

**The Global Initiative for South East Asia**

Joselito Guevarra  
Project Manager  
Global Initiative Southeast Asia  
IPIECA/IMO  
Email: [joselito.guevarra@ipieca.org](mailto:joselito.guevarra@ipieca.org)

**ABSTRACT 303173:**

The South East Asian region's risk for oil spills has been increasing for the past three decades. This is primarily due to the ever-increasing shipping traffic, especially tankers, bringing oil from the Middle East to customers mainly in China, Japan, Singapore and South Korea. Another factor is the growth in the exploration and production activities of international and domestic oil companies. Of particular relevance is the expansion of oil exploration into remote areas where oil spill response preparedness is very challenging.

Through the years, the lack of credible legal frameworks and the disjointed approach have hampered the development of the critical elements of a robust oil spill response system such as national oil spill plans, training and exercise programs, ratification of the relevant international conventions, and mutual aid or bilateral agreements between neighboring countries.

The Global Initiative for South East Asia (GI SEA), a collaborative effort between IPIECA and IMO (International Maritime Organization), aims to provide the governments of the Southeast Asian countries with the facility to work together with the oil industry to improve the state of oil spill preparedness and response. GI SEA is a direct response for a credible and effective oil spill preparedness and response system that takes into account each country's individual requirements and the region's needs. The Programme is built on the core principles of the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) and implemented by the combined efforts of government and industry.

This paper will present information on the current state of preparedness of selected South East Asian countries and the region as a whole. It will also describe the process of the formation of the GI SEA, including the major challenges of achieving consensus, building support, funding, and developing the individual country plans to suit their needs. It is also the intention to discuss the current and future activities of GI SEA.

**HISTORY OF THE GLOBAL INITIATIVE AND GI SEA:**

The oil industry launched the Global Initiative (GI) Programme in 1996. Its members work together to enhance global preparedness and capacity to respond to oil spills. It is jointly led by the IMO and IPIECA, with strong participation from its partners as well as the leveraged contributions of the industry members themselves. The broad stakeholder base enables the promotion of good practice and a collaborative approach to oil spill preparedness and response to a wide audience.

The GI SEA is a Level 2 Programme which covers ten (10) member countries of ASEAN (Association of South East Asian Nations), namely: Brunei Darussalam, Cambodia,

Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam. The region defined corresponds to the East Asian Seas based on the UNEP (United Nations Environment Programme) Regional Seas Programme. A GI Level 2 programme is the implementation of GI activities in conjunction with the IMO and other partners using a planned, budgeted process with focus on regional and national activities.

In March 2007, the IPIECA OSWG (Oil Spill Working Group) commissioned a study to identify preparedness gaps in the region. This study led to the development of an action plan for the implementation of a GI-type programme in Southeast Asia. The implementation was stalled due to a number of issues and was only revived in April 2010 when the OSWG agreed to establish a Level 1 programme in the region. Then on February 2011, at the OSWG meeting in Bangkok, the members agreed to take a more proactive approach to the South East Asia region and establish a Level 2 Programme.

At a meeting of the OSWG in January 2012, it was agreed that there should be a two-phased process for implementing a GI Level 2 programme in South East Asia. In the first phase, focus will be upon those areas that have high levels of oil and gas activities. It is intended that a GI Programme specific to the needs of each of these 'Phase 1' countries will be established with support from the wider IPIECA membership.

Phase two will be a gradual process of introducing, as appropriate, the remaining South East Asian countries into the GI Level 2 programme. The point was emphasised that no country from the ASEAN group will be prevented from joining the GI SEA Programme. The purpose of undertaking a two-phased process is to ensure that the Programme has the highest chance of success by focusing initially on those countries that can provide the greatest support and have the greatest levels of oil and gas activity.

