIGATION.

# MARITIME SECURITY FORCES

NAVY

COAST GUARD

MARINE POLICE FORCE

OTHER MARITIME AGENCIES

# ROLES

## NAVY

PRIMARY – MILITARY ROLE

SECONDARY – LAW ENFORCEMENT

## COAST GUARD

PEACETIME – LAW ENFORCEMENT

WARTIME – MILITARY

MARINE POLICE – ONLY LAW ENFORCEMENT

OTHER AGENCIES – SPECIFIC TO ITS INDIVIDUAL  
ROLE

# PRE MMEA

## MULTIPLE AGENCIES

- ❖ RMN
- ❖ RMAF
- ❖ MARINE POLICE
- ❖ ROYAL MALAYSIAN CUSTOMS
- ❖ MARINE DEPT
- ❖ FISHERIES DEPT
- ❖ DEPT OF ENVIRONMENT
- ❖ IMMIGRATION DEPT

# **MMEA'S ASSETS**

**SURFACE**

**AIR**

**RADAR SEA SURVEILLANCE SYSTEMS**

# MMEA ASSETS - SURFACE

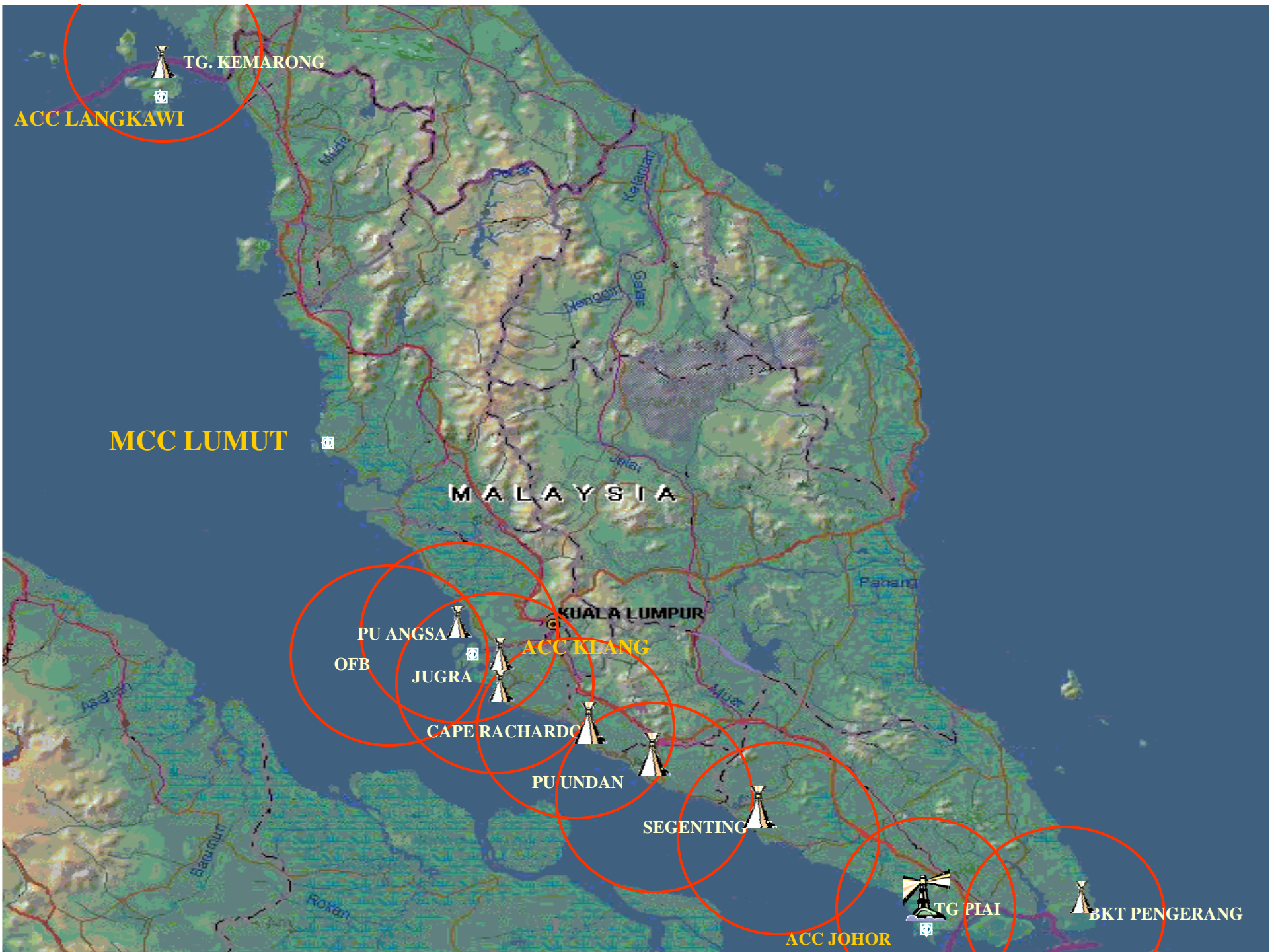
TYPES	NUMBERS
SHIPS (> 20 m in length)	50
BOATS (< 20 m in length)	25
RHIBs	54
TOTAL	129



