

第 15 屆國際海線會議

論文集

維護世界和平之海線

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1. Welcome Remarks

開幕致詞

國防部副部長柯承亨先生

Ko Cheng-heng, Vice Minister of National Defense

外交部黃（志芳）部長、葛（敦華）顧問、蔡（明憲）博士，各位貴賓，各位先進，與會的各位國、內外學者專家，大家早安，大家好！

Dear Foreign Minister Huang (C. F.), Strategy Advisor Ko (D. H), Dr. Tsai (M. H), distinguished guests, vanguards, ladies and gentlemen from domestic and abroad, good morning and good day!

今天很高興出席這場以「維護世界和平之海線」為題的國際研討會，並代表國防部李部長作開幕致詞，本人感到非常榮幸。「國際海線會議」是一個關心全球海洋安全事務的非官方組織，自 1982 年創立以來，透過定期在不同國家舉辦研討會的方式，聯繫各國的海線安全與海洋事務專家，建立了常態性的安全對話平台。對於「國際海線會議」的長期努力，本人至表敬佩。

It is my great pleasure to attend this international conference in the theme of "Maintaining worldwide sea-lane security" and deliver an opening speech on behalf of Defense Minister Lee. International Sea Lines of Communication Conference is an unofficial organization dedicated to global maritime security. Since its founding in 1982, through holding nonscheduled seminars in different countries, the Conference has established contacts with experts from various countries in the fields of sea-lane security and maritime affairs as well as set up a permanent platform for security dialogues. I would like to convey my utmost respect and admiration to International SLOC Conference for her long-term efforts toward maritime security.

本次的研討會是「國際海線會議」成立以來第 15 次會議，邀請到包括從加拿大、美國、印度、馬來西亞、韓國、日本、澳大利亞等國遠道而來的貴賓，以及國內知名的學者專家。藉由各位對於海線交通、海洋事務及海洋安全等議題的學養，相信今、明兩天的研討會必定可以獲得豐碩的成果，也一定能對國際海洋安全合作的策進，有所助益。

This has been the 15th conference ever since International SLOC Conference was established, and guests of honor from various countries of

Canada, United States, India, Malaysia, Korea, Japan, and Australia as well as renowned scholars and experts from domestic are invited to participate in the conference. Based on your profound knowledge and in-depth studies on sea lines of communication and maritime affairs, fruitful achievements can be anticipated in the symposium scheduled in today and tomorrow which will definitely enhance future cooperation of international maritime security.

台灣四面環海，是典型的海洋國家，海洋是台灣近代史發展的重要舞台，也是台灣經貿發展的主要途徑。台灣今日傲人的經濟成就，可以說是拜優越海洋地緣條件所賜。台灣位處西太平洋第一島鏈的中央樞紐位置，銜接兩條重要國際航道（巴士海峽及台灣海峽），往來的海上運輸頻繁，每天有五百至七百艘漁船、商船或油輪在台海周邊水域經過或活動，此一水域可說是亞太地區繁榮與發展的大動脈。因此，從地緣戰略的角度來看，台灣周邊海域的安全不僅攸關我國的存續與發展，更是亞太區域繁榮的基石。所以，亞太各國應共同致力於維持台海周邊海域的安全與穩定。

Surrounded by seas, Taiwan is a typical maritime country. Ocean not only set a stage for the modern history of Taiwan but also has played an important role in trade and economic growth. Taiwan has exhibited outstanding economic accomplishments in the past few decades thanks to its favorable territorial bonds to the ocean. Located at the key position in the center of the first island chain in west Pacific, the Island of Taiwan connects two important international waterways, the Bashi Channel and the Taiwan Strait. Marine transportation in this area is busy with approximately five hundred to seven hundred fishing vessels, merchant vessels, and oil tankers each day either passing through or conducting activities in this water area, which is considered as the main communication artery to the prosperity and development of Asia Pacific Zone. As a result, from the viewpoint of geo-strategic, the security of sea areas around Taiwan is the key to Taiwan's survival as well as the cornerstone of Asia Pacific's prosperity. All countries in the Zone shall contribute their efforts to the security and tranquility in waters of the Taiwan Strait.

然而，近年來中國在經濟快速成長的支撐下，除持續增強對台灣的軍事準備，製造台海軍事緊張關係之外；也積極擴建其遠程海、空兵力，意圖從「近岸」走向「近洋」，突破第一島鏈，將軍力投射指向關島一帶，以在日本、台灣、菲律賓以東區域建立關鍵性的戰略影響力，並控制其周邊海域。誠如美國與日本政府所關切的，中國的軍力發展已經遠超過其自我防衛所必需，其戰略意圖深值密切注意。

Nevertheless, China, supported by her rapid economic growth in recent years, not only continues to intensify its military preparation against Taiwan and build up tensions across the Strait, but also expands its long-distance maritime and air forces with the intention to break through the first island chain and move its forces from coastal operations to intra-ocean operations. By projecting military forces to areas near Guam, China aims at establishing critical strategic influence on areas in the east of Japan, Taiwan, and the Philippines and bring this region under her control. Exactly as what United States and Japan have been concerned for, China's military development has far exceeded what it takes for self-defense and the strategic intent thereof is worthy of our close attention.

台灣是一個「愛好和平、崇尚民主」的「海洋國家」。「民主」是台灣與世界接軌的重要價值，「海洋」則是台灣與世界共榮的首要資產。台灣近五十餘年來，對於台海和平與穩定的維護，以及亞太地區安全的促進，始終不遺餘力。對於海洋安全事務，我們希望能夠促進區域與國際合作。對於台灣海峽，我們則建議兩岸建立「台海軍事安全諮商機制」，推動「兩岸和平穩定互動架構」。凡此，已充分展現台灣企求以和平、合作的方法，創造共榮、共享之海洋利益的基本立場。相對於中國持續進行軍事擴張與武力威脅，拒絕以和平途徑化解歧見與衝突，我們相信這絕非亞太各國所期待。

Taiwan is a peace-loving and democracy-upholding maritime country. Democracy is one of the vital values that connect Taiwan to the world, while ocean is the primary asset that allows Taiwan to enjoy prosperity together with other parts of the world. For more than half a century, Taiwan has been making every endeavor to safeguard peace and tranquility in the Taiwan Strait and to enhance regional security in the Asia Pacific Zone. With regard to maritime security affairs we hope that more of regional and international cooperation can be promoted. As for the Taiwan Strait, we will suggest the implementation of a Cross-strait Military Security Consultative Mechanism and the establishment a Peace and Stability Framework for Interactions. All these fully manifest our basic stance to enjoy benefits from the ocean together with the world and achieve co-prosperity in a peaceful and cooperative manner. China's sustained military expansion and threat of force as well as refusal to reconcile different opinions and conflicts by no means conform to expectations of any Asian Pacific countries.

台灣面對中國直接的軍事壓力，站在維護西太平洋安全穩定的第一線，所扮演的重要角色不言而喻。今年恰逢是「1996 台海飛彈危

機」十週年，對於中國的武力威脅，台灣自許作為「台海和平現狀捍衛者」的決心更加堅定，也期盼國際對於我們的努力給予認同與支持。

Faced with direct military pressure from China and standing at the frontline to defend the security and stability in west Pacific, Taiwan has been performing a self-evident vital role. This year happens to be the 10th anniversary of the 1996 Cross-strait Missile Crisis. Under force threat from China, Taiwan's resolution to be "the defender of the peaceful status quo in the Taiwan Strait" has become even firmer, and recognition and support from the international community to our efforts are expected.

海洋是人類共享的珍貴資源，海洋事務具備跨國界的特性，單一國家無法獨自處理，更不能置身事外。所以，對於海洋安全的維護，需要多國間的通力合作與共同努力。台灣作為全球民主社群的一分子，目前除了遵守「貨櫃安全協定」（CSI）的規範，嚴密港口與貨運檢查外，也積極尋求與周邊各國就海上反恐進行合作，並在「反擴散安全倡議」（PSI）的機制下，全力防堵恐怖份子取得大規模毀滅性武器與敏感物資。我國期盼與國際上愛好和平、重視海洋的友邦，建立互利共生的策略聯盟，共同因應來自海洋的威脅，合作處理海洋相關事務，創造多贏局面，以發揮海洋對人類的最大功用。

Oceans contain vast natural resources to be owned and shared by mankind and maritime affairs are characterized by their cross-border properties. No single country will be able to settle such affairs on its own and no single country shall refrain from getting involved. The protection of maritime security relies on collaboration and concerted efforts from all countries involved. Being a member of the international democratic community, Taiwan has been conducting strict inspection on sea freight following measures and requirements stipulated in Container Security Initiative (CSI), and seeking to work together with neighboring countries in maritime anti-terrorism actions. In addition, Taiwan has been committed to the principles set forth in Proliferation Security Initiative (PSI) to interdict acquiring weapons of mass destruction and related materials by terrorists. We sincerely hope that all peace-loving countries in the world that respect the values of oceans would form a strategic alliance to cope with threats by way of the ocean, to collaborate on maritime affairs, and to create winning solutions beneficial to all, which will be an appropriate way to make the best use of the ocean.

今天，藉由這個難得的機會，各國專家學者齊聚一堂，針對國際海線交通、區域安全與海事合作等重要議題進行討論。本人深切企盼在座的各位能夠盡情研討，踴躍貢獻諸位寶貴的智慧與卓見，讓各種不同的意見及看法可以充分交換，使經驗得以傳承與延續。

Today, on this rare occasion we have experts and scholars coming from various countries getting together to discuss important issues on sea line communication, regional security, and maritime cooperation. I heartily expect that all participants would contribute your profound knowledge and penetrating insight to the conference exchanging different views and perspectives and sharing experience with other guests.

最後，我要再一次感佩各位長期以來對於國際海洋事務及亞太區域安全的關注，並感謝各位不辭辛勞的熱情參與。祝福在座的各位貴賓、先進，各位專家學者們，身體健康、萬事如意，預祝大會圓滿成功，謝謝！

Finally, I would like to express once again my gratefulness and respect to you all for your long-term attention and concerns toward international maritime affairs and Asian Pacific security and appreciate your kind participation in spite of all the toil and hardships. I wish health and every success to you all and great achievements to the Conference. Thank you.

2. Keynote Address 基調演講

中華民國外交部長黃志芳
Foreign Affairs Minister James C. F. Huang

親愛的柯副部長承亨、葛敦華中將、各位貴賓和各位先生小姐：

Dear Deputy Minister Ko (柯副部長承亨), Vice Admiral Ko (葛敦華中將), distinguished guests, ladies and gentlemen,

讓我引述 2006 年 5 月 20 日首度出刊的國家安全報告中的話做為開場白：「臺灣作為一個海洋國家必須以謹慎、有決心、有組織的態度來管理海洋。如此臺灣才能以永續經營的方式運用海洋資源，與其他民主海洋國家進行互動，並共同對抗來自海上的威脅。換句話說，海洋管理不僅符合臺灣國家安全的戰略需求，更能結合國家的海洋戰略和外交目標，使海洋成為維護和平和民主的基礎。」我剛才唸的這一段話，凸顯出臺灣對於保護其國家海洋利益和管理海洋疆域的重視。

Let me begin my talk this morning by quoting what a statement in Taiwan's first ever National Security Report published in May 20, 2006. It is stated that "Taiwan, as a maritime nation, must manage the ocean deliberately, purposefully, and in an organized manner. This will enable Taiwan to utilize oceanic resources for sustainable development, interact with other democratic maritime countries, and together respond to threats from the sea. In other words, oceanic management not only meets Taiwan's strategic national security needs, it also allows the combination of the nation's oceanic strategies and diplomatic goals, and makes the ocean the foundation for upholding peace and democracy." What I just read out underscores the great importance that Taiwan has placed in protecting its national maritime interests and management of its oceanic territories.

早安！各位貴賓和朋友們。能在第十五屆國際海線會議的開幕典禮上發表基調演說是我個人的榮幸，在此我將和大家分享我對海上交通線(SLOC)的看法，以及從臺灣的觀點來看海上交通線對亞太安全的影響。

Good Morning. Distinguished guests and friends, I deem it a great honor and privilege to have been called upon to deliver the keynote speech

in the opening ceremony of the 15th Sea Lanes of Communications Conference and I would like to share my thoughts on the Sea Lanes of Communication (SLOC) and its impact on Asia-Pacific security from a Taiwanese perspective with you.

過去數十年以來，我們一直致力於將海峽兩岸和平關係、自身堅強的防禦能力、以及具彈性與活力的外交政策等因素加以整合，並由此形成一貫的國家安全戰略。臺灣是個島國，除此之外，不論在軍事或非軍事意義上，其生存和繁榮都相當倚賴不間斷的海上交通線。除了 1995 年至 1996 年中國飛彈試射，干擾航運自由並升高緊張氣氛之外，臺灣也遭遇到船舶碰撞、重大油輪漏油污染、高度傳染性疾病擴散、以及因專屬經濟海域重疊——例如位於東海的釣魚台群島的爭議——造成漁民遭鄰近國家拘留等等潛在的危險。

For many decades, we have tried to integrate the factors of peaceful cross-Strait relations, strong self-defense capabilities, and flexible and dynamic foreign policy implementations into a coherent national security strategy. Among other things, Taiwan is an island nation and its survival and prosperity is greatly dependent upon uninterrupted SLOC both in a military and non-military sense. In addition to experiences of Chinese missile testing in 1995-1996 which interrupted the freedom of navigation and heightened tensions, Taiwan is also under the potential threat of shipping collisions, dangers of pollution from major oil spills, the spread of high infectious disease, and detention of its fishermen by neighboring countries with overlapping exclusive economic zones such as in the disputed Tiao-yu-tai (釣魚台) islands in the East China Sea.

我的演講主要分為兩個部分：海上交通線對於亞太的重要性以及海上交通線管理辦法。

My talk consists two parts: the importance of Sea Lines of Communication for the Asia-Pacific and the Code of Conduct on the SLOCs.

首先，我希望大家先來關注海上交通線對於亞太的重要性。

Firstly, I would like to draw your attention on the importance of Sea Lines of communication for the Asia-Pacific.

臺灣的地理位置恰位於東北亞和東南亞交界處。估計每天都有上千架次的民航班機和 500 至 600 艘的商船通過臺灣海峽及其上空。如果我們從狹長的臺灣海峽，放眼臺灣周圍整個地理區域來看，則會發現更驚人的統計資料。每一年，臺灣控制約 150 萬航班通過其飛航情

報分區；有 220,000 航班在臺灣起降；2100 萬名航空旅客；50,000 艘國際籍船隻及數以億噸計的國際貨物。

Taiwan is geographically located right in between Northeast Asia and Southeast Asia. It is estimated that thousands of civil airliners and 500 to 600 commercial vessels pass daily through the Taiwan Strait and its airspace. If we look beyond the narrow geographic sense of the Taiwan Strait to the whole area surrounding Taiwan, the statistics are more impressive. Every year, Taiwan controls approximately 1.5 million flights passing through its flight information region; 220,000 flights taking off or landing in Taiwan; 21 million air travelers; 50,000 internationally-serviced vessels and hundreds of millions tons of international cargo.

臺灣對於鄰近國家的國家利益所具有之價值會因不同的戰略家和決策者而有所不同。承平時期，大部份的海上商業交通都通過臺灣以東的海域。未來這些水域的海上交通線的安全仍可順利地由美國和日本來防衛。但是位於韓國半島和日本長崎以西的港口大都利用臺灣海峽作為與東南亞連絡的交通通道。再者，由於臺灣海峽是國際性的航道而非中國內陸航道，因此海峽是用於國際航運，並受過境通行制度的管轄。過境通行制度可適用於在此海峽來回航行的船隻，此外在目前海洋法的架構下，當臺灣海峽或南海的和平受到干擾，嚴重地影響到亞太地區的貿易和投資時，將引起國際普遍的關注。

The value Taiwan holds for the national interest of neighboring countries may vary among different strategists and policy-makers. In peacetime, most commercial sea traffic passes east of Taiwan. The SLOC security in those waters could still be defended successfully by the US and Japan in a future crisis. However, ports in the Korean Peninsula and those to the west of Nagasaki in Japan mostly utilize the Taiwan Strait to connect with Southeast Asia. Furthermore, the Taiwan Strait is an international waterway, which is used for international navigation and is subject to the legal regime of transit passage, rather than Chinese internal waters. The regime of transit passage applies approaches to and from the strait. Under the current regime of the Law of the Sea, when peace is disturbed in the Taiwan Strait or in the South China Sea, greatly impacting trade and investment flows in the Asia-Pacific, the issue is then subject to international common concerns.

除了韓國半島以外，臺灣海峽是後冷戰時期世界上最易引爆衝突之所在。臺灣海峽的海上交通線的安全非常重要，因為人口稠密且貿

易為主的東北亞國家所需的石油和天然氣都要由中東地區經過這個海峽運送。臺灣海峽發生任何嚴重的衝突都會深深地影響到全球的經濟和區域的安全。不受限制的海上交通線不僅對東北亞國家非常地重要，對中國的經濟又何嘗不是如此。但是目前北京的領導人主張如果中國不能控制臺灣，則「中國就完全沒有海防，因為整個的東南海岸都暴露在各種威脅下。」因此中華人民共和國將其地對地飛彈的數目增加至約 800 枚，想以此威嚇臺灣人民和政府。

In addition to the Korean Peninsula, the Taiwan Strait remains one of the world's most potentially prominent flashpoints in the post-Cold War era. The SLOC security in the Taiwan Strait serves as an important channel through which the densely populated and trade-oriented nations of Northeast Asia receive their oil and natural gas from the Middle East or Southeast Asia. Any serious conflict in the Taiwan Strait could profoundly threaten the global economy and regional security. Unrestricted SLOCs are as important to China's economy as they are to those of the other Northeast Asian countries. However, current leaders in Beijing argue that if China cannot control Taiwan, then "China has absolutely no maritime defense because its entire southeast coast would be exposed to all kinds of threats." The PRC has also increased the number of its surface-to-surface missiles to around 800 to intimidate the people and government of Taiwan.

數十年來，安全專家不斷地警告中華人民共和國對臺灣的封鎖不僅會阻礙臺灣的經濟，並會使臺灣孤立於國際。誠如美國國防部 2006 年的年度報告中，針對中華人民共和國的軍事力量再度指出「北京可以宣佈船隻在前往臺灣港口途中，必須先停靠在中國大陸的港口接受檢查後才得駛往臺灣，或者中國可以像他們在 1995 至 1996 年間飛彈試射和實彈演習所做的一樣，將航道和外港宣佈為演習區或飛彈試射關閉區，迫使商船改道。」報告中並說「任何嘗試限制往來臺灣的海上交通的企圖，不論是嚴格限制或輕微的限制，都可能違反國際法，將激起國際上對抗性的壓力，並會導致長久的衝突和軍事範圍擴大的嚴重危險。」

For several decades, security experts have warned that a PRC blockade of Taiwan would cripple Taiwan economically and isolate it internationally. As indicated once again in the Pentagon's Annual Report on the Military Power of the People's Republic of China, 2006, "Beijing could declare that ships en route to Taiwan ports must stop in mainland ports for inspections prior to transiting on to Taiwan. Alternatively, China could attempt the

equivalent of a blockade of Taiwan ports by declaring exercise or missile closure areas in approaches and roadsteads to ports to divert merchant traffic, which China did with its 1995-96 missile firings and live-fire exercises.” The report continues by saying that “any attempt to limit maritime traffic to and from Taiwan, whether loose or more restrictive, would likely violate international law, trigger countervailing international pressure, and could lead to a more protracted conflict and the serious risk of military escalation.”

臺灣不僅關注其自身的安全，並致力於鞏固其在南海的據點。從 1950 年代開始，臺灣及派兵駐防並控制東沙島和太平島。其中太平島是南沙群島上最大的島嶼，位置約在臺灣西南方 880 海浬。與其他對南沙群島提出主張的國家如越南、馬來西亞和菲律賓等相較，臺灣自 1950 年代對其南海的政策已日趨和緩。台北在太平島上持續修建小型機場，以加速與臺灣間的交通和運輸。自 1999 年起，對這些島嶼實際的控制也由海軍陸戰隊轉移至海岸巡防隊。行政院海岸巡防署並無意將小型機場作軍事用途使用，而將用於人道用途，例如對生病或受傷的水手或漁民進行緊急救援。

Taiwan is not only paying attention to its own security, but is also consolidating its footholds in the South China Sea. Taiwan has garrisoned and controlled the Tungsha (Pratas Islands, 東沙島) and the Taiping Island (Itu Abu, 太平島) since the 1950s. The latter is the largest islands in the Spratly islands(南沙島) and about 880 nautical miles southwest of Taiwan. Taiwan has been moderate on its South China Sea policy since the 1950s. Compared to other claimants such as Vietnam, Malaysia, and the Philippines, to the Spratly islands, Taipei is belatedly constructing an airstrip in the Taiping Island to expedite communications and transportation with Taiwan. Starting from 1999, the actual control of the island has also been transferred from marines to coast guards. The Coast Guard Administration does not intend to use the new airstrip for military means, but for humanitarian purposes such as for emergency rescue efforts for sick or injured sailors or fishermen.

臺灣約有 70%的原油和其他原物料進口都要通過南海。臺灣海峽如出現危機就有可能會造成南海的緊張，南海或臺灣海峽上出現任何的軍事衝突都絕不符合鄰近國家的利益。因此，長久以來臺灣在有爭議地區進行的活動都非常的自制，並盡可能不採取任何會影響穩定的行動。臺灣是最早對南海提出主張的國家之一，臺灣敦促其他國家減

少在南海的駐軍，並避免再佔領目前未被佔領的小島。但是南海規範的建立並未邀請臺灣參加，令臺灣感到失望。

Approximately 70% of Taiwan's oil and other raw material imports pass through the South China Sea. A crisis in the Taiwan Strait might trigger tension in the South China Sea. Any military conflict in the South China Sea or in the Taiwan Strait would definitely not be in the interests of neighboring countries. Therefore, Taiwan has long endeavored to exercise self-restraint in the conduct of activities in disputed areas and to not undertake any act that might affect stability in the region. As one of the earliest claimants in the South China Sea, Taiwan urges other countries to reduce their troops stationed in the South China Sea and refrain from new occupation of presently unoccupied islands. However, Taiwan is disappointed that it has not been invited to participate in the formulation of a Code of Conduct in the South China Sea.

臺灣支持暫時擱置主權爭議問題，以期找出共同開發南海的方式。臺灣隨時都願意與其他對南海提出主張者，共同就海洋環境保護、海洋科學研究、航海和交通安全、資源探測和開採、搜救行動、和對抗如海盜行為和海上武裝搶劫等跨國犯罪進行合作。

Taiwan supports the idea of temporarily shelving the sovereignty dispute in order to explore ways of joint development in the South China Sea. Taiwan is always prepared to cooperate with other claimants with respect to marine environmental protection, marine scientific research, safety of navigation and communication, exploration and exploitation of resources, search and rescue operations, and combating transnational crime such as piracy and armed robbery at sea.

經濟上，臺灣相信透過聯合區域開發達成的信心建立措施(CBMs)將會是現階段處理衝突最具建設性的方法。但很遺憾的，就在反分裂國家法正式通過的同一天，北京和馬尼拉與河內針對南海達成了三方協議，聯合在爭議中的南沙群島區域，也就是在臺灣所控制的太平島和其他爭議中的島嶼所在之處，進行地震調查。

Economically, Taiwan believes that confidence-building measures (CBMs) through the joint development of the area would be the most constructive approach to dealing with the dispute given the current situation. Unfortunately, on the same day of adopting anti-secession law, Beijing reached a tripartite agreement with Manila and Hanoi in the South China Sea to jointly conduct a seismic survey in the disputed Spratly islands region,

in which the Taiwan-controlled Taiping Island and other disputed islands are located.

臺灣所有的政黨都提議協商兩岸和平協議，並且在臺灣方面將金門和馬祖島建立為和平區，中國大陸方面則將福建省建立為和平區，做為雙方往來的緩衝區。

All political parties in Taiwan propose to negotiate a cross-Straits peace agreement and the establishment of the Quemoy (Kinmen) and Matsu islands, on Taiwan's side, and the Fujian province on the China's side, as zones of peace, serving as buffers between these two sides.

其次，海上交通線的規範。

Secondly, the Code of Conduct on the SLOCs

1996 年三月中國進行了實彈軍事演習，包括發射飛彈至海峽中靠近臺灣的區域，造成船隻和航空班機都被迫由原本經過臺灣海峽的航道繞道而行。一般都認為中國如欲將海軍兵力投射至第二島鏈，勢必先控制臺灣。

In March 1996, Chinese live-fire military exercises, including missile firings into the straits near Taiwan, caused shipping and airline traffic to be diverted from normal routes through the Taiwan Straits. It is widely accepted that controlling Taiwan is a prerequisite for China to projecting maritime power to the second island chain.

臺灣的海軍致力於強化戰備、提升作戰訓練、在臺灣海峽實施海上巡邏、並確保領海的安全。必要時，臺灣的海軍準備好要對中華人民共和國的海上封鎖進行反制，以確保南海海上交通線的暢通。但是美國國防部相信「當中國採取協同軍事行動時，若無第三者的介入，臺灣的軍事力量可能無法保持臺灣島的主要港口和海上交通線的暢通。」正因為受到這樣的威脅，臺灣需要更精良的武器系統以確保其海上交通線的安全。

Taiwan's Navy is dedicated to strengthening readiness, refining operational training, executing maritime patrols in the Taiwan Strait, and ensuring the security of sovereign waters. If necessary, Taiwan's Navy is prepared to deter the PRC's maritime blockade in order to secure the SLOC in the South China Sea. The US Pentagon, nevertheless, believes that "barring third party intervention,---Taiwan's military forces probably would not be able keep the island's key ports and SLOCs open in the face of

concerted Chinese military action.” Due to this constraint, Taiwan needs to acquire sophisticated weapons systems to ensure its SLOC security.

雖然臺灣面臨中華人民共和國強大的軍事威脅，前總統李登輝和現任總統陳水扁都呼籲中國的新領導人與臺灣合作，共同建立軍事緩衝區以避免意外的發生。中國至今都尚未對陳總統提出的與海上交通線安全有密切關係的信心建立措施（CBM）計畫給予正面的回應。2004 年，陳總統不斷地提出能被臺北和北京所採納的信心建立措施（CBM）在軍事方面的想法，以避免軍事衝突，例如：

Even though Taiwan faces a formidable PRC military threat, former President Lee Teng-hui and President Chen Shui-bian have called on China's new leaders to work with Taiwan to establish a military buffer zone to prevent accidents. China has yet to respond positively and concretely to President Chen's CBM proposals, which are greatly related to SLOC security. In 2004, President Chen continuously raised the idea of military CBMs to be adopted by Taipei and Beijing in order to prevent military conflicts, such as:

1. 非軍事區域的建立（包括撤出作戰人員、裝備和部署的飛彈），創造出時間和空間上的緩衝區。

1. Establishment of demilitarized zones (including removal of combat personnel, equipment and deployed missiles), creating a buffer zone in terms of time and space.

2. 避免軍事衝突的措施（也就是軍機和軍艦近距離接觸的規則和程序）。

2. Measures for prevention of military conflicts (i.e., rules and procedures for close encounters of military aircraft and ships).

3. 禁止軍事和經濟的封鎖。

3. Prohibition of military and economic blockade.

4. 海上漁釣管理的規定和協議，以避免緊張情況升高形成軍事衝突。

4. Rules and protocols for managing fishing activities at sea to prevent escalation of situation into military conflicts.

5. 雙方執行軍事演習時的規定和協議，其中並包括演習的區域。

5. Rules and protocols for conducting military exercises by both sides, to include areas of operation.

陳總統主張臺灣海峽的任何衝突都會對兩岸人民造成不可挽回的傷害，因此臺北和北京應審慎地考慮軍備控制的議題。2004 年十月陳總統繼續不斷地要求北京和臺北正式結束海峽兩岸的敵對狀態，並建立「臺灣海峽兩岸的規範」，並經由諮商和對話議定信心建立措施。此外，臺北和北京也需要重新檢視雙方的軍備政策以確保臺灣海峽的永久和平。

President Chen argued that any conflict in the Taiwan Strait could result in irreparable damage to the peoples on both sides; therefore, Taipei and Beijing should seriously consider the issue of arms control. In October 2004, President Chen continued to urge both Beijing and Taipei to formally end the state of hostility across the Taiwan Strait, to establish the “Code of Conduct across the Taiwan Strait,” and to establish CBMs through consultations and dialogues. Taipei and Beijing also need to review the armament policies of each side to guarantee permanent peace in the Taiwan Strait.

雖然北京對臺北提出的信心建立措施提案表現冷淡，但在 2004 年 11 月 10 日陳水扁重申臺灣將不發展如原子彈、生物和化學武器等的大規模毀滅性的武器，並鼓勵中華人民共和國作出相同的承諾。在 2006 年 5 月 20 日首次出刊的臺灣國家安全報告中重申陳總統 2004 年 2 月的提案，建議建立軍機和軍艦不得進入的軍事緩衝區。更重要的是，陳總統更進一步建議透過以軍事安全為考量的臺灣海峽諮商機制建立「臺灣海峽兩岸的規範」。

Although Beijing has been lukewarm to Taipei’s CBM proposal, on November 10, 2004 Chen Shui-bian pledged that Taiwan will not develop weapons of mass destruction such as nuclear, biological, and chemical weapons and urged the PRC to do the same. Reaffirming President Chen’s February 2004 proposal, the first ever edition of Taiwan National Security Report issued on May 20, 2006, suggests military buffer zones be established to exclude military aircrafts and ships from entering. More importantly, President Chen further suggested that the “Code of Conduct across the Taiwan Strait” be considered in the Taiwan Strait consultation mechanism for military security.

雖然臺灣既不是東南亞國協會員國區域論壇（ARF）的會員，也不是亞太安全合作理事會（CSCAP）的正式會員，但臺北願意遵守 1997 年亞太安全合作理事會所提出的區域海事合作指導方針。此指導方針敦促：

Even though Taiwan is not a party to the ASEAN Regional Forum (ARF) and not a full member of the Council for the Security Cooperation in the Asia-Pacific (CSCAP), Taipei is willing to abide the Guidelines for Regional Maritime Cooperation proposed by the CSCAP in 1997. Among them, the guidelines urged:

1. 依據聯合國海洋法公約（UNCLOS）的條款，會員國承認航海自由對維持亞太地區海上運輸貿易的重要性。
1. Parties recognize the importance of freedom of navigation, in accordance with the provisions of UNCLOS, to the maintenance of seaborne trade in the Asia Pacific region.
2. 考量航海安全之促進和海洋資源保護，鼓勵會員國發展合作措施以維持並保護海上交通線，這些合作措施可由區域中人道協助、搜救、海洋安全和海事法及秩序的資料交流和訓練開始。資料的交流應包括與海上交通線有關的可能威脅或與其安全有關之意外事件。
2. 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 cooperative 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.
3. 這些合作措施的進一步執行應包括海軍合作和得自海事調查的資料分享。
3. Further implementation of this cooperative approach could include naval cooperation and the sharing of information resulting from maritime surveillance.

自 1990 年起，臺灣即參與由印尼所贊助的南海區域安全工作會議，除派遣與會人員和人力資源外，臺灣也資助生物多樣性和其他非官方形式之第二軌道會議以進行南海海上交通線安全的研究。臺灣的合作並不僅限於參與印尼南海區域安全工作會議，此外臺灣人民智囊

機構也針對南海定期參與海峽兩岸非官方形式之第二軌道對話。當中國經濟在世界上快速成長且成為多國公司投資的大吸鐵之時，中華人民共和國亦高度地倚賴海上交通線的安全。中國將會更倚賴輸入的原油以維持其經濟的成長，且大部份原油的進口都是靠海運運輸，這使得保護海上交通線的安全益形重要。但這並不表示中華人民共和國將會採取較良性的行動，並對其野心勃勃的外交政策和擴軍計畫的執行自我限制。

Since 1990, Taiwan has been participating in the South China Sea Workshop sponsored by Indonesia. In addition to dispatching participants and resource personnel, Taiwan is also making financial contributions to the biodiversity project and other track-two meetings to explore the SLOC security in the South China Sea. Taiwan's cooperation is not limited to participation in Indonesian South China Sea Workshop, cross-strait track two dialogues regarding the South China Sea has also been conducted regularly by Taiwanese think tanks. While China has emerged as the world's fastest growing economy and a magnet of investment by multinational companies, the PRC is also highly dependent on the SLOC security. China will rely more on imported oil to sustain its economic growth. Much of this oil is transported by sea, resulting in the increased importance of safeguarding SLOC. This does not mean the PRC will only take benign actions and refrain from implementing its ambitious foreign policy and military build-up program.

另一方面，由於原油價格不斷地飆漲及全球經濟彼此間倚賴度的增加，臺灣有志與鄰近國家合作共同保衛海上交通線的安全。在這一方面臺灣也一直都保持著優良的記錄。2003年8月臺灣基於防擴散安全倡議(PSI)的精神，在全球前20大港之一的高雄港扣留了運往北韓的化學貨物。在2004年8月簽定了貨櫃安檢(CSI)協議後，臺灣開始執行諸如貨櫃資料檢核系統CSI等計畫，針對所有運往美國的貨櫃進行X光檢查。我們深信臺灣在佈署了現代化的海上防衛系統後，臺灣可以對亞太地區海上交通線的安全作出卓越的貢獻。

On the other hand, in light of the inflated prices of oil and growing interdependence of global economy, Taiwan is interested in cooperating with other neighboring countries in safeguarding the SLOC security. In that respect, Taiwan has a good track record. In August 2003, Taiwan detained North Korean chemical goods in Kaohsiung Harbor, one of the top 20 global ports, under the spirit of the Proliferation Security Initiative (PSI). With the signature of the Container Security Initiative (CSI) agreement in Aug. 2004,

Taiwan implements CSI programs such as the container information checking system, under which all US -bound containers undergo X-ray inspection. It is our belief that with the deployment of a modern maritime defense system, Taiwan will make a greater contribution to SLOC security in the Asia-Pacific region.

這次主辦第十五屆海線安全會議暨檢視其對區域和平之意義是我國的榮幸。我希望為期兩天的會議能獲致豐碩的提案和意見，讓我們能順利進入下一階段。在此我祝福遠道而來的與會者在臺灣停留期間有愉快的經驗，並平平安安的回家。

It is a great honor for my country to host the 15th SLOC conference and examine its implications for the regional peace. I hope the two-day conference will bear fruitful results of proposals and ideas for us to move onto the next step. For those have traveled a long way to this island, I wish you a pleasant stay in Taiwan and a safe journey home.

謝謝大家的聆聽。

Thank you for your attention.

3. Sealanes for World Peace 維護世界和平之海線

Topic 1: The Global Strategic Situation and Maritime Security Challenge: A US Perspective

議題一 全球之戰略趨勢及美國之外交政策

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ABSTRACT

摘要

This presentation will analyze global and regional maritime security challenges in the overall context of recent and potential changes in the global strategic situation.

我在此報告中將就全球戰略趨勢之近況及潛在變化的整體背景，分析全球和區域海事安全挑戰。

An opening theme is how the global strategic situation and maritime security challenges have been changing since 9/11, and more recent trends toward putting 9/11 in perspective.

一開始的主題是，全球戰略情勢和海事安全挑戰自 911 後的改變情況，此外，最近的趨勢更以 911 為前車之鑑。

Another theme is that there are certain driving global geostrategic factors—particularly regarding US power, Europe, Russia, the Middle East, and the Asia Pacific—which provide the backdrop for changes in global and regional security and maritime challenges. In the Asia Pacific region, noteworthy driving geostrategic factors include the rise as major powers of the PRC and India (and the recovery of Japan and increasing activity of Russia), rising energy imports, resurgent historical rivalries and animosities, the complex situation across the Taiwan Straits, and the increasing role of Southeast Asia and Australia.

另一個主題是驅動全球地緣政治學的因素——尤其是有關美國能源、歐洲、俄羅斯、中東和亞太地區——提供全球和區域安全及海事挑戰變化的背景。亞太地區驅動地緣政治值得注意的因素包括：中華人民共和國和印度新勢力的興起（以及日本的復甦及俄羅斯不斷增加的

活動)、能源進口量的不斷增加、再度出現的歷史性的對抗及仇視、臺海兩岸複雜的情勢及逐漸重要的東南亞和澳洲的角色。

This strategic situation has significantly affected US foreign and defense policy, and US Navy maritime operations in several areas. These areas include US Navy deployments and relations with coalition navies, security of US Navy ships and personnel, and US Navy/US Coast Guard cooperation (especially in Homeland Defense.)

這個戰略情勢對美國的外交及國防政策、美國海軍在數的地區的軍事行動都造成深遠的影響。這些區域包括：美國海軍佈署和聯盟海軍的關係、美國海軍軍艦和人員的安全及美國海軍/美國海岸防衛隊的合作（尤其是國土安全保衛）。

These changing security challenges have been reflected in US national, Defense Department, and US Navy strategies and planning. At the national level, the new (March 2006) US National Security Strategy provide general guidance, along with the September 2005 US National Strategy for Maritime Security. At the US Department of Defense level, more specific guidance for Joint planning and operations comes from three recent key documents—the National Defense Strategy, the National Military Strategy, and the Quadrennial Defense Review (QDR). At the US Navy level, several key strategic documents--the 2002 Sea Power 21 Navy vision document, the 2002 US Navy Global Concept of Operations, as well as the more recent 2006 Navy Strategic Plan and forthcoming Naval Operating Concept and new Maritime Strategy document, as well as initiatives such as the “1,000-ship Navy” for enhanced international maritime cooperation and coordination--all serve to link US Navy planning, operations, and resource allocation to the broader national response to changes in the global strategic situation and security challenges.

不斷變動的安全挑戰都反映在美國國家、國防部和美國海軍戰略和計畫上。在國家的階層，新的（2006 年 3 月）美國國家安全戰略是在 2005 年 9 月的美國國家海事安全戰略外，提供了另一個一般性的指導原則。在美國國防部階層，更具特定性的合作計畫和軍事行動的指導原則來自於三項最近的關鍵文件 — 國家國防戰略、國家軍事戰略和美國四年期國防總檢報告（QDR）。在美國海軍階層，數項關鍵戰略文件 — 2002 年海上力量 21 海軍願景文件、2002 美國海軍全球軍事行動理念、及最近的 2006 海軍戰略計畫和即將出爐的海軍軍事行動理念及新的海洋戰略文件，此外還有如「1,000 軍艦」倡議行動 — 以上都

將美國海軍的計畫、軍事行動和資源配置與更寬廣的國家對全球戰略情況及安全挑戰變化的回應相聯結。

議題一 全球之戰略趨勢及美國之外交政策
Topic 1: The Global Strategic Situation and Maritime Security
Challenge: A US Perspective

THE GLOBAL STRATEGIC
SITUATION AND MARITIME
SECURITY CHALLENGES: A
US PERSPECTIVE

Dr. Stanley Weeks
15TH International SLOC Conference
Taipei, ROC
18 July 2006

1

全球戰略局勢暨海事安全挑戰：
美國的觀點

史丹利·魏克斯博士(Dr. Stanley Weeks)
第十五屆國際海線安全會議
台北，中華民國
2006年7月18日

1

OUTLINE

- The Wider Global Strategic Context: A US View
- East Asian Strategic Context for Maritime Security
- Implications for Current East Asian Maritime Security
- Prospects for Future East Asian Maritime Security

2

大綱

- 更寬廣的全球戰略脈絡：美國的觀點
- 東亞海事安全之戰略脈絡
- 對當前東亞海事安全之意義
- 未來東亞海事安全之展望

2

Strategic Context: '9/11 in Perspective

- Maritime Security Challenges changed by 9/11, but also being changed by broader strategic context
- US (and US Navy) beginning to reemerge from post-9/11 singular focus on "War on Terror," returning to broader scope of global maritime security challenges.
- Result is that US is beginning to put 9/11 and Iraq in perspective, as elements (but not the only elements) of maritime security challenges.

3

戰略脈絡：9/11面面觀

- 海事安全的挑戰，除受9/11的影響而改變外，也因更寬廣的戰略脈絡而改變。
- 美國（和美國海軍）由原本9/11後的「反恐戰爭」單一焦點轉變為全球海事安全挑戰的寬廣範圍。
- 結果美國開始將9/11和伊拉克視為海事安全挑戰的元素（但不是唯一的元素）。

3

Strategic Context: Driving Geostrategic Factors

- US Power (military, economic) and US weaknesses (public diplomacy, land forces, strains on economy and military structure) and vulnerabilities (bandwagoning effect).
- Europe: Introspection, pacifism, limits of EU and its Common Security and Defense Policy, unfavorable economic and demographic trends.
- Russia: Toughening up politically at home, weakening in "near abroad," military weakened by budget and demographic and health crises.
- Middle East: Domestic political fragility, renewed Arab-Israeli conflict, economic stagnation, demographic crisis.

