

第11回 アジア・太平洋シーレーン研究国際会議

11TH INTERNATIONAL CONFERENCE
ON SLOC STUDIES

主 催 日本世界戦略フォーラム
PROMOTED BY THE WORLD STRATEGY FORUM OF JAPAN

後 援 産経新聞社
WITH SUPPORT OF SANKEI SHIMBUN Co, Ltd.

期 日 平成9年11月17日(月)～18日(火)
D A T E NOVEMBER 17 (MONDAY) ~18 (TUESDAY), 1997

場 所 ロイヤルパークホテル
LOCATION THE ROYAL PARK HOTEL, TOKYO JAPAN

ご 挨 拶



本日ここに東京における「アジア・太平洋シーレーン研究国際会議」を開催する運びとなりましたことは、日本世界戦略フォーラムの役員一同にとりまして大きな喜びとするところであります。この会議に海外から遠路お越し頂いた皆さんの来日を心から歓迎申し上げます。この研究会議は、1982年に日本、米国、韓国及び台湾の関係者によって始められ、今年度は第11回目の国際会議となります。この間参加の規模も逐次拡充され、今回は17カ国・地域から約40名の研究者、専門家が相集う民間レベルの大きな国際会議となりました。

近年目ざましい経済的發展を遂げつつあるアジア・太平洋地域においては、相互の依存関係が著しく深化し、これに伴ってこの地域の海洋利用度と依存度は大きく増大しつつあります。申すまでもなく海洋利用という言葉の意味合いは極めて広範なものですが、この会議は、今日我々の生存と繁栄に密接に関係し、今後益々その重要度を増すであろうシーレーンに関係する諸問題に焦点を当てたものであり、今回は従来の蓄積を踏まえてシーレーンの安全を確保するために必要な相互の協力について理解を深め、将来の方向を見いだすことに主眼をおいております。

冷戦構造の崩壊によって、アジア・太平洋地域の安全保障環境も変化しつつありますが、人類共通の財産である海洋の持続的な有効利用を図るためには、地域内の相互理解と協力が不可欠であります。国際連合は、人類と海洋のかかわり合いについてより関心を高めるため明年を「国際海洋年」に指定しております。その年を目前に、第11回シーレーン研究国際会議がここ東京で開催されることは誠に意義深いものがあり、この会議の成果がアジア・太平洋地域の平和と安定に寄与することができれば幸いに存じます。

最後になりましたが、ご後援を賜りました産経新聞社、ご支援を頂きました各団体の格別のご高配に対して心より御礼申し上げますと共に、ご参加の各位の益々のご発展をお祈り申し上げます。

日本世界戦略フォーラム
理事長 神谷 不二

A D D R E S S

It gives great pleasure to all of us on the board of the World Strategy Forum of Japan to have this International Conference on SLOC Studies in Tokyo. I send a hearty welcome to participants from abroad who have come long distances to Japan from various places in this region.

This conference was founded in 1982 by those who were interested in SLOC issues in Japan, the US, the Republic of Korea and Taiwan. This year we are having the 11th session of what has become an increasingly large private-sector meeting, having as many as 40 researchers and experts from 17 countries and regions. With the phenomenal economic development of the countries in the Asia Pacific region, we have grown deeply interdependent. And accordingly, use of, and reliance on, the ocean has been expanding.

Although the utilization of the ocean can be discussed in many subject areas, this conference focuses on sealane related issues which have a close connection to our survival and prosperity, and which will increase in importance in the future. This year, based on our past achievements and understanding, our emphasis is placed on deepening our common understanding of how to cooperate with each other in order to secure the safety of the sealanes and how to shape our future direction.

The end of the Cold War structure has brought about changes to the security environment of Asia and the Pacific. Greater understanding and cooperation among us is essential for everlasting and meaningful utilization of the ocean, a common asset of humanity. The United Nations has designated the year 1998 the "International Year of the Ocean" with the objective of raising public interest in harmonious co-existence between human beings and the ocean. It is significant indeed that the 11th International Conference on SLOC Studies is being held in Tokyo a year ahead of the said "International Year of the Ocean". I do hope that this conference will contribute to greater peace and stability in the Asia-Pacific region.

I conclude my address by expressing our sincere gratitude to Sankei Shimbun Newspaper Company for its sponsorship and to the other organizations for support of this conference. I wish you all well.

Fuji Kamiya
President
The World Strategy Forum of Japan

第11回 アジア・太平洋シーレーン研究国際会議次第

11月16日 (日)

午前・午後	レジストレーション
18:00～19:30	歓迎夕食会

11月17日 (月)

09:30～09:50	歓迎挨拶 鹿取 泰衛 日本世界戦略フォーラム副会長 基調講演 吉田 學 シーレーン研究国際会議実行委員長
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第1セッション：シーレーンの戦略的性質

10:00～11:10	(1) アジア・太平洋地域のシーレーンの現状並びにその脆弱性 議 長：Michael J. O'Connor (オーストラリア) 発 表：山本 誠 (日本) コメント：Giovanni E. Palec (フィリピン) コメント：Nicholas Tracy (カナダ) 討論 (20分)
11:10～11:30	休憩
11:30～12:30	(2) 地域組織の活動状況 議 長：Dalchoong Kim (韓国) 発 表：CSCAP海洋協力作業グループについて ：Sam Bateman (オーストラリア) 発 表：西太平洋海軍シンポジウムについて ：林 博太郎 (日本) コメント：Huynh Minh Chinh (ヴェトナム) 討論 (25分)
12:30～14:00	休憩・昼食

第2セッション：シーレーンの安定のための地域協力

14:00～15:00	(1) 船舶の輻輳する海域における海上交通の安全 議 長：James A. Boutilier (カナダ) 発 表：B. A. Hamzah (マレーシア) コメント：Joon Soon Jon (韓国) コメント：Frances Lai (タイ) 討論 (30分)
15:00～15:20	休憩
15:20～16:30	(2) 海賊対策 議 長：Frances Lai (タイ) 発 表：Jayant Abhyankar (IMB) コメント：Pech Sokhem (カンボジア) コメント：Ko Tun-Hwa (台湾) 討論 (30分)
16:30～17:30	(3) 搜索救難体制 議 長：Tai Wan Chin (台湾) 発 表：Ronnie Tay (シンガポール) コメント：若林 保男 (日本) 討論 (35分)

懇親会

18:30～20:00 於 ロイヤルホール

SCHEDULE OF EVENTS OF THE 11TH INTERNATIONAL CONFERENCE ON SLOC STUDIES

Nov. 16 (Sunday)

AM · PM	Registration
18 : 00~19 : 30	Welcome Reception

Nov . 17 (Monday)

09 : 30~09 : 50	Welcome Remarks : Ambassador Yasue Katori (Japan) Keynote Speech : Admiral (Ret.) Manabu Yoshida (Japan)
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Session One : "The Strategic Nature of Sealanes"

10 : 00~11 : 10	(1) Sealanes in the Asia-Pacific Region Today and Their Vulnerabilities Chairperson : Mr. Michael J. O'Connor (Australia) Presentation : VADM (Ret.) Makoto Yamamoto (Japan) Commentary : Mr. Giovanni E. Palec (Philippines) Commentary : Dr. Nicholas Tracy (Canada) Discussion (20min.)
11 : 10~11 : 30	Coffee Break
11 : 30~12 : 30	(2) Activities of Regional Organizations Chairperson : Dr. Dalchoong Kim (R.O.K.) Presentation : CSCAP Maritime Cooperation Working Group : CDRE (Ret.) Sam Bateman (Australia) Presentation : Western Pacific Naval Symposium : VADM (Ret.) Hirotaro Hayashi (Japan) Commentary : Mr. Huynh Minh Chinh (Vietnam) Discussion (25min.)
12 : 30~14 : 00	Lunch

Session Two : "Regional Cooperation for Stable Sealanes Regime"

14 : 00~15 : 00	(1) Traffic Safety in Congested Waters Chairperson : Dr. James A. Boutilier (Canada) Presentation : Dr. B.A.Hamzah (Malaysia) Commentary : Dr. Joon Soon Jon (R.O.K.) Commentary : Dr. Frances Lai (Thailand) Discussion (30min.)
15 : 00~15 : 20	Coffee Break
15 : 20~16 : 30	(2) Anti-Piracy Measures Chairperson : Dr. Frances Lai (Thailand) Presentation : CAPT Jayant Abhyankar (IMB) Commentary : Mr. Pech Sokhem (Cambodia) Commentary : VADM (Ret.) Ko Tun-Hwa (Taiwan) Discussion (30min.)
16 : 30~17 : 30	(3) Search and Rescue Scheme Chairperson : Dr. Tai Wan Chin (Taiwan) Presentation : LTC Ronnie Tay (Singapore) Commentary : RADM (Ret.) Yasuo Wakabayashi (Japan) Discussion (35min.)

Reception

18 : 30~20 : 00 Royal Hall

11月18日 (火)

09:30~11:00	(4) 海洋法 議長: Richard Sherwood (オーストラリア) 発表: 国連海洋法条約の意味合い : Jin-Hyun Paik (韓国) 発表: 群島水域へのアクセス : Johanes Sarsito (インドネシア) コメント: Stanley B. Weeks (アメリカ) コメント: 手塚 正水 (日本) 討論 (30分)
11:00~11:15	休憩
11:15~12:30	(5) シーレーン安定への期待 議長: 川村純彦 (日本) 発表: Daniel Y. Coulter (アメリカ) コメント: 山本 誠 (日本) コメント: Ko Tun-Hwa (台湾) 討論 (25分)
12:30~14:00	休憩・昼食

第3セッション: 地域内協力の展望 (パネル討論)

議長: William M. Carpenter (アメリカ)
 パネリスト: Sam Bateman (オーストラリア) Seo-Hang Lee (韓国)
 岡部 文雄 (日本) Kuan Pen Kun (台湾)
 B. A. Hamzah (マレーシア) Stanley B. Weeks (アメリカ)

14:00~15:10	フェーズ 1 (1) 議長による第1、第2セッションにおける討議の総括 : William M. Carpenter (アメリカ) (2) 発表: 海運、港湾並びに船員教育分野における協力 : Kuan Pen Kun (台湾) 討論 (50分)
15:10~15:30	休憩
15:30~17:20	フェーズ 2 発表: 潜在的紛争要因除去のための地域内協力 : Seo-Hang Lee (韓国) 発表: 潜在的紛争要因の除去及び紛争予防のための地域内協力 : Stanley B. Weeks (アメリカ) 発表: 同上 : Sam Bateman (オーストラリア) 討論 (90分)
17:20~17:30	休憩
17:30~17:45	会議の総括: Sam Bateman (オーストラリア)
17:45~17:50	閉会挨拶: Seo-Hang Lee (韓国)

※プログラムは都合により変更する場合があります。

Nov . 18 (Tuesday)

09 : 30~11 : 00	(4) The Law of the Sea Chairperson : CDR Richard Sherwood (Australia) Presentation : Implications of LOSC : Dr. Jin-Hyun Paik (R.O.K.) Presentation : Access to Archipelagic Waters : COL Johannes Sarsito (Indonesia) Commentary : Dr. Stanley B. Weeks (U.S.) Commentary : VADM (Ret.) Masami Tezuka (Japan) Discussion (30min.)
11 : 00~11 : 15	Coffee Break
11 : 15~12 : 30	(5) The Prospects of Stable Sealand Regime Chairperson : RADM (Ret.) Sumihiko Kawamura (Japan) Presentation : Mr. Daniel Y. Coulter (U.S.) Commentary : VADM (Ret.) Makoto Yamamoto (Japan) Commentary : VADM (Ret.) Ko Tun-Hwa (Taiwan) Discussion (25min.)
12 : 30~14 : 00	Lunch

Session Three : (Panel Discussion) "Scope of Regional Cooperation"

Chairperson : CAPT (Ret.) William M. Carpenter (U.S.)

Panelists : CDRE (Ret.) Sam Bateman (Australia) Dr. Seo-Hang Lee (R.O.K.)
ADM (Ret.) Fumio Okabe (Japan) Mr. Kuan Pen Kun (Taiwan)
Dr. B. A. Hamzah (Malaysia) Dr. Stanley B. Weeks (U.S.)

14 : 00~15 : 10	Phase One Chairperson's Summary : CAPT (Ret.) William M. Carpenter (U.S.) Initial Presentation : Proposals for "Shipping and Ports" and "Education and Training" in Contributing to a Stable Sealand Regime and Regional Cooperation : Mr. Kuan Pen Kun (Taiwan) Discussion (50min.)
15 : 10~15 : 30	Coffee Break
15 : 30~17 : 20	Phase Two Initial Presentation : Proposals for Stable SeaLanes Regime and Regional Cooperation to Eliminate Potential Factors of De-stabilization : Dr. Seo-Hang Lee (R.O.K.) Initial Presentation : Proposals for Maritime Cooperation to Eliminate Potential Factors of De-stabilization and to Prevent Conflicts from Breaking Out : Dr. Stanley B. Weeks (U.S.) Initial Presentation : Ditto : CDRE (Ret.) Sam Bateman (Australia) Discussion (90min.)
17 : 20~17 : 30	Coffee Break
17 : 30~17 : 45	Summarization of the Conference : CDRE (Ret.) Sam Bateman (Australia)
17 : 45~17 : 50	Closing Remarks : Dr. Seo-Hang Lee (R.O.K.)

※The Program is subject to change

會議參加者／Participant of the Conference

AUSTRALIA

CDRE Sam Bateman (RAN Ret.)

Executive Director, Centre for Maritime Policy, The University of Wollongong

Mr. Michael J. O'Connor

Executive Director, Australia Defence Association

CDR Richard Sherwood

Director General, RAN Maritime Studies Program, Department of Defence

CAMBODIA

Mr. Peck Sokhem

Research Fellow, Cambodian Institute for Cooperation and Peace

CANADA

Dr. James A. Boutilier

Special Advisor (Policy), Maritime Forces Pacific HQ.

Dr. Nicholas Tracy

Adjunct Professor of History The University of New Brunswick

IMB

CAPT Jayant Abhyankar

Deputy Director, ICC-International Maritime Bureau

INDIA

Mr. Rahul Roy-Chaudhury

Research Officer, Institute for Defense Studies and Analyses

INDONESIA

COL Johaness Sarsito

Director of Studies, Navy Command and Staff College

MALAYSIA

Dr. B. A. Hamzah

Director General, Maritime Institute of Malaysia (MIMA)

Philippines

Mr. Giovanni E. Palec

Executive Officer, Maritime and Ocean Affairs Unit, Department of Foreign Affairs

R.O.K.

Dr. Dalchoong Kim

Dean, Graduate School of Public Administration, Yonsei University

Dr. Seo-Hang Lee

Professor of Security Studies, Institute of Foreign Affairs and National Security

Dr. Jin-Hyun Paik

Professor of International Law, Seoul National University

Dr. Joon Soo Jon

Professor of Maritime Transportation Administration, Sogang University

Dr. Choo-ho Park

Judge, International Tribunal for the Law of the Sea

Hon. Kwan Shik Min

Advisor and member of Steering Committee·Former Speaker of Korean National Assembly

ADM Maengkee Lee (ROKN Ret.)

Advisor and Member of Steering Committee·President, Korea Line Corporation

CAPT Sung Jae Lee
LCDR Deok Kyu Choi
Mr. Heung-Kyu Cha

Mr. Choon-Kun Lee

Mr. Jeong Sik Kang
Mr. Sang Wook Kim

RUSSIA

Mr. Bakhtiar Touzmoukhamedov

R.O.K. Navy
R.O.K. Navy
Managing Director, Korea Institute For Maritime
Strategy
Research Director, Korea Institute For Maritime
Strategy
Deputy Director, Security Policy Division, MOFA
Executive Assistant, the SLOC Study Group-Korea

Counselor, Dept. of International Law, Constitutional Court
of Russian Federation

SINGAPORE

LTC Ronnie Tay
CAPT Tan Gim Chang

Commanding Officer, 188th Squadron, RSN
Staff Officer, 188th Squadron, RSN

TAIWAN

VADM Ko Tun-Hwa (ROCN Ret.)

Professor, National Chengchi University · Vice President,
Society for Strategic Studies

Dr. Tai Wan Chin
Mr. Kuan Pen Kun
Mr. Chang Chang Yung
Mr. Hou Chin Sen

Associate Professor, Tam Kang University
Senior Researcher, SLOC Studies Group, Taipei
Lecturer, The National Taiwan Ocean University
SLOC Studies Group, Taipei

THAILAND

Dr. Frances Lai

Executive Director, Southeast Asian Programme in Ocean
Law, Policy and Management (SEAPOL)

U.K.

Dr. Eric J. Grove

Deputy Director, Centre for Security Studies, The
University of Hull

U.S.A

CAPT William M. Carpenter (USN Ret.)
Dr. Stanley B. Weeks

Senior Consultant to SRI International
Senior Scientist, Science Applications International
Corporation (SAIC)

Dr. Daniel Y. Coulter
Mr. Philip G. Pauls
Mr. Peter W. Young

The Office of Naval Intelligence, Department of the Navy
The Office of Naval Intelligence, Department of the Navy
Maritime Science and Technology Center

VIETNAM

Mr. Huynh Minh Chinh

Director, Maritime Affairs Dept. The Continental Shelf
Committee of The Government of Vietnam

JAPAN

Dr. Fuji Kamiya	President, WSFJ · Professor, Toyoeiwa Women's University · Professor Emeritus, Keio University · President, The National Defense Society
LGEN Mituaki Yokochi (JGSDF Ret.)	Vice President, WSFJ · Former Commanding General, North Eastern Army
ADM Ryohei Ohga (JMSDF Ret.)	Director, WSFJ · Former Chief of Maritime Staff
Ambassador Yoshio Fujimoto	Executive Director, WSFJ · Former Ambassador to Argentina
LGEN Hiroshi Hossyou (JASDF Ret.)	Executive Director, WSFJ · Former Air Defense Commander
MGEN Kiyoshi Maekawa (JGSDF Ret.)	Executive Director, WSFJ · Former Vice President, National Institute of Defense Studies
ADM Manabu Yosida (JMSDF Ret.)	Chairman, Executive Committee for the 11th International Conference on SLOC Studies · Former Chief of Maritime Staff
VADM Hirotaro Hayashi (JMSDF Ret.)	Director, Executive Committee · Japan Security Association · Former President, Maritime Staff College
VADM Kiyoshi Izumo (JMSDF Ret.)	Director, Executive Committee · Japan Defense Agency Veteran's Association
VADM Mitsuo Kanazaki (JMSDF Ret.)	Director, Executive Committee · Chairman, Japan Security Association · Former CINC Self Defense Fleet
VADM Mineo Konishi (JMSDF Ret.)	Director, Executive Committee · Executive Director, WSFJ · Former CINC Self Defense Fleet
RADM Sumihiko Kawamura (JMSDF Ret.)	Director, Executive Committee · Former Vice Commandant, Joint Staff College
Mr. Koji Nitta	Director, Executive Committee · Former Ambassador in Charge to Finland
ADM Fumio Okabe (JMSDF Ret.)	Director, Executive Committee · National Defense League · Former Chief of Maritime Staff
Mr. Yoshiteru Oka	Director, Executive Committee · Editorial Writer, the SANKEI SHIMBUN Newspaper Co.
RADM Yasumasa Suwabe (JMSDF Ret.)	Director, Executive Committee · US and Japan Navy Friendship Association · Former Commanding Officer, Shimofusa Air Repair Facility
VADM Masami Tezuka (JMSDF Ret.)	Director, Executive Committee · Japanese Veteran's Association · Former Vice Chief of Maritime Staff
RADM Yasuo Wakabayashi (JMSDF Ret.)	Director, Executive Committee · The National Defense Society · Former Director, Education Department NIDS
VADM Makoto Yamamoto (JMSDF Ret.)	Director, Executive Committee · Japan Defence Association · Former CINC Self Defense Fleet

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住友商事

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◇ エーティーエー

【団体及び会社の種類並びに敬称の使用は、省略させていただきました。】

日本世界戦略フォーラム役員

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**Eleventh International Conference
on
THE SEA LANES OF COMMUNICATION(SLOC)STUDIES**

**THE ROYAL PARK HOTEL, TOKYO
November 17-18, 1997**

KEYNOTE ADDRESS

Manabu Yoshida, Adm (Ret) JMSDF

The World Strategy Forum of Japan

**3-3-14 Kudan Minami(Flat Kudan Minami #602)
Chiyoda-ku, Tokyo 102 Japan**

Keynote Address

11th International Conference on SLOC Studies

Manabu Yoshida, Admiral (JMSDF Retired)
Chairman, the National Executive Committee of Japan

It is with great pleasure that I express my appreciation to all of distinguished guests for your attendance, for your help and for sharing with us your time today from busy schedules.

On behalf of the Executive Committee members, I extend my warmest welcome to our old friends from around the Pacific and our new friends from Russia, India and the IMB who have joined this conference for the first time.

I also thank sincerely all of you who have strongly supported us in organizing this 11th International Conference on SLOC studies.

End of the Cold War

Beginning in San Francisco 15 years ago, this conference was, as you may know, the first international initiative by the private sector in Asia and Pacific to discuss sea-lanes issues with its second session held in the following year in Tokyo in 1983. My participation dates back to the fifth conference session though I was not directly or deeply involved in those days because I was on active duty. Reviewing the record of the meeting 14 years ago, I was struck by a sense of crisis which was reflected in the items on the agenda and opinions expressed by the participants. Whether it was led by the private sector or not, both in the government and in the private sector, there seemed to be a concern that there might be an imminent threat to those sealanes which were vital to the survival of the maritime nations. Fortunately, however, the wisdom and effort of many people prevented the dangerous Cold War from escalating, ushering in the Post-Cold War Era which we are in today. The days of severe East-West confrontation appear not to be things of the distant past. But this new peaceful age has not been given to us only by good luck.

It is, instead, the result of hard work by those many countries who removed the danger which, if left neglected, could have grown more serious.

Expanded Use of the Sea

There has been another major change which has attracted my attention.

Until quite recently, the vast expanse of the sea where the sea-lanes cross and large quantities of natural resources are stored was not a common asset of the all mankind but was utilized by only a handful of nations; the industrialized countries or the Western bloc as they used to be called.

Although it is true that many nations have benefited from the sea for years, limited number of countries have enjoyed a disproportionately larger share more directly than others.

This fact has some relation to the persistent gap between the rich and the poor in the World. But now, with rapid development in the economies of the Asia Pacific region, the sea has become an essential medium of production and other activities for the survival and prosperity of all nations in this region. As industrial infrastructure is modernized, the standard of living rises and capital flows across national boundaries are liberalized. And this region will be increasingly dependent on the sea.

New problem and issues

Higher dependency on the sea can cause cooperation but also for competition for finite resources. Patterns of dispute and collaboration may emerge which cannot be explained by classic theories of geopolitics. Multinational operations of ships and the growing complexity of cargo routes are already driving interdependency in search and rescue, ship and navigation technologies and ship crew training. Further, military force, the profile of which has become lower with the end of the Cold War, may change in its relevance to present-day situations. Idealistically, force might be needed as international police power which maintains maritime order.

We must not forget the possibility of contingency in times of peace, as the ancient Eastern saying goes.

It should be recognized again that free trade is supported by stable sea-lanes, and that free trade is one of the important elements supporting democracy.

Regional Cooperation in a new Era and Roles of Countries

I referred earlier the modernization of the industrial infrastructure, rising standards of living, and freer movement of capital across national boundaries. Because of these factors, political, economic, industrial and cultural activities will become even more borderless.

This will promote two changes which are already noticeable. First, the relevance of the concept of what we call the nation state has diminished.

Whatever one likes or not a fairly large portion of the decision making function in international politics is shifting from sovereign states to the United Nations and regional organizations. Second, below the state level, local and industrial functions performed by cities, major ports and large corporations are being networked internationally, and such networks are growing. The central government seems to have a smaller role to play.

That may be an inevitable reality. However, the government still have several important tasks to undertake. Foremost of these is active involvement in addressing the issue of how needed regional agencies or organizations should be formed and agreements reached in a region where nation states exist and pursue prosperity together. This is a matter that major cities and enterprises cannot possibly handle. As the name of this conference indicates, the sea we live in is the Pacific Ocean.

A regime should be established, through efforts at the state level, to ensure the Pacific is sustained safely, fairly and effectively for use by countries in this region. Some sort of federation for such purposes is needed. States should also work out how regional organizations can function in areas where national borders matter. Examples of such areas include a security system in the sea. Among all aspects of regional cooperation, it is maritime security that we must strive for together, first and foremost, in this maritime region.

Expectations on the conference

Within the limited time of these two days, our discussions should not be restricted to certain areas or dimensions but should be based on a broad outlook, leaving no weak spot in sensitive areas and should be full of creative insight suitable to the changing times.

I conclude by hoping that our Asia Pacific region will strengthen its internal solidarity and cooperate with other economic zones outside this area in order to share prosperity in the 21st century.

With that I conclude my remarks, Thank you very much for your attention.

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委員長基調演説

実行委員長 吉田 學

ご来会の各界指導者の皆様、本日のご臨席を心から感謝申し上げます。

太平洋を渡って東京にお集まり頂いた多くの知己の皆さん、初めてご参加を頂いたロシア、インド、IMBからの新しい友人に対し、ここに委員会を代表して心から歓迎の意を表します。

また第11回アジア太平洋シーレーン研究国際会議の開催に強力なご支援を賜り、本日開会に当っては、御多忙の中をご臨席頂いた皆様、これまでのお力添えに関係者一同厚く御礼申し上げます。

冷戦の終結

ご承知のようにこの会議は、民間主導によりアジア太平洋地域でシーレーン問題を討議した最初の国際会議であります。15年前にサンフランシスコで第1回会議が開かれ、翌1983年にはこの東京で第2回会議が行われました。私がこの会議に関ったのは第5回会議からで当時は未だ現役の身でしたから、直接深く関わったわけでは有りませんので、今回改めて14年前の記録を読み返してみますとある一つの事に気付きました。14年前の会議では、選択された議題といい、討議された内容といい、そこに一種の危機感が漂っている事でした。会議が民間主催であるとか政府機関のものであるとか言う前に官民共通の認識として、海洋国家の生存にバイタルなシーレーンに関し、何か差し迫った脅威の発生を予感するような内容でありました。然し幸いにして人類の英知と努力は冷戦と言う危険な状態をそれ以上にエスカレートさせる事なく、今日のポスト冷戦と呼ばれる時代を迎える事が出来たのであります。厳しい東西対立は遠い昔の事に思えるように成りました。然しこの新しい穏やかな時代が何の努力もなく幸運のみによって与えられたわけでは決して有りません。放置しておけば顕在化する可能性のあった危険に対する多くの人々の国境を越えた努力が実を結んだのでありましょう。

海洋利用の拡大

さて皆さん、私はこの間にもう一つの大きな変化を見る事が出来ました。それはシーレーンが縦横に走り、巨大な資源が眠るこの広大無辺の海洋は、そう遠くない昔まで人類共通の普遍的財産などでは決してなく、既に今は死語となりましたが所謂西側陣営の、謂わば先進工業国の寡占する利用媒体でありました。勿論多くの国家が海洋の恩恵を古くから享受して来た事実を否定するものではありません。しかし、より直接的に過大な分配を海洋利用から得たのは一部の国でありました。今日猶残る地球上の貧富の差は海洋の利用の恩恵度と無関係ではないでしょう。然し乍ら今日このアジア太平洋の国や地域では全ての国家・民族が、急速な国力の発展に伴い、海洋が生存と繁栄にとって必要不可欠な利用媒体あるいは生産媒体となったのであります。そしてその傾向は夫々の国や地域における産業構造の近代化、生活水準の高度化、更には国境を越えた資本流通の自由化が、この地域圏における海洋依存度の高まりを更に加速させようとしています。

新しい問題の発生と課題

海洋依存度の高まりは、限られた資源に対する競争と協力が生じる可能性を含んでいます。古典的

地政学者が唱えた多くの理論では説明できないような、対立や共存のパターンが生じるのかも知れません。また船舶運行形態の多国籍化、荷動きルートの複雑化、救難、船舶技術、船員教育等の相互依存の一層の深化を促進しつつあります。さらに冷戦の終焉によって表面上控え目になった軍事力は、海洋秩序維持のための国際警察力として、より今日的なものに形を変え、新しい理念の下に必要となるかもしれません。東洋で古くから言われている『治にいて乱を忘れず』という心構えが今も忘れてならない事の一つであります。

自由貿易は、海上交通路の安泰に支えられ、その自由貿易体制が世界の民主主義を支える重要な要件の一つであることをこの際改めて確認したいと思います。

新しい時代の地域内協力と各国の役割

先に私は、アジア太平洋におけるそれぞれの国家や地域の産業構造の近代化、生活水準の高度化、更には国境を越えた資本流通の自由化等に触れました。このような趨勢から所謂ボーダーレス現象が政治、経済、産業、文化の各局面で今後益々進展するものと思います。ここで注目すべき、一、二の現象に眼を向けて見ましょう。第一に所謂国民国家と言う概念なり意識の希薄化であります。国際政治における意思決定の機能のかかなりの部分が、好むと好まざるとに関わらず個々の国家の手を離れ国連や地域的機関の手に移りつつあります。第二には国家より一つ下のレベルの大都市、大港湾、大企業などのローカル機能や産業機能が国家の垣根を越えて国際ネットワークに参入しこれを拡大させていることであります。もはや中央政府の出番は少ないかのように見えます。それは現実であり避けがたい流れであるのかもしれません。然し乍らこのような情勢下でも政府に求められる重要ないくつかの任務があるように思います。最も大事な事の一つは、自らが存在し連帯して繁栄を目指すリージョンの中で、持つべき地域的機関や地域取極をどのように構築するかという課題に積極的に介入する事です。それは大都市や大企業などでは到底力の及ばないレベルのmatterであります。この会議の名称にも使われているとおり、我々の生存する舞台は太平洋と言う巨大な海洋であり、この巨大な海洋を域内諸国が継続して安全、公正、かつ効果的に利用するためには、それに見合う一種連邦のようなレジームの確立が必要であります。この課題について各国は国家レベルで一層真剣に取り組むべきでありましょう。またボーダーレスに馴染み難い機能を地域機関としてどのように取り纏めていくのか、これも国家のレベルの仕事でありましょう。海洋における安全保障システムのあり方などはまさにこの範疇に入ると思います。地域協力はあらゆる局面で必要ですが、我々が最も重視すべきは将にマリタイム・リージョンに相応しい安全保障に関する協力体制の強化であります。

成果への期待

この一両日の会議では、限られた時間の中で、特定の分野や局面に偏らない普遍的な議論をベースとして、微妙な部分に盲点を生じない為の着眼と時代の進運にマッチする創造的洞察を期待したいと思います。最後に、わがアジア太平洋の諸国と地域が、内にある一層連帯を強化するとともに、外に対しては他の地域経済圏と協調しあい、21世紀に向けた共存共栄の道を進む事が出来るよう願って私の冒頭の陳述を終わります。御静聴有難うございました。



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**Eleventh International Conference
on
THE SEA LANES OF COMMUNICATION (SLOC) STUDIES**

**THE ROYAL PARK HOTEL, TOKYO
November 17-18, 1997**

**SEALANE IN THE ASIA-PACIFIC REGION TODAY
AND THEIR VULNERABILITIES**

Makoto Yamamoto, Vadm (Ret) JMSDF

The World Strategy Forum of Japan

**3-3-14 Kudan Minami (Flat Kudan Minami #602)
Chiyoda-ku, Tokyo 102 Japan**

SEALANE IN THE ASIA-PACIFIC REGION TODAY.. AND THEIR VULNERABILITIES

1 Introduction

After the end of the Cold War, the basis for East-West conflict has ceased to exist and its over threat has been reduced. Thus, the general understanding of the need to maintain security of the sea lanes has been fading. And it cannot be denied that interest in sea lanes themselves has all the more been declining.

But even with the Cold War's end, keeping the sea lanes safe and stable is a vital factor that still supports the very existence of various countries. Furthermore, the importance of sea lanes will only increase because they are crucial networks that tie together the economic activities of mutually developing countries.

At this time, it is meaningful to discuss and hopefully cooperate on the issue of the stable use of sea lanes.

Before starting the discussion, I'd like to reaffirm the significance of sea lanes in the 21st century and present to you the current situation and vulnerabilities. It would give me great pleasure if this contributes to starting the dialogue on the topic.

2 The Significance of Sea Lanes in the 21st Century

It is without debate that from ancient times transportation networks within regions played an important role in the process of development and prosperity of civilization.

What people expected historically from those networks can be divided into 3 general functions:

- (1) To simplify the exchange of people and commodities.
- (2) To make possible the rapid deployment of military forces.
- (3) To play the role of an information and communication network.

It's said that all roads lead to Rome. And for Rome to expand its domain, it placed importance on building a network of roads.

In Rome's 1000 year history, its territory was largest during the reign of Trajanus (A.D. 98-117), measuring 7.2 million square kilometers (the entire area of the United States is 9.36 million square kilometers). And it's said that the extent of the road networks measured 290 thousand kilometers. According to records of Diocletianu's reign (A.D. 284-305), there were still 372 major highways, stretching 86 thousand kilometers.

Incidentally, the interstate highway network, which spreads throughout the United States, measures 88 thousand kilometers. Roads for automobiles in the Western European countries

total 35 thousand kilometers. So Rome's road networks, compared to today's highways, are in no way less extensive. We can imagine just how widespread they were. With these road networks, Rome was able to control its territories and stimulate their economies so they could prosper.

Furthermore, to give another example, the Mongolian Empire with horses and carriages used much of its prairie as a transportation network. And it used the so-called Jamuchi, a type of horse and rider relay-system, to build its own transportation network to enlarge its territory.

During the Roman era, maritime transportation played an important role in joining the Mediterranean Coast and Dover Strait into a transportation network. But this network only joined adjacent oceans; so it was only a part of the sprawling transportation network which supported Rome's vast territory.

Then, as time passed, mankind acquired shipbuilding technology and navigation techniques. And people were able to use the oceans as a transportation network and increase exchanges with areas located far away.

Especially with the advent of power-driven ships, people were able to use the ocean on a grander scale without much effort. And thus mankind acquired a great transportation network on a global scale, far surpassing the quality and quantity of the empire's land transportation network, into which Rome had invested huge amounts of manpower and capital.

It is this type of sea lane that enabled modern civilization to expand and develop on a global scale. Seventy decimal eight percent of the earth's surface is covered by water. Therefore, it is not an exaggeration to say that the ocean gives unlimited benefits and is also the source of prosperity for today's world.

But if this ocean didn't exist, even if a huge amount of capital and manpower were invested, it is almost impossible, with mankind's technology to date, to extend the huge transportation network globally, comparable in size to the sea lanes. And thus we wouldn't have been able to expect the development of countries worldwide as we see today.

Some 100 years ago, Alfred Thayer Mahan realized that to have the ability to use the ocean, with its immeasurable possibilities and abundant resources, leads to global development and prosperity. And in addition, he thought that it may hold the key to change history.

Since then, as we know, the world's major powers aimed to maintain the exchange of people and commodities by using the searoutes. This was done by building merchant fleets, control of the sea, and working on developing naval power, capable of rapid military deployment. In this way, the major powers competed with each other for control of the sea.

Whether it be the present or past, the fact that mankind expects the ocean to function as a searoute and a source of abundant natural resources has not changed. But with the

advancement of science and technology, and economic activity, the nature of that expectation underwent a great change.

As you may recall, in terms of the use of marine resources, expectations expanded from fishing to mineral resources. And that created new problems regarding rights for each country. But with the United Nations Law of the Sea Convention, even with various problems left to solve, countries moved in the direction of building an orderly environment.

As I mentioned earlier, expected functions for searoutes were the exchange of people and commodities, the rapid deployment of military forces, and the creation of an information and communication network.

Regarding the function of rapid deployment of military forces, the importance placed on sea lanes is still as great as in the past. And as you know, countries have equipped themselves with naval power and worked hard to preserve the balance of power. This helps to maintain regional peace and stability, and is also an important element in the stable usage of the sea lanes. Even today, it hasn't changed that naval power is the basis for the stability of the sea lanes. But we have entered a new era, in which naval power does not come in the form of one country or one power. It has become a matter of multinational management based on trust among countries.

Meanwhile, in terms of the information and communication network, and the exchange of people, great strides were made in the fields of electronics and aviation technology. And it could be said that the former significance of searoutes started to wane.

But with the boom in economic activities across the seas, sea lanes will be even more important as a support for the exchange of commodities.

After the two World Wars, the Korean and Vietnam Wars, and the Cold War, the Asia-Pacific region's free-market economies developed rapidly. At the same time, these countries are connected to each other and with the countries outside the region through the network of maritime artery. In other words, these countries have assumed an aspect of group of solidarity among the dispersed but mutually prospering states connected by sea lanes.

The current reality of economic activities within the region maintains the stable transport of huge quantities of necessary goods that support our existence, like energy resources and food. And with the stimulation of capital investments in the region, there is already a shift toward the exchange of higher-end goods that will further contribute to the region's prosperity. This trend will become even greater in the 21st century.

In order to stimulate capital investment to accelerate the exchange of high-end products, an indispensable condition is to maintain stability of the region's trade order. That is impossible without maintaining the stable transport of life-supporting commodities and preserving the region's strategic stability. To do that, the stability of the searoutes in the region

will become increasingly important. It will also be a basic prerequisite for political stability itself.

In any case, the importance of searoutes will only intensify for the survival and prosperity of countries in the Asia-Pacific region in the 21st century.

We have entered an era where searoutes are not the sole possession of a country or power. They will have to be jointly used by countries in a safe and stable manner for mutual development.

3 The Current Status Of Searoutes

(1) Changes in Marine Transport of Goods

In the past several years, there have been changes in the quantity of major sea trade commodities in the world, as shown in Table 1. Every year, the total quantity of shipments has been increasing. In 1995, it reached some 4.7 billion tons. More recent data are not available yet, but judging from the changes seen to date one can infer that the figure has grown even further.

Table 2 shows increases in the quantity of major sea trade commodities in the Asia-Pacific region.

It is difficult to directly add up shipments of petroleum products and other commodities in the Asia-Pacific region. But by using various methods and getting a partial estimate from world trade figures, you can see a general trend of change. In 1995, such shipments in the Asia-Pacific region surpassed 1.5 billion tons, making up over one-third of the world's marine trade volume.

Table 3 shows changes in the global freight volume by sea and air. Recently, even with better aircraft, and the increase in shipment volume, shipments by air only make up from 0.2 to 0.3 percent of shipments by sea.

I do not have the numbers for the Asia-Pacific region, but the rates for Japan and the United States are about the same therefore, we can assume that the region is basically similar.

Data show that transport by air of high-end, lightweight commodities, including computers, semiconductors, precision instruments, medical products, diamond products, and gourmet perishable food products, make up over 25 percent in terms of value of Japan's total trade. As I mentioned earlier, however, in order to boost the flow of such high-end products one must not forget that mass transportation at sea must be ensured for the survival of countries and strategic stability of the region must be maintained.

(2) Marine Transport Business Going Borderless

Recently, along with the expansion of capital investment, companies have become borderless. Even the shipping industry cannot escape this trend. Last year, crossing national

boundaries, two major shipping companies, P & O and Nedroid, merged. This is an example of how marine transport is also entering the borderless era.

Table 4 shows the change in tonnage by origin worldwide over a five year period, from 1991 to 1996. More details can be found in Tables 4.1 and 4.2 but I would like to draw your attention to changes in the top five ranking countries over the 5 year period. In 1996, tonnage of the top 5 countries made up 42.9 percent of total tonnage. What is significant is that most of these figures were for ships under flags of convenience.

To cope with Asian countries that possess cost competitiveness, major shipping companies have had to cut their tax burden, and personnel and general administrative costs. To do that, they have shifted their registry of ships to countries where those costs are lower, resulting in a general movement offshore for the industry.

I will explain more later, but ship owners are finding it more convenient to register their vessels overseas and employ foreign crews. This trend is further increasing. In this way, the percentage of goods transported by domestically registered ships has been drastically decreasing, signifying the increasing trend of shipping becoming borderless. For example, in Japan's case, in 1995, the percentage of shipments by domestically registered ships was 3 percent for exports and 20.2 percent for imports.

From the vantage point of guaranteeing national security, in case of an emergency, there have been moves to maintain domestically registered vessels with measures, including reductions in social insurance, reductions and exemptions in income tax, and assistance for crew training. But it is difficult to escape the general increasing trend of regional shipping going borderless.

Along with the trend of the marine transport business going borderless and moving offshore shipping operations are becoming more multinational.

Figure 1 shows a typical example of a multinational shipping operation. This is an ore coal freighter owned by a Japanese shipping company. The parent company is Japanese, the record of ownership and registry of the ship are in Panamanian, insurer is British, crew is Indian, Filipino, and Chinese, cargo owners are Australian and Japanese, and service routes are to and from Japan, Australia, Europe, and Brazil. This is a typical set-up and one which we will increasingly see in the future.

Alongside companies becoming more borderless, the routes used to transport goods by sea are getting extremely complicated.

No longer are shipments taking simple routes where raw materials are transported from producing countries to manufacturing countries, then exported to consumers as products. Now it is mainstream for parts made in many different plants in various countries to be further transported to other assembly plants, and then as final products, shipped to consumers in yet

other countries in a much more complicated system.