# MMEA ASSETS – AIR

TYPES	NUMBERS
HELICOPTER	3 (Dauphin)
FIXED-WING A/C	2 (CL 415)
TOTAL	5





ACC LANGKAWI

TG. KEMARONG

MCC LUMUT

MALAYSIA

KUALA LUMPUR

PU ANGSA  
OFB

ACC KLANG

JUGRA

CAPE RACHARD

PU UNDA

SEGENTING

ACC JOHOR

TG. PIAI

BKT PENERANG

# MMEA STATISTICS

YEAR	INSPECTIONS	ARRESTS
2006	360	173
2007	4497	691
2008	7396	679
2009	13598	1037
<b>2010-20 May</b>	<b>4657</b>	<b>572</b>

23 dec 2009

# Big jump in arrests by MMEA in Sabah

DAILY EXPRESS 23 DEC 2009

## Avila Geraldine Samuel

KOTA KINABALU: Vessel inspections and the number of people arrested by the Malaysian Maritime Enforcement Agency (MMEA) throughout the State have increased tremendously over the past four years.

Sabah and Labuan MMEA Chief, First Admiral (Maritime) Mohd Taha Ibrahim said the number of vessels inspected this year increased to 2,478 compared to 973 inspections in 2008.

The total number of arrests went up to 166 from 90 arrests in the previous year, he said.

"The factor behind this tremendous increase is the increase in the number of MMEA personnel and because there are more vessels operating in waters throughout the State," he told reporters, Tuesday.

He also revealed that most arrests were made in Sandakan with 67 arrests, followed by Labuan with 39 arrests and Tawau with 33 arrests, while Kota Kinabalu recorded a total of 27 arrests.



Mohd Taha

As of this year, according to statistics furnished by Mohd Taha, 38 arrests were made under the Merchant Shipping Ordinance 1952 and 37 arrests under the Fisheries Act 1985, while 67 arrests were investigated under the Immigration Act 156/63.

"These three offences contributed mostly to the increase in the number of people arrested. Other offences had to do with the Control of Supply Act, Malaysian Industry Timber Board Act, Customs Act 1967 and National Land Code," he said.

Meanwhile, he also said MMEA is serious about curbing fish-bombing activities.

"We received lots of complaints from the community regarding fish bombing at their areas and I am moved by the response of the villagers who came forward to furnish us with information. "Fish bombing

damages the underwater world, especially the corals...we are against this action. We welcome cooperation from the community in order to curb this illegal activities together," Mohd Taha said.

6 may 2008

## Tuesday May 18, 2010 Ships held for illegal oil transfer

JOHOR BARU: The Malaysian Maritime Enforcement Agency (MMEA) has seized two ships believed to be involved in illegal oil transfer activities in Pengerang,

operations director said the incident took place on the southern coast of

action, MMEA seized documents allowing



The flat-bottomed boat containing 1,200 tons of sand and a towing-boat seized by the Malaysian Maritime Enforcement Agency (APMM) in Sabah and Labuan. PHOTO:BERNAMA

**EASTERN TIMES** 06 MAY 2008

## Maritime Agency busts sand thieves at Sg Kinabatangan

**SANDAKAN:** The Malaysian Maritime Enforcement Agency (APMM) in Sabah and Labuan has busted the activities of sand thieves who had been operating in Sungai Kinabatangan since 2004.