4

戰略脈絡：驅動地緣戰略的因素

- 美國的勢力〈軍力、經濟力〉和美國的缺點〈公共外交、陸軍戰力、經濟和軍事結構的負擔〉及弱點〈得勢派的影響〉。
- 歐洲：反思、和平主義、歐盟的限制和歐洲共同安全暨防衛政策、不利的經濟和人口趨勢。
- 俄羅斯：國內政治的困難、削弱對「鄰近國家」的影響力、軍事力量也因預算和人口及健康危機而被削弱。
- 中東：國內政治脆弱、阿拉伯和以色列間的衝突再度出現、經濟遲滯、人口危機。

4

Strategic Context: Driving Geostrategic Factors in Asia Pacific

- Rise of China and India as economic and political powers is the critical geostrategic change.
 - At same time, still strong Japan becoming a “normal” power.
 - Result: A regional Strategic Triangle without historical precedent.
- Phenomenal rise in energy imports central to rise of China and India.
 - As recently as 1992, China was a net oil exporter
 - Maritime transport of energy from Hormuz to NE Asia through critical straits, oceans, and seas increasingly vital.
- Surge of historical rivalries and animosities (e.g., China-Japan, Japan-Korea)
- Increasing role of SE Asia and Australia, with critical Sea Lines Of Communications (SLOCs) and maritime piracy and terrorism.

5

戰略脈絡：驅動亞太地區地緣戰略的因素

- 中國和印度在經濟和政治力量的崛起是這個地區地緣戰略最大的變動。
 - 同時，仍然強大的日本成為「正常」的勢力。
 - 結果：史無前例地出現了區域戰略三角。
- 中國和印度能源進口量大增，是觀察中國和印度崛起的重點。
 - 離現在不遠前，也就是在1992年時，中國仍是石油輸出國。
 - 由荷姆茲島到東北亞，通過重要的海峽、大洋及海域的能源海上運輸日趨重要。
- 歷史性的敵意及對抗行為的激增（例如：中國－日本、日本－韓國）。
- 由於日益重要的海上交通線、海盜行為、和恐怖主義，使得東南亞和澳洲的角色日趨重要。

5

Strategic Context

- All these driving geostrategic factors form the context of maritime challenges and issues, including:
 - Deployments and Relations between Navies and Coast Guards
 - Issues Related to Security of Maritime Assets and Personnel
 - Impact of Transformation on Maritime Forces

6

戰略脈絡

- 所有這些驅動地緣戰略的因素成為海事挑戰和事件的脈絡，包括：
 - 海軍和海岸防衛隊的部署和關係
 - 與海洋資源和人員安全有關的事項
 - 海事力量轉變的影響

6

US Navy Relations with Other Coalition Navies: Overview

- US Navy Deployments to Arabian Sea for Afghanistan and Iraq have been major focus of US Naval Operations since 9/11
- US Navy Relations with other Coalition Navies have been critical to Operations
 - Maritime Defense
 - Maritime Intercept
 - Maritime Counter-Terrorism
 - Maritime Domain Awareness

7

美國海軍與其他結盟國家海軍的關係：概述

- 阿富汗和伊拉克在9/11後成為美國海軍軍事行動的主要焦點，美國海軍因而部署至阿拉伯海。
- 美國海軍與其他結盟國家海軍的關係成為軍事行動的關鍵
 - 海上防衛
 - 海上攔截
 - 海上防恐
 - 領海感知

7

US Navy Deployments and Relations with Other Coalition Navies: Deployment Areas and Operations

- Arabian Gulf: Direct support to OIF by US Navy, with UK RN, RAN, and some others.
 - Including non-US Commanders of Maritime Intercept Force (MIF)
- Arabian Sea:
 - Broader OEF support, with significant UK RN, RAN, Canada, NZ, RSN, Japan presence.
 - Task Force commands by non-US naval commanders
- Northern Indian Ocean, incl. Horn of Africa and Gulf of Oman:
 - Perhaps Broadest Coalition for Naval Operations since WWII
 - USN with UK RN, RAN, Canada, Japan, France, Germany, Italy, Spain, and others.
 - Focus on counter-terrorism, maritime interdiction.
- Aceh Tsunami Relief: Truly international ad-hoc Maritime Coalition with more than a dozen navies (including from SE Asia).

8

美國海軍的部署與其他聯盟海軍的關係：部署區域和軍事行動

- 阿拉伯灣：美國海軍、英國皇家海軍、和澳洲皇家海軍等等針對解放伊拉克的軍事行動給予直接的支援
 - 包括非美軍指揮的海上攔截武力〈MIF〉
- 阿拉伯海：
 - 在英國皇家海軍、澳洲皇家海軍、加拿大、紐西蘭、新加坡海軍、和日本的積極參與下，給予伊拉克戰爭更廣泛的支援。
 - 任務小組由非美軍指揮官指揮
- 北印度洋，包括：非洲角和阿曼灣：
 - 這可能是自第二次世界大戰後最大的海軍軍事行動聯盟
 - 美國海軍和英國皇家海軍、澳洲皇家海軍、加拿大、日本、法國、德國、義大利、西班牙和其他國家。
 - 焦點在反恐和海上攔截。
- 亞齊海嘯救濟：有超過12個國家的海軍〈包括來自東南亞的國家〉參與這次真正特殊的國際海上聯盟行動。

8

US Navy Deployments and Relations with Other Coalition Navies: Lessons Learned

- Navies are the most ready of all services to implement coalitions operations
 - Common Maritime environment/experiences.
 - Maritime environment lacks many legal/sovereignty problems on land
- International Navies have made real progress in common basic doctrine for Multinational Maritime Operations.
- Interoperability, especially in communications and data links, is a continuing challenge.

9

美國海軍的部署與其他聯盟海軍的關係：學到的教訓

- 海軍是所有軍種中可以最快速執行聯合軍事行動的軍種
 - 一般海事環境/經驗。
 - 海事環境與陸上環境相比少掉許多法律/主權問題
- 國際海軍對於多國海上軍事行動的共同基本策略有實質的進步。
- 互通性，尤其在通訊和資料連結上不斷地受到挑戰。

9

East Asian Strategic Context for Maritime Security

- US:
 - Remains very much a Pacific nation (with States/Territories, Allies, Economic Interests)
 - Repositioning US military forces in region to be more flexible and responsive

10

東亞海事安全之戰略脈絡

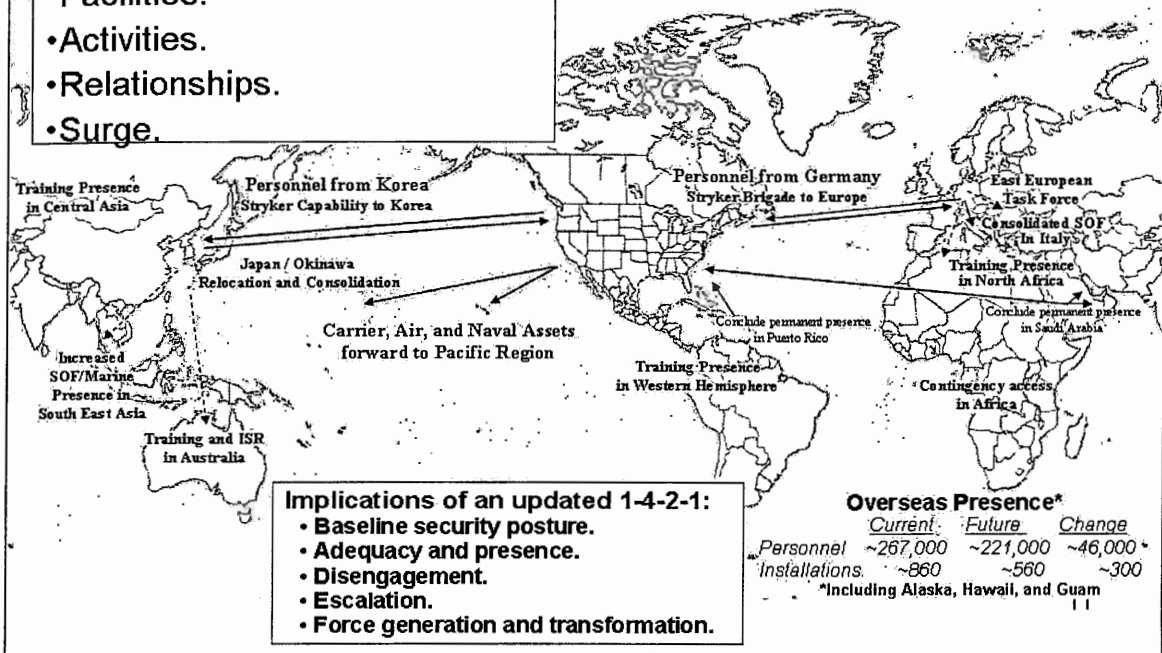
- 美國:
 - 仍是一個十足的太平洋國家〈國家/領土、同盟、經濟利益〉
 - 重新部署美國在此區域中的軍力，以期更具彈性和應變力。

10

Global Posture Transformation

Impact of Posture on:

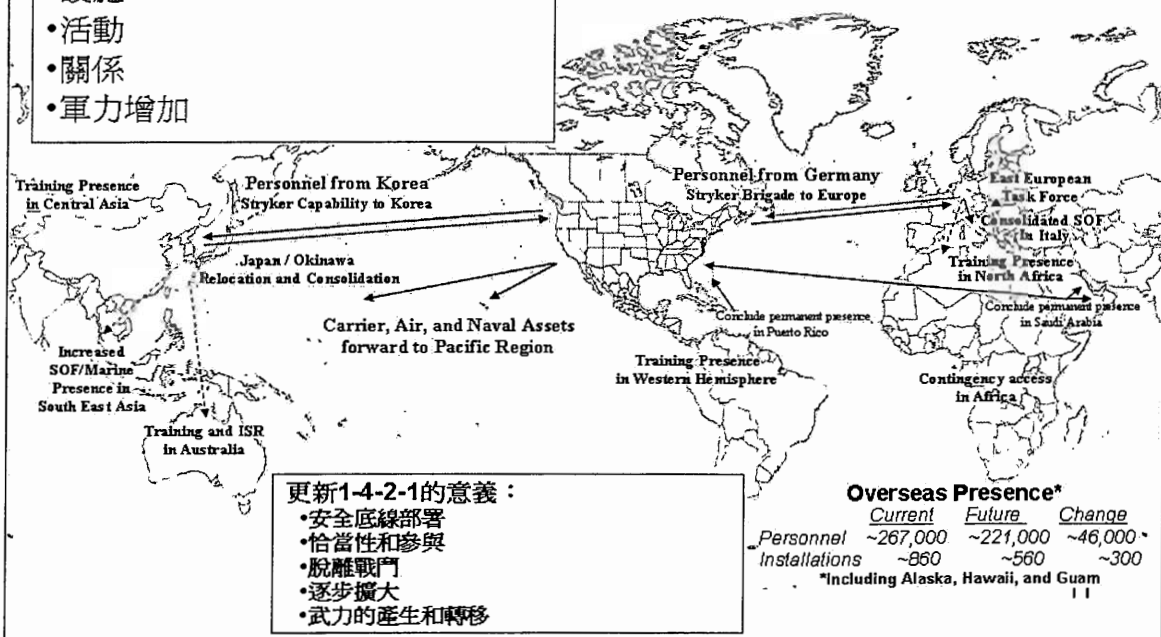
- Facilities.
- Activities.
- Relationships.
- Surge.



全球軍力部署的轉變

部署對以下事項的影響：

- 設施
- 活動
- 關係
- 軍力增加



East Asian Strategic Context for Maritime Security

- Russia:
 - Still a significant Pacific power
 - Complex relations with Japan—Northern Territories Islands dispute
 - Closer relations with PRC

12

東亞海事安全之戰略脈絡

- 俄羅斯:
 - 仍然是重要的太平洋勢力
 - 與日本—北方領土島嶼的衝突關係仍非常複雜
 - 與中國人民共和國的關係較密切

12

East Asian Strategic Context for Maritime Security

- Japan
 - Still second largest economic power in world
 - Gradual re-emergence as “normal” power in diplomatic/military posture
 - Historical Problems and Disputes with Korea and China
 - Islands
 - Maritime Boundaries

13

東亞海事安全之戰略脈絡

- 日本
 - 仍為世界第二大經濟強國
 - 政治/軍事態勢重新以「正常」勢力出現
 - 與韓國和中國存在有歷史方面的問題和爭議
 - 島嶼
 - 海上疆界

13

East Asian Strategic Context for Maritime Security

- Korea:
 - North Korea: Isolation, poverty, and nuclear weapons and missile threats
 - South Korea: Nationalism and growing maritime capabilities

14

東亞海事安全之戰略脈絡

- 韓國：
 - 北韓：孤立、貧窮、和核子武器及飛彈的威脅
 - 南韓：民族主義和逐漸壯大的海上力量

14

East Asian Strategic Context for Maritime Security

- China-Taiwan:
 - Potential for cross-straits conflict

15

東亞海事安全之戰略脈絡

- 中國－臺灣
 - 海峽兩岸潛在衝突之所在

15

East Asian Strategic Context for Maritime Security

- ASEAN:
 - Sits astride critical straits and South China Sea areas of dispute
 - Threats of maritime piracy and terrorism
 - Many countries lacking needed maritime capacities
 - Cooperation with regional powers (US, China, India, Japan)

16

東亞海事安全之戰略脈絡

- 東南亞國協會員國〈東協〉：
 - 扼居重要海峽和具爭議性的南中國海域
 - 海盜和恐怖主義的威脅
 - 許多國家缺乏必要的海上力量
 - 區域力量的合作〈美國、中國、印度、日本〉

16

East Asian Strategic Context for Maritime Security

- India: Like China, rising global and regional influence

17

東亞海事安全之戰略脈絡

- 印度：與中國相似，都逐漸增大其對全球和區域的影響力。

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East Asian Strategic Context for Maritime Security

- Australia:
 - Increasing role in East Asian affairs

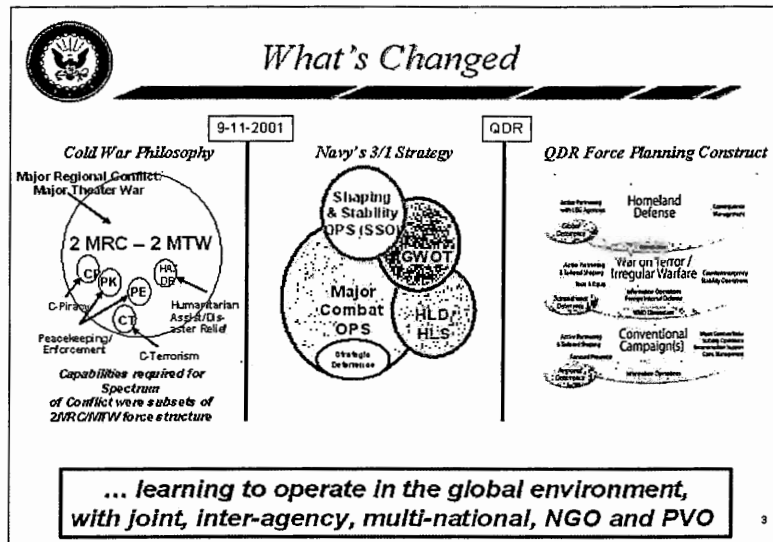
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東亞海事安全之戰略脈絡

- 澳洲：
 - 逐漸加重其在東亞事務上所扮演之角色

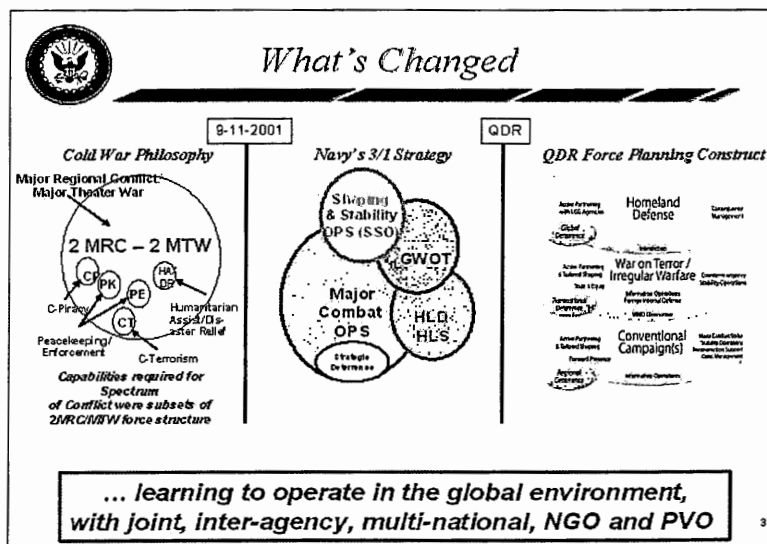
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Implications for US Navy



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對美國海軍的意義



19

Implications for US Navy



1,000 Ship Navy

- Goal: Increased security so that the maritime commons may be safely used by all nations
 - A fully interoperable force
 - An international "city at sea"
- Leveraging the unique capabilities of like-minded nations
- Voluntarily harnessing the power of the international community

No One Navy Can Go It Alone

14

20

對美國海軍的意義



1,000 Ship Navy

- Goal: Increased security so that the maritime commons may be safely used by all nations
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No One Navy Can Go It Alone

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20

Implications for Current East Asian Maritime Security

- Since 1991, much progress in implementing maritime confidence building measures:
 - Declaratory Measures, e.g., PRC-ASEAN South China Sea Code of Conduct
 - Risk Reduction Measures, e.g., US-PRC Military Maritime Consultative Agreement
 - Transparency Measures: Major progress made in increasing familiarity and cooperation among Navies in East Asia. Regular high-level defense and naval consultations, meetings/dialogues, ship visits, personnel exchanges, observers at exercises.

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對東亞海事安全之意義

- 自1991年起，建立海事信心的措施已有長足進步：
 - 宣示性措施，例如：中華人民共和國－東協南中國海管理辦法
 - 降低風險措施，例如：美國－中華人民共和國海事諮詢協議
 - 透明化措施：在增加東亞海軍熟悉和合作方面有長足的進步。定期高階防禦和海軍諮商、會議/對話、船艦訪問、人員交流、以及軍事演習時派遣觀察員。

21

Implications for Current East Asian Maritime Security

- Growing activity of multilateral regional organizations for maritime cooperation:
 - Official (“Track One”): ASEAN Regional Forum (ARF) Interessional Group on Confidence Building Measures maritime meetings
 - Unofficial (“Track Two”):
 - Council for Security Cooperation in the Asia Pacific Maritime Cooperation Working Group and Memoranda (Regional Maritime Cooperation, Cooperation for Law and Order at Sea, and Law of the Sea.)
 - Western Pacific Naval Symposium (WPNS): Biennial meetings of Heads of Navies and annual workshops
 - Annual Conference of Pacific Maritime Law Enforcement Agencies

22

對東亞海事安全之意義

- 在海事合作上多邊區域組織活動的增加：
 - 官方〈「第一軌道」〉：東協區域論壇(ARF)閉會期間信心建立小組海事會議
 - 非官方〈「第二軌道」〉：
 - 亞太海事合作工作小組和備忘錄的安全合作協調會〈區域海事合作、海上法律與秩序合作、海洋公約法〉
 - 西太平洋海軍研討會(WPNS)：兩年一度的海軍首長會議和年度研討會
 - 太平洋海事法執行機構的年度會議

22

Prospects for Future East Asian Maritime Security

- Need to avoid state conflicts over historical/territorial/boundary disputes
- Now need to build on and go beyond recent progress in maritime confidence building and familiarization, to implement active cooperation of maritime forces to deal with new requirements and threats:
 - Security of Sea Lanes: Must ensure freedom of navigation vital to trade and energy flows
 - Address non-traditional threats/requirements:
 - Maritime Piracy and Terrorism
 - Proliferation of Weapons of Mass Destruction (Megaports Initiative, Container Security Initiative, Proliferation Security Initiative (PSI))
 - Illegal Trafficking (in drugs, people, goods)
 - Marine Environmental Protection
 - Humanitarian Assistance and Disaster Relief

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未來東亞海事安全之展望

- 應避免國家間因歷史/領土/邊界爭議所引發之衝突
- 現在我們需要超越近期在海事信心建立和嫻熟方面的進展，以推動積極的海上軍事合作來處理新的需求和威脅：
 - 海上航道安全：必須確保商業和能源運輸所繫之航行自由
 - 強調非傳統威脅/條件：
 - 海盜和恐怖主義
 - 大規模毀滅性武器的擴散〈超級港口行動計劃、貨櫃安全協定、防擴散安全倡議〉
 - 非法走私〈毒品、人員、貨物〉
 - 海洋環境保護
 - 人道援助和災害救濟

23

Prospects for Future East Asian Maritime Security: The Way Ahead for East Asian Maritime Cooperation

- Each nation must improve cooperation among its own maritime agencies (Navies, Coast Guards, Fisheries, Customs, Ports, etc.)
- Enhance existing maritime cooperation (bilateral, multilateral, and official/unofficial regional organizations)
- Implement routine maritime forces Operational Cooperation
 - Improve communications and interoperability
 - Focus on joint patrols in critical regional sea lanes and choke points
- Assist developing nations in maritime capacity building 24

未來東亞海事安全之展望： 未來東亞海事合作的方向

- 各國必須加強本身與海事有關之政府機構（海軍、海岸巡防隊、漁業、海關、港口等）間的合作
- 加強現有之海事合作（雙邊、多邊和官方/非官方區域性組織）
- 定期實施海上軍事行動合作
 - 改善溝通和互通性
 - 針對重要區域的海上航線和扼喉點進行聯合巡邏
- 協助發展中國家建立海事能力

議題二 建立區域海洋聯盟之安全合作

**Topic 2: Creation of Regional Maritime Coalition – Aiming
For Collective Maritime Security Cooperation**

(Vice Admiral (Ret.) Hideaki Kaneda, 日本 Japan)

The 15th International SLOC Conference

...Contemporary Japanese SLOC Security...

Creation of Regional Maritime Coalition

--- Aiming for Collective Maritime Security Cooperation ---

Taipei, Tuesday, July 18

**Director, The Okazaki Institute
VADM (ret) Hideaki Kaneda**

第十五屆國際SLOC會議

... 日本當前SLOC安全...

建立地區海運聯盟

... 促進集體海運安全合作...

台北 – 7月18日(星期二)

**岡崎研究所主任
日本海上自衛隊(JMSDF)
退役中將金田秀昭(Hideaki Kaneda)**

Changing Environment (General)

More Complicated State-Relationship in NE Asia

Weaker Governance of some SE Asia States

Rise of Rapidly Developed States like China & India

Increased Mutual Dependency Through Oceans

New Maritime Threats from Non-State Entities

改變中的環境 (一般)

東北亞國家關係更趨複雜

某些東南亞國家的治理轉弱

迅速開發國家(如中國和印度)的興起

透過海洋之互賴性增加

來自非國家實體之新海運威脅

Changing Environment (Individual)

Russia: Weakened Military Power

China: Maritime Advancement & Military Expansion

DPRK: Realizing Unlimited Threats

ROK: Unclear Direction of Autonomous Defense

USA: Military Transformation including Realignment

India: Military Modernization under Multilateralism

ASEAN: Asymmetric Military Modernizations

Taiwan: Shifting to Weaker Balance to China's Power

Non-State: Danger of Maritime Terrorism and Piracy

改變中的環境 (個別)

俄羅斯：軍事實力減弱

中國：海運進展和軍力擴張

北韓：落實不受約束的威脅

南韓：自主防禦方向不明

美國：軍事轉型(包括重新部署)

印度：多邊主義下之軍事現代化

東協：均衡的軍事現代化

台灣：與中國之實力平衡轉弱

非國家：海運恐怖主義和海盜行徑的威脅

Chinese Contemporary Colony

Oversea's Strategic Bases along Vital SLOCs
「String of Pearls」



中國當前僑民聚集地

重要SLOCs沿線之海外戰略基地
「珍珠串」



Changing Aspects of War at Sea

Form of War

Traditional ⇒ Untraditional ~ Traditional

Form of Combating

Massive ⇒ Terror ~ Massive

Operation Theater

Ocean/Deep ⇒ Littoral/Shallow ~ Ocean/Deep

Applicable Technologies

High Tech ⇒ Low Tech ~ High Tech

改變中的海上戰爭面向

戰爭形式

傳統 ⇒ 非傳統 ~ 傳統

戰鬥形式

大規模 ⇒ 恐怖行動 ~ 大規模

戰區

海洋/深海 ⇒ 沿海/淺海 ~ 海洋/深海

應用技術

高科技 ⇒ 低科技 ~ 高科技

Regional Maritime Coalition

Aiming for;

Collective Maritime Security Cooperation

Creation of Regional Maritime Coalition for;

Maritime Domain Awareness

Maritime Capacity Building

Maritime Forces Cooperation

Maritime Common Legislation

地區海運聯盟

促進：

集體海運安全合作

建立地區海運聯盟，以期：

領海意識提升

海運能力建立

海上武力合作

海事共同立法

Changing Threats (New Kinds)

Precision BM: Terminal Guidance

Cyber Attack: Anti-C4ISR (Nation, Military)

Power Projection: CVBG、Assault Landing

Space War: Killer/Guidance Satellites

Maritime Violence: Terrorism, Piracy

改變中的威脅 (新類型)

精密彈道飛彈：終端導引

網路攻擊：Anti-C4ISR(國家、軍隊)

戰力投射：CVBG、攻擊登陸

空間戰：殺手/導引衛星

海上暴力：恐怖主義、海盜行徑

Changing Threats (Qualitative Changes)

ASBM: PG、MaRV、MIRV、Decoy、WMD/HPMD

ASCM: PG、Stealth、High Speed、Various Platforms

Submarine: Stealth、Mobility、Offensive Power

Surface Vessel: Offensive and Defensive Power

改變中的威脅 (質變)

**空對地彈道飛彈(ASBM) : PG、MaRV、MIRV、Decoy、
WMD/HPMD**

反艦巡航導彈(ASCM) : PG、匿蹤、高速、各種平台

潛水艇 : 匿蹤、機動性、攻擊力

水面船艦 : 攻擊力與防禦力

Changing Threats (Quantitative)

**Massive Repeated Attacks
Littoral/Archipelagic Area, Inland Sea**

**Assault Landing
Commandeering Fishing/Merchant ships**

**Sea Mine
Easy Production, Easy Laying**

改變中的威脅 (量變)

**大規模反覆攻擊
沿岸/群島地區、內陸海**

**攻擊登陸
霸佔漁船/商船**

**水雷
容易生產和放置**

Changing Threats, Risks (Entities)

Threats

Real Time: Maritime terrorism, Piracy by NSA

Short-Term: Unlimited invasions by DPRK

Risks

Mid-Term: China's Invasion to Taiwan

China's Military Expansion (Mahanism?)

Long-Term: SCO's future (Great China Union?)

Russian Recurrence (Militarization?)

Peninsula's Direction (United or?)

ASEAN's Chinesation (Anti-US, Japan?)

USA's Retirement from Asia (Chaos?)

改變中的威脅/風險 (實體)

威脅

當前：非國家實體(NSA)的海上恐怖主義、海盜行徑

短期：北韓無約束的侵犯

風險

中期：中國入侵台灣

中國的軍力擴張 (馬漢主義 - Mahanism?)

長期：上海合作組織(SCO)的未來 (大中華聯邦?)

俄羅斯再興 (軍事化)

朝鮮半島的發展方向 (統一或?)

東協(ASEAN)的中國化 (反美、反日?)

美國退出亞洲 (混亂?)

Regional Maritime Security

Mutually Dependent but Vulnerable vital SLOCs

→ Continuing

Confrontation on Maritime Hegemony & Rights

→ Continuing

Common Concerns Over Regional Maritime Security

→ Increasing

地區海運安全

相互依賴卻脆弱的重要SLOCs

→ 持續中

在海上霸權和權利方面的對抗

→ 持續中

對地區海運安全的共同憂慮

→ 增加中

What should we do on SLOCs?

From an “Arc of Instability”

**To an “Arc of Inseparability”
(Regional Maritime Coalition)**

我們應該如何確保SLOCs安全？

從“不穩定弧線地帶”

到“不可分弧線地帶”

(地區海運聯盟)

Topic 3: Sealand Security in East Asia—Major Issues and Regional Responses

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Abstract

The current maritime security environment of East Asia is a complicated mix of old and new challenges. The major issues include island and boundary disputes, naval arms build-up, protection of sea-lanes, navigational regimes and activities in the exclusive economic zone, competition over resources, and maintenance of law and order at sea. These issues, unless dealt with adequately, could pose serious threats to regional stability. The most urgent task for the region in responding to these challenges is the building of a stable and secure maritime regime as well as the implementation of maritime confidence-building measures.

1. Introduction

It is well known that the East Asian region is a community of maritime nations. There are few East Asian states that do not have significant maritime frontiers and strong maritime interests. The commercial and strategic significance of the sea in the region requires little elaboration. The sea is a major source of food for the region, and the sea lanes are the life-lines of the East Asian economies heavily dependent on unimpeded access to raw materials, markets and investment opportunities throughout the region. The region also encompasses a number of strategic straits, some of which lie across the vital oil supply routes from the Persian Gulf.

This strong maritime orientation dictates the security, political as well as economic outlooks of all states in the region. Any analysis of the geopolitics of the region must account for this maritime character which for long time has been taken for granted. As the economies of the region have developed and extra-regional influences have declined, so have governments turned their attention more closely to the security of their own maritime interests. As a result, maritime issues are at the forefront of current regional security concerns. Of the thirty or so conflict points in the region, more than a third involves disputes over islands, continental shelf claims, EEZ boundaries and other offshore issues. Many emerging regional security concerns, such as piracy, terrorism, pollution from oil spills, safety of the sea lanes of communication (SLOCs), illegal fishing and exploitation of other offshore resources, and other important elements of economic activities are essentially maritime. These concerns, in fact, are reflected in the

significant maritime dimension of the current arms acquisition programs in the region. Unfortunately, some of these new capabilities tend to be more offensive, inflammatory and, in conflict situations, potentially prone to the possibilities of inadvertent escalation. For this reason, maritime concerns is well reflected in current proposals for regional confidence and security building measures (CSBMs), where about a third of the proposals are intended to directly address maritime matters, while others have significant maritime dimension. It is therefore important that regional mechanisms be instituted to address these maritime issues - both to address the cause of tension and to manage and reduce such tension.

This paper examines maritime issues which could pose serious threats to maritime security in the East Asian region, and then explores the appropriate measures necessary to enhance regional maritime security. Particular attention will be paid to the relevance and role of legal rules in improving maritime security environment, as East Asia is characterized by a number of features which give prominence to certain law of the sea issues.

2. Major Maritime Security Issues in East Asia

While there are a myriad of maritime issues in East Asia, major issues in the region can conveniently be divided into the following categories: disputes about the sovereignty of offshore islands; issues of maritime boundaries; naval arms build-up and its implication on the security of sea-lanes; navigational regimes; resource conflicts; and the maintenance of law and order at sea. The followings are a brief analysis of the issues that can pose a threat to stable maritime environment in the East Asian region.

2. 1. Territorial Disputes

The most well-known island dispute in East Asia is the Spratly in the South China Sea. Within the South China Sea, the Paracel Islands and Macclesfield Bank have also been source of dispute, but the Spratly Island are contested by six different claimants have drawn the greatest attention.¹ The question of who owns the 400-plus rocks, reefs, and islands within the South China Sea was largely ignored until 1970s. At that time, however, the area became a possible target for exploration by multinational oil companies. Motivated by the desire to extend control over sea-based resources, neighboring states in the area have increasingly come into verbal conflict and even sporadic military confrontation over sovereignty in the South

¹ For a detailed study of the Spratly dispute, see for example Mark Valencia and Jon Van Dyke, "Comprehensive Solutions to the South China Sea Disputes: Some Options", Sam Bateman and Stephen Bates (eds), *The Seas Unite: Maritime Cooperation in the Asia Pacific Region*, 1996, p. 223-262.

China Sea. During the 1980s and 1990s, most states have found themselves in a race to bolster their claims to sovereignty by gaining occupation of the islands that can support a physical presence. Currently, Vietnam occupies over twenty islets or rocks, China occupies eight, Taiwan one, the Philippines eight, Malaysia three to six. The race for occupation of the Spratly has increased the likelihood of conflict, resulting in three cases of military intimidation in recent years, one of which led to military conflict. The Spratly dispute thus remains one of the most dangerous spot in the region. While all the claimants have endorsed the use of peaceful means to overcome their differences, it is worrying that all claimants, except Brunei, have stationed troops in the Spratlys. With time most of the claimants will be in a good position to project military power into the South China Sea. Progress in the informal South China Sea workshops hosted by Indonesia has been slow because of different approaches, priorities and agendas of China and the South China Sea states, but some cooperation has been achieved in non-contentious areas such as the conduct of marine scientific research, the preservation of the ecosystem and pollution control.²

There are three major island disputes in the seas of Northeast Asia: namely the dispute over the Senkaku Islands³ (or Tiao-yu-t'ais) between Japan and China; the dispute over the Dokdo (or Takeshima) between Korea and Japan; and the dispute over the Northern Territories (or Southern Kuriles) between Russia and Japan. Like the Spratly in the South China Sea, the three island disputes in Northeast Asia, unless carefully dealt with, could also erupt to major threats to regional security anytime. While the island disputes in Northeast Asia raised tension between rival claimants from time to time over the past decades, its importance has been considerably increased in recent times for two reasons. First, the resurgence of the territorial disputes has much to do with the regional states' moves to extend their maritime jurisdictions by establishing the 200-mile exclusive economic zones, which was in turn motivated by growing concern for resource development and environmental protection.⁴ One of the consequences arising from such extended maritime jurisdiction is the overlapping of competing jurisdictions, and, thus, the necessity of delimitation. In

² See Ian Townsend-Gault, "Preventive Diplomacy and Pro-Activity in the South China Sea", Contemporary Southeast Asia, Vol. 20, No. 2 (1998), pp. 21-35.

³ For an update of the dispute, see Steven Wei Su, "The Territorial Dispute over the Tiayu/Senkaku Islands: An Update", Ocean Development and International Law, Vol. 36(2004), pp. 45-61.

⁴ For more on the recent developments, see Andrew Mack, "Island Disputes in Northeast Asia", Working Paper No. 1997/2, Australian National University; Jin-Hyun Paik, "Territorial Disputes at Sea: Situation, Possibilities, and Prognosis-With Particular Reference to Northeast Asian Seas", Monamed Jawhar Hassan and Ahmade Raffie, Bringing Peace to the Pacific, 1997, pp. 319-334.

Northeast Asia where the distance between the coastal states does not exceed 400 miles, the question of boundary delimitation inevitably arises. Moreover, the extension of maritime jurisdiction also exacerbates the decade-long island disputes in the region, as the boundaries may not be delimited unless the sovereignty disputes over the islands are resolved for one way or another. Second, the disputes are deeply affected by historic grievance and identity politics, which unfortunately seem to rise in the region. Paradoxically, the end of the Cold War and democratization in the region has made sovereignty issues more, not less, difficult to resolve. Conservative politics in Japan and a rising nationalistic tide in China and South Korea have further complicated the whole situation. Sometimes sovereignty disputes are exploited to further political ends.

The intensity of these territorial disputes cannot thus be explained entirely in terms of the economic or strategic value of the islands in dispute. The risk of a military conflict over any of the disputed islands, however, seems unlikely. The political and human costs would be huge, while the economic and security benefits would be relatively small. But there is a risk that agitators on either side may precipitate a crisis by undertaking provocative acts, which would raise nationalist passions and make conflict resolution extremely difficult.⁵

2.2. Boundary Disputes

In the Northeast Asian region, there are currently three maritime boundary agreements in force.⁶ The geographic circumstances of the area require the conclusion of a few more bilateral and trilateral agreements to complete maritime boundaries in this area. Yet two factors make the boundary delimitation in this area particularly thorny. First, it has been pointed out that there exist some very difficult territorial disputes in the region. Unless these territorial disputes are resolved, which is highly unlikely, it may not be possible to delimit the boundaries. Second, as the continental shelf dispute in the early 1970s showed, coastal states appear to be in serious disagreement as to which laws should apply to boundary delimitation in the region. Moreover, the complicated geography of the region and the uncertain nature of the seabed make delimitation an extremely difficult issue. The current dispute between China and Japan over

⁵ This is exactly what has happened in Northeast Asia recently. See "Japan, China and Korea: Recent Disputes in East Asia", Epinions.com, April 22, 2005.

⁶ The first boundary in the region was delimited between South Korea and Japan in the continental shelf area through the Korea Strait north of Tsushima Island in 1974. In 1986 and 1990 respectively, North Korea and the Soviet Union (now Russia) agreed on their territorial sea boundary and continental shelf and EEZ boundaries in the northern East Sea (or Sea of Japan).

natural gas exploration and drilling in the East China Sea is directly related to the delimitation of continental shelf between the two countries in that area.⁷

In the Southeast Asian region, on the other hand, there are currently over 20 maritime boundary agreements in force.⁸ However, given the greater number of coastal states and the complicated geographical nature of the region, there still remain a number of important boundaries to be delimited. In fact, the geographical circumstances relating to the delimitation of maritime boundaries in the Southeast Asia sub-region are far more complicated than those found in the Northeast Asia sub-region. Moreover, this area also has a series of highly complicated territorial disputes involving the ownership of uninhabited islands and coral outcroppings, most of them in the South China Sea.

The absence of agreed boundary and resulting unilateral claims could be a source of uncertainty and conflict among states concerned. Moreover, overlapping national maritime jurisdictions could pose significant problems for marine environmental management and marine resource development in the region.

2.3. Naval Arms Build-Up and SLOC Security

The East Asian region as a whole enjoyed the highest rate of economic growth in the world in the 1980s and 1990s. While the financial crisis of the late 1990s dealt a blow to the region's economic prosperity for some time, the regional economy is more dependent on trade, especially exports than ever. For example, exports now account for an average of 64% of East Asia's GDP, up from 55% in the early 1990s.⁹ The medium of such expanded trade is shipping, which carries over ninety-eight percent of all goods traded. Except for high value cargoes carried by air, all intra-regional trade in fact goes by sea, and many regional nations lack self-sufficiency in energy, foodstuffs, and critical raw materials. Thus the increased importance of the East Asian trade means a remarkable growth in sea-borne trade that traverses the Pacific Ocean.¹⁰ Against this backdrop, the security of merchant shipping in the region is the subject that certainly deserves continued attention.

⁷ Sean Curtin, "Sea of Confrontation: Japan-China Territorial and Gas Dispute Intensifies", available at <http://japanfocus.org>, 2005.

⁸ For details of maritime boundary agreements in force in the East Asian region, see J. Charney and L. Alexander (eds), *International Maritime Boundaries*, Vols. 1 and 2, 1993.

⁹ *Economist*, July 12-18, 2003, pp. 11-12

¹⁰ For shipping in the Asia-Pacific region, see Andrew Forbes (ed), *The Strategic Importance of Seaborne Trade and Shipping*, University of Wollongong Press, 2003.

It is generally acknowledged that with the end of the Cold War, overall strategic environment has improved in the Asia-Pacific region and the consequent threat to the security of sea lanes is rather remote. However, this does not necessarily mean that threats to the security of the sea lanes cease to exist in the region. In fact, while the end of the Cold War has certainly resulted in the decline of the activities of major naval powers in the region, the United States and Russia, it has also led to the rather paradoxical situation where more navies of regional powers have begun to assert themselves in regional waters, apparently to fill the power vacuum left. For instance, China's naval capability has expanded over the years from a coastal defense role to ability to project power further offshore.¹¹ Such capability has assumed greater significance in the South China Sea, where territorial disputes remain unresolved. It is known that Japan has the capability in technology and financial resources to go beyond the manifest task of protecting waters within 1,000 nautical miles from its mainland. A long-range sea lane defense strategy is in prospect, indicated by the procurement policy of Japanese defense agency.¹² In addition, other countries in the region, including Taiwan, South Korea and most ASEAN countries, are acquiring more powerful naval forces and developing their maritime capabilities. The cause of such naval arms build-ups in the region today stem from growing concern with strategic uncertainty and differing national interests that is the urge to protect and expand a sphere of influence and the fear of losing it. The states concerned thus pay heed to the geo-strategic dimension of their rivalries. The result is that despite reduction in the US and Russian maritime presence, the maritime security environment in East Asia is becoming more complicated. There will be more navies of consequence, and an increased risk of incidents between maritime forces, thus resulting in a potentially unstable maritime environment. Of particular concern is disruption of SLOCs by conflicts involving actions by China or others to enforce claims to Taiwan or the Spratly Islands, or to oil fields disputed with Vietnam.

2.4. Navigational Regime and SLOC Security

The other issue related the SLOC security is a navigational regime, as the security of shipping is difficult to expect in the absence of clear common

¹¹ Hideki Kaneda, "China's Rapid Rise as a 'Sea Power'", *Korea Herald*, 12 September 2005. For a detailed study of China's naval transformation, see You Jin, "China's National Defense Strategy and Naval Transformation", a paper presented at the 9th International Sea Power Symposium held in Seoul in July 2005.

¹² For a detailed study of Japan's naval strategy, see Susumu Takai, "National Defense Policy and Maritime Security of Japan", a paper presented at the 9th International Sea Power Symposium held in Seoul in July 2005.

rules on navigation. Three specific categories of navigational controls - innocent passage, transit passage and archipelagic sea lanes passage - are designed in the United Nations Convention on the Law of the Sea (LOS Convention) to balance the rights of user or maritime states with the interests of coastal states. Some coastal nations tend to interpret the navigation regimes differently to the maritime powers. The former are generally interested in imposing controls in waters under their jurisdiction for purposes of national security and environmental protection. The latter tend to interpret the rules to permit a maximum degree of navigational freedom. The most important unresolved issues in the Convention, which could affect the security of the SLOCs in the Asia-Pacific region, are as follows.