Figure 2 shows the flow of parts and components used to make computers.

IC manufacturing in Korea, Japan, and America. Chassis production in America. Production of parts like condensers and transformers in China. Set-up of hard disc drives and cooling fans in Thailand. Production of floppy discs in Malaysia. The assembly of printed circuit boards in Singapore. And then all these finished products are exported to other countries.

This is a typical example, but it is also an obvious fact that from the manufacture of cars to all kinds of industrial and processed food products, they are more or less shifting to this form of production and shipment.

As I have already mentioned, marine transport of commodities has been increasing every year. And with this kind of transport, and routes becoming more complicated, countries are becoming increasingly connected in a more organic manner.

When there are obstacles in some areas of the sea lanes, no country will be unaffected and in the 21st century mutual bonds between countries will only increase.

It can also be said that this will have some kind of effect on the naval buildup, maintenance, and operations within the region.

4 Vulnerabilities

Until now, I have been talking about the importance of sea lanes for the survival and prosperity of regional countries. On the one hand, searoutes can rather easily function as a huge, widespread transportation network for shipping, so far as terminal, and vital international sea routes are maintained. But on the other hand, these searoutes are very fragile, and prone to external impediments. We have to understand that the vulnerability of this artery like network is similar to human veins bulging dangerously under the skin.

Dominant factors that serve to obstruct the sea lanes are as follows:

- (1) Obstruction due to maritime accidents or disasters
- (2) Damage by piracy
- (3) Unilateral declarations restricting specific waters
- (4) Obstruction due to regional conflicts
- (5) International obstruction due to a sea denial power
- (6) Obstruction of the marine transport system

Maritime accidents and disasters can directly or indirectly affect the use of sea lanes. Searoutes will be seriously damaged for long time especially when these accidents occur in congested waters or at terminals and reconstruction runs into difficulties. And thus, the effect can be big, as well as long term.

We cannot ignore that every year, near Japan, there are several thousand cases of maritime accidents such as shipwrecks due to stormy weather, collisions and ships running aground because of poor visibility, and harbors not functioning due to natural disasters. In addition to these main obstructions, others, which are usually man-made, including fires, collisions, and ships running ground.

With scientific and technological advancements, we have been able to use the seas in many different ways. But we cannot simply control the ocean in accordance with our wishes. One of the important tasks of the future is to come up with counter measures to minimize the basic fragility of the sea lanes, which exist beyond our control due to the hazards of nature.

The following are problems mostly resulting from man-made causes, but we cannot think lightly of their damaging effect on the seas.

Figure 3 plots number and location of pirate attacks in 1995 and 1996. But the reality is that in areas where surveillance is not possible, the activities of pirates armed with small arms are left unchecked.

What is meant by unilateral declarations of restrictions of specific waters? For example, the unilateral set up of a restricted area for military exercises or the restriction of free passage in fisheries or economic zones.

Moreover, in the event of a conflict in the region, transportation in surrounding seas will be greatly affected. And if mines are used as in the Persian Gulf during the Gulf War, then even after the war's end, the sea lanes will be greatly obstructed for a lengthy period.

Especially when such obstructions take place in congested waters, sea lanes will be seriously damaged as a whole.

In the worst case scenario, if for some reason a sea denial power intentionally obstructs the sea lanes the situation would become even more serious. Such a sea denial power, by watching the situation, can take the initiative to actively choose sea areas or take certain measures. This can expose the already fragile sea lanes. In cases of the unexpected appearance of hostile submarines or mines that are difficult to sweep, they can have a huge psychological effect and the situation can become even more grave.

These kinds of obstructions can happen in any area and cause serious damage. Especially when they occur in congested waters such as choke points or in the vicinity of ports, if we do not take effective counter-measures, we will suffer a fatal blow.

To prevent such occurrences before-hand is best. To do that, it is vital to always be prepared to deal with worst case scenarios. It's important to understand that this is tied to deterrence.

Moreover, from the point of view of operating the marine transport system, in case of emergency, if ships are all gathered in one location, it is possible that the flexible

maneuverability of operations will be disturbed and shipping will be in a state of huge disorder.

And if a sea denial power takes unilateral action to obstruct the sea lanes, it is anticipated more serious secondary disorder caused by the incidents such as crew's refusal to board their ships will also ensue. One cannot deny that this could give an unimaginable damaging effect worldwide.

To prevent such confusion, it will be necessary to take so-called "hard" and "soft" counter-measures, including rescue of damaged ships, applying for various types of insurance, and casualty guarantees for crew members.

We have been enjoying the benefits of safe sealanes, which support the existence and prosperity of countries, as a gift from heaven, like air or water. But we must get rid of such an optimistic view and look at things more rationally and objectively. If something goes askew, then the vulnerable sealanes will immediately fall into danger.

As you all know, especially in the Asia-Pacific region, even after the Cold War, we cannot wipe out the factors of strategic instability. In effect, this means that some huge destabilizing factors which could actualized the vulnerabilities of sealanes still remain in the region.

There is a well-known saying, "Look before you leap." From now, it is vital to set up a policy with foresight and a prudent system that will help in the stable usage of sea lanes.

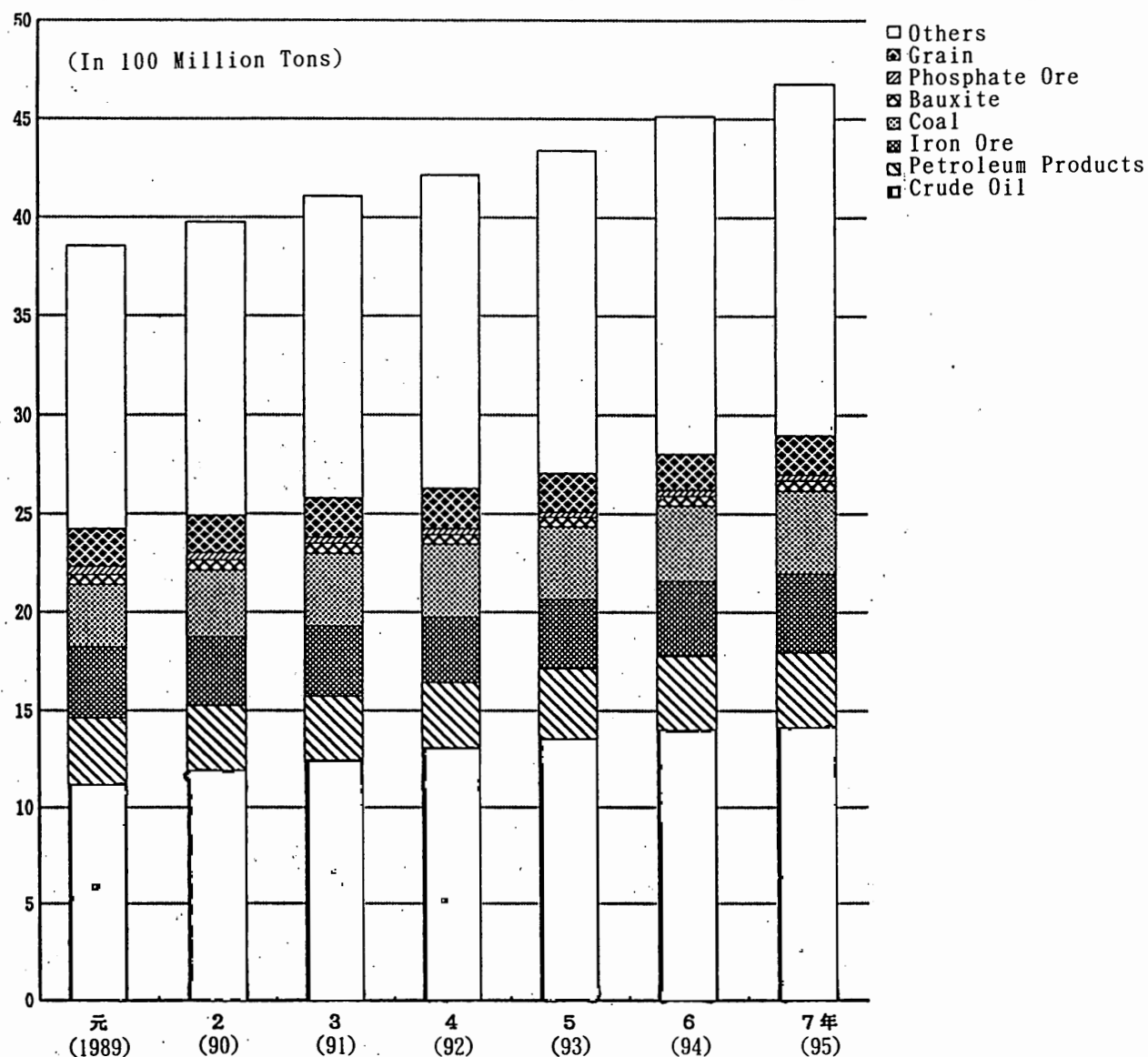
I hope that through my presentation here at this conference, I was able to flesh out some of the vulnerabilities current problems facing the sea lanes and convince you of the need to move toward cooperating on addressing these issues.

I hope my presentation will jumpstart a lively discussion on these very important issues. Thank you.

Table 1 : MAJOR SEA TRADE COMMODITIES IN THE WORLD

(In Million Metric Tons)

year	Crude oil	Petroleum Products	Iron ore	Coal	Bauxite	Phosphate ore	Grain	Others	Total
1989	1,120	340	362	321	49	41	192	1,435	3,860
90	1,190	336	347	342	52	35	192	1,483	3,977
91	1,247	326	358	369	50	31	200	1,529	4,110
92	1,307	335	334	371	48	29	208	1,583	4,215
93	1,356	358	354	367	51	27	194	1,632	4,339
94	1,403	375	383	383	49	29	184	1,707	4,513
95	1,415	380	402	423	52	30	196	1,780	4,678



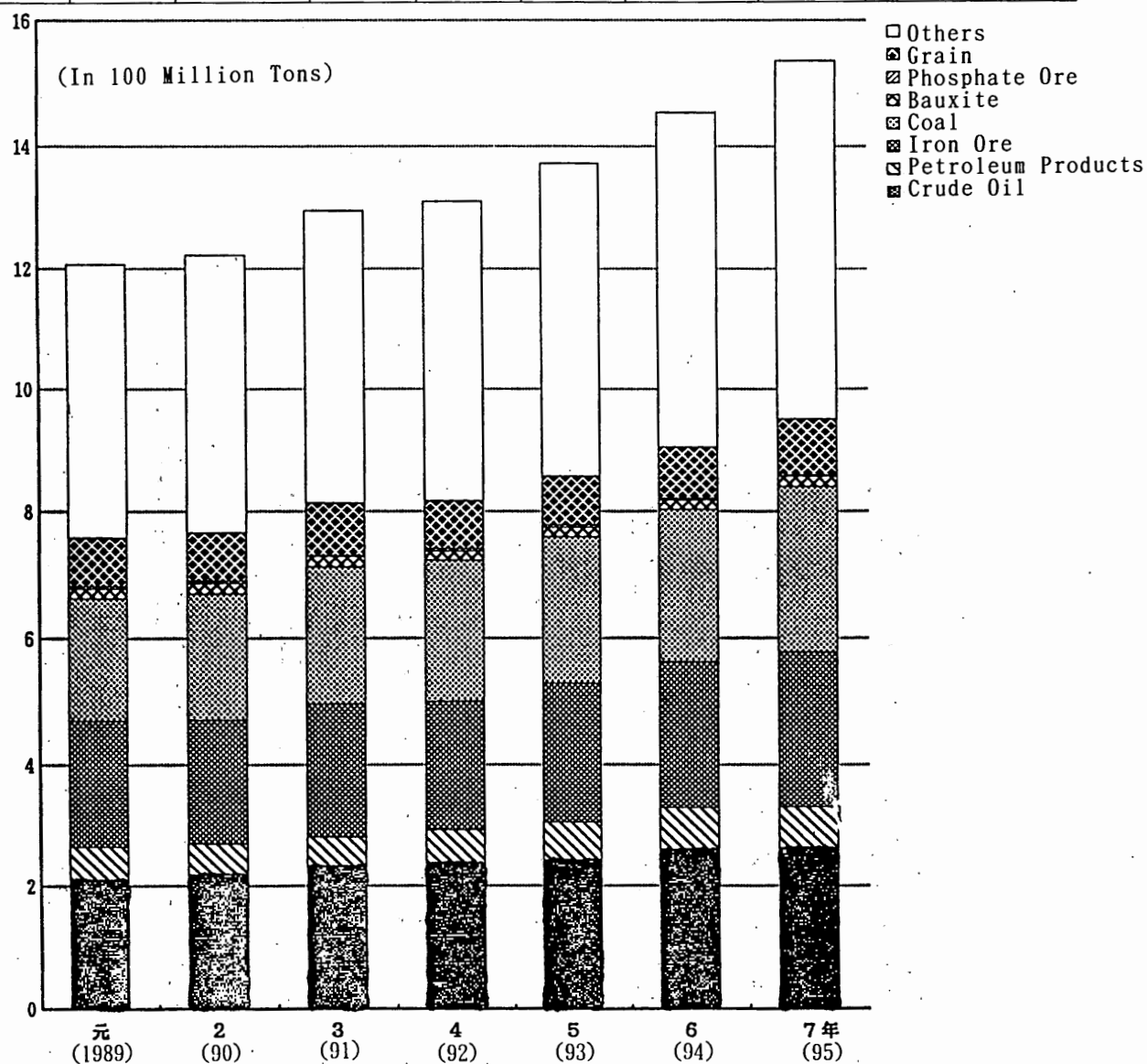
• Source : ① Fearnleys' "Review"

② Fearnleys' "World Bulk Trades"

Table 2 : MAJOR SEA TRADE COMMODITIES IN THE ASIA PACIFIC REGION

(In Million Metric Tons)

year	Crude oil	Petroleum Products	Iron ore	Coal	Bauxite	Phosphate ore	Grain	Others	Total
1989	210	55	206	192	15	4	76	449	1,207
90	219	51	202	198	17	3	77	456	1,223
91	233	47	217	215	16	2	84	482	1,296
92	237	55	209	222	14	3	78	493	1,311
93	242	63	224	231	15	3	79	516	1,373
94	260	69	234	240	16	3	83	550	1,455
95	261	70	248	262	16	3	91	585	1,536



Source : By Fearnleys' "World Bulk Trades".

Figures for "petroleum products", "others" and "total" are estimated by the author.

Table 3 : GLOBAL FREIGHT BY SEA AND AIR

YEAR	SEA FREIGHT TOTAL (Million tons)	AIR FREIGHT	
		TOTAL (Million tons)	SHARE TO SEA FREIGHT(%)
1990	3, 9 7 7	8. 9	0. 2
91	4, 1 1 0	8. 5	0. 2
92	4, 2 1 5	9. 1	0. 2
93	4, 3 3 9	1 0. 0	0. 2
94	4, 5 1 3	1 1. 7	0. 2 6

Source : Sea Freight by Fearnleys' "World Bulk Trades".

Air Freight by Overseas Statigtic Data by the Ministry of Transportation,
Japan

Table 4 : MERCHANT FLEET TONNAGE BY ORIGIN 1991 VS 1996

(IN THOUSAND TONS)

AS OF JUNE 30, 1991			AS OF DEC. 31, 1996		
ORIGIN	TONNAGE	SHARE (%)	SHARE (%)	TONNAGE	ORIGIN
WORLD TOTAL	436,027	100.0	100.0	507,873	WORLD TOTAL
LIBERIA	52,427	12.0	16.2	82,131	PANAMA
PANAMA	44,949	10.3	11.8	59,989	LIBERIA
JAPAN	26,407	6.1	5.4	27,507	GREECE
FORMER USSR	26,405	6.1	4.8	24,409	BAHAMA
NORWAY	23,586	5.4	4.7	23,799	CYPRUS
GREECE	22,753	5.2	4.3	21,806	NORWAY
CYPRUS	20,298	4.7	3.8	19,479	MALTA
USA	20,291	4.7	3.8	19,201	JAPAN
BAHAMA	17,541	4.0	3.3	16,993	PRC
PRC	14,299	3.3	3.2	16,449	SINGAPORE
PHILIPPINES	8,626	2.0	2.7	13,755	RUSSIA
SINGAPORE	8,488	1.9	2.4	12,025	USA
ITALY	8,122	1.9	1.8	9,034	PHILIPPINES
ROK	7,821	1.8	1.5	7,863	HONG KONG
MALTA	6,916	1.6	1.5	7,558	ROK
UK	6,611	1.5	1.4	7,134	ST. VINCENT
INDIA	6,517	1.5	1.4	7,127	INDIA
GERMANY	5,971	1.4	1.4	7,051	UK
TAIWAN	5,888	1.4	1.3	6,594	ITALY
BRAZIL	5,883	1.3	1.3	6,426	TURKEY
HONG KONG	5,876	1.3	1.2	6,175	TAIWAN
DENMARK	5,871	1.3	1.2	5,994	DENMARK
IRAQ	4,583	1.1	1.2	5,842	GERMANY
TURKEY	4,107	0.9	1.1	5,606	NETHERLAND
FRANCE	3,988	0.9	1.0	4,897	MARSHALL ISLANDS
NETHERLAND	3,872	0.9	0.9	4,530	BRAZIL
ROMANIA	3,828	0.9	0.9	4,383	FRANCE
SPAIN	3,617	0.8	0.8	4,175	MALAYSIA
POLAND	3,348	0.8	0.8	3,825	UKRAINE
YUGOSLAVIA	3,293	0.8	0.7	3,567	IRAN
SWEDEN	3,174	0.7	0.7	3,462	BERMUDA
BERMUDA	3,037	0.7	0.6	3,002	SWEDEN
ST. VINCENT	2,710	0.6	0.6	2,973	INDONESIA
CANADA	2,685	0.6	0.5	2,718	AUSTRALIA
AUSTRALIA	2,572	0.6	0.5	2,568	ROMANIA
INDONESIA	2,337	0.5	0.5	2,406	CANADA
VANUATU	2,173	0.5	0.5	2,293	POLAND
MALAYSIA	1,755	0.4	0.4	2,176	ANTIGUA AND BARBUDA
ARGENTINE	1,709	0.4	0.4	2,042	THAILAND
LUXENBOURG	1,703	0.4	0.4	2,028	KUWAIT
GIBRALTAR	1,410	0.3	0.3	1,711	VANUATU
KUWAIT	1,373	0.3	0.3	1,511	FINLAND
BULGARIA	1,367	0.3	0.2	1,230	EGYPT
SAUDI ARABIA	1,321	0.3	0.2	1,208	SAUDI ARABIA
EGYPT	1,257	0.3	0.2	1,198	HONDURAS
MEXICO	1,196	0.3	0.2	1,185	SPAIN
FINLAND	1,053	0.2	0.2	1,150	BULGARIA
MYANMAR	1,046	0.2	0.2	1,128	MEXICO
			0.2	1,016	BELIZE

• Source : By Lloyd's Register (Steel ships larger than 100 tons, including fishing vessels and others.)

• Origins of tonnage more than a million tons are listed.

Table 4. 1 : MERCHANT FLEET TONNAGE BY ORIGIN : 1991(AS OF June 30, 1991)
(In Thousand Gross Tons)

ORIGIN	TOTAL			TANKERS		
	Number of Ships	Tonnage in 1,000tons	Share (%)	Number of Ships	Tonnage in 1,000tons	Share (%)
WORLD TOTAL	80,030	436,027	100.0	6,768	138,897	31.9
L I B E R I A	1,605	52,427	12.0	486	26,699	50.9
P A N A M A	4,953	44,949	10.3	599	13,976	31.1
J A P A N	10,063	26,407	6.1	1,121	7,204	27.3
F O R M E R U S S R	7,377	26,405	6.1	462	4,068	15.4
N O R W A Y	2,577	23,586	5.4	229	10,904	46.2
G R E E C E	1,863	22,753	5.2	307	9,095	40.0
C Y P R U S	1,359	20,298	4.7	131	5,996	29.5
U S A	6,222	20,291	4.7	235	8,069	39.8
B A H A M A	973	17,541	4.0	195	8,738	49.8
P R C	2,382	14,299	3.3	267	1,840	12.9
P H I L I P P I N E S	1,465	8,626	2.0	91	376	4.4
S I N G A P O R E	854	8,488	1.9	244	3,543	41.7
I T A L Y	1,652	8,122	1.9	210	2,685	33.1
R O K	2,136	7,821	1.8	91	543	6.9
M A L T A	702	6,916	1.6	127	2,412	34.9
U . K .	1,949	6,611	1.5	151	2,316	35.0
I N D I A	890	6,517	1.5	64	1,805	27.7
G E R M A N Y	1,522	5,971	1.4	48	249	4.2
T A I W A N	644	5,888	1.4	18	662	11.2
B R A Z I L	669	5,883	1.3	65	1,947	33.1
H O N G K O N G	355	5,876	1.3	30	756	12.9
D E N M A R K	1,290	5,871	1.3	54	2,061	35.1
I R A Q	401	4,583	1.1	48	2,944	64.2
T U R K E Y	880	4,107	0.9	81	772	18.8
F R A N C E	910	3,988	0.9	47	1,674	42.0
N E T H E R L A N D	1,249	3,872	0.9	31	618	16.0
R O M A N I A	469	3,828	0.9	19	679	17.7
S P A I N	2,305	3,617	0.8	52	1,488	41.1
P O L A N D	673	3,348	0.8	18	136	4.1
Y U G O S L A V I A	462	3,293	0.8	17	264	8.0
S W E D E N	684	3,174	0.7	64	862	27.2
B E R M U D A	100	3,037	0.7	25	1,987	65.4
S T . V I N C E N T	698	2,710	0.6	28	378	13.9
C A N A D A	1,204	2,685	0.6	38	233	8.7
A U S T R A L I A	714	2,572	0.6	18	708	27.5
I N D O N E S I A	1,991	2,337	0.5	187	595	25.5
V A N U A T U	287	2,173	0.5	6	233	10.7
M A L A Y S I A	508	1,755	0.4	68	249	14.2
A R G E N T I N E	490	1,709	0.4	48	542	31.7
L U X E N B O U R G	51	1,703	0.4	10	265	15.6
G I B R A L T A R	44	1,410	0.3	14	1,123	79.6
K U W A I T	197	1,373	0.3	21	1,044	76.0
B U L G A R I A	226	1,367	0.3	21	293	21.4
S A U D I A R A B I A	309	1,321	0.3	52	561	42.5
E G Y P T	444	1,257	0.3	39	262	20.8
M E X I C O	649	1,196	0.3	35	507	42.4
F I N L A N D	266	1,053	0.2	19	209	19.8
M Y A N M A R	154	1,046	0.2	5	9	0.9

• Source : Lloyd's Register(Steel ships larger than 100 tons including fishing vessels and others.)

• Origins of tonnage more than a million tons are listed.

• Shares(%)of "Total" and "tankers" are calculated by tonnage.

Table 4. 2 : MERCHANT FLEET TONNAGE BY ORIGIN : 1991(AS OF Dec. 31, 1996
(In Thousand Gross Tons)

ORIGIN	TOTAL			TANKERS		
	Number of Ships	Tonnage	Share (%)	Number of Ships	Tonnage	Share (%)
WORLD TOTAL	84,264	507,873	100.0	6,878	146,366	28.8
BAHAMAMA	6,105	82,131	16.2	598	20,910	25.5
LIBERIA	1,684	59,989	11.8	409	28,044	46.7
GREECE	1,743	27,507	5.4	325	13,066	47.5
BAHAMAMA	1,186	24,409	4.8	171	10,863	44.5
CYPRUS	1,652	23,799	4.7	125	3,733	15.7
NORWAY	2,227	21,806	4.3	138	8,895	40.8
MALTA	1,247	19,479	3.8	228	7,370	37.8
JAPAN	9,399	19,201	3.8	1,045	5,819	30.3
PRC	3,121	16,993	3.3	379	2,190	12.9
SINGAPORE	1,480	16,449	3.2	363	6,614	40.2
RUSSIA	4,866	13,755	2.7	307	1,917	13.9
USA	5,289	12,025	2.4	117	3,630	30.2
PHILIPPINES	1,617	9,034	1.8	127	158	1.7
HONG KONG	398	7,863	1.5	45	396	5.0
ROK	2,327	7,558	1.5	121	380	5.0
ST. VINCENT	1,168	7,134	1.4	87	1,228	17.2
INDIA	920	7,127	1.4	86	2,622	36.8
UK	1,671	7,051	1.4	110	1,899	26.9
ITALY	1,348	6,594	1.3	128	1,781	27.0
TURKEY	1,114	6,426	1.3	91	709	11.0
TAIWAN	681	6,175	1.2	30	957	15.5
DENMARK	1,137	5,994	1.2	19	1,027	17.1
GERMANY	1,101	5,842	1.2	25	11	0.2
NETHERLAND	1,272	5,606	1.1	25	627	11.2
MARSHALL ISLANDS	130	4,897	1.0	32	2,721	55.6
BRAZIL	539	4,530	0.9	65	1,803	39.8
FRANCE	827	4,383	0.9	39	1,872	42.7
MALAYSIA	755	4,175	0.8	83	589	14.1
UKRAINE	1,061	3,825	0.8	35	79	2.1
IRAN	414	3,567	0.7	38	1,860	52.1
BERMUDA	91	3,462	0.7	16	1,586	45.8
SWEDEN	618	3,002	0.6	48	392	13.1
INDONESIA	2,348	2,973	0.6	236	849	28.6
AUSTRALIA	625	2,718	0.5	10	467	17.2
ROMANIA	420	2,568	0.5	21	429	16.7
CANADA	872	2,406	0.5	20	110	4.6
POLAND	507	2,293	0.5	8	6	0.3
ANTIGUA AND BARBUDA	520	2,176	0.4	3	4	0.2
THAILAND	540	2,042	0.4	125	385	18.9
KUWAIT	211	2,028	0.4	25	1,343	66.2
VANUATU	304	1,711	0.3	5	40	2.3
FINLAND	274	1,511	0.3	13	303	20.1
EGYPT	375	1,230	0.2	43	222	18.0
SAUDI ARABIA	276	1,208	0.2	35	258	21.4
HONDURAS	1,408	1,198	0.2	102	103	8.6
SPAIN	1,649	1,185	0.2	31	515	43.5
BULGARIA	192	1,150	0.2	14	194	16.9
MEXICO	630	1,128	0.2	31	425	37.7
BELIZE	640	1,016	0.2	37	67	6.6

• Source : Lloyd's Resister (Steel ships larger than 100 tons including fishing vessels and others.)

• Origins of tonnage more than a million tons are listed.

• Shares(%) of "Total" and "tankers" are calculated by tonnage.

Figure 1 :Example of Multinational Shipping

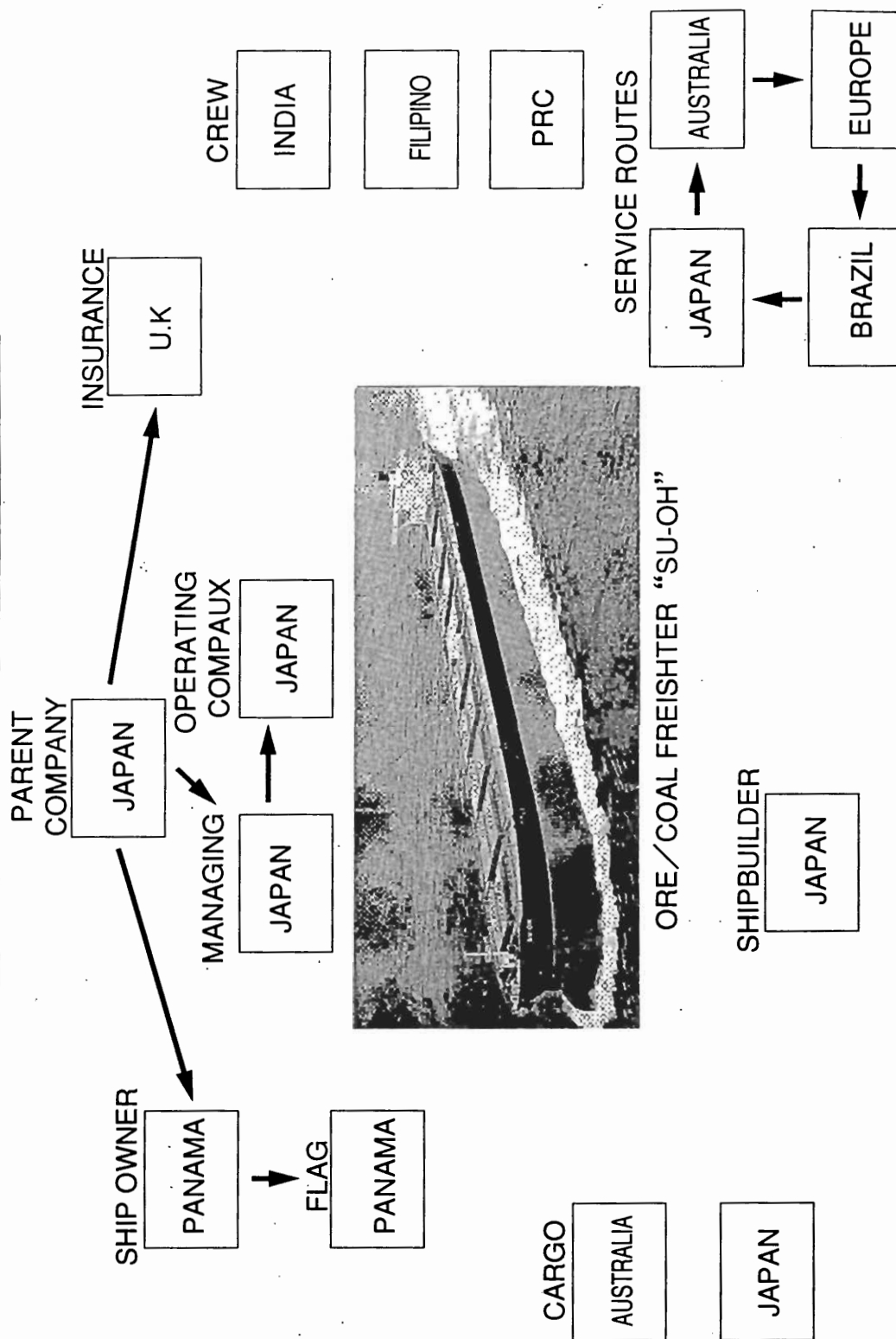


Figure 2 :Example of Multinational Origin of Computer Hardware

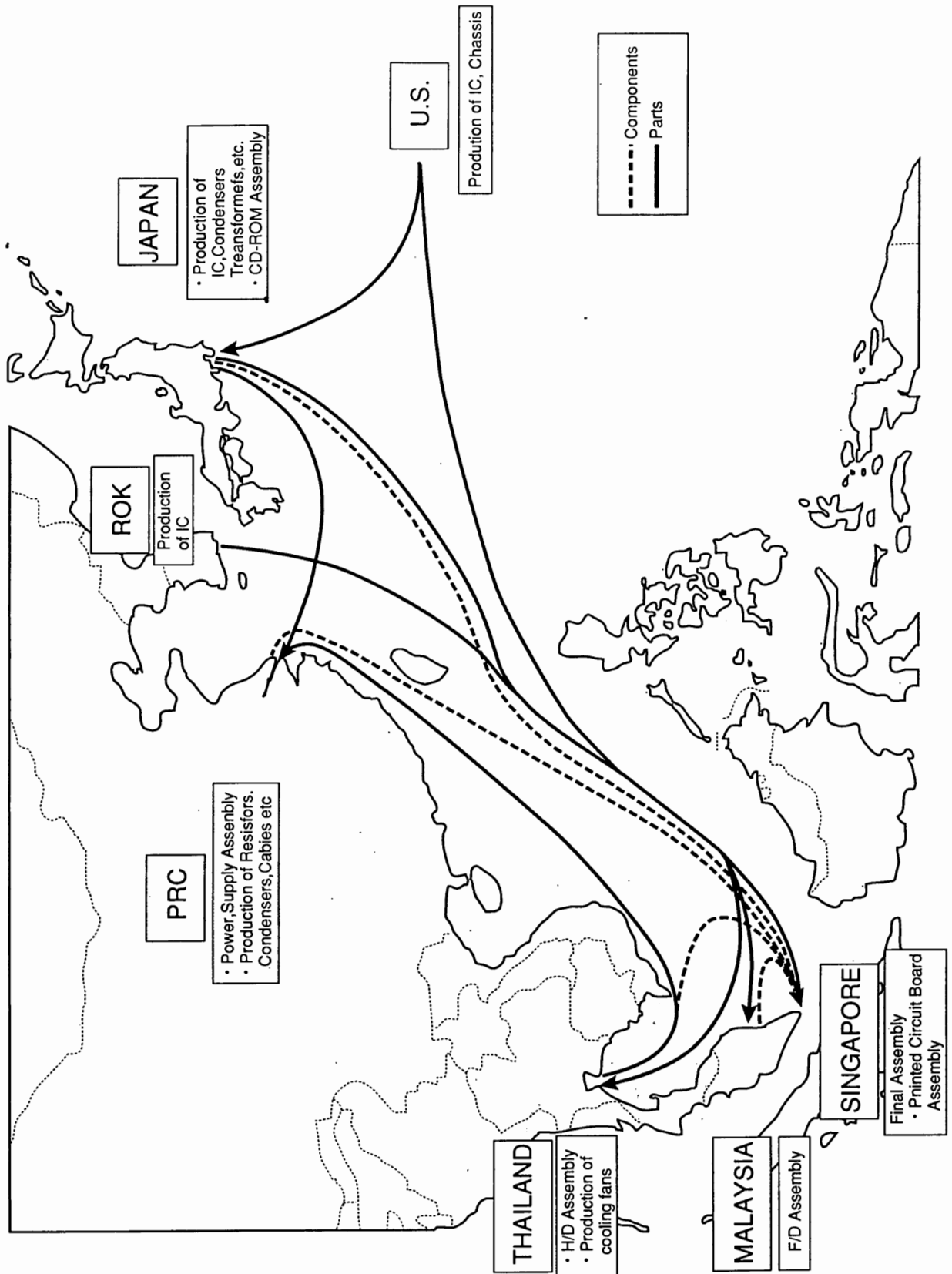
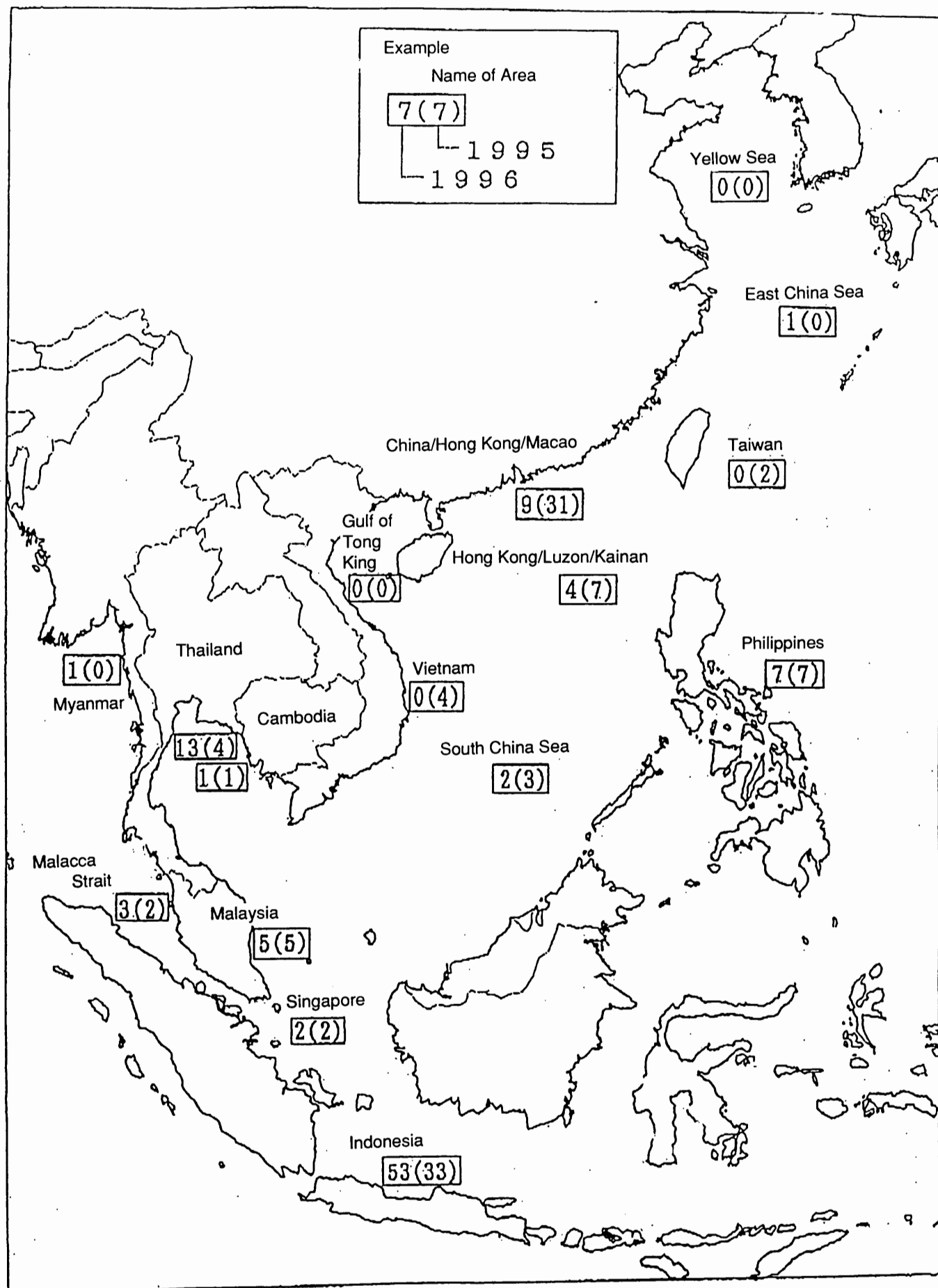


Figure 3 : NUMBER AND LOCATION OF PIRATE ATTACK'S



Source : International Maritime Bureau (IMB)



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Eleventh International Conference
on
THE SEA LANES OF COMMUNICATION (SLOC) STUDIES

THE ROYAL PARK HOTEL, TOKYO
November 17 - 18, 1997

COUNCIL FOR SECURITY COOPERATION
IN ASIA PACIFIC (CSCAP)
MARITIME COOPERATION WORKING GROUP

REGIONAL OCEAN MANAGEMENT AND SECURITY
MEETING OVERVIEW

COMMODORE SAM BATEMAN (RAN, RET)

The World Strategy Forum of Japan
3-3-14 Kudan Minami (Flat Kudan Minami #602)
Chiyoda-ku, Tokyo 102 Japan

COUNCIL FOR SECURITY COOPERATION
IN ASIA PACIFIC (CSCAP)

MARITIME COOPERATION WORKING GROUP

REGIONAL OCEANS MANAGEMENT AND SECURITY
- MEETING OVERVIEW

by

Sam Bateman

and

Hasjim Djalal

This meeting held in Bangkok between 30 May and 1 June 1997 was the third meeting of the CSCAP Maritime Cooperation Working Group. It was the largest meeting of the Group so far with 30 participants from 16 member CSCAPs and about 18 Thai observers. CSCAP China attended for the first time with four participants. Also, two experts from Taiwan were included as "other participants". Europe, Mongolia and North Korea were the only CSCAPs not represented. The assistance provided by CSCAP Thailand and the Southeast Asian Programme in Ocean Law, Policy and Management (SEAPOL) in organising the meeting is gratefully acknowledged.

The high number of participants at the meeting may be interpreted as confirmation that the theme chosen for the meeting, 'Regional Oceans Management and Security', is an important one for the Working Group. Measures to achieve the more effective management of regional seas and oceans are a strong common interest of CSCAP member countries. In the security context, they offer potential as "building blocks" for wider regional cooperation and dialogue, improved regional relations and confidence-building.

While *oceans governance* is the term often used to describe the management of oceans and seas, the Working Group preferred to talk about *oceans management* in the security context. This avoids implications that the seas can be *governed*, or that one or more nations can exercise *sea command* over regional seas in the classical strategic sense that *sea command* provides the freedom to use the sea for one's own purposes and to deny its use to an adversary. Such a meaning is clearly inimical to the idea of cooperative management of regional seas and oceans.

Oceans management and regional security are closely related. The main sources of possible conflict at sea in Asia Pacific are maritime sovereignty disputes, conflicting and excessive claims to offshore jurisdiction, and the lack of agreed jurisdiction over the marine resources of the region. Many Asia Pacific nations relate security to the protection of sovereignty over offshore areas and marine resources. But these are problematic issues at present with relatively few agreed maritime boundaries in the region and numerous overlapping claims to maritime jurisdiction, as well as disputes over the sovereignty of several islands and island groups. To some extent, maritime disorder, rather than order, prevails in regional seas with unregulated pollution of the marine environment, over fishing, marine environmental degradation, and widespread illegal activities at sea (ie, unlicensed fishing, piracy, unauthorised movement of people, and drug smuggling).