In doing so, it seized 1,200 tons of sand, a towing-boat and a flat-bottomed boat.

Its Regional Enforcement Chief for Sabah and Labuan, Maritime First Admiral Ahmad Puzi Abdul Kahar, said the seizure was worth about RM1 million and was made on April 28 in

miles from the Kinabatangan Canal.

He said at the time of the raid, following a tip-off from the Sabah Environment Protection Department, the towing-boat and the flat-bottomed boat were on their way to deliver the sand to a construction project in Sandakan.

"Further investigation revealed that the sand was taken illegally without any approval documents from the Sabah Land and Survey Department and the Sabah Environment Protection Department," Ahmad Puzi said.

He said following the seizure the towing-boat's 34-year old skipper and his two 22-year old assistants were detained for further investigation.

Ahmad Puzi said all the seized items were confiscated and the case was handed over to the Sabah Land and Survey Department for further action.

He said further investigation revealed the stealing activity was done in shifts with the sand brought here through Kuala Kinabatangan and Tanjung Bidadari, adding that residents where the sand was taken

from were threatened not to report to authorities. He said the offence was under the Sabah Land Ordinance and if found guilty the sentence is a fine of not more than RM100,000 or imprisonment of not more than five years or both.

"We view the matter seriously as it causes the river banks to erode, aquatic life being exposed to oil pollution and endangers people's voyages."

It is understood here is believed to be a twice

24 May 2008

## Bid to smuggle fish to Thailand thwarted

THE BORNEO POST

24 MAY 2008

**KANGAR:** An attempt to smuggle out 2,225kg of fishes to Thailand was thwarted when the Malaysian Maritime Enforcement Agency intercepted a seine net fishing boat near the Kuala Perlis coast yesterday.

The agency's Northern Region enforcement chief First Admiral (Maritime) Zammani Mod Amin said the patrol team detected the suspicious boat during their routine patrol in the Langkawi and Kuala Perlis waters at 5.25am.

After a five-minute chase, the boat with seven crew, including two Thais, was stopped about 600 metres from the coast.

Upon inspection, Zammani said 2,225 kg of various types of fish worth RM5,000 were seized.

The boat was seized and the crew were arrested for further investigation. — Bernama



APMM tahan nelayan indonesia dalam perairan Malaysia  
05/05/2010 12:04pm

**LANGKAWI** - Agensi Penguatkuasaan Maritim Malaysia (APMM) Wilayah Utara, menahan 21 nelayan warganegara Indonesia berumur antara 21 hingga 55 tahun kerana menangkap ikan di perairan Malaysia, di Pulau Perak kira-kira 86 batu nautika dari Langkawi, semalam.

Ketua Penguat Kuasa Maritim APMM Wilayah Utara, Laksamana Pertama Maritim Zulkifli Abu Bakar berkata, empat buah bot yang digunakan untuk menangkap ikan di perairan itu turut dirampas.

"Nelayan dari Belawan, Indonesia terbahit mendapat satu tong seberat 50 kilogram pelbagai jenis ikan setelah berada di perairan selama empat hari.

"Tangkapan dibuat oleh 25 anggota Daerah Maritim Satu Langkawi yang mengadakan rondaan penguatkuasaan Operasi Satria utara di perairan Selat Melaka utara," katanya pada persidangan akhbar di pangkalan Bukit Malut, di sini awal pagi ini.

Zulkifli berkata, anggota APMM mengesan kumpulan pertama dengan tiga bot nelayan asing pada pukul 9.56 pagi semalam, 40 batu nautika selatan dari Pulau Perak dan 86 batu dari Langkawi kerana sedang menangkap ikan di perairan negara ini.

Mereka dibawa ke Jeti Perikanan Bukit Malut di sini untuk siasatan lanjut," katanya. - Bernama

10 mac 2010

## Malaysia 'detains 93 Rohingya people'

Malaysian maritime authorities said Sunday they had picked up 93 members of Burma's Rohingya Muslim minority who had drifted aboard a boat for 30 days after fleeing their country.