First, it is beyond dispute that a foreign vessel enjoys the right of innocent passage through the territorial sea of the coastal state.¹³ However, it has long been controversial whether the right of innocent passage applies to all ships, including warships or ships carrying nuclear or other inherently dangerous or noxious substances. In particular, the right of innocent passage for warships has been a much debated issue in the international community, and many coastal states have been reluctant to permit passage without prior authorization or at least notification. Further, general state practice remains conflicting. The history of foreign invasion and traditionally sensitive security concerns in East Asia caused many coastal states in the region to have strong reservations on the right of foreign warships to innocent passage through their coastal waters.¹⁴ Despite the adoption of the Convention, this issue remains unresolved, and has become a potential source of conflict.

Secondly, under the Convention, straits used for international navigation are subject to the new regime of transit passage.¹⁵ The transit passage is defined as the exercise of freedom of navigation and overflight solely for the purpose of continuous and expeditious transit in the normal modes of operation. It is generally understood that submarines are free to transit international straits submerged, since that is their normal mode of operation. As far as passage in the international straits is concerned, controversy appears to lie not in its military aspect but rather in its commercial aspect. For example, a question frequently concerns the rights of a strait state to interfere with transit passage because of suspected pollution incidents, and the scope of corresponding enforcement measures

¹³ United Nations Convention on the Law of the Sea, Section 3.

¹⁴ The following states in the East Asian region require either authorization or notification for the innocent passage of foreign warships: Bangladesh, Myanmar, China, India, Indonesia, Republic of Korea, Democratic People's Republic of Korea, and Pakistan.

¹⁵ United Nations Convention on the Law of the Sea. Part III.

that can be taken by a strait state.¹⁶ The strait states' regulatory response to accidents and pollution that heavy use of the straits has caused could be a serious source of conflict in the region, where there are some 20 important international straits.

Thirdly, under the LOS Convention, an archipelagic state may designate sea lanes and air routes suitable for the continuous and expeditious passage of foreign ships and aircraft through or above its archipelagic waters.¹⁷ Such archipelagic sea lanes must include all normal passage routes and all normal navigational channels. There are two important archipelagic states in the region, Indonesia and the Philippines. The Convention assigns these states for designating sea lanes in coordination with the competent international organization, that is International Maritime Organization (IMO). However, much uncertainty remains on the balance between maritime states and archipelagic states. Specifically, the respective roles and power of the IMO and of archipelagic states in designating sea lanes are subject to various interpretations. Given that designation of archipelagic sea lanes is a potentially potent device for regulating navigation, a source of conflict is not difficult to see unless common interpretation of an archipelagic regime is agreed.¹⁸

The other challenges to the free passage of ships through SLOCs in the post-Cold War East Asia encompass obstruction due to maritime accidents or disasters, damage by piracy, unilateral declarations restricting the use of specific waters, and intentional obstruction of shipping by, for example, mining of critical SLOC.¹⁹ In particular, the increased carriage of hazardous or dangerous cargoes poses a higher risk of damage or pollution as a result of collision, explosion, fire, grounding or other accident involving ships carrying dangerous cargoes. There are also concerns raised in relation to the lack of notification to coastal states of the routes the shipments take, to legal issues relating to the shipment of nuclear materials through sensitive ocean areas and to the liability of the states involved in the shipments should there be an accident.²⁰ In the case of nuclear materials, the declarations of

¹⁶ For details, see B.A. Hamzah and Mohd. Nizam Basiron, the Straits of Malacca: Some Funding Proposals, 1997.

¹⁷ United Nations Convention on the Law of the Sea, Article 53

¹⁸ Jay Batongbacal, "Archipelagic Sea-Lanes and Transit Passage through Straits: Shared Responsibilities Are Essential to Implementation", Andrew Forbes (ed), The Strategic Importance of Seaborne Trade and Shipping, University of Wollongong Press, 2003, pp. 99-112.

¹⁹ For details, see Henry Kenny, An Analysis of Possible Threats to Shipping in Key Southeast Asian Sea Lanes, 1996.

²⁰ For the analysis of the difficult questions raised by the transport of radioactive wastes from Europe to Japan through the Asia-Pacific region, see Grant Hewison, "Return Shipments of Radioactive Wastes from

nuclear-free zones may also raise difficult issues through inconsistency with commitments made under the LOS Convention.²⁰ While SLOC protection lends itself to cooperative regimes, some balance is needed between the concerns of maritime nations to keep the sea lanes open and as unregulated as possible and those nations whose coastlines abut the strategically important sea-lanes and whose main concerns are associated with marine safety and traffic management issues.

2.5. Resource Conflict

Competition for scarce marine resources is another source of conflict in the region. It has been mentioned that the territorial and boundary issues are being made acute mostly because of the resources involved. In particular, fish which used to be found in abundance in the region have become very scarce due mainly to overfishing. Many national fishing grounds like the Yellow/East China Sea and the Gulf of Siam has long been depleted of fish. This situation has made fishery issue one of the most contentious maritime issues in the region. Currently, fishing regime in the Northeast Asia that has been in force over the past four decades is going through fundamental transformation as regional countries have established the 200-mile EEZs. New bilateral fishery agreements based on the regime of the EEZ have replaced the old treaties that had regulated the fishery relation among the regional countries.²¹ Although it may be an inevitable transition to the era of the EEZ, a path to the new era is riddled with many thorny issues, some of which already led to an acute diplomatic row between the countries concerned.²²

In Southeast Asia, the illegal fishing has become a cause of tension among regional states.²³ Especially beginning from the late 1980s when the Cold War confrontation came to an end, Southeast Asian countries began to vigorously patrol their territorial seas and enforce demarcations. In addition, the complex geography of the region and changed maritime law, which introduced a 200-mile EEZ, meant that trawlers of some countries often had

Europe to Japan", Sam Bateman and Stephen Bates (eds), Shipping and Regional Security, 1998, pp. 93-102

²¹ For example, the new Korea-Japan fishery agreement, which entered into force in January 1999, has replaced the bilateral agreement of 1965. The new treaty has been strongly opposed by fishermen in both countries.

²² For a discussion of the dangers related to the transition to the EEZ in Northeast Asia, see Jin-Hyun Paik, "Exploitation of Natural Resources: Potential for Conflicts in Northeast Asia", Sam Bateman and Stephen Bates (eds), Calming the Waters: Initiatives for Asia Pacific Maritime Cooperation, 1996, pp. 171-184.

²³ For details, N. Ganesan, "Illegal Fishing and Illegal Migration in Thailand's Bilateral Relations with Malaysia and Myanmar", in Andrew T.H. Tan and Kenneth Boutin (eds), Non-Traditional Security Issues in Southeast Asia, 2002.

to intrude into the territorial waters of neighboring countries to reach their fishing locations. As a result, large numbers of trawlers of some countries, especially Thailand, were detained by neighboring countries such as Malaysia and Myanmar. The frequency of the detentions and the resulting tensions clearly identified illegal fishing as a security threat. The situation has been made all the more serious, as regional countries have been increasing their naval capabilities either to enforce their laws or to prevent their fishermen from being arrested in neighboring waters. Perhaps it may be necessary to introduce incidents-at-sea agreements to prevent the escalation of low level conflicts in the near future. Such 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.²⁴

2.6. Activities in the EEZ

The Exclusive Economic Zone (EEZ), like other institutions of the law of the sea, attempts to accommodate two competing interests, that is the desire of coastal states for greater control over offshore resources on the one hand, and the perceived need of maritime powers to maintain traditional freedom of action in waters beyond the territorial sea, on the other. However, a delicately balanced construct of the LOS Convention²⁵ remains subject to on-going controversy over its interpretation. Difference of views has emerged in East Asia over the rights and duties of coastal States in their EEZs vis-à-vis those of other States. One of them is the freedom of action of foreign navies within the EEZ of a coastal State; that is, whether a foreign navy is free to conduct military maneuvers within the EEZ without providing notice to, or obtaining authorization from, the coastal State; and whether a State may place military devices, such as submarine detection devices, in the EEZ of a foreign State.²⁶ The provisions of the LOS Convention are silent on these issues, although various interpretations have been forwarded to one effect or the other. As most of the waters of concern for maritime security in East Asia are within EEZs, ambiguity on such a sensitive matter would be a potential source of conflict because the restrictive regime of the EEZ would

²⁴ See Stanley Weeks, "Incidents at Sea Agreement and Maritime Confidence-Building Measures", Sam Bateman and Stephen Bates (eds), *The Seas Unite: Maritime Cooperation in the Asia-Pacific Region*, 1996, pp. 79-94.

²⁵ United Nations Convention on the Law of the Sea, Part V.

²⁶ Article 60 of the LOS Convention grants a coastal State exclusive control over all installations and structures that have either an economic function or which may interfere with the rights of coastal States in the EEZ. But the Convention is silent on the non-economic installations that do not interfere with coastal enjoyment of its EEZ rights. For more details, see B. Boczek, "Peacetime Military Activities in the EEZ of Third Countries", *Ocean Development and International Law*, Vol. 19, No. 6 (1988), pp. 445 ff.

pose threat to the mobility of navies in peacetime.²⁷ In fact, there has been a series of incidents and disputes in the region that might have escalated into open conflict.²⁸

2.7. Challenging Law and Order at Sea

Piracy in a number of areas of the world has become an issue of international importance and concern. In terms of the statistics, the threat posed by piracy in East Asian waters has exhibited a marked rise since the end of the cold war. Now the piracy incidents in both Northeast and Southeast Asia amount to more than a half of the world total. Southeast Asia is by far the most piracy-prone region of the world.²⁹ The lethality of piracy attacks also appears to be on the increase. Piracy thus constitutes a direct threat to the lives and welfare of the citizens of a variety of flag states. Particular concern has been expressed about the navigational hazards to ships often carrying dangerous cargoes, and the potential danger to navigation and the marine environment these ships may pose if left unattended, while streaming at full speed and under attack by pirates in confined waters.

Terrorism is a growing global problem, especially after September 11. Terrorist threats evolving from the sea, such as sudden attacks conducted by terrorists against vessels or maritime facilities, are new and their prediction can be extremely difficult.³⁰ A worst case scenario for a terrorist attack on shipping in the Straits of Malacca and Singapore would involve the hijacking of a tanker or chemical carrier with a large inflammable or explosive cargo. The hijacked vessel might then be used to attack a major port facility, especially one of the hub ports in the region.³¹ A completely new threat could also emerge from radio frequency weapons which can enable terrorists to attack targets at sea resulting in lethal damage to

²⁷ No State in East Asia has yet officially required prior consent or notice for naval activities in their EEZs. On the other hand, Brazil, Cape Verde, Uruguay and some other States have announced that they would require prior consent.

²⁸ Major incidents include the March 2001 confrontation between the US navy survey vessel *Bowditch* and a Chinese frigate in China's EEZ; the April 2001 collision between a US EP3 surveillance plane and a Chinese jet fighter over China's EEZ; the December 2001 Japanese coast guard's pursuit of and firing at a North Korean spy vessel in its and China's EEZ; and Vietnam's protest against Chinese live fire exercises in Vietnam's claimed EEZ.

²⁹ According to the International Maritime Bureau's Piracy Reporting Center (PRC), in the eight years from 1995 to 2002, a total of 905 piracy incidents took place in Malaysian waters, Indonesia, the Malacca Straits, the Singapore Strait and the South China Sea. These incidents ranged from attempted boardings, petty thefts to outright hijacking of ships.

³⁰ See "Piracy and Maritime Terror in Southeast Asia", *IISS Strategic Comments*, Vol. 10, Issue 6, July 2004.

³¹ Michael Richardson, *A Time Bomb for Global Trade: Maritime-related Terrorism in an Age of Weapons of Mass Destruction*, Institute of Southeast Asian Studies, 2004.

electronic systems. The related issue includes the maritime transportation and smuggling of weapons of mass destruction and related materials. Given the extreme difficulty of detecting and identifying such risky situations, the appropriate response may require more intrusive measures such as inspection and interdiction.³² However, the legality of those measures is often quite controversial.

The fight against the international drug trade now has substantial international maritime dimensions, as has the problem of the passage of illegal migrant peoples. Insurance frauds involving both ships and cargoes are another continuing source of major concern in the growing field of international crime. It has been estimated that maritime fraud costs the international community more than 13 billion pounds annually. There is particular concern in the Asia-Pacific regarding cargo deviations, that is vessels not arriving at their nominated destination, but unloading the cargo elsewhere where it is sold and the vessel scuttled or re-registered, and phantom ships, namely vessels with false identities.

3. How to Enhance Maritime Security in East Asia

The above analysis of existing and emerging threats to maritime security in East Asian region indicates that while traditional military threat has declined a host of new non-traditional security issues are on the rise. It should be noted, in particular, that many of those issues are directly or indirectly related with the growing uncertainties coming from the fundamental transformation of the existing political, strategic and legal order of the region. The above analysis also shows the extent to which regional security is compromised by the lack of agreed maritime jurisdiction and regime over important regional seas. This has contributed to a situation where there exist uncontrolled pollution, unregulated over-fishing, and growing illegal activities at sea and excessive claims often leading to serious disputes. These problems will continue with consequent risks to regional security unless regional countries can respond to them effectively. What should be the response of the region to enhance maritime security in East Asia?

3. 1. Building of a Stable Regional Maritime Regime

The most urgent task for the regional states and maritime powers with interests in the post-Cold War East Asian region is the building of a stable

³² Fifteen states, including United States, United Kingdom, France and Japan, are currently discussing how to cooperate among themselves to prevent the proliferation of weapons of mass destruction and related materials at sea, air and land under the "Proliferation Security Initiative (PSI)".

and secure maritime regime.³³ Such a maritime regime is a fundamental requisite not only for enhancing security at sea but also for further maritime cooperation among the states in the region. Perhaps the first and best step is agreement on a common point of reference to guide the use and protection of the ocean. In this regard, it should be noted that the global ocean regime, in terms of authoritative norms for the jurisdiction and use of the ocean, received its most complete expression in the United Nations Convention on the Law of the Sea. As such the LOS Convention may serve as a good basis for building a stable maritime regime in the region.³⁴ While the LOS Convention obviously does not resolve all the outstanding maritime issues, it will surely play a long-term stabilizing role by clarifying and refining the rules applicable to ocean affairs and preventing the growth of state practice which is at variance with established universal norms.

However, despite the seemingly strong support for the LOS Convention in the region, there are considerable doubts concerning the precise rules for governing the use of the ocean since many provisions lack clarity and are subject to different interpretation. In this sense, a stable maritime regime for East Asia like elsewhere requires agreement on how to apply the terms of the LOS Convention. In fact, the necessity to develop a uniform, coherent maritime regime through commonly acceptable interpretation is more acute in this part of the world than any other regions, mainly because practice on the important aspects the ocean uses substantially diverges among the coastal states in the region. In this respect, the following points deserve mentioning.

First, it is important to enhance the openness and transparency about maritime regime and practice of regional states. In fact, the LOS Convention requires coastal states to give due publicity to the charts or lists of geographical co-ordinates related to their baseline or jurisdictions and to deposit a copy of each such charts or list with the Secretary-General of the United Nations.³⁵ Considering that several unfortunate incidents that had

³³ Regime can be defined as sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations. Stephen Krasner (ed), *International Regimes*, Cornell University Press, 1995, p. 2. Thus a maritime regime includes formal or informal principles, rules, norms, and practice related to the use and protection of ocean. The most important, though not the only, component of maritime region is the LOS Convention, to which most countries in East Asia are parties.

³⁴ Strong support for, and commitment to, the LOS Convention is evident in the East Asian region. The following states are now parties to the LOS Convention: Australia, China, Indonesia, India, Japan, Malaysia, Mongolia, Myanmar, New Zealand, Marshall Islands, Philippines, Palau, Russia, Nauru, South Korea, Singapore, Samoa, Solomon Islands, Sri Lanka, and Vietnam.

³⁵ Articles 16, 75 and 84 of the LOS Convention.

happened before was mainly due to the uncertainty on such matters, this is essential to building a stable regional ocean regime.

Second, the LOS Convention offers a pacific settlement system which would substantially contribute to the development of uniform practice and interpretation of the Convention.³⁶ The LOS 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 state should make the best of the mechanism and framework provided in the LOS Convention to settle their future disputes and to promote cooperation among them.

Third, the regional states 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 the innocent passage in the territorial sea.³⁷ 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.

3. 2. Implementation of Maritime Confidence-Building Measures

Along with these efforts to build a stable regime, various maritime confidence and security building measures should be explored, taking into consideration the changing maritime security context. With the gradual changes to the maritime security environment, the importance of naval cooperation is growing. Naval cooperation has wide scope and may be bilateral or multilateral. At the lower level are low-key confidence-building measures such as ship visits, fleet reviews, personnel exchanges, navy-to-navy talks, and multilateral naval conferences. More ambitious activities might include information/intelligence exchanges, joint doctrine development, and combined exercise. The top end of naval cooperation might include cooperative maritime surveillance, standing regional naval

³⁶ Part XV of the LOS Convention.

³⁷ For the text of the statement with the attached Uniform Interpretation of Rules of International Law governing Innocent Passage, see International Legal Materials, Vol. 28, No. 6, pp. 1444-1447.

forces, cooperative SLOC protection, and mine-countermeasures. One idea which deserves more attention is a regional agreement for the purpose of preventing incidents at sea. The need for such agreements has become real, due mainly to the greater naval presence of many states in the region's waters. Moreover, agreement would subsequently facilitate development of more important issues in the future. While it will take some time for regional countries to develop more substantive forms of naval cooperation, naval cooperative activities are now much more common in the region than they were just a few years ago.

Along with naval cooperation, coast guard cooperation is another important area for maritime confidence-building. In fact, coast guard cooperation has a great potential for success in East Asia, because the regional countries prefer to deploy coast guard ships and personnel in sensitive situations at sea rather than naval ships and personnel and to use coast guards for cooperative activities with other countries. Currently cooperation between regional coast guards is expanding rapidly at both bilateral and multilateral levels.³⁸

3.3. Separation of Territorial/Jurisdictional Issues from Resource Issues

With respect to the territory/boundary and resources issues, the prospects for resolving territorial disputes are slim. Given the enormous difficulties related to resolving ongoing sovereignty disputes, it is better to divorce the question of sovereignty from the more technical boundary negotiations. Furthermore, in light of the complexities of the geographical and other situations in the region, a more functionally oriented approach is preferable to a jurisdiction-oriented approach such as boundary delimitation. Regional states should be encouraged to resolve pressing issues of environmental protection and resource development without incorporating underlying sovereignty and boundary issues. For instance, the states may address fishery problems, which motivated them to establish the 200-mile zones, from a regional perspective by promoting a coordinated policy of conservation and effective enforcement procedures. They may also work out cooperative arrangements for the development of seabed natural resources.³⁹ Since such arrangements could be established without prejudice to underlying territorial and maritime boundary issues, they might constitute

³⁸ The North Pacific coast guard summit was launched in 2000 as an initiative of Japan. Participating countries are Canada, China, Japan, South Korea, Russia and the United States. The most recent summit was held in Kobe, Japan in September 2005, and discussions included steps to fight terrorism, smuggling and other crimes.

³⁹ Perhaps the best and the only way to resolve the current dispute between China and Japan over natural gas exploration and drilling in the East China Sea is joint development.

optimal solutions that would defer more politically charged issues to the indefinite future. Given the rather sensitive political relations between various regional states, this approach may be more constructive.

3. 4. Regional Cooperation for Maintaining Law and Order at Sea

Maintaining law and order at sea requires close cooperation among regional countries. There has been substantial progress in this regard in the region, especially since the 9/11 terrorist attack. Currently, the four Southeast Asian countries that are adjacent to the Malacca Strait, namely Malaysia, Singapore, Indonesia and Thailand, have launched a joint security-initiative to provide cooperative air surveillance and situational awareness of what is happening in the Strait. This project, known as the "Eyes in the Sky", involves routine patrols of designated areas of the Strait by maritime patrol aircraft from the participating countries.⁴⁰ While the major users of the Strait, the United States and Japan, still criticize the strait's State for not doing enough to ensure the security of the shipping in the Strait, such initiative shows how far regional cooperation in maintaining law and order at sea has progressed.

Despite such progress, however, there is not much enthusiasm in the region at this stage for proceeding with a full-blown regional maritime surveillance regime. Moreover, East Asian countries were neither enthusiastic about the initiative to interdict shipments of weapons of mass destruction flowing to and from state or non-state actors of "proliferation concern".⁴¹ Short of a structured maritime surveillance or interdiction regime, arrangements for the exchange of maritime information and data would be very important as potential maritime confidence and security building measures in their own right and a prerequisite for to the forms of maritime security cooperation including maritime surveillance. Given the growing awareness of the serious risks of threats of terrorism and proliferation of weapons of mass destruction, how to maintain law and order at sea is expected to draw more focused international attention.

4. Conclusion

Maritime security issues are by nature transnational, and thus coordinated and cooperative approach to them is essential for enhancing regional maritime security. While the benefits of close regional cooperation

⁴⁰ Graham Gerard Ong and Joshua Ho, "Maritime Air Patrols: The New Weapon Against Piracy in the Malacca Straits," *IDSS Commentaries* 70/2005, 17 October 2005.

⁴¹ Only two East Asian States, Japan and Singapore are full members of the Proliferation Security Initiative. Other East Asian States that are key to the successful implementation of the initiative, notably China, South Korea, India, and Indonesia, have deferred active involvement despite pressure from the United States.

are clear, there are major barriers to effective maritime cooperation in East Asia. For one, the notion of sovereignty is still so firmly entrenched in the minds of regional countries that they are generally reluctant to agree to cooperative activities if such activities appear to compromise or qualify their national sovereignty. In addition, the fact that regional countries are not equal in their capacity to participate in cooperative process is another obstacle to regional cooperation. In such situation, "weaker states" may be reluctant to cooperate if they perceive that the cooperative processes would be dominated by "stronger states". More generally, the prevailing sense of distrust and the lack of political framework in East Asia hinder regional countries to develop a more substantial form of cooperation at sea.

While the main paradigm of maritime politics remains largely state-centric, regional states need to understand its limitation. Regional states should consider a more function-oriented approach to the sovereignty or jurisdiction-oriented approach. They should also work out cooperative arrangements for various impending issues such as the development of ocean resources and protection of marine environment. Since such arrangements could be established without prejudice to the underlying territorial and jurisdictional issues, they might constitute optimal solutions that would defer the more politically charged issues to the indefinite future. While such approach may be put aside as naïve idealism, regional countries need to understand that there is no better place for idealism than ocean, and that East Asia is no exception in this regard.

議題三 東亞海線安全—主要爭議及區域的反應

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摘要

東亞區域當前的海運安全環境是一個新舊挑戰交錯的複雜混合體。主要問題包括：島嶼和疆界爭議、海軍軍備提升、海上航線保護、專屬經濟海域(EEZ)內之航行制度與活動、資源爭奪、及海上法律與秩序維護。這些問題如果未能適當處理，可能對區域安定構成嚴重威脅。在因應這些挑戰的過程中，東亞區域最迫切的任務就是建立一套穩當而可靠的海運制度，並實施海上信心建立措施。

前言

眾所周知，東亞區域是個海運國家社群。幾乎每一個東亞國家都有著重要的海事疆界和重大海運利益。東亞區域海洋在商業和戰略上之重要性不言而喻。海洋是東亞區域的主要食物來源，而海運航線則是東亞經濟體的生命線，因此，這些國家的經濟發展高度仰賴暢通無阻的海上交通線。東亞區域還包含許多具戰略重要性的海峽，其中某些海峽還位於波斯灣石油的重要供應航線上。

東亞區域強烈的海事導向，主宰著該區域所有國家的安全、政治和經濟前景。任何針對東亞地緣政治的分析都必須將該區域長久以來一直被視為理所當然的海洋特徵納入考量。隨著東亞區域經濟體的開發，區域內各國政府已開始更加重視其本國的海運利益安全。因此，海運問題已成為當前區域安全中最受關注的議題。東亞區域三十多個衝突點中，有超過三分之一涉及島嶼和大陸棚主權、EEZ界線和其他近海問題的爭議。許多新出現的區域安全顧慮(如海盜行徑、恐怖主義、洩油污染、海上交通線(SLOC)安全、非法捕撈和開發其他近海資源)及其他重要經濟活動元素，在本質上都是與海洋有關的。事實上，這些顧慮反映在該區域各國當前的武獲計畫中—絕大多數都與海事有關。很不幸地，這些新獲得的能力，有些具有侵略和挑釁傾向。在衝突狀況下，一不小心便可能使衝突情況升高。基於這個理由，海事顧慮充分反映在該區域當前的信心與安全建立措施(CSBMs)建議案中。這些建議案中，約有三分之一的目的為直接處理海運事務，其他的亦具有明顯的海事特徵。因此，非常重要的是，建立區域機制以處理這些海事問題—即處理導致緊張的因素，也管理和降低已出現的緊張。

本文首先檢視可能對東亞區域海運安全構成嚴重威脅的海事問題，接著探討加強區域海運安全所需要的適當措施。本文並特別著重於法律規範在改善海運安全環境方面的關聯性和角色，因為東亞區域具有多項突顯海事問題法律重要性的特徵。

東亞區域主要海運安全問題

雖然東亞區域存在著無數的海運問題，但其主要問題可以簡單分為以下類別：有關近海島嶼主權的爭議、海域疆界問題、海軍軍備提升及其對海上航線安全的意義、航行制度、資源衝突、和海上法律與秩序之維護。以下是對可能對東亞區域海運環境安全構成威脅之問題的簡短分析。

一、領土爭議

東亞區域最著名的島嶼主權爭議是南中國海的南沙群島。在南中國海範圍內，西沙群島和中沙群島也是爭議的源頭。但因為南沙群島有六個國家宣稱擁有其主權，因此最受矚目¹。直到1970年代以前，南中國海上這些400多個礁岩、沙洲和小島的主權誰屬問題，根本沒人在乎。然而，就在那時期，該區域成為跨國石油公司可能探勘的目標。在控制海基資源慾望的鼓動下，該區域鄰近國家開始針對南中國海上的主權出現越來越多的言詞衝突，甚至發生零星的軍事對峙。在1980和1990年代期間，多數國家開始陷入以佔領島嶼來支持其主權宣稱的競賽中，因為佔領意味著實質存在。目前，越南佔領20多個小嶼或礁岩，中國佔領8個，台灣1個，菲律賓8個，馬來西亞3-6個。南沙群島的佔領競賽已經增加了衝突的可能性。近年來便發生過三起軍事恫嚇事件，其中一起甚至引發軍事衝突。因此，南沙群島爭議仍是該區域最危險的地帶之一。雖然所有主張國都已簽字承諾採用和平方法解決歧見，但令人擔憂的是，除了汶萊以外，都有主張的國家在南沙群島中派駐了軍隊。假以時日，多數主張國都將有適當立場可以將軍事武力拉進南中國海。印尼所舉辦的非正式南中國海座談會進展一直很緩慢，因為中國和南中國海國家在方法、優先性和議程方面意見分歧。但各國在不具爭議的領域已達成某些合作，譬如，海洋科學研究行為

¹ 有關南沙群島爭議之詳細研究，可參閱Mark Valencia與Jon Van Dyke合寫的“南中國海爭議綜合解決方案：一些選項”(Comprehensive Solutions to the South China Sea Disputes: Some Options) – Sam Bateman與Stephen Bates合編的“海洋聯盟：亞太區域之海事合作”(The Seas Unite: Maritime Cooperation in the Asia Pacific Region) (1996) 第 223-262 頁。

守則、生態系統維護和污染防治²。

在東北亞海域中，有三處主要島嶼爭議：日本與中國之間的尖閣列島³（或稱釣魚台群島）；韓國與日本之間的獨島（或稱竹島）；俄羅斯與日本之間的北領地（或稱南千島群島）。正如南中國海中的南沙群島一樣，東北亞的三處島嶼爭議如果不謹慎處理，也可能隨時爆發對區域安全的嚴重威脅。過去幾十年來，東北亞島嶼爭議主張國之間雖然不時升高緊張，但近幾次緊張情勢的重要性已明顯增加。

原因有二：第一，領土爭議的再起與該區域國家劃定200哩EEZ以延伸領海管轄權的行動很有關係。這些行動自然也與對資源開發和環境保護的關切有關⁴。延伸領海管轄權的結果之一是管轄權的重疊，進而必須重新劃定疆界。在東北亞區域，沿海國家之間的距離往往不到400哩，疆界劃定必然會引起問題。此外，領海管轄權的延伸也使得該區域幾十年來的島嶼爭議更形惡化，因為除非島嶼主權爭議以某種方式獲得解決，否則根本無法劃定疆界。第二，島嶼爭議深深受到歷史恩怨和認同政治的影響。而很不幸地，東北亞的歷史恩怨和認同政治似乎已經升高。矛盾的是，冷戰結束和該區域的民主化不但沒有簡化主權問題，反而使得主權問題更不容易解決。日本國內的保守主義政治加上中國和南韓國內民族主義浪潮升高，使得整個情況更趨複雜。

有時主權爭議也被利用來達到政治目的。就這些爭議島嶼的經濟或戰略價值而言，這些領土爭議的強度無法解釋。然而，因爭議島嶼而發生軍事衝突的風險似乎並不高。因為一旦軍事衝突，政治和人員代價將會非常高，而經濟和安全利益則相對很小。但這些領土爭議仍有一個風險：可能因為任何一方的煽動人士採取挑釁行動而突然升高危機，如此將可能挑起民族主義激情，進而使得衝突的解決變得極度

² 參閱Ian Townsend-Gault的“南中國海之預防外交與前瞻行動”(Preventive Diplomacy and Pro-Activity in the South China Sea)－當代東南亞(Contemporary Southeast Asia)第20卷第2期(1998)第21-35頁。

³ 有關釣魚台群島爭議現況，請參閱Steven Wei Su的“釣魚台/尖閣群島領土爭議：現況報告”(The Territorial Dispute over the Tiayu/Senkaku Islands: An Update)－海洋開發與國際法(Ocean Development and International Law)第36卷(2004)第45-61頁

⁴ 有關這些爭議之最新發展，請參閱Andrew Mack的“東北亞島嶼爭議”(Island Disputes in Northeast Asia)－研究論文(Working Paper)1997年2月號，澳洲國立大學；Jin-Hyun Paik的“海上領土爭議：情勢、可能發展與未來預測-尤其東北亞海域為參考”(Territorial Disputes at Sea: Situation, Possibilities, and Prognosis-With Particular Reference to Northeast Asian Seas)－Monamed Jawhar Hassan與Ahmade Raffie的“為太平洋帶來和平”(Bringing Peace to the Pacific)(1997)第319-334頁。

困難⁵。

二、疆界爭議

在東北亞區域，目前有三個有效的海洋疆界協定⁶。根據該區域的地理環境，需要更多的雙邊或三邊協定，才能完成該區域海洋疆界的劃定。然而，兩個因素使得該區域的疆界劃定變得特別棘手。第一，前文已指出過，東北亞區域存在著一些非常難解決的領土爭議。除非這些領土爭議先獲得解決(可能性非常低)，否則根本不可能劃定疆界。第二，正如1970年代初大陸棚爭議所顯示的，沿岸國家對於東北亞區域疆界劃定應適用什麼法律存在著嚴重歧見。此外，東北亞區域的複雜地理環境和不確定的海床性質，使得疆界劃定成為極度困難的問題。中國與日本之間目前針對東中國海天然氣探勘和鑽油的爭議，便直接與兩國在該區域的大陸棚劃定有關⁷。

另一方面，在東南亞區域，目前有超過20個有效的海洋疆界協定⁸。然而，由於該區域沿岸國家數量繁多和地理環境複雜，目前仍有一些重要疆界有待劃定。事實上，東南亞區域有關海洋疆界劃定的地理環境，比起東北亞區域要複雜得多。此外，該區域也存在著一系列高度複雜的涉及無人島和外露珊瑚礁所有權的領土爭議，其中大部分都在南中國海。

缺乏議定疆界所造成片面宣稱的結果，可能成為相關國家之間不確定性和衝突的源頭。此外，重疊的國家領海管轄權可能為該區域之海洋環境管理和海洋資源開發帶來重大問題。

三、海軍軍備提升與SLOC安全

東亞區域整體來說，在1980和1990年代享受了全世界最高的經濟成長率。雖然1990年代末的金融危機有一陣子對該區域的經濟繁榮造成打擊，但東亞區域的經濟比過去任何時期都更仰賴貿易，尤其是出口貿易。譬如，目前的出口值平均佔東亞區域GDP的64%，比1990年代

⁵ 東北亞不久前正發生過這種情況。請參閱“日本、中國與韓國：近來在東亞的爭議”(Japan, China and Korea: Recent Disputes in East Asia) – Epinions.com 2005年4月22日。

⁶ 該區域第一條海洋疆界於1974年劃定於南韓與日本之間的大陸棚一帶，穿過對馬島以北的朝鮮海峽；北韓與蘇聯(今俄羅斯)分別於1986年和1990年議定兩國領海疆界及東海北方(或日本海)大陸棚和EEZ的疆界。

⁷ 請參閱Sean Curtin的“衝突之海：日本與中國之領土和天然氣爭議轉烈”(Sea of Confrontation: Japan-China Territorial and Gas Dispute Intensifies) – 刊載於 <http://japanfocus.org> 2005

⁸ 有關東亞區域有效海洋疆界協定之詳情，請參與J. Charney與L. Alexander合編的“國際海洋疆界”(International Maritime Boundaries) 第1-2冊(1993)。

初期的55%高出許多⁹。這些擴張貿易的媒介便是航運。所有交易的貨品中，98%以上是藉由航運載送的。事實上，除了高價貨物透過空運以外，該區域內所有貿易都是透過海運，而東亞區域許多國家都缺乏自給自足的能源、糧食和重要原料。因此，東亞區域貿易的重要性增加，意味著橫越太平洋的海上貿易有著顯著成長¹⁰。在這樣的背景下，東亞區域商船航運的安全是絕對值得持續關注的課題。

一般公認，冷戰結束後，亞太區域的整體戰略環境已經改善，因此海運航線的安全威脅已是相當遙遠的事。然而，這並不必然意味著，亞太區域海運安全威脅已不復存在。事實上，儘管冷戰的結束已使得主要海軍強權(美國和俄羅斯)在該區域的活動減少，但這時也出現一種似是而非的情況：如今有更多亞太海軍勢力開始在該區域水域展現實力，顯然是想填補美俄海軍強權所遺留下來的權力真空。譬如，中國的海軍能力已在近幾年裡從沿岸防禦角色擴張為能將其軍力延伸至離岸較遠的地方¹¹。中國海軍能力的擴張在南中國海具有較重大的意義，因為該海域的領土爭議尚未解決。眾所周知，日本在技術和財務資源方面具有超出其保護距離本土1,000浬內海域任務的能力。從日本防衛廳的採購政策即可看出，日本的遠程航線防衛戰略指日可待¹²。此外，亞太區域其他國家(包括台灣、南韓和大多數東協國家)也都在積極增強海軍武力，以發展其海軍能力。今天亞太區域海軍軍備如此升高，乃由於區域國家對於戰略不確定性的憂慮日增和國家利益不同所致，即各國為保護及擴張其影響範圍和患得患失的迫切心理所造成。因此，相關國家都非常注意其對手國家的地理戰略重要性。其結果，儘管美俄海軍勢力已經淡出，但東亞區域的海運安全環境卻變得更加複雜。因此，該區域的海軍武力將會更多，海軍部隊間擦槍走火的風險也將升高，因而造成一個潛在不穩定的海運環境。特別令人憂心的是，中國對台灣或其他國家對南沙群島或越南海域油田採取執行主張行動，可能引發衝突，進而對SLOCs造成干擾。

⁹ 經濟學人(Economist) 2003年7月12-18日號第11-12頁。

¹⁰ 有關太平洋區域之航運詳情，請參閱Andrew Forbes編的“海上貿易與航運之戰略重要性”(The Strategic Importance of Seaborne Trade and Shipping)－臥龍崗大學出版社(2003)。

¹¹ 請參閱Hideki Kaneda的“中國迅速崛起成為‘海上強權’”(China's Rapid Rise as a 'Sea Power')－韓國先驅報(Korea Herald) 2005年9月12日。關於中國海軍轉型之詳細研究，請參閱You Jin的“中國之國防戰略與海軍轉型”(China's National Defense Strategy and Naval Transformation)－南韓首爾第九屆國際海上強權研討會論文(2005年7月)。

¹² 有關日本海軍戰略之詳細研究，請參閱Susumu Takai的“日本之國防政策與海運安全”(National Defense Policy and Maritime Security of Japan)－南韓首爾第九屆國際海上強權研討會論文(2005年7月)。

四、航行制度與SLOC安全

另一個與SLOC安全相關的問題是航行制度，因為如果沒有明確的航行規範，想要維護航運安全是非常困難的。三種特定航行管制類別——無害通行、過境通行和群島海道通行一定義於聯合國海洋法公約(LOS Convention)，其目的為在使用者(海運國)權利與沿岸國利益之間取得平衡。有些沿岸國家採取不同於海事強權國家的方法來解釋航行制度。前者基於國家安全和環境保護，通常意欲在其領海管轄區內實施管制，而後者則傾向於以容許其最大航行自由的方法來解釋航行規範。聯合國海洋法公約中可能影響亞太區域SLOCs安全之最重要未決問題如下：

第一，毫無疑慮地，外國船隻享有通過沿海國家領海之無害通行權¹³。然而，無害通行權是否適用於所有船隻(包括戰艦或載有核物料或其他固有危險或毒性物質的船隻)，長久以來一直有爭議。尤其，戰艦的無害通行權在國際社會中一直是非常爭議的問題。許多沿岸國家都很不願意允許沒有事先申請或至少通知的戰艦通行。此外，一般國家在做法上仍是有衝突的。東亞區域遭受外國侵略的歷史和傳統上對安全疑慮的敏感，使得該區域許多沿岸國家對於外國戰艦無害通過其領海都持強烈保留的態度¹⁴。儘管聯合國海洋法公約已正式通過，但此一問題仍然未獲解決，並已成為潛在的衝突源頭。

第二，根據聯合國海洋法公約，供國際航行的海峽應受新過境通行制度約制¹⁵。過境通行被定義為：在正常操作模式下，僅為持續快速通過目的而行使之航行或飛越領空自由權。一般的理解是，潛艇在下潛狀態可自由通過國際海峽，因為下潛是潛艇的正常操作模式。就通行國際海峽而言，爭議似乎不在於軍事層面，而是在商業層面。譬如，海峽國家因可疑污染事件而干預過境通行的權利及其可採取之因應執法措施範圍，經常是引起爭議的問題¹⁶。海峽國家因海峽利用頻繁所造成事故或污染而採取之規範性反應，可能成為該區域令人擔心的衝突源頭。亞太區域約有20個重要國際海峽。

¹³ 聯合國海洋法公約第三部分

¹⁴ 以下東亞區域國家要求外國戰艦無害通行其領海必須事先申請或告知：孟加拉、緬甸、中國、印度、印尼、南韓、北韓和巴基斯坦。

¹⁵ 聯合國海洋法公約第三部分

¹⁶ 詳情請參閱B.A. Hamzah和Mohd. Nizam Basiron合著的“麻六甲海峽：基金籌募建議”(The Straits of Malacca: Some Funding Proposals) (1997)

第三，根據聯合國海洋法公約，群島國家得指定適當海上航道和空中航線供外國船隻或飛機持續而快速通過其群島水域或飛越群島水域上空¹⁷。這些群島海上航道必須包含所有正常通行航線和所有正常航行水道。該區域有兩個重要群島國家－印尼和菲律賓。海洋法公約要求這些國家根據適當國家組織（即國際海事組織－IMO）的規定指定通行航道。然而，海運國家與群島國家之間如何取得平衡，仍存在許多不確定性。尤其，IMO與群島國家在指定航道方面之不同角色和權力，導致雙方對規範經常有不同的解釋。有鑑於群島航道的指定權力對於航行管理可能成為一種強而有力的工具，因此除非能夠議定對群島制度的一致解釋，否則群島航道指定問題很容易成為衝突源頭¹⁸。

後冷戰時期船隻自由通行東亞區域SLOCs的其他挑戰包括海運意外或災難所造成之航道阻礙、海盜損害、片面宣告特定水域利用限制、和蓄意阻礙船運（如在重要SLOC佈雷）¹⁹。尤其是，加載有害或危險貨物，一旦發生撞船、爆炸、火災、擱淺或其他涉及船隻載運危險貨物的意外，所構成更高的損壞或污染風險。此外，還有因其他相關原因所引發的憂慮，包括海運船隻未告知沿海國家其通行路線、有關載運核物料通過敏感海域的法律問題、和一旦發生意外，船運涉及國家之責任問題²⁰。就核物料而言，非核區的宣告也可能因為與聯合國海洋法公約所做的承諾矛盾而引發棘手問題。雖然SLOC保護自然會提供合作機制，但仍需要在相關國家的利害關係之間取得某種平衡，譬如希望維持航線開放及規範越少越好的海運國家、海岸線毗連重要戰略性航道的國家、和主要利害關係與海運安全及海上交通管理問題有關的國家。

五、資源衝突

對珍貴海洋資源的爭奪是亞太區域另一個衝突源頭。前文中已經提過，領土和疆界問題之所以變得尖銳，多半是跟資源爭奪有關。尤

¹⁷ 聯合國海洋法公約第 53 條

¹⁸ 請參閱 Jay Batongbacal 的“群島航道與海峽過境通行：執行必須分擔責任”(Archipelagic Sea-Lanes and Transit Passage through Straits: Shared Responsibilities Are Essential to Implementation) – Andrew Forbes 編著“海上貿易與航運之戰略重要性”(The Strategic Importance of Seaborne Trade and Shipping) – 臥龍崗大學出版社(2003)第 99-112 頁。