### **Rationale for the GI SEA Programme**

The mission of the GI SEA Programme is to improve the regional capability in Southeast Asia by assisting in the development of national capacities in oil spill preparedness and response through industry and government cooperation. The rationale for the Programme can be summarised in the following statements:

- Increasing industry activities especially exploration into remote and frontier offshore areas;
- Lack of consistency in the application of the key international conventions dealing with oil spill preparedness and response;
- Improve the effectiveness in the implementation of regional and sub-regional agreements (ASEAN-OSRAP, Gulf of Thailand Joint Statement, etc.)
- Potential trans-boundary impacts of major oil spill incidents;
- Gaps and differences in levels of national capacities to deal with major oil spill incidents; and a
- Disjointed approach in oil spill response and preparedness

The potential for a major incident in the region to impact multiple countries is a significant risk and concern for both industry and governments. A good example is the Straits of Malacca, a crude oil transport chokepoint bordered by Indonesia, Malaysia and Singapore.



**Figure 1. The Straits of Malacca chokepoint (Source: FFP, 2012)**

The Straits links the Indian Ocean to the South China Sea and Pacific Ocean and is the shortest route between the Persian Gulf suppliers and the Asian markets – notably China, Japan, South Korea and the Pacific Rim. Oil shipments through the Strait of Malacca supply China and Indonesia, two of the world's fastest growing economies. It is the key chokepoint in Asia with an estimated 15.2 million bbl/d flow in 2011, compared to 13.8 million bbl/d in 2007. Crude oil makes up about 90 percent of flows, with the remainder being petroleum products. At its narrowest point in the Phillips Channel of the Singapore Strait, Malacca is only 1.7 miles wide creating a natural bottleneck, as well as potential for collisions, groundings and, thus, oil spills (EIA, 2012).

More than 60,000 vessels traverse this critical chokepoint per year, carrying more than a third of global trade (Wilson, 2010). With that amount of traffic transiting the Straits every year, the potential for an incident is continuously present. And if the Straits were blocked by a significant oil spill incident, the ships passing through would be required to reroute around the Indonesian archipelago through the Lombok Strait or the Sunda Strait severely affecting shipping movements and global trade.

#### **OBJECTIVES OF THE GI SEA PROGRAMME:**

The Global Initiative (GI) is an umbrella programme for various activities, whereby the IMO and the industry, through the IPIECA and other partners, co-operate to:

- Support national and regional implementation of the OPRC Convention 1990, the conventions relating to liability and compensation (International Convention on Civil Liability for Oil Pollution Damage or CLC 92 and the International Fund for Compensation of Oil Pollution Damage or Fund 92) and other international conventions related to national and regional oil spill preparedness, response and co-operation; and

- Enhance oil spill preparedness and response capacity through the mobilization of external assistance and industry support at the national and regional levels.

The GI SEA objectives are based on strengthening the six elements of preparedness. These elements list the requirement to achieve a comprehensive national response system in accordance with international guidelines (OPRC 90 Convention, Guideline on Oil Spill Contingency Planning-IPIECA report series, IMO Guidelines) and industry best practice. They are in line with the policy of the Global Initiative to enhance oil spill response national capability. Another key objective of GI SEA Programme is supporting the implementation of the ASEAN Oil Spill Response Plan (OSRAP), which will enhance the regional preparedness and response among ASEAN member countries.

### Six Elements of Preparedness

Within the GI SEA Project, items have been grouped into six elements that have been defined as fundamental. For each element, a stated goal was established during subsequent face-to-face consultations conducted with regional oil industry representatives and the national authorities in charge of oil spill preparedness and response at the national level. The overall aim of the GI SEA is to improve and sustain the capability of ASEAN to protect their marine and coastal resources at risk from oil spill incidents from any source.