The pursuit of national maritime interests, including maritime security interests, may be incompatible with other broader security concerns at a regional level, particularly resource conservation and environment protection. This situation arises when national interests are put before "the common good". It is evident in the way in which the exploitation of marine resources poses problems for both comprehensive and conventional security. Resource scarcities, particularly of energy, the possible disruption of seaborne trade, and the risk of confrontation between resource protection forces of neighbouring countries are problems of conventional security for individual countries, while environmental degradation, destruction of habitats, over fishing, the threatened extinction of species, and pollution of regional seas are all issues of comprehensive security at a regional level. Dilemmas such as this are examples of issues which can be addressed by the Maritime Cooperation Working Group.

A participant at the Bangkok meeting referred to "old" concepts of managing oceans and seas. By these, he meant concepts based primarily on national rights and obligations rather than cooperation between neighbouring countries. The old systems have proven to be ineffective and can lead to disputes and the "tragedy of the commons", whereby countries act in their own self-interest and create a situation in which all lose¹. Work on new regimes for marine management is therefore required to bring order to the regional marine environment, and to prevent maritime disputes festering away as potential sources of conflict.

These new management regimes might be linked with the following measures of preventive diplomacy and confidence-building identified by the ASEAN Regional Forum²:

- the development of a set of guidelines for the peaceful settlement of disputes (the Guidelines for Regional Maritime Cooperation developed by the Working Group are a contribution in this regard);
- cooperation and dialogue to build maritime information data bases, recognising that no single country can build comprehensive data bases from its own resources and all participating countries will benefit from the sharing of information;
- cooperative approaches to sea lines of communication, beginning with exchanges of information and training in such areas as search and rescue, piracy and drug control;
- the establishment of zones of cooperation in areas such as the South China Sea;
- a multilateral agreement on the avoidance of naval incidents that apply to both local and external navies;
- Sea Level/Climate Monitoring Systems (again these require a high level of cooperation between participating countries but such systems are essential for weather forecasting, to help predict maritime natural hazards and to monitor the longer term impact of climate change);

- the introduction of regional conventions on the marine environment (especially to prevent the dumping of toxic wastes and to inhibit land-based sources of marine pollution; and
- cooperative regimes for maritime surveillance and joint marine scientific research.

This list of prospective measures from the ARF potentially provides a charter of work for the CSCAP Maritime Cooperation Working Group. To some extent, most of these measures have been encapsulated in the Guidelines for Regional Maritime Cooperation developed by the Working Group. The agenda of the Bangkok meeting of the Group was well attuned to supporting the ARF with the development of the measures.

The overall aim of the meeting in Bangkok was to explore new ideas of preventive diplomacy and confidence-building in the general area of regional maritime cooperation, particularly in the enclosed and semi-enclosed seas of Southeast and Northeast Asia³. Maritime activity is increasing in these seas and cooperation is becoming more important. The objectives of the meeting were to:

- review progress with the Guidelines for Regional Maritime Cooperation (draft CSCAP Memorandum No.4);
- contribute to the development of new ideas about the cooperative management of regional seas and oceans areas;
- identify present and planned activities in some area of regional maritime cooperation (eg, shipping, resource management, pollution prevention, marine safety, law and order at sea, etc.) which have benefits for regional security (ie, 'value added'); and
- share national and sub-regional perspectives of cooperative oceans and marine management.

The review of the Guidelines for Regional Maritime Cooperation revealed three main problem areas. These were firstly, that of definitions and the question of whether or not these should be included, noting that many definitions set out in the Guidelines come directly from the 1982 UN Convention on the Law of the Sea. However, the consensus of the meeting was that these should be included. The second issue of concern was the handling of sovereignty issues in the draft Guidelines. To overcome this problem, the clause on sovereignty was removed to the end of the Guidelines under a side heading 'Non Prejudicial'. The third major problem area related to naval cooperation. However, observing that all countries represented at the meeting, with the exception of India, are members of the Western Pacific Naval Symposium, and the possible significance of naval cooperation as a confidence-building measure, references to naval cooperation have been retained in the Guidelines but with a relatively low profile.

After the meeting, the draft CSCAP Memorandum No.4 and the Guidelines were revised by a small re-drafting group. As far as possible, the subsequent amendments to the Guidelines took account of the concerns expressed at the meeting. The

revised draft Memorandum and Guidelines were then recirculated to all member CSCAPs. Comments subsequently received were taken into account in the latest draft of the Guidelines which are now awaiting approval of the Co-Chairs of CSCAP before publication. The latest draft of CSCAP Memorandum No.4 with the Guidelines is an Annex to this chapter.

The Guidelines provide a possible charter for regional maritime cooperation. They strongly accord with the new approaches to oceans management set out in the UN Convention on the Law of the Sea, other international conventions and state practice. If adopted in the region, they will be a framework for ongoing work by the Maritime Cooperation Working Group. Particular guidelines establish the need for additional work which could be undertaken by the Working Group (for example, in fostering multi-disciplinary educational and dialogue programs under the broad framework of comprehensive security), and with others, there may be a role for the Group in monitoring the implementation of the guidelines (for example, in drawing attention to problems with the implementation of and compliance with relevant international instruments).

The main part of the meeting involved the sharing of national and sub-regional perspectives of oceans and marine management. To establish a basis of knowledge for the achievement of the aim of the meeting to explore new ideas for regional maritime cooperation, individual countries adjacent to regional seas presented short papers on national arrangements for oceans/marine management. These individual presentations addressed how each country manages its maritime interests (shipping, marine environmental protection, fisheries, etc) with a particular focus on national arrangements for undertaking surveillance and enforcement at sea. The objective was to see how different countries manage their maritime interests, which may overlap those of their neighbours, and to stimulate new ideas for regional maritime cooperation.

Several themes emerged from these national presentations. Most countries perceive a need for a change to their national marine management arrangements to better meet the new challenges of oceans management (eg, increased shipping traffic, marine environmental protection, over-fishing, increased offshore hydrocarbon exploration and exploitation). Generally regional countries are attempting to put in place more coordinated (or integrated) arrangements and policies for managing oceans and marine affairs in lieu of the sectoral approach of the past. Nevertheless, a high level of diversity of arrangements and fragmentation of responsibility is still apparent across the region with several different national agencies in most countries having some responsibility for maritime regulation and enforcement. This diversity and fragmentation tends to inhibit cooperation at a regional level.

The opportunity was also taken to discuss existing arrangements for regional maritime cooperation and the experiences of other regions in the world with similar experiences of cooperation and geographical situations. Papers were presented covering the Caribbean and the South Pacific with an up-date on the South China Sea workshops (from Professor Ian Townsend-Gault of Canada) and the situation in Southeast Asia (by Dr Frances Lai of SEAPOL). Subsequent discussion disclosed some concerns over the extent to which experiences in one region could be translated to another. This was particularly the case in the South Pacific where arrangements tended to be inward-looking with few external linkages. Experience

from the South China Sea Workshop process confirmed the utility of setting aside the issue of boundary disputes and focussing instead on cooperative management issues.

Overall the papers on national and regional experiences confirmed the scope for useful work in the field of cooperative oceans management to be undertaken by the CSCAP Maritime Cooperation Working Group. Given the lack of agreed maritime boundaries in East Asian seas and the number of conflicting/overlapping maritime claims in the region, the management of regional seas and the development of new management regimes offer considerable potential for preventive diplomacy and confidence-building. This also involves building links between the concepts and forums of cooperative and comprehensive security. These and similar themes are planned for the agenda of future meetings of the Working Group.

The next (and Fourth) meeting of the Maritime Cooperation Working Group will be held in Tokyo in November 1997. This meeting will address issues related to the relationship between seaborne trade, shipping and regional security. The importance of shipping and seaborne trade in Asia Pacific is explained by economic and geo-strategic factors. Firstly, the "archipelagic" nature of the region and the lack of any significant land transport infrastructure in East Asia, other than in China, mean that intra-regional trade is mostly carried by sea, except for very high value cargoes carried by air. Secondly, some regional countries are major shipowning nations. Thirdly, regional nations generally lack self-sufficiency and are variously dependent on imports by sea of energy, foodstuffs, raw materials, and particular manufactured goods. Hence they are vulnerable to the disruption of seaborne trade.

Navigational rights and freedoms are major issues in Asia Pacific due to the importance of seaborne trade in the region and its strategic geography. Significant geographical features include a proliferation of archipelagic states across the Southwest Pacific, and the high incidence of major international straits and focal areas, particularly in East Asian waters. Ships travelling between the Malacca and Singapore Straits and Northeast Asia pass almost entirely through the territorial sea or Exclusive Economic Zone (EEZ) of one country or another. These are just some of the issues which establish the link between seaborne trade and regional security.

With the importance of maritime issues in the Asia Pacific region and the links between these issues and regional security, the CSCAP Maritime Cooperation Working Group continues to have opportunities to support the broad CSCAP process with useful Track Two work, particularly in support of the ARF. The Fifth meeting of the Group to be held in 1998 will return to the topic of management of regional seas and regime-building. Great potential exists with this topic for the development of worthwhile confidence-building measures and preventive diplomacy to reduce the risk of conflict in the oceans and seas of the Asia Pacific region.

The effective management of regional seas and the reduction of maritime disputes present a challenge to the region which will only be met by a higher level of preparedness to cooperate than exists at present. The work of the Maritime Cooperation Working, especially the Guidelines for Regional Maritime Cooperation, is intended to be a worthwhile contribution to the foundations of better cooperation and a higher level of maritime order in the region.

ANNEX: CSCAP Memorandum No 4 - Guidelines for Regional Maritime
Cooperation

CSCAP MEMORANDUM NO 4

GUIDELINES FOR REGIONAL MARITIME COOPERATION

**Council for Security Cooperation
in the Asia Pacific**

CSCAP MEMORANDUM NO 4

GUIDELINES FOR REGIONAL MARITIME COOPERATION

Introduction

This document puts forward the proposed Guidelines for Regional Maritime Cooperation which have been developed by the Maritime Cooperation Working Group of the Council for Security Cooperation in Asia Pacific (CSCAP). The Guidelines are a set of fundamental, non-binding principles to guide regional maritime cooperation and to ensure a common understanding and approach to maritime issues in the region.

These Guidelines were developed on the basis of proposals advanced at several regional forums, at both the Track One and Track Two levels, for a Regional Agreement on the Avoidance of Incidents at Sea (INCSEA) agreement. As a consequence of papers delivered and deliberations at the first two CSCAP Maritime Cooperation Working Group meetings, held in Kuala Lumpur in June 1995 and April 1996, the concept evolved through the possibility of a Regional Risk Reduction or Maritime Safety Agreement to the idea of more wide-ranging guidelines covering the full scope of regional maritime cooperation. Subsequently a proposed draft of the Guidelines was considered by an ad hoc meeting of the Working Group, held in Jakarta in December 1996, and accepted for submission to the CSCAP Steering Committee. After subsequent comment by CSCAP members, discussion at the Third Meeting of the Working Group held in Bangkok in May 1997 and a further opportunity for comment by CSCAP members, the Guidelines are now issued for consideration for adoption in the region.

The Guidelines adopt a comprehensive approach to regional security. If adopted by regional countries, they will constitute a major contribution to regional security. They cover the maritime confidence and security building and preventive diplomacy measures identified by the ASEAN Regional Forum (ARF) and reflect the strong support in the region for the 1982 UN Convention on the Law of the Sea (UNCLOS). The Guidelines are consistent with UNCLOS and have been influenced by State practice with regard to developments in oceans management and international law since UNCLOS was opened for signature. They combine this State practice with the obligations pertaining to maritime cooperation laid down in UNCLOS.

Importance of these Guidelines

The importance of these Guidelines flows from the nature and complexity of the regional geographical environment, the significance of maritime issues in the region, and the propensity for illegal activities and disputes to occur at sea. Maritime cooperation will contribute to regional stability by easing tensions and reducing the risks of conflict. The Guidelines also reflect the entry into force of the UNCLOS. They demonstrate the strong regional support for UNCLOS which has been ratified

by most ARF member states.

Purpose of Guidelines

The Guidelines serve several purposes:

- First, they constitute an important regional confidence-building measure, laying down general principles for regional maritime cooperation in line with the ARF's long term objective of becoming a mechanism for conflict resolution. They should serve to dampen down tensions, particularly in areas of enclosed or semi-enclosed sea with disputed or overlapping maritime jurisdiction.
- Secondly, they serve as a step in the process of building an oceans governance regime for the Asia Pacific region based on UNCLOS and the inter-related nature of oceans issues, and devoted to the notion of integrated management of such issues.
- Thirdly, the Guidelines should help promote a *stable maritime regime* in the region with the free and uninterrupted flow of seaborne trade, and nations able to pursue their maritime interests and manage their marine resources in an ecologically sustainable manner in accordance with agreed principles of international law.
- Fourthly, the Guidelines apply the concept of comprehensive security in the Asia Pacific region. They should provide a link between the various concepts and processes of comprehensive security and the various forums which are concerned with elements of comprehensive security.
- Lastly, the proposed Guidelines encapsulate the progress achieved in the Maritime Cooperation Working Group meetings and pave the way for further work within each of the maritime security issue areas covered by the broad principles for co-operation laid down in the Guidelines.

Legal Status of the Guidelines

The proposed Guidelines are non-binding in nature. They set down broad principles of cooperative behaviour in the maritime sector, and do not create legally binding obligations between states. In keeping with their non-binding but persuasive nature, the guidelines are framed in exhortatory rather than obligatory language.

The Guidelines will be regarded as 'soft' law by international lawyers. Soft law instruments are a relatively recent phenomenon in respect of the growing body of international agreements between states. They are generally regarded as non-binding instruments which do not create legal obligations, but instead reflect agreement between states concerning the need to co-operate in identified issue areas. Some of these instruments have been uniquely successful in articulating basic ground rules for international behaviour. This is especially true in the field of the international environment. For example, the 1972 Stockholm Declaration on the Human Environment is widely accepted as laying down the general principle of a

state's responsibility for environmental damage to areas beyond its national jurisdiction. This principle is reflected in many other well-known 'soft law' instruments, such as the 1992 Rio Declaration on Environment and Development, as well as in binding instruments, including UNCLOS itself.

The proposed Guidelines aspire to a similar status in respect of the maritime relations between states in the region. They represent a consensus among these states as to the maritime issues which in their view require cooperation in order to achieve the overall objective of a stable regime for all aspects of maritime activities conducted within the region.

Recommendation

It is recommended that these Guidelines be put forward as a CSCAP initiative for consideration by the ARF.

GUIDELINES FOR REGIONAL MARITIME COOPERATION

The participating states of the ASEAN Regional Forum:

Conscious that the issues of oceans management are closely interrelated and need to be considered as a whole;

Affirming the duty among all States to utilise the oceans for peaceful purposes;

Acknowledging the importance of resolving sovereignty and jurisdictional disputes peacefully and without resort to force;

Supporting the intention of the ASEAN Regional Forum (ARF) to foster a regional environment conducive to maintaining the peace and prosperity of the Asia Pacific region;

Taking into account the entry into force of the 1982 United Nations Convention on the Law of the Sea (UNCLOS);

Acknowledging the guiding principles for the Protection of the Oceans, All Kinds of Seas, Including Enclosed and Semi-enclosed Seas, and Coastal Areas and the Protection, Rational Use and Development of their Living Resources set out in Chapter 17 of Agenda 21, agreed at the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro in 1992;

Taking into account emerging practice with regard to maritime cooperation in all parts of the world;

Acknowledging the importance of seaborne trade in the Asia Pacific region;

Mindful of the interests which countries share in the marine environment, and in a spirit of cooperation, friendship and goodwill; and

Convinced that these guidelines will promote regional maritime cooperation and contribute to the peace, good order and continuing prosperity of the Asia Pacific region;

Hereby adopt the following non-binding Guidelines for Regional Maritime Cooperation:

DEFINITIONS

1. For the purposes of these Guidelines:

"archipelagic waters" means those waters enclosed by the archipelagic baselines of an archipelagic State drawn in accordance with Article 47 of the UNCLOS;

"continental shelf" means the submarine area of seabed and subsoil as defined by Part VI of the UNCLOS;

"enclosed or semi-enclosed sea" means a gulf, basin or sea surrounded by two or more States and connected to another sea or the ocean by a narrow outlet or consisting entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal States, as defined by Part IX of the UNCLOS;

"exclusive economic zone" means an area superjacent to the sea-bed, the sea-bed and subsoil, as defined by Part V of the UNCLOS;

"high seas" means those waters to which the provisions of Part VII of the UNCLOS applies;

"marine environment" includes the oceans and all seas and adjacent coastal areas;

"pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities, as defined by Part I of the UNCLOS;

"sea lines of communication" is the term used to describe shipping routes used for seaborne trade;

"surveillance" means the observation of aerospace, surface and sub-surface areas, places, persons or objects by visual, aural, electronic, and photographic means; and

"territorial sea" means the belt of sea which is claimed by the coastal State as territorial sea in accordance with Section 2, Part II of the UNCLOS.

RIGHTS AND DUTIES

2. Parties recognise:

- the sovereignty and responsibilities of other Parties in respect of their internal waters, territorial seas, and archipelagic waters;
- the sovereign rights and duties of other Parties with regard to exclusive economic zones and continental shelves; and
- the rights and responsibilities of other States as provided by the UNCLOS, other conventions, treaty obligations and general international law.

MARITIME COOPERATION

3. States are encouraged to become parties to the UNCLOS and other relevant instruments, noting that this will contribute to the strengthening of peace, security, cooperation, sustainable development and friendly relations.

4. Parties accept that a comprehensive concept of regional maritime security requires a multidisciplinary approach, necessitating cooperation and coordination among all interested bodies and activities.
5. Parties recognise the importance of cooperation for the management of the marine environment, particularly for enclosed and semi-enclosed seas.
6. Parties acknowledge and appreciate the progress being made with activities to prevent conflict and promote cooperation in the South Pacific and the South China Sea. These experiences provide valuable lessons in practical maritime cooperation.

SEA LINES OF COMMUNICATION

7. Parties recognise the importance of freedom of navigation, in accordance with the provisions of UNCLOS, to the maintenance of seaborne trade in the Asia Pacific region.
8. Taking into account the promotion of the safety of navigation and the protection of the marine environment, parties are encouraged to develop cooperative approaches to the maintenance and protection of sea lines of communication. Such co-operative approaches might begin with exchanges of information and training in such areas as humanitarian assistance, search and rescue, marine safety, and law and order at sea. The exchange of information should include information on likely threats to, or security incidents relating to, sea lines of communication.
9. Further implementation of this cooperative approach could include naval cooperation and the sharing of information resulting from maritime surveillance.

HUMANITARIAN ASSISTANCE

10. Parties recognise the benefits of working together on the prevention, mitigation and management of maritime natural disasters, including preparedness and early warning systems, the exchange of information, compilation of data bases, planning, disaster reduction and relief activities, as well as training and education programs.

SEARCH AND RESCUE

11. Parties are encouraged to promote greater sharing of maritime Search and Rescue (SAR) experience and expertise, as well as facilitate coordination and cooperation in SAR training and procedures.
12. Parties are encouraged to consult with regard to the ratification, implementation and participation in relevant conventions and instruments concerning maritime SAR.

MARITIME SAFETY

13. Parties are encouraged to promote navigational safety by measures such as adequate charting, notices to mariners, navigational aids, and notification of recommended shipping routes, as appropriate.
14. Parties express support for regional and international efforts to deal with the problem of sub-standard ships, including the establishment of regional systems of port state control.
15. Parties are encouraged to consult with regard to the ratification, implementation and participation in relevant conventions and instruments concerning maritime safety.

LAW AND ORDER AT SEA

16. Parties recognise the importance of cooperation in the maintenance and enforcement of law and order at sea, including the prevention of piracy, drug smuggling, and other crimes at sea, acknowledging the rights of states to enforce their domestic laws at sea to the extent permitted by international law.
17. Parties are encouraged to institute regular meetings to enhance cooperation and coordination in their maritime enforcement activities.

NAVAL CO-OPERATION

18. Parties acknowledge the confidence-building benefits of naval cooperation, including increased personnel contacts and voluntary measures to promote naval transparency.
19. Parties may wish to consider a framework of bilateral or multilateral instruments on the avoidance of naval incidents that would be open to interested navies.

MARITIME SURVEILLANCE

20. Parties recognise that maritime surveillance may be conducted for peaceful purposes as part of the exercise of freedom of navigation and overflight in areas claimed as exclusive economic zone or continental shelf, and on the high seas. This should be conducted without prejudice to the jurisdictional rights and responsibilities of the coastal state within its exclusive economic zone or over its continental shelf, as provided for under UNCLOS.
21. Parties are encouraged to work towards arrangements for the sharing of surveillance information with other Parties to these Guidelines.

PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

22. Parties recognise their individual and collective obligation to protect and preserve the marine environment.

23. Parties are encouraged to consult with regard to:

- cooperation on a bilateral, sub-regional and regional basis in taking all measures necessary to prevent, reduce, monitor and control pollution of the marine environment from all sources;
- the ratification, implementation and participation in relevant conventions and instruments concerning protection, preservation and monitoring of the marine environment;
- the implementation of Chapter 17 of Agenda 21, adopted at the 1992 United Nations Conference on Environment and Development (UNCED), particularly those program areas concerning integrated management and sustainable development, marine environmental protection and the strengthening of international, including regional cooperation and coordination; and
- the development and implementation of national, sub-regional and regional monitoring programs and contingency plans in response to pollution incidents in the marine environment.

MARINE RESOURCES

24. Parties are encouraged to consult at the bilateral, sub-regional and regional levels in the formulation and harmonisation of policies for the conservation, management and sustainable utilisation of marine living resources that straddle maritime zones, or which are highly migratory, or occur in the high seas.
25. Parties are encouraged to consult at the bilateral, sub-regional and regional levels in the formulation and harmonisation of policies for the exploration and exploitation of marine non-living resources which occur across two or more zones of national jurisdiction, especially in cases where a shared resource can be exploited, wholly or in part, from one or more of the zones of national jurisdiction.

MARINE SCIENTIFIC RESEARCH

26. Parties are encouraged to cooperate, directly or through competent international, regional or sub-regional organisations, for the purpose of promoting studies, undertaking programs of scientific research and encouraging the exchange of information and data acquired about the marine environment, particularly about pollution of the marine environment and changing sea levels.
27. Parties are encouraged to consult on efforts to harmonise their respective procedures, in accordance with Part XIII of UNCLOS, for granting consent to proposed marine scientific research projects in their exclusive economic zones and on their continental shelves.

TECHNICAL COOPERATION AND CAPACITY-BUILDING

28. Parties recognise the benefits of technical cooperation and capacity-building, and are encouraged to implement relevant programs in the maritime sector designed to build infrastructures, institutions and capabilities for policy formulation and implementation. This includes information sharing and development of databases.

TRAINING AND EDUCATION

29. Parties will cooperate on the development and promotion of training and educational programs for the management of the marine environment, particularly for the maintenance of safety and law and order at sea, the preservation and protection of the marine environment, and the prevention, reduction and control of marine pollution. Such cooperation might include:

- the offer of places on national training courses to other parties, subject to payment of relevant costs;
- sharing curriculum and course information;
- the exchange of naval and law enforcement personnel, scientists and other experts;
- the exchange of views on maritime issues;
- holding conferences, seminars, workshops and symposiums on maritime subjects of common interest; and
- fostering cooperation among maritime training institutions and research centres.

NON-PREJUDICIAL

30. Nothing contained in these Guidelines, or activities taking place thereabove, should be interpreted as prejudicing the position of any Party in its claims to territorial sovereignty, sovereign rights or jurisdiction over territory or maritime zones.

¹ Andrew Mack, 'Security Regimes for the Oceans: The Tragedy of the Commons, the Security Dilemma, and Common Security' in Jon M. Van Dyke, Durwood Zaelke, and Grant Hewison (eds), *Freedom for the Seas in the 21st Century - Ocean Governance and Environmental Harmony*, Washington DC,

Island Press, 1993, p.409.

2 ARF Concept Paper tabled at the 1995 ARF meeting in Brunei.

3 An *enclosed or semi-enclosed sea* is defined by Article 122 of the 1982 UN Convention on the Law of The Sea as 'a gulf, basin or sea surrounded by two or more States and connected to another sea or the ocean by a narrow outlet or consisting entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal States. Examples include the Gulf of Thailand, the South China Sea and the Yellow Sea.

* CSCAP Malaysia is not able to agree with this formulation of Paragraph 20 and proposes that it should read:

"Parties recognise that maritime surveillance may be conducted for peaceful purposes as part of the exercise of freedom of navigation and overflight in areas claimed as exclusive economic zone or continental shelf, and on the high seas. This should be conducted with the agreement, and without prejudice to the sovereign rights, of the coastal state within its exclusive economic zone or continental shelf."



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Eleventh International Conference
on
THE SEA LANES OF COMMUNICATION(SLOC) STUDIES

THE ROYAL PARK HOTEL, TOKYO
November 17 - 18, 1997

H i s t o r y o f W P N S

VADM (Ret) Hirotarou Hayashi



History of WPNS

- 1969.11 1st International Seapower Symposium
- 1986.10 19th ISS
- * agreed to hold WPNS biennially
- 1988.10 1st WPNS (Australia)
- 1990.11 2nd WPNS (Thailand)
- * agreed to hold Workshop
- 1992.11 3rd WPNS (U.S.A)
- 1994.11 4th WPNS (Malaysia)
- 1996.11 5th WPNS (Japan)



Aim of the WPNs

- *Frank and Open Discussions Regarding
Common Interests in the Maritime
Arena, and Promote Mutual
Understanding, Naval Cooperation and
Trust in the Western Pacific Region*
- *Discussion on the Maritime Issues
proposed at the ISS*



Aim of Workshop

- ① *Discussion on the Maritime Common Interests in the Western Pacific Region and Exchange of the Proposals to Enhance Naval Cooperation among Member Countries*
- ② *Discussion & coordination on the Agendas preparing for the Conference*
- ③ *Development of Naval Relations at Working Level*



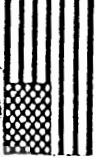
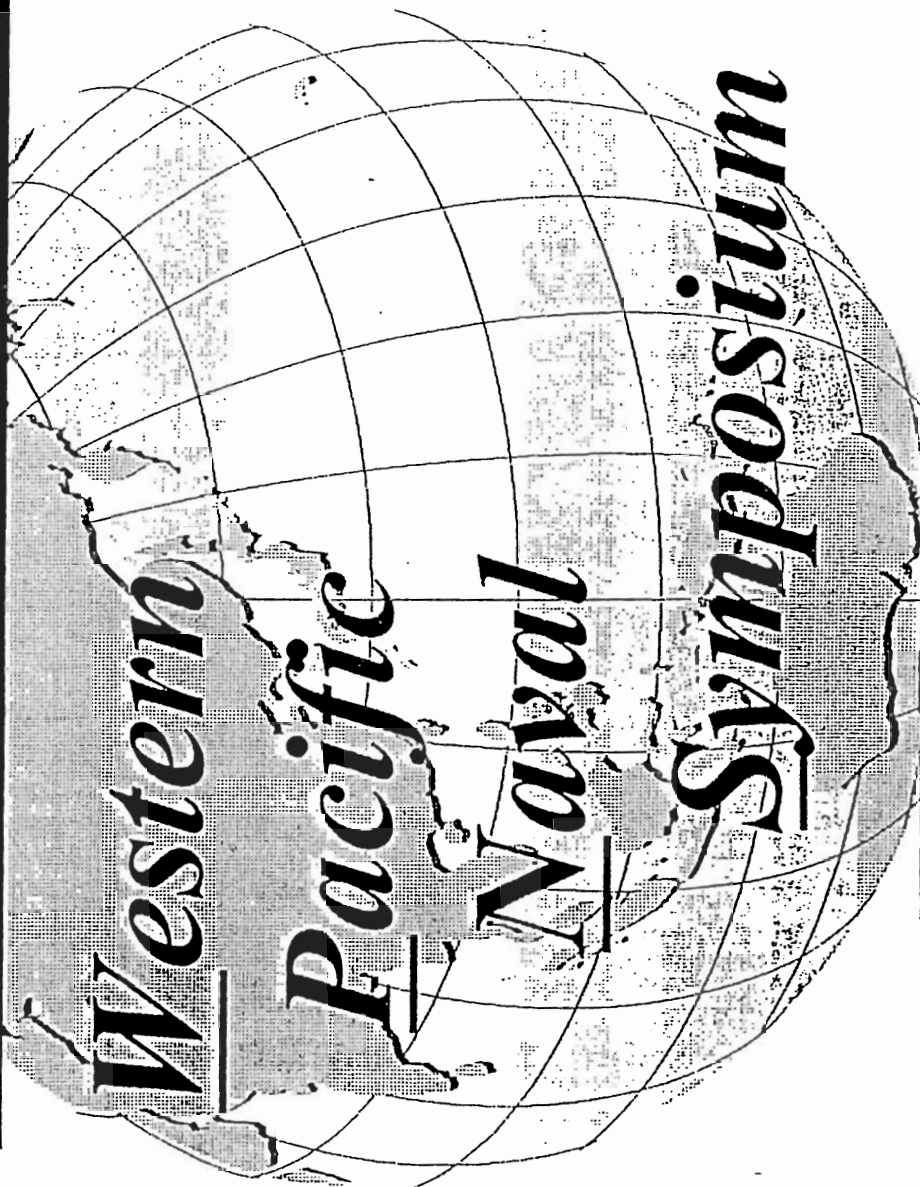
Participating countries

	#1 WPNS	#2 WPNS	#1 W/S	#3 WPNS	#2 W/S	#3 W/S	#4 WPNS	#4 W/S	#5 W/S	#5 WPNS
Japan	x	o	o	o	o	o	o	o	★	★
Australia	★	o	★	o	o	o	o	o	o	o
Brunei	o	o	x	o	o	o	o	o	o	o
China	o	o	x	x	★	x	x	x	o	o
Indonesia	o	o	x	x	o	o	o	★	o	o
Malaysia	o	o	o	o	o	o	★	o	o	o
New Zealand	o	o	o	o	o	o	o	o	o	o
Papua New Guinea	o	x	o	o	o	x	o	o	o	o
Philippines	o	o	x	o	x	o	x	o	o	o
Singapore	o	o	o	o	★	o	o	o	o	o
ROK	o	x	o	o	o	o	o	o	o	o
Thailand	o	★	o	o	o	o	o	o	o	o
U.S.	o	o	o	★	o	o	o	o	o	o
Tonga										
Cambodia									x	o
Vietnam									x	o
Russia									x	o
France									x	△
Canada									△	△
Total	12	9	9	11	11	12	15	17	16	19

○: ATTENDED x: ABSENT △: OBSERVER ★: HOST NATION ATTENDED ONLY CEREMONY



Review of the 5th WPNS





Outlines

- 26/Nov: Conference
Dinner hosted by Director General
- 27/Nov: Conference
Courtesy call to the Prime Minister
Optional Tour
- 28/Nov: Study Tour in Yokosuka Area
H.Q. Self Defense Fleet/Destroyer/
Submarine/Memorial ship Mikasa/
Luncheon
Dinner hosted by CMS



Theme of the 5th WPNS

Principle Theme:
Enhancement of Mutual Understanding
in Maritime Areas and Coordination
among Naval Forces in the Region

Secondary Theme:
Promotion of Naval Exchange Networks



Participants

Members:

Australia/Brunei/Cambodia/China/
Indonesia/Malaysia/New Zealand/
Papua New Guinea/Philippines/ROK/
Russia/Singapore/Thailand/Tonga/U.S./
Vietnam/Japan

Observers:

Canada/France



Global & Regional Situation

*Create a Condition
in which Multilateralism
& Bilateralism are
Combined Appropriately*



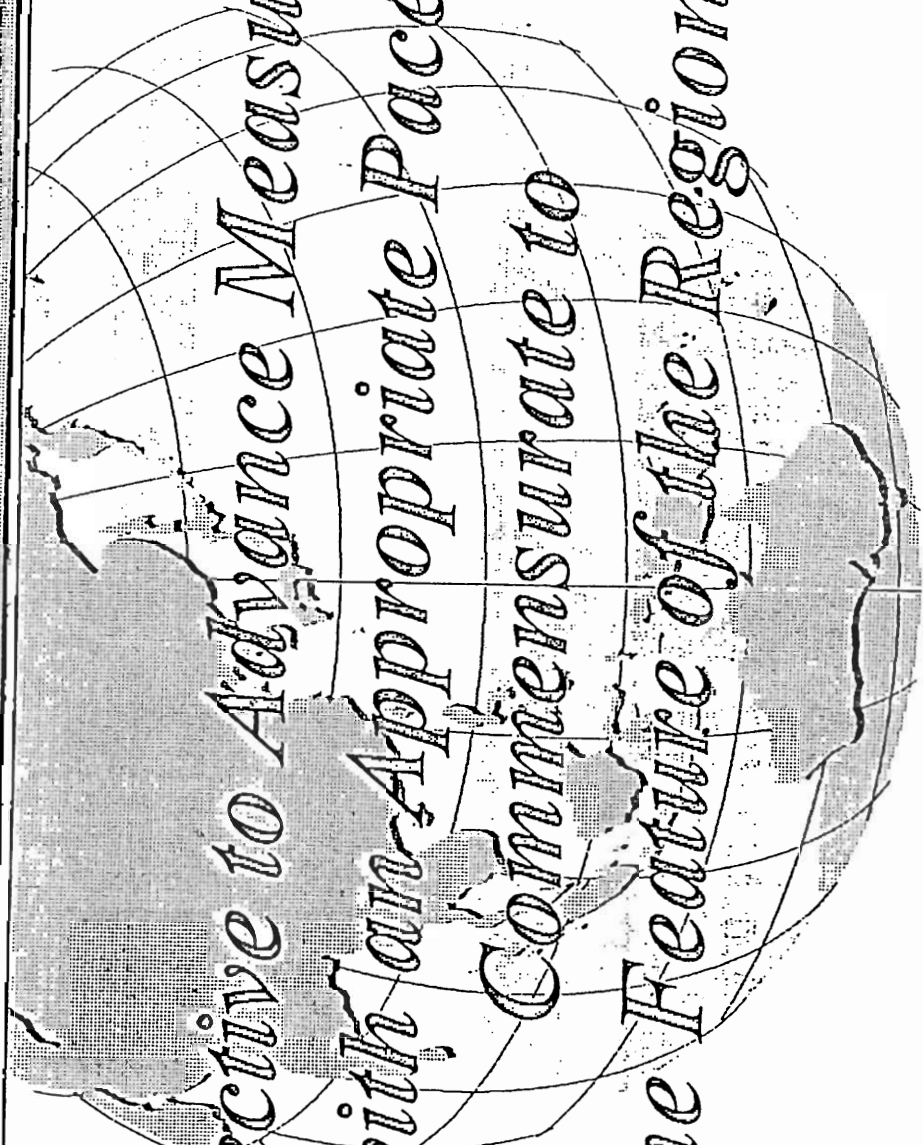
Maritime Cooperation for Confidence Building

- Significance of CBMs
- Enhancement of Naval Exchange
- Improvement of Transparency
among WPNS Navies
- Prevention of Incident at Sea



MCBM: Significance of CBMs

*Effective to Advance Measures
with an Appropriate Pace
Commensurate to
the Feature of the Region*





MCBM: Enhancement of Naval Exchange

*Reconfirm the Meaningfulness
of the Unit Level Exchanges
and Agreed on Pursuing
Further Measures
for Cooperation in this Field*



MCBM: Improvement of Transparency among WPNS Navies

Operational Level

- * Notification of Naval Activities*
- * Exchange of Fleet Programs*
- * Naval Exercise Observation*

Strategic Level

- * Presentation of Naval Activities*
- * Presentation of Naval Procurement
& Retirement Programs*



MCBM: Prevention of Incident at Sea

*Agreed that Each Country
Should Take This Opportunity
to Reconsider Whether Such an
Agreement is Truly Needed*



General Discussion: Evaluation & Proposal

*Remarkable Result
of the Symposium*

*The Document Collecting
the Evaluation of Measures
Conducted in the Past and
Proposals to Be Implemented
in the Future*



Agreement by Chiefs of Navy

- *Continue to Support WPNS*
- *Enhance Port Visit*
- *Foster High Level Staff Contacts*
- *Foster Exchange between Naval Academies Staff Colleges and Training Centers*
- *Provide Notification of Major Naval Activities*
- *Offer Tours of Navy Bases & Other Facilities as Appropriate*



Agreement by Chiefs of Navy

- *Provide Requisite Information Regarding Fleet Programs, Specifically Those Ports Anticipated to be Visited*
- *Invite and Receive EX Observers in the Future*
- *Provide Documents Describing Defense & Naval Policies*
- *Provide Information Regarding Naval Procurement & Retirement Programs*



Agreement by Chiefs of Navy

- *Arrange Aircraft Visits on a Bilateral Basis*
- *Consider the Possible Need for a Multilateral INCSEA Agreement*
- *Encourage Cooperation & Coordination in SAR/Disaster Relief Activities*





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**Eleventh International Conference
on
THE SEA LANES OF COMMUNICATION (SLOC) STUDIES**

**THE ROYAL PARK HOTEL, TOKYO
November 17-18, 1997**

**OUTLINE OF THE COMMENTARY ON ACTIVITIES
OF REGIONAL ORGANIZATIONS**

**THE NEED FOR REGIONAL COOPERATION
AND SOME ASPECTS OF MARITIME
SECTOR DEVELOPMENT
IN VIETNAM**

The World Strategy Forum of Japan

**3-3-14 Kudan Minami(Flat Kudan Minami #602)
Chiyoda-ku, Tokyo 102 Japan**

Commentary

1-Thanks expressed to

- Admiral Manabu Yoshida -Chairman of Executive Committee for 11th International SLOC Conference
- Admiral Sumihiko Kawamura -Coordinator and the Organizational Committee for their kind assistance in bringing me to this important conference
- It was very moving to learn that a lady of the organizational committee was crying when she failed to meet Mr. Peck and myself at the airport. This is the first time I am in Japan and I am very happy to learn about the country, its culture as well as to attend the meeting

2- We have listened to the two interesting presentations describing current regional efforts for maritime cooperation

Every body has been to very well informed of the organisational structure and WPNS, there is not much for me to say but praise the presentation for their excellent work.

Thus, I would like just to share some of mine thoughts on the regional cooperation in the maritime sector of the Asia-Pacific.

3- I would like to refer to the serious consequences of the recent typhoon Linda year, the .

5th in the order line of typhoon affecting Vietnam this year.

The typhoon Happens once in 100 years

About 3000 boats and vessels sank.

500 people died. 3000 people are still missing at sea.

The loss is estimated about half a billion US\$.

This phenomenon indicates that.

Marine conditions, dangerous to navigations are almost unpredictable.

There is a need for regional +international cooperation to cope with these disasters and incidents at sea.

4- Asia-Pacific economic development cooperation proves the considerable increase of trade flow at sea at also the increase of various activities to use and exploit the ocean space in the next century in the region. It is vital to economies and development to well protect and manage the favourable conditions at sea, to enhance activities of regional maritime organizations for:

- Mutually facilitating the increasing trade and economic development at sea.

-Keeping the sea in peace and stability for:

+safe sealanes.

+prevention of incidents or conflicts at sea.

+A tool of CBM -mutual understanding.

-Keeping the international legal order at sea in order to secure:

+freedom of navigation.

+prevention against . drug smuggling

. Slave trade

. Piracy

. unauthorized fishing

+Navigational safety

-Helping developing countries including Vietnam

5- As a marine nation but still undeveloped, Vietnam is determined to :

-develop its maritime sector

-take a more active role in related regional cooperative schemes

Vietnam takes part in various regional organizations:

-ARF

-SCS initiative(Managing potential conflicts in the South China Sea).

-ASEAN SAR cooperative scheme

-IMO regional program

-WPNS (West Pacific Naval Symposium)

-CSCAP, SEAPOL...

Vietnam's immediate interest in the maritime policy is to keeping peace and stability in the South China sea based upon:

+The legal basis for regional cooperation in the UNLOS

+ peaceful settlement to all maritime and territorial disputes.

At present, Vietnam sets its priority to improve its maritime management and capability:

There should be a young fleet

-Build a modern ports system and shipping industry.

Improve its maritime communication and navigational aid system with:

-coastal radio communications station system with development assistance from JAPAN, UK

+joining INMARSAT training people on GMOSS

implementations considering INMARSAT EARTH STATION in Vietnam

-Ratifications and implimentations of IMO conventions and regulations.

-SAR capability: national commitee, facilities, forces.

-Improvement of monitoring, surveillance and control at sea, considering the establishment of Vietnam maritime police

-Taking part in both regional and bilateral coopretions

Example: Thai-Vietnam joint patrol plan in the gulf of Thailand

ASEAN is cooperation initiatives

-Welcome foreign Assistance and cooperation with every country in the world with regard to martime sector.



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**Eleventh International Conference
on
THE SEA LANES OF COMMUNICATION (SLOC) STUDIES**

**THE ROYAL PARK HOTEL, TOKYO
November 17-18, 1997**

TITLE OF PRESENTATION

PIRACY AND ARMED ROBBERY AGAINST SHIPS

by

CAPT JAYANT ABHYANKAR

INTERNATIONAL MARITIME BUREAU

The World Strategy Forum of Japan

**3-3-14 Kudan Minami(Flat Kudan Minami #602)
Chiyoda-ku, Tokyo 102 Japan**



International Chamber of Commerce

The world business organisation

International Maritime Bureau

PIRACY AND ARMED ROBBERY AGAINST SHIPS

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SECTION 1: INTRODUCTION

Much has been written about piracy and related maritime crime, from academic studies through to the newspaper media. Undoubtedly the most prolific output comes from the mainstream newspapers around the world. The pattern of the press however, has been to sensationalise acts of piracy so that their stories have a greater impact.