¹⁹ 詳情請參閱 Henry Kenny 的“重要東南亞航道航運之可能威脅分析”(An Analysis of Possible Threats to Shipping in Key Southeast Asian Sea Lanes)(1996)。

²⁰ 有關歐洲經由亞太區域運送放射性廢料至日本所引發棘手問題之分析，請參閱 Grant Hewison 的“從歐洲至日本放射性廢料之回運”(Return Shipments of Radioactive Wastes from Europe to Japan) – Sam Bateman 與 Stephen Bates 合編“航運與區域安全”(Shipping and Regional Security)(1998)第 93-102 頁。

其，亞太區域過去非常豐富的魚類，如今因為過度捕撈而變得非常稀少。許多國家級漁場(如黃海、東中國海和暹羅灣)都早已魚源耗盡。這些狀況已使得漁業問題成為該區域最富爭議的海事問題之一。目前，已實施40多年的東北亞漁撈制度正面臨根本的改變，因為該區域國家都劃定了200哩的EEZs。根據EEZ制度簽署的新雙邊漁業協定已取代了管理該區域國家間漁業關係多年的舊協定²¹。雖然這可能是進入EEZ時代無可避免的過渡期，但邁向新時代的道路上充斥著許多棘手的問題。某些問題已經導致相關國家之間的尖銳外交爭端²²。

在東南亞區域，非法捕撈已成為造成該區域國家緊張關係的致因²³。尤其1980年代末冷戰結束後，東南亞國家開始積極在其領海巡邏，並執行其劃定之疆界。此外，東南亞區域的地理複雜性和海洋法的修改(引進200哩EEZ條文)，意味著某些國家的拖網漁船經常必須侵入鄰近國家的領海才能到達捕魚地點。其結果，某些國家(尤其是泰國)大量的拖網漁船都遭到鄰近國家(如馬來西亞和緬甸)的扣留。漁船遭扣留的頻率及其所造成之緊張情勢，已使得非法捕撈成為一項安全威脅。隨著區域國家紛紛增強其海軍能力(為了執行法律或保護漁民免於在鄰近海域遭到逮捕)，緊張情勢已變得更加嚴重。或許未來有必要簽署海上意外協定，以防止低度衝突升高。這些協定在設計上透過對軍事武力的明確行為規範及明令要求危機協商和溝通，以預防或遏制固有危險或疏忽所致軍事行動的後果²⁴。

六、專屬經濟海域內活動

正如其他海洋法律制度一樣，專屬經濟海域(EEZ)試圖調和兩方面相互衝突的利益。一方面，沿岸國家希望對外海資源擁有更大的掌控權，而另一方面，海運強權國家感受到有必要在領海以外的海域能維

²¹ 譬如，1999年1月生效的新韓日漁業協定已取代了1965年的雙邊協定。兩國漁民都強烈反對這項新協定。

²² 有關東北亞區域EEZ過渡期相關風險之討論，請參閱Jin-Hyun Paik的“國家資源開發：東北亞衝突之潛在原因”(Exploitation of Natural Resources: Potential for Conflicts in Northeast Asia) – Sam Bateman與Stephen Bates合編“讓水域平靜：亞太區域海事合作倡議(Calming the Waters: Initiatives for Asia Pacific Maritime Cooperation)(1996)第171-184頁。

²³ 詳情請參閱N. Ganesan的“泰國與馬來西亞和緬甸雙邊關係中非法捕撈與非法移民”(Illegal Fishing and Illegal Migration in Thailand's Bilateral Relations with Malaysia and Myanmar) – Andrew T.H. Tan與Kenneth Boutin合編“東南亞之非傳統安全問題”(Non-Traditional Security Issues in Southeast Asia)(2002)。

²⁴ 請參閱Stanley Weeks的“海上意外協定與海運信心建立措施”(Incidents at Sea Agreement and Maritime Confidence-Building Measures) – Sam Bateman與Stephen Bates合編“海洋聯盟：亞太區域之海事合作”(The Seas Unite: Maritime Cooperation in the Asia Pacific Region)(1996)第79-94頁。

持以往的行動自由。然而，聯合國海洋法公約精心設計的和諧概念²⁵仍受制於相關國家對其條文解釋的爭議。在東亞區域，針對沿岸國家在其EEZ內之權利/義務與其他國家權利/義務的關係，已經出現觀點上的差異。其中一項差異是外國海軍在沿岸國家EEZ內之行動自由。也就是說，外國海軍是否能在沿岸國家EEZ內自由實施軍事演習，而不需要事先知會沿岸國家或獲得其批准，以及一個國家是否能在其他國家EEZ內部署軍事裝置(如潛艇偵測裝置)²⁶。聯合國海洋法公約條文中並未針對這些問題訂出規範，然而各取所需的解釋已經出籠。由於東亞區域與海運安全有關的多數水域都在EEZs範圍內，在這些敏感問題上模稜兩可將可能成為衝突源頭，因為EEZ的種種限制將對海軍的平時機動性構成威脅²⁷。事實上，東亞區域已經發生過一連串險些升高為公開衝突的事件和爭議²⁸。

七、挑戰海上法律與秩序

世界上若干區域所出現的海盜行徑已經成為國際重視和關切的問題。從統計資料看來，冷戰結束以後，海盜在東亞水域所構成的威脅已明顯升高。現在東北亞和東南亞的海盜事件合佔全世界海盜事件總數一半以上。東南亞目前也是全世界海盜最猖獗的區域²⁹。海盜攻擊的毀壞性似乎也在日益升高。因此，海盜攻擊已對各國人民的生命和福祉構成直接威脅。尤其，經常載運危險貨物之船隻對航運安全及海洋環境可能構成的威脅，已經受到嚴重關切。這些在狹窄水域中高速航行的船隻，如果在沒有護衛情況下遭到海盜攻擊，必將對航運及海洋環境造成威脅。

²⁵ 聯合國海洋法公約 第五部分

²⁶ 聯合國海洋法公約第 60 條賦予沿岸國家對其EEZ內所有具經濟功能或可能妨礙其權利之設施及結構之專屬管轄權。但對於不妨礙沿岸國家EEZ權利之非經濟性設施，海洋法公約沒有明確規範。詳情請參閱B. Boczek的“第三國在EEZ內之平時軍事活動”(Peacetime Military Activities in the EEZ of Third Countries) - “海洋開發與國際法”(Ocean Development and International Law) 第 19 卷第 6 期 (1988) 第 445 以後。

²⁷ 目前東亞區域還沒有任何國家正式要求在其EEZs內之外國海軍活動必須事先申請或通知。另一方面，巴西、維德角、烏拉圭及若干其他國家已宣布，要求這類活動必須事先申請核准。

²⁸ 主要事件包括：2001 年 3 月，美國海軍測量船Bowditch號與一艘中國驅逐艦在中國EEZ對峙；2001 年 4 月，一架美國EP3 偵察機與一架中國噴射戰鬥機在中國EEZ相撞；2001 年 12 月，日本海岸防衛隊在日本及中國EEZ追逐一艘北韓間諜船，並對其開火；越南抗議中國在越南宣稱EEZ內進行實彈演習。

²⁹ 根據國際海事局(IMB)海盜事件通報中心(PRC)的統計，在 1995-2002 的八年期間，馬來西亞海域、印尼、麻六甲海峽、新加坡海峽、和南中國海總計發生 905 件海盜事件。這些事件從企圖登船、小規模打劫、到公然劫持船隻不一而足。

恐怖主義是日益嚴重的全球問題，尤其是在9/11恐怖攻擊事件之後。海上恐怖主義威脅(如突擊海上船隻或海運設施)屬於新型恐怖攻擊活動，要預知其行動情報極為困難³⁰。在麻六甲海峽和星加坡海域可能發生的最嚴重船隻恐怖攻擊情況將涉及劫持一艘油輪或載有大量易燃或爆炸性貨物的化學品運輸船。被劫持的船隻又可能被用來攻擊重要港口設施，尤其是該區域的某個樞紐港³¹。無線電波武器可能帶來一種全新威脅。無線電波武器使得恐怖份子可以攻擊海上目標，造成電子系統致命性的毀壞。相關的問題包括大規模毀滅性武器及相關物料之海上運輸和走私。由於偵測和察覺這些危險情況極為困難，要對這些威脅做出適當反應可能需要比較侵犯性的措施，如檢查和封鎖³²。然而，這些措施的合法性也經常受到質疑。

打擊國際毒品交易目前已具有實質國際海事特徵，就像非法偷渡人口的問題一樣。涉及船隻和貨物的保險詐欺案件在日益擴大的國際犯罪領域中，是另一個值得憂慮的主要源頭。據估計，海事詐欺事件每年造成國際社會損失超過130億英鎊。在亞太區域，貨物迷航的問題尤其令人憂慮。貨物迷航即船隻沒有抵達指定目的地，而是將貨物載往其他地方卸貨和變賣，再將船隻鑿沉或重新註冊，使其成為具有偽裝身份的幽靈船。

如何加強東亞區域海運安全

以上對於東亞區域海運安全之既存和新興威脅所做的分析顯示，雖然傳統的軍事威脅已經衰退，但一大堆新的非傳統安全問題正方興未艾。特別值得注意的是，那些問題中，有許多都直接或間接與東亞區域當前政治、戰略和法律秩序之根本轉變所帶來越來越高的不確定性有關。以上分析也顯示在重要水域缺乏議定之領海管轄權和制度對區域安全的危害程度。此一狀況已衍生出其他威脅：無約束的污染、沒人管的過度捕撈、越來越多的海上非法活動、和經常引發嚴重爭議的過度主權主張。除非區域國家能夠對這些問題做出有效反應，否則這些問題將繼續對區域安全構成風險。區域國家應做出哪些反應來加強東亞區域的海運安全呢？

³⁰ 請參閱“東南亞區域海盜行徑與海上恐怖攻擊”(Piracy and Maritime Terror in Southeast Asia) – “國際戰略研究協會戰略評論”(IISS Strategic Comments) 第10卷第6期(2004年7月)。

³¹ 請參閱Michael Richardson的“全球貿易的定時炸彈：大規模毀滅性武器時代之海事相關恐怖主義”(A Time Bomb for Global Trade: Maritime-related Terrorism in an Age of Weapons of Mass Destruction) – 東南亞研究所(Institute of Southeast Asian Studies)(2004)。

³² 在防擴散安全倡議(PSI)下，目前有15個國家(包括美國、英國、法國和日本)正在討論如何透過合作防止大規模毀滅性武器及其相關物料在海上、空中和陸地擴散。

一、建立穩當的區域海運制度

對於東亞國家和後冷戰時代在東亞有利益的海運強權而言，目前最迫切的任務就是建立一套穩當而可靠的海運制度³³。海運制度不但是加強海運安全的根本要求，也是東亞國家從事進一步海事合作的基礎。或許建立海運制度的第一步(和最好的一步)就是在指導海洋利用與保護之共同參考標準上達成協議。就這點而言，值得一提的是，在海洋管轄權與利用之授權規範方面，聯合國海洋法公約對於全球海洋制度已做了最完整的表達。因此，聯合國海洋法公約可做為在東亞區域建立一套穩當海運制度的良好基礎³⁴。儘管聯合國海洋法公約顯然並未解決所有懸而未決的海運問題，但該公約將藉著釐清和調整適用於海洋事務的規則和防止違反既定普遍規範之國家做法的增加，而在海運事務中扮演長期穩定的角色。

然而，聯合國海洋法公約似乎已獲得東亞區域國家的強烈支持，但該公約在管理海洋利用方面的規範仍存在著相當大的疑義，因為公約中許多條文的規定都不夠明確，留下不同解釋的空間。就這點而言，要在東亞區域建立一套穩當的海運制度，需要像其他區域一樣，首先就如何適用聯合國海洋法公約條文達成協議。事實上，透過共同可接受的解釋在東亞區域發展一套前後一致且條理分明的海運制度，比世界任何其他區域都更迫切，主要原因為該區域沿海國家在海洋利用重要層面的做法上有很大的分歧。就這點而言，以下重點值得一提：

第一，提升海運制度及沿海國家做法的公開化和透明化是非常重要的。事實上，聯合國海洋法公約要求沿海國家應適當公開有關其基線或管轄範圍之地理座標航圖或清單，並留存一份副本於聯合國秘書處³⁵。有鑑於曾經發生過的幾次不幸事件主要都是因為這些事務上的不確定性，因此，要建立一套穩當的區域海運制度，各國做法的公開透明化是絕對必要的。

³³ 海運制度可被定義為：在特定國際關係領域內，行為者所共同期望的一套隱含或明確的原則、規範、規則和決策程序。請參閱Stephen Krasner編著的“國際機制”(International Regimes)－康乃爾大學出版社(1995)第2頁。因此，海運制度包括一套正式或非正式的原則、規範、規則、和有關海洋之利用與保護的常規。海運制度中最重要的元素(非唯一的元素)是聯合國海洋法公約。東亞區域大多數國家都是該公約的簽署國。

³⁴ 東亞區域國家對聯合國海洋法公約的支持和奉行是非常明顯的。以下國家目前都是聯合國海洋法公約的簽署國：澳洲、中國、印尼、印度、日本、馬來西亞、蒙古、緬甸、紐西蘭、馬紹爾群島、菲律賓、帛琉、俄羅斯、諾魯、南韓、新加坡、薩摩亞、索羅門群島、斯里蘭卡和越南。

³⁵ 聯合國海洋法公約第16、75和84條。

第二，聯合國海洋法公約提供一套和平解決制度，這套制度對於發展該公約的一致解釋和做法具有實質助益³⁶。聯合國海洋法公約也提出有關海洋環境及海洋科學研究問題之一般處理原則和架構，因此提供了海洋法進一步發展的基礎。東亞區域國家應該充分利用海洋法公約所提供的機制和架構，來解決他們未來的爭議，並提升他們之間的合作。

第三，東亞區域國家努力發展一套更加和諧和牢靠的海運制度。尤其是，區域國家可以透過協商就有關海洋法之爭議規定達成諒解（海洋法的某些規定與有些國家的政策不一致）。譬如，美國與蘇聯於 1989 年簽署一項有關兩國戰艦無害通過對方國領海之聯合聲明。附帶於該聯合聲明，兩國政府並發佈了無害通行國際法規則統一解釋。該文件針對聯合國海洋法公約中有關無害通行領海的條文提出了更詳細的共同解釋³⁷。區域國家也可針對各項爭議問題採取類似的措施。此外，也可成立區域海事協調委員會或其他協調單位，負責在區域國家間從事協調和強化合作工作。

二、實施海運信心建立措施

除了建立一套穩當海運制度的努力外，區域國家也應該考量海運安全環境的變化發展各種海運信心與安全建立措施。隨著海運安全環境的逐漸改變，海軍合作的重要性也日益增加。海軍合作的範圍很廣，可能是雙邊的，也可能是多邊的。在較低層次，可採取低調信心建立措施，如船艦訪問、艦隊校閱、人員交換、海軍對談和多邊海軍會談。較高企圖的合作活動可能包括資訊/情報交換、聯合作戰準則發展、和聯合演習。最高層次的海軍合作可能包括合作海運監視、常駐區域海軍部隊、合作 SLOC 保護和水雷反制。一個更值得注意的概念是預防海上意外協定。這類協定之必要性已經非常迫切，主要是因為許多國家海軍在東亞海域的活動越來越多。此外，這些協定未來將有助於更重大問題處理機制的發展。儘管區域國家之間要發展出更實質的海軍合作可能還需要一段時間，但東亞區域海軍合作活動已經比幾年前頻繁多了。

除了海軍合作以外，海岸防衛隊合作也是海運信心建立的另一個重要領域。事實上，海岸防衛隊合作在東亞區域的成功潛力很大，因

³⁶ 聯合法海洋法公約第十五部分。

³⁷ 有關該聯合聲明及其附帶之統一解釋無害通行國際法規則共同聲明之全文，請參閱“國際法律資料”(International Legal Materials)第 28 卷第 6 期第 1444-1447 頁。

為該區域國家偏好在海上敏感情況下派遣海岸防衛船隻和人員，而非海軍船艦和人員，並經常運用海岸防衛隊與其他國家從事合作活動。目前東亞區域海岸防衛隊合作正以雙邊和多邊形式快速擴展中³⁸。

三、領土/管轄權問題與資源問題分離

在領土/疆界和資源問題方面，解決領土爭議的可能性很渺茫。有鑑於解決當前主權爭議極度困難，最好將主權問題與比較技術性的疆界談判脫鉤。此外，又由於東亞區域的地理環境及其他情況錯綜複雜，比較功能取向的方法比管轄權取向的方法來得實際，如疆界劃定。應鼓勵區域國家先解決比較迫切的環境保護和資源開發問題，而不要將根本的主權和疆界問題混入其中。譬如，區域國家或許可以從區域的觀點來處理漁業問題（漁業問題促使各國紛紛劃定 200 哩 EEZs），推動協同一致的保育政策和有效的實施程序。由於這些合作安排可能在不觸及根本領土和海事疆界問題的情況下建立，因此它們可能構成理想的解決方案，將比較政治敏感的問題延後至無限期未來。有鑑於區域國家之間頗為敏感的政治關係，這個方法或許比較具建設性。

四、維護海上法律與秩序之區域合作

維護海上法律與秩序需要區域國家之間密切合作。就這點而言，東亞區域已經獲致實質的進展，尤其是在 9/11 恐怖攻擊事件以後。目前，毗連麻六甲海峽的四個東南亞國家（馬來西亞、新加坡、印尼和泰國）已經實施一項聯合安全計畫，以提供海峽內空中監視及狀況警戒合作。此一稱為“空中之眼”（Eyes in the Sky）的計畫，內容包含由參與國家之海上巡邏機在海峽之指定區域例行巡邏³⁹。雖然麻六甲海峽的主要使用者（美國和日本）仍在批評海峽國家在確保海峽航運安全方面做得還不夠，但聯合安全計畫可以證明，東亞區域在維護海上法律與秩序方面的合作已有了長足的進展。

然而，儘管有了這些進展，但在目前階段，東亞區域國家並不太熱心於繼續發展完善的區域海上監視制度。此外，東亞國家對於禁止載運大規模毀滅性武器船隻往來於與“擴散活動”有關聯的國家或非

³⁸ 北太平洋海岸防衛隊高峰會在日本的倡議下於 2000 年開辦，參加國家包括加拿大、中國、日本、南韓、俄羅斯和美國。最近一屆高峰會於 2005 年 9 月在日本神戶港市舉行，會中討論主題包括打擊恐怖主義、走私及其他犯罪活動之步驟。

³⁹ 請參閱 Graham Gerard Ong 和 Joshua Ho 合寫的“海上空中巡邏：打擊麻六甲海峽海盜新武器”（Maritime Air Patrols: The New Weapon Against Piracy in the Malacca Straits）— *IDSS 評論*（*IDSS Commentaries* 70/2005）2005 年 10 月 17 日。

國家實體之間方案也不熱衷⁴⁰。在缺乏結構式海上監視或封鎖制度的情況下，海事資訊與資料交換安排便非常重要。這些安排可以做為潛在的海運信心與安全建立措施和海運安全合作(包括海上監視)之必要條件。由於各國對於恐怖主義和大規模毀滅性武器擴散威脅之嚴重風險的體認日增，如何維護海上法律與秩序，預料將獲得更專注的國際重視。

結論

海運安全問題在本質上是跨國性的。因此，如果要加強區域海運安全，採取協調與合作方法來因應這些問題是絕對必要的。儘管密切的區域合作所帶來的好處顯而易見，但東亞區域的有效海事合作仍存在著主要障礙。其一，主權觀念在區域國家心中仍然非常根深蒂固，以致於一旦合作活動需要折衷或限制國家主權，許多國家通常都不太願意參與。此外，區域國家參與合作計畫的能力不相等，也是區域合作的另一個障礙。在合作能力不等的情況下，“較弱的國家”一旦感受到合作過程可能由“較強的國家”主導，他們可能會不願意參加。更普遍的現象是，東亞區域普遍的不信任感和缺乏政治架構，也阻礙著區域國家發展出更實質的海上合作形式。

雖然海事政治的主要典型仍以國家為中心，但區域國家仍需要了解其自身的局限。區域國家應該考慮採取一種比較功能取向的方法來取代主權或管轄權取向的方法。他們也應該為各種迫切的問題做出一些合作安排，譬如海洋資源開發和海洋環境保護。由於這些合作安排可能在不觸及根本領土和海事疆界問題的情況下建立，因此它們可能構成理想的解決方案，將比較政治敏感的問題延後至無限期未來。雖然這種方法可能被視為天真的理想主義擱在一旁，但區域國家需要了解一點：沒有比海洋更適合理想主義的地方了。就這點而言，東亞區域也不例外。

⁴⁰ 只有兩個東亞國家(日本和新加坡)是“防擴散安全計畫”的正式會員。其他關係該計畫成敗的東亞國家(如中國、南韓、印度和印尼)儘管在美國的壓力下，仍始終不願積極參與該計畫。

Topic 4: Straits of Malacca: Issues and current developments

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Introduction

This paper prepared three days after one Japanese bulk carrier vessel and United Nations chartered vessels has been attacked off northern part of Sumatera. These attacks in the Straits of Malacca marked a turning point regarding level of security measures undertaken by the littoral states and with support from the users. Suddenly after 0 incident as reported before by the International Maritime Bureau in their first quarter report, it is seem that more effort are needed to enhance on the effectiveness combating piracy or non traditional threats in the Malacca Straits. In reality, basic requirement of Straits of Malacca security are not just to deal with piracy alone. Much more important agenda requires immediate action for future growth in the Straits of Malacca.

Transition Development

Any great sea journey by famous explore such as Marco Polo, Magellen and even Zheng Ho and then expedition to conquer the east started with Portugues Vasco Da Gama and followed by Dutch, France, Spaniard and British, in they historical documents always mentioned about Straits of Malacca and also how dangerous it is. As mentioned in old book;

"...a century ago, and for more than half of century before that, piracy was rife in the Malayan seas. From Manila to Sumatra, from Malacca to Celebes, no trading ships were safe from sea-rovers, no coastal villages immune from their attacks. Native craft and Chinese junks fell an easy prey to these Vikings of his Eastern seas, but European ships, and those of American, suffered too..."¹

One of the main reasons these colonial powers in the area of Straits of Malacca was rival and trade monopoly connecting east and west. However, that episode already part of regional maritime history but the Straits of Malacca still remained connecting east and west maritime trade.

¹ Owen Rutter, *the Pirate Wind: Talese Sea-Robbers of Malaya*, Hutchinson & Co, London, 1930, p. 19.

Table 1:
Traffic Volume in the Straits of Malacca²

Year	Traffic Volume
1999	43,965
2000	55,955
2001	59,314
2002	60,034
2003	62,334
2004	63,636
2005	62,621

In modern days and current development regarding how important the Straits of Malacca as reflected the above table shows traffic volume in the Straits of Malacca increase very dramatically. In 2004, 63,636 ships were reported, compare to 43,964 ships in 1999, an increase of 30.9% within 6 years.

All the data based on Vessel Traffic Reporting System with captured 300GRT size of vessels. While at the same time there are more than 4,000 fishing boat in the straits.. This statistic excludes hundred of small crafts and passengers ferries crossing the Straits, which in 2004 a total of 1,131 ferry movement were recorded between Sumatra and the Indonesian Islands fronting the Straits and Peninsular Malaysia. Barter trade vessels servicing the coastal ports along the foreshores of Malaysia and Indonesia account for 14,144 movements associated with routes transverse the Straits of Malacca. Thus, indirectly, more vessels are actually in the Straits of Malacca at one time. Related closely to Malaysia's dependence on maritime transport for import and export with 95% value RM 350 billion in 2004, the fact that Malaysia major ports are located along the Straits of Malacca as mentioned the above table. At the same time also, specialised port serving the petroleum and petrochemical port are also located along the straits such as Port Dickson, Sungai Udang, Pasir Gudang/ Tanjung Belungkur

It is expected traffic volume in the Straits of Malacca will reached 100,000 within ten year from now. The main issue now how and what we all going to do once Straits of Malacca mark 100,000 vessels and roughly 35% of it's is a tanker category.

² Marine Department, Malaysia.

Table 2:
Type of Vessels in the Straits of Malacca, 1994³ and 2005⁴

Type of Vessels	1994	2005
VLCC/Tanker/LNG/LPG	9,688	21,646
Cargo/Bulk Carrier	11,620	13,734
Container	5,244	20,818
RoRo	1,130	2,515
Passenger ship	440	2,294
Tug	1,579	420
Govt/Naval	252	153
Fishing	1,622	34
Others	176	1,002
Total	31,755	62,616

As shown in Table 3 below, it is seen that most of the Malaysian port along the Straits of Malacca marked a significant increase of port call. One of major drastic is Port of Tanjung Pelepas from 682 vessels in year 2000 to 3,128 just within five years⁵. However, even though Malaysian port recorded quite high number of vessels such as in 2005 with 32,646 vessels that is seem half of number of traffic in the Straits of Malacca, most of them are feeder ships as well vessel below 300 GRT.

³ Hamzah a Mohd. Nizam Basiron, *the Straits of Malacca: Some Funding Proposals*, Maritime Institute of Malaysia, Kuala Lumpur, 1996, p.66.

⁴ Marine Department, Malaysia.

⁵ The port has been further strengthened by the decision of major shipping masters such as Denmark's Maersk Sealane and Taiwan's Evergreen Marine which realigned their shipping strategy by shifting from Singapore's port to Port of Tanjung Pelepas as their Southeast Asia stopover, attracted by cheaper port charges and excellent facilities. It has recorded tremendous growth from its beginning in 2000 to being named 'Container Terminal of the Year' at the 2004 Asia Logistic Award organized by Lloyd's FTB Asia.

Table 3:Total Number of Ships Calling by Ports, 1996-2005⁶

		1996	2000	2005
Klang	No	9,533	12,416	15,050
	GRT ('000)	101,588	153,016	235,037
Penang	No	6,556	7,263	6,220
	GRT ('000)	29,168	28,907	35,938
Pasir Gudang	No	5,887	6,485	6,438
	GRT ('000)	28,652	40,737	28,910
Tanjung Beruas	No	260	226	149
	GRT ('000)	697	882	409
Port Dickson	No	1,375	968	1,126
	GRT ('000)	10,447	6,421	9,218
Teluk Ewa	No	7,027	352	535
	GRT ('000)	—	2,269	2,438
Tanjung Pelepas	No	—	682	3,128
	GRT ('000)	—	5,456	25,024
TOTAL	No	32,651	28,392	32,646
	GRT ('000)	170,552	237,688	336,974

While for the other littoral states such as Singapore and Indonesia, the Straits of Malacca tremendously provide a waterway for national economic growth. The Straits of Malacca is increasingly important to Indonesian trade and economy. In term of non-oil major exports, Indonesian exports to the USA and Singapore recorded in 2003 amounted to nearly USD1, 186 billions, which were mostly carried by sea through the Straits of Malacca with petroleum exports to Singapore being even more significant. Such a situation also applied to Indonesian import of petroleum as well as non-oil imports, which come from Singapore and other countries such as the USA and Saudi Arabia⁷. In terms of international sea passengers, largely short distance travelers, the Straits of Malacca holds an important role for most travelers from Sumatera (including Batam, Bintan and Tanjung Balai Karimun) to Singapore or Malaysia. Travelers are usually Indonesian workers or Singaporean weekend tourists going to Batam or Bintan. In 1996, there were 3.8 million international passengers (arrivals and departures) and in 1998 this number increased to 4.8 million passengers⁸.

⁶ *Transport Statistics Malaysia 2003-2004*, Ministry of Transport Malaysia. p.80.

⁷ Yuri Gunardi, "The Straits of Malacca and the Indonesia Economy, in Economic Significance of the Straits of Malacca". *International Conference on the Straits of Malacca: Building a Comprehensive Security Environment*, Kuala Lumpur, 11-13 Oct 2004, p 6.

⁸ Yuri Gunardi, p.7.

Singapore is heavily dependent on shipping with 90 per cent of cargo is transhipped mainly through the Malacca Straits to/from the west. The economic development of Singapore has been and will continue to be dependent on its maritime trade.⁹ The Strait of Singapore makes the country's port one of the busiest in the world in terms of tonnage. It serves 500 shipping companies and 30,000 vessels annually. In 1999, it handled 188,695,000 tons of general cargo, 137,349,000 tons of bulk cargo, and 15,945,000 twenty-foot TEUs of container throughput. The value of Singapore's total trade is more than her GDP and a large proportion of this trade is carried by sea. In addition to this, it operates oil refineries which are being supplied by Japanese tankers.¹⁰ Singapore is a major shipping hub and the world's second largest container terminal after Hong Kong.

Transition from Safety to Security

Since Straits of Malacca as stated under the UNCLOS 1982, which came into force on the 16 November 1994 spell out the special status of straits. Significant among its provisions is the new regime on transit passage. It has been noted that this new regime was a negotiated compromise between the interests of the littoral states and user states.

Part III of the 1982 Convention comprising 12 articles titled "*Straits used for international navigation*" clearly defining the criteria, the right of transit passage and the rights and obligations of user and coastal states. The Straits of Malacca has been categorized as 'straits used for international navigation' due to the fact that the straits is used for international navigation between one part of the high seas. Thus the transit passage regime is applicable to Straits of Malacca. Three elements need to be met before transit passage is applicable, firstly the waters must be narrow connecting two seas or larger bodies of water, secondly, the straits must be used for international navigation and thirdly the straits must connect one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone¹¹.

Transit passage regime indirectly will allow the users to be part of the governing process as long not to challenge littoral states sovereign right and

⁹ Sam Bateman & Stephen Bate, *Regional Maritime Management & Security*, Australian National University, Canberra, 1998, p

¹⁰ Michael Leifer, *International Straits of the World: Malacca, Singapore, and Indonesia*. Alphen aan den Rijn: Sijthoff & Nordhoff International Publishers, 1976, p. 64.

¹¹ Abd. Rahim Hussin, "the Management of Straits of Malacca: Burden Sharing as the Basis for Co-Operation", paper presented at the *LIMA International Maritime Conference 2005*, Langkawi, Malaysia, 4th & 5th December 2005, p 4.

territorial integrity. However, because of the current threat perception more on strategic and security requirement, therefore threat perception in the Straits of Malacca which is previously on safety has changed to the security issue. In early development in managing the Straits of Malacca by littoral states, Malaysia, Indonesia and Singapore, was not willing to discuss and involvement of outside power involves in managing security in the Straits of Malacca. However, littoral states willing to agreed with international participation in managing safety in the Straits of Malacca.

This concern derives from the inherent physical characteristics of the straits. As mention earlier, it not only serves as a crucial navigational route for international trade and commerce but it is also widely known as the most difficult routes to navigate with numerous wrecks, and high risk areas around One Fathom Bank, the waters between Port Dickson and Malacca and to the South between Tg. Piai towards Singapore. Recognizing the need to protect the coastal States from damages resulting from oil pollution¹² and other possible accidents and collision, a number of consultation and cooperation initiatives was undertaken.

Cooperation in maritime issues which focuses mainly on establishing navigational safety regime in the Straits of Malacca amongst the three littoral States began in the early 1970's. The establishment of the 'Tripartite Technical Experts Group (TTEG) between the littoral states in 1971 to discuss and implement safety of navigation, the establishment of the 'Traffic Separation Scheme' (TSS) at the One Fathom Bank, Tanjung Piai and waters around Horsburgh Lighthouse in May 1981 are some of the examples on the close cooperation and willingness of the littoral States in ensuring safety of navigation in the Straits of Malacca. In 1971, a Joint Statement between the Governments of Indonesia, Malaysia and Singapore to adopt a common position on matters relating to the Straits of Malacca in safeguarding the safety of the Straits was made. In the Statement, the three Governments agreed:

- i. that the safety of the navigation in the Straits of Malacca is the responsibility of the coastal states concerned;
- ii. on the need for tripartite cooperation on the safety of navigation in the straits;

¹² 40 cases of oil spill have been reported in the Straits of Malacca over the last 5 years and the sources of spills are from illegal discharges from tankers and as well as other vessels. See, "Country Brief: Malaysian Maritime Enforcement Agency", *2nd Meeting Heads of Coast Guard Agencies Asia*, Putrajaya, Malaysia, 20-23 March 2006, p. 3.

- iii. that a body for cooperation to co-ordinate efforts for the safety of navigation be established and should composed of only the three coastal states concerned;
- iv. that the problem of the safety of navigation and the question of internationalization of the straits are two separate issues;
- v. that the Straits of Malacca are not international straits while fully recognizing their use for international shipping in accordance with the principle of innocent passage; and
- vi. On the basis of this understanding, approved the continuation of the hydrographic survey.

In 1975, another Joint Statement from the three coastal states was adopted which resulted in the establishment of a Traffic Separation Scheme (TSS), issues of safety of navigation vessel traffic system and compensation.

The Joint Statement of 1977 adopted a number of recommendations namely vessels maintain a single Under Keel Clearance (UKC) of at least 3.3 meters at all time during the entire passage through the Straits of Malacca, voluntary reporting procedures and delineation of the Traffic Separation Scheme (TSS) was implemented This special regime to enhance safety of navigation and to promote close cooperation and coordination on anti-pollution policy and measures in the Straits of Malacca was adopted by Inter-Governmental Maritime Consultative Organization Resolution on Navigation through the Straits of Malacca on 14 November 1977 by resolution A.375(X)

The Mandatory Ship Reporting System for the Straits of Malacca or STRAITREP was proposed by the three coastal States and adopted by the IMO, and entered into force on the 1st December 1998. STRAITREP requires vessels to report information such as name of ship, call sign, IMO identification number, position; hazardous cargo and deficiencies of the ship which may affect normal navigation are relayed to the respective MRCC's. Flag states, whose ships ply the straits should also be committed and comply with the regulations¹³.

While at the same time littoral states developed a mechanism to ensure security measure being taken. The littoral states concluded bilateral treaties between each pair of countries for the suppression of armed robbery in 1992, and are carrying out coordinated patrols in the Straits of Malacca. Indonesia and Malaysia signed a 'security arrangement' in March 1967 marked the

¹³ Abd. Rahim Hussin, p.4.

beginning of a new cooperation between the two governments after Konfrontasi. This cooperation was further consolidated with the formation of ASEAN in August 1967. Bilateral relationship continued across the Straits of Malacca through bi-annual naval operation, such as MALINDO JAYA¹⁴ and MALAPURA.¹⁵ Another joint operation, code-named PATKOR OPTIMA, was specially conducted for maritime enforcement agencies, involving the Indonesian and Malaysia Marine Police, Custom, Fisheries and Immigration departments. During these joint operations, emphasis was made to regulate law and order in the Straits of Malacca, such as operation against illegal fishing, illegal immigrants, smuggling and piracy. Littoral States also concluded the agreements for the suppression of modern piracy between two countries through the national defense ministry in the 1970s. They hold Joint Border Committee meeting periodically, discussing mutual cooperation measures to be taken to counter piracy. The navies of these countries make adjustments at the pace of the schedules of each of the countries, and carry out joint training and coordinated patrols.¹⁶ Therefore, continuous effort by littoral states in ensuring safety and security is something not new efforts or initiatives. The only thing that activities are not on a continuous basis, but rather only for a limited period of time.

The launch of the Malaysia, Singapore and Indonesia coordinated patrol, in short MALSINDO Coordinated Patrol on 21st July 2004 at Bantam Island Indonesia involved naval units from the three nations reflecting the continuous concern for maritime security in the region. The year round patrol started with 17 ships from the three littoral states aimed to enhance the present system of patrolling the region. This cooperation is basically to prove that Malacca Strait still is a safe place for users pass through. In this trilateral cooperation, each navy only patrols within the territorial waters of their respective countries. To be more effective, it may be necessary to explore the possibility of conducting coordinated patrols where resources are pulled for the common tasks.¹⁷ Since 24th July 2005, the Malaysian navy has at any one time placed three vessels on patrols in the Straits of Malacca.

¹⁴ Ex MALINDO JAYA was conducted since 1970 between Indonesian Navy and Malaysian Navy a total of 25 exercises were conducted mainly at the Straits of Malacca and the South China Sea.

¹⁵ Ex MALAPURA was conducted since 1984 between Singapore Navy and Malaysian Navy. A total of 16 exercises were conducted mainly at the Straits of Malacca and the South China Sea.

¹⁶ Takai Susumu, *Suppression of Modern Piracy and the Role of Navy*, National Institute for Defence Studies, No. 4, March 2004, p.54.

¹⁷ Michael Richardson, "Maritime Security in Southeast Asia", *Regional Outlook, Southeast Asia 2005-2006*, Institutes of Southeast Asian Studies, Singapore. p.8.

These sea patrols are augmented by air surveillance conducted by the Royal Malaysian Air Force and the Police Air Wing.¹⁸

The second initiatives launch by littoral states is "Eye in the Sky" (EIS) to enhance security and safety in the Straits of Malacca.¹⁹ The EIS concept is to mobilise existing military assets of the three littoral states maritime patrol aircraft to compliment the coordinated patrol arrangement under the MALSINDO. EIS has issued a clear signal to the international community that the littoral states are serious in ensuring safety and security in the straits. Being a strategic channel vital to international trade, the security of the straits is of paramount importance to the littoral states, user's states and other stakeholders. As such, the three littoral states (Malaysia, Singapore and Indonesia) and Thailand have agreed to boost cooperation by conducting combined maritime patrols over the Straits of Malacca and Singapore²⁰, while respecting the sovereignty and territorial integrity of the littoral states. This programme to be extended to other countries wishing to provide assistance by offering some of their assets, but it was up to the littoral states to operate the assets and monitor the security of the straits. Few countries including the United States, Japan and China have indicated their willingness to assist the littoral states in protecting the security of the straits.

Another measure adopted by Malaysian Government is the formation of the Malaysia Maritime Enforcement Agencies on the 1st November 2005. The agency comprises several existing maritime enforcement agencies such as the Marine Police, Fisheries Department, Customs Department and Marine Department. The single command of this agency will have more capability and legislation to eradicate all maritime offences including the piracy in the Malaysian maritime zones.

Maritime security cooperation has been more structured and acknowledge at the broad base with the establishment of ASEAN Defense Minister which is held their first meeting in Kuala Lumpur in early May 2006. One of the objectives is to coordinate all military exercise and joint operation with non ASEAN partners²¹. Therefore, this will allow EIS or any

¹⁸ First Admiral Ahmad Kamarulzaman bin Ahmad, "Maritime Security in the Straits of Malacca: A Holistic Perspective", Paper presented at the *Indian Ocean Research Group Conference*, Kuala Lumpur, 11-13 July 2005,

¹⁹ M.K. Megan "Eye in the Sky" launched: World Community can join effort to patrol straits, *New Straits Times*, 14 Sep 2004.

²⁰ Thailand officially confirmed not to participate in the EIS programme because of operational cost.

²¹ The Ministers adopted the ASEAN Defence Ministers' Meeting or ADMM concept paper and agreed that the ADMM should be an integral part of ASEAN, that it should add-value to and complement the overall ASEAN process, and that it should also be open, flexible and outward-looking in respect of actively engaging ASEAN's friends and Dialogue Partners as well as ASEAN Regional Forum or

joint military cooperation and operation especially regarding maritime security in the Straits of Malacca can be conducted at the more transparent and collective among ASEAN. Therefore, any ASEAN country approach dealing with non-state and Tran's boundary threat, it will be organized at the ASEAN level rather than by a single country. While at the same time this is in line with ASEAN Security Community concept which is spell out that one of main pillar is maintaining maritime security as a catalyst factor for regional security²².

Another initiative by three littoral states and also the rest of ASEAN member is the establishment of ASEAN Naval Interaction which one of the main objectives to enhance regional cooperation through combine resources, assets and supporting infrastructure required to meet these threats and challenges. Presently, all that that process has been developed but need to have common interests of among ASEAN for maritime security cooperative mechanism. This cooperation between navies do not necessarily require the sharing of any specific common political or strategic objective rather than sharing a common interest in, confidence-building measure, preventive diplomacy, and maintaining law and order at sea²³. ASEAN Naval Interaction is a subset of the broader concept of maritime regional cooperation which has been develops at the policy level. It has a wide scope and may be bilateral or multilateral. At the lower end are low-key, confidence-building activities such as ship visits, fleet reviews, personnel exchanges, navy to navy talks and multilateral naval conferences. For example, delegation from Thailand during ASEAN Naval Interaction mentioned cooperation in maritime surveillance and interdiction to prevent and suppress unlawful activities that threaten maritime security seem to be inefficient even within the coastal state's own territorial waters. This is

ARF. The Ministers agreed that the specific objectives of the ADMM would be (a) to promote regional peace and stability through dialogue and cooperation in defence and security; (b) to give guidance to existing senior defence and military officials dialogue and cooperation in the field of defence and security within ASEAN and between ASEAN and dialogue partners; (c) to promote mutual trust and confidence through greater understanding of defence and security challenges as well as enhancement of transparency and openness; and (d) to contribute to the establishment of an ASEAN Security Community (ASC) as stipulated in the Bali Concord II and to promote the implementation of the Vientiane Action Programme on ASC.