**Table 1. Six Elements of Preparedness**

<b>Elements of Preparedness</b>	<b>Objective</b>
Legislation	To promote the ratification of OPRC 90, CLC 92 and Fund92 Convention. This is also extended to the Bunkers Convention and the Supplementary Fund Protocol.
Contingency Planning	To promote the development of national oil spill contingency plans including crisis management systems, sensitivity maps, risk assessments with modelling and predictions. Dispersant policies and strategy is also a part of it.
Equipment	To have the appropriate and adequate type of oil spill response resources corresponding to the level of risk and type of threat. This includes equipment review and assessment to assist with the process of promoting an effective response.
Training	To ensure that the needed training are developed by the government in each country on an annual basis. Also to raise awareness and gain commitment from designated authorities to increase the number and effectiveness of training programs.
Exercises	To ensure that exercises are developed by the government in each country on an annual basis. Also to raise awareness and gain commitment from designated authorities to increase the number and effectiveness of exercises.
Forces of Implementation	To promote exchange and mutual assistance and cooperation in oil spill response. This element of preparedness is the one that aims to ensure that implementation of all the other elements is enforced and any kinds of obstacles are realistically identified and minimized.

**REGIONAL PREPAREDNESS IN ASEAN AND THE GI SEA:**

The establishment of a Regional Cooperative Mechanism for Oil Spill Preparedness and Response in the Southeast Asian region is close to realisation. In the 26<sup>th</sup> Association of Southeast Asian Nations Maritime Transport Working Group (ASEAN MTWG) meeting in Yangon, Myanmar, the delegates agreed to the final text of the Memorandum of Understanding (MOU) that will enable the ASEAN OSRAP to be reborn when the Ministers of the ASEAN countries sign it at the end of 2014.

The Japan Association of Maritime Safety (JAMS) and the Nippon Foundation initiated the ASEAN OSRAP in 1991. In 1994, six ASEAN countries, namely Brunei Darussalam, Indonesia, Malaysia, Philippines, Thailand and Singapore signed an MOU establishing the ASEAN OSRAP. The main objective was to provide a co-operative plan for mutual assistance from Member States and organizations in the event of a major oil spill incident that exceeds the response capability of the national government. The geographic scope of the ASEAN OSRAP includes all the waters within the EEZ (Exclusive Economic Zone) of the ASEAN member countries.

Japan also sponsored the OSPAR (Oil Spill Preparedness and Response) in 1994 where 1 billion yen was donated to the ASEAN countries for the purchase of oil spill equipment to reinforce national stockpiles in 11 key locations. The OSPAR project also enabled the development of the ASEAN Oil Spill Information Network System. Although quite different from OSRAP, OSPAR was interchangeably confused with the MOU.

The implementation of the original ASEAN OSRAP had met with challenges, as only six countries were party to the MOU. The IMO, therefore, set out to revitalize the MOU by holding a National Focal Points Meeting and a Workshop in 2009 hosted by Indonesia. The MOU was reviewed and a draft Strategy and Action Plan (SAP) was considered to strengthen it.

On October 2011, a follow-up Regional Workshop funded by IMO, made policy recommendations on the establishment of a Regional Cooperation Mechanism on oil spill preparedness and response including the development of a regional action plan. It was also agreed that the revised MOU would include all the 10 ASEAN member states within the Brunei Action Plan. This was followed up by another IMO funded Regional Workshop a year later where the draft MOU for the ASEAN Cooperative Mechanism was drafted for submission to the 24<sup>th</sup> meeting of the ASEAN MTWG.

On the 19<sup>th</sup> of March 2013, the 4<sup>th</sup> IMO funded Regional Workshop for the establishment of a Regional Cooperative Mechanism for Oil Spill Preparedness and Response in the ASEAN region was held in Jakarta, Indonesia. It was a quick follow up on to the 25<sup>th</sup> session of the ASEAN MTWG, held in Mandalay, Myanmar, from 12 to 14 March 2013. The outcome of the workshop included the final draft MOU on Joint Oil Spill Preparedness and Response in the ASEAN region for endorsement by the 35<sup>th</sup> session of the Senior Transport Officials Meeting and an action plan to implement the provisions of the draft MOU. This was held back-to-back with the launch of the GI SEA to enable the ASEAN delegates to participate in the event.