Sensational stories increase newspaper circulation but unfortunately leads to a selective approach when considering what or what not to report. Mediocre attacks that do not seem dramatic enough seldom make "news stories." It is, therefore, unwise to rely upon the media to give objective reports on the wider global picture of piracy. This lack of precision has resulted in various perceptions of piracy. The uninformed perceive piracy to be a romantic occupation consigned to the past. Those working at sea today however, know piracy is not something that only historians study but is, in fact, a present day violent phenomenon that all seafarers fear - a fear compounded by the realisation that most attacks occur when the victims are alone and defenceless.

Many countries refuse to admit that there is a problem within their region. This exacerbates the confusion surrounding piracy. These countries either say there is no cause for alarm or claim that no action will make a difference. With inaccurate reporting and little effective action it is surprising there are not even more piratical attacks.

Unfortunately, the last five years have seen a dramatic increase in the number of organised acts of piracy. The sophistication and organisation involved indicates that there are now an increasing number of criminal gangs who see piracy as an easy means of obtaining considerable financial gains. In addition to the financial inducement, the pirates know that there is little or no risk of capture or discovery. These factors can only have an adverse effect on the present number of attacks.

The purpose of this paper is to analyse developments and identify possibilities for future action to minimise the impact of piracy.

Purists may well say that there is little piracy in the world today and technically they would be right. Under the United Nations Convention on the Law of the Sea (UNCLOS) of 1982, piracy is an illegal act committed on the high seas. The majority of attacks at present occur within territorial waters and so fall outside the official definition of piracy.

Such technical details may well be correct. However, it makes little difference to the seafarer to know that the man who shot him is a robber rather than a pirate. In a similar way, the owner of a ship forced to stay in port until stolen equipment is replaced is more interested in avoiding the costs he incurs, rather than whether the criminals are thieves or pirates.

For this reason the IMB defines piracy in the following way:

Piracy is an act of boarding any vessel with the intent to commit theft or any other crime and with the intent or capability to use force in the furtherance of that act.

This wider definition allows the IMB to undertake a detailed analysis of the violence suffered by seafarers at sea and of the losses incurred by ship owners. With a detailed

definitive picture it is possible to compile comprehensive reports of the type and frequency of piracy and armed robbery incidents against ships in all regions of the world. The examples cited in this paper are from IMB files or taken from public records.

This paper does not include any detailed study of the appalling suffering endured by "the Vietnamese Boat People." The mass migration that was endemic in the South East Asian Region has now ceased and with it the suffering endured by those trying to leave their country.

SECTION 2: ORIGINS AND DEVELOPMENT

To say that pirates are criminals and should, therefore, be prosecuted, convicted and punished is a true but simplistic answer that achieves little. In attempting to discover a satisfactory solution to the problem of how to tackle piracy it is necessary to examine three principal factors. These are economic, political, and law and regulation.

The economic factor is one of the most significant reasons for piracy. In many parts of the world piracy was thought to be an acceptable part of the local culture and in some parts of South East Asia it was considered a normal but illegal means of making money.

With violence common place, these communities saw no moral repugnance in adopting piracy as a means of supplementing their income. Moreover, in some communities piracy was the only means of survival as agrarian and economic conditions were never sufficient to sustain them. Such communities knew they would starve but for the income that piracy provided. If it is accepted that many communities have experienced these underlying conditions for generations, then it is logical to understand how a culture of piracy has developed.

In addition, many people in the developing world are no longer happy to remain impoverished. They now aspire to own material goods. If these things cannot be obtained legally then some poor people will take what they want. The fact that low value articles are valued by these pirates is evidenced by the numerous attacks that shipping lines have suffered. Many of these attacks are only discovered after it is realised that ship's equipment or the crew's belongings have been stolen. The property lost might include radios, cables, life rafts or even tins of paint.

The perpetrators of these types of attacks do not necessarily seek to use violence. Their method is to slip aboard a ship under cover of darkness in the hope of not being discovered. Once on board they then scour the ship, taking anything of value that is saleable. Such attacks may happen while the ship is in port or at sea. Violence is usually only threatened or used when the attackers' means of escape is blocked. The fact that the pirates take these risks for relatively little gain and could face severe punishment if caught, is an indication of how financially desperate they are.

Another factor is that many attacks are not reported to the authorities. If the Master does report a crime he can expect the authorities to take witness statements and make general investigations that may delay the ship by days. The relatively small financial loss of personal effects is dwarfed by the loss of even a day's loss of charter hire. Given this scenario, it is not surprising that so few attacks are officially reported to the authorities.

It has been argued that piratical incidents, that are opportunistic in nature, could be reduced by improving the economies of those communities associated with piracy. This is an arguable point but one that does not influence the more serious acts of piracy. The financial gains in hijack of a ship such as the ANNA SIERRA, described in section seven of this report, are so overwhelming that almost any improvement in a region's economy is insignificant when compared to the potential gains of organised piracy.

The increased illegal gains that are available to pirates who are prepared to hijack ships is yet another economic factor encouraging more crime. In addition, technological advances have meant that practically every ship, be it a small fishing vessel or a large super tanker, carries navigation and communication equipment of high value that is capable of re-sale.

With increased finances, the pirate gangs have purchased more weapons and bigger attack craft. In some instances they have had their crafts and crew decked out in the official guise of genuine navies in order to deceive their victims. If the Master of the victim ship believes that the craft requesting him to stop is *bona fide* he is likely to heave-to more readily. These factors are all logical explanations that show why the problem of piracy is growing. However, there are other less obvious economic factors.

For example, the last twenty years have seen an ever decreasing number of crew members being employed on merchant ships. Advances in technology have allowed shipping lines to progressively use fewer men on board their ships. In the past it would not be uncommon for an average ship to employ a crew of fifty. Now it is less than half this figure. With a small number of crew the pirates' task of gaining control of the ship is made that much easier.

Another less obvious factor is the end of the Cold War. The so called "peace dividend" has brought about a massive reduction in the military navies of U.S.A, Russia and the United Kingdom. For example, during the last decade in South East Asia the Russian Navy has been practically reduced to a non existent force, while both the navies of U.S.A and the United Kingdom have seen reductions of up to 50%.

The absence of these forces has diminished the deterrent effect on pirates in the South East Asia Region. The year-on-year increases in the number of attacks is an indication of the pirates' response to the reduction of the world's navies. We need only digest the figures in section four to appreciate the dramatic increase in attacks of piracy. In addition, from the example of the ANNA SIERRA it can be seen that the attacks are not only more audacious in nature but also show that the pirates act with impunity. This reduction in effective policing is not limited to South East Asia but is common to other parts of the world.

The international community had hoped that those countries, geographically part of the region, would fill the gap left by the major powers. Unfortunately, third world debt has meant that most of these countries have insufficient finances to mount anything like a reasonable physical sea going presence that could act as a deterrent against the pirates.

These economic factors have a cumulative effect on the mind of the pirates. As the pirates review their situation they can only conclude that their next attack is unlikely to be met with resistance from the victims and they have little fear of hot pursuit on the high seas immediately after the crime.

The rapid political changes that have taken place around the world since the end of the second World War have also had an unfortunate negative effect on piracy. Before the second World War countries such as the Netherlands, Portugal, Belgium, France, United Kingdom and the U. S. A., had links with countries around the world. These links, which were often colonial, nevertheless had a stabilising effect on the various regions of the world. With political stability came the added bonus of peace. In times of peace, limited resources can be allocated to tackling problems such as piracy.

Historically, piracy was suppressed by attacking the land bases of pirates. Once the leaders of pirate communities realised that acts of piracy would be met with cannons, they quickly diverted their energies into other money making channels. Although this colonial action was sometimes unjust, it had the beneficial effect of forcing many communities into trade. This in turn stimulated economic growth and fostered the culture of mercantile interdependence. Some pirate communities slowly began to realise that attacks on shipping were attacks on their own trade. Unfortunately, the culture of peace and interdependence only endures while there is a power present capable of maintaining it. The recent history of the former Yugoslavia proves this.

Since the end of the second World War there have been a number of factors encouraging countries to sever their colonial links. These factors range from a colonised country's desire for independence to a colonising country shifting its interests. The latter point is most pertinent to those European countries that have, since the 1960's, gradually shifted their political and economic interests from the wider world to the European Community.

For the most part, the shift in interest has seen a corresponding demise of colonial power that was capable of maintaining order. This trend began at the close of the second World War. However, it was markedly accelerated by the end of the Cold War in the early 1990's. In many countries the reduction of effective power has meant that pirates have been able to re-emerge and importantly, know that their land bases are secure from attack. In some cases it has even been thought that pirates have enjoyed the protection of powerful individuals who have clandestine official support from regional governments.

In this examination of economic and political factors we have seen a string of reasons why incidents of piracy have increased and why the average level of financial loss is increasing with each attack. Regions geographically connected to areas of high incidences of piracy such as Africa, South America and South East Asia, are either economically incapable of imposing counter measures or are indifferent to the problem. Moreover, the problem or the reasons for piracy are many and complex, and tackling the causes in one country may not necessarily be an appropriate solution for another country. Solutions must therefore be found which are both global and regional.

Jurisdiction and prosecution of pirates have always been obstacles in combating piracy. However, the present international conventions and, in particular, the Rome Convention of 1988, are adequate in giving states the right to pursue pirates, arrest and convict them under their municipal laws. If international organisations and countries can be persuaded to actively intervene it would make a significant difference in combating piracy.

SECTION 3 : REGIONAL VARIATIONS IN PIRACY

The last decade has seen five specific types of piracy, each varying according to the region in which the practice is found.

3.1 There has always been what could be called "Asian" piracy, where ships are boarded and cash and valuables are stolen from the ship's safe and the crew with the minimum of force. These attacks are not on the high seas as all the waters in the area are within the territory of the various countries which border them. A well-known target area was the Philip Channel between Indonesia and Singapore but the emphasis has now shifted to Indonesian waters. The attacks take the form of intruders coming alongside a ship underway, usually during the night, boarding it and then taking possession of whatever cash and negotiable valuables come easily to hand. The notable feature of this type of attack is the degree of skill that is used to board the ship, coupled with the fact that violence is not normally used unless resistance is offered. It is this comparative "non-violent" approach, except in Indonesian waters, that oddly enough makes the problem more difficult to combat.

During 1996, there were five officially reported piratical attacks of the above type in the Malacca Straits and the Philip Channel. Therefore in statistical terms, the probability of a ship being boarded when passing through this area is relatively small and, as the consequence is limited to loss of money or money's worth, basic risk management comes into operation and the cost of prevention must not exceed the cost of the problem. There are security organisations offering all types of guarding and escort systems in the area which, although possibly effective, would be completely un-economic.

In October 1992, the IMB set up the Regional Piracy Centre (RPC) in Kuala Lumpur. This is a 24 hour information centre to warn and assist ships against piratical attacks. At the same time, some countries in the Region had a "clean up" operation against pirates. The net result of this was that the problem came within manageable limits.

3.2 Secondly, there is "South American" piracy or what used to be "West African" type piracy, where ships berthed or at anchor are attacked by armed gangs that are more disposed to be violent than their Asian counterparts. Here the targets are cash, cargo, personal effects, ship's equipment, in fact anything which can be moved. The characteristics of these attacks include;

- The high degree of violence by heavily armed criminals after boarding a ship.
- The target items include money, negotiable goods, cargo and ship's equipment.
- The total value of goods stolen per attack tends to be higher than in the "Asian" piratical attack and there is a degree of pre-planning.
- There is a demonstrated lack of competence or willingness to respond on the part of law enforcement. Law enforcement takes long time to arrive at the scene and gives little assistance to the victims.
- Some of the target ships are at anchor and in the earlier days ships were encouraged to move out of range of the pirates by anchoring up to 40 miles offshore.

The only similarity between "Asian" piracy and the above attacks is that the pirates come alongside in small craft and mount high-sided ships with remarkable agility. From that point on the similarity no longer exists, as the attackers often offer gratuitous violence and will steal everything that is not well secured. If the ships' equipment is stolen, the safety of the ship can be at risk.

3.3 Thirdly, there is an extension into a different type of violence towards ships and their crews. Since the late 1980's the Far East has seen several instances where ships were stolen. Whether these attacks should be called piracy or hi-jacking is purely academic, the result is the same for the victims. These attacks on ships were not so much for what they contained, as often as not they were empty, the objective was to use the ship by giving it a false identity and turning it into a "phantom ship". These phantom ships were then used to commit cargo frauds throughout the Far Eastern region. If the existing crew were found to be "surplus to requirements" they were set adrift in boats or, in one case at least, just thrown overboard. One such case was that of the "ISLA LUZON", seized off the southern Philippines. Some of the pirates were caught, tried, and sentenced to 18 years imprisonment.

3.4 The fourth type of maritime attack to be considered are those with a military or political feature. Notable amongst these was the attack by terrorists on the cruise ship *ACHILLE LAURO* on 7 October 1985, in the eastern Mediterranean. This attack is described in chapter eight. It was instrumental in the creation of the *ROME CONVENTION OF 1988* by the International Maritime Organisation (IMO). This attack was followed by another terrorist attack on the passenger ferry *CITY OF POROS* on 11 July 1988, in Greek territorial waters. In contrast to the attacks for purely monetary gain, the response in these terrorist attacks, both on the part of the potential targets and by the forces of law and order have been of the highest degree. It is arguable whether this response has been effective in ensuring that there has been no repetition or whether the attacks were such as to be "one-off" incidents but, in either event, the world has been spared a scenario which was unacceptable by any standards.

1994 saw a new trend off China where ships manned by people dressed in military uniforms intercepted and fired on passing ships. It is not clear if these attacks were an extension of a new type of Chinese nationalism or were mounted by organised criminals. These attacks have now become extinct due to the publicity given in the international press.

In 1995, there were 14 attacks on merchant ships off Somalia that now appear to be under control. These were the expected consequences of an area where war and violence have become commonplace. However, it is pleasing to note that since 1995 these incidents appear to be the exception rather than the rule.

3.5 Lastly, another violent form of piracy has emerged in South East Asia involving the hijacking of a ship underway, overpowering the crew and stealing the entire cargo before handing back the ship to the crew. In this scenario the likelihood of anyone ashore responding to the attack is remote.

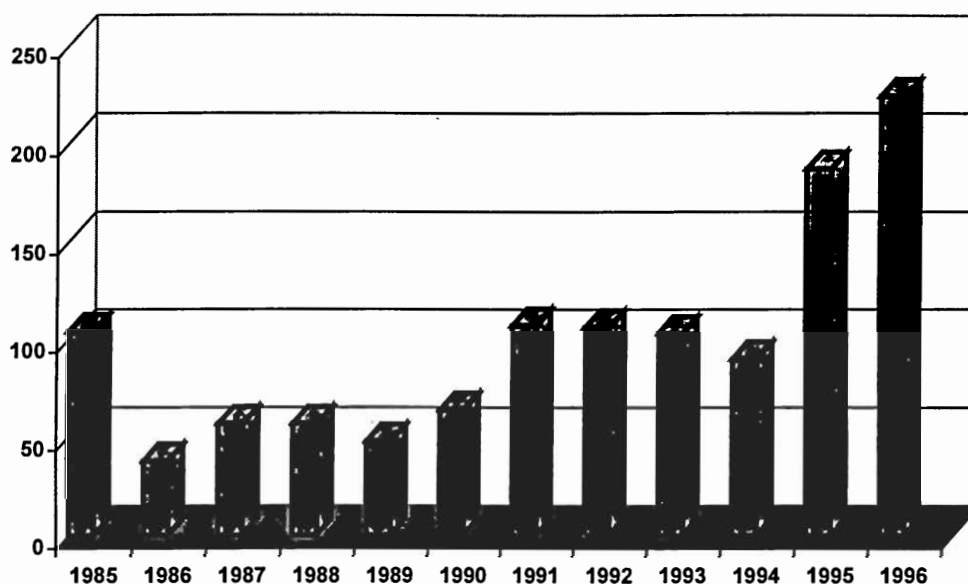
SECTION 4 : PIRACY - THE NUMBERS

The IMB definition of piracy allows for crimes of stealth and attacks that come from shore when the ship is berthed to be included.

The graphs below show the number of attacks and an analysis over the years. The IMB first started publishing annual reports in 1991. Therefore, a geographical break-down of the numbers is limited down to that year. The other figures originate from the IMO. Small differences may appear in the graph when compared with other figures. This is due to the use of different definitions or additional reports and general minor inaccuracies.

4.1 - NUMBER OF ATTACKS OVER THE LAST 12 YEARS

ATTACKS 1985 - 1996



	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
TOTAL	104	38	57	57	48	64	107	106	103	90	187	224

A break-down by location on the next page illustrates that most attacks occur in the Far East or in South East Asia.

In 1992, the three countries bordering the Malacca Straits initiated anti piracy measures. Evidence of the declining number of attacks in this region shows that this initiative was successful.

During 1993 most attacks occurred in the Far East. Many attacks were off the coast of China. The reduction is probably due to the media exposure given to the problem.

The general trend shows that the number of reports is increasing. They reached 224 in 1996. As compared with the attacks in 1985, the general trend is upwards with an unexplained drop in 1994. In the first six months of 1997, there were 79 reported incidents

4.2 - ATTACKS BY LOCATION

Locations		1991	1992	1993	1994	1995	1996	1.1.97 to
S E ASIA	Indonesia	55	49	10	22	33	57	18
	Thailand					4	15	2
	Malaysia	1	2		4	5	5	2
	Philippines		5		5	24	38	12
	Malacca Straits	32	7	5	3	2	3	
	Cambodia			1	1	1	1	1
	Burma						1	
FAR EAST	Singapore Straits				3	2	2	
	Papua New Guinea						1	1
	China/Hong Kong/Macau			1	4	31	9	1
	Hong Kong/Luzon/Hainan			27	12	7	4	1
	South China Sea	14	6	31	6	3	2	
	Vietnam				2	4		1
	Taiwan					2		
	East China Sea		1	10	6		1	
	Gulf of Tonkin				1			
	Yellow Sea				1			
INDIAN SUB CONTINENT	Sri Lanka			2	1	5	9	1
	India		5	1		8	11	2
	Bangladesh				2	2	4	2
AMERICAS	Brazil			4	7	17	16	7
	Peru					1	2	1
	Ecuador				3		3	2
	Caribbean				1			
	Colombia			1		1	3	
	Dominican Republic						1	1
	Jamaica						1	2
	Salvador						1	
	Panama					1		
	Nicaragua					1		
	Uruguay						1	
	Venezuela						1	
	Guyana						1	
AFRICA	Somalia /Djibouti				1	14	4	4
	Tanzania			2	1	2	3	2
	Algeria				1	1		
	Ivory Coast				1		3	1
	Senegal						2	2
	Guinea				1	1	2	1
	Nigeria			2		1	4	2
	Angola			3				1
	Cameroon							1
	Madagascar							1
	Egypt				1			
	Yemen						1	1
	Guyana			1			1	
	Gabon					1		
	Ghana					1	2	1
	Sierra Leone						3	1
REST OF WORLD	Turkey					1	1	2
	Denmark					1		
	Iran					8	2	
	Greece						1	
	Georgia							1
	Russia					1		
	Italy					1	2	
	Location Not Available	5	31	2				1
Total		107	106	103	90	187	224	79

4.3 - COMPARISON OF THE TYPE OF ATTACKS

Category	1991	1992	1993	1994	1995	1996	1.1.97 to 30.6.97
Attempted boarding	4	18	33	22	27	36	6
Ship boarded	101	80	28	49	127	172	54
Hijack	1	1		5	11	5	7
Robbery/Theft at port			8	5	2	4	
Ship fired upon		6	16		9	6	8
Detained			8	6	11		1
Others	1	1	10	3		1	3
Total	107	106	103	90	187	224	79

4.4 - VIOLENT INCIDENTS BY GEOGRAPHICAL LOCATIONS

Locations	1991	1992	1993	1994	1995	1996	1.1.97 to 30.6.97
S E ASIA							
Indonesia	22	26	6	6	8	24	5
Thailand					1	4	
Malaysia		1		3	3	1	
Philippines		3		3	22	34	7
Malacca Straits	19	1		2			
Cambodia				2	1	1	1
Singapore Straits				1	2	2	
FAR EAST						1	1
Papua New Guinea						1	1
China/Hong Kong/Macau					1	3	1
Hong Kong/Luzon/Hainan			11	4	8		1
South China Sea	11	6	4	2	3		
Vietnam				2	2		1
Taiwan					1		
East China Sea			8	1			
INDIAN SUB CONTINENT					3		
Sri Lanka					3		
India		2	1		1	6	
Bangladesh				2	2	1	
AMERICAS			1	5	13	12	6
Brazil			1	5	13	12	6
Peru							1
Ecuador						1	1
Colombia						1	
Dominican Republic						1	1
Salvador						1	
Venezuela					1	3	
Guayana						1	
AFRICA				1		1	2
Tanzania				1		1	2
Somalia /Djibouti							1
Algeria						1	
Ivory Coast					1	1	1
Guinea							1
Nigeria							1
Senegal						2	
Egypt					1	1	
Madagascar							1
Yemen							1
Gabon						2	
REST OF WORLD						1	
Denmark						1	
Iran					7		
Turkey							1
Greece					1	1	
Location Not Available							1
Total	52	39	31	34	82	107	36

4.5 - TYPES OF WEAPONS USED BY PIRATES

Types of weapons	1991	1992	1993	1994	1995	1996	1.1.97 to 30.6.97
Pirates unarmed	59	55	28	46	97	116	35
Pirates armed with Guns	1	18	29	17	39	29	21
Pirates armed with Knives	3		7	13	9	22	7
Pirates armed with other weapons	42	29	2	6	33	54	5
Unknown	2	4	37	8	9	3	11
Total	107	106	103	90	187	224	79

4.6 - TYPES OF VIOLENCE TO CREW

Violent incidents	1991	1992	1993	1994	1995	1996	1.1.97 to 30.6.97
Crew taken hostage	33	18	6	11	182	192	121
Crew threatened	3	9	1	8	59	54	61
Crew assaulted	2	12	4		2	9	3
Number of crew injured	4	16	3	10	3	9	19
Number of crew killed		3			26	26	7
Unknown		4					
Total	42	62	14	29	272	290	211

4.7 - TYPES OF SHIPS AND NUMBER OF ATTACKS

Type	1991	1992	1993	1994	1995	1996	1.1.97 to
Bulk carrier		17	15	18	34	39	12
General Cargo	8	13	35	24	35	34	17
Tanker	34	19	13	11	25	25	10
Container	7	21	13	21	19	26	12
Tug				1	8	4	1
LPG			1	4	7	10	2
LNG				1	1	1	
RORO	1		1	1	2		
Chemical tanker		3		2	2	16	2
Trawler/Fishing		3	5	1	23	28	5
Passenger				1	4		2
Livestock carrier					2		
Ferry						2	2
Woodchip/Log carrier	1	1	4		1	3	1
Yacht		2	1		2	3	3
Reefer	2		2	2		5	
Vehicle carrier			1	2		2	
Storage ship			1				
Lighter					1		
Multipurpose			1		6		
Warship		1					
Barge carrier			1				
Supply Ship						1	
Heavy lift						1	
Ore carrier						1	
Combination carrier						1	1
Barge						1	1
Unknown	54	26	9	1	15	21	8
Total	107	106	103	90	187	224	79

4.8 - NATIONALITIES OF VICTIM SHIPS

Flag States	1991	1992	1993	1994	1995	1996	1.1.97 to
Albania							1
Algeria					1		
Antigua Barbuda	1					1	1
Australia	1	1		1	1		
Bahamas	3	4	4	8	7	4	8
Bangladesh						1	
Belgium			2				
Belize					1		
Bermuda	1		1		1	1	
Brazil			1			2	
Bulgaria					2		
Canada		1				1	
Chile	1					1	
China					2		
Cyprus		3	5	8	16	14	5
Denmark			6	5	5	7	1
Egypt	1						
Estonia					1		
France				1			
Germany	1		2	2	5	3	2
Greece		5	1	3	2	6	1
Honduras				1	3		1
Hong Kong			6	4	5	4	1
Hungary			1				
India	2	1	2		6	1	
Indonesia						1	
Iran			1				
Ireland						1	
Isle of Man			1	1	2	1	1
Israel						1	
Italy				1	1		1
Japan				4		1	
Kenya							1
Kerguelen Island	1						
Kuwait					3	2	1
Latvia						3	
Liberia	5	2	4	4	17	14	6
Luxembourg		1					
Malaysia	8	2	6	1	6	10	3
Malta	1	2	3	4	5	9	1
N.Korea			2				
Netherlands				3	9	11	
Norway		2	1	2	2	16	1
Pakistan						2	
Panama	7	7	12	13	21	18	4
Philippines		1	2		16	26	7
Rumania			1		1	1	
Russia		1	28	3	2	2	4
Saudi Arabia					1		1
S.Korea			1	2			
Singapore	8	1	2	10	10	15	3
St.Vincent			1	3		6	
Taiwan	1			1			
Thailand				1	1	2	1
Turkey	1			1	1	1	
U A E	1			1		1	
Ukraine					3	2	1
United Kingdom						1	1
U S A	1	1	1		1		
Vanuatu						2	1
Vietnam					1	1	
Yemen							1
Yugoslavia			1				
Unknown	62	71	5	2	26	28	18
Total	107	106	103	90	187	224	79

SECTION 5: TRENDS

The figures highlight five areas for concern.

Indonesia / Thailand : There was an increase in reported attacks in Indonesian waters from 33 in 1995 to 57 in 1996. In the majority of these attacks, ships were boarded in port and had equipment and possessions stolen. Thailand has seen a significant increase. During 1996 there were 15 attacks reported in Thai waters as opposed to four in 1995.

Somalia / Djibouti : This area saw the greatest increase in reported piracy attacks from one in 1994 to 14 in 1995 and the safe passage of ships transiting Somalian Waters became a great concern. What is more worrying is the fact that in seven of these attacks, the victim ships were fired upon with machine guns and on occasion by mortars. There were also three armed hijackings of ships in 1995 in Somalian Waters.

Most of these attacks occurred in the first half of 1995 and were publicised in May that year. This provoked the Somalian authorities to deny the existence of any problem and accuse the IMB of maliciously criticising their country. This figure has now come down to four attacks during 1996. On 15 April 1997, M. V. BAHARIHINDI was seized by an armed faction and taken in to GARAD (east coast of Somalia). The ship was sailing near the Somalian coast. During the incident, the 2nd officer of the ship was shot in the chest.

China / Hong Kong / Macau : This area also saw a dramatic increase in the number of attacks from only four in 1994 to 31 in 1995. This was reduced to nine attacks during 1996. In the ports of China and Hong Kong, thieves usually crept on board to steal ships' equipment unnoticed by the crew. In Macau, however, gunmen hijacked a passenger ferry to rob the passengers and steal US \$ 1.6 million cash.

Ships continue to report that they have been shadowed, boarded or hijacked by Chinese customs launches or craft that resemble them.

'HLH' Area : The 'HLH' Area (an area between Hong Kong - Luzon - Hainan Islands) was a continuing region for concern for the safety of the passage of ships between Japan and South East Asia. It is also, however, the only major danger area that has seen some decrease in the number of piracy attacks, but it must be emphasised that there were a total of 12 attacks for 1995 compared with 14 for 1994. During 1996 there were only four attacks, which is an encouraging development.

Brazil: There was a sharp increase in the number of reported attacks from seven in 1994 to 17 in 1995. During 1996, there were 16 attacks. At Rio, a ship was twice boarded by armed pirates. The attackers were initially thwarted by the crew locking all the doors, before the attackers returned with the appropriate equipment that enabled them to gain entry.

OBSERVATIONS

The following incidents are described in more detail due to their ferocity. These incidents occurred in the first six months of 1997.

Philippines: On 29 April 1997, members of the Moro Islamic Liberation Front approached the harbour at Isabela in the Philippines in speed boats and opened fire with machine guns upon two ships. The cargo ship MIGUEL LUJAN carrying corn and rice from the provinces and the inter island ferry LEONARA loaded with passengers were riddled with bullets. Although no serious damage to property was caused, the attack caused the passengers and residents to panic. Five people were injured, two of them seriously. The attackers fled towards some nearby islets, while military reinforcements arrived an hour later.

Peru and Colombia: On the Amazon River between Peru and Colombia on 22 January 1997, pirates used a speed boat to approach and broke open a galley window on the passenger ship RIO AMAZONIS. Armed with pistols, they proceeded to terrorise and rob the crew and passengers of US\$20,000 in cash, their jewellery, ship's radio, fuel and food.

Dominican Republic: At Rio Haina in the Dominican Republic, ships have usually encountered stowaways and thus maintain strict watch. However, this did not save the M.T NORDFARER. At 0300 hrs LT on 4 June 1997, the ship was discharging, when four pirates, three black and one white between 16 and 20 years of age, swam from the nearby shore equipped with long knives and choppers and grappling hooks tied to the end of bamboo poles. Despite watchmen on the forecastle, midship and poop, the pirates boarded, threatened to kill the watchmen and tied them up. Holding a knife to the 2nd officer's throat, two pirates persuaded him to open his cabin, which they ransacked before entering the bridge and stealing the sextant. Then they tied him up, while the other two pirates looted the engine room.

Brazil: On 18 May 1997, at 0510 hours LT, the M.V ILYA EHRENBURG was berthed at the Alamo terminal in Santos, Brazil. Six pirates wearing masks and armed with guns and knives climbed on board from the terminal and the sea simultaneously and opened fire. They captured an operator from the terminal, forced him onto the ship, where the deck officer and three sailors were also captured. All the outer doors had been locked, but the pirates managed to break into the deck house. The rest of the crew prevented any further entry into the ship by closing all the fire doors, holding them shut by hand, while others radioed for help and fired emergency rockets. The pirates fled and the police arrived 40 minutes later.

Brazil: The crew of the AL BURGAN were not so fortunate. In June, she berthed at the Alamo terminal in Santos, Brazil. As it is compulsory to have a shore watchman, the master asked the agent to arrange one and had received his time sheet and hours of duty. However, at 1700 hours on 15 June 1997, the watchman still had not arrived and the master again contacted the agent, who requested the watchmen's office to send a man. None came.

At 0550 hours the next day, 16 June 1997, five pirates wearing masks and armed with guns boarded via the gangway on the port side. Two crew on watch were seized, robbed of their walkie talkies and forced to take the pirates to the master's cabin. The master who was woken by a loud knocking, opened the door and had a gun placed against his head, while the two crew members were forced to their knees also at gun point. Shouting "money! money!" the pirates robbed the safe, but demanded more and forced the master to reveal where he had hidden another US\$10,000 among some books. While the pirates ransacked the office and cabins of the master and officers, the third officer discovered the pirates and sounded the general alarm. The master was forced to contact the control room to stop the alarm, but could not get through, so he was forced to silence the alarm manually. The chief engineer was then captured and forced into the master's cabin, while the pirates continued their looting. At about 0620 hours, the pirates left the ship and boarded a small boat moored under the jetty and

proceeded around the bow and back down river towards Santos town. The chief officer then found that he could not contact the terminal operators via VHF radio, despite having done so with ease just prior to the attack to discuss cargo operations. The shore watchman arrived shortly afterwards.

Guinea: On 2 April 1997, at 0145 hours GMT, the M.V SOUTH COUNTY was anchored at Conakry Roads, Guinea, awaiting berthing instructions, when the AB on watch saw a canoe with twenty men slowly approaching. Noticing they were not carrying nets or any fishing gear, he immediately warned the bridge, where the 2nd officer used binoculars to see that they were carrying weapons instead. The general alarm was sounded, all the crew assembled on deck with whatever weapons they could find and engines were made ready. The pirates became aggressive and opened fire with machine guns, shattering cabin portholes, while the crew desperately thwarted all their attempts to board until 0220 hours GMT, when the anchor was raised and the ship steamed at full speed towards the open sea to leave the pirates behind.

Indonesia: On 30 May 1997, M.V SINFA was sailing in Indonesian waters from Singapore to Pontianak, Indonesia. At 0330 hours LT the crew heard screams from the deck officers passage, where they discovered the 3rd officer lying in his own blood having been shot in the left arm just below the elbow. The chief officer went to the bridge and called the master, who did not reply. The door of the master's cabin was found open, with the master on his bed, bound hand and foot, dead with a gaping bullet hole in his head. The ship returned to Singapore, where the third officer was given medical treatment and repatriated to Myanmar. The police in Indonesia have taken over the investigation and further details are awaited.

Papua New Guinea: Incidents of piracy along the coast of Papua New Guinea are reported in the press to be increasing. Mr. Robert Nenta, the police commissioner, warned in public that criminal groups operating in boats based in unknown ports are responsible and that "if they are caught, they will hang". However, on 16 May 1997, when the occupants of the yacht GOT-CHA-COVERED reported that the seven pirates who had violently relieved them of cash and valuables were still in the vicinity off Baramata Point, the Australian Maritime Rescue Coordination Centre were unable to contact any Papua New Guinea authority to effect their arrest.

The attacks at Alamoia terminal in Santos present an opportunity to the police to catch those responsible. IMB has complained to the Brazilian authorities in respect of attacks in their ports. BIMCO has also made numerous appeals to the port authorities, embassies in Copenhagen and London and most recently to General Serra, Chairman of the Brazilian National Commission for Port Security. Assurances have been the only result.

A NOTE OF CAUTION

Thailand: Young women often approach ships at anchor to offer companionship to the crew and they do so at the earliest opportunity in order to corner the market during the ship's stay.

On 15 March 1997, while a container ship was dropping anchor off Laem Chabang, Thailand, 15 young women and five men boarded unnoticed. Upon discovering their presence, the master immediately ordered them off the ship, not only out of concern for the moral welfare of the crew but also because immigration and other formalities had not been completed. These would have been complicated by the presence of such unexplained visitors.

The girls were very reluctant to leave and did so shrieking imprecations, which included threats of revenge, as they had been required to pay for their transport to the ship and male escort, but had not been able to earn anything from the crew. One of them even warned an officer that the ship might be robbed that night. After dark, pirates in two unlit boats approached and tried to climb the anchor chain, but were repelled by the alert crew sounding the ship's whistle.

Had the master not discovered the women and ordered them off, the distracted crew may well have fallen easy prey that night.

SECTION 6: PRESENT DAY PRACTICE

Piracy as defined for the purposes of this paper, can occur when a ship is berthed alongside, within a port, at anchor, whilst underway and whether in territorial waters or on the high seas.

6.1 *PIRACY IN PORT*

Ships carrying cargoes have always been attractive to the thieves who seem to abound in many port areas. In many countries and in some ports ordinary "bland" cargo theft is endemic and so inevitable as to become almost acceptable.

There is an emerging trend for gangs in certain ports to act in an organised fashion, attack a ship by force, and are prepared to instil fear and to use violence even to the extent of committing murder.

At the time of writing this report, from incidents noted by the RPC, the main problem areas are Brazilian ports. There have also been attacks on ships at Kandla in India where despite calls for help from the victims, the authorities failed to respond.

Perhaps the point is best made by a case reported from Douala. A ship berthed in the port was boarded by eight armed men. They scaled the side of the ship - of necessity because the gangway had been raised as a security measure! They broke open containers and started to steal the contents but were challenged by a watchman and a deck officer who used "anti aggression" sprays which, it is assumed, are aerosols similar to those used to combat street muggers. One of the attackers reacted by picking up a metal fitting and throwing it at the officer hitting him on the head and causing a severe injury. The alarm was raised but there was no response from the shore-side authorities.

In another reported case, on 8 July 1996, at the port of Aratu in Brazil, six pirates boarded the KAPITAN BETKHER, seized three members of the crew and forced them to the Master's cabin, where they knifed and pistol whipped the Master into opening the ship's safe and then smashed up his furniture and communication equipment. The pirates seized members of the crew on the aft deck and then tied up five more and a cargo surveyor on the main deck. They robbed them of US\$20,000 in cash as well as their personal valuables before escaping in a speed boat moored nearby. The port authorities failed to respond to pleas for help sent by VHF radio, the only means of communicating with them. Stevedores reported that this was the third armed attack on a ship at that port.

These cases, brief though the details may be, demonstrate three points. Firstly there is a willingness on the part of the attackers to use force. Secondly, it is foolhardy (although the spirit is commendable) to resist attackers once they are on board and, lastly, there is, a lack of law enforcement response.

6.2 PIRACY AT ANCHOR

This is an extension of the previous classification, but, of course, the attackers need to have a "water capability" in that they need to be able to get to the ship. This type of attack is found where ships lie at anchor either to discharge or whilst waiting for a berth.

Between 1977 and 1987, this type of attack was commonly reported in the waters outside West African ports, with gangs arriving by canoe and stealing anything which they could carry. This could be ship's equipment, personal effects, cargo and mooring ropes. The criminals would make good their escape because a dugout canoe, driven by a 40 h.p. outboard motor, can outstrip patrol ships even if they could be induced to respond.

There is every reason to believe that this type of crime is on the wane in the areas where it was previously prevalent but other instances display a more disturbing trend.

Ships waiting to berth in Brazilian ports are most exposed to piratical attacks. There is more than one incident reported where groups of men armed with firearms have come on board, not for the purpose of opportunist theft but with prior knowledge of what could be found in certain specified containers.

The following incidents illustrate the dangers in these ports.

At 0200 hours on 2 May 1996, M. V SAN MARINO was berthed in Rio de Janeiro. At 2130 hours five pirates with guns boarded the ship from two launches. They threatened the crew, broke the seals on 22 containers, but stole goods from only two containers that they chose.

At 0145 hours on 23 June 1996, the M. T BOW FORTUNE was boarded by seven armed men from the main deck port side. She was anchored off the port of Salvador in Brazil. One watchman was hit on the head with a pistol butt as he tried to run away. A second watchman was also captured. The robbers forced their way to the bridge where they held the duty officer and the watchmen at gun point for twenty minutes. They then managed to get into the master's office, broke open and emptied the safe and proceeded to ransack all cabins and steal all cash and valuables from the crew. The robbers then assembled the whole crew and tied their hands behind their backs, keeping them in a kneeling position. Shouting and screaming and pointing guns at the crew they removed rings and other jewellery from the crew members. The crew felt their lives threatened, as the robbers at times seemed to be losing control of themselves. Three crew members were hurt by kicks, punches and injuries from the pistol butt. The pirates departed at 0340.

On the 25 July 1996, at Bahia Salvador in Brazil, pirates placed a .38 Smith & Wesson Special to the head of the Master of the AVILA to force him to open his safe. The pirates boarded despite the presence of watchmen, whom the Master suspected of being accomplices.

Rarely are reports of attacks upon yachts reported to RPC, but the suspicion that this 'silence' is ominous was confirmed on 27 September 1996, when Keith Hedley was shot dead during an attack.

Four Albanian pirates armed with automatic firearms crossed the sea in a speedboat to the Greek island of Corfu, in the Mediterranean, where they found the motor yacht CARENIA at its mooring with Mr. Hedley and his three friends asleep on board. As the pirates tried to cut the line to the yacht's tender, the victims awoke and Mr. Hedley tried to frighten the pirates off by opening fire with a shotgun. The pirates overpowered the victims, held them hostage and ransacked the yacht. When the police arrived, a gun battle ensued as the pirates tried to escape and Keith Hedley was hit in the crossfire and died.

6.3 PIRACY - SHIPS UNDERWAY

For the purposes of this technique, the pirates are unconcerned whether a ship is within territorial waters or not. The difference, if there be any at all, will be identified when response techniques are considered. With ships underway there is a sub-division of piracy type. A distinction between permanent seizure, long-term seizure and short-term seizure can be made.

6.3.1 Permanent Seizure

This would appear to be a problem particular to the Far East Region and was first highlighted in the Far East Regional Investigation Team (FERIT) report of the late 1970s and again by the IMB in the late 1980s. It is a ruse used by organised crime in the Region to acquire a ship.

When this practice was almost commonplace, the state of the trading market was such that there would be shippers who were eager to obtain a ship to carry their cargo without making pre fixture checks. Such were these trading pressures that the shippers were less than circumspect about the ship that was eventually offered to them.

The modus operandi was quite simple. By a system of agents and contacts, the criminal group would learn of a shipper eager to find a ship to carry his cargo. One of their options, fortunately not frequently resorted to, would be to steal a ship. The ship would be, quite literally, hi-jacked, often at sea. Any existing cargo would be disposed of as would the crew, even to the extent that in the case of the ISLA LUZON the crew were put overboard and one died.

The ship would then be turned into a "phantom ship." This is possible because of temporary registrations issued indiscriminately by officials of some ship registries. Officials of the Panamanian, Honduran, Belize and St.Vincent Consulates prominently feature in issuing phantom registrations in the cases seen so far.

Applications for registration are submitted by so-called 'Shipping Bureau', 'Shipping Assistance' or 'Marine Companies' based in South East Asia. The cost of registering a phantom ship is several times higher than the normal fee. Documents bearing false information are submitted to the officials at the time of registration. As a result, the information such as ships' particulars and ownership details stated in the 'Certificate of

Provisional Registry' or 'Patente Provisional de Navegacion' which is valid for three months is wrong.