²² Maritime issues and concerns are transboundary in nature, and therefore shall be addressed regionally in holistic, integrated and comprehensive manner. Maritime cooperation between and among ASEAN member countries shall contribute to the *evolution* of the ASEAN Security Community. See Declaration Of Asean Concord II (Bali Concord II), Bali, Indonesia, 7 October 2003.

²³ Keynote Address by Dato' Sri Haji Mohd. Najib Bin Tun Haji Abdul Razak, *Asean Navy Interaction*, 3 July 2003, Kota Kinabalu, Malaysia

because naval capabilities seem inadequate when compared to the size of the area to be covered²⁴.

Notwithstanding with the above statement, it is seen that what the littoral states and ASEAN itself managed to consolidate their effort either at operational level with introduction EIS and Malsindo Coordinated Patrol and also developed mechanism at policy level in managing threat perception in the Straits of Malacca. This is because littoral states and ASEAN itself realize how important the Straits of Malacca to the world economy and all ASEAN member itself dependent to the straits for their economic growth. Any interference with the free flow of trade and navigational safety in the Straits would adversely impact not just the littoral states but also other trading nations who use the straits as their seaborne trade and their supply of essential goods, commodities and raw materials²⁵.

At the same time also, referring to the managing threats perception in the Straits of Malacca, there are some slight transition toward bilateral or trilateral defense cooperation toward multilateral concept. Option the allow other ASEAN nation such as Thailand onboard of the Malacca Straits Patrol (extension of the Malsindo Coordinated Patrol) reflecting new dimension at the policy level. However, ASEAN dialogue partners such as ASEAN Regional Forum has been encourage providing assistance in maintaining safety and maritime security generally.

Security in the Straits of Malacca is therefore dependent upon the relationships between littoral states and the major powers using the Straits. The littoral states have jurisdiction over the Straits of Malacca within the charter of the United Nation Conference on the Law of the Sea (UNCLOS). Nevertheless, the major powers will intervene, if the security in the Straits of Malacca is at stake. There are several factors with the emerging of extra regional powers interests in the Straits of Malacca. Piracy and sea robbery alone is not enough to put a pressure to the littoral states. Everything basically based on the threat perception. The Straits of Malacca had see progress of threats perception transition. It was started with navigational safety as a threat perception in early days. However with the current global phenomena on terrorism has changed threats perception in the Straits of Malacca to terrorism or maritime terrorism.

²⁴ Captain Suriya Pomsuriya, "Maritime Security: Common Interests and Enhancing Cooperation among ASEAN Navies, *Asean Navy Interaction*, 3 July 2003, Kota Kinabalu, Malaysia, p. 2.

²⁵ Keynote Address by Dato' Sri Mohd Najib Bin Tun Razak, *International Conference on the Straits of Malacca: Building a Comprehensive Security Environment*, Kuala Lumpur, 11th October 2004, p. 2.

Pressure from extra regional powers regarding threat perception in the Straits of Malacca started with a statement by Admiral Fargo and his Regional Maritime Security Initiative (RMSI). These proposals initiated by the US get a strong protest by the littoral states such as Malaysia and Indonesia. Malaysia's Deputy Prime Minister Datuk Seri Najib Razak maintains that it would be counter productive to have a strong presence of foreign troops or assets in the region or "interdiction" operations in the Straits. The strong objection from Malaysia and Indonesia as littoral states reemphasized that the primary responsibility for the Straits of Malacca governance should remain with the littoral states and no necessity for the presence of extra-regional forces for the purpose of securing the Straits and that such presence will impinge on their sovereignty.

That idea from other states to provide security mechanism without littoral states consent is seen undermining their existing mechanism in ensuring the safe passage in the Straits of Malacca and local sentiment at that time was either users or extra regional powers too naïve with existence mechanism already in place or simply ignore it.

Recognizing Japanese series of contribution to the straits safety, littoral states have difficulties to understand Japanese²⁶ new role involving in the security affairs in the Straits of Malacca. Last year kidnapping Japanese crews in piracy attack of *Idaten* and *Kuroshio* vessels has changed Japanese perception towards their role in securing Japanese interests and subject in his Straits of Malacca. While the latest incident again will strengthen Japanese effort to adopt two approach simultaneously in the Straits of Malacca affairs, safety and security.

The emerging role of non state entity in 'governing' the Straits of Malacca such as International Maritime Bureau since 1992 as the only non-government agency in piracy centre and authority on that issue. However,

²⁶ On 12 March 2002, at Japan's initiative, maritime authorities and experts from 14 other Asian countries convened in Tokyo to discuss ways of combating piracy in the region. Also in August 2002, the Japanese Coast Guard and the Royal Brunei Marine Police conducted a joint anti-piracy exercise in waters offshore Brunei. On 23 October 2002, Japan dispatched a Coast Guard patrol boat (the *Yashima*) for training in the South China Sea and joint training with the Indian Coast Guard. The *Yashima* made port calls in India and Singapore and patrolled nearby waters. In March 2003, after an anti-piracy conference of the region's coast guards in Manila, Japan and Philippine Coast Guards led an anti-piracy training exercise. In July 2003, the *Yashima* participated in a training exercise in Malaysia. Japan is also assisting Indonesia in drafting a coast guard code. Although Japan continues to propose multilateral joint patrols, Southeast Asian nations have so far not accepted. See, Mark J. Valencia, "Security Issues In The Malacca Strait: Whose Security And Why It Matters", *International Conference on the Straits of Malacca: Building a Comprehensive Security Environment*, Kuala Lumpur, 11-13 Oct 2004, p. 6.

with declaration of Lloyd's Joint War Committee in June 2005, it seems that International Maritime Bureau get a new comp  titor as the authority of piracy especially in Straits of Malacca context. And at the same time also the emerging of private security company or private armed escort ships which is something new in Straits of Malacca regime cause a problem among the littoral states either that activity is allow or not under the international law, i.e. UNCLOS 1982. Furthermore, littoral states simply cannot pass cost of operating the Straits of Malacca to the user or user states. There will be other implications of it. And the same time user or flag²⁷ states have their right to protect their interest anywhere.

Conclusion

If we closely examine Straits of Malacca issue, most of the issues and mechanism to handle it is not a new thing. The only way is how it has been internationalize and securities for various reason and beyond the littoral states control. Transition between safety aspects to security aspect has been swayed by current threats perspective, terrorism. In reality, the Straits of Malacca issues is one of the component under the newly establish ASEAN Defense Minister Meeting and also ASEAN Security Community to oversee a bigger picture rather than being concentrate too much and at the same time developing a mechanism that water body in ASEAN should be under the ASEAN governance. Therefore, with the establishment of these policies at the ASEAN structure, it will consolidate ASEAN itself to re align with current threats perception rather than looking extra regional assistance all the time.

²⁷ According to international news, Japan is preparing to allow foreign-registered oil tankers to fly under the Japanese flag to provide protection from pirates. This is because of growing concerns about rising pirate attacks in waters frequented by Japanese-owned vessels, particularly the Straits of Malacca, have led Ministry of Land, Infrastructure and Transport officials to conclude that flying flag of convenience ensigns from the ships' stern would provide insufficient protection from attack, while Japanese or foreign-registered oil tanker owned and run by a Japanese company could hoist the Japanese flag and be protected by Japan. See, *Kyodo News*, 2 July 2006

議題四 麻六甲海峽的現況與發展

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前言

本篇報告是從一艘日本籍散裝貨輪與聯合國租用的船隻在蘇門達臘北邊遭到攻擊後三天才準備的。這些在麻六甲海峽的攻擊事件轉變了對海峽沿岸國家所保證的，以及海峽使用者所支持的安全保障程度的關注。在前不久國際海事局(International Maritime Bureau, IMB)發表的第一季報告中提到 0 事故之後突然發生這個事件，似乎在有效反制海盜或麻六甲海峽的非傳統性威脅上面需要更加一把勁。實際上，麻六甲海峽安全的基本需求並不光只是海盜問題。為了麻六甲海峽未來航運量的成長，有更多重要的議程需要立即的行動。

發展的轉變

任何一個著名的探險家的偉大海上旅程，像是馬可孛羅、麥哲倫甚至是鄭和以及後續從葡萄牙的達迦馬開始到荷蘭、法國、西班牙與英國等陸續征服東方的遠征隊伍，在他們的歷史文件裡都有提到麻六甲海峽，並且也說到這個海峽有多麼危險。一本古書中提到：

“在一個世紀以前，以及更早於一百五十年以前的時間裡，海盜橫行於馬來亞海域。從馬來亞到蘇門達臘島，從麻六甲到西里伯島，沒有一條商船可以在海盜面前安全的通過，沿海的村莊都不能避免他們的攻擊。當地居民的船隻以及中國的舢舨船都變成這些東方海上的強盜得來不費功夫的犧牲品。即使是歐洲來的船，以及這些美洲來的也都免不了這樣的荼毒。”

一個主要的理由是因為那些殖民強權在麻六甲這個區域的相互競爭與獨佔東西方貿易的連結。然而，即使這些都已經是地區海事歷史的一部份了，可是麻六甲海峽仍舊是東西方海上貿易的連結點。

表 1:
麻六甲海峽的交通流量

年	交通量
1999	43,965
2000	55,955
2001	59,314
2002	60,034
2003	62,334
2004	63,636
2005	62,621

現今與當代的發展上，關於麻六甲海峽有多麼重要，可以從上表所列在麻六甲海峽的交通流量的顯著增加看得出來。在 2004 年有 63,636 艘船通過，相較於 1999 年的 43,964 艘船，六年之間增加了 30.9%。

所有的資料都是從船舶交通回報系統 (Vessel Traffic Reporting System, VTRS) 裡擷取總噸位 (GRT) 超過 300 噸以上的船舶資料。同一時間在海峽裡也有超過 4,000 艘以上的漁船。這些統計並不包括數以百計的小船與橫越海峽的渡輪，在 2004 年內，從蘇門達臘島與印尼群島到對面的海峽與馬來亞半島之間總共有 1,131 次有紀錄的渡輪航班。在沿岸港口沿著馬來西亞與印尼的海濱之間以貨易貨的船舶所走的路徑有橫切過麻六甲海峽，總計也有 14,144 航次。因此，換個方式說，在同一時間裡實際上有更多的船舶在麻六甲海峽裡航行。馬來西亞在依靠海上交通的情況是相對緊密的，約佔 2004 年內馬來西亞進出口總值三千五百億令 (馬來西亞貨幣單位，RM，1RM≡9.5NTD) 的 95%，事實上馬來西亞的主要港口都位處於上述表列的麻六甲海峽的沿岸。同時，為石油與石化工業特定的港口，像是 Dickson、Sungai Udang、Pasir Gudang 或 Tanjung Belungkur 港等也都位在麻六甲海峽的沿岸。

從現在起十年內，預期麻六甲海峽的交通流量將會達到 100,000 航次。現在主要的議題是一旦麻六甲海峽達到 100,000 航次，並且這些航次大約 35% 都是油輪類時，我們將要做甚麼以及怎麼做。

表 2:
1994 年與 2005 年通過麻六甲海峽的船隻種類

船隻種類	1994	2005
超級油輪/油輪/天然氣船/液態瓦斯船	9,688	21,646
雜貨船/散裝貨船	11,620	13,734
貨櫃輪船	5,244	20,818
滾裝貨輪	1,130	2,515
客輪	440	2,294
拖船	1,579	420
官方船舶/海軍	252	153
漁船	1,622	34
其他	176	1,002
總計	31,755	62,616

如以下的表三顯示，看起來大多位在麻六甲海峽沿岸的馬來西亞港口停靠量均有顯著的增加。其中一個主要的變化是 Tanjung Pelep 港，從 2000 年的 638 艘船五年內成長到 3,128 艘。雖然馬來西亞的港口船舶數目相當大(例如 2005 年的 32,646 艘，約略就是麻六甲海峽總交通量的一半)，但大多數都是大約 300 噸級以下的接駁船。

表 3:
1996-2005 年靠港的船舶總數目

		1996	2000	2005
Klang	No	9,533	12,416	15,050
	GRT('000)	101,588	153,016	235,037
Penang	No	6,556	7,263	6,220
	GRT('000)	29,168	28,907	35,938
Pasir Guading	No	5,887	6,485	6,438
	GRT('000)	28,652	40,737	28,910
Tanjung Beruas	No	260	226	149
	GRT('000)	697	882	409
Port Dickson	No	1,375	968	1,126
	GRT('000)	10,447	6,421	9,218
Teluk Ewa	No	7,027	352	535
	GRT('000)	—	2,269	2,438
Tanjung Pelepas	No	—	682	3,128
	GRT('000)	—	5,456	25,024
TOTAL	No	32,651	28,392	32,646
	GRT('000)	170,552	237,688	336,974

麻六甲海峽也為航道上的其他沿岸國家(例如新加坡與印尼)提供大幅經濟成長的空間。麻六甲海峽對印尼的經貿成長日益顯得重要。在非石油的出口項目方面，印尼在 2003 年出口到美國與新加坡的總數接近 1 兆 1 千 8 百 60 億美元，大部分都經由麻六甲海峽，而石油輸出到新加坡就更加的重要了。這情況也適用在印尼方面，從新加坡及其他像是美國與沙烏地阿拉伯一樣的國家進出口石油或非石油品項。而國際跨海的乘客呢，大部分都是短程的旅客，麻六甲海峽對大多數從蘇門達臘到新加坡或馬來西亞的旅客扮演著很重要的角色。旅客多是印尼的工人與新加坡週末到 Baram 或 Bintan 的觀光客。在 1996 年，有 3 百 80 萬人次的國際旅客入境或出境，而 1998 年時這個數字增加到 4 百 40 萬人。

新加坡很高度的依賴船運，有 90%的貨物主要經由麻六甲海峽往返西方。一直以來的新加坡經濟發展都依靠海上貿易，未來也將如此。新加坡海峽使這個國家的港口在噸位總數處理上變成全世界最忙碌的港口之一。每年為 500 家航運公司與 30,000 艘船提供服務。在 1999 年，它處理了超過 188,695,000 噸的一般貨物，137,349,000 噸的散裝貨物，以及 15,945,000 個 20 呎 TEU(衡量貨運量的單位，以一只 20 呎標準貨櫃容積為標準)的貨櫃吞吐量。新加坡的貿易總值超過他的國內生產毛額(GDP)很多，而大部分是經由海運達成的。除此以外，新加坡經營的煉油廠也都是由日本油輪供應油品。新加坡是主要的航運集散地，以及除了香港以外的世界第二大貨櫃轉運站。

從安全到保障的轉變

1994 年 11 月 16 日開始實行的 1982 年聯合國海洋公約會議(UNCLOS)內曾提及麻六甲海峽，顯示了這個海峽的特殊地位。在條文中比較特別的是航運通行的新管理體制。條款中提到這個管理體制是在沿岸諸國與使用海峽的國家的個別利益間達成的協議。

1982 年公約的第三部分有 12 章，名為「用以國際通航的海峽」，清楚的定義了其標準，航運通行權以及使用國與沿海諸國的權利與義務。由於海峽是用以在部分公海之間行國際航運的事實，麻六甲海峽被歸類為「用以國際通航的海峽」。因此航運通行管理體制可以適用在麻六甲海峽。但航運通行體制合理可行前必須符合三個基本要素。第一、這個水道狹窄且必須構連兩個海域或是大洋，第二、海峽必須是用以國際航運，第三，海峽一端必須連接到一部份的公海或專屬經濟海域，另一端亦同。

只要在不侵犯到沿岸各國的主權以及領土完整下，航運通行管理體制間接的允許使用者成為管理流程中的一部份。然而，因為當代威脅的認知多著重於戰略上與安全上的考量，因此在麻六甲海峽的威脅認知就必須從安全性轉換到更精確的防衛性議題。在沿岸各國管理麻六甲海峽的初期發展上，馬來西亞、印尼與新加坡，都不想與涉及麻六甲海峽防衛管理的外力有所討論或牽扯。然而，沿岸各國卻願意國際間參與麻六甲海峽的安全管理。

這樣的顧慮是源於海峽固有的特性。如前所述，麻六甲海峽不光是國際貿易與商務的重要航道，更是眾所皆知最險惡的船難航道，並且在 One Fathom Bank（在 Dickson 與 Malacca 港中間直到 Tg. Piai 往新加坡方向）周邊更是高危險的區域。體認到要保護沿海國家不受石油污染與其他可能的意外或碰撞所造成的危害的需要，於是就著手進行許多的商討與協調合作的行動。

在 1970 年代初期，由麻六甲海峽沿岸的三個沿海諸國開始的海事相關的合作，主要著眼於建立在安全的航行機制。「沿海各國的『三方技術專家小組』(Tripartite Technical Experts Group, TTEG)於 1971 年討論並實際執行航行安全性，建立了『分道航行制』(Traffic Separation Scheme, TSS)」，這個在 1981 年五月針對 One Fathom Bank, Tanjung Piai 與環繞在 Horsburgh Lighthouse 等水域，建立的 TSS 計畫，正是一些沿岸各國對確保在麻六甲海峽裡的安全航行有緊密的合作與意願的案例。在 1971 年，印尼、馬來西亞與新加坡政府之間的一份聯合聲明，為使海峽的安全性得以確保，正式通過在麻六甲海峽相關的事務上採用一個共通的立場。在聲明裡，三個國家同意：

- 一、在麻六甲海峽裡航行的安全，是沿岸國家重要的責任。
- 二、海峽裡安全的航行需要沿岸三國的合作。
- 三、建立安全航行的合作及協調的努力應由三國考量而組成。
- 四、海峽的航行安全問題與海峽國際化的疑慮是兩個分別的議題。
- 五、儘管海峽是根據無害通行的原則使用於國際的運輸，然則麻六甲海峽並非國際海峽。
- 六、基於對上述的瞭解，准許繼續水文探勘。

在 1975 年，沿岸三國又通過了另一個聯合聲明，討論議題為航行安全船舶交通機制與補償辦法，並依此建立了分道航行制。

1977 年的聯合聲明採用了許多的建議，那就是船舶行經整個麻六甲海峽時全程需維持至少 3.3 公尺以上的一個單一的船底水深（Under Keel Clearance, UKC）。實施了自發的回報程序與分道航行制的規劃。這樣特殊的管理體制係經由採用國際官方海事諮詢組織在 1977 年 11 月 4 日對航行麻六甲海峽的 A375(x)決議，以加強航行安全以及提升在反污染政策與麻六甲海峽的測量上的緊密合作與協調。

這個麻六甲海峽的船舶強制回報制度或稱 STRAITREP 是由三個沿岸國家提出，並由國際海事組織（IMO）所認可，並且登錄後自 1998 年 12 月 1 日開始實行。STRAITREP 要求船隻回報諸如船名、無線電呼號、國際海事組織識別代碼、位置、危險貨品與自海上搜救協調中心（Maritime Rescue Coordination Center, MRCC）轉達之可能影響正常航行的船隻缺陷。註冊國往來海峽的所屬船隻也都應該承諾並遵守這些規定。

值此同時，沿岸國家發展並採用了一個確保安全防衛的作法。沿岸國家的結論是各個國家簽訂雙邊的條約以抑制 1992 年的武裝搶劫，並且實行麻六甲海峽的聯合巡邏。印尼與馬來西亞在 1967 年簽署一份「保安協定」，這是自 1965 年印馬衝突（Konfrontasi）以後兩國政府一個新協商的開始。這個協商後來伴隨著 1967 年八月東南亞國協（ASEAN）的形成而更進一步的堅實。雙邊關係經由一年兩次的海軍作戰演習而持續的聯繫麻六甲海峽兩岸，例如 MALINDO JAYA 與 MALAPURA 等兩次演習。另一個聯合演習，代號為 PATKOR OPTIMA，就是為海上增援機構所演練的，包括了印尼與馬來西亞海上警察、海關、漁業與移民部等。在這個聯合演習期間，規範麻六甲海峽的相關法令成了重點，諸如反制非法捕魚、非法移民、走私或海盜等的行動。沿岸國家也在 1970 年代透過兩國的國防部長確定了確立了抑制現代海盜的協定。他們設立了聯合邊界委員會（Joint Border Committee）並定期集會，討論採取相互合作的方法以反擊海盜。這些國家的海軍也在每個國家規劃的時程進度上做了些許調整，並且實行聯合訓練與協同巡邏。因而沿岸國家在確保安全與防衛的持續努力並非是一個新的努力或是剛剛才開始的。只是這些活動並非一直持續的，寧可說只是某一個限定時間的活動。

2004 年 7 月 21 日於印尼 Batam 島所發起的馬來西亞、新加坡與印尼協同巡邏（簡稱 MALSINDO 協同巡邏）中，包含了三個國家裡的海軍單位，反映了對這個區域的海上防衛的持續關注。沿岸三國的 17 艘艦

艇全年沿海岸巡迴巡邏，目標在強化現行的區域巡邏制度。這個合作基本上是要保證麻六甲海峽仍然是個讓人安全通行的地方。在這樣的三邊合作裡，各國海軍都只在各國的領海水域裡巡邏。要能更有效果，或許需要探究在為共同任務下集中資源來指揮協同巡邏的可能性。自 2005 年 7 月 24 日起，馬來西亞海軍不論何時都配置三艘艦艇在麻六甲海峽上巡邏。這些海上巡邏則依照由馬來西亞皇家空軍與空中警察所主導的空中偵察所得的情資來進行。

沿岸國家的第二個行動是「天空之眼」(Eye in the sky, EIS)，以強化麻六甲海峽的安全與防衛。EIS 的概念是調動周邊三國的海上巡邏飛機等現有的軍事裝備以補強在馬來西亞與印尼合作架構 (MALSINDO) 下的協商巡邏配置。EIS 向國際社群傳遞一個清晰訊息，表示沿岸各國都認真的確保海峽的安全與保安防衛。作為一個對國際貿易很重要的戰略航道，對沿岸各國、使用的國家與直接利益關係人來說，海峽裡的安全保障是無比的重要。就本身而言，沿岸三國（馬來西亞、新加坡與印尼）以及泰國都同意在尊重沿岸國家的主權與領土完整條件下，藉由管理整合在麻六甲與新加坡海峽上的海上巡邏力量以促進合作。這個計畫也擴展到有意願藉由供應軍事裝備以提供他們的協助的其他國家上面，不過要操作這些裝備與監控海峽的安全則要由沿岸國家來負責。包括美國、日本與中國的少數國家都表明他們想要在保障海峽的安全上面協助沿岸國家。

馬來西亞政府提出另一種作為即在 2005 年 11 月 1 日重組馬來西亞海事執行局。新機構由幾個現有的海事執行機構像是海上警察、漁業部、海關部與海事部組成。將這些機構的指揮一元化可以具備更大的能力與法規以消滅包括在馬來西亞水域的海盜在內的所有的海上不法行為。

隨著 2006 年 5 月初在吉隆坡第一次舉行的東南亞國協國防部長安全會議的建立，海上保安合作變得更為結構化，並且得到更廣泛的認同。這個會議其中一個目的是要協調所有軍事演習並且與非東南亞國協國家進行聯合演習。因而，這將會使 EIS 或任何聯合軍事合作或行動，特別是有關於麻六甲海峽海上保安的行動，能在東南亞國協成員之間更為透明化與共同化的指揮。故任何東南亞國家協處理非國家及跨邊界的威脅時，將由國協層級組成而非單一國家。在這個時間點上，恰好與東南亞國協安全共同體觀念相吻合，其中一個主要論點，即維持海上安全是區域安全的主要因素。

由沿岸三國以及整個東南亞國協成員發起的另一個主張，是建立東南亞國協海軍會談。這個會談的其中一項主要目的為透過資源、裝備及支援性基礎建設之需求的結合來增加區域的協調合作，以面對這些威脅及挑戰。目前，所有過程均已完備，但要符合東南亞國協各國間共同之利益，以因應海上保安合作機制。各國海軍的協力合作不需要任何特定的共同政治或戰略目標，而是在增強信心的作法、預防外交、與維持海上的法律與秩序等方面利益均霑。東南亞國協海軍會談是一種海上區域合作的邊界概念的子集合，業已發展至政策的階段。其範圍涵蓋較廣，可能涉及兩國雙邊或多國之間。一些信心建立的活動像是艦艇訪問、艦隊檢閱、人員互訪，海軍對海軍的對談或是多國海軍的研討會等屬於此概念較低的層級，且較不重要。泰國代表在東南亞國協海軍會談期間提到，即使是在沿岸國家自己的領海，海上監視與封鎖的合作以預防與遏止會威脅到海上保安的不法行動，效果還是很不好。這是因為海軍的能力相對於所涵蓋的範圍大小顯的不夠勝任。

儘管前面有這樣的說法，看來沿岸各國及東南亞國協本身有在管理並強化鞏固自己所做的努力，在作戰階層上採用「天空之眼」及三國協同巡邏，同時也在麻六甲海峽威脅感測的政策階層上發展管理機制。因為沿岸各國及東南亞國協本身，均瞭解到麻六甲海峽對於全世界的經濟來說有多麼重要，以及東南亞國協成員們都依賴麻六甲海峽來發展各自的經濟成長。任何干擾海峽得以自由貿易及航行的安全，將不只對沿岸各國產生不利的衝擊，也影響到使用海峽做為海運以及重要物資、商品、原物料補給途徑的國家。

也在同一時間，關於管理麻六甲海峽威脅感測的方法，從兩國雙邊協定到三國協同防衛直到多國合作關係，有些許的改變。選擇允許東南亞國協的其他國家，例如泰國加入麻六甲海峽的巡邏（擴展印馬星協同巡邏計畫）在政策階層上反映出新的特性。而無論如何，東南亞國協的對話伙伴如東南亞國協區域論壇等，都普遍的鼓勵各國提供維持安全及海上保安的協助。

麻六甲海峽的安全保障也因而依賴沿岸各國與使用海峽的各個主要強權之間的關係。

沿岸各國在聯合國海洋公約會議（UNCLOS）的許可下，擁有麻六甲海峽的管轄權，然而，假如麻六甲海峽的安全保障瀕臨危急，所謂的強權國家將會介入干預。

引起其他區域強權對麻六甲海峽產生興趣的還包括其他幾個因素。海盜行為及海上掠奪行為本身並不足以構成沿海國家的壓力，每一件事基本上都以威脅認知為基礎。在麻六甲海峽可以看到威脅認知的轉變過程。稍早，麻六甲海峽以航海安全為起始點作為威脅認知，然而，現行全球反恐的現象，已經改變了對於麻六甲海峽或是海上恐怖行動的威脅認知。

法歌將軍（Admiral Fargo）及他的「區域海上保安行動」（Regional Maritime Security Initiative）提出其他區域強權的壓力將被視為對麻六甲海峽的威脅。這類駐軍提案由美國首次提出，遭到沿岸國家像是馬來西亞與印尼的強烈抗議。馬來西亞副首相達圖西瑞·南紀瑞扎（Datuk Seri Najib Razak）主張，反對在這個地區進駐一支強有力的外國軍隊或是在海峽進行「封鎖」行動。馬來西亞及印尼均強烈的反對，以沿岸國家身份重新強調麻六甲海峽管理的主要責任應保持在沿岸國家手上，並且不需要以海峽防衛為目的的其他區域武力進駐，這樣的進駐會侵犯到他們沿岸國家的主權。

在沒有沿岸國家的贊成下，由其他國家試圖提供防衛機制的想法，似乎已經逐漸損害到現行確保麻六甲海峽安全航行的機制，並且沿岸各國在那時擔心的是海峽的使用國或其他區域強權對現行已經運作的機制要嘛就是太輕信，不嘛就是根本忽略他的存在。

認清日本對於海峽安全的連續貢獻，沿岸國家已經很難定位日本參與麻六甲海峽防衛事務的新角色。去年，發生了日本籍的「韋馱天號」貨船遭海盜打劫的事件，改變了日本在麻六甲海峽的認知，以因應本身的利益及角色。當最近的事件發生後，將促使日本盡力在麻六甲海峽防衛事務中同時採取安全及防衛等兩項措施。

在管理麻六甲海峽上新興起的一個非國家實體的角色就屬國際海事局（International Maritime Bureau），自 1992 年起就是唯一成立打擊海盜中心與管理這個議題的非政府機構。然而，2005 年 7 月皇家聯合作戰委員會發表了一份聲明，似乎國際海事局有了打擊海盜管理機構的對手，特別是以麻六甲海峽為背景的議題上。在同一時間，新興的非官方保安公司及私人的武裝護衛船隊也相繼成立，而這種在麻六甲海峽的新作法，在國際法的範圍下（例如 1982 年的聯合國海洋公約會議）將會使沿岸國家不論准不准許這類的行動都形成新的問題。再者，沿岸國家坦承不能將麻六甲海峽的管理成本轉嫁給使用者

或使用國。若真如此可能會讓事情更扯不清楚。同時使用者及船隻註冊國在任何地方都有權利保護自己本身的利益。

結論

假如我們仔細檢視麻六甲海峽的問題，要處理的問題及方法早已不是新鮮事，唯一的方法就是要如何使其由國際來管理，在各種不同理由下保障安全以及超越沿岸國家的控制。在安全到防衛方面的轉變已經被現在恐怖份子威脅所影響。事實上，麻六甲海峽是新成立「東南亞國協國防部長會議」及「東南亞國協安全共同體」的構成要素之一，以管理一個大的藍圖而不是過於集中，並且同時發展一個在東南亞國協的海域必要由東南亞國協自行管理的機制。因此，在東南亞國協結構下所建立的這些政策，將使聯盟本身在現行威脅認知下更鞏固團結，而不是總是要尋求其他區域強權的幫助。

議題四 麻六甲海峽的現況與發展

**Topic 4: Straits of Malacca: Issues and current developments
(Dr. Iskandar Sazlan, Malaysia)**

THE 15th INTERNATIONAL SLOC CONFERENCE

**17 - 21 July 2006
Taipei**

Session 2

**Straits of Malacca:
Issues and Current Development**

**Iskandar Sazlan
Senior Researcher
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Maritime Institute of Malaysia**

第15屆國際海線安全會議

**2006年7月17日至21日
台北**

第二次會議

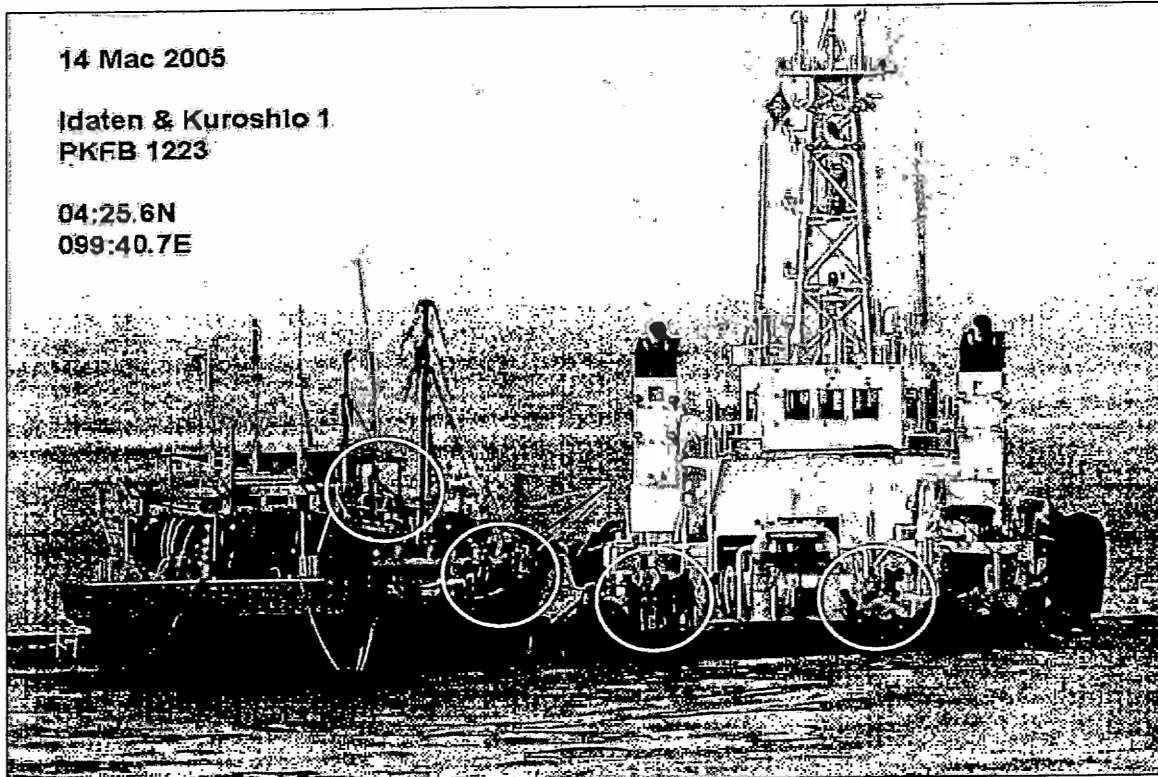
**麻六甲海峽
重大事件和目前的發展**

**Iskandar Sazlan
高級研究員
馬來西亞海事研究院海上安全與外交研究中心**

14 Mac 2005

Idaten & Kuroshio 1
PKFB 1223

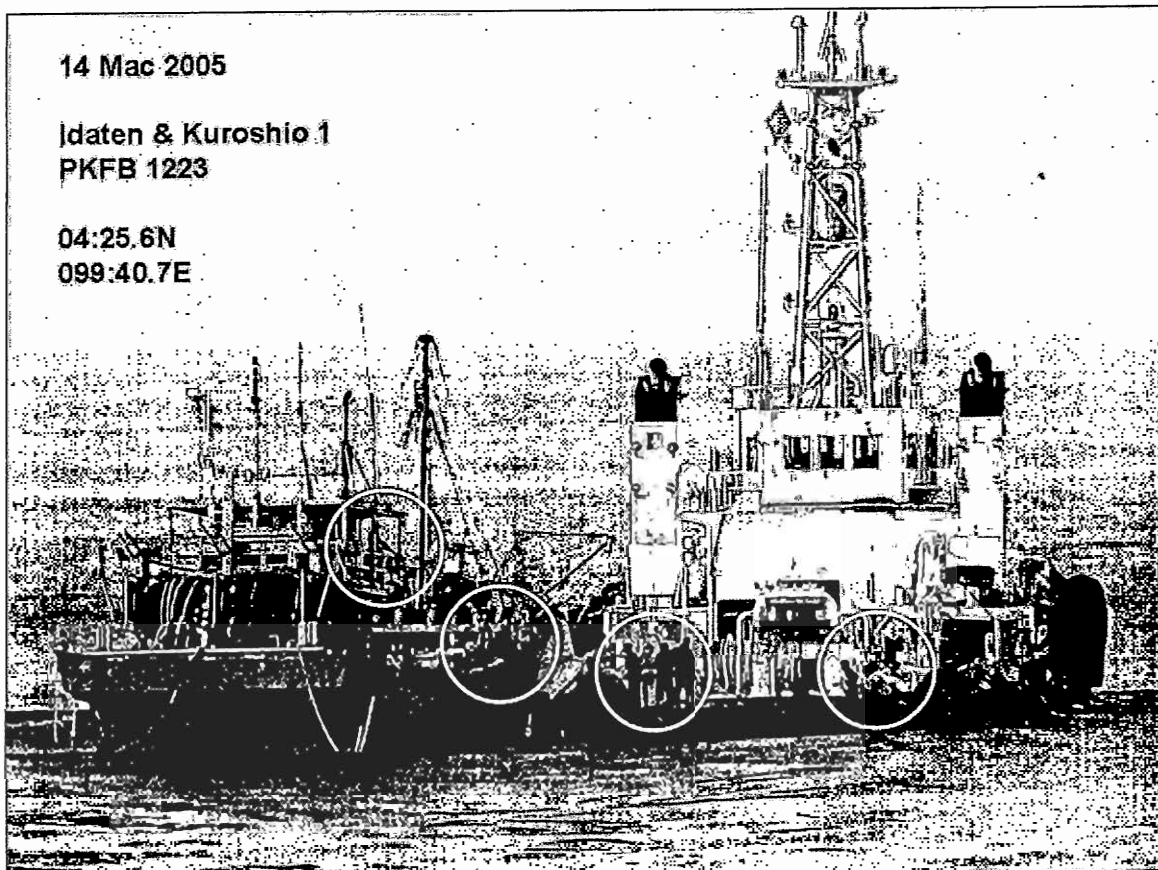
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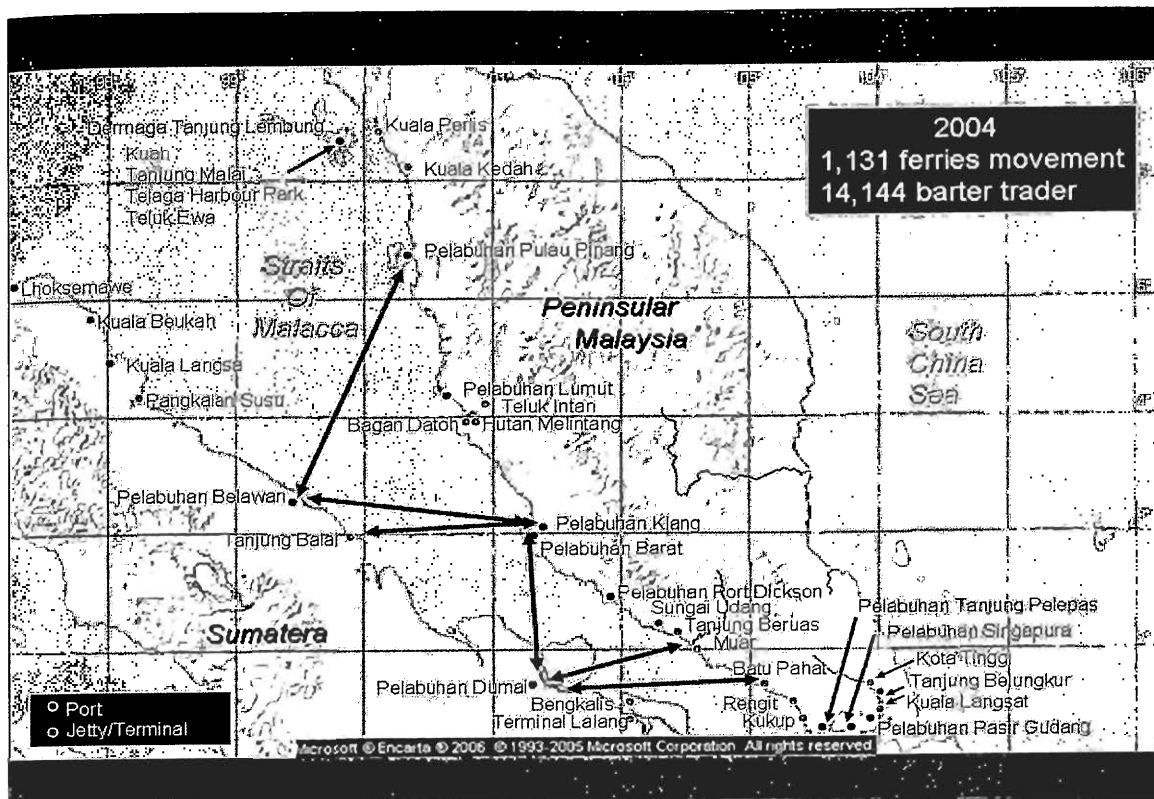


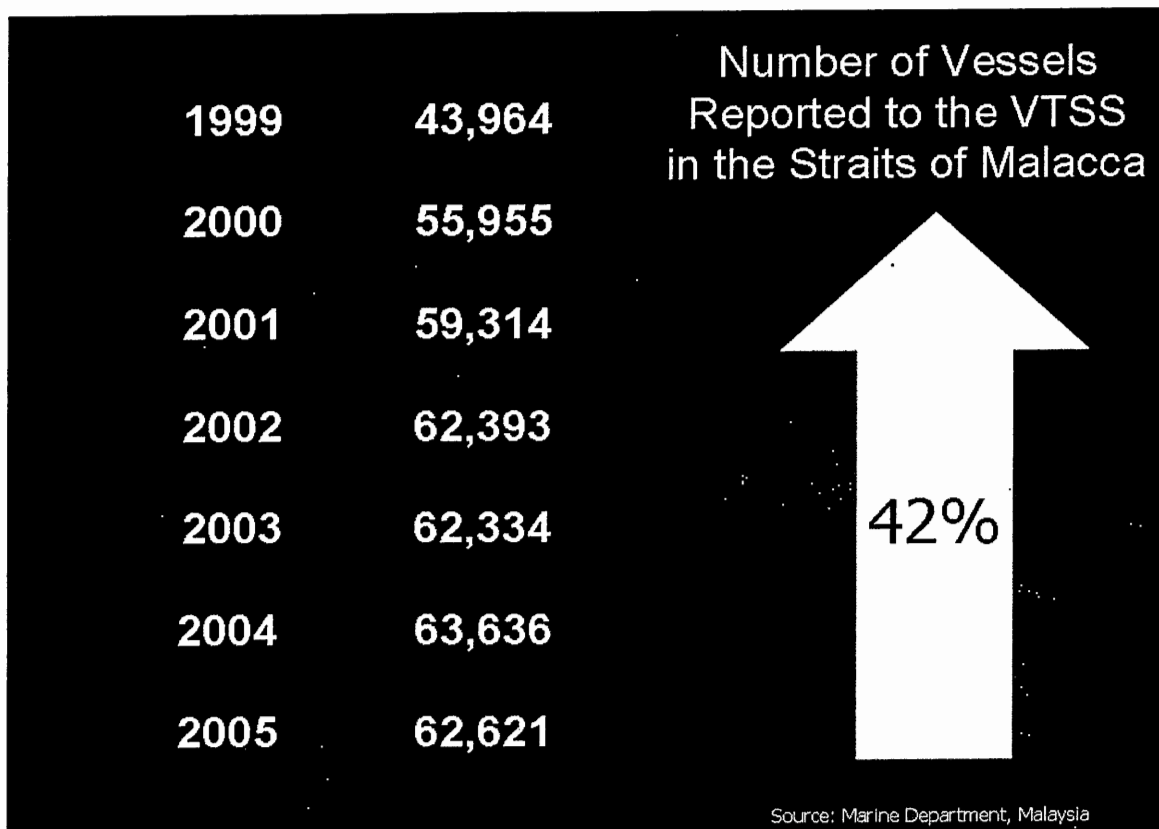
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Type of Vessels in the Straits of Malacca, 1994 and 2005