The final text of the draft MOU was subsequently approved during the 26<sup>th</sup> Meeting of the ASEAN MTWG held in Yangon, Myanmar on 22-24 August 2013. It is scheduled to

be formally signed in December 2013 by the member countries. This is a major milestone for oil spill preparedness and response in the ASEAN region and is the fruitful outcome of IMO's sustained efforts through its Integrated Technical Co-operation Programme (ITCP).

The preparedness levels within ASEAN vary from country to country and the implementation of the ASEAN OSRAP MOU will need to take this into consideration. The IMO, through its ITCP, has an ongoing programme of activities in place to provide the necessary level of assistance to meet the goal of an improved preparedness and response regime in ASEAN. And as a key partner of IMO, GI SEA is well positioned to collaborate on regional as well as national activities to enhance oil spill preparedness and response through industry-government partnerships. The GI SEA activities will focus on the six elements of preparedness.

**Table 2. Status of IMO Conventions in ASEAN Member Countries**

ASEAN COUNTRIES	OPRC 90	CLC 92	FUND 92	MARPOL 73/78
Brunei	☐	☐	☐	Annex I/II
Cambodia	☐	☐	☐	Annex I/II, III, IV, V
Indonesia	☐	☐	☐	Annex I/II, III, IV, V, VI
Laos	☐	☐	☐	☐
Malaysia	☐	☐	☐	Annex I/II, III, IV, V, VI
Myanmar	☐	☐	☐	Annex I/II
Philippines	☐	☐	☐	Annex I/II, III, IV, V
Singapore	☐	☐	☐	Annex I/II, III, IV, V, VI
Thailand	☐	☐	☐	Annex I/II
Vietnam	☐	☐	☐	Annex I/II

There are also a number of sub-regional and bilateral agreements in place between the ASEAN member countries. Some of these have been in place for a number of years but rarely updated and their status remain unclear. Once the ASEAN OSRAP is in force, these agreements need to be revisited so it integrates with the ASEAN-wide agreement.

**Table 3. Sub-Regional and Bilateral Agreements between ASEAN Member Countries**

REGIONAL / SUB-REGIONAL / BILATERAL AGREEMENTS	GEOGRAPHIC COVERAGE	COUNTRIES
ASEAN OSRAP	ASEAN	ASEAN Member Countries
Joint Statement on Oil Spill Response	Gulf of Thailand Subregion	Cambodia Thailand Vietnam
Memorandum of Agreement between the Government of the Socialist Republic of Vietnam and the Government of the Republic of the Philippines on Cooperation in Oil Spill Preparedness and Response	Waters within the national boundaries and/or jurisdiction of the Contracting Parties	Philippines Vietnam
Memorandum of Understanding between the Republic of the Philippines and the Kingdom of Thailand on Joint Oil Spill Response	Waters within the national boundaries and/or jurisdiction of the Contracting Parties	Philippines Thailand
Standard Operating Procedure (SOP) for Joint Oil Spill Combat in the Straits of Malacca and Singapore	Straits of Malacca and Singapore	Indonesia Malaysia Singapore
Standard Operating Procedure for Joint Oil Spill Combat in the South China Sea including Brunei Bay	Waters within the national boundaries and/or jurisdiction of the Contracting Parties	Brunei Malaysia
Sulawesi Sea Oil Spill Response Network	Straits of Lombok, Makassar and Sulawesi Sea	Indonesia Malaysia Philippines

**GI SEA IMPLEMENTATION STRATEGY:**

The strategy of the GI is to facilitate co-operation between the relevant Government authorities and the oil industry at the national and regional levels. The IMO aims at effective implementation of the international instruments developed under its auspices, including pollution preparedness and response related conventions; this being achieved through the implementation of the ITCP. Partnership development plays an important role in the implementation of the activities under the ITCP.

