

THE REPUBLIC OF LIBERIA
LIBERIA MARITIME AUTHORITY

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Marine Advisory 12/2021

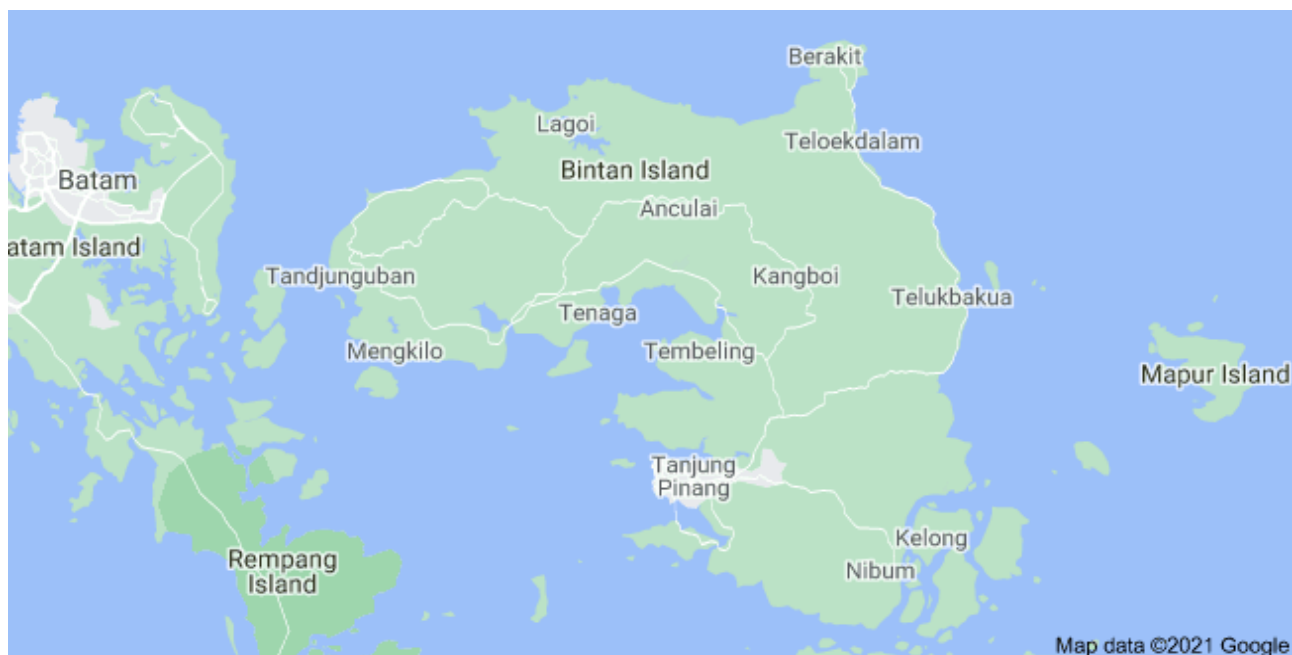
Subject: Risk of Detention and Fines for Vessels Anchored in Waters around the Island of Bintan, in the Eastern Portion of the Singapore Straits, Indonesian Territorial Waters

Reference: a) Law of the Republic of Indonesia No. 17/2008 on Shipping
b) SPICA Services Notice regarding Vessels Detentions

To: All Vessel Owners, Operators and Masters of Liberian Flagged Vessels

The purpose of this Marine Advisory is to draw attention to the recent increase in the Indonesian Navy's detention of vessels' in waters off Bintan Island and around the Riau Archipelago (Indonesia) due to illegal anchoring or drifting without prior notification to the local authorities.

See below map of Bintan Island, which is a popular place to anchor and where vessels await orders, etc. because it is close to shipping lanes, and believed to be OPL Singapore. However, these waters are within Indonesian territorial waters.



Map of Bintan Island and Riau Islands, Indonesia (Google Image)

Vessels' Owners, Operators and Masters maintain that the reasons for the detentions are:

- i. Misunderstanding of where Indonesian territorial waters legally begin and end; and
- ii. The conditions/requirements of local laws.

Please be advised that when a vessel is located within Indonesia's territorial waters, it is required to be cleared by the local authorities. A vessel will not require pre-clearance in Indonesian territorial waters if it is benefiting from the the right of innocent passage pursuant to Article 17 of the United Nations Law of the Sea (UNCLOS). Otherwise, Article 18 of UNCLOS affirms that "*passage shall be continuous and expeditious. However, passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.*"

The Indonesian Navy has been known to detain vessels even conducting transshipment activities (including launch boats carrying stores or crew) and categorized such activities as violating Law of the Republic of Indonesia No. 17/2008 on Shipping. Crew change and cargo operations within Indonesian waters are only allowed for Indonesian shipping companies with Indonesian flagged vessels manned by Indonesian crew.

Vessels' Release and Challenges

The process of releasing a vessel can be an arduous and lengthy one in Indonesia. There is usually an investigation by the Indonesian Navy, followed by prosecution, and a final decision which is handed down by a District Court.

Recommendation

It is recommended that before vessels anchor or drift in Indonesian territorial waters, a local agent should be appointed and permission obtained from the local authorities. Further, obtain information on designated anchorages from local agents in order for vessels' Masters to review and plan their positions accordingly.

For questions regarding this Advisory, please contact Investigations@liscr.com or Security@liscr.com.

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