Type of Vessels	1994	2005
VLCC/Tanker/LNG/LPG	9,688	21,646
Cargo/Bulk Carrier	11,620	13,734
Container	5,244	20,818
RoRo	1,130	2,515
Passenger ship	440	2,294
Tug	1,579	420
Govt/Naval	252	153
Fishing	1,622	34
Others	176	1,002
Total	31,755	62,616

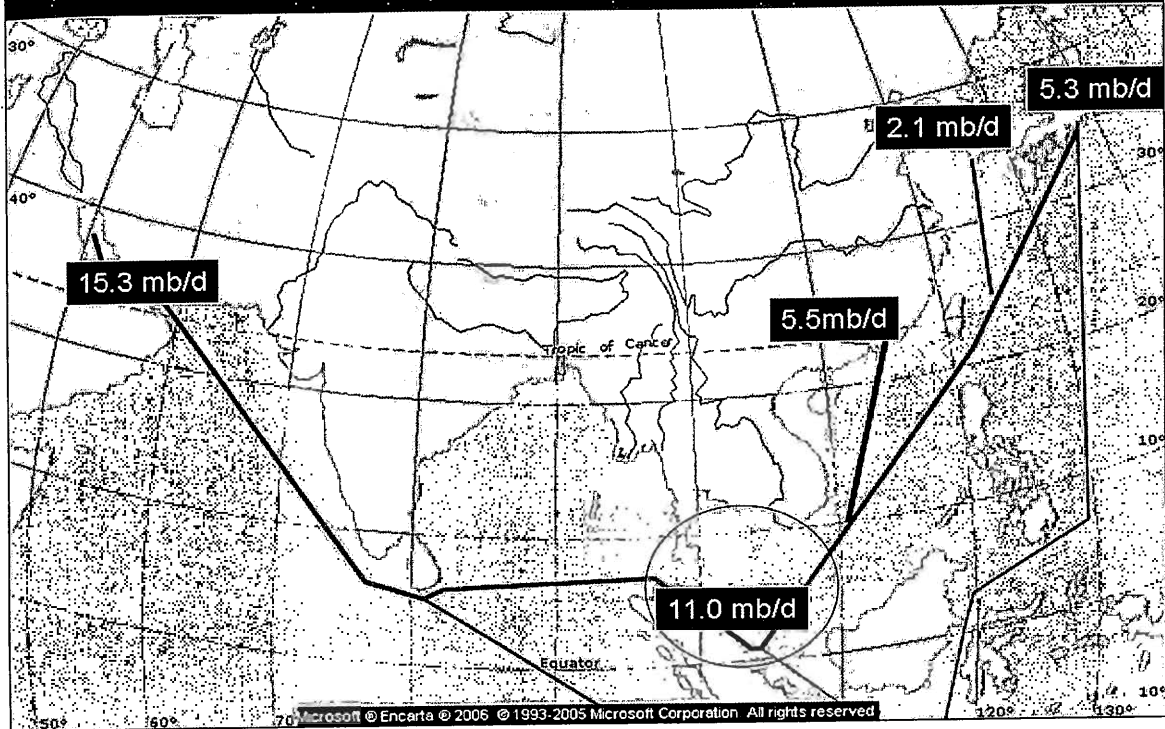
麻六甲海峽上船舶的種類，1994和2005年

船舶種類	1994	2005
超級油輪/油輪/液化天然氣/ 液化石油氣	9,688	21,646
貨輪/散裝輪	11,620	13,734
貨櫃輪	5,244	20,818
滾卸船	1,130	2,515
客輪	440	2,294
拖船	1,579	420
政府 / 海軍船艦	252	153
漁船	1,622	34
其他	176	1,002
總計	31,755	62,616

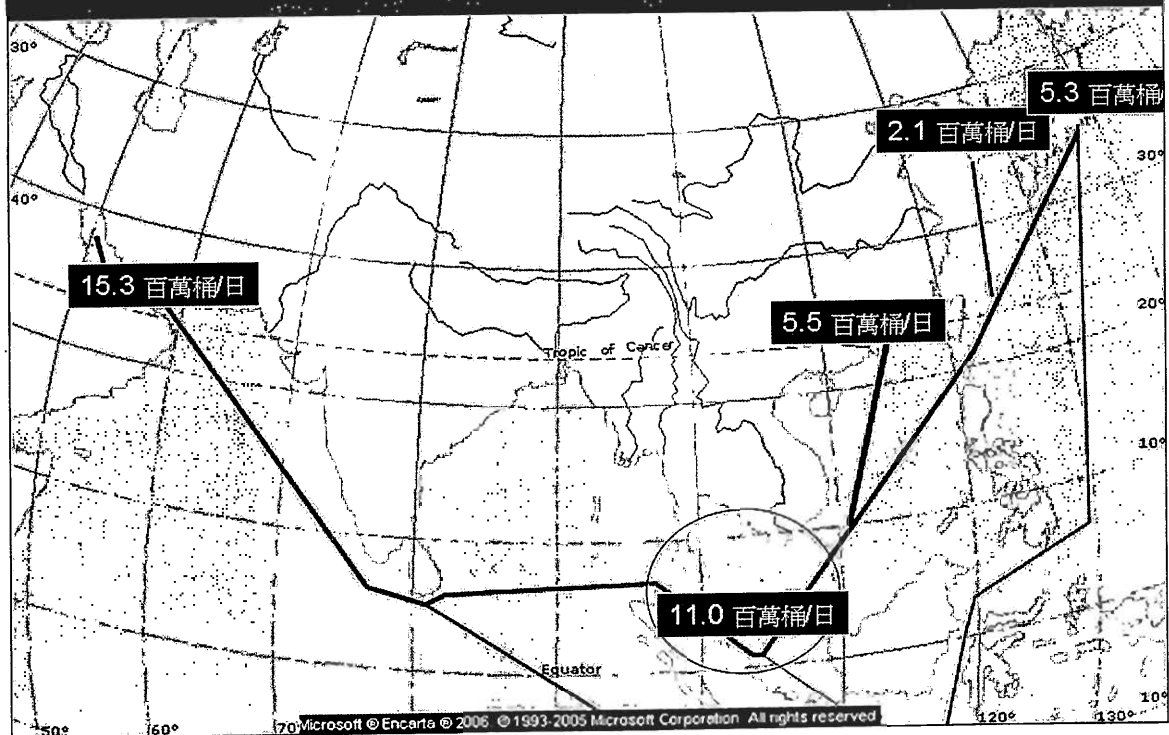
		1996	2000	2005
Klang	No	9,533	12,416	15,050
	GRT ('000)	101,588	153,016	235,037
Penang	No	6,556	7,263	6,220
	GRT ('000)	29,168	28,907	35,938
Pasir Gudang	No	5,887	6,485	6,438
	GRT ('000)	28,652	40,737	28,910
Tanjung Beruas	No	260	226	149
	GRT ('000)	697	882	409
Port Dickson	No	1,375	968	1,126
	GRT ('000)	10,447	6,421	9,218
Teluk Ewa	No	7,027	352	535
	GRT ('000)	—	2,269	2,438
Tanjung Pelepas	No	—	682	3,128
	GRT ('000)	—	5,456	25,024
TOTAL	No	32,651	28,392	32,646
	GRT ('000)	170,552	237,688	336,974

		1996	2000	2005
Klang(巴生)	No	9,533	12,416	15,050
	GRT ('000)	101,588	153,016	235,037
Penang(檳城)	No	6,556	7,263	6,220
	GRT ('000)	29,168	28,907	35,938
Pasir Gudang (巴沙古當)	No	5,887	6,485	6,438
	GRT ('000)	28,652	40,737	28,910
Tanjung Beruas (丹絨木壆)	No	260	226	149
	GRT ('000)	697	882	409
Port Dickson (波德申)	No	1,375	968	1,126
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Teluk Ewa	No	7,027	352	535
	GRT ('000)	—	2,269	2,438
Tanjung Pelepas (丹絨帕拉帕斯)	No	—	682	3,128
	GRT ('000)	—	5,456	25,024
總計	No	32,651	28,392	32,646
	GRT ('000)	170,552	237,688	336,974

Energy Shipping Lane and Strategic Passages



能源運輸航線和戰略航道



**Number of Vessels and Piracy Incident in the
Straits of Malacca**

Year	No. of Vessels	Actual Attacks	Attempted Attacks
1999	43,964	0	2
2000	55,955	37	38
2001	59,314	8	9
2002	62,393	13	3
2003	62,334	9	19
2004	63,636	17	20
2005*	62,621	10	9

通過麻六甲海峽的船舶數量和海盜事件

Year年	船舶數量	實際攻擊	攻擊未遂
1999	43,964	0	2
2000	55,955	37	38
2001	59,314	8	9
2002	62,393	13	3
2003	62,334	9	19
2004	63,636	17	20
2005*	62,621	10	9

NARRATIONS OF ATTACKS

1 January – 31 March 2005

ACTUAL ATTACKS

SOUTH EAST ASIA

Ref	Date Time Status Type	Name of Ship Type/Flag/Grt/ IMO Number	Position	Narration
1.	07.01.2005 1220 LT Anchored Boarded	Star Leikanger General Cargo Singapore 29275 8322507	3 Miles Off Breakwater, Tanjung Priok Cargo Anchorage, Indonesia	Four armed robbers boarded the ship and stole engine spares. Duty watchman raised alarm and crew mustered. Robbers jumped overboard and escaped in a high speedboat. Port authority informed.
2.	09.01.2005 0500 LT Anchored Boarded	Ha Dong General Cargo Vietnam 5561 8605193	Tanjung Priok Anchorage, Indonesia	Five robbers armed with knives boarded the ship and entered engine room. Alert crew mustered and fought with robbers. Robbers jumped into a boat and left empty handed.
3.	13.01.2005 1550 UTC Anchored Boarded	Joyous Age Bulk Carrier Hong Kong 35879 9047099	Pulau Laut Anchorage, Indonesia	Four robbers armed with guns and long knives boarded the ship at forecastle. Alert duty A/B raised alarm and crew mustered. Robbers stole a life raft and escaped in a speedboat. Master tried to contact port authorities and PESO but

NARRATIONS OF ATTACKS

1 January – 31 March 2005

ACTUAL ATTACKS

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NARRATIONS OF ATTACKS

1 January – 30 September 2005

ACTUAL ATTACKS

SOUTH EAST ASIA (MALACCA STRAITS)

Ref	Date Time Status Type	Name of Ship Type/Flag/Grt/ IMO Number	Position	Narration
1.	28.02.2005 2030 LT Steaming Boarded	Highline 26 Tug Malaysia 271 - Highline 22 Barge Malaysia 2983 -	05:01.10N – 099:32.38E, Malacca Straits	Four armed pirates in a fishing boat fired upon the tug towing a barge. They boarded the tug and damaged all communication equipment and shot at C/E legs causing serious bleeding. They took master and C/O as hostages and escaped with all ship's and crew documents. A Royal Malaysian naval ship arrived to assist and took C/E ashore for hospital treatment. Both hostages were subsequently released by pirates and reached Port Klang by a fishing boat on 08.03.2005. It is not known if a ransom was paid.
2.	12.03.2005	Tri Samudra	03:37.25N –	Several pirates armed with machine guns

NARRATIONS OF ATTACKS

1 January – 30 September 2005

ACTUAL ATTACKS

SOUTH EAST ASIA (MALACCA STRAITS)

Ref	Date Time Status Type	Name of Ship Type/Flag/Grt/ IMO Number	Position	Narration
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2.	12.03.2005	Tri Samudra	03:37.25N –	Several pirates armed with machine guns

SOUTH EAST ASIA (EXCLUDING MALACCA STRAITS)

Ref	Date Time Status Type	Name of Ship Type/Flag/Grt/ IMO Number	Position	Narration
1.	07.01.2005 1220 LT Anchored Boarded	Star Leikanger General Cargo Singapore 29275 8322507	3 Miles Off Breakwater, Tanjung Priok Cargo Anchorage, Indonesia	Four armed robbers boarded the ship and stole engine spares. Duty watchman raised alarm and crew mustered. Robbers jumped overboard and escaped in a high speedboat. Port authority informed.
2.	09.01.2005 0500 LT Anchored Boarded	Ha Dong General Cargo Vietnam 5561 8605193	Tanjung Priok Anchorage, Indonesia	Five robbers armed with knives boarded the ship and entered engine room. Alert crew mustered and fought with robbers. Robbers jumped into a boat and left empty handed.
3.	13.01.2005 1550 UTC Anchored Boarded	Joyous Age Bulk Carrier Hong Kong 35879 9047099	Pulau Laut Anchorage, Indonesia	Four robbers armed with guns and long knives boarded the ship at forecastle. Alert duty A/B raised alarm and crew mustered. Robbers stole a life raft and escaped in a speedboat. Master tried to contact port authorities and PFSO but received no response.
4.	18.01.2005 - Berthed Boarded	Name Withheld General Cargo Iran 9888 -	Belawan Port, Indonesia	Two robbers boarded the ship by climbing forward mooring ropes. Alert crew raised alarm and robbers escaped empty handed.

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COMMENTS OF DEFINITIONS AND FIGURES

For statistical purposes, the IMB defines Piracy and Armed Robbery as;

"An act of boarding or attempting to board any ship with the apparent intent to commit theft or any other crime and with the apparent intent or capability to use force in the furtherance of that act".

This definition thus covers actual or attempted attacks whether the ship is berthed, at anchor or at sea. Petty thefts are excluded unless the thieves are armed.

The above definition has been adopted by the IMB as the majority of attacks against ships take place within the jurisdictions of States and piracy as defined under United Nations Convention on Law of the Sea (1982) does not address this aspect.

The IMB is pleased to record that the International Maritime Organization (IMO) at its 74th meeting of MSC addressed this matter in the draft Code of practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships (MSC/Circ.984) article (2.2) (The Code of Practice).

The Code of Practice defines "Piracy" and "Armed Robbery against Ships" as follows;

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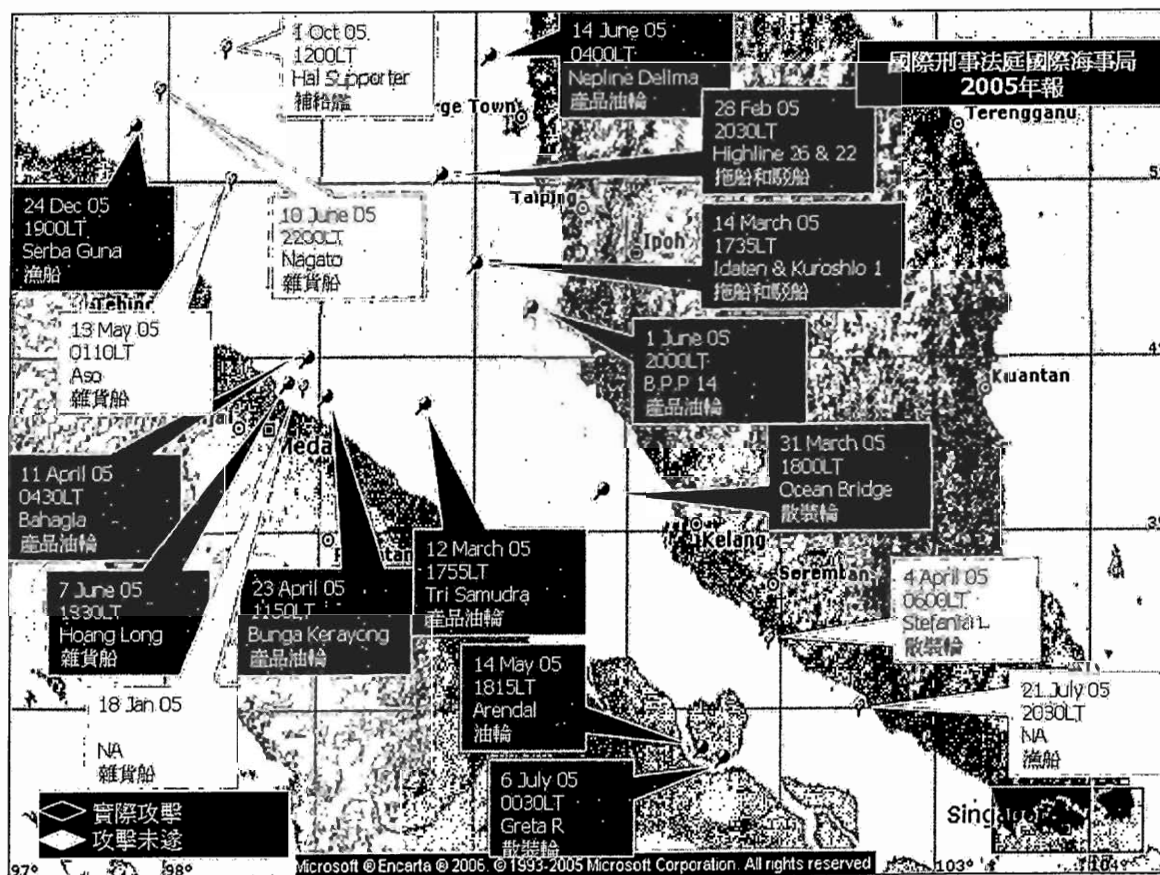
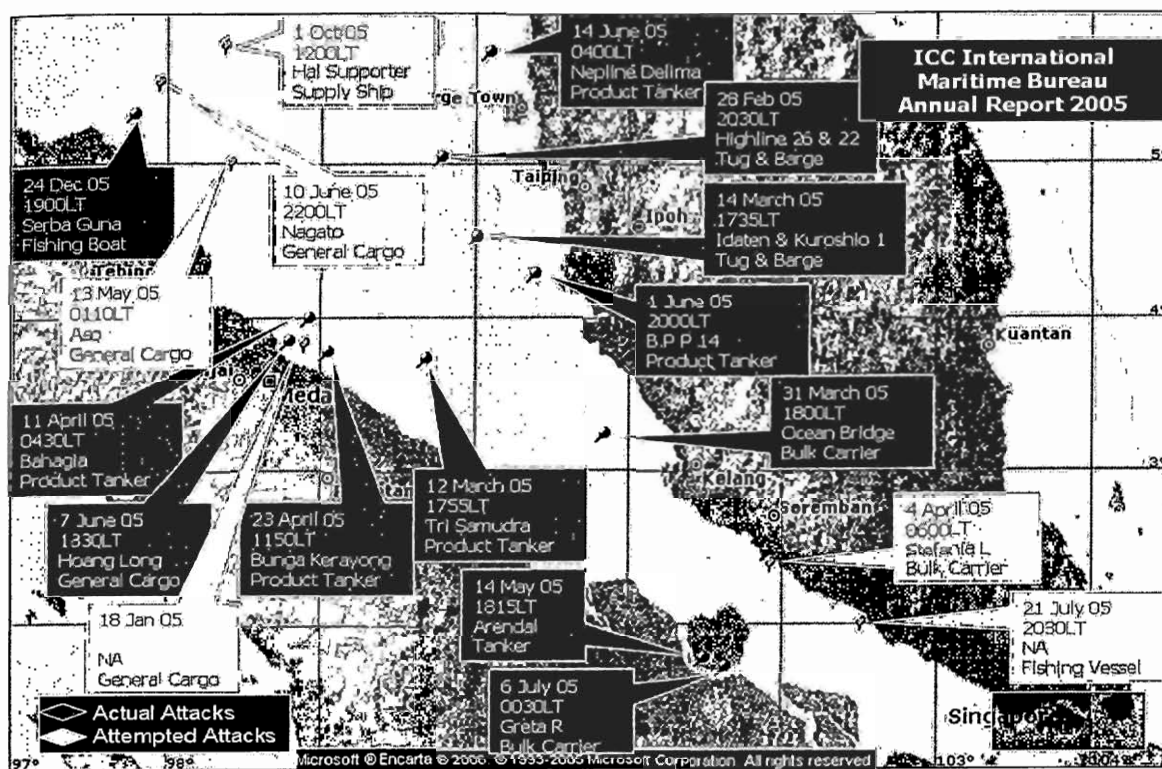
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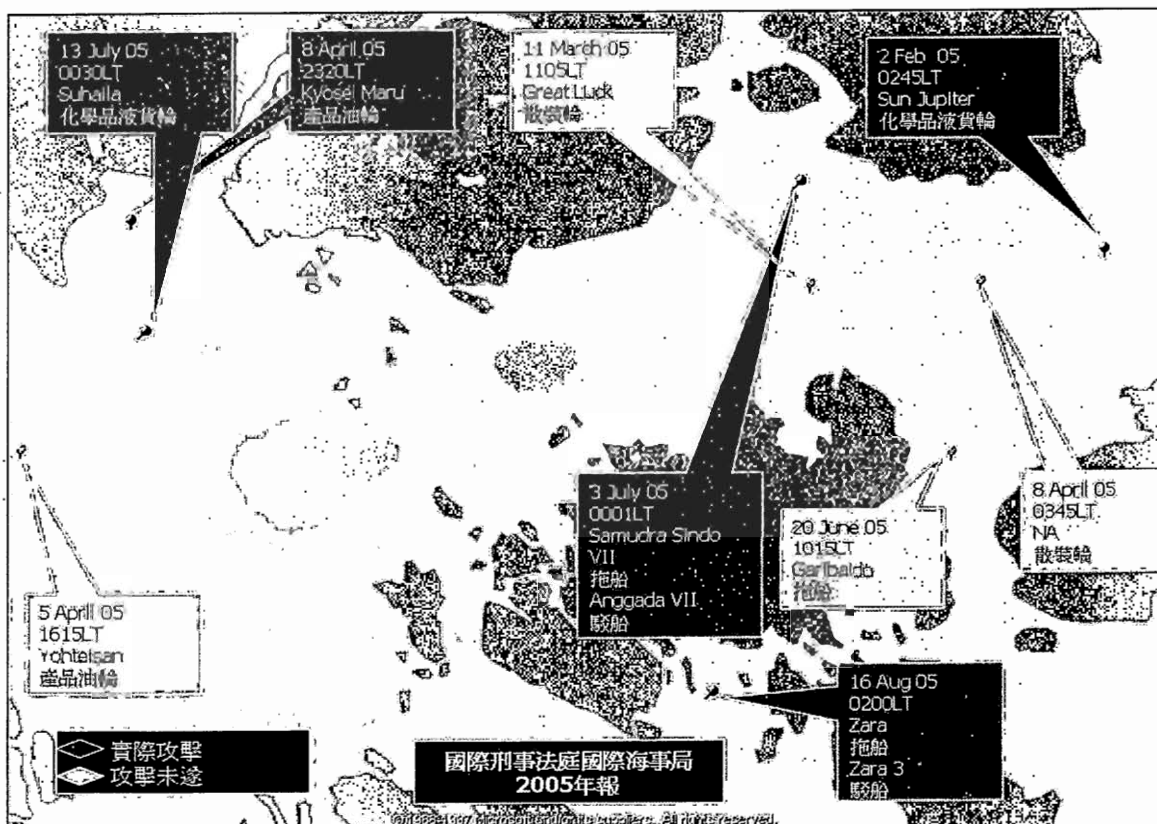
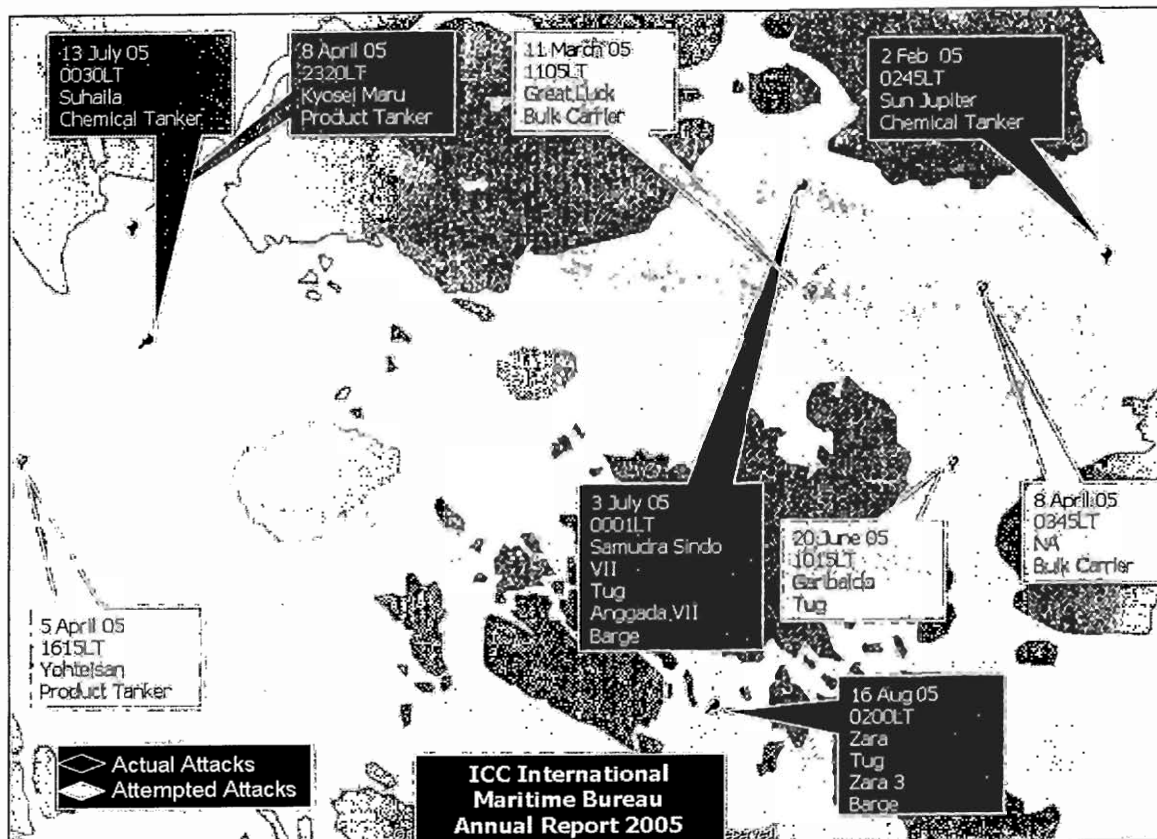
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NARRATIONS OF ATTACKS

1 January – 31 March 2006

ACTUAL ATTACKS

SOUTH EAST ASIA (MALACCA STRAITS)

Ref	Date Time Status Type	Name of Ship Type/Flag/Grt/ IMO Number	Position	Narration
NO	ATTACKS	REPORTED	DURING	THIS QUARTER

SOUTH EAST ASIA (EXCLUDING MALACCA STRAITS)

Ref	Date Time Status Type	Name of Ship Type/Flag/Grt/ IMO Number	Position	Narration
1.	02.01.2006 0040 LT Anchored Boarded	Torm Ingeborg Tanker Norway 57095 0242220	Teluk Semangka Anchorage, SW Sumatra Island, Indonesia	Three robbers armed with long knives boarded the tanker at poop deck. Duty A/B raised alarm, crew mustered and robbers escaped empty handed in a waiting boat. Postmaster not contacted.

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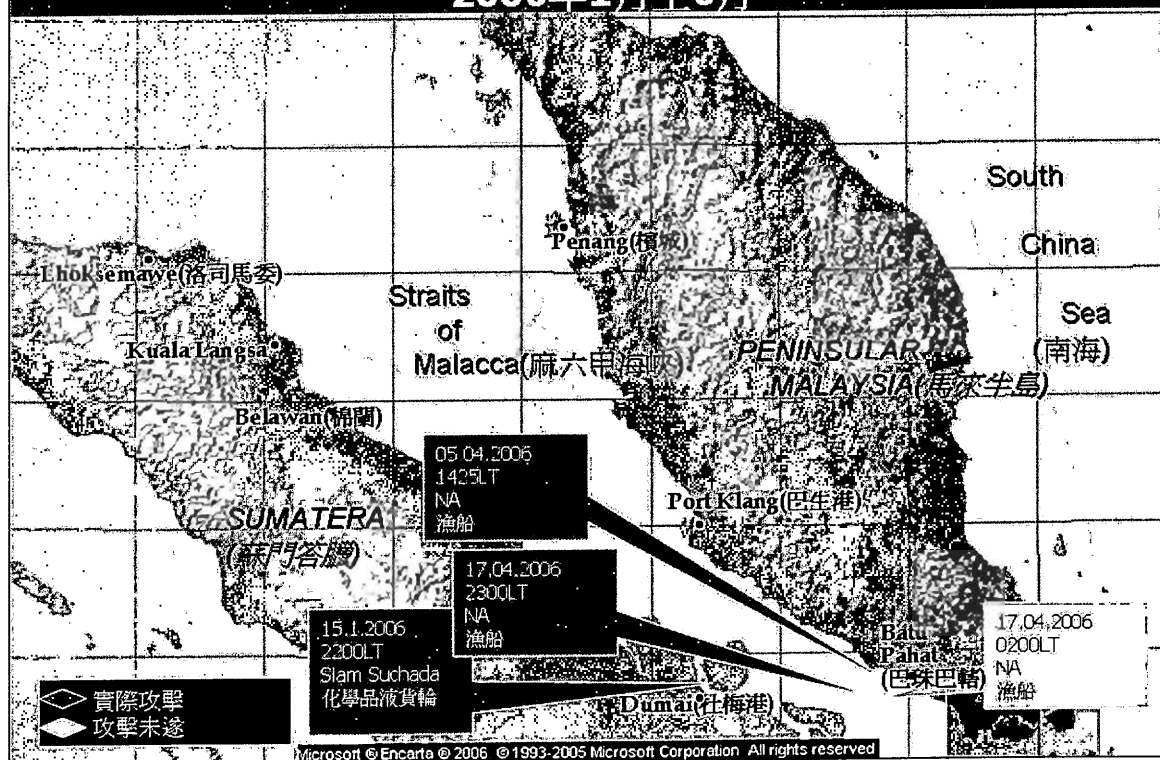
4.	13.01.2006 1848 UTC Anchored Boarded	Iberian Express Container Panama 8333 9167851	06:02.46S – 106:53.27E, Tg. Priok Anchorage, Indonesia	Two robbers armed with long knives boarded the ship at stern from an unlit boat. D/O raised alarm and crew mustered. Four shore security guards on board pointed their guns at the robbers who jumped overboard and escaped empty handed in their boat waiting with three accomplices. Port control was informed.
5.	13.01.2006 0300 LT Anchored Boarded	Golden Top Chemical Tanker Panama 7240 9303273	Jakarta Anchorage, Indonesia	Two armed robbers boarded the tanker at poop deck and confronted duty watchmen. D/O raised alarm and crew mustered. Robbers stole ship's stores and escaped.
6.	14.01.2006 - Anchored Hijacked	Wado Ryu Yacht Germany -	Racha Yas Island, Off Phuket, Thailand	Robbers hijacked the yacht at anchor. Subsequently it was found drifting on 19.01.2006.
7.	15.01.2006 2200 LT Anchored Boarded	Siam Suchada Chemical Tanker Thailand 1436 8609838	Dumai Anchorage, Indonesia	Five robbers boarded the tanker at stern. Alert crew mustered and robbers escaped empty handed in their boat.
8.	15.01.2006 Morning hours Steaming Boarded	Man Chun Yi Fishing vessel - - -	21:30.00N – 121:00.00E, Bashi Channel, Philippines	Pirates dressed in military like uniforms and armed with automatic rifles in a speedboat fired at fishing craft underway and then boarded it. Captain of the fishing craft was killed and another crew injured.
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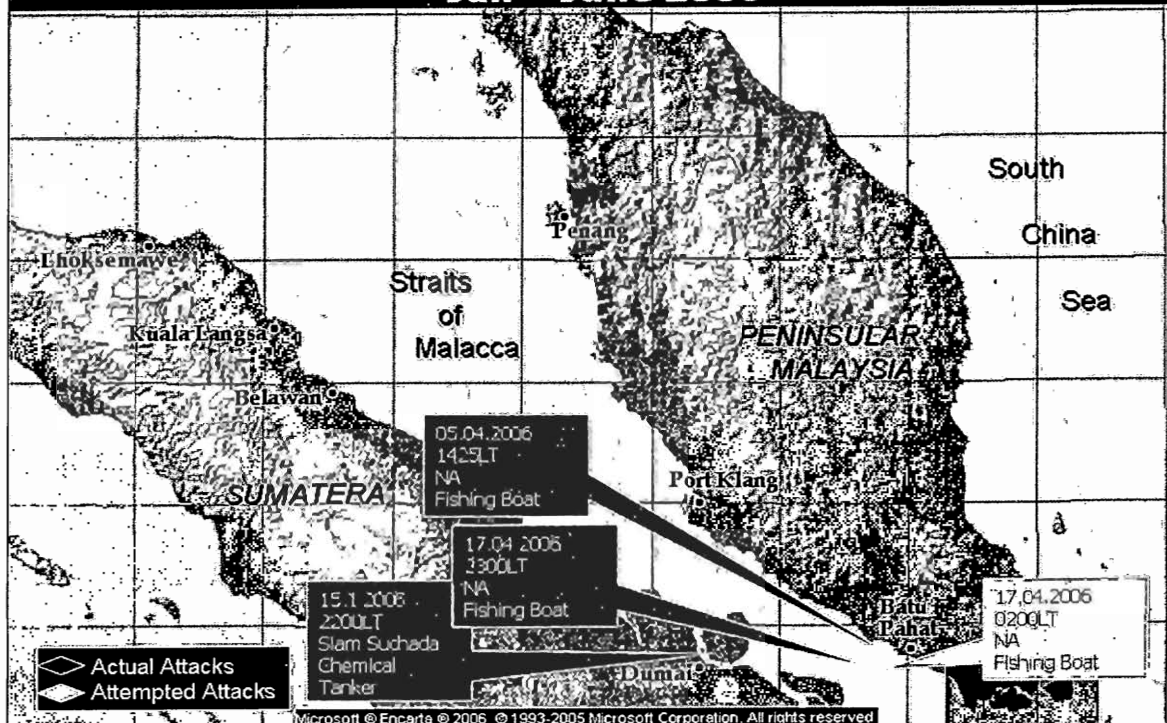
ICC - International Maritime Bureau Report Jan – March 2006



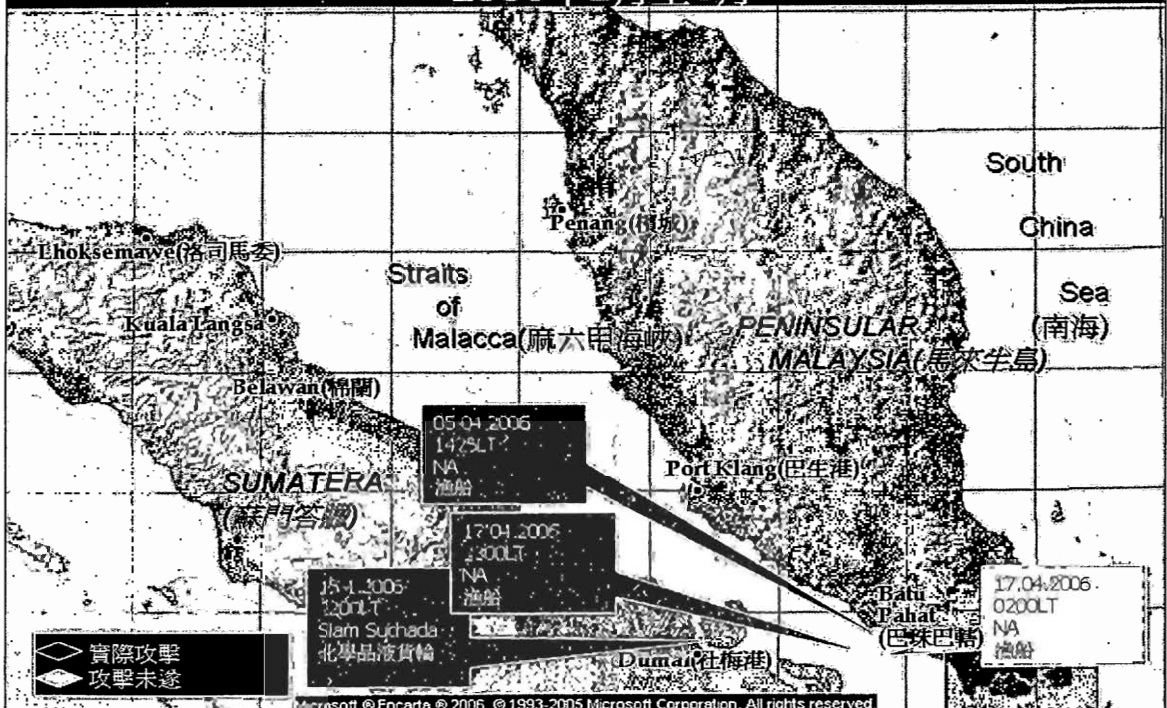
國際刑事法庭國際海事局報告 2006年1月至6月

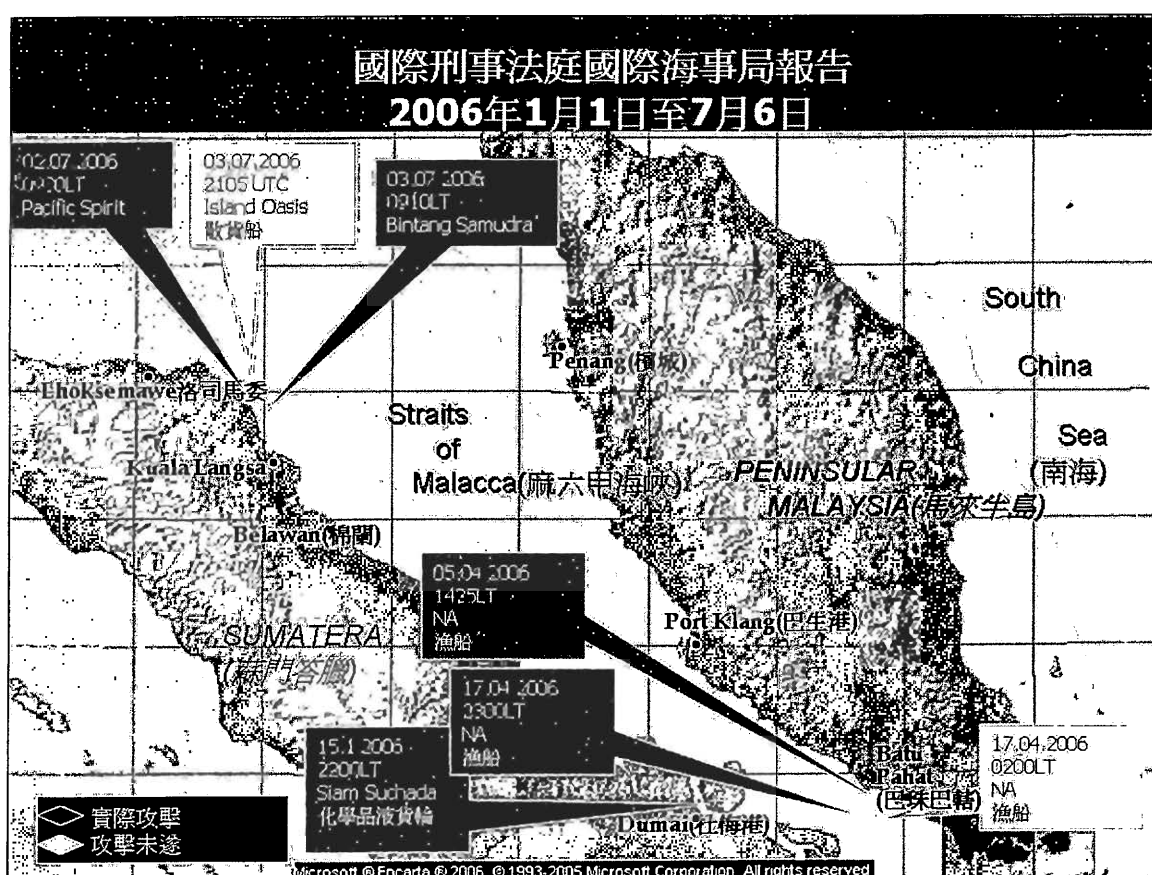
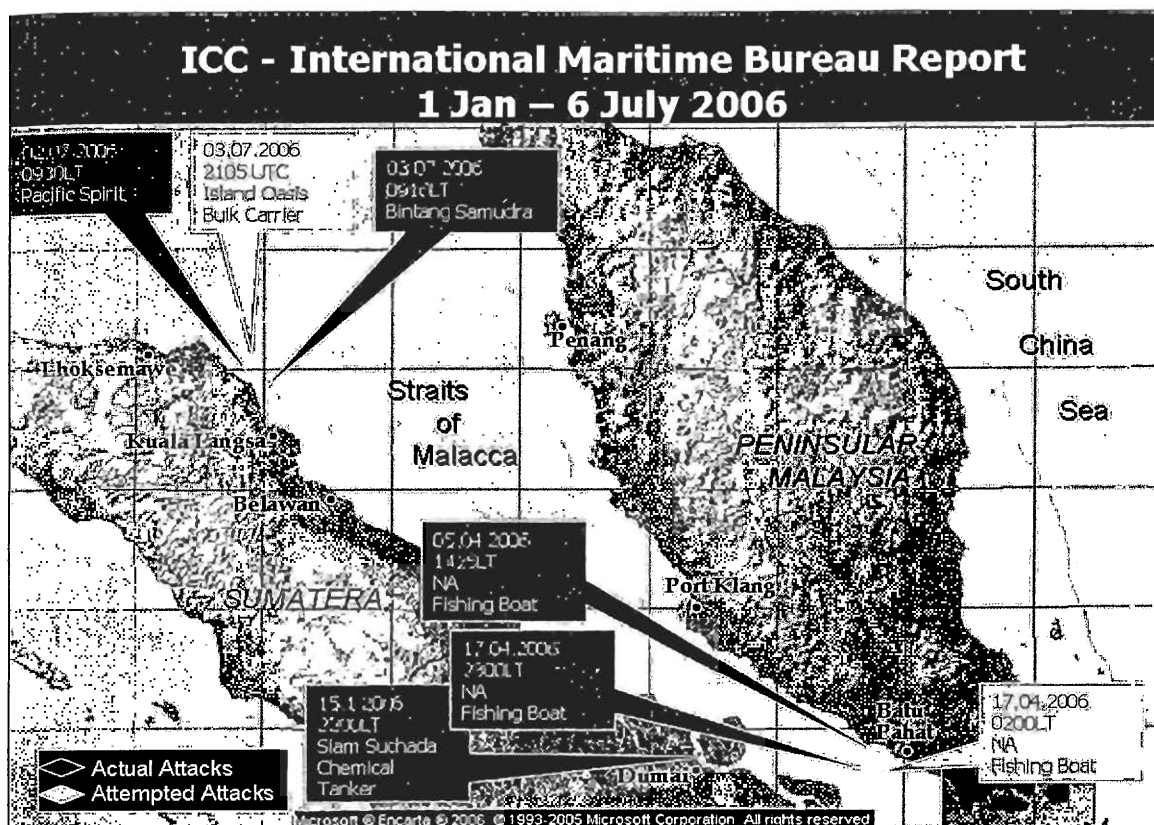