IPIECA's effort concentrates on catalyzing and initiating activities – recognizing that involvement of local industry is crucial. The GI is being accomplished through educational workshops and seminars which aim at encouraging and facilitating the development and implementation of national, regional and sub-regional oil spill contingency plans and moving towards the ratification of relevant international conventions (i.e., OPRC Convention 1990, CLC 92, and FUND 92). The long-term strategy of GI SEA will impact on the national and regional/subregional levels. Table 4 provides further details.

The implementation of the GI SEA Programme has been an on and off affair since 2008. Hence, the first biennium (2013-2014) of the Programme is designed to enable GI SEA to secure the necessary support and build a solid foundation to operate sustainably beyond the initial biennium. The activities will focus on:

- Raising the profile of GI SEA Programme in the ASEAN region;
- Promotion of GI SEA's objectives and activities to spread awareness;
- Building rapport and consensus among key stakeholders in both government and industry; and
- Increasing industry membership and ensuring sustainable funding for its activities beyond the initial biennium

The Programme targets both the national and the regional level in its strategy of implementation. Tables 4 and 5 give an overview of the long-term strategy of GI SEA in achieving its objectives.



**Table 4. GI SEA Long-Term Strategy at the National Level**

<b>National Level</b>	
<i>Essential Elements</i>	<i>Implementation Items</i>
<ul style="list-style-type: none"> <li>▪ Assist in the finalisation, improvement or revision of the existing National Oil Spill Contingency Plans (NOSCPs), taking into consideration guidelines prepared by IMO, IOPC Fund, and IPIECA (i.e. OGP-JIP Good Practice Guides);</li> <li>▪ Gather all information available on risk and preparedness assessment for each of the ASEAN member countries; and</li> <li>▪ Ensure awareness on the necessity to ratify the relevant IMO Conventions, in particular OPRC 1990, CLC 1992 and Fund 1992, and the regional agreements.</li> </ul>	<p><b><i>Communicate on Conventions and associated relevant information</i></b></p> <ul style="list-style-type: none"> <li>▪ Ensure wide distribution of relevant Convention texts amongst governments and industry;</li> <li>▪ Improve the access to information useful to the region/sub-regions such as NOSCPs, industry Good Practice Guides and IMO guidelines</li> </ul> <p><b><i>Training for implementation of conventions and related instruments, including NOSCPs</i></b></p> <ul style="list-style-type: none"> <li>▪ Assess training needs and deliver the appropriate training of identified personnel in charge of the incorporation of conventions into national legislation as well as their implementation.</li> <li>▪ Develop a specific training programme for those identified government representatives in charge of implementing their national contingency plans.</li> </ul> <p><b><i>Exercises to test and improve the NOSCPs</i></b></p> <ul style="list-style-type: none"> <li>▪ Facilitate regular joint industry/government exercises at national level, which should test specific elements of the plan step by step.</li> <li>▪ Maintain and update NOSCPs and subordinate plans to reflect the lessons learned from exercises.</li> </ul> <p><b><i>Governments/Industry Co-operation</i></b></p> <ul style="list-style-type: none"> <li>▪ Establish formal agreements between Governments and industry for the mobilisation of resources in emergency response situations;</li> <li>▪ Organise exchanges on lessons learned from actual spills, health and safety environment and organizational issues;</li> <li>▪ Assist in the development of sensitivity maps following international standards and using local resources.</li> </ul>

