

PRESS RELEASE

For Immediate Release

IOJI Appreciates the Arrest of Iran's Super Tanker Vessel by Bakamla RI

Jakarta, 14 July 2023 - Ocean policy advocate and think tank, Indonesia Ocean Justice Initiative (IOJI), as part of the civil society, applauds the Republic of Indonesia's Maritime Security Agency or Indonesian Coast Guard (Badan Keamanan Laut/Bakamla) for capturing an Iranian-flagged super tanker, MT Arman 114, on Friday (7/7/2023).

Based on a press conference at the Bakamla office and a Bakamla press release on Tuesday (11/7/2023), MT ARMAN 114 (an Iranian super tanker designed to transport oil or oil derivative products in large quantities), was suspected of carrying out ship to ship oil transfers to MT S TINOS (a Cameroon-flagged tanker) in the Indonesian Exclusive Economic Zone (EEZ). According to the Head of Bakamla, Vice Admiral Aan Kurnia, this ship was arrested by Bakamla for carrying out activities that were strongly suspected of violating Indonesian laws and regulations, namely: a failure to turn on and manipulation of the Automatic Identification System in Indonesia's EEZ (AIS spoofing); an illegal transfer of cargo in the form of crude oil from one ship to another in the middle of the sea (illegal transshipment at sea), pollution of the Indonesian seas (dumping); a failure to fly the national flag; a lack of port clearance, and failure to comply with law enforcement officials (both ships did not stop even though they had been warned several times by the Marore Island State Ship 322).

This firm action by Bakamla needs to be appreciated because marine pollution as a result of dumping will continue to be a threat and a challenge that must be addressed, especially in Indonesian waters and jurisdiction.

In relation to the above matters, IOJI conveys the following matters:

- 1. Appreciation to the Government of Indonesia, in this case Bakamla, which has carried out safeguards and surveillance at sea from the threat of marine environmental pollution, especially in Indonesia's EEZ**

Based on the statement from the Head of Bakamla, Vice Admiral Aan Kurnia, the Indonesia Maritime Information Center detected suspicious movements from the MT Arman 114 and MT S Tinos Ships on Friday, 7 July 2023 in Indonesia's EEZ. This was responded to by the State Ship 322 Pulau Marore who gave a warning and order for the

two ships to stop for inspection. The two tankers disobeyed Bakamla's warning and continued to move away from Indonesia's EEZ while carrying out ship-to-ship oil transfers. Bakamla also detected dumping of waste oil from the two ships in Indonesia's EEZ.

The pursuit and arrest of the MT Arman 114 ship can be categorized as steps taken by Indonesia as a coastal country in exercising jurisdiction over the protection and preservation of the marine environment in the EEZ in accordance with Article 56 paragraph (1) point c UNCLOS 1982. This step is also consistent with Indonesia's obligation to protect the marine environment in Article 192 UNCLOS 1982. In relation to this case, the general obligation to protect the sea is further translated into the obligation to adopt and enforce national regulations and policies in the context of preventing, reducing and controlling marine pollution due to dumping, including in Indonesia's EEZ, as stipulated in Articles 210 and 216 of UNCLOS.

2. International cooperation has proven to play an important role in efforts to maintain the sovereignty and sovereign rights of countries over territorial waters and jurisdiction

The arrest of MT Arman 114 was carried out in Malaysia's EEZ after going through a hot pursuit process and collaboration between Bakamla and the Malaysian Maritime Strengthening Agency (APMM). Based on the Bakamla press release, the steps taken by the Marore Island KN met the requirements for hot pursuit implementation in Articles 111 (2), (4), and (5) UNCLOS 1982. *First*, the MT Arman ship was caught red-handed carrying sea pollution through dumping, which indicates a violation of Indonesian national regulations as a basis for law enforcement. *Second*, the hot pursuit began when the MT Arman 114 ship did not respond to communication and instead avoided the interdiction process (examination) by KN Marore Island 322. This indicated that an auditory signal had been received by the MT Arman 114 ship from the State Ship Marore Island 322. *Third*, KN Marore Island 322 pursued continuously (uninterrupted) to Malaysia's EEZ. *Fourth*, the hot pursuit was carried out by the State Ship Marore Island 322 which had a clear marking and was identified as a ship by the Government of the Republic of Indonesia.

Based on the available information, Bakamla did not only carry out hot pursuits, but also took swift action to immediately open communication and coordination with APMM. The MT Arman 114 ship was finally mastered by APMM which was then handed over to Bakamla for further processing.

Through this international cooperation, the Government of Indonesia succeeded in bringing the MT Arman 114 back to Indonesian territorial waters so that it could be

inspected and handled in accordance with applicable national laws and regulations. Indonesia's leadership in marine protection forums at the regional level, in this case the ASEAN Coast Guard Forum, has proven to be of benefit in terms of safeguarding Indonesia's jurisdiction.

3. Support to the Government of Indonesia to continue to strictly enforce the law and provide a deterrent effect against all acts of marine environmental pollution, including dumping, in the Indonesian EEZ

From the results of drone imagery captured by Bakamla, the two ships continued to escape with the hose position still attached (the oil loading transfer was still ongoing), and from Kabakamla's statement, the two ships were actively dumping. The Government of Indonesia must continue to strictly enforce such acts of marine environmental pollution. Based on Article 210 paragraph 5 UNCLOS, dumping is expressly prohibited without prior approval from the coastal state. Article 216 also requires coastal states to enforce national laws regarding marine pollution due to dumping, including in the EEZ.