ICC - International Maritime Bureau Report Jan - June 2006



國際刑事法庭國際海事局報告 2006年1月至6月

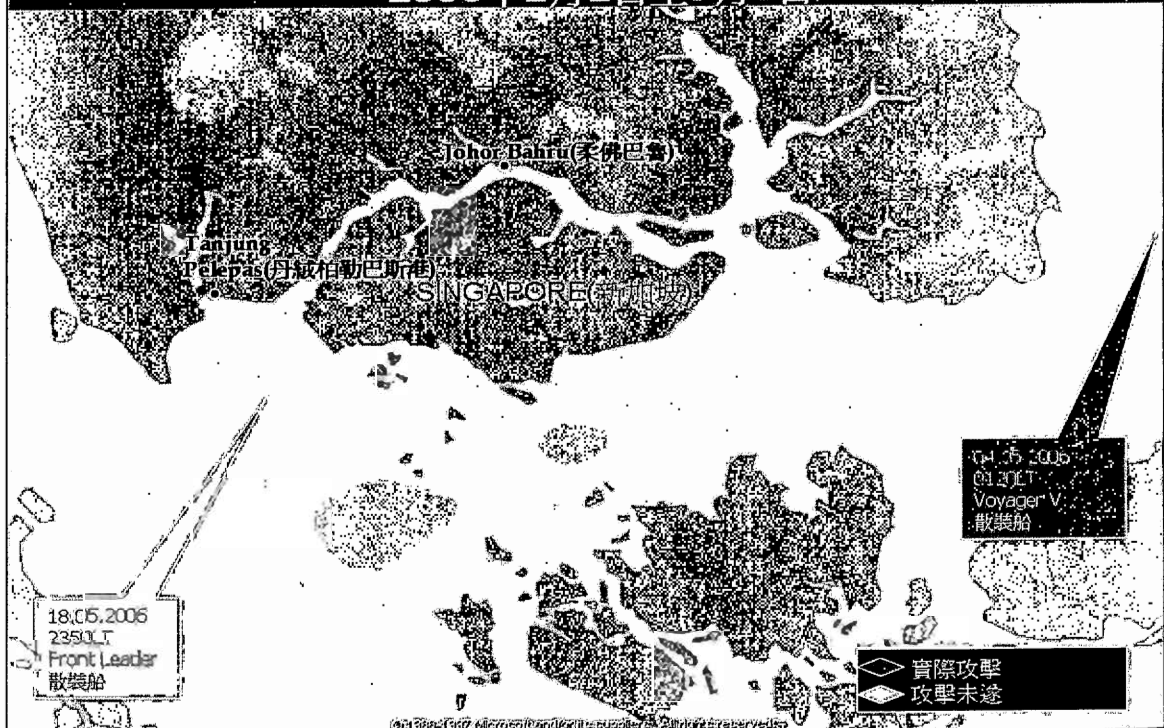




ICC - International Maritime Bureau Report 1 Jan – 6 July 2006



國際刑事法庭國際海事局報告 2006年1月1日至7月6日



Lloyd's JWC Hull War, Strikes, Terrorism and Related Perils Listed Areas 20th June 2005 Malacca Strait

- From Laem Phra Chao (7° 45' 5N, 98° 18' 5E)
- south-eastwards along the western coast of the Malay Peninsula to Tanjung Piai (1° 15' 9N, 103° 31' 0E);
- south-westwards to Pulau Iyu Kecil (1° 11' 4N, 103° 21' 2E);
- south-eastwards to the northern extremity of Pulau Karimun Kecil (1° 09' 9N, 103° 23' 4E);
- westwards to Tanjung Kedabu (1° 05' 7N, 102° 59' 0E) in Sumatera;
- north-westwards along the coast of Sumatera to Ujung Baka (5° 39' 3.5N, 95° 26' 0E);
- north-eastwards to Laem Phra Chao

2005年6月20日勞意德保險公司針對麻六甲海峽表列之戰爭、罷工、恐怖活動及相關危險事項區域

- 從Laem Phra Chao (7° 45' 5N, 98° 18' 5E) 開始
- 沿馬來半島西岸東南方至Tanjung Piai (1° 15' 9N, 103° 31' 0E);
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- Pulau Karimun Kecil東南方至北部盡頭 (1° 09' 9N, 103° 23' 4E)
- 蘇門答臘島Tanjung Kedabu(1° 05' 7N, 102° 59' 0E) 以西;
- 蘇門答臘島西北方沿岸至Ujung Baka (5° 39' 3.5N, 95° 26' 0E)
- Laem Phra Chao東北方

TAIPEI TIMES

Published on TaipeiTimes

<http://www.taipetimes.com/News/front/archives/2005/06/06/2003258144>

Malaysia to allow armed escorts in Malacca Strait

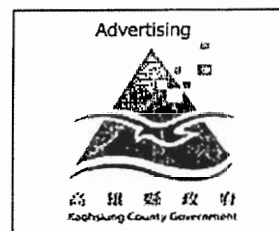
FIGHTING PIRATES: The country softened its objection to privately armed security vessels in its stretch of the Strait, but said their operations will be closely monitored

AFP , SINGAPORE

Monday, Jun 06, 2005, Page 1

Armed escort vessels will be allowed to pass through Malaysia's stretch of the Malacca Strait although their operations must be strictly controlled, Malaysian Defense Minister Najib Razak said yesterday.

Malaysian Prime Minister Abdullah Ahmad Badawi and other senior defense officials have been outspoken recently in their opposition to privately armed vessels providing security for commercial ships in the pirate-infested strait.



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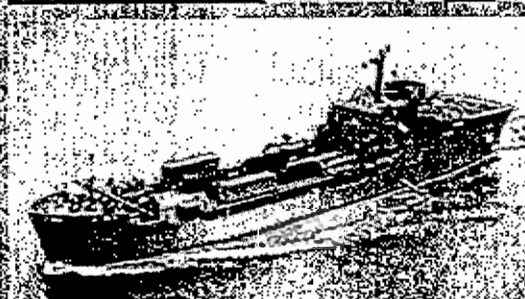
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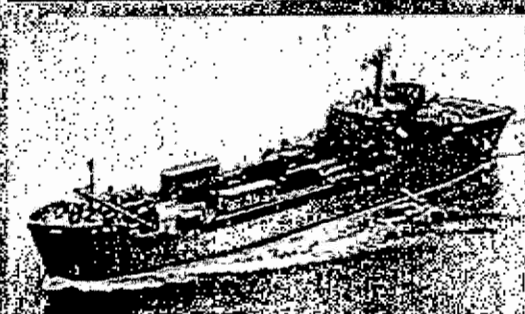
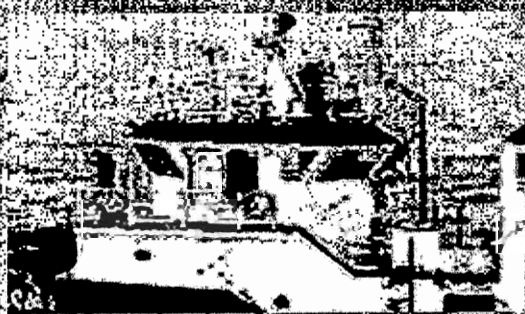
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Armed Escort Ship/Private Security Companies



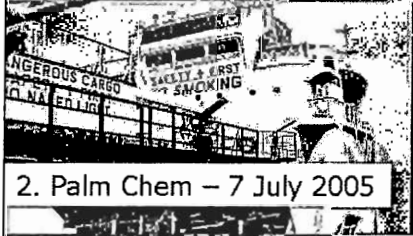
武裝護航艦/私人保全公司



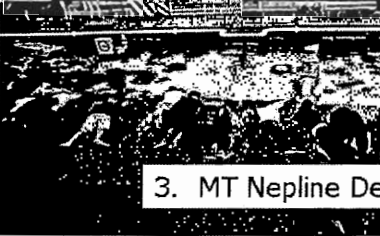
Achievements in the Straits of Malacca



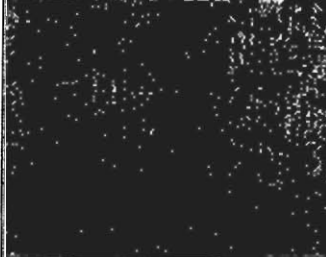
1. 21 April 2005



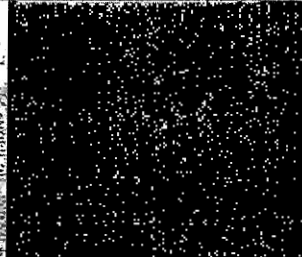
2. Palm Chem – 7 July 2005



3. MT Nepline Delima, 14 July 2005



4. Paulijing, 23 August 2005



麻六甲海峽的成就



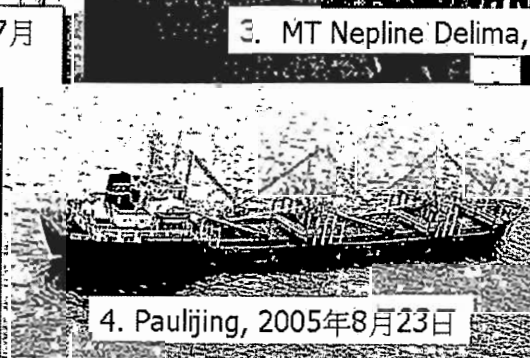
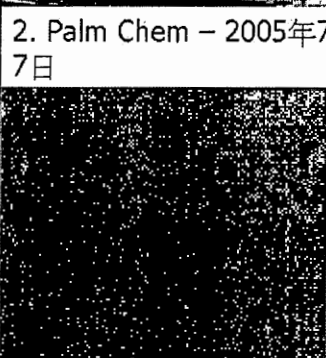
1. 2005年4月21日



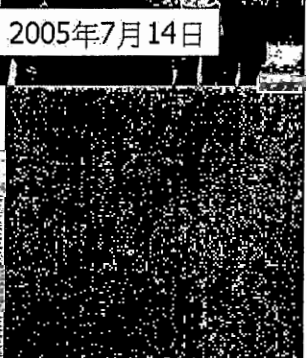
2. Palm Chem – 2005年7月7日



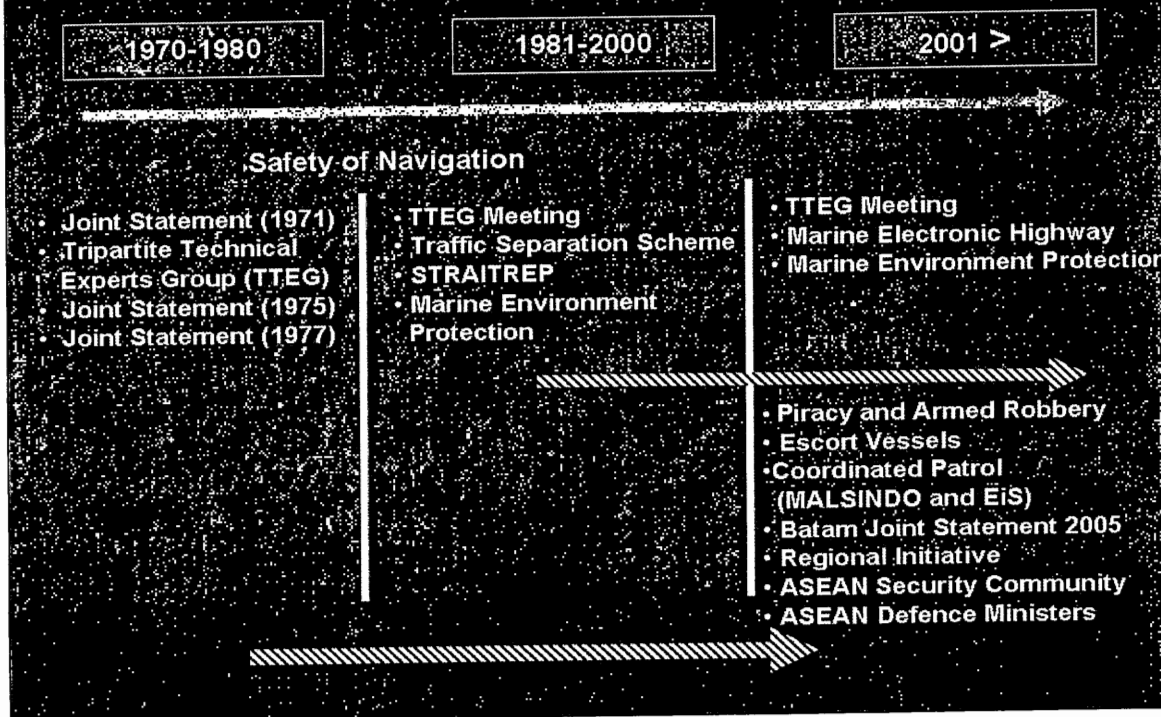
3. MT Nepline Delima, 2005年7月14日



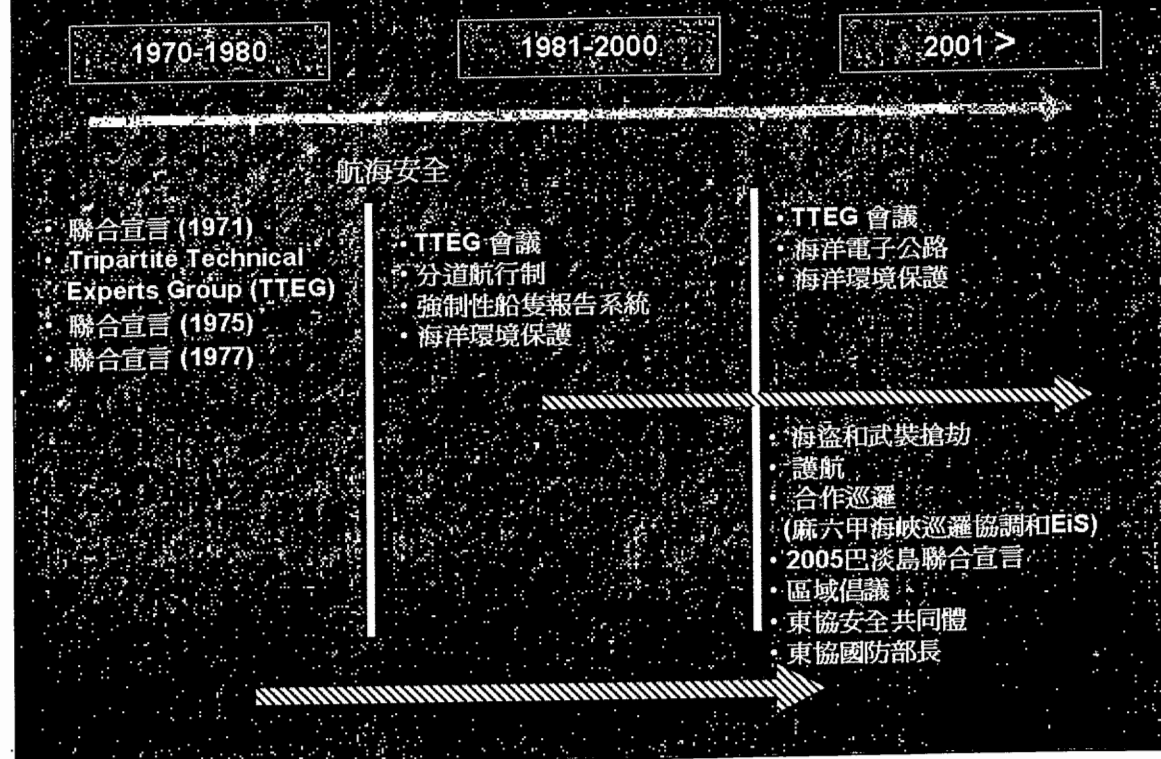
4. Paulijing, 2005年8月23日



Perceived Threats in the Straits of Malacca



麻六甲海峽面臨的威脅



Conclusion

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結論

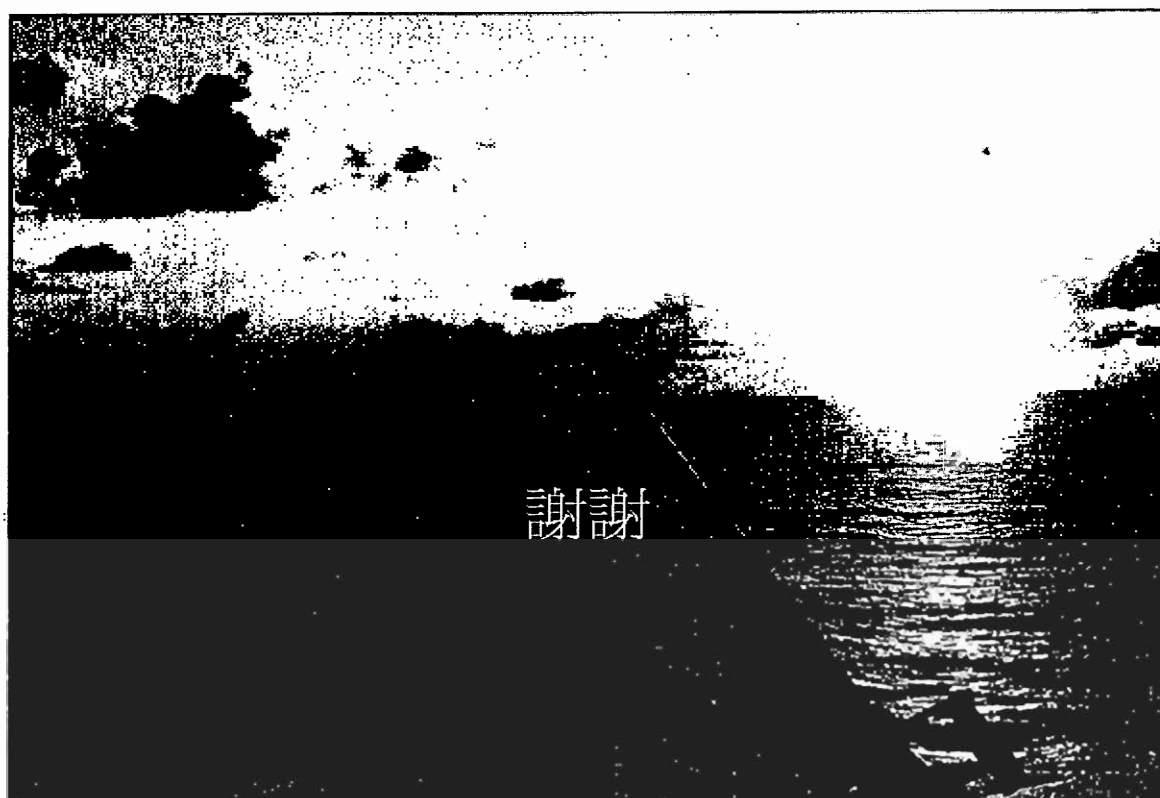
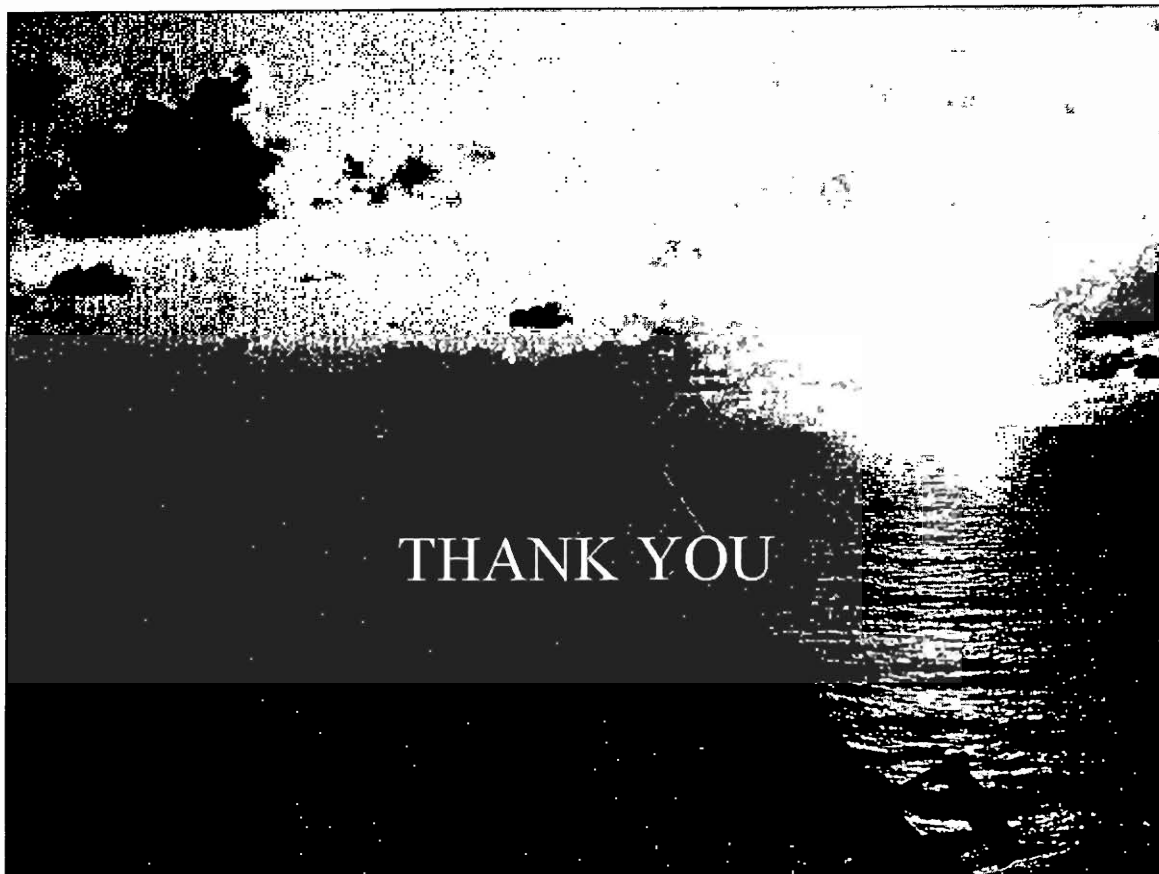
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DECLARATION OF ASEAN MEMBERS
ON MARITIME SECURITY
(Hull Concord II)
Oct 2003

Maritime security and concerns are trans-boundary in nature, and therefore shall be addressed regionally in holistic, integrated and comprehensive manner. Maritime cooperation between and among ASEAN member countries shall contribute to the evolution of the ASEAN Security Community.

東協第二防衛宣言
(峇里島第二防衛宣言)
2003年10月

海軍安全相關事務其本質是跨越國界的。因此應給予全面、綜合、廣泛之重視。東協會員國間之軍事合作將對東協安全共同體之發展有所貢獻。



Topic 5 : "Regional Cooperation for SLOC Protection"

By Mr. Andrew Forbes, Australia

Abstract

This paper takes as a given that trade is fundamental to the global economy, as it is linked to both state development and economic growth. Seaborne trade is a vital component of international trade, as there are geographical constraints impeding land transport in many countries, while air transport has inherent limitations and expenses. Thus seaborne transportation is often a cheaper form of transport for covering long distances and carrying large volumes of goods. Furthermore, navies have traditionally been tasked with the protection of merchant shipping, when attacks have been conducted by other navies, but the demise of national fleets, and the emergence of non-state actors threatening sea robbery and maritime terrorism, has complicated the legal basis for a naval response.

This paper examines the issues associated with the protection of shipping and trade and comprises four sections. First, the paper examines the history of attacks on shipping to provide context to the discussion, before outlining the impact on shipping of the emergence of maritime terrorism, the types of attacks that might occur and where, and the economic consequences of such attacks. Second, the paper considers the existing NATO framework for the protection of shipping, the two major multilateral naval coalitions in the Asia-Pacific, and the Radford-Collins agreement for Indo-Pacific naval control of shipping. Third, the paper examines the implications of North Asia's dependence on energy imports from the Middle East, the vulnerabilities facing oil tankers as they transport the oil to North Asia and possible naval coalitions to protect this shipping. Fourth, the paper considers options for appropriate mechanisms for the protection of shipping in the Asia-Pacific.

The 'Threat' to Shipping and Trade

The protection of trade and shipping, while of particular importance in the 20th century, has long concerned maritime states. Whether it was to protect their own citizens, the wealth of their merchant class, to maintain their economies and revenue base, or to maintain their sovereignty, states have felt obliged to protect, where they could, their shipping and trade.

The rationale of the *guerre de course* was that an attack upon an enemy's commerce would cause hardship amongst the enemy's population

that would lead the people to pressure their government into making concessions or into withdrawing from the war. This type of warfare can be considered a strategy in economic warfare with the aim of affecting the ability of an adversary to finance and support its participation in a war. It was with the advent of the submarine, torpedo and sea mining that the *guerre de course* came close to success in the 20th century. During both world wars Germany adopted an extremely damaging *guerre de course* against England and the allies in order to drive England out of the war by limiting her imports of necessary war materiel and food.¹ In World War II (WWII), the United States (US) destroyed most of the Japanese merchant marine and most imports of raw materials and food thereby weakening Japan's ability to prosecute the war.²

There have been a variety of attacks on shipping since the end of WWII, a number of examples are provided below to highlight changing reactions to the importance of shipping and activities associated with its protection.

During the Algerian War of 1954-63, the French Navy conducted an extended and sustained contraband control operation against neutral shipping on the high seas, to ensure no arms and munitions were provided to the Algerian insurgents. In the first year of operations, 4775 ships were visited, 1300 were searched, 182 were re-routed and one was captured. While there was a range of diplomatic protests from countries whose shipping was stopped, there was no naval retaliation.³

During the 1971 Indo-Pakistan War the Indian Navy engaged (using surface to surface missiles) what it thought was a Pakistani destroyer - it was actually the merchant ship *Venus Challenger* enroute from Singapore to Karachi. The ship was sunk with no survivors, and there was little international response. Both India and Pakistan also used sea mines, which

¹ In WWI, Britain lost 7,759,090 gross tonnage of shipping, of which 442,702 was lost due to attacks by warships; 6,635,059 due to submarines; 673,417 due to mines; and 7,912 to aircraft. C Ernest Fayle, *Seaborne Trade Vol III, The Period of Unrestricted Submarine Warfare*, History of the Great War, Imperial War Museum, London, 1924, Table 1b, p. 467. In WWII Britain lost 2919 merchant ships to submarines, comprising 14,593,987 gross tonnage. Clay Blair *Hitler's U-Boat War Vol 1 - The Hunters: 1938-1942*, Random House, New York, 1996, Appendix 18, p. 771 and *Vol 2 - The Hunted: 1942-1945*, Random House, New York, 1998, Appendix 20, p. 820.

² Japan lost a total of 8,433,389 gross tonnage of merchant shipping, comprising 4,765,600 lost to attacks by submarine; 3,252,522 to other agents; and 415,267 in non-combat losses. Mark M Parillo, *The Japanese Merchant Marine in World War II*, Naval Institute Press, Annapolis, 1993, Table A-9, pp. 243-244.

³ D.P. O'Connell, *The Influence of Law on Sea Power*, Manchester University Press, Manchester, 1975, p. 123.

damaged neutral shipping - again there was little international attention or condemnation.⁴

The most recent use of the *guerre de course* was the 1980-88 Gulf Tanker War. A stalemate on land between Iraq and Iran led to attacks on each other's oil refining industries, port facilities and international shipping, in an attempt to damage the economic ability of the other to continue the war. Over the eight year period, 411 ships were attacked from land, air, sea and by mines, with about 400 seamen killed and tens of millions of dollars worth of damage to ships. The estimated economic cost of these attacks on shipping were estimated at about \$2 billion, of which about \$450 million was for ships trapped in port when hostilities broke out.

Since the end of WWII, the international shipping industry has moved to flags of convenience and such an approach, while considerably lessening costs to shippers, was also thought to provide protection in case of war (ie they would be neutral). Instead, both Iran and Iraq attacked this shipping, and there was no intervention by the international community for six years. In late 1986 Kuwait approached the United States Coast Guard about re-flagging their ships under the US flag. By April 1987, the US had agreed and the USN could now escort the Kuwaiti ships. However, the reasons for US intervention had little to do with the protection of shipping. US domestic politics played a major role, as the decision to reflag came soon after a failed US-Saudi arms deal and increasing revelations about the Iran-Contra connection. Cold War rivalries also played a role, since if the US did not intervene, the Soviet Union would be able to enhance its position in the region at US expense.⁵

While the two World Wars were 'total' wars, many post-1945 wars have been 'limited' to localised wars. The impact on international shipping has been different to that of the earlier World Wars. Instead of a concerted effort to protect shipping, states have been content to ignore attacks on shipping caught up in these limited wars. This has been the case where international shipping has moved into flags of convenience, where a state opens its shipping register and where international shipping firms have cheaper costs than if they registered under their own state's register. As the ship owners reside in one country, the insurers in another, the ship's cargo is owned by someone else and is crewed by differing nationalities; the protection of

⁴ H.J. Donohue, *Maritime Lessons from the 1971 India-Pakistan War*, Working Paper No. 192, Strategic and Defence Studies Centre, Australian National University, Canberra, 1989, pp. 25, 42.

⁵ M.S. Navias & E.R. Hooter, *Tanker Wars: the assault on merchant shipping during the Iran-Iraq conflict, 1980-1988*, Tauris Academic Studies, I. B. Tauris Publishers, London, 1996, pp. 1-2, 6, 36, 181, 183.

shipping becomes more complex. It is difficult to determine who is being threatened if shipping is attacked, and who is responsible for its defence. These issues are best illustrated by the Gulf Tanker War, with the lack of reaction by the international community to the sinking of merchant ships. Additionally, questions were raised about the effectiveness of convoys facing anti-ship missiles, when merchant ship captains apparently would not maintain the discipline required for convoy operations.⁶

Maritime Terrorism

The events of 11 September 2001 - the use of the transportation system itself as a weapon - led to an examination of the vulnerability of the maritime transportation system. Subsequently there arose a perception that the entire supply chain relating to international seaborne trade is now more vulnerable to possible attack or disruption. A trading system based on lowering economic costs to its users and shortening of delivery schedules is not necessarily conducive to stronger security measures.

To address this emerging threat, under the auspices of the International Maritime Organization (IMO), a range of measures were introduced to improve maritime safety and security. In December 2002 the international community agreed to amendments to the *International Convention for the Safety of Life at Sea (SOLAS) 1974*. A new chapter was included in SOLAS - Chapter XI-2 *Special Measures to Enhance Maritime Security*, and the *International Ship and Port Facility Security (ISPS) Code* was introduced.⁷ The aim of this activity was to create an international legislative framework for regulating and assessing the security of international shipping and associated port facilities.

Shipping is vulnerable to attack or disruption by a variety of groups with differing motives, including pirates, criminal gangs, state-supported pirates/criminal gangs, terrorist groups and, least likely at the moment, nation states. The vulnerabilities facing international shipping include attacks on ships; the hijacking of cargoes, the actual ship and increasingly the ships' crew (for ransom); sinking ships, either to block narrow passages, port entrances or focal points, or to create an environmental catastrophe; turning the ship into a weapon, either to attack land infrastructure through collision or explosion, or to incapacitate the crew so that the ship continues underway along a busy strait, risking collision with other ships; and the

⁶ Navias & Hooter, *Tanker Wars*, pp. 131-32, 140.

⁷ International Maritime Organization, *SOLAS - Consolidated Edition*, 2004, London, 2004.

importation of drugs, weapons, or people in shipping containers.⁸ At the most general level, the threat of state-on-state attacks on shipping appear to be low to non-existent, while of course shipping still remains vulnerable to such an attack. If such attacks were to occur, navies are trained to react, although these days it is not clear which country should be responsible for responding to such attacks.

This changing security environment challenges western concepts of civil-military relations, military support to civil authorities for law enforcement activities and for planning appropriate responses. As an example, some concepts of maritime economic warfare are based on an attrition strategy to drive the adversary out of the war or to force it to accept your terms. High losses of ships and people are usually the objective of this type of warfare. Contrast this with the possibility of maritime terrorism where the aim is a spectacular or catastrophic event to gain maximum publicity for a political purpose. These are differing rationales, with differing consequences requiring differing plans to meet the threat. Governments, navies and, where they exist, maritime forces are still dealing with these changes. While enormous losses of shipping, materiel and people occurred in the two World Wars last century,⁹ a maritime equivalent of the attack on 11 September 2001 would not be acceptable. In traditional maritime economic warfare losses are expected, but with terrorism the targeted state cannot afford similar destructive activities because of the impact on society and on government legitimacy (that is, its apparent 'inability' to protect its citizens).

Notwithstanding differing opinions on the viability of a maritime terrorist threat, merchant shipping remains *vulnerable* to attack. The following analysis of where shipping might be attacked adopts a geographical perspective to allow a delineation of agency responsibilities - navies and maritime forces - for the protection of shipping.

The Open Ocean

⁸ A Forbes, 'International Shipping: Trends and Vulnerabilities' *Maritime Studies*, September/October 2003, No. 132, p. 27.

⁹ In WWI, total allied losses of merchant shipping totalled 12,850,814 gross tonnage, of which 568,537 was lost due to attacks by warships; 11,153,506 due to submarines; 1,120,732 due to mines; and 8,039 due to aircraft. Fayle, *Seaborne Trade Vol III, The Period of Unrestricted Submarine Warfare*, Table 1b, p. 467. In WWII total allied losses of merchant shipping was 21,570,720 gross tonnage; of which 14,687,231 was due to attack by submarine; 2,889,883 due to aircraft; 1,406,037 due to mines; 498,447 due to warships; 829,644 due to merchant raiders; 229,676 due to E-boats; with 1,029,802 where the cause was unknown. S.W. Roskill, *The War at Sea 1939-45. Volume III The Offensive. Part 11 1st June 1944 - 14th August 1945*, HMSO, London, 1961, p. 388.

The historical experience of attacks on shipping has been by a nation state utilising military forces. The public's perception of this is based on the Battle of the Atlantic in WWII which saw warships, submarines and aircraft attacking merchant shipping, supplemented with the use of mines. Updating to current technology, attacking forces could also use missiles instead of naval gunfire and bombs, and unmanned combat aerial vehicles to attack shipping.

Convoying was the response, with the aim of not just protecting merchant shipping from attack, but also to draw adversary forces to the convoy in order for naval forces to destroy them and thereby lessen the ability of an adversary to attack ships in the future. However, it is important to note that convoying is a very resource intensive operation, both from the point of view of the warships involved and the extensive administrative structure required.¹⁰

Independent sailing of fast ships remains an option (if it is assessed they can travel faster than the possible threat, such as a submarine). From a trade perspective, the advantage is that the ship can sail as soon as it is loaded, proceed at its own speed, and can usually be unloaded immediately upon arrival at its destination. Whereas, if the ship were part of a convoy, there would be numerous delays waiting for the convoy to form, sailing at the speed of the slowest ship, and probably delays in port waiting to unload cargo. A disadvantage is that if this ship is caught in the open ocean, it will invariably be sunk by the adversary's military forces. While some current and planned merchant ships can sail faster than their naval escort, advances in torpedo technology and nuclear propulsion in submarines may offset this speed advantage.

Rerouting involves longer transit times that will have a two-fold effect: it adds to the operating cost of the voyage, and has a time penalty that impacts negatively on the overall shipping capacity of the merchant fleet. This means that extended voyages may require additional ships to meet contracted delivery times.¹¹ However, the attraction of this option is that it is usually difficult to find ships on the open ocean, somewhat mitigated by their vulnerability in focal points (ie outside a port).

Merchant ships on the open ocean require both extended range and endurance, as do both attacking and defending forces, which remain in the

¹⁰ Norman Friedman, *Seapower as Strategy*, Naval Institute Press, Annapolis, 2001, p. 87.

¹¹ Rear Admiral Kazumine Akimoto, 'Re-routeing Options and Consequences' in A Forbes (ed) *The Strategic Importance of Seaborne Trade and Shipping*, Papers in Australian Maritime Affairs No. 10, Sea Power Centre-Australia, Canberra, pp. 121-122.

province of the nation state (albeit including rogue and failing states). Therefore the protection of merchant shipping on the open ocean remains with blue water navies.

Focal/Chokepoints

While on the open ocean a merchant ship could be anywhere within the obvious confines of the most economical route, an adversary could always be sure that at some stage shipping would pass by or through a focal/chokepoint, such as outside the entrance to a port or an international strait. Again citing historical experience, conventional military forces could be used for attack - submarines, warships and aircraft, with a probable increased use of mines - and the same countermeasures as for the open ocean would apply. However this is where the complexity for security planners comes into play, as non-state actors can obtain the necessary capabilities to attack shipping in focal/chokepoints - mines, fast boats, missiles, and onboard sabotage of the ship by infiltrating the ships' crew.

The difficulties for a defending force are the different types of attack that might occur, and critically, the reduced warning time of such an attack. Against a conventional attack, the defending force would know they are in a hostile area and good maritime battlespace awareness should provide adequate notice of attacking forces and/or the actual attack. As non-state actors will not have conventional military forces, the defender's battlespace awareness might not have the sensitivity to identify an intruder, such as a fast boat, in time to take preventative action. Further, such attacks will take place in crowded shipping lanes and anchorages where the sheer number of ships and the available radar shadows they cast, as well as legitimate small craft, will make it almost impossible to accurately identify targets.¹²

Navies can deal with the conventional military threat, as they are equipped to fight that type of battle, but might have difficulties dealing with the unconventional threat as their weapons systems, sensors, training and rules of engagement may not be optimised against this type of threat. Adding to the complexity is the rise of sea robbery, which generally occurs in focal/chokepoints; this is a maritime law enforcement issue and not necessarily the role of navies to deal with. This would suggest that both navies and maritime forces have a role to play in protecting shipping in a focal/chokepoint, depending on the nature of the threat.

¹² These smaller craft (less than 500 gross tons) have long been recognised as a security problem, either because they constitute a threat to shipping, or because they are vulnerable to attack. The International Maritime Organization plans to examine these security issues in the context of a possible amendment to the International Convention for the Safety of Life at Sea (SOLAS).

Port Security

Where the security-planning domain has changed is when the ship enters port and berths. Historically, in conventional warfare an adversary attack on the port and its approaches would be heavily defended (while attacks outside the port have been discussed above under focal points). But with terrorist groups apparently having ready access to low-end technology, they have a range of options available to attack shipping. There is also an increased political imperative to deter such attacks. A successful attack would be visible to the public (whereas attacks on the open ocean or in a chokepoint are 'over the horizon') and would have a much greater psychological impact on the public (which would be one of the aims of such an attack). The vulnerability in ports is two-fold: attacking ships, and using the ship as a weapon against the port.

These types of attacks against shipping are best demonstrated by what happened to the USS *Cole* in 2000 and the MV *Limburg* in 2002, which were attacked by fast boats laden with explosives. Mines are also readily available and can be used, but it is thought that terrorists do not yet have this capability. Shoulder-fired missiles are also readily available, while the use of improvised explosive devices placed against a ship's hull remains a possibility. Onboard sabotage/taking of the ship by terrorists if they have infiltrated the crew is also a possibility.