This handout image released by Medecins Sans Frontieres (MSF) shows a Rohingya refugee at the Kutupalong refugee camp in Bangladesh in 2009. Malaysian maritime authorities have said they have picked up 93 members of Burma's Rohingya Muslim minority who had drifted aboard a boat for 30 days after fleeing their country.

The boat, packed with refugees, was found off Langkawi island off the northwest coast on Wednesday after a tip-off from fishing vessels, said the northern regional head of the Maritime Enforcement Agency, Zulkifli Abu Bakar.

Mainly Buddhist Burma denies citizenship and property rights to the Bengali-speaking Rohingya, leading to their abuse and exploitation and prompting many to flee the country.

The boat people "are suspected of trying to enter Malaysia illegally after being at sea for 30 days and so this is why we detained them for further investigations," Zulkifli told AFP, adding they ranged from 16 to 50 in age.

"This is the first time we have had such a big number of people found in our northern waters in many years."

The group had been handed to immigration officials in the northern state of Kedah, who would investigate and determine whether to prosecute them, Zulkifli said.

Malaysian police last July arrested five immigration officials for involvement in an international syndicate that smuggled Rohingya refugees into the country to work illegally.

With one of Asia's largest populations of foreign labour, Malaysia relies on its 2.2 million migrants to clean homes, care for children and work in plantations and factories.

Agency seizes 240kg of ganja

2010/05/25

**KUALA PERLIS:** In its biggest seizure ever, the state Maritime Enforcement Agency got its hands on 240kg of ganja, with a street value of about RM600,000, off the coast of Kuala Perlis on Sunday.

Head of Maritime (Northern Region) First Admiral Zulkifili Abu Bakar said some of the ganja was thrown overboard during a chase with the traffickers.



The drama began at about 11.15pm when the patrol boat spotted another boat with two men inside behaving suspiciously.

The patrol boat ordered the two men to stop but a chase ensued during which the officers saw boat men throwing black plastic bags into the sea.

The bags were believed to have contained slabs of ganja

**Saturday January 23, 2010**

**Agency rescues human trafficking victims**

**KUCHING:** The Malaysian Maritime Enforcement Agency (MMEA) has rescued 16 foreign fishermen believed to be victims of human trafficking.

The men were rescued from four deep sea trawlers off the coast of Tanjung Manis in central Sarawak during an operation on Thursday.

MMEA Sarawak head First Admiral (Maritime) Muhammad Abdul Basar Taji said five foreign tekong or trawler captains were also arrested.

“All 16 have been brought to the MMEA base at Tanjung Manis for further investigations,” he said in a statement yesterday. He added that the operation, which was conducted jointly with the Marine Fisheries Department, Immigration Department, Fisheries Development Authority (LKIM) and Sarawak Rivers Board, aimed to combat human trafficking believed to occur off Tanjung Manis.

17 jul 2010

Tuesday November 17, 2009

## Two vessels detained for illegally transferring sludge

**JOHOR BARU:** The Malaysian Maritime Enforcement Agency detained two vessels that were being used to illegally transfer 236,000 litres of sludge here yesterday.

Maritime Commander Abdul Hadib Abd Wahab said the *M.T New Amity* and *M.T Way Sheng*, which were spotted at around 9.45am off the coast of Tanjung Piai, had been illegally transferring sludge since 6am.

He said the first vessel had transferred 236,000 litres of its 472,000 litres of sludge to the second.



**Illegal activities curbed:** The two vessels being detained by the Malaysian Maritime Enforcement Agency.

He said the *M.T New Amity* was registered in Tarawa, Kiribati, while the *M.T Way* was registered in Liberia. "We have classified the case under Section 491B(1)(k) of the Merchant Shipping Ordinance 1952.

"We also detained 40 crewmen aged between 24 and 63," Abdul Hadib said, adding that they were from the Philippines, China, Indonesia and Korea.

"If found guilty, they could face a fine of not more than RM100,000, or a jail term of up to two years, or both," he said.