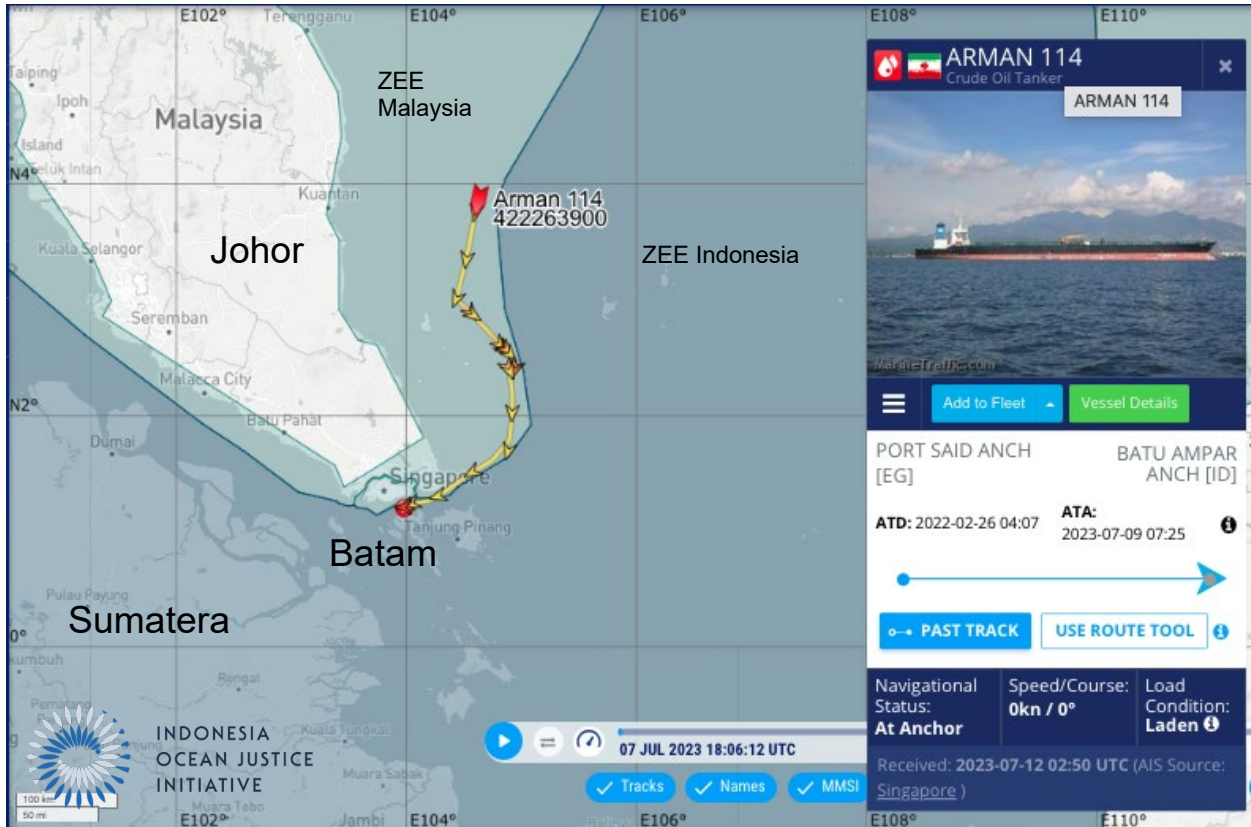
Based on Article 16 paragraph (3) of Law Number 5 of 1983 concerning the Exclusive Economic Zone and Article 104 of the Law on Environmental Protection Management as last amended by Law Number 6 of 2023, the act of dumping into the sea, including the EEZ, without a permit is punishable by imprisonment for a maximum of three years and a fine for a maximum of 3,000,000,000 Rupiah. In accordance with Article 11 of the EEZ Law, the person in charge of the ship MT Arman 14 also has absolute responsibility and must pay for the rehabilitation of the marine environment immediately and in an adequate amount. Bakamla has taken the right steps to pursue and capture MT Arman 14.

In the context of protecting and handling marine pollution in Indonesia's EEZ, it is hoped that the Government of Indonesia can immediately follow up on alleged violations committed by MT Arman 114 in accordance with applicable national laws and regulations. In addition, flag states and beneficial owners of MT Arman 114 and MT S Tinos tankers are required to be held legally responsible for dumping activities carried out in Indonesia's EEZ.***

For more information and interview request, please contact Grace Binowo, IOJI Program Director for Maritime Security and Access to Justice, info@oceanjusticeinitiative.org, +62 811-8460-065

IOJI is a think-tank and policy advocacy group that supports Indonesia, as the largest archipelagic country in the world, to realize its marine governance based on the principles of effective protection, sustainable use, and equitable welfare. IOJI builds collaborations with state and non-state actors to influence decision-making processes at national, regional and international levels by providing various scientific evidence-based policy proposals. IOJI also conducts assistance and empowerment programs for ocean-dependent

people, such as small-scale fishermen, coastal communities and fishery migrant workers, in defending and fighting for their basic rights.



Note: Tracks of MT ARMAN 114 after being arrested by Bakamla on 7 July 2023 in Johor Waters until detained in Batam (Source: Marine Traffic)