This means that a ship can be registered under several names with different particulars, making the task of tracing a phantom ship very difficult. Registration can even be obtained prior to a phantom shipowner physically taking control of a ship.

This phantom identity provides the owners of phantom ships with an essential tool to commit theft and also offers them protection during any legal proceedings that may subsequently take place. Hence, arresting a phantom ship becomes extremely difficult for the injured party.

Equipped with this "alias" the ship is then offered to the anxious shipper who is only too willing to load his cargo, accept the bills of lading offered and wait for the safe arrival of the ship at the discharge port.

The consignee waits for the arrival of the ship carrying his cargo in vain - it never arrives. In all these cases, the ship has been diverted and the cargo off-loaded and sold at another port to another consignee who may, or may not, have been part of the original conspiracy. Once discharged, the ship leaves to be re-registered with another phantom identity and commit the crime all over again.

It is virtually impossible to trace these ships because none of the registration details are accurate and by the time any meaningful search is made, the ship, to all intents and purposes, has ceased to exist.

In the 1980's the Philippines was infamous for ships being hijacked or stolen to order. The first ship to vanish in what was a ten year spate of hijackings, was the M.V COMICON on 15 February 1980. Neither the ship nor her 25 crew members have ever been found.

- In 1986, the M.V ANTOINETTE disappeared in Manila Bay while she was under arrest for non-payment of port charges.
- In 1987, a further three ships vanished in the Philippines. The M.V CRESAT 1 and M.V MAYON disappeared while laid up in Manila Bay and the M.V IRENE disappeared after running aground off the Cavite coast.
- On 26 May 1988, the bulk carrier NEGOTIATOR disappeared together with her six crew members from anchorage at Subic Bay, Manila .
- On 13 September 1988, the Liberian M.V SILVER MED was hijacked by eight heavily armed men in Manila Bay. On 25 June 1989, the M.V ISLA LUZON with her 4,500 metric tons of steel cargo was hijacked off Iligan in Philippines.
- On March 14 1990, three men posing as Customs Inspection Service officers boarded the 6,182 grt EASTERN GALAXY while she was loading \$9.8 million worth of copper cathodes at the Philippine Associated Smelting and Refinery Corporation pier in Isabel, Leyte. A member of the crew spotted them moving about suspiciously. When challenged, the three men held the crew at gun point and escaped down the ship's ladder to a waiting motor boat. They left behind a .38 revolver, 20 rounds of ammunition, plotting equipment and ship's documents for a phantom registered ship called JIMBO

Although there was a suggestion that these ships were hijacked to be illicitly scrapped in the Far East, evidence showed that they were meant to be used in phantom ship operations. For example, the M.V SILVER MED, renamed SEA REX, which disappeared in October 1988 with cargo of rattan for Taiwan and the M.V ISLA LUZON, renamed NIGEL, hijacked in June 1989, continued to trade between Taiwan, China, Korea and Japan.

According to information received by the IMB, ships could be hijacked to order in the Philippines for about US\$300,000 and delivered within three days. In some cases, hijacking or stealing is arranged between the syndicates and dishonest shipowners to defraud the hull insurers.

The arrest of Captain Emilio Changco in 1992, by the Filipino authorities, put an end to the hijackings in that country. Capt Changco was instrumental in a number of hijackings including the SILVER MED mentioned above. He was arrested but jumped bail and was sentenced in absentia to 18 years imprisonment. Captain Changco's master stroke was when in March 1991, he hijacked the TABANGO, a tanker owned by the Philippine National Ocean Corporation. The ship was taken to Singapore under a phantom identity and her cargo worth US\$ 2 million was illegally sold there. Capt Changco was finally arrested in March 1992 and sentenced to a long term of imprisonment. Changco's brother, Cecilio, and four others in the gang, are now serving life sentences. Subsequently, Capt Changco was reportedly shot dead while attempting to escape from a high security prison in Manila.

The area of hijacking has now shifted elsewhere in the region. In November 1996, M. T SUCI, a tanker laden with gas oil was hijacked off Horsburgh light in the Philip Channel. The crew were set adrift except for two engineers who were finally landed ashore after ten days. To this day there is no trace of the SUCI.

In these cases, the act of piracy - stealing the ship - often paled into insignificance when set against the enormity of the crimes for which it was used. But an act of piracy was the first link in the chain of events.

6.3.2 Long-term seizure

This is probably the type of incident that closely resembles the piracy of years gone by. In these cases a ship is seized whilst underway, whether or not within territorial waters is not always clear and certainly not relevant. The crew are over-powered and the ship diverted from its course. The ship will be held for several days, during which time the total cargo is unloaded, after which the crew and the ship are released.

This is a crime that is never opportunist, needs detailed planning and is organised. One example of this type of attack was on the M.V MARTA. In August 1990, the Cypriot flag ship MARTA was on a voyage from Bangkok to Busan. Whilst off the Thai Cambodian border, she was boarded at night by four heavily armed pirates. They obviously knew exactly where she would be and also had details concerning her cargo of tin plate worth US\$ 2 million. The attackers overpowered the nine man crew of the ship. There then followed a bizarre voyage during which the funnel was re-painted by the pirates and the name of the ship was changed to "V TAI" using ready made stencils they had brought with them for the purpose. They also hoisted a Honduran flag but oddly made no attempt to alter the port of registry stencilled on the stern of the ship.

The ship was forced to sail southwards for some two days during which the crew remained handcuffed and blindfolded below. At the end of that time the ship dropped anchor and, during the night, the pirates began discharging the cargo of 2000 tonnes tin plate into a barge that had come alongside with shore labour and fork-lifts to assist with the discharge. After discharging the entire cargo the ship made her way northwards. Two days later, whilst off the North Eastern Malaysian coast, the pirates left in one of the ship's life boats taking the Master as a hostage, who had been drugged the previous night. The rest of the crew were released with no radio and a half torn large scale chart of the Gulf of Thailand to find their way back to Bangkok. The crew were physically and mentally shaken by their ordeal.

Not only does such an attack display a high degree of organisation, but a measure of the impunity with which the attack was carried out can be judged from the fact that one of the pirates said that this was the sixth such successful attack they had made in the past eighteen months. Further evidence to support this claim is that since the MARTA incident there have been three similar incidents reported in the region. In September 1995, the Cypriot bulk carrier, ANNA SIERRA was hijacked in the Gulf of Thailand. This case is described in detail in section seven of this report.

6.3.3 Short-term seizure

In numerical terms, until 1992, these were by far the most common and were most frequently found in the area from the north-west tip of the island of Sumatra, through the Malacca Strait, Singapore Strait, Philip Channel and in the territorial waters of Indonesia. The method is basically very simple but there are one or two exceptions worthy of note.

The criminals come alongside in a small craft capable of matching the speed of the target ship and have been known to board their victim ship at speeds up to 18 knots. Boarding usually takes place at the stern. Pirates avoid boarding at the bow or amidships because they can be seen and lose their element of surprise whilst walking along the deck to come aft to the bridge and crew accommodation. Once there, the attackers will usually terrorise or incapacitate the bridge crew and will then make for the Master's cabin where they know the ship's safe can be found. They will open the safe, or "induce" the Master to do so. On those occasions when the safe cannot be opened they will take the whole safe.

The attackers will also steal personal cash and personal effects and then make good their escape. The average length of time for any single incident is in the region of thirty minutes and the average "haul" from an attack is in the region of US\$5,000.

Reference to separate incidents serves to illustrate the differences in technique. Although generally the emphasis is on cash and valuables, in one attack an umbrella was stolen and, in another, kitchen utensils were stolen from the galley!

In the vast majority of cases, threats and violence is always a possibility. There is more than one recorded incident where the pirates have managed to board without being seen. They have stolen the safe from its fitting in the Master's cabin and have left the ship without being detected. In other instances violence was used seemingly for its own sake. One of the cases involved the tanker VALIANT CARRIER. In April 1992, she was attacked when fully laden with fuel oil and about four hours out from Singapore sailing south east and off the coast of Indonesia.

An anti-piracy watch was being maintained but the attackers, numbering at least fifteen, arrived in three fast boats and threw what were believed to be Molotov Cocktails onto the deck of the ship. Immediately, the priority consideration of those on watch became the fire on the deck and whilst this was being fought, the attackers boarded the ship. There were twelve in number. They gathered the crew together, then took the Master and his family to his cabin to open the safe. At one stage there was a confrontation that resulted in severe knife wounds to an Indian deck officer, injuries to the Master and the electrician, and also head injuries to the seven months old daughter of the Master. During this period the bridge was totally unmanned. One of the crew managed to get word to the engine room where the chief engineer cut off all power so that the ship was only drifting and not maintaining passage speed whilst not under command.

The pirates rifled the safe and stole some items of personal effects. They then jumped over the stern of the ship to be picked up by the three waiting boats. Power was restored to the ship which then reversed course to Singapore where the injured were hospitalised.

SECTION 7: PIRACY - THE POTENTIAL

For a variety of reasons, short term seizures have caught the imagination of industry, the press and the public. Much is made of the unacceptability of the situation but it is necessary to get the problem into perspective.

Whilst theft by violence is inexcusable, the frequency of these attacks and the sums stolen compared with the frequency and size of similar shore-based crimes are relatively small. Therefore, in spite of pressures put upon law enforcement, these attacks will not necessarily loom large on their order of priorities.

What is ever-present but often accorded little attention or interest, if even acknowledged, is the potential for disaster. In the early 1990s', most of the attacks in the Region took place in a twenty-mile long stretch of the Philip Channel, the southern half of the waterway between Singapore Island and Indonesia. In this area, which is the west-east seaway, ships of all types were attacked - conventional cargo ships, container ships and tankers.

Tankers proceeding east-bound are generally laden and come from Persian Gulf ports. The statistics relating to ships using this area show that the greatest possible time interval between ships proceeding in any one direction is about twenty minutes and the lateral clearance between two ships going in opposite directions is sometimes no more than a mile. The hazards of the area are such that the Master of a large tanker will tell you the maintenance of look-outs and other navigational responsibilities while transiting the narrow and crowded waterway mean there are no personnel to spare for an anti-piracy watch.

The potential consequences of a tanker having its bridge unmanned and, therefore, not under control during a pirate attack are obvious. In one recorded incident, due to the fact that when the attackers left a ship the crew could not immediately free themselves, the bridge was unmanned for a period of 70 minutes. Had this incident taken place in the Philip Channel a disaster would have been virtually inevitable.

In March 1989, the world was appalled at the ecological and environmental carnage caused by the EXXON VALDEZ disaster. For reasons unconnected to piracy, the ship's holds were

breached and some 11,000,000 gallons of oil were released. A conservative figure states that cleansing operations were necessary along 1800 miles of coastline. The world has seen that a spillage of this magnitude can occur. The world has also seen the consequences and so this is not a matter for conjecture but one of a hard experience.

Disastrous though the consequences of the EXXON VALDEZ incident were, in one respect Alaska was probably the best place it could have happened in that the area is sparsely populated. Transpose the circumstances to a similar incident in the Philip Channel and the resultant oil pollution would extend well into the Malacca Strait, eastwards to beyond the Horsburgh Light and, given the necessary combination of wind and tide, the oil would completely surround Singapore Island and the multitude of islands which form this part of Indonesia.

Apart from the pollution consequences, there is every possibility that the seaway would have to be closed to shipping and the fishing in the area would be ruined for many years, if not permanently.

It is an unfortunate fact that many people will never acknowledge something that exists in potential only. Should a disaster take place, these individuals will be quick to respond and will then be very active to prevent a recurrence. They are however, slow to recognise the possibility of the potential for a disaster. This is a re-active attitude as opposed to a pro-active frame of mind. This attitude is often found in the insurance field where it is difficult to cover a potential risk unless there is some previous experience to go on.

The IMB is convinced that, because there will be no second chance with an oil-spill, a pro-active attitude to the possibility is essential and it would be fool-hardy to the point of irresponsibility not to take all possible measures to prevent the first one.

SECTION 8: M V ANNA SIERRA - A CASE EXAMINED

The case of the ANNA SIERRA is a typical example of ships that are hijacked in South East Asia. The purpose of this attack was to steal the ship and the cargo on board. What makes this case important is that it was the first time that a pirated ship and its cargo had been found intact, with the pirates still on board.

On 12 September 1995, The M. V. ANNA SIERRA flying the Cyprus flag sailed from Ko Si Chang, 50 miles south of Bangkok in Thailand, loaded with 12,000 metric tons of bagged sugar, with a value of US\$ 5 million. She was bound for Manila in the Philippines. She had a crew of 23 from Greece, Yugoslavia, Sri Lanka and Egypt on board.

On 13 September 1995, at about 0030 hours she was in a position Lat 11 15N Long 102 00E in the Gulf of Thailand. She was boarded by 30 armed pirates carrying sub machine guns. The pirates approached in a fast motorboat and boarded the ship which was proceeding at full speed. The pirates forced their way into the accommodation. The doors to the accommodation were machine-gunned in order to force the crew out of their cabins. The crew, now under control of the pirates, were handcuffed in pairs and forced into two small cabins. They remained locked in the cabins for two days.

In the early hours of 15 September 1995, in position Lat 08 20N Long 107 14E, 60 miles off the coast of Vietnam, eight of the crew were taken on deck where they were threatened with death. They were then forced overboard into a small raft in rough seas, without food, water or navigation equipment. Several hours later, the remaining 15 crew were forced overboard into a life raft. The ANNA SIERRA then sailed away. Eight crew members were picked up 3 hours 20 minutes later by two Vietnamese fishing boats, who took them to Condao Island. The remaining 15 crew members were also rescued by Vietnamese fishermen and taken to Vung Tau.

On 16 September 1995, the Master telephoned the ship's owners from Vung Tau, who alerted the Cyprus authorities. The Cyprus authorities in turn contacted INTERPOL and the local American regional search and rescue authorities in Honolulu and American air force, who alerted AMVER (American Mutual Vessel search and Rescue).

On 18 September 1995, the shipowner contacted the IMB. The IMB launched an extensive search for the ship. A description of the ship and a photograph were circulated to Harbour Masters and shipping agencies in the Region. A substantial reward was offered on behalf of hull underwriters for information leading to the location of the ship.

On 5 October 1995, information was received by the IMB that the ship was in Bei Hai, southern China. IMB investigators went to Bei Hai to verify this information. On 8 October 1995, IMB investigators visited the port and found a ship "ARTIC SEA" berthed at quay number four. They positively identified this ship as the ANNA SIERRA. The original name of the ship 'DIAGARA' was still welded on the bows and the stern and the outline of the letters 'ANNA SIERRA' were still visible.

The ship had arrived at Bei Hai Anchorage at 1000 hours on 20 September 1995, without prior notification. Documents were presented by the Master in the name of "ARTIC SEA" that were found to be false. Only one member of the crew had a certificate of competency. Among the forged documents were bills of lading, representing the cargo as being of Thai origin but loaded in Brazil. It was also found that the cargo of sugar had been illegally sold by the perpetrators to a trader in Bei Hai in early September 1995, prior to the piratical attack.

In the meantime, the Chinese Frontier Defence Authority (Banfong) detained the ship. Two armed guards were put on board. The passports of the "crew" together with the ship's documents were seized. Of the "crew" of fourteen, twelve had Indonesian passports and two Malaysian passports. These passports showed that the 14 "crew" members had entered Thailand at Bangkok airport on 7 August 1995, by a Thai Airway's flight from Singapore. The passports did not bear exit immigration stamps from Thailand.

The Master of ARTIC SEA was a person calling himself Capt Bekas. He stated that his 13 crew members and he had joined a ship called POLARIS at Bangkok and sailed to Manila. At Manila anchorage they were transferred to the ARTIC SEA that had no crew. Thereafter, on 16 September 1995, they sailed the ship from Manila to Bei Hai arriving there on 20 September 1995. An examination of the charts for the area proved that the ARTIC SEA could not have made this voyage in four days. Bekas then claimed that he had sailed to Bei Hai through the Straits of Hainan. This is impossible as these Straits are controlled by the Chinese military and no ship can sail through them without special permission. Similarly, the ANNA SIERRA's last position was known to be off Vietnam on the morning of 15 September 1995, when her crew were cast adrift by the pirates. The distance between this position and Manila

is over 800 nautical miles. Thus she would have needed a speed of 33 kts to complete a passage to Manila. The speed of ANNA SIERRA was only 11 kts. Therefore she could not possibly have covered this distance in a day as claimed by Bekas. In addition, checks with Bangkok port showed that they had no record of a ship called POLARIS. Manila port authorities also confirmed that no ship called POLARIS or ARTIC SEA had called there in September 1995.

Investigations by the Cyprus authorities showed that the 14 men had entered Bangkok on 7 August 1995, and waited there for the next five weeks until the departure of ANNA SIERRA. They then boarded the ship as a part of the gang on 13 September. At some stage, a part of the gang disembarked via the motor boat that had brought them to the ship. These pirates took with them ship's cash and personal effects of the crew. After dumping the crew overboard on 15 September 1995, the ANNA SIERRA sailed to Bei Hai. During the passage her name was changed to ARTIC SEA. She arrived there on 20 September 1995. The distance between the last known position of the ANNA SIERRA and Bei Hai is 900 miles. Thus the ship could only have proceeded directly to Bei Hai after dumping her crew overboard off Vietnam.

The Cyprus authorities immediately despatched a senior official of the department of Merchant Shipping to Beijing. Through diplomatic channels they requested the assistance of the People's Republic of China for intervention, referring to the relevant provisions on piracy in the International Convention of the High Seas of 1958 and the United Nations Convention on the Law of the Seas of 1982.

On 24 October 1995, the Honduras Registry of Shipping confirmed to the IMB and the Cyprus authorities that no ship under the name ARTIC SEA was registered in Honduras.

IMB investigators submitted documents to the Chinese authorities showing irrefutable evidence of title to the cargo by the Indian buyers. Enquiries by the IMB also confirmed that the Honduran registry number shown in the ARTIC SEA documents related to previous ships that were involved in the theft of shiploads of cargoes.

In December 1995, the Chinese Public Security Bureau (PSB) officially declared that the ship calling herself ARTIC SEA was in fact the ANNA SIERRA. They however refused to hand over the ship to the shipowner stating that their enquiries were continuing. The authorities did not disclose the nature of these "enquiries". None of the pirate crew were formally interviewed. It is felt that in reality the Chinese authorities did nothing about the problem.

In February 1996, the shipowner was invited to take over the ship on the condition that an amount of US\$ 400,000 was paid to the PSB for their costs and expenses. This condition was extraordinary in that no law enforcement agency makes a charge for its services.

In July 1996, the 14 pirates were taken off the ship and placed in a guest house belonging to the PSB in Bei Hai. By the end of 1996, 10 pirates were repatriated to their home countries.

Since the arrival of ANNA SIERRA in Bei Hai, the pirate crew had done nothing about maintenance on board. The ship's condition and her expensive cargo were slowly deteriorating. The ship was unmanned since July 1996. On 1 January 1997, the PSB noticed that the ship's engine room and holds were partially flooded with sea water. In a desperate bid to salvage the situation the PSB started discharging the cargo. The Indian cargo owners became aware of the discharge and sent their representatives to Bei Hai. The PSB however,

denied them access to the ship or the cargo without giving any reason. Some 6,000 tonnes of cargo was discharged and taken to a warehouse in Hepu county, 30 kilometres from Bei Hai.

By 31 January 1997, the ship's holds had taken in more sea water and she had developed a 10 degree starboard list. The port authorities refused to allow the ship to stay alongside and towed her to a position on the beach nearby where she still lies beached on soft sand.

In February 1997, the remaining four pirates were sent home. It is unbelievable that the 14 persons who had committed a serious offence of hijacking a ship were simply sent home without being questioned. It is understood that the PSB claimed that they had no jurisdiction over the matter because these 14 persons had not committed an offence in China. This was in blatant disregard to the various international conventions. In particular, the Rome Convention of 1988 on suppression of unlawful acts against the safety of maritime navigation, specifically provides procedures where China, which is a signatory, could and should have exercised jurisdiction.

On 14 March 1997, the IMB learned through sources that the PSB had decided to sell the cargo locally. This extraordinary step was planned without any reference to the Indian cargo owners. It was further learnt that local PSB officials were planning to sell the cargo at a price well below the market value to a *friendly local buyer*. Representatives of the Indian cargo owners again rushed to Bei Hai to stop this illegal sale. With intense diplomatic pressure from the Indian Embassy in Beijing and the IMB, this attempt to sell the cargo was aborted - at least for the time being. The losses suffered by the shipowner and cargo interests have run in to millions of dollars.

The criminal gang that organised the hijack of the ANNA SIERRA in September 1995, struck again in August 1996, by persuading a shipowner to accept a new crew, who then diverted a ship named SAMUDRA SAMRAT to Fengcheng in southern China with the intention to illegally discharge her cargo. Her name was changed to CELTIC RANGER.

Despite IMB locating the ship as it sailed into port and presenting evidence of its false name and papers, the local authorities in Fengcheng refused to treat it as a criminal matter.

Instead, they refused to allow the judge from the maritime court in Guangzhou to arrest the ship and the following day she sailed out of port, leaving behind all her papers and the passports of the 23 Indonesian crew. The cargo worth US\$ 2.5 million destined for Vietnam has disappeared with the ship. There is no doubt that some corrupt local officials tipped off the Master and allowed the ship to leave the port without clearance.

A third case involves *official* hijacking. The owner of HYE MIEKO reported on 23 June 1995, that she was hijacked off Cambodia by a boat resembling a Chinese customs launch and forced to sail over 1,000 miles to Shanwei in Guangdong Province, China. After her escorted arrival there, the authorities charged the ship with the intention of smuggling its cargo of cigarettes into China. Accordingly, she was arrested and the cargo seized.

No ship went to the aid of the HYE MIEKO, despite its plight and route being broadcast world-wide. The Chinese Government denied the launch was one of its own on any official mission, and although officers of the Royal Navy in Hong Kong bypassed their political masters in a desperate plea to Whitehall, they were not allowed to intercept the ship.

The main question remains - is the delay in resolving the ANNA SIERRA case the result of inefficiency and infighting amongst the seemingly inept Chinese authorities concerned, or part of a deeper plot to cover-up China's participation in criminal activity, as seen in the sudden disappearance of SAMUDRA SAMRAT and the hijacking of HYE MIEKO? This is not the first time the ports of Bei Hai and Fengcheng have been used to shelter hijacked ships. Local officials have been involved in earlier criminal activities. Despite China's protestations that she is keen to crack down on piracy why, given this opportunity to do something positive and achieve a public relations coup, has there been nothing but delay and confusion? The resolution of this case will once again become the focus of media attention. Once again, the industry can only conclude that China is not sincere about the part it says it wants to play in international maritime affairs. Its credibility remains extremely questionable!

SECTION 9: DEFINITIONS AND CONVENTIONS

The definition of piracy as per internationally agreed Conventions is out of touch with reality. The Conventions exclude attacks which don't take place on the high seas. Secondly, according to the Conventions, incidents that are state sponsored or politically motivated are not deemed to be piratical attacks. Presently most attacks take place in territorial waters and seldom on the high seas. This can cause confusion when suppression needs to be considered under the relevant Convention.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS)

UNCLOS 1982, which inherited article 15 of the 1958 Geneva Convention on the High Seas, states in article 101 that piracy consists of any of the following acts;

(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

(i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

(ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

(b) any act of voluntary participation in the operation of a ship or an aircraft with the knowledge of facts making it a pirate ship or aircraft;

(c) any act of inciting or of intentionally facilitating an act as described in subparagraph (a) or (b)

It is considered by many that the above definition is confusing because of its imprecision. The term 'private' signifies that in essence piracy excludes attacks by ships under control of a state. Similarly the term 'for private ends' may in some cases exclude a situation when the act is inspired by politically motivated persons, thus not being 'private' any longer.

AFTER THE ACHILLE LAURO

Surprisingly, the terrorist attack on ACHILLE LAURO brought about an international Convention which is far more suitable for dealing with piracy than UNCLOS 1982.

Previously, maritime terrorism was not seriously considered to be a matter of priority to the shipping world. Such violence was uncommon because land based targets were far more easily accessible. The priority changed however, when in 1985, the cruise ship ACHILLE LAURO was seized by terrorists and a disabled U. S citizen was shot dead and thrown over board. When the terrorists surrendered and were flown out of Egypt in a deal they had reached with the authorities, the U. S Air Force intercepted the plane, forced it to land at an air force base in Italy, and brought the terrorists to trial in the United States.

During the ACHILLE LAURO episode, the General Assembly of the United Nations was discussing international terrorism in its Sixth Committee. It requested the IMO to study the problem with a view to making recommendations on appropriate measures. A draft Convention for the suppression of Unlawful Acts Against the Safety of Maritime Navigation was considered by the Council of the IMO in June 1987. On 10 March 1988, the Convention and the Protocol were opened to signature after their adoption by consensus at the Conference and it came into force on 1 March 1992, as the ROME CONVENTION OF 1988.

This Convention was not intended to include unlawful acts against the safety of maritime navigation with the notion of international piracy. Unlike UNCLOS 1982, this Convention has described the offences to be punished and it provides various categories where states have the obligation to establish their jurisdiction. Consequently, these offences have to be punishable under national law, 'taking into account their grave nature'.

The main purpose of the Convention and the protocol is to ensure that appropriate action is taken against any person committing offences such as seizure of ships by force, act of violence against persons on board and the placing of devices on board a ship that are likely to damage or destroy it. The Convention starts with the assumption that in the present political circumstances it is impossible to work out an instrument for combating terrorism that could be all-encompassing, generally accepted and effective in reaching its objectives. So basically what it has done is to avoid the stumbling block of definitions and has identified particular offences.

Once applicable, the Convention places the obligation on a State either to extradite the perpetrators or to prosecute them. Also, governments who ratify the Convention are obliged to make these offences punishable by appropriate penalties.

RELEVANT ARTICLES

The intention of the writers was to make the scope of the convention as wide as possible.

Article 3 is a summing up of all the offences that are punishable under the Convention. The article consists of two paragraphs. The basic sources for the listing of offences contained in this article are the corresponding article 1 of the 1970 Hague Convention for the suppression of Unlawful Seizure of Aircraft, and Article 1 of the 1971 Montreal Convention for the Suppression of Unlawful acts Against the Safety of Civil Aviation.

1. Any person commits an offence if that person unlawfully and intentionally;

a) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation; or

b) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship; or

c) destroys the ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship; or

d) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship; or

e) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a ship; or

f) communicates information which he knows to be false, thereby endangering the safe navigation of a ship; or

g) injures or kills any person, in connection with the commission or the attempted commission of any of the offences set forth in subparagraphs a) to f).

2. Any person also commits an offence if that person:

a) attempts to commit any of the offences set forth in paragraph 1; or

b) abets the commission of any of the offences set forth in paragraph 1 perpetrated by any person or is otherwise an accomplice of a person who commits such an offence; or

According to article 4;

1. This Convention applies if a ship is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single State, or the lateral limits of its territorial sea with adjacent States.

2. In cases where the Convention does not apply pursuant to paragraph 1, it nevertheless applies when the offender or the alleged offender is found in the territory of a State Party other than the State referred in paragraph 1.

Each State Party shall make the offences set forth in article 3 punishable by appropriate penalties that take into account the grave nature of those offences.

article 6.4

Each State shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 3 in cases where the alleged offender is present in its territory and it does not extradite him to any of the State Parties which have established their jurisdiction in accordance with paragraphs 1 and 2 of this article.

The article follows the Montreal Convention regarding this obligation to establish jurisdiction over the offences for the State whose flag is flown and also to establish jurisdiction in case the offender, or alleged offender, is found in the territory of that State and, that State does not extradite the offenders, or alleged offenders. Once the jurisdiction is established, the next article must be reviewed.

article 7

1. Upon being satisfied that the circumstances so warrant, any State Party in the territory of which the offender or the alleged offender is present, shall in accordance with its law, take him to custody or take other measures to ensure his presence for such time as necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary inquiry into the facts, in accordance with its own legislation.

article 10 which states;

1. The State Party in the territory of which the offender or the alleged offender is found, shall, in cases to which article 6 applies, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without delay to its competent authorities for the prosecution, through proceedings in accordance with the laws of the State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

SECTION 10: PRACTICALITIES OF PREVENTION

Much has been written concerning the practicalities of prevention and more than one guide for mariners has been published. The options that are available are quite straightforward but before they are restated here, it would be as well to examine objectives and priorities. Answers available at the moment consist of two parts. On the one side there are those measures to be taken by the shipowner and crew themselves, and on the other side there are measures to be taken by governments that are of a more complex nature when national borders are crossed.

The IMO has published a Maritime Safety Committee (MSC) circular 623 which aims to bring attention to shipowners, masters and crew of the precautions to be taken to reduce the

risk of piracy on the high seas and armed robbery against ships at anchor, off ports or when underway through coastal State's territorial waters.

It recognises the fact that most of the attacks are made by opportunists, looking for quick and easy prey, which is true when looking at the statistics. The aim of the pirates is usually the ship's cash, the crew's valuables and ship's items that can be carried, like ropes, tools and paint.

Therefore, the first preventative measure to be taken is to carry as little cash as possible. Although it is recognised that there is always some need to carry cash, the banking system today is such that it is relatively easy to send money across the world.

Obviously the most effective way to meet the problem is to prevent the pirates boarding the ship in the first instance. If, however, in spite of one's very best endeavours, as with the VALIANT CARRIER incident, the ship is still boarded then the priority must shift and a "damage limitation" attitude must come to the fore.

The experience of so many masters, officers and crew is of great use here and the following points are a distillation of tried and tested techniques and lessons learned in this hard school of experience.

10.1 LOOK-OUT

Obviously, the first thing that should be done is the instalment of a good look-out. (Number 1 of the IMO anti-attack plan: the need for enhanced surveillance and the use of lighting, surveillance and detection equipment.) This seems easy at the first glance, but there is the universal problem that shipowners are cutting down on crew numbers. In many cases extra eyes are not available. When possible, a look-out at the stern is very important. Pirates frequently board the ship at the stern, because firstly they have to 'overtake,' which is easily done via the stern, and secondly, many times the accommodation lighting is on, which enables the pirates to see every movement on board, but the crew on the other hand have difficulty looking into the darkness. The movements of the ship through the water, and the turbulence caused by the screws, also form echoes on the radar screen, which can cause small boats to 'disappear.'

Experienced crew will say that it is comparatively easy to spot potential pirates from those genuinely fishing. Many times 'shadowing' techniques will be applied by pirate craft. In any case, when sailing through 'risk' areas, the ship should display only the mandatory lights, and if possible shine lights over the side of the ship. The logic behind this is the basic human reaction of fear for the unknown. The pirates cannot see what is going on board the ship. The crew however have a good vision, enabling them to see any movement very clearly.

10.2 EXHIBIT A READINESS TO RESPOND

It is a basic criminal characteristic in any area, whether ashore or afloat, to be apprehensive concerning the type and effectiveness of the response likely to be met when approaching a target. In the "ship underway scenario" such apprehension on the part of the attacker can be attained in several ways.

There is a school of thought which suggests that a ship passing through risk areas should be blacked-out, showing no lights except those which are mandatory. However, the water surface over side of the ship should be illuminated. The logic behind the concept is that a potential attacker will not be able to see what awaits him. By contrast, when he approaches a fully illuminated ship, the attacker is able to see whether there is an effective watch and if any measures are in operation to try to repel any boarding.

In either event, when potential attackers are identified, there should be much activity on the ship. All lights should be put on, searchlights can be used to dazzle anyone approaching the ship, sirens should be sounded, people should be seen running and a whole attitude of energy and preparation should be demonstrated.

In many incidents where this technique has been pre planned and used, the potential attackers have withdrawn, presumably to find a softer target.

10.3 DO NOT RESIST ANY BOARDER

Attackers can be fought off on occasion by the use of fire hoses. It is important that the pressure is sufficient, and therefore it is recommended that the pressure should be at least 80 lb. per square inch (IMO - MSC circular 623). Such a force may repel attackers and is in any case a deterrent. Not only does the attacker have to fight against the water, his boat may be swamped in the process and electrical equipment can be damaged as well. Special fittings for hoses should be considered to protect the hose operator.

However, for every incident where an attack has been repelled by use of violence or by the efficient use of charged fire-hoses and other systems, there are more which show that an *ineffective* use of forceful preventive action has resulted in the attackers using excessive violence, probably from motives of revenge.

It is therefore the recommendation of the IMB that resistance is not offered against boarders if the normal "scaring off" process has been unsuccessful. This may well appear to be an affront to the normal instincts of the mariner but, if the attackers have shown the necessary degree of determination to board in the first instance, they will not shrink from using violence and, if the present rate of detection of attackers is maintained, they have no consequences to fear. The whole emphasis should be, firstly, the preservation of life and, secondly, the minimisation of danger to the ship.

10.4 CONDUCT DURING AN ATTACK

The objectives should be;

- securing the greatest level of safety for those on board.
- Ensuring that the crew retain control of the navigation of the ship during the attack.
- securing the earliest possible departure of the attackers from the ship.

If prevention has failed and the attackers are on board, it should be a matter of crew discipline that every possible scrap of evidence should be secured in order to assist the task of law enforcement agencies. Instead of expending energy on ineffective and potentially dangerous resistance, every last specific detail should be mentally noted by everyone possible and immediately recorded after the incident is over.

In many incidents it has been found that the description of the attackers given to law enforcement is very general and lacks the detail that would identify one man from a group of one hundred. Every person has at least one distinctive characteristic. For example, whereas 80% of the male population are of "average height" there are few who have a certain combination of, say, tattoo marks and every scar is unique. One of the attackers in the MARTA hijacking had one finger missing from one hand. together with large tattoos on his chest. This type of intelligence is crucial to law enforcement. In noting this information that is vital evidence, the unusual should be the priority of the observer.

10.5 POST INCIDENT RESPONSE

When the attackers have left the ship, the priority is to any injured and to the safety of the ship. However, as soon as circumstances permit, an initial report of the attack must be made to the owners, local law enforcement agency, the Rescue Co-ordination Centre (RCC) and the IMB Regional Piracy Centre as described in section 10.7.

If such contact is difficult or impossible, then tell whoever can be contacted, even it is only the agents. For example, in the case of the VALIANT CARRIER, referred to earlier, the ship made contact with the owner's agents in London who, in turn, told the IMB, all with thirty minutes of the attack. Singapore Marine Police were contacted by the IMB and they made every possible arrangement for the speedy reception of the ship back at Singapore and the evacuation and hospitalisation of the injured.

In addition, every facility should be granted to any law enforcement agency which wishes to board the ship to investigate the attack. It is appreciated that a ship needs to operate to a schedule but, in appropriate circumstances, law enforcement agencies are prepared and able to board a ship at sea and to conduct their enquiries without the ship needing to divert into any port.

10.6 PRE PLANNING

It is obvious that the sequence identified above can only be fully effective if pre planned, disciplined and exercised. It is therefore essential that ships likely to find themselves in any risk area should have a contingency plan appropriate to the circumstances and that each and every crew member should know and understand both the general principles of the plan as well as the detail that affects them. Equally essential is the necessity for total discipline before, during and after any attack. One maverick within the crew can completely destroy the effectiveness of any plan.

The object of such a plan would be to ensure that all crew members, as in any other emergency, are aware of their duties and of the dangers, whilst being under attack.

10.7 RADIO WATCH KEEPING

The key element in the repression of piracy is information. If suspicious movements are detected, the ship is advised to contact a relevant RCC and the RPC, provided the ship is in the Far East or South East Asia region. When it is believed that there is a danger to the maritime safety, the Master should consider broadcasting an 'All Stations (CQ)' 'danger message' as a warning to other ships in the vicinity as well as a relevant RCC.

Soon after the attack, or if possible during the attack, radio contact should be sought with the local RCC. Of course, prior to entering areas where attacks have occurred, all the radio equipment should be checked and in full working condition. By 1 February 1999, all ships should be equipped with a global maritime distress safety system (GMDSS), and when the ship's position is not updated automatically, this should be done by the radio operator at frequent intervals. Where an INMARSAT Ship Earth Station is provided, (a satellite communication device on ships), it may be useful to draft and store a 'standard message', which should be used for all piracy alert reports. It should be noted that the International Telecommunications Union (ITU) has recommended "Piracy/armed robbery attack" as a category of distress message for all classes of Digital Selective Calling (DSC) equipment and INMARSAT has added a piracy message to the INMARSAT-C menu for GMDSS.

The Master may consider authorising broadcast of an 'urgency message' to 'all stations,' on VHF channel 16, 2,182 Khz or any other frequency he considers appropriate. When he believes that there is a grave danger to the safety of the ship and crew, the appropriate distress alerts should be sent out immediately, MAYDAY, SOS, URGENCY, etc.

During normal intership radio communication it should also be borne in mind that pirates may be monitoring the communication, and thus caution should be exercised when transmitting information about cargo or valuables on board by radio.

Similarly, all attacks should be reported to IMB Regional Piracy Centre (RPC) in Kuala Lumpur. The centre is open 24 hours per day, 365 days per year to provide its service to the shipping industry. The RPC was created by the IMB, and is supported by contributions from the shipping industry. It is a 24-hour information centre acting as the focal point against acts of piracy on ships. Its services are free, and are available to all ships, irrespective of their flag. The key services of the RPC are:

- to receive reports of piracy, suspicious or unexplained craft movements and armed robbery against ships from vessels. It alerts other vessels and law enforcement agencies in the relevant region.
- to issue regular status reports of piracy and armed robbery via routine broadcasts on INMARSAT-C through its SafetyNET™ service. Vessels can also obtain these status reports by contacting the RPC.
- to collate and analyse all information received and issue consolidated reports to interested bodies, including the International Maritime Organisation.

The RPC is located at 16.03A Wisma Nusantara, Jalan Punchak, 50250 Kuala Lumpur, Malaysia.

Telephone : +603 201 0014,
Facsimile : +603 238 5769
Telex : +MA 31880 IMBPCI
E-Mail : jmartin@imbkl.po.my

10.8 USE OF FIREARMS

It has been suggested that firearms would be the ideal for coping with the problem. This idea probably goes back to the times when merchant ships were almost always armed with cannons. The IMB firmly believes that for various reasons, providing firearms on board merchant ships should not be recommended. Apart from dangers involving safety, the crew members must be psychologically capable of handling weapons and if necessary have the ability to shoot to kill. This is not feasible in the current system of training of seafarers.

10.9 TECHNOLOGY

Another thing to be considered is closed circuit television equipment. This is at present quite costly. The technology, however, is advancing rapidly and it may not be long before video technology starts the commercial use of laser disks. It would help law enforcement agencies to get a better description of the perpetrators, since this is one of their complaints.

INTERPOL is currently installing a computer system, world-wide, using a X-400 hardware. This enables authorised users of the system to download descriptions and pictures of known criminals and ships, and it has been set up, amongst other objectives, to suppress piracy.

10.10 ROLE OF GOVERNMENTS

The IMO has published in its MSC circular 622 recommendations to governments for combating piracy and armed robbery against ships. It includes the outcome of a meeting between a study group of the IMO and the three countries bordering the Malacca Strait about their combined effort to combat piracy. All three countries use fast patrol boats as the prime method of countering piracy and armed robbery against ships, both for regular patrolling and for faster reaction to an incident. The efforts have resulted in multilateral agreements between those States, allowing entry into each other's waters. The results were 'highly satisfactory,' which can be seen from the example below.

This case involves a motor tanker AL ZAHRAH. She was boarded by pirates on 26 January 1992. When she came under attack, the Master informed the Singapore RCC, which relayed the message to the Singapore Coast Guard, who, in turn informed the Indonesian security authorities. Consequently those involved were apprehended.

Aircraft could be very valuable in combating crime. In some cases helicopters could help in identifying the ships, by taking photographs. They could also be used to stop ships until a patrol boat could apprehend the ship and pirates. It is worth noting that Hong Kong MRCC has several aerial photographs of pirate craft taken by their surveillance aircraft.

10.11 ROLE OF PORT AUTHORITIES

Some of the prime instruments could be fencing off the direct areas and issuing a security pass to workers with security clearance. Such a pass should then be worn visibly at all times. These systems are quite common in Europe, where ferry companies use them as part of their due diligence exercise to avoid a hijack. These systems are fairly easy to implement and could avoid the problem of shipboard thefts.

Secondly, authorities should continuously monitor a channel on the VHF, and respond to whatever request is made from a ship. The problem is once again of resources, and willingness of the authorities.

Shipping movements could be monitored by radar posts, and when craft proceed to an area without clearance, they could be intercepted by patrol boats. Patrol boats can also be used to monitor the situation in anchorages. After frequent raids on ships off the Nigerian coast in early 1980s, it was prohibited for private boats to come within a distance of 200 meters of merchant ships. Persons violating this were liable to prosecution. This system, greatly reduced the number of attacks.

SECTION 11: THE FUTURE

On 26 February 1996, fishing vessel MN3-NORMINA with a crew of ten, was fishing off Basilan Island, between Sibago and Matanal Point, in the southern Philippines. At midday, suddenly two speed boats approached her, with two men in each and armed with automatic firearms. The gunmen opened fire and killed nine of the crew. The tenth, Jangay Ajinohon, was injured in the back of the head. Despite his injury, Mr. Ajinohon managed to escape by swimming away, while the pirates were busy attaching lines to the MN3-NORMINA to tow her.