31 jan 2010

# Smuggling of cockle spats foiled

KUALA LUMPUR: The Perak chapter of the Malaysian Maritime Enforcement Agency (MMEA) has seized a consignment of cockle spats meant to have been smuggled out of the coast. A team of MMEA

officers intercepted the spats, worth about RM22,000, after finding them in 220 cans in a three-tonne truck at Batu Lima,

Razak Lebai Omar, said in the operation about 5pm, the truck driver was detained to facilitate investigations. In a statement here, he said the suspect in his 30s did not

or  
—

## Monday February 22, 2010 Two vessels held for illegal oil transfer

KOTA TINGGI: The Malaysian Maritime Enforcement Agency (MMEA) detained two vessels off the coast here for illegal oil transfer activities recently.

MMEA Tanjung Sedili maritime enforcement chief Abd Hadib Abdul Wahab said one of the vessels, which is registered in Tarawa, Kiribati, had been detained twice for the same offence this year on Jan 25 and Feb 12.

"A patrol boat discovered the two vessels conducting the illegal activities on Feb 21," he said. He added that the two vessels were spotted nearly three nautical miles south of Tanjung Stapa at 2.55am.

Abd Hadib said initial investigations revealed that both vessels did not have any documentation allowing the oil transfer.

"The captains and chief engineers of both vessels have been taken to the agency's headquarters to assist in investigations. The other was a Thai-registered vessel," he said. He added that identification documents from the 29 crewmen of both vessels were taken to facilitate investigation.

Those with information on illegal maritime activities along the coast of Johor are urged to contact the enforcement agency at 07-2219231.

**Thursday March 18, 2010**

## **Two ships seized over illegal oil transfer**

**JOHOR BARU:** The Malaysian Maritime Enforcement Agency (MMEA) has seized two ships believed to be involved in illegal oil transfer activities in Pengerang, Kota Tinggi.

Tanjung Sedili enforcement officer Commander Abdul Hadib Abdul Wahad said the incident took place at 11.40am yesterday during an operation conducted by the MMEA's air and sea units in the area.

"We detected two ships suspiciously close to one another near Tanjung Stapa," he said.

He added that as the MMEA helicopters approached the ships, they noticed oil hoses connecting the ships, leading to suspicions of illegal oil transfer.

The helicopters then contacted MMEA vessels close by and the two ships were inspected.

Officers discovered that one of the ships was transferring 30,000 litres of marine fuel to the other.

Both the ships' captains were unable to produce any documentation to verify the legality of their activities.

They were also found guilty of failing to notify authorities of the arrival of their ships in the area and neglecting to pay a lighthouse service charge.

Further investigations showed that both ships had started their illegal transfer at noon.

Both ships were seized by authorities an hour later.

Identification documents of the ships' 30 crew members from Indonesia, India, Myanmar, Bangladesh and the Philippines were confiscated while the captains and ship engineers were taken to the MMEA headquarters in Johor Baru for further questioning and legal action.

Under Section 491B(1)(l) of the Merchant Shipping Ordinance, failing to inform the director of the Malaysian Marine Department of ship-to-ship activity in Malaysian waters is punishable by fines of up to RM100,000, two years' imprisonment or both.

## **Intensive operations against fuel smugglers**

**DAILY EXPRESS**

**10 JUN 2008**

**KUALA LUMPUR:** The Malaysian Maritime Enforcement Agency (MMEA) will intensify anti-smuggling operations and raids in the country's waters especially to prevent the smuggling of fuel.

MMEA director-general Admiral Datuk Mohd Amdan Kurish, said besides routine patrols, special patrols and raids would also be conducted against those who

tried to smuggle fuel out of the country.

"The lower fuel price and high demand for it from neighbouring countries are the main factors it is smuggled out by both locals and foreigners.

"We will step up operations and surveillance including inspecting every boat that passes through our waters," he told reporters at the

Maritime Border Management Conference that was officiated by Deputy Minister in the Prime Minister's Department, Datuk Hasan Malek, here Monday.

Mohd Amdan said the agency would not compromise on fuel smuggling even if the quantity was small.

Hasan, in his speech earlier, said crime in the nation's waters was

under control in relation to piracy, robbery and human trafficking.