**Table 5. GI SEA Long-Term Strategy at the Regional/Sub-regional Level**

<b>Regional/Sub-regional Cooperation</b>	
<i>Essential Elements</i>	<i>Implementation Items</i>
<ul style="list-style-type: none"> <li>▪ Ratification of the relevant IMO Conventions (OPRC Convention 1990, CLC 92 and Fund 92);</li> <li>▪ Where appropriate, develop and/or where available, ratify regional agreements under the UNEP Regional Seas Programme and action plans, and revision of regional emergency protocols;</li> <li>▪ Development of working relationship and use of the support from international organisations existing in the region such as ongoing regional projects, ports associations, shipping associations, fishing and oil industry organisations, among others.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Identify strategic locations for stockpiles and other response services;</li> <li>▪ Help develop a formal network for dissemination of relevant information for preparedness phase using available information technology;</li> <li>▪ Regularly organise regular joint industry/government exercises at subregional level, which should test specific elements of the plans and agreements;</li> <li>▪ Assist in the development of mobilisation procedures, which includes governments and industry resources, in case of a request for assistance;</li> <li>▪ Support the development and application of the necessary administrative arrangements, including financial, customs and immigration to mobilise requested resources/expertise to and from the incident location;</li> <li>▪ Aid the establishment of sensitivity maps in accordance with international standards and with the involvement of local expertise; and</li> <li>▪ Organise exchanges on lessons learned from actual spills;</li> </ul>

**GI SEA CHALLENGES IN IMPLEMENTATION:**

The initial implementation of the GI SEA Programme has encountered some challenges; the most notable are:

- **“We are prepared.”** There is truth to this statement but internal preparedness is just one part of the preparedness equation. Without the requisite legal, administrative and other necessary elements that a country should possess, there is a significant gap especially in the mobilisation of national and, especially, international resources to aid in the management of a major incident. This is a serious lack of appreciation for strategic issues.
- **“Why bother us?”** The initial drive of GI SEA in building rapport and consensus among the identified key stakeholders have been met with skepticism and the perception that GI SEA has come to dictate how oil spill preparedness and response issues should be dealt with.

- **“Oil spills/oil spill preparedness is not a priority at the moment.”** The dust in the Deepwater Horizon incident is slowly settling and there maybe now an air of complacency creeping in that again puts oil spill preparedness and response at the bottom of the priority list. This was the response of a major national oil company when approached for support.
- **“What do we get in return immediately?”** The benefits/value of GI SEA can only be appreciated after years of sustained efforts and if both parties – government and industry – are fully committed to the Programme.

Country-specific idiosyncrasies such as the PSC (Production Sharing Contracts) systems and the concept of cost recovery can sometimes pose as roadblocks in the near-term but can be easily dealt with by engaging with the proper government agencies aside from the National Competent Authorities, such as upstream regulators, that have a stake in oil spill preparedness and response. The activities for 2013-2014 are designed to break the barriers described above, broaden the mindset and pave the way for a sustainable Programme from 2015 and beyond.

### GI SEA ORGANISATIONAL STRUCTURE AND GOVERNANCE MECHANISM:

The governance mechanism and structure of GI SEA is similar to that of GI WACAF and OSPRI with a few differentiating features. The Executive Steering Committee or ESC is the main governance body. It is composed of the contributing members and is guided by two Chairpersons – one from industry and the other from IMO. A Vice Chairperson supports the functions of the Co-Chairs. A full-time Project Manager coordinates and manages all the activities of the GI SEA Programme as directed by the ESC. Administrative (i.e. travel, finance) support is provided by IPIECA.