The above incident is typical of some of the recent violent attacks. In view of the increasing ferocity and numbers of piratical attacks, one could be excused for asking "why?" and "what will happen now?"

The answer to the first question is simple - the pirates have all the advantages. They have all the sea room in which to operate. The modern radar enables them to see if they are being followed. This means that they can wait and commit their crime with impunity knowing that they will have time to escape if any intervention force is on its way. The difficulties are enormous. Not only is there the sheer size of the sea areas to be covered but there is also the lack of financial resources of some governments. To create a response capability able to catch and match the pirates would require the expenditure of considerable funds and some countries just do not have that amount of money. When one adds to these difficulties the political problems which arise when pirates are acting in waters bordering two neighbouring states and can move quickly from one jurisdiction to another, it is little wonder that so much remains to be done. Making the situation worse is that so many countries, instead of recognising the difficulties, tend to be recessive and put forward copious arguments that there is no problem and if it exists there is nothing they can do. Governments have done little, although the humanitarian outcry in respect of the Vietnamese situation resulted in an action by the Thai Government, albeit with aid from the United Nations to set up an anti piracy unit in 1980. It is alleged that in the first eight years of operation and having spent some US\$ 13 million, the unit had not caught a single pirate!

The answer to the second question, 'what can be done,' is not so simple. The IMO has retained the initiative and maintained the impetus by conducting regional seminars in Puerto Rico, Greece and Japan on ship security matters, as well as discussing the issue in it's Maritime Safety Committee that meets twice a year. The 1988 IMO Convention on "Suppression of unlawful acts against the safety of maritime navigation" can be applicable in a number of

piratical incidents. It ensures that states take appropriate action against any person committing offences such as the seizure of ships by force, acts of violence against persons on board ships and the placing of devices on board a ship that are likely to destroy or damage the ship. The unique feature of this Convention is that apart from extending the jurisdiction for the above offences, it encourages states to consider extradition even where no extradition treaty exists.

Whilst any initiative is welcome, in reality, it is doubtful if the hardened pirates will be affected by such measures. The main problem is to be able to "catch the pirates," and not so much as "what to do with them once caught." An exception to this situation is the case of the ANNA SIERRA which was a *perfect catch*. It was the first time for many years that a pirated ship along with her cargo and pirates had been captured. Regrettably, China, despite being a signatory to Rome Convention of 1988, simply sent the pirates home. The IMB believes this inaction by the Chinese authorities was a very unfortunate event in the fight against piracy.

It has already been shown that some coastal states lack the resources to react at sea and this is understood and accepted, but what is still lacking is any form of co-ordinated response on-shore. Pirates operate at sea only for the purposes of committing their crime. At the end of the day they come ashore to dispose of their gains and this is where they are vulnerable. Law enforcement needs to cover this aspect of piracy. At the present time, piracy does not loom too large on the law enforcement horizon of individual countries, as it does not affect the local population and is a problem of "those that pass in the night."

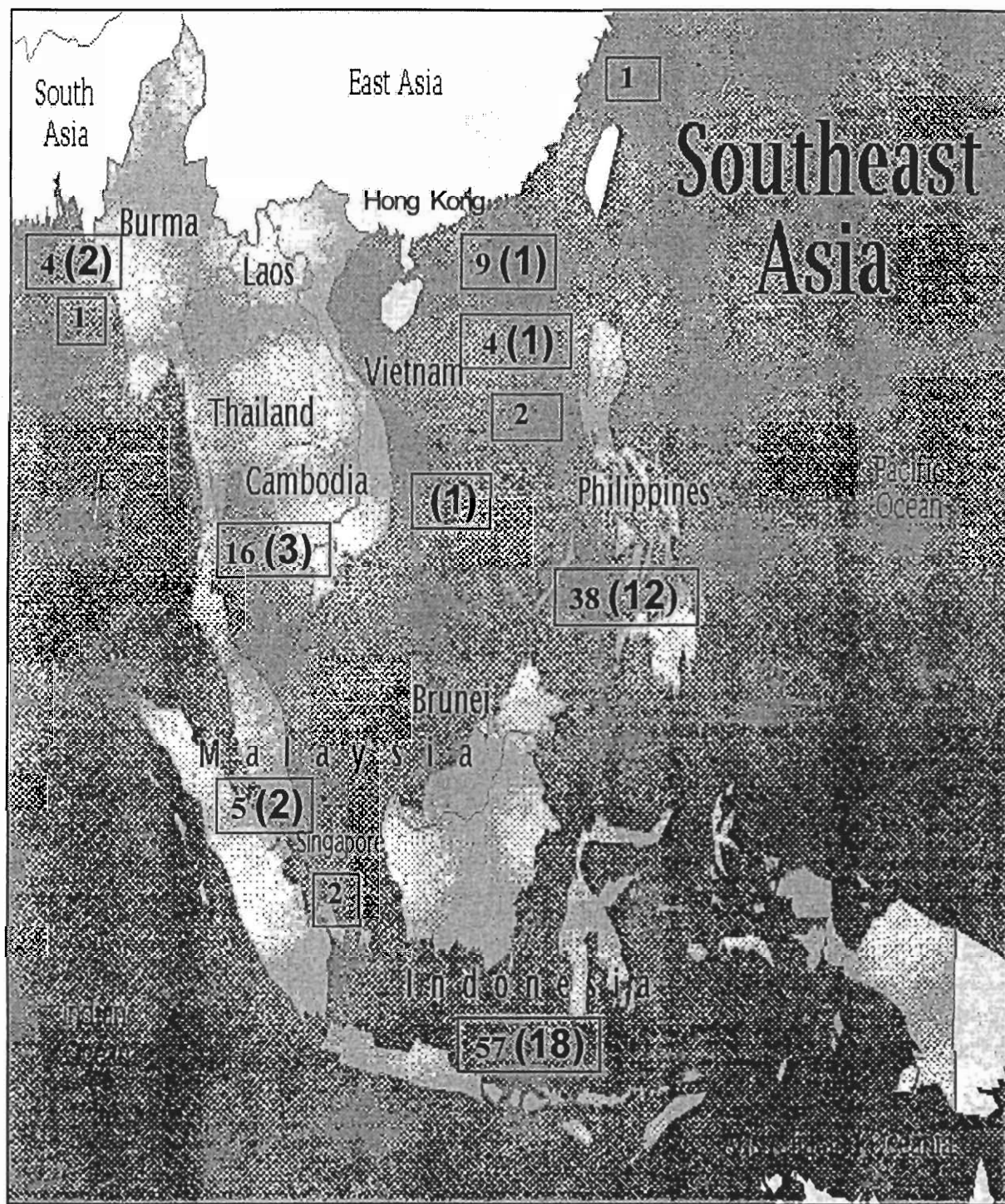
It is hoped that following the IMO initiative, this parochial attitude may change and countries co-operate to rid their seas of this menace. Otherwise, the next decade is likely to see a dramatic increase in piratical attacks.

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PIRATICAL ATTACKS IN SOUTH EAST ASIA AND FAR EAST

**IN 1996 AND FROM 1 JANUARY TO 30 JUNE 1997
(1997 FIGURES ARE IN BRACKETS)**



PIRACY AND ANTI-PARACY

VADM Ko Tun-hwa

This short paper discusses how piracy impinges upon our common interest in the security of the Sea Lanes of Communications, and briefly outlines anti-piracy measures. Piracy is defined to mean, without going into legal technicalities of the law of the sea, simply "robbery at seas or on the shores of the seas." This paper investigates whether piracy is still a serious and frequent menace to mankind and, if so, what measures should be taken by international cooperation to eliminate this age-old crime?

Brief History

Piracy is probably as old as the use of rivers and the sea for communications. In literature, exciting tales of the romantic, colorful pirates have been popular for generations. Piracy makes good books, movies, TV stories, as well as headline news. The fact is that real pirates did roam the seas for thousands of years, and piracy does sporadically occur in our time. Piracy might have been overtaken by more modern forms of violence, such as skyjacking or bomb attacks in terms of frequency of occurrence and political attention, but piracy has not vanished. It is like malaria, which has been brought under control by modern public hygiene, yet it comes back to places now and again.

Pirates might even be considered the founding fathers of the navy of some nations. The definition of the very word "navy" is, in Chinese, "water forces"; in English, "the employment of armed vessels at sea." Thus pirates would qualify as a type of navy because they are a kind of water force and they employ armed vessels at sea. In early histories, navies took the form of the armed men of a tribe or town putting to sea in such large boats or ships as might be available to give battle to enemies similarly equipped or to raid territories from the sea. The crafts themselves were for the most part

used for commerce, fishing, or when occasioned, served for war or piracy.¹ Therefore, as it was the same set of ships that were used for commerce, fishing, fighting against the enemies, and for piracy, the history of the naval profession and that of piracy are inextricably intertwined.

It was said that once upon a time the Spanish Royal Court had to wait for the return of the pirates before it allowed the salaries of their officers to be paid. In Chinese histories, there were times when the ruling houses had to rely on the services of the pirates.² During the Mongol Yuan dynasty, the government in 1279 entered into an uneasy alliance with Chinese pirates to ensure the supply of grain to the northern capital.³ Chong Ming is a large island created by the silt at the mouth of the Yangtze River. It was beyond government control in the 13th century, making it an ideal haven for sea pirates. Zhu Qing and Zhang Xuan, who had both served in the South Song Navy, turned to piracy and ran the sea transport for the Mongol dynasty. The northern capital was suffering from a shortage of food and had to be supplied by the production from the Yangtze valley. But the land and inner water systems were bad and Khubila Kahn, the grandson of Genghis Kahn, utilized an innovative method of using the pirates. For the government to control the transport would require a huge bureaucratic machine, administration and corruption would increase, and the immense expense of building a fleet of thousands of transporting vessels would be a sheer waste of money. Further, sea voyages would be risky. So why not let the pirates Zhu and Zhang do it? They were sailors, they had a fleet, and they were efficient. The government had only to pay freight and commission. For many years, until Zhu and Zhang were killed for other reasons, the food supply to the north was thus solved. For a time, however, the pirates Zhu and Zhang became so powerful that they were even

1. Barry Hart Dubner, "The Law of International Sea Piracy," *International Law and Politics*, Vol. 11: 471.

2. Ju-kang Tien, "Mongol Rulers and Chinese Pirates," *History Today*, September 1983.

3. Ibid.

allowed to issue their own paper currency. Any common citizen who wanted to call on Zhu and Zhang had to provide visiting cards made of gold. After Zhu and Zhang died, the Mongol government discovered its mistake: it was ill-prepared to supply the food itself, and there was a period when the capital city, Beijing, almost starved.

In the 14th century, Taiwan and Penhu were plagued with Chinese pirates and Japanese raiders (Japanese-styled Vikings, known as "wor" in the Chinese language). In the early 15th century, there came the Spanish, Portuguese and Dutch to China. The Dutch occupied Taiwan, making their administration center at Tainan. General Cheng Chen-kung, based on Kinmen, attacked the Dutch in April of 1667. Taiwan was then recovered by Cheng Chen-kung on the 13th of December in 1667 when the Dutch defenders surrendered to the Chinese. General Cheng had inherited his combat troops and ships from his uneducated father, Cheng Chi-lung, who was well known as a pirate in the South China Sea, plundering mostly ships of the British East Indian Company. His buccaneering fleet had grown into hundreds of ships with several tens of thousands of troops on board, and the emperor of the Ming Dynasty had to rely on him for protection against the Manchus in the north and the Portuguese and the Spanish from the South Seas. While his son, Cheng Chen-kung, was not a pirate, the son's subordinates and ships had served under the command of the pirate father.⁴

In this paper we can only give a short historical account of the Chinese pirates, and mention only very briefly their Western counterparts, such as the Phoenician, Greek, and Roman pirates in the Aegean and the Mediterranean Seas, the Viking pirates in the Baltic Sea and the English Channel, the ruthless seafaring criminals along the North African coast, and the buccaneers of the Caribbean Sea and the Spanish Main (the mainland of South America). In short, pirates are like fish which are evenly distributed in every corner of the sea. Wherever there is water, there exists some sort of fish and pirates.

4. "Pirate," *Encyclopedia Americana*, 1976.

Piracy and Modern Terrorism

Piracy and terrorism are not new phenomena. Yet since the 1970s, due perhaps to the turmoil in the Middle East, we seem to have heard more about terrorism than piracy. Behind the act of terrorism is always some obvious political motive. Terrorists try to compel the attention of public opinion to their cause and try to achieve their objective through acts of violence. Piracy is different. Pirates are primarily concerned with private profits and not political objectives. Pirates want just to loot and disappear. Even though piracy and terrorism are different, they hurt people all the same. If we count the number of victims of the two different crimes, we might be surprised to learn that it is piracy in our time that has cost more loss of life and property than has terrorism. A hijacking might cause a great sensation in the daily news, yet it may end up without a single loss of life. Passengers on board a hijacked airliner may suffer a great deal, but they are not usually brutally molested as people were in the pirate attacks on the Vietnamese boat people. According to a report by *U.S. News and World Report*, the toll taken by world terrorism from 1980 to 1983 amounted to 7,297 lives. According to another statistic, the casualties arising from pirate attacks on boat people arriving in Thailand number 2,118. This refers to only those refugees arriving in Thailand.⁵ According to the report of the UN High Commissioner on Refugees, of the more than 500,000 Vietnamese boat people who landed on foreign shores, half were either robbed, beaten, raped or had loved ones murdered by the Gulf pirates. Here the victims would total 250,000, far more than the toll of terrorism in the same period of time. Piracy occurred not only in the Gulf of Siam, but many other places. As recently as February 1st of 1985, the Pentagon reported that pirates boarded an American cargo ship leased to the U.S. Navy in the Strait of Malacca, tying up the ship's captain and taking

471 from the safe.⁶ There have been many other reports such

- A female steward aboard the Swedish ship, the *Torn*, was raped by Nigerian pirates five months ago.
- Nine months ago a French vessel, the *Ari Stee*, was pirated off Lagos, according to a Lagos shipping agent.
- Near Manila in the Philippines, many Chinese fishing boats were attacked using the "Peter Pan" type of piracy. Some of the crew was forced to jump in the water where they drowned.
- As recent as only a few weeks ago, five boats of the Japanese Maritime Safety Agency chased an unidentified speed boat 1,000 kilometers in the East China Sea but lost sight of it. The boat, sailing under the false name of the *No. 31, Koei Maru*, could have been a spy or a pirate ship.

Pirate Operations

There are no tactics common to all pirates. Methods vary case to case. Some pirates were known as very good tacticians, any early naval tactics were in fact derived from those of the. If we study many cases of piracy, we find that their operation might be generalized into the following: analysis, planning, action, and execution.

- y analysis, we mean the pirates have to know and choose their first. They have to know: (1) what kind of ships they would prey upon; (2) what cargo or treasures will be on board; (3) kind of passengers will be on board; (4) characteristics of the ship; (5) the captain, officers, and the crew; (6) the ship's (7) any defense that exists on board; (8) the location of the plant and the engine room; (9) the detailed layout of the (10) the location of the radio room, its equipment and call

sign; (11) what the reaction or reserve time will be; and, (12) the shipping situation nearby. This kind of target analysis may take a short time, or may take several months or more. Many pirates disguise themselves as passengers, taking a "study cruise" on board the target ships or work as crew on board.

In planning, the following are the key points: (1) how to maneuver and approach the target ship (sometimes it can be done by stratagem, such as pretending to be shipwreck survivors asking for help); (2) how to get on board, how to attack; (3) allocation of task, tools and weapons among the pirates; (4) how to escape before the coming of rescue boats; (5) command and communications; (6) what to do with loot and prisoners; (7) how to fight against the official forces or another group of pirates; (8) how to use the prisoners as hostages (threaten to kill them or burn the ship, or to sink the ship by opening the 'sea cocks' if they are chased or attacked); (9) safety actions before and after the action; and, (10) resettlement bases for after the operation.

After developing a good plan, preparation should get started according to the plan. Information, men and material should be obtained; training and even rehearsal should be carried out. Then the pirates would go and boldly execute their plan. It sounds like a military operation but, in fact, the pirates' task may be more difficult to perform. The leader of the pirates is not backed by military discipline, law, regulations, has no real righteous cause to appeal to, and may be beset with problems of morale. Yet some pirate actions reveal that pirates can fight very daringly, and that they often exhibit a sense of justice among themselves, as well as carrying out group action quite democratically.

Causes of Piracy

Men become pirates for more or less the same reasons as they become other kinds of outlaws. It has to do with legal, economic, social, personal, and environmental reasons. From the job market

lifestyle, and an alternate use of a seaman's ability. The conditions which nurture piracy are high unemployment rates, laws forbidding colonists to trade with foreigners, favorable situations for smuggling, a lack of international cooperation in waters of conflicting jurisdiction, and a lack of an effective means to combat the pirates on account of small and weak navies. Further, some governments may not want to stop piracy for special reasons.

Anti-Piracy Policies

While piracy does occur near the shore, it mainly occurs on the high seas, mostly at "vacuum spots" such as the border of territorial waters shared by two neighboring nations. Stopping piracy demands international concerted action by navies and merchant fleets. The following might be the key points for formulating sound anti-piracy policies:

- *Intelligence Gathering.* Pirates need land bases for recruiting, repairing, fueling, and selling their loot. Most pirates, after a successful hunt, come ashore to enjoy their boisterous life. Some part-time pirates return to the land for other kinds of careers. Piracy intelligence should be gathered first on land.
- *Surveillance at Sea.* Patrolling by surface vessels and aircraft, detection by radar and other electronic means, aero-photographs, and satellite surveillance should be carried out by navies and air forces of individual nations in their own waters and on the high seas adjacent to them.
- *Ship's Own Defense.* Ships sailing on waters prone to piracy should be rigged with anti-piracy devices. Officers and men should be trained and equipped with weapons, or merchant ships should hire guards for defense. The cost of doing such should partially be returned from a reduced insurance rate: Ships with and without guards should pay different

network as a type of international distress signal. Upon hearing news of piracy, combat ships of any navy or merchant ships capable of assisting should rush to the scene. The cost incurred by other merchant ships should be compensated by insurance companies, or by a public international fund for anti-piracy purposes.

- *Maritime INTERPOL.* A maritime INTERPOL for anti-piracy purposes should be organized by all civilized nations.
- *International Programs.* An international, regional, or bilateral anti-piracy program should be encouraged within the framework of international law.

Conclusions

Piracy is an international crime that affects not only passengers, ship's crew, refugees, and fishermen, but also all those whose lives or jobs, depend upon shipping. It occurs on the high seas and therefore should create world concern and cooperation. More studies of effective ways of combatting piracy should be done by the SLOF studies in international conferences.



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E l e v e n t h I n t e r n a t i o n a l C o n f e r e n c e
o n
T H E S E A L A N E S O F C O M M U N I C A T I O N (S L O C) S T U D I E S

THE ROYAL PARK HOTEL, TOKYO
November 17 - 18, 1997

T I T L E O F P R E S E N T A T I O N

SEARCH AND RESCUE SCHEME

LTCL. Ronnie Tay, RSN

SEARCH AND RESCUE SCHEME

INTRODUCTION

1. Search and Rescue (SAR) is one of the noblest of humanitarian missions. Its primary objective of saving lives has grown in importance with the vast increase in international maritime and air travel. As there is no warning of when disasters or accidents will happen, a high level of preparedness is expected of an effective and efficient SAR organisation. As such, personnel involved in SAR must be constantly and effectively trained so that expeditious SAR operations can be mounted in times of distress.

2. Singapore places great emphasis on the need to have an effective and efficient SAR organisation. In my presentation, I will describe the SAR organisation of Singapore and some of its key features. In ensuring that SAR is effectively carried out, the SAR agencies in Singapore not only co-ordinate with one another, but also co-operate and work with those of other countries.

OVERVIEW OF SINGAPORE'S SAR ORGANISATION

3. In Singapore, many agencies are involved in SAR operations. The key agencies are as follows:

- a. The Civil Aviation Authority of Singapore (CAAS);
- b. The Maritime and Port Authority of Singapore (MPA);
- c. The Republic of Singapore Air Force (RSAF);
- d. The Republic of Singapore Navy (RSN); and
- e. The Police Coast Guard (PCG).

4. The CAAS and the MPA are the overall co-ordinators for aeronautical and maritime SAR operations respectively. The CAAS is required to provide assistance to aircraft in distress in the Singapore Search and Rescue Region (SRR), a region defined by the same boundaries as those of the Singapore Flight Information Region (FIR). Similarly, the MPA is also required to assist vessels in distress within the Singapore SRR.

5. The Republic of Singapore Air Force, the Republic of Singapore Navy and the Police Coast Guard provide the necessary SAR assets such as helicopters, fixed-wing aircraft, ships and diver teams. Other supporting agencies include the Singapore Meteorological Service, the Airport Emergency Service and the hospitals.

6. These different agencies must work closely with one another for any SAR operation to be successfully conducted. Therefore, we have to make sure that our SAR organisation, plans and operations are well-integrated and co-ordinated. Distress signals must be picked up swiftly and the right response initiated without any delay because it must be assumed that in any incident, there will be survivors who need immediate assistance and whose chances of survival diminish with the passage of time. To ensure that Singapore has an effective and efficient SAR organisation, the following five key areas are emphasised:

- a. Comprehensive Communications Network;
- b. Streamlined SAR Plans and Procedures;
- c. Availability of Assets;
- d. Co-operation with Other SAR Organizations; and
- e. Training and Exercises.

COMPONENTS OF AN EFFECTIVE AND EFFICIENT SAR ORGANISATION

Comprehensive Communications Network

7. To assist in the fast pick-up of distress signals, Singapore is linked to the satellites operated by the International Maritime Satellite Organizations, commonly known as INMARSAT and COSPAS-SARSAT satellites. We also have a full range of radio communications, including HF, VHF and UHF. In addition, we have established as recently as 1994 the Singapore Ship Reporting System or SINGREP which is a major enhancement to SAR operations. Under this system, a voluntary ship reporting system maintains a computerised plot of all participating ships in the area so that they can be identified for SAR should the need arise.

8. The MPA is also implementing a shore-based Global Maritime Distress and Safety System (GMDSS) in compliance with the requirements of the International Maritime Organization (IMO). The GMDSS is based on high-technology satellite and radio communications equipment that enhances safety at sea and facilitates SAR operations. The upgrading of our communications facilities to digital mode, incorporating Digital Selective Calling services, will enable us to communicate with neighbouring Rescue Co-ordination Centres (RCC) through various means such as telephone, fax and radio frequencies. All these will facilitate effective co-ordination and control of SAR operations.

Streamlined Plans and Procedures

9. The involvement of many agencies requires that plans and procedures are well-thought out so that we can respond effectively and efficiently to distress signals. Singapore's approach to SAR is guided by the need to integrate and co-ordinate so as to optimise the allocation of resources for expeditious SAR operations to be mounted when the need arises.

10. When a distress signal is sent out, it will be picked up by receiving agencies such as the maritime coastal radio stations or the Air Traffic Control (ATC) centres. These agencies will then transmit these messages to relevant authorities, in this case, either the MPA for distressed ships or the CAAS for distressed aircraft. The MPA or the CAAS will ascertain the seriousness of the disaster and initiate the appropriate operational response, including the assignment of relevant assets to support the mission.

11. Minor incidents like man-overboard, crew with sudden illnesses and fire in the engine room that could be handled by the MPA will not require the Singapore RCC to be activated. Should it be ascertained that only maritime surface assets are required, the MPA will co-ordinate directly with the RSN and the PCG to provide the necessary assets such as ships and divers. With the aid of SINGREP, the MPA can also request merchant ships in the vicinity to render assistance to the vessel in distress. Such requests usually elicit overwhelming responses.

12. On the other hand, if the incident is serious enough, the Singapore RCC will be activated. Representatives from all the agencies involved will close up at the Singapore RCC to ensure that there is proper co-ordination in all SAR operations.

Availability of Assets

13. Having enough assets to carry out the well-thought out plans and procedures is also very important. In Singapore, helicopters and naval ships are made available to support SAR operations. For example, we can have a helicopter airborne within 15 minutes and a subsequent one within 45 minutes upon activation. Similarly, the RSN has ships on standby ready to sail, immediately during office hours and slightly later outside office hours. RSN ships in the vicinity of the incident can also be directed to assist in SAR operations. Moreover, additional assets such as tug boats owned by private operators can be mobilised to aid in SAR operations. In this way, optimal use of resources for SAR operations can be achieved.

Co-operation with Other SAR Organisations

14. The need to conduct SAR operations anywhere in the vast oceans and huge land masses requires regional co-operation such as the sharing of information and pooling of resources. Singapore cannot and does not work alone. She has bilateral SAR agreements with Indonesia, Malaysia, Thailand and the Philippines to provide mutual assistance in the conduct of SAR operations within each other's SAR regions. We also have a standing arrangement with Brunei to tap her resources if we require assistance in SAR. Last but not least, the help of the US Air Force (USAF) in SAR operations is sought through a SAR agreement between Singapore and the USAF. The mutual benefits that can be reaped from such arrangements are enormous.

SAR Training and Exercises

15. The last factor critical to the conduct of effective and efficient SAR operations is training. SAR operations can only be as effective as the level of training accorded to civilian and military personnel involved in SAR. Training should be conducted at different levels. To start with, individuals should be trained so that they are proficient in their respective roles. This should then be followed by the testing of the system as a whole to ensure that procedures and linkages among the various agencies are well-established and that there is proper co-ordination and integration. To this end, Singapore conducts regular SAR exercises to maintain a high level of proficiency among SAR personnel. These exercises include paper SAREX to exercise the co-ordination and linkages among various agencies and physical SAREX to practise the deployment of assets.

16. For example, in August this year an air crash was simulated and various agencies such as the MPA, the RSN, the PCG and the hospitals were activated. Under the charge of the Airport Emergency Service of the CAAS, the various agencies responded quickly and arrived at the scene of the incident within one hour. Another SAREX was conducted in September in which a hijack situation involving a ferry carrying 80 passengers was simulated. A third local SAREX has been scheduled towards the end of the year.

17. Last but certainly not least, training for the SAR organisations of different countries with bilateral SAR agreements is also important as it ensures that inter-operability will not be compromised when co-operation is required. As such, Singapore conducts regular bilateral exercises with Malaysia and Indonesia.

18. SAREX Indopura is an exercise conducted annually to train the SAR personnel from Indonesia and Singapore in carrying out a joint SAR operation. It has the objective of enhancing inter-operability between the SAR organisations of the two countries. In the recent SAREX Indopura that took place in August, the Indonesian Aviation Authority together with the RSAF, the RSN and the PCG were activated to search for an aircraft which developed engine problems and was subsequently lost on the radar when re-directed to land in Tanjong Pinang in Indonesia. Singapore also conducts joint SAREX with Malaysia on an annual basis. For the first time this year, a tripartite exercise involving Singapore, Malaysia and Indonesia was also conducted. Codenamed FEREX 97, this exercise saw the participation of the various SAR agencies in a joint SAR operation in the Strait of Singapore.

19. Indeed, training and exercises in SAR activities provide much scope for regional co-operation. This is an area currently being studied by the ASEAN Regional Forum or ARF, and some of the member countries, including Singapore, have offered places for ARF participants on their respective SAR training courses. Other areas of co-operation being looked into include further co-operation between SAR training institutions, standardisation of SAR training manuals and procedures, and increased practical training and exercises.

CONCLUSION

20. In conclusion, SAR, with its important objective of saving lives, requires the SAR organisation and set-up to be effective and efficient in order to ensure that a speedy response can be mounted to save lives. Good communications network, streamlined SAR procedures, adequate assets for SAR, frequent training and co-operation with other countries each play an important part in ensuring the success of any SAR effort.



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REGIONAL COOPERATION FOR STABLE
SEALANE REGIME IN THE ASIA-PACIFIC
IMPLICATION OF THE UNCLOS

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**Regional Cooperation for Stable Sea lane Regime
in the Asia-Pacific:
Implication of the UNCLOS**

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Introduction

Up to the middle of this century the traditional pattern of jurisdiction in the ocean was one consisting largely of high seas, free for all States to use, with narrow bands of territorial waters over which coastal States exercised complete sovereignty, subject to the right of innocent passage by foreign vessels. This rather simple picture, however, has been fundamentally changed in the latter half of this century. Beginning in 1945, the movement to widen coastal State jurisdiction over its adjacent waters and seabed began in earnest. The Truman Proclamation of 1945 precipitated a pent-up desire of coastal States to claim jurisdiction over wider areas of the world ocean adjacent to their shores. Sometimes characterized as the process of "creeping jurisdiction," maritime claims have everywhere grown spatially extensive, functionally inclusive, and jurisdictionally exclusive. A central purpose of ten years of negotiation in the UNCLOS III was to put a stop to this process of creeping jurisdiction. It remains to be seen whether the Conference eventually achieved that purpose. At present, the United Nations Convention on the Law of the Sea (LOS Convention) adopted provides various maritime zones with different jurisdictional competencies reflecting the attempts to balance two competing interests, that is, the "exclusive" interests of coastal States and the "inclusive" interests of user States.

Within the closed waters under such maritime zones are most of the major ocean navigation routes. This paper is essentially concerned with how the two competing interests mentioned above are accommodated in respect of navigation under the LOS Convention¹⁾.

1 Following countries in the Asia-Pacific have now become parties to the LOS Convention: Australia, China, Fiji, Indonesia, India, Japan, Malaysia, Mongolia, Myanmar,

For this purpose, it assesses the regime of navigation in the territorial sea and international straits²⁾. Particular attention will be paid to the relationship between coastal States and user States (maritime States) with regard to two specific categories of navigational controls--that is, innocent passage in the territorial sea and transit passage in international straits.

Innocent Passage through the Territorial Sea

The LOS Convention provides a delicate balance between the rights and duties of coastal States and foreign ships(user States) with regard to navigation in the territorial sea.

A foreign vessel enjoys a right of innocent passage through the territorial sea of the coastal State. After providing that passage is innocent as long as it is not prejudicial to the peace, good order, or security of the coastal State, the LOS Convention goes on to enumerate activities that are considered prejudicial to the peace, good order, or security of the coastal state.³⁾ Such enumeration clearly indicates that what makes passage innocent or non-innocent depends not on the character of vessels or the nature of cargos vessels carry but on their conduct during passage. Thus the coastal State is not allowed to determine the innocence of passage in terms of the nature of vessels or cargos. This finding is in line with the notion that the right of innocent passage applies to all ships, including warships and other government ships operated for noncommercial purposes, or ships carrying nuclear or other inherently dangerous or noxious substances.

The right of innocent passage for warships has been a controversial issue and coastal States have been reluctant to permit passage without prior authorization or at least notification. State practice remains conflicting, too.⁴⁾

New Zealand, Marshall Islands, FSM, Philippines, Palau, Russia, Nauru, South Korea, Singapore, Samoa, Solomon Islands, Sri Lanka, Vietnam.

2 Straits used for international navigation do not belong to a category of maritime zones. Article 34 of the LOS Convention provides that the regime of passage through straits used for international navigation shall not in other respect affect the legal status of the waters forming such straits.

3 LOSC. Art. 19. Twelve such activities are enumerated. The 1989 Uniform Interpretation of the Rules of International Law governing Innocent Passage between the U.S. and USSR states that Art. 19(2) sets out an exhaustive list of activities that would render passage not innocent. See 84 *AJIL* 240(1990).

4 A general survey of State practice indicates that until very recently, there is little

There is little doubt, however, that under the LOS Convention "ships" of all States that enjoy the right of innocent passage include warships. Scrutiny of the draft history of the relevant provisions in the UNCLOS III as well as the contextual interpretation of the Convention clearly testifies to the presence of such right for foreign warships.

It needs to be mentioned, in this regard, that there is a special provision for submarines and other underwater vehicles. That is, submarines and other underwater vehicles are required to navigate on the surface and to show their flag in the territorial sea.⁵⁾ The provision should be understood as designed to regulate not the type of vessels but that of passage, if not the type of conduct during passage.

From the same line of reasoning, passage must be continuous and expeditious, and includes stopping and anchoring only insofar as the same are incidental to ordinary navigation or are rendering assistance to persons, ships, or aircraft in danger or distress.⁶⁾

On the other hand, within its territorial sea the coastal State has certain carefully-prescribed rights.

The coastal State may adopt laws and regulations relating to innocent passage with respect to, broadly, navigation, protection of cables and pipelines, fisheries, pollution, scientific research, and customs, fiscal, immigration, and sanitary matters.⁷⁾ Needless to say, such laws and regulations must be in conformity with provisions of the Convention and other rules of international law. The coastal State must give due publicity to all such laws. These laws, however, may not affect the design, construction, manning, or equipment of foreign vessels unless they conform to generally accepted international standards, but otherwise foreign ships are bound to comply with them.

The coastal State may require foreign ships to use such sea lanes and traffic separation schemes as it designates or prescribes.⁸⁾ In particular, when transiting the territorial sea, nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances are required to carry

evidence other than that of free and uncontested passage of foreign warships. With the emergence of many newly independent States since 1958, however, a significant number, and perhaps a majority, of States require prior authorization or notice for the passage of foreign warships.

5 LOSC, Art. 20.

6 LOSC, Art. 18(2).

7 LOSC, Art. 21.

8 LOSC, Art. 22.

documents and observe special precautionary measures established for such ships.⁹⁾

Finally, two general provisions stand as a broad guideline in case of conflicts between the rights of coastal States and user States.

First, the coastal States have general duties not to hamper the innocent passage of foreign ships except in accordance with the Convention.¹⁰⁾ In particular, in applying laws and regulations, the coastal States shall not impose requirements on foreign ships which have the practical effect of denying or impairing the right of innocent passage or discriminate in form or in fact against the ships of any State or against ships carrying cargoes to, from, or on behalf of any State.

Second, the Convention recognizes the rights of protection of the coastal State. Thus the coastal State may take the measures necessary to prevent passage that is not innocent. In particular, the coastal State may, without discrimination in form or in fact among foreign ships, suspend temporarily in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security, including weapons exercises.¹¹⁾

To sum up, innocent passage is a delicate form of accommodation between the demand of unimpeded maritime communication and the interests of coastal States. The relationship between coastal States and user States, therefore, should be approached from the perspective of balancing the two competing interests of safeguarding international navigation and ensuring the security of coastal States.

Transit Passage in International Straits

It is estimated that the extension of the breadth of the territorial sea to a maximum of twelve miles would put 116 straits of the world used for international navigation under the sovereignty of States bordering those straits(strait States)¹²⁾. Given the importance of these straits for international navigation, it was natural that the maritime States would not accept such as consequence without their navigational rights being securely insured. For them,

9 LOSC, Art. 23.

10 LOSC, Art. 24.

11 LOSC, Art. 25.

12 M. Reisman, "The Regime of Straits and National Security: An Appraisal of International Law Making", 74 *AJIL* 48-76(1980).

obviously, the right of innocent passage, with many uncertainties over the meaning and condition of innocence, would be insufficient.

The introduction of the concept of transit passage through, under, and over these straits was an effort to safeguard the freedom of navigation for the user States while providing for some regulatory powers of the coastal State in such straits.

All ships (and aircraft) enjoy the right of transit passage in straits used for international navigation between one part of the high seas or an EEZ and another part of the high seas or an EEZ. While the Convention does not provide specific criteria for determining "straits used for international navigation,"¹³⁾ the regime of transit passage does not apply to the following four types of straits.

First, straits through which there exists a route through the high seas or through an EEZ of similar convenience with respect to navigational and hydrographical characteristics.¹⁴⁾ Second, straits in which passage is regulated in whole or in part by long-standing international conventions in force specifically relating to such straits.¹⁵⁾ Third, straits formed by an island of a State bordering the strait and its mainland.¹⁶⁾ Fourth, straits used for international navigation between a part of the high seas or an EEZ and the territorial sea of a foreign state.¹⁷⁾

Transit passage is the exercise of freedom of navigation and overflight

13 The ICJ, which first employed the phrase "straits used for international navigation" in the 1949 Corfu Channel Case, mentioned, as the decisive criteria for such designation, the geographical situation of the strait as connecting two parts of the high seas, and thereby being useful to international navigation, and the fact of its being used for international navigation. See Corfu Channel Case, *ICJ reports*, 1949. However, it has been submitted that any strait connecting two parts of the high seas/EEZ with one another, or the high seas/EEZ with the territorial sea of a foreign State, is, by one another, or the high seas/EEZ with the territorial sea of a foreign State is, by definition, useful for international navigation, and therefore should be considered as an international strait. See L. Alexander, *Navigation Restrictions within the New LOS Context: Geographical Implications for the United States*, 1986, p. 184.

14 See LOSC, Art. 36. In such straits, there exists freedom of navigation through the high seas/EEZ route, and the right of innocent passage through the territorial seas which lie on either side of it.

15 See LOSC, Art. 35.

16 See LOSC, Art. 38(1).

17 See LOSC, Art. 45. In the third and fourth cases, there exists a non-suspendable right of innocent passage.

solely for the continuous and expeditious transit of the strait between one area of high seas or economic zone and another, or in order to enter or leave a State bordering the strait.¹⁸⁾ A central provision in determining whether passage is transit appears to be that foreign ships are under a duty to refrain from any activities other than those incidental to their normal modes of continuous and expeditious transit unless rendered necessary by *force majeure* or distress.¹⁹⁾ Passage without delay,²⁰⁾ prohibition of the use or threat of force during passage against the sovereignty of strait States,²¹⁾ or prohibition of unauthorized research and survey activities²²⁾ should be understood in such context. By the same token, submarines and other underwater vehicles, unlike the territorial sea, may not require to navigate on the surface and to show their flag, because their apparent common practice of transiting some international straits while submerged seems to be recognized in the above requirement that passing vessels engage only in activities incident to their *normal mode* of continuous and expeditious transit.

On the other hand, strait States may legislate for passing vessels in respect of the safety of navigation, the prevention, reduction, and control of pollution, fishing, and the loading and unloading of any commodity, currency, or person in violation of local customs, fiscal, immigration, or sanitary regulations.²³⁾ The scope of laws the coastal State may adopt in relation to transit passage is obviously narrower than that in relation to innocent passage. These laws must not discriminate in form or in fact among foreign ships.²⁴⁾ In addition, international standards are imposed on the first two matters, that is, the safety of navigation and pollution control.²⁵⁾ Therefore, the laws of the strait States on these matters must be in conformity with generally accepted international standards.

The strait States may designate sea lanes and traffic separation schemes in the straits. These must first have been adopted, however, with the approval of the strait States, by the competent international organization--that is, the International Maritime Organization.²⁶⁾

18 LOSC, Art. 38(2).

19 LOSC, Art. 39(1)(c).

20 LOSC, Art. 39(1)(a).

21 LOSC, Art. 39(1)(b).

22 LOSC, Art. 40.

23 LOSC, Art. 42(1).

24 LOSC, Art. 42(2).

25 LOSC, Art. 39(2).

26 LOSC, Art. 41.

The LOS Convention provides that any activity which is not an exercise of the right of transit passage remains subject to the other applicable provisions of the Convention. Accordingly, any activity other than those incidental to the normal mode of transit would bring the ship in the strait under the regime of innocent passage, in which case passage could be denied for want of innocence. However, transit passage shall, under no circumstances, be suspended.²⁷⁾

In sum, transit passage allows less coastal States control over passing vessels than does innocent passage, but falls far short of granting the same freedom of navigation as would have existed had the waters of the straits constituted high seas. The most important advantages maritime States would get under the regime of transit passage in comparison to that of innocent passage are: first, freedom of overflight; second, submerged passage of submarines; and third, nonsuspension of passage.

Conclusion

As has been seen, maritime practice of the littoral States in Northeast Asia differs from one another in many important aspects, and often depart substantially from conventional or customary international law. So far no substantive cooperative mechanism has been developed among these States to coordinate their differences. Countries in few other region are so heavily dependent on the sea for their economic viability and at the same time have so totally failed to develop a stable, harmonious and uniform regional ocean regime. For instance, Northeast Asia is the only region in the world where there has been no cooperative arrangements of any kind to deal with marine pollution among the littoral States until recent times. The divergence in the navigational regimes of the coastal States could seriously affect the regional security and stability. Furthermore, many important laws and regulations of some States have not even been made public.

In the post-Cold War Asia-Pacific, therefore, the urgent task of all regional States is to build a stable and cooperative maritime regime. The stable maritime regime is a fundamental prerequisite not only for enhancing the security at sea but also for further maritime cooperation among regional States. Perhaps the first and best thing for the regional States to do so is to ratify the Convention. Obviously ratifying the convention would not solve all the problems confronting the region. Nevertheless, the Convention will surely play

²⁷ LOSC, Art. 44.

a long-term stabilizing role to cure and prevent the growth of state practice at variance with the universal norms so established. In this respect, the following three points are particularly important.

First, it is important to enhance the openness and transparency about maritime regimes and practices of regional States. In fact, the Convention require coastal States to give due publicity to the charts or lists of geographical co-ordinates related to their baseline or jurisdiction and to deposit a copy of each such charts or list with the Secretary-General of the United Nations.²⁸⁾ Considering that several unfortunate incidents that had happened before was mainly due to the uncertainty on such matters, that is essential to building a stable regional ocean regime.