"In 2004, eight cases were reported, 2005 had four cases, none in 2006, two in 2007 and there has no case this year.

"Human trafficking is under control but it remains a concern if there is no concerted and constant effort made to handle the activity," Hasan said - Bernama

**10 jun 2008**

Monday, May 10, 2010

## Police on lookout for illegal oil dumping

**JOHOR BARU** Marine police will increase patrols along the Johor coastline to prevent oil dumping activities, especially near Kampung Semboing.

The recent oil dumping activities in waters near the coastal village had hampered the livelihood of fishermen, Marine Police Region 2 chief Asst Comm Mohd Khamsani Abdul Rahman said.

"We will conduct extra patrols to prevent these people from carrying out their illegal activities.

"A police marine ship along with three patrol boats have been assigned to the area," he told *The Star* here yesterday, adding that the dumping would often take place between 1am and 6am to avoid detection by authorities.

"Those responsible have managed to evade authorities as they plan their activities carefully. However, we will uncover their methods in order to stop them," said ACP Mohd Khamsani.

He said his men would also work with the Department of Environment and the Maritime Enforcement Agency to curb such activities.

25 mei 2010

>>Oleh Mohd Idris Sulaiman  
am@hmetro.com.my

**S**ITIAWAN: Tindakan segelintir nelayan yang masih berdegil menggunakan pukot tunda dan pukot sorong seolah-olah mencabar kewibawaan pihak berkuasa.

Ia terbukti hasil operasi khas selama dua hari dijalankan Jabatan Perikanan Perak yang berakhir kelmarin menyaksikan tujuh bot bersama 15 nelayan termasuk tiga warga asing ditahan kerana melakukan aktiviti haram itu di sekitar perairan, di sini.

Operasi itu dilakukan di sekitar perairan Pantai Remis dan Tanjung Hantu serta Pulau Pasir Hitam di Trong.

Selain menggunakan pukot tunda dan pukot sorong, terdapat tekong yang masih berdegil dengan mengambil warga asing bekerja sebagai awak-awak walaupun mengetahui ia menyalahi undang-undang berikutan ketiga-tiga warga asing yang ditahan dalam operasi itu didapati tidak memiliki sebarang dokumen pengenalan diri.

Ketua Cawangan Perlindungan Sumber Jabatan Perikanan Perak, Inwi Eh Kliyau berkata, operasi itu membatik 12 anggota dan turut dibantu penguat kuasa dari Kedah, Pulau Pinang dan Ibu

# Nelayan degil kena tindakan

Jabatan Perikanan tahan tujuh bot guna pukot tunda, sorong

Pejabat Jabatan Perikanan, Putrajaya.

Inwi berkata, dalam operasi terbabit, pihaknya memberkas 15 nelayan berusia antara 28 hingga 54 tahun termasuk tiga warga asing selepas menahan tujuh bot yang didapati menangkap ikan menggunakan peralatan tidak dibenarkan dalam operasi terbabit.

Beliau berkata, pihaknya juga berjaya menahan tiga bot pukot tunda dan empat bot pukot sorong yang diharamkan penggunaannya.

"Semua 15 nelayan itu ditahan kerana mengusahakan bot dan peralatan menangkap ikan tanpa lesen yang sah di bawah Peraturan-Peraturan Perikanan (Larangan Cara Menangkap Ikan) 1980 di bawah Jadual Perkara 2 Akta Perikanan 1985," katanya.



TAHAN...pegawai dan anggota Jabatan Perikanan memeriksa bot pukot tunda dan pukot sorong yang ditahan dalam operasi, kelmarin.

# IMPORTANCE OF REGIONAL COOPERATION

## ADVANTAGEOUS:

- DEVELOP INFO SHARING MECHANISMS
- DEVELOP SOPs
- EXERCISES TO FACILITATE CONDUCT OF JOINT OPERATIONS
- IDENTIFY & RESOLVE WEAKNESSES

# MULTI-LATERAL COOPERATION – WORK IN PROGRESS



# THANK YOU

FROST & SULLIVAN

2009

BEST  
PRACTICES  
AWARD

Asia Pacific Aerospace & Defense Awards  
Maritime Security Agency of the Year