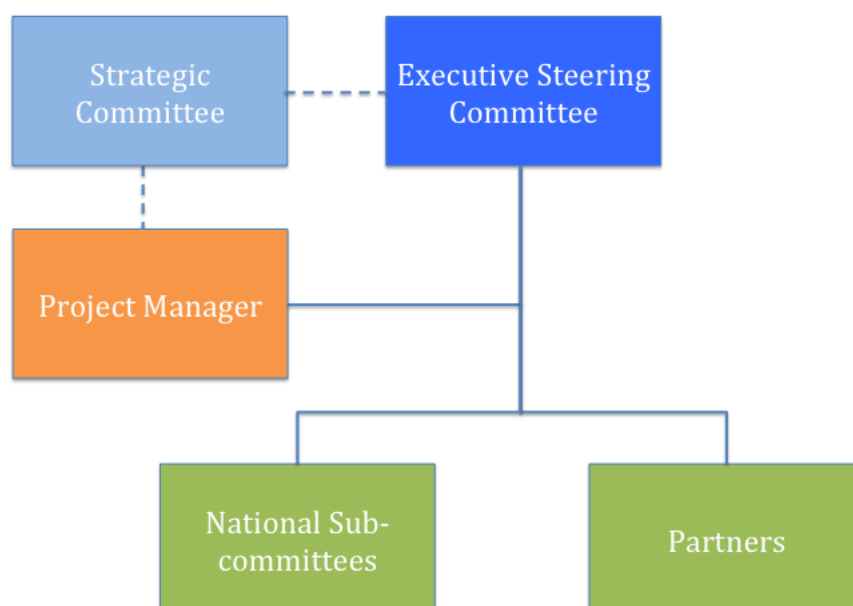


Figure 2. GI SEA Organisational Structure

The ESC is the main governance body of the GI SEA. It is composed of contributing members and provides direction to the Programme based on inputs from the members, the National Subcommittees and various partners. They meet face-to-face at least once a year and have monthly teleconferences to ensure the Programme objectives and goals are met. The ESC was first convened on the 8<sup>th</sup> of November 2013 in Bangkok, Thailand. The elected Co-chairs were IMO and Shell with Chevron supporting as the Vice Chair.

The Strategic Committee is composed of the GI SEA Chairs, IPIECA OSWG Manager, GI SEA Project Manager and the IMO representatives. They discuss and provide strategic guidance to the Programme as and when required. This was the case for most of 2013 when the GI SEA ESC was not yet formed. The Strategic Committee remains part of the GI SEA as a support to the ESC when needed.

The National Subcommittees are unique to the GI SEA. Each country in ASEAN forms their own subcommittee, which will be composed of their respective national competent authorities for oil spill response and preparedness, relevant government agencies (such as upstream regulators, for example), and representatives from the local oil and gas industry. They are responsible for their action plans and these are fed into the ESC to form part of GI SEA's regional action plan.

Lastly, synergies are established with partners in the region, such as PEMSEA (Partnerships in Environmental Management in the Seas of East Asia) and other International Organisations (IOs), in order to facilitate effective implementation of activities through collaboration and avoid duplication of work, which wastes resources of both parties. GI SEA also aims to foster partnerships with regional and local oil and gas associations such as ASCOPE (ASEAN Council on Petroleum). International partners include the IOPC (International Oil Pollution Compensation) Funds and ITOPF (International Tanker Owners Pollution Federation).

## **CONCLUSION:**

The GI SEA Programme provides a platform wherein governments and industry can discuss and cooperate on their various concerns regarding oil spill response and preparedness. This is available to the governments of the ASEAN member countries, through the IMO, and the oil and gas industry that operate in the region. The wide geographical scope and far-reaching objectives of GI SEA necessitate the need for a concerted and sustained effort to promote good governance in the oil spill preparedness and governance regime in the ASEAN region.

The work done by IPIECA in the past, as well as recent oil spill incidents in the region and the subsequent interest from governments, point to a need for sustained and renewed efforts in enhancing oil spill preparedness in South East Asia. It is clear that the areas where the most progress has been made in enhancing oil spill preparedness are the regions that benefit from formal GI regional programmes such as the GI in the West and Central Africa (GI WACAF). This is strong evidence that targeted regional programmes do result in measurable success.

Previous attempts should be revisited, such as the draft action plan developed in 2008, noting the errors made in the past in attempting to carry out activities in the entire region at once. A country-by-country approach is the preferred model for GI SEA, engaging local

business units and national oil companies (NOCs) at an early stage to build the proper networks and foundation for the success of the Programme.

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