Second, the Convention offers a pacific settlement system which would substantially contribute to the development of uniform practice and interpretation of the Convention. The Convention also provides the basis for further development of law by providing general principles and framework for such issues as marine environment and marine scientific research. The regional States should make the best of the mechanism and framework provided in the Convention to settle their future disputes and to promote cooperation among them.

Third, the regional States should make efforts to develop a more harmonious and solid maritime regime. In particular, regional States could negotiate agreed understandings regarding those controversial rules of the law of the sea which are inconsistent with the policies of certain states. For instance, the United States and the Soviet Union in 1989 signed a joint statement on innocent passage of warship in each other's territorial seas. Attached to the joint statement, the two governments issued the uniform interpretation of the rules of international law governing innocent passage which sets forth in more detail the common interpretation of the Convention governing innocent passage in the territorial sea. Similar measures could be taken among regional states with respect to various controversial issues. In addition, regional maritime councils or other coordinating bodies could be established for the purpose of coordination and strengthening cooperation among regional States.

²⁸ Articles 16, 75 and 84 of the Convention.



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E l e v e n t h I n t e r n a t i o n a l C o n f e r e n c e
o n
T H E S E A L A N E S O F C O M M U N I C A T I O N (SLOC) S T U D I E S

THE ROYAL PARK HOTEL, TOKYO
November 17 - 18, 1997

T I T L E O F P R E S E N T A T I O N

S L O C s I N W E S T P A C I F I C R E G I O N A N D
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(T H E L A W O F T H E S E A , A C C E S S T O
A R C H I P E L A G I C W A T E R)

C a p t . J o h a n e s S a r s i t o
(I n d o n e s i a n N a v y)

The World Strategy Forum of Japan
3-3-14 Kudan Minami (Flat Kudan Minami #602)
Chiyoda-ku, Tokyo 102 Japan

SLOCs IN WEST PACIFIC REGION AND ARCHIPELAGIC SEA LANES
IN INDONESIAN ARCHIPELAGIC WATERS.

(THE LAW OF THE SEA, ACCESS TO ARCHIPELAGIC WATER)

Prepared by :
Capt. Johanes Sarsito
(Indonesian Navy)

1. Introduction.

The Western Pacific Region presently constitutes the most important region in the world due to its amazing progress, despite the fact that the world situation is full of uncertainties.

In this region, the most significant change is the fast and economic growth marked by the existence of intensive interaction not only in the trades but also in investment, information flow and technology. Although this marvelous economic growth had occurred long before the end of the cold war, the present world situation has given opportunities to strengthen economic integrity in the Western Pacific Region.

The economic issues have in fact become the first priority to a number of governments not only because of their political legitimacy but also because of their efforts to preserve and protect secure and stable environments. At the same time, efforts to resolve existing conflicts are urgently needed to guarantee continued economic growth.

Nowadays, a basic shift has been developing when political power which is usually supported by military power is moving to political power which is supported by economic power. Economy has also become the spearhead in national, regional, and global levels as well.

It is possible that the 21st century which is characterized by modernization and technological advancement, will also be marked by the emergence of geoeconomy which replaces geopolitics. As long as it concerns the Western Pacific states which are mostly developing countries, one of the main requirements to increase the status of their geoeconomic scale, is a resolute and controlled national and regional stability.

To achieve the above condition, there are two tendencies worth considering. Firstly, stability has become the interest which binds all Western Pacific states, so the maintenance of stability should refer to the need for cooperations; Secondly there is a need for cooperation in the economic field in the frame of enhancing bargaining position in the competition with other economic blocs.

The tendency for multipolar influence has been decreasing. And this has resulted in an inclosed need for regional security cooperation. The regionalization, however, cannot be created without any preceding dynamic and established bilateral relationship among the concerned states. A harmonious multilateral relationship will be realized if it is also based upon strong and harmonious bilateral relations.

With the increasing economic and trade activities in the Western Pacific Region, its regional security issues, particularly maritime security must get common consideration among the states in the region.

The first thing that should be agreed upon is that maritime security is no longer the only concern of the armed forces, in this case the navy, but it could involve other states' assets non military strength. The most important thing is that there should be the same perception on security. For us in Indonesia, security means the overall condition of our state and nation, covering political, economic, sosio-cultural and defence-security.¹⁾

2. Maritime Issues in the Western Pacific Region.

Most of Western Pacific states consist of archipelagic and coastal states in which geostrategic interaction is carried out through the sea-borders of the respective states jurisdiction. The maritime issues have therefore become the main concern in this region.

Furthermore, this region is also a heterogenous one in which there exist differences in perception of politicals, socio-cultural ethnic, religions and languages.

Regional economy depends mostly on trades, 90 % of which is transported by sea. For example, about 200 ships sail daily through the Malacca and Singapore strait which connect the Pacific and the Indian Oceans. The Geography of certain states in

this region is depended on the Sea Lanes Of Communication (SLOCs) for their internal and external trades due to the lack of land transportation facilities.

In line with the rapid growth of economy and trade, it is no doubt that in the future the volume of traffic of ships using the SLOCs will increase, because sea transportation will still become the mainstay because of its low charge and huge transport capability. Besides, the region has a potential market and an abundance of natural resources so that sea transportation will be more crowded.

Current Global development also provides a good climate for tourism development. The data presented by John Naisbit in his book "Global Paradox" shows that tourism has become the greatest industry in the world. At present, tourism constitutes the greatest devisa contributor for certain states. In the 21st century there will be a big flow of tourism, markets all over the world and the Asian states will become the main tourist destination. Consequently, the sea transpotation by ships for this purpose will be increasing in the future.

The negative impact which may arise from such crowded transportation is ship collisions. These kinds of collisions will cause dual effects, Firstly, the ship will sink and will disturb ship traffics in the said SLOCs; And, secondly, there will be sea pollution due to the spilled oil which will endanger the environment. The following result is the loss of human lives sinking in the sea. The spilled oil and other poisonous materials

are not only caused by ships collision, but they are also caused by the irresponsible ships which intentionally throw such materials into the waters when passing through them.

The difference of economic level and income among neighboring coastal states will stimulate the rise of smuggling. Smuggling is performed in different levels and quality. Low-level smuggling is conducted by middle level society and below in the form of smuggling daily basic needs or primary commodities. On the other hand, high-level smuggling is commonly executed by merchants or high level exporters who take advantage of the weaknesses of the existing regulations.

Other maritime issues which continuously need attention are illegal fishing, thief of natural resources at sea, illegal imigrants or border crossing, drug-trafficking, spread of diseases and epidemy, and others. A new threat which is presently arising in the maritime field is the tranport of nuclear material (plotonium) and nuclear wastes. The leakage of nuclear material may occur due to failure of the system, or any unintentional activities, such as firing actions by pirates. Such possible nuclear leakage will certainly cause a calamity and huge loss at sea. Another thing which is also important is the law-enforcement at sea as the result of the enactment of UNCLOSs 1982 since November 16, 1994.²⁾

The states in the region have made a lot of efforts to overcome such maritime vulnerability, either bilaterally or multilaterally, for example: Traffic Separation Scheme (TSS) in the Malacca and Singapore Straits between Indonesia, Malaysia, and Singapore. Ferry Mishap Exercise between Indonesia and

Singapore on the safety of Ferry traffic between Batam Island and Singapore; Sulawesi Sea Oil Spill Response between Indonesia, Malaysia, and the Philippines on the handling of oil spill pollution at the Sulawesi Sea, and some other MOUs in the Maritime fields between two or more states.

All the handling efforts have yet to yield to a number of accidents and security disturbances occurred in the above sea lanes. Because SLOCs security and safety has currently become the main maritime issue in Western Pacific and Southeast Asia region and many states which have any interests on them, the role of big states should appropriately be increased. Maritime security can no longer be burdened on neighbouring coastal states, but it needs active participations of industrial states in the region. The advanced industrial states must also bear the burden and responsibility for the safety and security of the SLOCs. USA, Japan, and South Korea can give assistance in the form of fund, equipment, survey, or training because most coastal states in the Western Pacific do not have sufficient funds and equipment to handle maritime security issues in the neighboring waters. Besides, the aid provided should be in the frame of mutual beneficial cooperation among the states concerned.

3. Enhancing Training Cooperation in the Maritime Field.

Based upon the above mentioned situation, it is seemed necessary to handle the maritime security issues (mainly SLOCs) seriously and integratedly among the Western Pacific states. Currently, the existing maritime security cooperation is conducted either bilaterally or multilaterally among the

bordering states. The existing bilateral cooperation should be maintained, because this kind of cooperation will easily be developed to multilateral cooperation among the states in the Western Pacific Region. However it needs to be enhanced.³⁾

The above maritime security issues can be grouped into:

- a. Environment issues
- b. Safety issues
- c. Criminal issues
- d. Maritime Management issues

Some bilateral cooperation which has been conducted among ASEAN states, related to SLOCs, includes:

a. Marine pollution and oil spill response exercises among Indonesia, Malaysia, and the Phillipines which has become an annual exercise. The activity constitutes IMO commitment in the "Sulawesi Sea Oil Spill Response" arrangement and is carried out in 2 (two) phases, namely Command Post Exercise (CPX) and field exercise. Though it has become an annual exercise, we feel that this exercise still has considerable shortages.

b. ASEAN OSRAP (Oil Spill Response and Action Plan) among ASEAN states. This exercise is supported by Japan in the form of equipment. Indonesia involves 3 (three) agencies, i.e. BAPEDAL (The Board for Enviromental Impact Control), PERTAMINA (National Oil Company) and DITJEN PERHUBUNGAN LAUT (Directorate General of Sea Transportation).

c. SAR FEREX (SAR Ferry Mishap Exercise) between Indonesia and Singapore, an exercise aimed at overcoming ferry transportation mishaps in Riau Island and Singapore.

d. MOU between Indonesia and Australia concerning marine pollution and Oil Spill Preparedness and Response, which covers ground personnel training and field exercises at sea.

e. SAR Exercise at sea between Indonesia and Japan where the latter involves JMSA (Japan Maritime Safety Agency). The exercise covers sea rescue basic training for a special rescue team.

f. OPTIMA (Maritime Action Program) between Indonesia and Malaysia in the form of coordinating patrol to overcome criminal actions in the sea boundary of both states.

The above mentioned examples only brought forward some exercises which have been conducted by Indonesia and certain states, since we do not have sufficient data about maritime exercises in other states. We, however, believe that similar exercises have frequently been conducted in other states. From the Indonesian perspective and experience, we feel that the above mentioned exercises should be enhanced and perfected as follows :

a. Exercise management, covering logistic planning, execution and administration, needs to be improved and must be well comprehended by the exercise participants.

b. Exercise execution should follow the phases of ground command post exercises followed by field exercises at sea.

c. To be familiar with and to have a good command of equipment utilization, theoretical and practical exercises should be performed on the ground and at sea as well.

d. Methods of exercise should be composed of : lectures, discussions, briefing and field exercise.

e. Developed states such as the USA, Japan, and South Korea should send their expertises and instructors to give training in other developing states in the region. In addition to fund assistance in conducting training and the procurement of means and infrastructure.

f. Exchange of information in maritime issues should be enhanced.

g. The use of sophisticated technology in information systems such as should enhanced :

- 1) Video Conferencing (VC)

- 2) Computer Assisted Learning Systems (CALS).

4. New Training Program in the Maritime Field.

a. The need for openness, mutual trust, and cooperation is increasingly necessary among the Western Pacific states without sacrificing their respective state interests. This should be developed in line with the environmental change, which is becoming more complex and uncertain, in order to

gradually eliminate suspicious attitudes among each other and tension; and on the other hand, it will establish mutual confidence and cooperation which is beneficial to all parties. In relation to maritime issues, the MCSBMs (Maritime Confidence and Security Building Measures) should be developed. This concept is not only the military concern, but it can also be implemented in nonmilitary circles.

MCSBMs is offered so that the Western Pacific states can make closer cooperation in the maritime field based upon mutual confidence, and eliminate suspicion which may arise. To achieve such conditions it is necessary that the Western Pacific states be ready to openly give information related to the interest of maritime community activities. The information openness followed by the exchange of information will become the foundation for good cooperation among the states in the Western Pacific region. Facilities provided by the Western Pacific states which have the capability of carrying out training activities in the maritime field will enable others to conduct training such as :

- 1) Sea Pollution Response Training, particularly for the maritime states situated in the shipping lines which are vulnerable to sea pollution.
- 2) SAR training in the frame of modernizing equipment and the method to handle them in order to be more effective, efficient, and integrated.
- 3) SLOCs.

b. Safety on Transportation Nuclear Materials and Wastes.

Realizing the danger caused by mishandling and accident of nuclear materials and waste transportation at sea, there should be an agreement on determining sea-lanes allowed for the ships carrying nuclear materials and wastes. Procedures and regulations on transporting nuclear materials and wastes should be commonly formulated and arranged not only in the Western Pacific states, but also in all states in the world. The states which do not use nuclear power for weapons or energy do not have adequate knowledge and experience to respond to sea pollution caused by nuclear materials and wastes, therefore it is necessary to conduct training covering :

- 1) Education and training on responding to the danger of nuclear materials and wastes at sea.
- 2) Procedure of Cooperation on responding to such danger.

5. Archipelagic Sea Lanes in Indonesia Archipelagic Waters.

Indonesia is the largest archipelago in the world. It consists of five major island and about 30 smaller groups, altogether there are 17,508 islands. The archipelago is on a crossroad between two oceans, the Pacific and the Indian oceans, and bridges two continents, Asia and Australia. This strategic position has always influenced the cultural, social, political and economic life of the country.

In 1985, the Indonesian Government ratified the United Nations Convention on the Law of the Sea by Act No. 17. This is the legal basis of the Indonesian Archipelagic State.

Indonesia is one of the early ratifiers of the Law of the Sea Convention 1982. Indonesia is therefore engaging itself in implementing the various provisions of the convention. One of the various provisions deals with the establishment of archipelagic sea lanes through Indonesian archipelagic waters as stipulated in Article 53 of the Convention. It is our endeavour to comply with the provisions of the Convention. ⁴⁾

For a long time, the Indonesian Government was not so sure as to which is the 'competent international organization' referred to in the Article. It had some doubt as to the competence of IMO to deal with the designation of archipelagic sea lanes as stated in the Convention. After many years of discussion and through consideration domestically, Indonesia is now willing to consider IMO as the organization that has competence over the matter and therefore is now willing to submit the proposal to IMO for adoption after which Indonesia will designate them. ⁵⁾

The designation of archipelagic sea lanes in certain archipelagic waters does not affect the exercise of the right of innocent passage outside the sea lanes in the relevant archipelagic waters in accordance with article 52, paragraph 1 of UNCLOS.

The designation of the present archipelagic sea lanes shall be without prejudice to the designation of other sea lanes in

other parts of the Indonesian archipelagic waters in the future when Indonesia is ready to do so after conducting the necessary studies and surveys. Pending the designation of other sea lanes through other part of the archipelagic waters, the right of sea lanes passage may be exercised in the relevant archipelagic waters in accordance with the Law of Sea Convention, 1982.

For the purposes of safety of navigation and the safety of Indonesia, foreign tankers, vessels using nuclear energy, foreign vessels carrying nuclear substances and other dangerous goods, foreign fishing vessels, as well as foreign warships transiting through the Indonesian waters from one part of the Exclusive Economic Zone or the high seas to another part of the Exclusive Economic Zone or high seas are recommended to transit through the sea lanes in accordance with the Law of the Sea Convention, 1982 and other applicable rule of international law.⁶⁾

I think, I should inform you, that in order to implement UNCLOS '82, Indonesia has been participating in conferences of IMO and also having consultations with IHO about the archipelagic Sea Lanes. In determining the archipelagic sea lanes in Indonesia, there are much needs to be done, and now the Indonesian Archipelagic sea lanes is in the level of approaching the final process (still in process to be well prepared).

I personally believe that all efforts to determine archipelagic sea lanes in Indonesia in compliance with the UNCLOS '82 will be successful, because Indonesian Government always notify three factors, those are :

- a. User satisfaction.
- b. Fitness purposes.
- c. Parallel with national interests.

6. Conclusion.

Nowadays, the states in the Western Pacific region already have a common main agenda, that is the will to maintain and even enhance the present momentum, namely an established economic and trade development. This region has become an amazing source of economic power which in many ways has surpassed the Atlantic region as the world economic center.

In this regard, it should be realized that the SLOCs in this region (including the archipelagic sea lanes in Indonesian waters) connecting the trade routes between the Pacific and Indian Oceans are extremely vital for the national interest of all states in the region and some states outside the region.

Based on the existing facts, the SLOCs are quite vulnerable to many kinds of threats, in the context of low-intensity conflict. Therefore, bilateral and multilateral security cooperation of the states in the region is urgently needed to respond to such threats as sea oil spill, Search And Rescue (SAR), sea-hijacking and plundering, pollution caused by nuclear materials and wastes and others.

Cooperation in trainings on the maritime field of neighboring coastal states have considerably been carried out

either in a temporary term or in the frame of MOU between 2 or more states. Nevertheless, it is deemed necessary to make improvement in the field of personnel and equipment. The role of developed states in providing assistance in funds and equipment, as well as vocational training, is obviously needed. The use of personnel training methods utilizing such sophisticated instruments as VC and computers should be widely spread among relatively developing coastal states. It is also realized that to maintain good cooperation, openness and transparencies among the states in the region are needed, such as : exchange of information and research products in the maritime field as well as exercise plan, avoiding sensitive matters and lessening suspicion among each others.

At the last part of this presentation, I would like to bring forward a few suggestions as a new program for training in the maritime field as follows :

- a. Personnel training in responding to sea pollution caused by nuclear material and wastes.
- b. Personnel training in the field of information exchange utilizing modern technology.
- c. Training in responding to illegal trafficking.
- d. Cooperation in Marine Scientific Research.
- e. Establishing MCSBMs among the states in the Western Pacific Region.

The improvement of training in the maritime field, will hopefully present a significant contribution of the creation of maritime security and welfare in the Western Pacific Region. Therefore, the advantages of SLOCs can be really obtained by all countries.

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1, 2 & 3 INDONESIAN NAVY, "Enhancing the existing exchanges in training and promoting new venues for training in the maritime field", WPNS Workshop, Jakarta 15 & 16 August 1995.

4 & 5 Indonesian Statement on the Designation of Archipelagic Sea Lanes. London, 3 December 1996.

6 MARITIME SAFETY COMMITTEE, 67th session, Agenda item 7. "SAFETY OF NAVIGATION" : Designation of certain sea lanes and air routes thereabove through Indonesian archipelagic waters. Note by Indonesia, 30 August 1996.



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E l e v e n t h I n t e r n a t i o n a l C o n f e r e n c e
o n
T H E S E A L A N E S O F C O M M U N I C A T I O N (S L O C) S T U D I E S

THE ROYAL PARK HOTEL, TOKYO
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**THE ECONOMICS OF SLOC PROTECTION:
AN OVERVALUED MISSION**

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INTRODUCTION

The protection of sea lanes or the military acronym "SLOC", which stands for sea lines of communications, has historically been the *raison d'être* for navies worldwide. While the military value of keeping open the sea lanes for delivering troops and materiel in the shortest and quickest route possible has remained constant throughout history, the economics of keeping SLOCs open has diminished greatly in the global context. When one strips away the veneer of emotionalism cloaking the SLOC protection mission, the economic value of keeping open specific sea lanes is revealed to be dubious.

Furthermore, the definition of SLOCs has become confused and imprecise in modern day literature. The concept of SLOCs in reality equates to geophysical chokepoints like straits and canals. This connection is critical, since references to sea lane security from the Arabian Gulf to Japan rarely mention protection of the Arabian Sea, Indian Ocean, and Pacific Ocean, all bodies of water that ships must traverse. Instead, SLOC protection focuses on Strait of Hormuz, Strait of Malacca, Taiwan Strait -- in other words, "chokepoints" that connect specific sea lanes. No one can reasonably assume that an effective and systematic interdiction of ship traffic can take place in open oceans where ships can divert in any direction. It is only at the chokepoints that ship traffic and trades can be effectively hindered or harassed. So for the purposes of this article, SLOCs are synonymous with chokepoints.

BACKGROUND

Before deconstructing the conventional wisdom of SLOCs, let us examine the forces that gave rise to this catechism. First, the notion of SLOC protection for economic reasons became enshrined in Alfred Thayer Mahan's seminal book, *The Influence of Sea Power Upon History, 1660-1783*, first published in 1890. Therein lies the problem. Mahan's observations and lessons were drawn from the days of classical mercantilism where autarkic empires battled over a *finite cake of maritime trade*. To apply his lessons to today's maritime environment is sheer folly and, not to mention, dangerous, as it can lead to *gross policy miscalculations*. Second, a combination of tunnel vision on the part of the military services and ignorance on the part of the mass media and the general public continue to sustain the durability of the SLOC catechism in the face of what are arguably revolutionary changes in the maritime environment since Mahan's time.

For example, military planners are concerned with getting troops and materiel from point A to point B in the quickest way possible. *Because SLOCs facilitate the military objective, many assume that what is true for the military must also be true for commercial shipping. This proposition has been historically true where both naval and merchant ships depended on the land for logistics (i.e., coaling stations for fuel) and, therefore, traversed sea lanes established for that purpose. But with the advent of oil-fired engines and subsequent improvements in ship engine technologies, ocean-going ships gradually became independent of land support systems for much longer periods of time. Combined with the globalization of trade and continuing advances in ship engineering, sea lanes today are no longer dictated purely by the geography of the land-bound end points of their trades.*

In contrast to the military planner's objective, the ocean carrier seeks to maximize revenues from point A to point B. *Even that is overly simplistic when applied across the broad spectrum of ship types in operation today. For example, container ships, vehicle carriers, and liquefied natural gas carriers offer value-oriented services, whereby a significant part of their revenues is derived from meeting the customer's delivery schedules. In the bulk shipping sector, revenues are derived from ton-miles; that is, the longer the distance a cargo moves, the more revenues generated (i.e., a ton of oil transported from the Middle East to Northern Europe via the Cape of Good Hope generates two or three times as much demand for sea transport as the same tonnage of oil shipped from North Africa to Marseilles, France).*

In a SLOC closure scenario today, the differences become even more palpable. Take the Suez Canal for example. *For the navies operating in the Atlantic and the Mediterranean, the loss of the Canal complicates crisis-response times east of the Suez. Moreover, one cannot exchange the capabilities of one navy for another (i.e., substituting the U.S. Atlantic Fleet for the Indian Navy). Only a true trans-oceanic navy provides an effective response, and there is only one today, the United States Navy. In contrast, the economic response entails much greater flexibility. Not only are commodities fungible, but the origin of suppliers as well. For example, coal can be substituted for oil or natural gas for power generation. Further, coal sources west of the Suez, such as in Brazil, the United States, and Canada can be substituted for coal supplies east of the Canal, in places like Australia and Indonesia.*

Moreover, some shipowners benefit, *since a diversion usually requires more tonnage to transport cargoes over longer distances. For some ship types like the container vessels that adhere to stringent delivery schedules, the closure can become problematic. Yet, there are a variety of countermeasures available, including employing bigger and faster ships to maximize economies of scale, utilizing different hubs and feeder strings, and employing a different combination of transport modes (i.e., substituting part of the ocean voyage with rail and/or road transport).*

Consequently, the range of responses for the navies remains relatively unchanged since Mahan's time, whereas there is a much greater breadth of options

available to shipowners today. This discrepancy reflects the remarkable changes that have occurred to global shipping in the post-WWII era. These changes partly account for why the conventional wisdom regarding the economic value of SLOCs is anachronistic.

SLOC CASE STUDIES

In a SLOC closure scenario, no one disputes the fact those nearest the SLOCs would certainly be affected, but those are also the entities most motivated to keep the SLOCs open. Where conventional wisdom goes astray is in implying that the economies outside the area remain vulnerable to a closure. For example, just about every literary reference to the South China Sea notes the huge volumes of Arabian Gulf crude oil moving through there to Japan, South Korea, and China. Consequently, nearly everyone considers the South China Sea as "strategic"; so much, so that it has become a shibboleth. But is it, in fact, true?

SE Asia SLOCs

In the *Chokepoints: Maritime Economic Concerns in Southeast Asia*¹ study published by the National Defense University (NDU), the analysis noted that if all the straits, including Malacca, Sunda, Lombok, Makassar, and the South China Sea, were closed and the ships diverted around Australia, the extra steaming costs would amount to roughly \$8 billion per year based on 1993 seaborne trade flows. Keep in mind that the extra costs are predicated on the SE Asia SLOCs being closed for an entire year. If some of the SLOCs were re-opened (i.e., only Lombok and Makassar) or the entire closure lasted three months or even 20 days, then the total extra steaming costs would be significantly lower. Even so, the \$8 billion number pales in comparison to the \$16 billion worth of damages suffered from Hurricane Andrew in the United States in 1992, or the \$13 billion amount of sales lost worldwide to software piracy in 1995.²

On a national level, the study points out that, if Arab crude and gas had to divert around Australia, only \$1.5 billion would be added to Japan's energy bill. If only the South China Sea route closed, crude oil from the Arabian Gulf would cost Japan an extra \$200 million/year. In either situation, the added costs represent a small fraction of Japan's total energy bill. The annual value of Japan's crude oil imports alone ranges anywhere from \$50 to \$100 billion, subject to oil pricing and exchange rate fluctuations. The extra costs also pale in comparison to the economic costs inflicted by the Great Hanshin Earthquake in Kobe, Japan on 17 January 1995. Despite the reported repair costs in the range of \$90 to \$150 billion, overall Japanese industrial production and GDP actually benefitted from increased public works spending for reconstruction efforts.³

The NDU study notes even lesser costs for China, South Korea, and others, including the United States. It does point out the obvious that those nearest the SE Asia SLOCs, in particular the countries of ASEAN, would suffer the most. Yet, the

study suggests that their vulnerability is a stabilizing factor since, for these countries, any unilateral action would be akin to cutting their own throat.

Overall, the study leaves little doubt that there are minimal economic consequences for those outside the closure area. Yet, there are those who continue to argue that even indirect economic interests are worth defending, since instability anywhere is transparent because of a single world market for goods and services. The problem with such arguments is that it does not pass the "clear and compelling" test for military involvement. The Bush Administration's struggle to justify deployment of U.S. military forces prior to Desert Shield/Desert Storm is a reminder of such difficulties. Certainly there are arguments for intervention in SLOC closures; however, in the case of the SE Asia SLOCs, there may be political or strategic rationales that provide a more compelling and defensible justification than economic ones.

In addition, there are arguments that commercial shipping interests must be defended wherever they are threatened. In the past, such arguments were easy to translate into practice in an era where trade was predominantly carried aboard national-flag fleets, but that is not the case today. Shipping has gradually evolved from a national entity to a pure commercial enterprise that rarely pledges national allegiance. With over 90,000 merchant ships plying the world's oceans and flying at last count 197 separate flags, the challenges are enormous for policymakers and naval planners in determining the multiple interests in a single ship; in short, separating friend from foe. Take for example a ship transporting a cargo of passenger cars from North America to Europe:

Cars made in the United States from Japanese-owned plants, German-owned plants, and U.S.-owned plants with parts shipped in from Mexico and Brazil are loaded aboard a ship, owned by Sweden; financed by offshore banks in the Cayman Islands; managed by a Singapore firm; registered in Panama; chartered to a U.S. freight forwarder; crewed by a complement of Danish officers and Filipino and Indian seafarers; insured in London, re-insured in Germany; and subsequently unloaded in several European ports.⁴

This bewildering and complex web of interests is rapidly becoming the norm in the shipping industry for the following reasons:

- ◆ Borderless finance;
- ◆ Increased capital requirements for shipbuilding;
- ◆ Pressures to reduce costs and evade stringent regulations; and
- ◆ Expanding global trade and trade relationships.

The opaqueness of interests behind the ship and its cargo translates into a sobering reality for navies: interdiction of a ship in international waters creates an impact far beyond the flag it flies. The challenge then becomes how to determine precisely who is being affected and on whom may they call for assistance.⁵

Suez Canal

A closure of the Suez Canal would yield similar results, which is a localized impact with negligible consequences on a global scale. According to the Office of Naval Intelligence's *Suez Canal/SUMED Complex: Global Trade and Shipping Implications in the Event of Closure*⁶, if the Canal were closed for a whole year and all ships began trading around the Cape of Good Hope, then the extra steaming costs would amount to roughly \$17 billion per year based on 1994 seaborne trade flows. The costs are double the estimates for the SE Asia SLOCs, since the detour route around Africa is significantly longer.

Nevertheless, when put into perspective, the additional cost of \$17 billion is barely a hiccup in the annual ebb and flow of world trade in merchandise goods, which were worth \$8.5 trillion in 1994.⁷ Moreover, the extra steaming costs are vastly overstated, since they are based on the same ships going through the SLOC area and the diversion route. This is not likely to happen in the real world. For example, the oil that goes through the Canal is usually aboard Suezmax tankers that can accommodate the shallow draft of the Suez. Based on full carrying capacity, these tankers normally carry a cargo of 150-160 thousand tons. If the Canal were closed, the oil would most likely go aboard very large crude carriers (VLCCs), which have a cargo capacity of 200-280 thousand tons, for the trip around the African Cape. Consequently, the employment of VLCCs would not only require fewer trips for the importing customers, but also lower their annual shipping bill.

This is already borne out in reality by the ONI study. Virtually all of the Gulf crude destined for North America, Latin America, and North Europe goes around the Cape aboard VLCCs. Only the countries of Europe that border the Mediterranean receive any significant quantity of oil via the Canal. In particular, the two countries most heavily dependent on the Canal for oil are Greece and Turkey, accounting for 42.3% and 72.6%, respectively, of their total oil import requirements in 1994. This is obvious for reasons of geographical proximity.

Since the data was based on 1994 seaborne trade flows, both Greece's and Turkey's dependence on the Canal for oil has since abated with the increased use of the SUMED pipeline that bypasses the Canal from the Gulf of the Suez to the Mediterranean outlet of Sidi Kerir and the re-opening of the Iraqi pipeline through Turkey to another outlet in the Mediterranean, the port of Ceyhan. In addition, the planned exports from the Caspian oilfields represent another potential source independent of the Canal.

In terms of total trade through the Canal, only Turkey and Greece would feel the impact of closure. Even so, a significant portion of their trade is in crude oil and refined products from the Arabian Gulf, for which there are an abundance of alternative suppliers. The value of their total Suez trade in 1994 represented only 2.4% and 5.7% of Turkey's and Greece's Gross Domestic Product, respectively. While the

competitiveness of their exports in markets east of the Suez would suffer, the continuing development of the Central and Eastern European economies represent another market for their exports.

The biggest loser in a Suez closure would be, of course, Egypt. The Canal generated over \$150 million/month in toll revenues in 1994, placing it in the top four in foreign exchange earnings for the government. The loss of the Canal could lead to civil unrest, threatening the downfall of the Mubarak regime. This poses a strategic rationale that may justify outside military intervention. It should be noted, however, that Egypt recognizes the importance of the Canal and has taken extraordinary security precautions in light of this.

Strait of Hormuz

Proponents of SLOC protection for economic reasons cite the Strait of Hormuz as their trump card. Its importance as a maritime chokepoint for the world's oil exports is not disputed. The Hormuz, however, is a unique SLOC because of its proximity to the oilfields, which hold two-thirds of the world's proven oil reserves, and the fact that only 10-20 percent of the world's spare production capacity currently lies outside of the Arabian Gulf⁶. Without these two conditions, the Hormuz would cease to be a SLOC with global economic implications. Nevertheless, the uniqueness of the Hormuz does not invalidate the following proposition: SLOCs are not essential to the free flow of seaborne commerce.

Moreover, Hormuz's "oil" factor is so powerful and pervasive that it has led many to wrongly assume that other SLOCs, which handle large volumes of oil, must be equally critical. First, the assumptions ignore the unique geography of the Strait of Hormuz, as it handles over 14 million barrels per day (mbd) aboard tankers transiting outbound, for which only 43% or 6.1 mbd could not be diverted to alternate loading terminals in the region. Similar conditions do not exist for any of the world's other SLOCs. Second, there are equally critical minerals and commodities that go by sea, which do not possess the same degree of "politics" surrounding oil. Third, the fact that large volumes traversed a specific lane does not indicate the absolute limits of shipowners to respond to changes in trade patterns. The reason has more to do with market conditions than technological or operational constraints. The choice of route is a function of market conditions. Suppose one or a combination of the following occurs:

- Steady decline in bunker (marine fuel) prices
- Rising oil demand in Far East markets
- ASEAN decides to levy a tariff in Malacca Strait to fund environmental cleanup efforts

In the first two instances, normal economic events cause certain shipowners to decide that it is more profitable to shift tankers from other routes that exceed the draft limits of Malacca to traverse the longer route via Lombok Strait, since higher spot charter earnings (due to increased demand for tonnage) on the Middle East to Far East routes offset the minimal increase in bunker costs (due to additional 3-4 days steaming time) compared to market conditions six months earlier. The second is a result of a political decision that set the tariff too high, forcing more shipowners to use the Lombok route. In either case, shipowners made a routing decision based on prevailing market conditions affecting their bottom line.

LESSONS LEARNED/IMPLICATIONS

In assessing the criticality of a SLOC, the responsiveness of the shipping community to a disruption determines whether the trade is merely delayed due to longer transit times or denied access to the markets. With the exception of the Hormuz, SLOCs generally fall into the former category. The methodical analysis of both trade and shipping through the SE Asia SLOCs and the Suez Canal suggests that as long as there is sufficient shipping capacity to accommodate the increased demand for tonnage in a diversion scenario, the impact of extra steaming costs is negligible on the economies outside the closure area. No instances could be found where economies would be denied access to the trade due to prohibitive transportation costs. This is further buttressed by the real-world closures of the Suez Canal in 1956-7 and 1967-75. In both instances, pressures for outside intervention based on economic rationales did not occur. Why? The reason is simple: The shipping markets responded by providing the appropriate tonnage necessary to carry that trade at minimal extra cost, both financial and political, to the global economy.

Yet, this historical lesson has apparently been lost during the present day debates over future missions. All that is missing from the debate is a basic understanding of economic principles, particularly maritime economics. The antidote is not to require all to take courses in maritime economics or have a basic understanding of the shipping industry. Rather, it is to recognize the central role shipping markets play whenever a disruption to seaborne trade flows occur. In these situations, it is essential for military planners and policy-makers to have ready access to commercial maritime expertise in order to ask the right questions, which, in turn, will lead to the development of more realistic national security plans, policies, and programs.

¹ National Defense University, Chokepoints: Maritime Economic Concerns in Southeast Asia (Washington: NDU Press, 1996).

² Washington Post, 18 Dec 1996, p. E1.

³ The January 17, 1995 Kobe Earthquake: An EQE Summary Report, April 1995.

⁴ D. Coulter and A. Goldman, "Global Shipping Trends and Implications for Navies", Chapter 6 in forthcoming book titled, Multinational Naval Cooperation and Foreign Policy in 21st Century (London:

Dartmouth Publishing Co., 1997). This chapter is based on presentation delivered at Halifax Maritime Symposium held in May, 1996, co-sponsored by SACLANT and Dalhousie University.

⁵ For more information on maritime challenges, see Office of Naval Intelligence's publication, Worldwide Maritime Challenges, 1997. Requests for copies can be made through the Navy's public affairs office, CHINFO, located in the Pentagon.

⁶ Office of Naval Intelligence, Suez Canal/SUMED Complex: Global Trade and Shipping Implications in the Event of Closure. Scheduled for release in early 1998 by the National Defense University Press.

⁷ International Monetary Fund, Direction of Trade Statistics Yearbook, 1995.

⁸ Office of Naval Intelligence, Strait of Hormuz: Global Trade and Shipping Implications in the Event of Closure, 1997. Scheduled for release in early 1998 by the National Defense University Press.



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**HUB PORTS AND FOCAL POINTS:
NEW ENTRANTS IN THE
MARITIME SECURITY LEXICON**

The World Strategy Forum of Japan
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HUB PORTS AND FOCAL POINTS: NEW ENTRANTS IN THE MARITIME SECURITY LEXICON

INTRODUCTION

Amid the constant din of competition among ports worldwide for "hub" status, the global economy is quietly being connected by a series of focal points, which are becoming synonymous with hub ports. In an era of economic globalization, ports are evolving from a traditional interface between land and sea to providers of complete logistics networks. The momentum of this trend is creating a port shakeout, leading to the development of a sharply delineated hierarchy on a global scale. Ports are being increasingly differentiated by their ability to handle the latest generation of container ships coming on stream. With the trend towards even bigger container ships, fewer and fewer ports are becoming capable of handling these ships. As a result, the flexibility of world seaborne trade flows in the face of a disturbance, whether man-made or natural, is becoming increasingly constricted.

While the emergence of the hub-and-spoke networks in the container liner industry in the past decade has been widely noted in shipping literature, much less has been written about the underlying maritime security implications of hub ports. With respect to vulnerabilities in seaborne trade flows, we are accustomed to thinking in terms of chokepoints, which are heavily defined by physical geography. Examples that come to mind are the Strait of Hormuz, Suez Canal, and South China Sea. Instead, the more potentially disruptive effect resides within hub ports like Singapore and Rotterdam, which possess similar attributes of a chokepoint, since they "collect" numerous trades at a single concentrated point; henceforth, the name "focal point."

The difference between the two lies in the response mechanisms in a disruption scenario. In the case of chokepoints, ships may deviate around an obstacle, and the business inventory cycles can adjust accordingly, since the amount of extra transit times can be calculated with a high degree of certainty. With focal points, the effect is both cascading and chaotic, since ships in a hub-and-spoke network adhere to a stringent and fixed sailing schedule. This, in turn, makes the necessary adjustments in inventory cycles more difficult to formulate quickly and effectively.

In an attempt to identify the drivers behind the hub port phenomena, this article purposely focuses on the container trades, while neglecting entire segments of the bulk commodity trades. The reasons for doing so will become evident in the following section.

COMMERCIAL MARITIME ENVIRONMENT

The focus on the shipping industry today is on pursuing greater economies of scale to generate lower unit costs per ton or container moved. This is certainly true of the container liner industry where the term "mega" is de rigueur. For instance, there are three mega-alliances (Global, Grand, and Sea-Land/Maersk)^a that control over 70 percent of the world's container slot capacity.¹ In their quest for dominance, they are ordering mega-ships of 6000-TEU^b capacity and greater in efforts to leverage their enormous economies of scale to force their smaller competitors to be either swallowed or relegated to marginal/niche trades. These mega-ships are chiefly employed on the high-volume or mainline trade routes, and they call principally at hub-ports equipped to handle these ships. These hub ports are dubbed "mega-ports," for their ability to handle these monster ships. Such ports must meet the following criteria: minimum quay length of 300m; minimum draft of 15m without tidal windows; and minimum crane outreach of 48m. The ports that qualify will then need to ensure fast turn-around times for these ships or risk losing the alliances and the many associated feeder connections. For ports not selected by the mega-alliances, the choice will then be to either invest heavily in an attempt to gain "hub" status or seek their market serving niche or feeder trades that typically employ ships less than 4000-TEU capacity.

Thus, this "mega" phenomena is sparking a coalescence of power, which is dividing the container world via ports along the lines of volume, strength, and reach. With plans on the drawing board for containerships up to 16,000-TEU capacity, the port shakeout is far from settled. What is clear is that there will be an inverse relationship between the size of the ship and infrastructure capabilities of the ports to handle them. The price of admission to the exclusive "hub" club will not be determined by geography or technical factors, but rather by the amount of capital investments and politics. Dredging for deeper draft, ordering the latest generation of cranes, and expanding the land available for port development not only require huge sums of capital, but also deft navigation of the political and environmental approval process.

The fate of ports worldwide is also being determined by the development of hub-and-spoke service networks. Such a network allows the ocean carriers to do the following:

- ◆ to serve effectively smaller markets where volumes do not warrant direct calls;

^a Global Alliance -- Tokyo-based Mitsui O.S.K. Line (MOL), US carrier American President Lines (APL), Orient Overseas Container Line (OOCL) of Hong Kong, and Netherlands-based Nedlloyd Line; Grand Alliance -- Japan's NYK Line, Singapore's Neptune Orient Line (NOL), Germany's Hapag-Lloyd, and UK-based P&O Containers; and US carrier Sea-Land and Denmark's Maersk Line.

^b Twenty-foot Equivalent Unit -- standard measurement of size (length) for the container shipping industry. Although containers are available in a variety of sizes, capacity is typically calculated in TEUs.

- ♦ to reduce container repositioning costs by giving carriers multi-loading opportunities and enhanced utilization of mainline vessels;
- ♦ to eliminate duplicated ports of call for those carriers with multiple service strings; and
- ♦ to negotiate a volume contract that can make the cost of the whole voyage, including its feeder connections, more competitive.²

In isolation, the hub-and-spoke network represents a seemingly innocuous development; but when put into the context of the following trends, its significance in terms of maritime security becomes real:

♦ **Shift from Ocean Carrier to Total Logistics System** -- The carriers' strategy has shifted from a port-to-port to a door-to-door focus. The container made this shift possible by virtue of its interchangeability among the various modes of transport (road, rail, sea), giving birth to the term, "intermodalism." Containers packed with goods at the point-of-production can be transported over water and land without ever being opened until they reach their point-of-sale of final destination, creating a secure, seamless flow of goods from the manufacturer to the retailer.

♦ **Greater Concentration of Trade Flows** -- The worldwide spread of containerization has led to traditional commodities like raw cotton, sugar, woodpulp, waste paper, raw timber, and even grain to become increasingly containerized. The growth has been phenomenal with no signs of slowing down as illustrated below:

Figure 1: Containerization of Global General Cargo Trade (million tons)

	1980	1985	1990	1995(est.)
General Cargo	527	552	673	740
Containerized Cargo	120	172	269	408
% Containerized	23%	31%	40%	55%

Source: Drewry Shipping Consultants

Consequently, once specialized trade flows carrying specific commodities to ports with general cargo-handling facilities are gradually merging to form a steady stream of containers to ports equipped only to handle containers. For bulk commodities like iron ore, coal, and crude oil, there is less concentration due to geographical diversity of supplies.

♦ **Globalization of Production Facilities** -- Manufacturing is becoming a process of bringing together and assembling raw materials, parts and semi-finished products from all over the world. Only final assembly adjustments are carried out in local markets. To imagine the scale of this complexity, take the automotive giant, Ford, for example:

Ford owns 154 factories worldwide. Of these, 58 are "vehicle operations" plants which make tools/dies, fabricate body frames and stampings and actually assemble vehicles. Then there are 55 "powertrain plants" making castings, forgings, transmissions, chassis and engines. A further 41 plants make "automotive components", i.e., body trim, glass, fuel systems, electronics, climate control equipment and plastic items. Then there are another 30 joint-venture plants (mainly Asia) making a whole range of items. Many of these plants' outputs must be moved to

other plants as the production processes progress. In addition, the plethora of "vendor" components -- brought in from outside suppliers -- have to get to where they are needed.³

This is not just limited to Ford and automobiles. Nike, the venerable athletic shoe-maker, has a similar degree of complexity. For example, the Air Max Penny shoe, named for NBA basketball star Anfernee "Penny" Hardaway, is made up of 52 different components coming from five different countries.⁴ Not only do all the materials have to come together, they have to come together at the right time. And the flexibility of container movements makes this possible. It is no coincidence that there were roughly 125 million TEUs worth of port moves recorded worldwide for only 9.25 million TEUs in 1995.⁵ In layman's terms, one container on average travels around the world twice in a single year.

◆ **Adoption of Electronic Data Interchange (EDI) Systems** -- Advances in information technologies have made EDI systems practical and cost-effective. EDI allows the ocean carrier to optimize the intermodal system from end-to-end in a seamless fashion. In many cases, it actually eliminates significant steps in the process; and, in other cases, it simply optimizes the transfer at the nodes and/or selection of the best mode between the nodes. EDI also facilitates further integration of trade and trip transactions with financial management systems, as well as transportation system planning, operations management of carriers, etc.⁶

◆ **The Rise of Supply Chain Management as a Discipline** -- The constant need to reduce inventory investment and speed products to the market have prompted companies to focus on supply logistics in their quest for a competitive edge. Future emphasis will center on consumers choosing to view how a product gets delivered as an actual part of what they are buying, based on the theory that as goods move faster, then the logistics directly affect the value and overall buyer appeal rises. In this instance, speed and selection can become more important than price. As a consequence, many companies are shifting logistics strategies from "operational effectiveness" to one of customer "value maximization."⁷

The compounding effect of these trends has unwittingly created a global "just-in-time (JIT)" transport system that is highly susceptible to either electronic or physical means of interruption. Moreover, as global competition accelerates, the "excess" margin is likely to diminish in the overall transportation system. This, of course, constrains the flexibility of logistics planners to respond to sudden and unanticipated events. While the JIT philosophy may be good for the bottom line, it does not place a premium on contingency planning. This is a concern that neither the commercial nor the military world have adequately addressed.

THE HUB PORT AS WEAK LINK

The vulnerabilities of JIT to disruption and its subsequent economic impact are well known. Consider the impact of the 17-day strike in March 1996 by a local United Auto Workers (UAW) union at two Delphi Chassis Systems brake plants in Dayton, Ohio. The strike virtually shut down General Motors, halting production lines at 22 of its 29 assembly plants in the USA and Canada. More than 75,000 workers were without paychecks at parts and assembly plants from Chihuahua, Mexico to Lordstown, Ohio to Oshawa, Ontario.⁸ The strike lasted long enough to shave a half a percentage point off the growth in Canada's gross domestic product (GDP) in the first quarter of 1996.⁹ It also provided a particularly instructive comment by David Andrea, director of forecasting at *AutoPacific*, an auto-marketing firm, who said, "There just isn't the slack in the [JIT] system to keep assembly plants running for two to three weeks anymore."¹⁰

Indeed, like the Dayton brake plant, the hub port is the weak link in the global transport chain. The Great Hanshin Earthquake that destroyed the Japanese port of Kobe on 17 January 1995 provides an excellent case study. At the time of the earthquake, Kobe was Japan's biggest international trade hub and a major production and logistics center:

- ◆ Handled 25% of all trade from Asian countries going to North America and Europe¹¹;
- ◆ Accounted for 17.8% and 14.5% of Japan's total exports and imports, respectively, by value in yen¹²;
- ◆ Handled more than 10% of Japan's total ocean freight¹³;
- ◆ Kansai region, which includes Kobe, accounted for 20% of Japan's GDP¹⁴; and
- ◆ Kobe accounted for half of the world's supply of flat-panel displays found in personal computers.¹⁵

The global impact of the earthquake was best described by the headline that appeared four days later on the front page of the *New York Times*, "Quake in Japan: Kobe Earthquake Disrupts the Flow of Global Trade."¹⁶ The article notes that the "effects of the quake, which made the port unserviceable, were being felt in many parts of the world, with companies in Japan and the United States having to hold back goods. The closing of the port and uncertainty of finding alternate routes had a domino effect."¹⁷

Yet, the worst fears of Kobe paralyzing global trade did not materialize. The Japanese ports of Osaka, Nagoya, Tokyo, and Yokohama and the regional ports of Pusan, South Korea and Kaohsiung, Taiwan were able to handle the diversion of the ships enroute to Kobe. The global impact was mitigated by the fact that a large part of Kobe's business involved the transshipment of containers. Since the container handling infrastructure was relatively standardized in most Japanese ports and throughout the Pacific Rim, the diversion of containerships was accomplished with relative ease and with minimal delays. The location of transshipment was not dependent on the physical infrastructure, but rather on pricing and service.

However, all that changed with the introduction of 6000-TEU containerships. The "6000-TEU" number is significant since neither this specific ship designator nor the container cranes to handle these behemoths were in existence before the Kobe earthquake. The first 6000-TEU ship did not enter service until a year later in January 1996, and the first cranes specifically designed to handle them were on the drawing board when the earthquake struck. Since the introduction of the 6000-TEU ships, the ocean carriers are in a race to "outsize" their competitors by ordering ever larger sizes of containerships. In comparison to two 4000-TEU ships, a single 8000-TEU ship requires less capital expenditure for newbuildings and offers up to 20 percent savings in annual operating costs. This ordering frenzy has prompted *Ocean Shipping Consultants* to declare in a recent report that "8000-TEU ships will be dominant in all trades by 2010."¹⁸

The significance of this statement is that as the popularity of these behemoths increases, the fewer and fewer ports there will be to handle them. For example, there are only two ports on the Atlantic side of North America -- Halifax, Nova Scotia and Freeport, Bahamas -- that can handle the latest generation of containerships on order. None of the ports on the East Coast of the United States are capable yet. Thus, the flexibility of ships and trade to divert will not be as elastic as was at the time of the Kobe earthquake. Not only are there significantly less ports capable of meeting the criteria of handling >6000-TEU ships, they are spread around the globe. This means that the loss of a hub port half way around the world creates a cascading effect, since the >6000-TEU ships represent the linchpin of a fixed and regular delivery schedule on a global basis.

CONCLUSION

With the global port shakeout underway, the eventual winners in the "hub port" sweepstakes may engender significant maritime security implications. This emerging phenomenon has added a new concept to our maritime security lexicon: **focal point**. Similar to the chokepoint concept, the focal point represents a vulnerable link in the chain of the free and orderly flow of maritime commerce. However, it differs in several important respects:

- ◆ Unlike in the case of chokepoints, ships cannot circumvent focal points -- they have to unload and load cargoes;
- ◆ Focal points deal with matters of sovereignty as opposed to "freedom of navigation" and "innocent passage" in strategic waterways or maritime chokepoints;
- ◆ Business inventory cycles are much more susceptible to disruption from a focal point than a chokepoint;
- ◆ The economic consequences from the loss of a focal point are much more unpredictable and transparent than a chokepoint closure; and
- ◆ The threats to focal points are both "electronic" and physical, whereas only the latter applies to chokepoints.

These differences call for a quantum leap in strategic thinking concerning maritime security. The term "focal point" should become part of the national security vernacular. It is not enough, however, to recognize the potential significance of the focal point concept. There must be an institutional "awareness" of its significance before a shift can occur in the paradigm for the security of maritime trade. Only will such an awareness lead to a multi-faceted and multi-layered approach to the maritime and general security of global trade.

¹ Lloyd's List Maritime Asia, October 1996, p. 50.

² Containerisation International, June 1997, p. 43.

³ Containerisation International, February 1997, p. 33.

⁴ Far Eastern Economic Review, 29 August 1996, p. 5.

⁵ Containerisation International Yearbook, 1996.

⁶ J.S. Gansler, "Realizing An Intermodal Future: Research and Development Issues in the Commercial, Military, and Public Arenas," Paper presented to the U.S. Department of Transportation Research Board Committee, 15 November 1995, p. 3.

⁷ Intermodal Asia, Summer 1997, p. 49.

⁸ USA Today, 14 March, 1996, p. 1B.

⁹ Vancouver Sun, 4 October 1996, p. D6.

¹⁰ USA Today, 14 March 1996, p. 1B.

¹¹ Business Times, 14 July 1995, p. 6.

¹² The Nikkei Weekly, 20 February 1995, p. 3.

¹³ LA Times, 20 January 1995, p. A11.

¹⁴ Ibid, p. A11.

¹⁵ Cable News Network, 24 January 1995, Transcript # 721-1

¹⁶ New York Times, 21 January 1995, p. 1.

¹⁷ Ibid, p. 1.

¹⁸ Fairplay, 10 July 1997, p. 38.

Comment on Mr. Daniel Y. Coulter's Paper on The Economic of SLOC Protection : An Overvalued Mission

By Tun Hwa Ko

Mr. Coulter's paper on the Economic of SLOC Protection is an outstanding writing. Evidently, the thought expressed therein is original, creative and provocative.

In essence, he points out that SLOC, in reality, equates to geophysical checkpoints. Interdiction and protection of SLOCs would largely take place at or near the checkpoints, not in the water bodies of open oceans where ships can divert in any direction. He also observes the catechism and emotion of the SLOCs believers who advocate the importance of SLOCs and their studies.

According to him, in time of war, the sealanes (or sea lines) can always be detoured, with some extra shipping costs which will not be much in comparison with other loss or expense (such as the damages received in a Earthquake in Kobe, 1995)

The following are a few points, nevertheless, I would like to bring out in connecting to Mr. Coulter's thinking:

- (1.) While it is true that the chockpoint are the places where the attackers and defenders of SLOCs will have to fight severely, it does not follow that the greater open parts of the oceans have nothing to do with the SLOC struggle.
- (2.) In the WWII, the sinking of British merchant vessels was at first too heavy to bear. It was in October 1943,¹ when Portugal granted the Allies the right to build bases in the Azores, which commands the sealanes from South America to Britain and from Britain to the Mediterranean and the South Atlantic, the ring of anti-U-boat defense was thus closed. The U-boat campaign failed so disastrously at one period more submarines than merchantmen were being destroyed. The AZORES Island may not be known as a chockpoint, as it is right in the middle of the North Atlantic.
- (3.) In the WWI and WWII, there were the surface commerce-raiders who attacked

ships on high sea. They had not particularly chosen the checkpoints because near the lands the attackers stood more chances of being detected by land based air patrols and by other coastal vessels. In WWI, the German Naval surface maruder, Emden, sailed from Tsintao, China, sank merchant ships in Indian Ocean on her way back home.² In the WWII, the famous merchant raiders, such as Atlantis,³ which sank 22 ships on her trip around the world. The last of the surface raiders was the motor ship Michet who sailed from Germany in early 1942 and sank 18 ships before being sunk herself by American submarine. Other German marauders were battle cruisers Scharnhorst, Admiral Scheer, Graf Spee and Bismark who had roamed the Atlantic Ocean before they were met by the British Task Forces.

- (4.) The protection of SLOC does not end near the checkpoints; it may include the bombing of enemy's submarines bases and their ship building yards, etc. It also include the attack on submarines when they try to approach or penetrate the screen of convoys, That might be the most decisive tactical moment of SLOC warfare.
- (5.) SLOC war is only a part of the logistic operations. It can't be separated from the total war fighting. SLOC should be considered as a supply pipeline. It will be hurt no matter the cuttings are in checkpoints or else where. The fighting for SLOC based also on the total national strength. If the industrial power of a nation, like USA, could build ships faster than the enemy could sink them, then its enemy was bound to loose the SLOC game and perhaps the war.
- (6.) In our modern time, the reconnaissance satellites can spot the locations of surface ships and can direct the submarines where to attack. Surface ships may rely their high speed to out distance the submarines. But, the surface ships may not always do so. The slower attackers may use their cruise missiles to lunch the attack at greater speed than the surface ship. In the old days, the diesel-electric submarines could not run at high speed, because of the short duration of their batteries. The diesel-electric submarines could not catch up with the surface vessels. At the "topedo firing positions", the subs usually run at 2 to 3 knots. But, it is not the cases now. Reasons: Surface ships have their stream lines only around the water-level plane of their hulls. the stream lines of a submarine is whole body-wide, (like a fish). The friction encountered by surface ship come from both the atmosphere and water, while the friction encountered by a sub, comes only the water (when dived). Therefore with a same shaft horse power, or even less, the subs would go faster than the surface ships. Take for example, the U.S. "George

Washington Classes SSBN, has 20 Knot on surface, and 31 Knot, divided with only 15,000 shaft H.P. while Brooke Class Frigate, with 35,000 S.H.P. has only 27.2 Knot .

- (7.) Suez Canal is not an ideal case for SLOC studies, because, Suez and Panama Canals are only small artificial water ways which can easily be destroyed by simple methods and by a few men. They will most probably be destroyed in future war. Ships, friend or foes, can not go through them in any cases.
- (8.) The style of Mr. Coulter's writing is very good. The arguments are sound with only some analogies not very convincing. For instance, Mr. Coulter seems trying to tell us, that the damages of a hurricane or earthquake are so large, that it is insignificant to pay some extra shipping cost. Psychologically there may be people who would think in this way in the real world but, if we try to talk by cool or mathematical notation, we would say that the Earthquake damage is not a function of shipping cost. In other words, the damage (say D.), does not depend on shipping cost (say, C.). or $D \neq \phi(C)$. C and D are separated 'set'. They have no relations. Whether we should pay some extra shipping costs or not, have nothing to do with Earthquake.

Footnotes:

1. Francis Brown, The War in Maps, Page 63, 1946 Oxford University Press, New York, London, Toronto.
2. R. Ernest Dupuy & Trevor N. Dupuluy, The Encyclopedia of Military History, Page 945. In which, it was recorded, the EMDEM, a fast light cruiser, with Captain Karl Von Muller, sailed into Indian Ocean where she harassed British taking 21 prizes and destroying ships and cargo valued at over \$10 million (Note: 1914 money value) before she was sunk by Australian Cruiser, Sydney.
3. The World at Arms, The Reader's Digest Illustrated History of World War II, Page 63, London, New York, Sydney, Capetown.



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**RISK REDUCTION AND MARITIME COOPERATION
IN THE ASIA-PACIFIC REGION**

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Dr. Stan Weeks is a Senior Scientist with Science Applications International Corporation in McLean, Virginia. His current work includes support to the US Navy's Strategy and Policy Director in assessing US Navy strategy, force configuration, and force structure changes to address regional threats and to identify and respond to changing global trends. Dr. Weeks is also examining potential future cooperative security arrangements in the Pacific for the Office of the Secretary of Defense, and has been involved in corporate initiatives assisting in Russian defense conversion. His recently completed work includes studies for the US Pacific Commander on regional tension reduction measures and on proliferation of conventional and unconventional weapons in the region, as well as analyses for the Office of the Secretary of Defense on North Korean nuclear and missile developments, and support for the US Navy's Strategy and Policy Director during the development of the new "From the Sea" strategy.

As a member of the United Nations Maritime Experts Group, Dr. Weeks contributed the chapter on "Measures to Prevent Major Incidents at Sea" in the just-published UN Institute for Disarmament Research book Maritime Security: The Building of Confidence.

From January to March 1991, Dr. Weeks was military consultant and naval analyst for CBS News during the war with Iraq, participating in dozens of television and radio broadcasts from CBS New York headquarters. He again worked with CBS News in coverage of the initial December 1992 US operations in Somalia.

Immediately prior to his retirement from the US Navy in summer 1990, Dr. Weeks was a member of the strategy faculty at the National War College, where he developed and led the core course on strategic planning and resource allocation. Earlier, Dr. Weeks had experience in international negotiations on arms control and confidence-building measures as CDE officer (1985-86) in the State Department Politico-Military Bureau, and later as CFE Officer (1988-89) on the Joint Staff. Dr. Weeks' experience in the State Department also included US and NATO nuclear and conventional force and policy planning responsibility. As a member (1981-1983) of the Strategic Concepts Group for the Chief of Naval Operations, Dr. Weeks was the initial action officer for the US Navy's Maritime Strategy (1982-83) and had strategic planning responsibilities for the Persian Gulf and Central American regions. Dr. Weeks' operational experience at sea included command of the newest Spruance-class destroyer, USS Hayler (DD-997), (1987-88), with duty as Flag Captain for NATO's multinational Standing Naval Force Atlantic. In 1980-81, Dr. Weeks was Staff Officer Operations for STANAVFORLANT, embarked in HMS Juno, HMS Norfolk, HMS Antrim, and HNLMS De Ruyter. He is a graduate of the Senior Maritime Warfare Tactical Courses at Halifax, Canada (1987) and HMS Dryad, UK (1980). Dr. Weeks has a Ph.D. and M.A. in International Studies from the American University (1977), doctoral and Latin American postgraduate work at the University of Madrid, Spain (1974-76), and is a 1970 graduate of the US Naval Academy.

INTRODUCTION

Risk reduction and maritime security in the Asia-Pacific region are increasingly important aspects of broader regional stability. The military emphasis of many large, medium, and even smaller powers of the region has increasingly shifted to more extended and capable offshore maritime defense capabilities—spurred by reduced military focus on internal/counterinsurgency issues and by the November 1994 entry into effect of the 1982 UN Convention on the Law of the Sea (UNCLOS III), extending Exclusive Economic Zones (EEZ) to two hundred miles offshore (with corresponding increased demands on maritime policing and resource management). Of course, it is the phenomenal trade-driven economic growth of Asia-Pacific nations that both enables greater expenditures on maritime security and increases the importance of the security of sea lanes and ocean resources. An additional factor in the new maritime security equation in the Asia-Pacific region is the end of the Cold War, which has eliminated the most serious previous single maritime risk of conflict (between the U.S. and Soviet navies), only to give rise to a variety of new maritime security concerns more directly affecting Asia-Pacific nations—particularly the reduced extent of continued stabilizing U.S. military presence in the region, and (likely related) the future naval potential (and interaction) of other large potential regional powers (Japan, China, and India).¹

This more complex new maritime security context in the Asia-Pacific region requires a new assessment of potential maritime risk reduction in the region. This assessment of potential maritime risk reduction measures must consider the relevance of existing maritime measures in the Asia-Pacific region as well as the maritime risk reduction experience in other regions. A

¹da Cunha, Derek, "New Balance of Naval Power in Asia-Pacific," *The Straits Times*, January 7, 1995, p. 34.

variety of maritime confidence-building measures (CBMs)² merit consideration for applicability to the Asia-Pacific region, including not only the most developed maritime CBM—incidents at sea (INCSEA) agreements—but also particularly CBM measures to enhance the openness and transparency of regional military forces and plans.

THE ASIA-PACIFIC STRATEGIC CONTEXT

In assessing the specific relevance of these maritime CBMs, the unique characteristics of the Asia-Pacific region must be noted. As a recent survey of CBMs noted, "The region is more geographically, politically, and culturally diverse than any other in which confidence-building efforts have been pursued. Perhaps most importantly, while troubled with some of the world's most explosive hotspots, the Asia Pacific as a whole is characterized less by actively adversarial relationships than by the potential for conflict. Territorial disputes, competing economic and resource interests and lingering domestic insecurities suggest the need for measures aimed at averting the rise of tension and conflict."³ This is not to suggest that previous maritime CBM experience (more oriented to actively confrontational situations) is not relevant to the Asia-Pacific region, but rather to argue for careful adaptation of each experience. Also, the geographic disparities in the Asia-Pacific region suggest the need for varying subregional approaches in some CBM areas between Northeast Asia, Southeast Asia, the South Pacific, and the Indian Ocean. In Northeast Asia, the maritime interests and forces of four major powers (the U.S., Russia, Japan, and China) intersect, while the continuing standoff on the Korean Peninsula implies that confidence-building, in the absence of political preconditions of normal relations,

² CBMs are defined here as "measures that tend to make military intentions more explicit by increasing transparency and predictability, thus reducing the risk of war by accident or miscalculation." Others have used the term confidence-and security-building measures, (CSBMs), trust building measures (TBMs), and mutual reassurance measures (MRMs).

³Pederson, M. Susan and Weeks, Stanley, "A Survey of Confidence and Security Building Measures," in Cossa, Ralph, ed., *Asia-Pacific Confidence and Security Building Measures*, CSIS

may be best limited to Cold War-type conflict-avoidance measures. In Southeast Asia, there is a long history of informal ASEAN maritime cooperation, supplemented by a more recent web of bilateral and multilateral confidence building and cooperative maritime measures. In the South Pacific, broad cooperative maritime regimes have developed between Australia, New Zealand, and the Pacific Island states, focused on non-military maritime concerns of EEZ surveillance and control of fishing resources.⁴ The Indian Ocean area has been less examined as a focus of localized maritime CBMs or cooperation. It is noteworthy that in both Northeast and Southeast Asia, the main territorial disputes are maritime in nature (e.g., Russia-Japan (Kurile Islands/Northern Territories), Korea-Japan (Dok-Do/Takeshima Island), China-Japan (Diaoyutai-Senkaku Island), as well as Taiwan and, in the South China Sea, the Paracel Islands (Vietnam-PRC), and the Spratley/Nansha Islands (PRC, Vietnam, Malaysia, Taiwan, Philippines, Brunei). CBMs cannot substitute for formal diplomatic/legal negotiations to settle territorial disputes, but maritime CBMs may be particularly valuable in minimizing the risk of conflict in such circumstances.

MARITIME CONFIDENCE-BUILDING MEASURES

There are a variety of maritime CBMs, in addition to INCSEA agreements (to be discussed separately below) that should be considered as a menu for region-wide and/or subregional application in the Asia-Pacific region.

- I. Declaratory Measures (Figure 1).⁵ Although not strictly maritime in nature, statements of intent such as the ASEAN Treaty of Amity and Concord of 1976 may establish regional

Significant Issues Series, Vol. 17, No. 3, 1995.

⁴Sherwood, Commander Dick, Royal Australian Navy, "The Australian Experience with Regional Maritime Cooperation," a paper delivered to the Anatolia Round of the Middle East Peace Process Multilateral Working Group on Arms Control and Regional Security, Anatolia, Turkey, March 21, 1994.

principles of conflict-avoidance that can, over time, be developed through concrete CBM measures. In the maritime context, region-wide acceptance of the Law of the Sea principles of UNCLOS III would probably be the most appropriate CBM of this type. Broader bilateral non-attack pledges (e.g., Indo-Pakistani Simla Accord of 1971, December 1991 ROK-DPRK Agreement) also have obvious positive implications for maritime security. One of the most useful maritime declaratory measures might be for the PRC and other nuclear-capable Asia-Pacific nations to join the U.S., Russia, the U.K. and France in unilaterally renouncing normal deployment of nuclear weapons on ships and maritime aircraft.

II. Transparency Measures (Figure 2). A second general category of CBMs, transparency measures, encompasses information exchange, communication, notification, and observation and inspection measures.

- Information Exchange. In the current context of strategic uncertainty and maritime force development in the Asia-Pacific region, information measures may be the most valuable CBMs, applicable region-wide.
- Dialogue. In addition to the listed measures which might be applied in the Asia-Pacific maritime context, the value of maritime aspects of broader regional and subregional security dialogue is particularly noteworthy. In addition to the annual United Nations conferences on regional security and confidence-building in Kathmandu, and the official ASEAN Regional Forum security discussions, inaugurated in 1994, a host of unofficial/"track two" conferences and workshops

⁵Figures 1,2, and 3 are from Pederson and Weeks, *op cit*.

dealing with Asia-Pacific maritime security and confidence-building have been conducted in recent years. Particularly noteworthy are the CSCAP Maritime Cooperation Working Group and the biennial International Conference on SLOC Studies. The biennial Western Pacific Naval Symposium, and its associated workshops, have also played important roles in operationalizing maritime cooperation since its inception in 1988. Indeed, all security dialogue meetings are

DECLARATORY MEASURES

Briand-Kellogg Pact renouncing war (1928)
 Soviet nuclear no-first-use pledges
 Indo-Pakistani Simla Accord (1971), renouncing force
 Helsinki Final Act (1975), acceptance of existing borders
 December 1991 ROK-DPRK Agreements, non-attack and nuclear-free Peninsula pledges
 Negative Security Assurances (NSA), pledging no nuclear attack of non-nuclear powers

Figure 1

TRANSPARENCY MEASURES

Information Measures	Communication Measures	Notification Measures	Observation/Inspection Measures
Defense White Paper Publication Calendar of military activities Arms registry Exchanges of military data Military-to-military Contacts Doctrine/defense planning seminars Military personnel/student exchanges NBCM material inventories NBCM facilities	Crisis Management (Hotlines) Conflict Prevention Centers (CPC) Multilateral Communications Network Mandatory consultation on unusual/dangerous activities Communication for unexplained nuclear incidents Obligatory consultations in situations with increased nuclear war risk	Military maneuvers/Movements Military alerts Increase in personnel (ground/air) Call-up of Reserves Test missile launches Nuclear accidents	Invitation of Observers Surveillance and Control zones Open skies Troop separation and monitoring Sensors/Early Warning Stations Nuclear missile factories Nuclear missile destruction Chemical facilities

Figure 2

particularly valuable to establish contacts and as sources of ideas for future official addressal, when political conditions have ripened. Most important, even unofficial dialogue and contacts may help establish expectations of routine cooperation and legitimize the concept of openness regarding maritime activities.

- Defense White Papers. Increasingly detailed Defense White Papers have been published by many Asia-Pacific nations in recent years. The obvious next step is for other regional nations that have not yet done so to publish such white papers, and/or to include more details of their current maritime force structure and perhaps a five-year force and shipbuilding projection. In this regard, the recent CSCAP development of common minimum standards/outlines for Defense White Papers should be helpful.
- Arms Registry. The Malaysian Minister for Defense proposed in 1992 that a "regional register" be established to support the UN Arms Registry regime in the Asia-Pacific region. The current UN regime provides, among others, for reports of imports or exports of vessels or submarines of over 750 metric tons. Standardization and development of further regional reporting requirements has been discussed in the CSCAP CSBM Working Group. The initial consensus was that the first emphasis should be for those Asia-Pacific nations not yet doing so (Burma, Cambodia, Laos and North Korea) to provide full reporting to the United Nations.⁶
- Military-to-Military Contacts/Seminars/Personal Exchanges. Recent trends in the Asia-Pacific region have been very positive in this area (particularly U.S.-Russian exchanges, increased Korea-Japan maritime contact, the PRC-Japan strategic

⁶See, "The United Nations Register of Conventional Arms-Whence? Whether? ...and Why?,"

dialogue, and the web of interactions in the ASEAN/Australian area). This is an important area for further developing (and making routine) professional contacts and exchanges. The Indian-sponsored February 1995 naval meeting of ships and leaders from both the Indian Ocean and Southeast Asia also indicated how such exchanges can link sub-regions in Asia.⁷

- Communications Measures. The Western Pacific Naval Symposium workshops have developed a regional Maritime Information Exchange Directory and are now developing a common Tactical Communications Manual.⁸ In addition to wide adoption of these practical maritime communication measures by all Asia-Pacific maritime nations, any eventual INCSEA agreements (to be discussed below) would include provisions for communication/consultation on unusual or dangerous maritime activities.
- Notification Measures. Experience to date with notification CBMs has primarily been with ground force maneuvers. Tailoring of such measures to the varied maritime force structures and practices of such a broad region as the Asia-Pacific would require very difficult negotiations, more characteristic of formal arms control than CBMs. Nations have tended to resist notifying the movement of air and naval units to avoid limiting the inherent flexibility and mobility of such units. Accordingly, such measures do not appear to be an early promising CBM for the Asia-Pacific maritime environment.

in United Nations, *Disarmament*, Vol. XVII, No. 1, 1994.

⁷"Passage to India," *Far Eastern Economic Review*, January 19, 1995, p. 12.

⁸Sherwood, *op. cit.* p. 8.

- Observation/Inspection Measures. CBMs in this category that are of potential applicability to the Asia-Pacific maritime environment include observation of naval exercises/maneuvers, inspection of naval facilities, and surveillance regimes and control zones. Voluntary invitation of observers to naval exercises, and voluntary invitations of inspectors to naval facilities, would be noteworthy assurances of openness and should be considered by Asia-Pacific maritime nations. (However, as with notification measures, attempts to formally negotiate such measures between the disparate Pacific maritime force structures would have the complexity of formal arms control and might engender less, not more, trust.) A particularly promising CBM for Asia-Pacific subregions is maritime cooperation on ocean resources surveillance. This type of surveillance regime has precedent in the Asia-Pacific region, including both multilateral (e.g., fisheries surveillance cooperation in the South Pacific Forum) and bilateral (e.g., Australia-Indonesia Timor Gap surveillance and Malaysia-Indonesia pollution monitoring) measures.⁹

III. Constraint Measures. (Figure 3)

- Risk Reduction Agreements. These agreements, such as Incidents at Sea agreements, are designed to prohibit or contain the consequences of inherently dangerous or inadvertent military activities, through articulating codes of conduct for military forces and mandating crisis consultation and communication. Because they tend to address the consequences of mutually undesirable activities without unduly

⁹Sherwood, *op. cit.*, p. 4.

constraining operational forces, risk reduction measures have figured prominently in the early stages of political relaxation of tensions.

- Incidents at Sea Agreements. As more Asia-Pacific navies grow in reach and capability in the post-Cold War environment, both bilateral and tailored multilateral/subregional INCSEA agreements are potentially valuable CBMs. By way of background,¹⁰ the 1972 Navy-to-Navy US-Soviet (INCSEA) Agreement was a product of initial Cold War detente and a landmark tension-reduction and confidence-building measures between the major power navies. Establishing special rules to minimize ship maneuvers that create dangers of

¹⁰For more on the U.S.-Soviet INCSEA agreement, see: Weeks, S., "Measures to Prevent Major Incidents at Sea" in Goldblat, J. (ed.) *Maritime Security: The Building of Confidence*, (New York; United Nations, 1992); Hilton, R.P., "A Confidence-Building Measure at Work: The 1972 United States-USSR Incidents at Sea Agreement," *Disarmament Topical Papers 4: Naval Confidence-Building Measures* (New York; United Nations, 1990); and Lynn-Jones, S.M., "A Quiet Success for Arms Control: Preventing Incidents at Sea," *International Security*, Spring, 1985, vol. 9, no. 4.

CONSTRAINT MEASURES

Risk Reduction Measures	Exclusion/Separation Measures	Constraints on Personnel, Equipment, Activities
Agmt to Reduce Risk of Nuclear War (71) Incidents at Sea Agmt (72) Russo-Japanese Air Traffic Safety Agmt (85) Nuclear Risk Reduction Center Agmt (87) Dangerous Military Activities Agmt (89)	Demilitarized Zones Disengagement Zones Keep-out Zones (Air/Sea) NBCM-Free Zones	<u>Personnel:</u> - National limits - Category limits - Zone limits <u>Equipment:</u> - Deployment limits (by geographic area or numbers) - Category/type limits - Storage/monitoring limits - Nuclear missile types/deployment <u>Activities</u> - Maneuvers/movements limits, by size or geographic area - Advance notification for movements, exercises, alerts - Limits on readiness - Bans on simultaneous exercises/alerts and/or certain force/unit types - NBCM testing - Nuclear fissile material production constraints

Figure 3

collisions, to prohibit actions (simulated attacks, etc.) that might be interpreted as hostile or harassment, and to establish special communications procedures, the US-Soviet INCSEA Agreement has been remarkably successful in minimizing incidents between the two navies—despite their more frequent global interaction in the first two decades after the agreement. The 1972 agreements have also served as a model for over a dozen more recent similar bilateral INCSEA agreements, as well as for the broader 1989 US-Soviet agreement at the Joint/General Staff level on prevention of Dangerous Military Activities (DMA). However, the “high seas” coverage limits of the INCSEA Agreement do not address boundaries and operations in territorial waters, nor do the INCSEA provisions cover the inherently stealthy submerged submarine. The experience of the 1972 US-Soviet Incidents at Sea Agreement (and the 1989 US-Soviet Dangerous Military Activities Agreement) suggests several supplementary approaches to minimize incidents at sea in the post-Cold War Asia-Pacific region. Existing (U.S.-Russia, Russia-Japan, Russia-ROK) and potential additional bilateral agreements (e.g., Japan-China, ROK-China, Russia-China, DPRK-ROK, China-Taiwan, U.S.-China, China-India) still provide a sound technical and political basis to avoid particular bilateral incidents between naval powers at sea.

- Maritime Cooperation/Safety at Sea Agreements. Complementing these bilateral INCSEA agreements (or, perhaps, substituting for bilateral agreements not yet reached), serious consideration might be given to broader Maritime Cooperation or “Safety at Sea” multilateral regional or subregional agreements for Northeast Asia, Southeast Asia (and, perhaps, the Indian Ocean).¹¹ Such multilateral

¹¹See, for further discussion, Jones, Peter, Maritime Security Cooperation and CBMs in the Asia-Pacific: Applying Maritime CBMs in Regional Contexts, paper for the Fourth Asia-Pacific Dialogue on Maritime Security, Nakorn Pathom, Thailand, 8-9 August, 1994; Lynn-Jones, S.M., “Agreements to Prevent Incidents at Sea and Dangerous Military Activities: Potential

agreements, which might be negotiated by specialists meeting first in the CSCAP Maritime Cooperation Working Group, then, more officially in intersessional meetings sponsored by the ASEAN Regional Forum (or through the Western Pacific Naval Symposium). Although such agreements might include the time-tested provisions of bilateral INCSEA agreements, requiring naval forces on the high seas to communicate and avoid dangerous maneuvers and harassments, such agreements could also be tailored to address particular regional or subregional non-military maritime concerns, such as surveillance, fisheries, merchant shipping safety (search and rescue) and/or anti-piracy/anti-narcotics cooperation. Provision should be made in such agreements for an annual subregional review meeting/naval symposium, which would also provide the venue for the bilateral naval contacts and discussions that have proved so valuable and durable in existing (bilateral) INCSEA agreements. Asia-Pacific nations might wish to reflect on some recent experience in other regions before disavowing as too ambitious such proposed Maritime Cooperation/Safety at Sea regimes.

Applications in the Asia-Pacific Region" in Mack, A. (ed.) *A Peaceful Ocean? Maritime Security in the Pacific in the Post Cold War Era* (Canberra; Australian National University Press, 1993); Meconis, C.A., "Naval Arms Control in the Asia-Pacific Region after the Cold War," *Ocean Yearbook 11* (International Ocean Institute/U. of Chicago Press, 1994); and Swinnerton, R. and Ball, D., "A Regional Regime for Maritime Surveillance, Safety and Information Exchanges" Working Paper No. 278 of the Strategic and Defence Studies Centre (Canberra; ANU, 1993).

In December 1994, a draft regional multilateral INCSEA text (and a Search and Rescue text), developed after over a year of negotiation between Arabs, Israelis, and Palestinians (with Canadian mentoring and U.S. and Russian co-sponsorship)¹² in the Multilateral Middle East Peace Process (MEPP) Arms Control and Regional Security Working Group, were adopted at the MEPP plenary meeting, and are now available for adoption and training in the Middle East region. *The nations of the Asia-Pacific should regard similar agreements as priority maritime CBMs. It is, however, important to recognize that such cooperation agreements, and even detailed classic INCSEA agreements, alone cannot effectively address the problems of inherently covert submerged submarines or law of the sea disputes over boundaries of territorial seas (and Exclusive Economic Zones). A flexible variety of bilateral and multilateral actions is needed to minimize these latter more difficult causes of incidents at sea. Such actions might include continuing bilateral and/or multilateral negotiations on agreed interpretations (under the Law of the Sea) of territorial seas and EEZ boundaries, the exercise of prudent caution in all forward naval operations near disputed boundaries, and perhaps provisions for submarine underwater communications in extreme situations of perceived close danger. A proper complementary mix of these suggested actions can help further reduce global incidents at sea in the post-Cold War Asia-Pacific.*

- Exclusion/Separation Measures. Despite longstanding Soviet and Russian proposals to "keep-out" other navies operating in the strategically significant Sea of Japan/Sea of Okhotsk area and certain strategic straits, such "keep-out" sea zones may be seen to

¹²The author, as a special member of the official U.S. delegation, participated in all of the Middle East maritime negotiations, and was particularly involved with negotiation of the

undercut traditional freedom of the seas and mobility of naval forces, and become a source of contention rather than confidence-building.

- Constraints on Personnel, Equipment, Activities. These constraints have tended to prohibit military operations that have not been properly forecast or notified, or that take place within certain exclusion or separation zones. In their European, Middle East, and South Asian form, such measures have almost exclusively focused on ground forces. Such measures come closest of all CBMs to technical arms control/limitation, and thus pose significant challenges of negotiation and verification. Such constraint measures (with the broader exception of nuclear free-zones) are not a well-suited or promising focus for maritime CBMs in the Asia-Pacific region.

CONCLUSION

In the inherently maritime Asia-Pacific region, many navies are extending their reach and capability in the strategically uncertain post-Cold War regional security environment. To reduce uncertainty and risk regarding naval forces and plans, maritime CBMs—particularly including a variety of information and transparency measures—are a first priority. To address potentially dangerous encounters of naval forces, and to address particular regional and subregional maritime problems through the establishment of routine procedures and meetings, selected bilateral INCSEA agreements and regionwide and subregional multilateral Maritime Cooperation/"Safety at Sea" agreements should also be a priority for Asia-Pacific nations. Such measures can build on the draft "Maritime Cooperation Guidelines" of the CSCAP Maritime Cooperation Working Group.

INCSEA text.

CLOSING REMARKS

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First of all, on behalf of us all, I would like to express our sincere gratitude to the Japanese organizer of this conference, the World Strategy Forum of Japan, and the members of the Executive Committee for the 11th International Conference on SLOC Studies including Adm. Yoshida, Adm. Okabe, Vice Adm. Kanazaki, Vice Adm. Konishi, Rear Adm. Kawamura and other admirals. Without their efforts and the spirit of dedication, this conference would not have been very successful. As a representative of the next hosting country for this international SLOC conference, SLOC Study Group-Korea, I would like to say that we learned a lot for the preparation of the meeting.

In this global society, I think that every nation has its own famous trade mark. For instance, France is famous for the excellent quality of red wine and Spain is very well known for bull fighting. In case of Japan, I believe that she has two very famous trade marks. One is hospitality, and the other is the spirit of dedication or the spirit of hard work. As far as hospitality and the spirit of hard work are concerned, no nation can beat Japan. Taking this opportunity, I would like to express once again our warm appreciation to all members of the Executive Committee of this conference for their hard works and for the excellent hospitality extended to all of us.

I would also like to say that we learned a lot through participating in this conference over the past two days. The excellent presentations of the speakers are on the record in writing and one can always refer to them for further study.

I must add that the quality of the questions and comments which came from the floor, both in their diverse nature and utmost pertinence in the topics discussed, considerably added to the value of our discussions.

The value of this kind of conference is not based upon producing any agreed statement or communique. This international conference on SLOC Studies is a simply a forum for a free-flowing and wide-ranging exchange of views on the issues of relevance in the search for greater cooperation in enhancing security and safety in sea-lanes of communication in the Asia-Pacific region.

According to one Western old saying, "the land divides, but the sea unites". We are united in one through the ocean and the sea. Let us continue and deepen our dialogue and consultation on the issue of ocean affairs including SLOC security.

As a representative of the SLOC Study Group-Korea the organizer of the next 12th conference in Seoul in early 1999, I would like to extend the official invitation to all of you in advance. I really hope that all of us meet again in Seoul in 1999. Again, I would like to express our deep appreciation to the Japanese colleagues for their hard works in organizing the conference, and hope that everybody returns home in very good health.

Thank you very much.