As these types of attacks may occur within a port and may be conducted by non-state actors, it would appear to be a law enforcement responsibility in the first instance; to stop a possible attack by arresting the alleged perpetrators, or capture them after an attack.¹³ The ISPS Code is an international regulatory measure to assess the safety of international shipping and ports, where navies and/or maritime forces may be directed by their governments to enforce appropriate security measures. These security measures would involve the ability of a merchant ship or warship to force away any vessel impinging its security zone (in naval parlance this is force protection), with waterborne security patrols to monitor events within the port. Blue water navies are built to operate at the medium to high-end of capability, and while they are able to operate across most of the conflict spectrum, they are not optimised to operate at the lower end of their capabilities. As such they are not optimised for security activities within ports, and as these activities are a law enforcement problem, it would appear

¹³ In December 2002 the SOLAS Convention was amended with the introduction of Chapter XI-2: International Ship and Port Facility Security (ISPS) Code, creating a regulatory code for ports, port facilities and international shipping in order to mitigate maritime security threats.

that primary responsibility for port security would rest with maritime forces.

Security countermeasures for the protection of shipping are problematic and revolve around the long range identification of a ship that might be used to attack merchant shipping, in order to delay, divert, intercept and inspect it as far from the port as possible. Two days steaming (calculated at 20 knots) from port is generally regarded as the minimum warning time to allow a state to assess whether a ship constitutes a threat, and to make arrangements to intercept or divert it. This particular circumstance requires a detailed knowledge of all shipping movements in a state's waters, as well as intelligence advice of a possible suspect ship, while naval forces would be required for long-range interception and inspection. Closer to shore, maritime forces may carry out a similar function. Given the jurisdictional issues of law enforcement within a port and naval activities offshore, both navies and maritime forces would be involved in aspects of port security.

Impact of Maritime Terrorism

There is a growing concern that South East Asia is vulnerable to a maritime terrorist attack, either against shipping or directed against Singapore. The maritime transportation system is vulnerable and there have been some incidents of maritime terrorism indicating the capacity of some groups to undertake attacks and possible attack methodologies for other groups to adopt. However it is not yet clear there is a direct and organised maritime terrorist threat to Western shipping and trade. As an example, the attacks on the USS *Cole* and the MV *Limburg* do not necessarily translate to all out attacks on regional shipping. Land-based attacks on oil refineries and processing plants in Saudi Arabia in 2004, or sea-based attacks on oil platforms in Iraq in 2005 translate to attacks on regional installations. Similarly, Tamil Tiger attacks on shipping are for a secessionist purpose in Sri Lanka and are not necessarily indicative of general maritime terrorist capabilities. The introduction of the ISPS Code is the first attempt at quantifying the problem and proposing possible solutions.

Currently the Proliferation Security Initiative (PSI) appears to be the only mechanism to intercept hostile cargoes at sea (or in the air), although there have been doubts expressed over the legitimacy of intercepting ships on the High Seas. However, in October 2005, amendments to the *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988* were agreed. The 2005 Protocols broaden the list of offences made unlawful under the treaties, so as to include the offence of using a ship itself in a manner that causes death or serious injury or damage,

and the transportation of weapons or equipment that could be used for weapons of mass destruction. They also introduced provisions for the boarding of ships where there are reasonable grounds to suspect the ship or person/s on board the ship is, has been, or is about to be involved in, the commission of an offence under the Convention.¹⁴ It is reasonable to assume that once the 2005 Protocols to the SUA Convention are ratified, then PSI member states are on a sounder legal footing than previously, if required to intercept suspect cargoes on the High Seas. Combined with the implementation of the ISPS Code, the PSI can be seen as a means to intercept problem shipping as far from a port as possible.

Economic Consequences of Attacks on Shipping

While the cost of the ship and its cargo, as well as the lives of the ships' crew have a nominal value from an industry perspective, it is the economic impact of trade disruption to the international community that has become increasingly critical. With globalisation increasing these trends, the industries of many countries have moved to a just-in-time production philosophy, relying on goods to be delivered when required, rather than holding them in storage until they are needed. This means that disruptions to deliveries through the sinking of ships, or more probably the re-routing of ships, will have major impacts that will flow through a nation's economy (and then to their trading partners). This is particularly the case if the energy trades are affected. Taking this as a given, it would make sense for states to consider how they may deal with this issue and how they might act together for their common good.

Notwithstanding the possible threats that could affect the sea-lanes, it is important to note that their closure does not just relate to a physical or military blockade. A credible threat could convince shipping companies to use other routes, as insurers may refuse to insure ships, or increase their rates if an area is thought to be a war zone. Vessel operators could also be liable to pay for some or all damage to their vessels and shippers could also find their cargoes at risk.

The short run consequences of sea-lane closure are dependent on the size of the traffic diversion, for example, how many ships are diverted and how far they have to detour. If a sea-lane closure diverts enough traffic volume far enough freight rates would increase, whereas a small amount of

¹⁴ International Maritime Organization, *Revised treaties to address unlawful acts at sea adopted at international conference*, Briefing 42, 17 October 2005, imo.org/newsroom/mainframe.asp?topic_id=1018&doc_id=5334. (21 November 2005)

traffic diverted a small distance may be overcome if there is an oversupply in capacity. Costs could rise if the increased demand for shipping (caused because the existing supply of ships is used for longer on each voyage) causes a shortage of shipping which drives up rates. As an example, if the Malacca Strait were closed, nearly half of the world's fleet would have to travel further, requiring a substantial increase in vessel capacity. The short run impact would result in global shipping costs rising due to freight costs increasing and a shortage of shipping. In the long run, as the size of the global shipping fleet adjusts to demand, the impact will be route specific due to increasing freight costs.

While this implies the shipping industry can handle such disruptions, this is not the case at the commodity level. The LNG trade relies on speed to quickly transport the commodity to the shore infrastructure before there is a degradation of the gas. Any delays to expected delivery would have a two-fold impact. Firstly, on the quality of the gas delivered (which might affect the energy infrastructure or future export contracts), secondly, where an economy is geared to just-in-time deliveries for energy products (in this case), any delays could severely impact on the general economy. The container trades also have time constraints where deliveries are locked into other transport modes, so any delay in ship delivery will adversely impact on road and rail connections. Given global economic interdependence and the just-in-time production philosophy of most developed economies, it is difficult to envisage state-directed attacks against tankers, but that does not mean a state might not decide to suffer short term hurt for a perceived long term gain. They may conduct attacks for economic purposes (ie to harm an adversary's economy and/or their ability to prosecute the war) or to apply political pressure to gain concessions. Of course an underlying concern is that a rogue or failing/failed state might conduct such attacks as a last resort.

So, disruptions to the sea-lanes will impact on a number of players within the transport sector, with differing results, which makes a coordinated response, or the development of contingency plans, problematic.

Framework for the Protection of Shipping

The protection of seaborne trade is a complex task and will almost always involve more than one country. Consequently, some form of cooperation will be necessary and clearly there would be benefit in having the necessary arrangements agreed before an incident occurs.

NATO Naval Control of Shipping¹⁵

As a reaction to the carnage wrought on merchant shipping in WWII, and in the context of the emerging Cold War, extensive arrangements were put in place to ensure the protection of ship-borne logistic support and personnel transported across the Atlantic Ocean from the United States to Europe, in order to reinforce NATO if Warsaw Pact forces ever moved west.¹⁶ This administrative framework known as Naval Control of Shipping (NCS), and using the *Allied Naval Control of Shipping Manual*, is concerned with the mandatory reporting, routing and organisation of merchant vessels in times of tension or major conflict. During times of tension, naval authorities provide the organisation for controlling and protecting shipping, while the management, operation and crewing of the merchant ships remains the responsibility of the shipping companies.

The changed situation in Europe, with the end of the Cold War in 1989 and the receding threat of a Soviet invasion of Europe, led to some modifications to NATO doctrine which forms the basis of NCS practices. Experience during the 1980s and particularly the Gulf Tanker War, showed that a crisis or conflict may occur in a limited area requiring the adoption of Regional Naval Control of Shipping (RNCS). This concept was introduced into NATO Doctrine in 1996, allowing for a more flexible and mobile response to a crisis or conflict. A major change during the 1990s was recognition that with the demise of many national fleets, countries were limited in their ability to 'control' shipping and also to operate ships taken up from trade (STUFT). NCS then became Naval Cooperation and Guidance of Shipping (NCAGS), based on developing and implementing measures to facilitate the conduct of military activity at sea either involving, or in the presence of, merchant shipping. In 2000, NATO Doctrine was completely rewritten to acknowledge that in order to assist in the protection of shipping, irrespective of ship flag, a basic level of cooperation between navies and maritime industry was required. The French Navy has been conducting Voluntary Naval Control of Shipping (VNCS) in the northern Indian Ocean with the voluntary exchange of information between the navy and relevant French shipping companies.

NCAGS concerns military cooperation, guidance, advice, assistance and supervision to merchant shipping to enhance the safety of merchant

¹⁵ Information is drawn from various naval sources, including CMDR W Hoogendoorn, 'Major course changes for NCS', *Navy News*, 22 April 2004, p. 14.

¹⁶ Paul H Nitze (et al), *Securing the Seas: The Soviet Naval Challenge and Western Alliance Options*, Westview Press, Boulder, 1979, p. 140.

shipping that has agreed to be under navy supervision and to support military operations. In this context, naval supervision includes mandatory rerouting, control of movement and/or convoy of merchant shipping. The protection of merchant shipping involves the employment of military forces or procedures to prevent or defend against offensive actions directed at merchant ships. NCAGS is beneficial to both navies and the shipping industry. The benefits to merchant shipping are: an improvement in safety and security in the crisis area; minimised disruptions to passages through areas where military operations are being conducted; maintenance of seaborne trade; quicker reaction to changing threats; better understanding of military constraints; the potential for stabilising insurance costs; minimising disruptions to commercial schedules; and improved support for maritime counter-terrorism and anti-piracy activities.

From a naval perspective the need to introduce NCAGS will be determined by the mission; threat, whether the presence of merchant shipping will affect operations; the geography, hydrography and environmental conditions in the area; the type and intensity of merchant shipping activity in the area; the effect of merchant shipping activity on an operation; the effect of the operation on merchant shipping activity; the level and type of information sought by the merchant shipping community; and the level and type of guidance, advice and assistance to be provided to the merchant shipping community.

However, naval forces no longer appear to conduct NCS training specifically, although their regular work-ups and exercises provide the basic skill set. Generally the task of NCS in an administrative sense has been passed to the Naval Reserve. Significantly, after a hiatus of a number of years, some navies over the past 18 months have recognised the importance of anti-submarine warfare, primarily due to the increasing number of submarines (actual and planned) in the Asia-Pacific region, and resources are being devoted to rebuilding this complex skill.¹⁷

Regional Naval Cooperation

The key to maritime cooperation between navies is trust and understanding. Collaboration through multilateral activities provides an understanding of how each navy thinks, operates and what capabilities it possesses. It also provides an opportunity for personnel to interact, exchange

¹⁷ The US Navy recently created an Anti-Submarine Warfare Command (http://www.fltaswcom.navy.mil/home_1024.htm), while the Royal Australian Navy is reinvigorating its ASW capability.

ideas and professional expertise and gain an understanding of each other. Competency building through specific activities allows navies to train together to further enhance their skills. Cooperation and capacity building allow more experienced navies to pass on knowledge and expertise to other members. Importantly 'experience' is not limited to larger navies; rather it is based on specific skill sets across a range of navies.

In the Asia-Pacific region there are only two multilateral naval groupings: the Western Pacific Naval Symposium and the Five Power Defence Arrangements. Moreover there is only one agreement concerning the protection of shipping in the region: the Radford-Collins Agreement.

Western Pacific Naval Symposium

The WPNS is a biennial forum in October/November of even years hosted by alternative member countries, attended by member Chiefs of Navy. The purpose of the WPNS is to increase naval cooperation in the Western Pacific among navies by providing a forum for discussion of maritime issues, both global and regional, and in the process generate a flow of information and opinion between naval professionals leading to common understanding and possibly agreements. To achieve this, the WPNS has four major objectives:

- discuss and elaborate cooperative initiatives, and identify those that warrant further consideration and development
- explore new ways of enhancing friendship and professional cooperation
- develop Navy-to-Navy relationships at a working level and maintain informal liaison among delegates between successive Workshops and Symposia
- discuss professional areas of mutual cooperation

WPNS members are Australia, Brunei, Cambodia, China, Fiji, France, Indonesia, Japan, Korea, Malaysia, NZ, the Philippines, PNG, Russia, Singapore, Thailand, Tonga, the US and Vietnam. Observer countries are Bangladesh, Canada, Chile and India. New members must be agreed by existing members, so with China a member it is unlikely that Taiwan would ever gain WPNS membership.

At the strategic level, the early Symposia were concerned with Cold War military issues, specifically the threat posed to western trade and SLOCs by the Soviet Pacific Fleet. With the end of the Cold War and the demise of the Soviet Union, there was considerable uncertainty about the

global security environment as the international relations system moved from a bi-polar to multi-polar structure. The military modernisation of China was noted with some concern, including China's activities in the South China Sea, leading to China become the new 'threat' to western SLOCs. North Korean nuclear activities have been a constant concern to WPNS members, with North Korea also regarded as a threat to North Asian SLOCs.

At the sixth WPNS Workshop in 1997, Australia proposed that mine countermeasures (MCM) cooperation could be a significant area for cooperation, given the emergence of like capabilities in the region, especially in South East Asia. This initiative was also significant from the positioning of MCM as a common naval capability in otherwise quite differently structured navies. The concept was developed within the RAN and internationally through a workshop held at HMAS *Waterhen* in Sydney, where the notion of an exercised based on international doctrine was explored. It was agreed to hold such an exercise and Singapore in conjunction with Indonesia agreed to host MCMEX and DIVEX 2001 during June 2001, involving 16 countries, 15 ships and 1500 personnel. The exercise program included mine hunting and mine sweeping operations, diving, sea riding and medical exchange programs. Singapore and Indonesia hosted MCMEX and DIVEX 2004 during April-May 2004, conducted in the Singapore Strait and off the Indonesian Island of Palau Bintan, involving 18 countries, 20 ships and 1600 personnel. In addition to the 2001 elements, these Exercises included: combined maritime explosive ordnance disposal training, live mine disposal charge firings at sea, and shore-based training on formation minesweeping tactics. In December 2005, Australia hosted an international MCM Seminar in Sydney. Malaysia hosted MCMEX and DIVEX 2006 during June 2006, involving 21 countries, and eighteen ships. A key focus of this exercise was to hunt, defuse and destroy mines in coastal waters of the South China Sea.¹⁸ While these exercises build the maritime capacity of regional navies and encourage trust between the navies, their focus is of great benefit to SLOC protection.

Five Power Defence Arrangements

The Royal Australian Navy (RAN) has been based in South East Asia since 1955 through deployments as part of the Far Eastern Strategic Reserve. Two frigates out of a total of seven in the RAN inventory were permanently deployed into Malayan waters with the regular deployment of the aircraft

¹⁸ (A Forbes) Royal Australian Navy, *The Western Pacific Naval Symposium*, SPC-A Newsletter, Issue 14, July 2006. '21 Pacific navies begin anti-sea mine exercise in South China Sea' *The China Post*, 7 June 2006.

carrier HMAS *Melbourne* demonstrating Australia's concern with regional maritime security.¹⁹ Australia's defence commitment to Malaysia and Singapore was strengthened after Britain, in 1966, foreshadowed the withdrawal of her military forces East of Suez by 1971. In June 1968 Malaysia and Singapore requested Australia and New Zealand (NZ) fill this defensive gap; on 25 February 1969 Australia and NZ agreed to retain their forces in the region. On 1 September 1971 the Integrated Air Defence System in Butterworth was formed to provide for the joint air defence of Malaysia and Singapore, and on 1 November 1971 the Five Power Defence Arrangements (FPDA) came into force.²⁰

The defence forces of Britain, Singapore, Malaysia, Australia and NZ regularly exercise under the auspices of the Five Power Defence Arrangements (FPDA). Exercise *Flying Fish 03* was a joint and combined operation in a multi-threat environment for the defence of peninsular Malaysia and Singapore, with the aim of enhancing interoperability and to strengthen the professional relationship between the defence forces.²¹ The standard naval exercise is Exercise *Bersama Lima*, which aims to practice and develop operational procedures and tactics in a joint/combined maritime exercise.²² Exercise *Bersama Lima* runs for two consecutive years in September and *Bersama Padu* runs in July of the third year. To meet the emerging security challenges in the region, in 2005, some serials for the FPDA maritime exercises were reorientated towards anti-piracy and counter-terrorism activities.

Radford-Collins Agreement

In 1951 the Radford-Collins Naval Control of Shipping Agreement was signed between the US, UK, Australia and New Zealand, aiming to coordinate efforts at protecting merchant shipping and ASW operations during periods of tension or war. It delineated national areas of responsibility for naval control of shipping, local defence and anti-submarine warfare in the Indian and southern Pacific Oceans. Under the Agreement, the parties periodically hold exercises to test and assess common

¹⁹ D Stevens (ed), *The Royal Australian Navy, The Australian Centenary History of Defence*, Vol III, Oxford University Press, Melbourne, 2001, pp. 182, 184-85.

²⁰ P Boyce, *Malaysia and Singapore in International Diplomacy: Documents and Commentaries*, Sydney University Press, Sydney, 1968, p. 151; D Hawkins, *The Defence of Malaysia and Singapore*, RUSI, London, 1972, pp. 35-37, 42.

²¹ Department of Defence, *Annual Report 2003-04*, DPS, Canberra, 2003, p. 102.

²² Defence, *Portfolio Budget Statements 2004-05*, p. 118; *Portfolio Budget Statements 2005-06*, p. 108; *Portfolio Budget Statements 2006-07*, p. 121.

procedures, and usually take the form of NCS command post exercises.²³

The RAN is involved in a number of annual or biennial NCS exercises with a number of countries. In the 1970s Exercises *Ripcord* and *Roller Coaster* were conducted between Australia, New Zealand, Canada, the United Kingdom and the United States. In the 1980s *Ripcord* and *Roller Coaster* were replaced by Exercise *Roll Call* in the even years and Exercise *Expanded Sea* in the odd years. *Roll Call* was conducted in the Pacific area, while *Expanded Sea* was a world-wide exercise that dovetailed into NATO Exercises *Wintex*, *Trade Wind*, and *Trade Dagger*. The advantage of these exercises was that they allowed the US to involve South American countries and US forces based in the Middle East. Exercise *Bell Buoy* was created in 1986 after New Zealand was effectively expelled from the ANZUS Treaty, and dovetailed with NATO exercises (usually *Wintex*).

With the progressive collapse of the Eastern Bloc, *Bell Buoy* became a stand-alone exercise and from 1989 Chile and the Republic of Korea participated. These exercises may be either command post exercises, which test the administrative procedures involved in controlling shipping, or where fleet units are available, they may be utilised in actual scenarios. *Bellbuoy* is conducted annually in the Indian and Pacific Oceans to test and evaluate procedures during a time of tension, and involves Australia, the US, Canada, the UK, South Korea and Chile, with Singapore having observer status. Originally they were concerned with a traditional NCS scenario of ocean-wide conflict requiring full NCS procedures.

Recognising that in the future threats would be of a regional nature, *Bell Buoy* evolved into an umbrella organisation for a group of national, bi-national and multi-national exercises, using the same exercise name and dates, and following the same broad aims and objectives. In 1997 it was recognised these arrangements were unrealistic due to the lack of connectivity between national scenarios and it was agreed that one nation would plan and conduct the exercise with other nations contributing resources as appropriate. Exercise *Bell Buoy* in 1999 tested regional NCS doctrine in support of maritime interdiction operations from various ports around the Persian Gulf.²⁴

As well as the Radford-Collins Agreement there are also international

²³ T.D. Young, 'Australia bites off more than the RAN can chew', *Pacific Defence Reporter*, March 1986, p. 15. Note that with the NZ decision to bar visiting USN warships, NZ effectively placed outside current NCS arrangements.

²⁴ Information is drawn from various naval sources. Some public information is available at www.globalsecurity.org/military/ops/bell-buoy.htm (9 July 2006)

naval trade protection fora known as Shipping Working Groups (SWG). The two main ones are NATO and the Pacific and Indian Oceans (PACIO SWG). The members of the PACIO group are the US, UK, Republic of Korea, Australia and Chile. Singapore and South Africa have observer status and the US tends to look after Japanese interests. Working Group efforts are designed to ensure all participants know how each views trade protection, to develop common strategic and operational level concepts and annually to test communications links.

A Regional Naval Control of Shipping Framework

The Asia-Pacific is the most economically dynamic region in the world and is the driver for global economic growth and development, based predominantly on seaborne trade.²⁵ The North Asian economies are the powerhouse of this growth and rely on energy imports from the Middle East to fuel economic growth. The Middle East supplies about 50 percent of China's oil requirements; about 85 percent of Japan's and about 50 percent of South Korea's. These oil tankers could be considered critical cargoes that would require protection in the event of hostilities. Thus the global economy would be affected if North Asian energy flows were interdicted, either directly if countries were major trading partners or indirectly as a slowdown or downturn affected the global economy. It would therefore appear to be in the region's collective interests to ensure that the energy continues to flow to North Asia.

As North Asian oil imports are predominantly sourced from the Middle East, it is instructive to examine the geo-political situation in each region, the possible threats and appropriate responses to such threats.

Persian Gulf

The Persian Gulf countries produce about 27 percent of the world's oil while holding about 57 percent of the world's crude oil reserves. 90 percent of Persian Gulf oil transits by tanker through the Strait of Hormuz into the Indian Ocean. 15mbpd transits the Straits of Hormuz every day, of which 13mbpd is bound for Asia. The Strait consists of two 3km wide channels for inbound and outbound tanker traffic, as well as a 3km wide buffer zone. If the Strait were to be closed, some oil could be moved via pipelines to ports on the Red Sea, entailing longer routes and increased transportation costs.

²⁵ A Forbes, 'Foreword' in Forbes (ed), *The Strategic Importance of Seaborne Trade and Shipping*, Sea Power Centre-Australia, Canberra, 2003, p. v.

This region is perhaps the most volatile region in the world, due to the ongoing Israeli-Palestinian dispute, the ongoing civil war in Iraq and the alleged funding of terrorism by Iran, combined with their nuclear program.

As with most straits, tanker traffic is susceptible to a variety of possible attacks by a variety of actors. Iran could effectively close the Hormuz Strait, but this would invite an immediate US response, although it is still a conceivable scenario. Coalition naval forces are still patrolling the Persian Gulf, but the development of the Iraq Navy might change this in the future. Saudi Arabia at some stage could become a failed state with consequent impacts on oil supplies a possibility. Maritime terrorism is possible as demonstrated in this region with the attacks on shipping, such as against the USS *Cole* and the MV *Limburg*, and against Iraqi oil installations offshore. Piracy is an increasing concern against shipping in these waters, but appears to involve the theft of ship's stores and valuables rather than the ship or cargo. The Middle East remains an area of great strategic instability, resulting in a prolonged US presence in the region.

Given the current strategic circumstances, coalition forces conducting maritime interception operations are best placed to protect shipping.

Indian Ocean

Tankers transiting the Indian Ocean are predominantly on the open ocean, except when they pass near Sri Lanka, and the Andaman and Nicobar Islands at the entrance to the Malacca Strait. On the open ocean, the threats facing shipping are at the high-end of capability, directed by a nation state (ie a naval attack - due to range and endurance factors). In regional capability terms, Iran, Pakistan and India have the capacity to interdict shipping, but a motive is not evident, except for Iran which appears to be at odds with other countries in the region and with Western interests.

Sri Lanka suffers from maritime terrorism by the Tamil Tigers who are assessed by many as having the most developed maritime capabilities of any non-state actor. The Sea Tigers have 2000-3000 cadres with heavily armed gunboats and speed boats. However it is not evident that they would attack oil tankers or western interests, rather concentrating on attacks against the Sri Lankan Navy. There are numerous piracy attacks off Bangladesh, but the tankers transiting to North Asia avoid their operating range.

The geo-strategic situation in the Indian Ocean is more complex; there seems to be a ready acceptance of Japanese concerns over energy shipments, but India rejects any Chinese intrusion into the Indian Ocean.

Currently the US, Indian and Australian navies patrol or operate in the region. China's evolving relationship with Myanmar and Pakistan, particularly the naval base at Gwardar, complicates naval planning. Coalition forces in the Persian Gulf could not be re-tasked to supervise shipping transiting the Indian Ocean, so some form of regional cooperation may be required if a real threat to shipping were to emerge in this sector.

Malacca Strait and Indonesian Archipelago

South East Asia contains the major international sea-lanes for this seaborne trade, while also having a complicated maritime geography, adjoining territorial seas, and unresolved boundary delimitation issues. The trunk route between Europe and North Asia must pass through the Straits of Malacca, where it branches out through Hong Kong northwards to East Asia or the west coast of the US, or branches out southwards from Singapore to the Australian ports.²⁶ The basic statistics of the Malacca Strait are well known: approximately 60,000 ships transit the Strait each year - between 400-500 ships per day. Critically, 30 percent of world trade, 80 percent of Japan's oil, 50 percent of all North Asian oil, and 66 percent of LNG transit the Strait each year. As an illustration of what these ship numbers mean, in 2004, 17567 tankers stopped in Singapore, comprising 12930 oil tankers; 1405 LNG/LPG tankers and 3241 chemical tankers. Importantly however, tankers that exceed 222,000 DWT must divert through the Lombok Strait.

A state attack on shipping in the Strait is possible but would appear unlikely as there would be an immediate international response. The greater threat remains armed robbery at sea and the possibility of maritime terrorism. With regard to terrorism, as my focus is on oil tankers, the only concern is their possible hijacking to be used as a mass casualty weapon.

Responses to these threats vary; the US Navy proposed a Regional Maritime Security Initiative (later called Regional Maritime Security Cooperation) involving assisted naval patrols through the Strait; however Malaysia and Indonesia rejected this on the grounds of national sovereignty. It is not clear whether the MALSINDO patrols in the Strait by Indonesia, Singapore and Malaysia is a reaction to the US proposal, nor is it clear how effective they are. The MALSINDO patrols are coordinated not joint, so their utility is questionable. Moreover, the 2004 Asian tsunami is generally considered to have hindered piracy through the destruction of small boats and piers from which the pirates operated.

²⁶ D. Sukhakanya, 'The Security of the Sea Lanes in Southeast Asia', in Lau Teik Soon and Lee Lai To (eds), *The Security of the Sea Lanes in the Asia-Pacific Region*, Heinemann, Singapore, 1988, p. 23.

Critically however, any disruption to shipping within the Strait will impact on oil flows, with any delays impacting on the North Asian economies. The severity of these impacts will be determined by the length of any delays in oil deliveries and the levels of strategic oil stockpiles.

The littoral states of Singapore, Indonesia and Malaysia have responsibility for maritime security in the Straits, but the international community remains concerned with their ability to manage sea robbery. It is not evident that the littoral states' navies could cope with maritime terrorism, which would then require an international response. Certainly the US would intervene, with India, China and Japan retaining the option to intervene if necessary. There has been recent debate that India might conduct patrols in the Malacca Strait, but this would only be with the agreement of the littoral states. The littoral states have rejected any Japanese Maritime Self Defence Force patrols but have been willing to cooperate with the Japanese Coastguard.

The FPDA might also be used as a basis for the protection of shipping in the Malacca Strait, extended to include Indonesia as an observer.

Critically when considering any possible Australian involvement, little Australian trade transits the Malacca Strait. Thus any interest Australia may have in the security of the Malacca Strait is not related to direct Australian trade, rather to the stability of South East Asia and/or the second or third order effects if the energy trades to North and East Asia are affected.²⁷ However, it is a fundamental tenet of Australian defence policy that South East Asia remains stable, so Australian forces would probably intervene, in conjunction with the US, if shipping was attacked.

South China Sea

41,000 ships a year transit the South China Sea, which is about 25 percent of the global shipping fleet. Shipping traffic becomes more congested as LNG tankers from Australia and Southeast Asia begin their transit to North Asia.

There are disputed territorial claims and competition over suspected oil and gas reserves. State-directed action against tankers is more likely given tensions between the various countries bordering the seas. What would be achieved by any such action is not evident but miscalculation is a possibility. Non-state actor threats remain as for the Malacca Strait.

²⁷ These countries are Australia's major trading partners, so if their economies are affected by problems in the Malacca Strait, then Australia will be similarly affected, albeit with a time lag.

Both Japan and China are keen to ensure the smooth flow of their energy supplies. In 1981 Japan declared it would protect its SLOC out to 1000nm, although the direct military application of this has not really been tested. Japan has adopted a maritime capacity building approach in Southeast Asia using the Japanese Coastguard to assist with training and exercises. A greater concern remains with China and the potential reach of its maritime forces to protect its trade.

Various confidence building measures have been proposed or implemented to lessen miscalculations. The US would take the lead in securing shipping in the South China Sea, in conjunction with Japan and less likely, with Australia. However, this would be at odds with China who would likely assume a role and which could lead to tension or conflict in the region.

East China/Yellow Sea

The East China Sea and the Yellow Sea are the oft forgotten SLOCs that remain critical to North Asia but are not well known to the rest of the world. Many boundaries are contested, and when combined with historical differences, the possibility of resolution appears slim. Both North Korea and China have declared extensive maritime security zones that are not in accord with LOSC and complicate naval activities in the area.

Major power rivalry (that is, economic and political competition between China and Japan), the Taiwan question, and superpower interest (where the US perceives China as a peer competitor, is committed to an independent Taiwan and has a security treaty with Japan) make for interesting times. South Korea is in dispute with Japan over maritime boundaries and natural resource usage. Moreover, the recent test firing of missiles by North Korea and its nuclear program make this area a critical strategic flashpoint.

State-directed attacks against tankers are highly conceivable in these seas, but a direct response by the US would be expected. With the demise of the Soviet Union, China was initially considered the threat to shipping in these seas. However this has ameliorated to some extent when China joined the World Trade Organisation. Furthermore, China is a large international shipping owner and the assessment is that China would not threaten its economic growth by threatening international trade. Of course, the converse view is that China might be prepared to suffer short term economic damage to gain long term economic and political gains.

It is not clear at this stage if the North Asian countries are willing or able to work together to protect their energy imports – if they are not, miscalculation could see increased tensions and inadvertent attacks on each other's cargoes. The US would necessarily take the lead in any SLOC protection role in this area, in conjunction with Japan in the first instance if Japanese trade were threatened.

Summary

In each region a number of countries have a natural claim to involvement in the protection of shipping transiting through their region. This is then somewhat complicated by the presence of major powers who may also intervene to protect their own national interests.

The varying level of capability across regional navies provides the rationale for cooperation and assistance, but is also a hindrance if this assistance impacts upon national sensitivities. Scalability of capability packages and support is a pre-requisite, as is consideration of the manner in which assistance is offered. The opportunity to participate in regional exercises, either on a multilateral or bilateral basis, with other navies provides an opportunity to learn new skills, enhance existing skills, and understand how to conduct combined operations.

Critically however, it is not clear that regional neighbours would necessarily work together for coordinated protection of shipping transiting the region. This implies that external power involvement might be necessary, as there is no mechanism for relevant multilateral activities in the Asia-Pacific to deal with this issue. This means that in the first instance, countries such as the US or Australia would train on a bilateral or limited multilateral basis for NCS. For the US this would be with Australia under the Radford-Collins Agreement, with Japan under the US-Japan Security Treaty, with Korea, Taiwan and relevant South East Asian navies under bilateral agreements. Australia trains with Malaysia and Singapore under the Five Power Defence Arrangements, and conducts bilateral exercises with most ASEAN nations except Indonesia. The policy question is whether these bilateral exercises can be modified, as necessary, to include NCS procedures. At a multilateral level, the WPNS is the only appropriate forum that includes most navies in the Asia-Pacific. However it is only recently that the WPNS began conducting exercises, and while MCM and Diving exercises are useful to the protection of shipping, it is not evident that all would be amenable to conducting coalition NCS exercises, particularly China.

Not yet considered is the interplay between the various agencies that might be involved in the protection of shipping within each country. Any consideration of SLOC protection against state and non-state actors will necessarily involve navies and/or maritime forces in various geographical sectors of the ships' voyage.

Where both navies and maritime forces exist, a delineation of roles that would impact on their respective capabilities is required. As a general principle, protection of shipping responsibilities could transition between navies and maritime forces based on geography, the threat and relevant capabilities. Open ocean protection would remain a navy responsibility given range/endurance and capability factors. Navies would also have primacy in focal/chokepoints against state-directed attacks using high-end capabilities and where maritime forces also existed; they would have a role with regard to possible maritime terrorist attacks. In practice however, this delineation is fraught with difficulties and governments, navies and maritime forces will require considerable effort to ensure their procedures are optimised to meet the perceived threat. Protection of ships when they enter and berth in ports would be a maritime force responsibility as a conventional military threat would be low, albeit recognising that navies might be involved in long-range interception of suspect ships before they enter port. Generally, blue water navies are the tools of choice for the protection of shipping in the first instance, and if this protection role is to include port security, then maritime forces have an important supplementary role.

OPTIONS FOR REGIONAL COOPERATION

How then can countries, their navies and/or maritime forces work together to protect shipping?

Before cooperation can be contemplated, there needs to be agreement on what the actual common threats are facing each country's shipping in order to demonstrate a common purpose. From this flows the identification of possible responses to the common threat, leading to assistance in developing relevant capabilities if required. This is perhaps the most critical issue, as there is no apparent general agreement on a common maritime threat assessment for shipping in the Asia-Pacific region. Some form of common agreement between countries should progressively lead to cooperation between agencies, then bilateral and eventually multilateral naval cooperation. Interoperability is difficult to achieve but the harmonisation of procedures is a useful first step.

The most suitable framework for the protection of shipping in the Asia-

Pacific region might be the adoption of NATO NCS standards. While it would not be possible to reach the political agreement and military integration of NATO forces, adoption of their standards would assist the Asia-Pacific as the doctrine, administration framework and training requirements already exist; they would necessarily be modified to suit the Asia-Pacific political, geographic and military capability requirements.

With most regional countries not members of the SWGs and associated fora, there is a need for other cooperative measures to ensure the protection of maritime trade in the region. These include measures for cooperation among East Asian nations and between Australia and these nations. The Pacific and Indian Ocean Shipping Working Group (PACIOSWG) could be the administrative mechanism to bring these standards into effect, while also providing the framework for command post exercises to test administrative procedures, as well as exercises to test NCS scenarios by opening up Exercise *Bell Buoy* to other countries, first as observers and then as participants. For existing coalition arrangements in the region, such as FPDA and WPNS, each might adopt the NATO NCS Doctrine and join PACIOSWG, but agreement on the need to do this would only come with an agreed common threat perception.

Maritime Domain Awareness is vital to identify if, when and where an attack on shipping might occur; and is also critical for tracking the movement by sea of terrorists between countries. This will involve the fusing of intelligence and surveillance information and its transmission to those who need access to it. This will also entail inter-agency cooperation within each country, evolving over time to a combined activity between countries. Recently the International Maritime Organization agreed the introduction of a Long Range Identification and Tracking (LRIT) system, to enable countries to identify all vessels transiting their waters and particularly those intending to enter port. All SOLAS-compliant ships will have LRIT satellite systems that will provide the ship's identity and location. It has already been accepted that Flag States will be able to access the data from their ships anywhere in the world. Port States will be able to access the data from a nominated port following a declaration from the ship of an intention to enter that port. Coastal States from 2008 will be able to access data from ships 1000nm from their coast.²⁸

Training, exercises and exchanges remain critical, initially to improve

²⁸ (A Forbes) Royal Australian Navy, *Maritime Security Regulation*, SPC-A Newsletter, Issue 3, February 2006, Sea Power Centre - Australia, Canberra.

individual skill sets, then collectively across a vessel and then between vessels. Involvement in multilateral exercises increases the benefits gained by participating navies. However, given the law enforcement role in counter-terrorism, an inter-agency approach to training is also required, so that all agencies concerned with maritime security are involved in all relevant training and importantly gain an understanding of individual agency culture. Joint exercises and then patrols enable navies and maritime forces to work together. Basic passage exercises and then more involved serials provide the skill sets for basic sea keeping tasks for surveillance, interception and eventually enforcement. At this level, both organisations should be able to communicate with each other and more importantly, understand each other, with a thorough understanding of each other's doctrine and operating procedures. Another option is to use the WPNS as the appropriate vehicle for cooperation. The attraction of the WPNS is that it already includes all the major parties involved in Malacca Strait security, and with an interest in Indo-Pacific protection of shipping, although it does not include Taiwan or regional maritime forces.

議題五 海上交通線安全保護的區域合作

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摘要

本報告的前提是：貿易與國家之發展和經濟有密不可分的關係，因此是全球經濟之基礎。由於許多國家間的陸上運輸都受到地理上的限制，而空運除有其固有的限制外，也有費用上的考量，因此海上運輸貿易是國際貿易的重要組成之一。當要長距離運輸或大量運輸時，海上運輸貿易就是較便宜的運送方式，此外傳統上海軍負有保護商船不受其他海軍的攻擊的任務，但是國家艦隊主權的轉移和出現非國家行為者的海上強劫威脅、及海上恐怖行動，這些都造成海軍回應的法律基礎的複雜化。

本報告在檢視與船隻保護及貿易有關之議題，並主要由四部份所組成。第一，本報告在概略敘述海上恐怖行動的出現對海上運輸衝擊、出現攻擊的種類及地點和攻擊對經濟的影響前，先檢視對船隻進行攻擊的歷史，以提供做為討論的背景。第二，本報告考量運用現有的北大西洋公約組織（NATO）架構作為船運的保護，亞太地區兩個主要的多邊海軍聯盟，和作為印度-太平洋海軍船運管制的 Radford-Collins 協定。第三，本報告將檢視北亞仰賴中東進口的能源問題，原油運送至北亞的過程中油輪所面臨的可能的傷害，及海軍聯盟對船運所能提供可能的保護。第四，本報告將考量亞太地區適當商品船運保護的選擇。

對船隻和貿易的「威脅」

二十世紀對海權國家而言貿易和船運的保護極為重要。不論是要保護其國家的人民、商人的財富、維持國家經濟及財政基礎或維持他們的主權，對其船舶運輸和貿易提供保護是國家責無旁貸應盡力的。

掠奪戰的原理是攻擊敵方的商業貿易，使敵方人民生活艱困，因而迫使敵方人民對其政府施壓，造成政府對戰爭讓步或退兵的結果。這種形式的交戰狀態可視為一種戰略性的經濟戰，目的在影響敵方的財政能力及其對戰爭的支持力。在潛水艇、魚雷和海底佈雷使二十世紀的掠奪戰成功的機率更大了。在兩次世界大戰期間德國均採取極端破壞性的掠奪戰手法對抗英國和同盟國，使英國受限於得不到戰爭所

需進口的物質和食物¹，從而做出退出戰爭的決定。在第二次世界大戰（WWII）期間，美國（US）破壞了日本大部分的商船和進口原物料及食物，削弱了日本作戰²的能力。

自第二次世界大戰後，出現了各種不同攻擊船舶的方式，以下提供數種方式以強調變更反應與保護有關的船舶和活動的重要性。

1954 至 1963 年阿爾及利亞戰爭期間，法國海軍執行廣泛且持續性的走私控制工作以對抗公海上的中立船舶，並確保武器和軍火不會運至阿爾及利亞暴動者手中。軍事行動的第一年，共登上 4775 艘船隻、搜索 1300 艘、改變 182 艘航行的路線，並逮捕了一艘船隻。雖然海運遭到中斷的國家曾提出一系列外交抗議，但都未引發海軍報復行動³。

在 1971 年印度-巴基斯坦戰爭期間，印度海軍在戰爭中（使用地對地飛彈）將原以為是巴基斯坦驅逐艦 — 其實是由新加坡駛往喀拉蚩的商船 *Venus Challenger*，不僅炸沉了這艘商船且船上無人員生還，但卻未能引起國際社會的回應，印度和巴基斯坦都使用會損害中立船艦的水雷 — 這樣的行為也僅受到國際社會些微的關注或譴責而已⁴。

最近的一次使用掠奪戰是在 1980 至 1988 年間的波斯灣油槽戰爭。伊拉克和伊朗在陸地上的僵持，導致彼此互相攻擊對方的煉油工業、港口設施和國際船舶，企圖破壞對手繼續戰鬥所必備的經濟能力。戰爭的八年期間，411 艘船隻受到來自陸上地雷、空中和海上水雷的攻擊，造成 400 名水手死亡，而船隻的損失則高達數千萬。估計這些攻擊對船舶所造成經濟上的損失達 20 億，其中有 4 億 5 千萬的損失是因為戰爭爆發船舶受困在港口。

第二次世界大戰結束後國際船舶工業都轉移至方便旗及類似之方

¹ 第一次世界大戰，英國損失的船舶噸位共計 7,759,090 噸，其中 442,702 噸係受到軍艦攻擊而損失；因潛水艇而損失者 6,635,059 噸；因水雷而損失者 673,417 噸；因飛機攻擊而損失者 7,912 噸。C Ernest Fayle, *Seaborne Trade Vol III, The Period of Unrestricted Submarine Warfare*, History of the Great War, Imperial War Museum, London, 1924, Table 1b, p. 467。第二次世界大戰，英國共有 2919 艘商船受到潛水艇攻擊而損失，船舶噸位共計 14,593,987 噸。Clay Blair *Hitler's U-Boat War Vol 1 - The Hunters: 1938-1942*, Random House, New York, 1996, Appendix 18, p. 771 and *Vol 2 - The Hunted: 1942-1945*, Random House, New York, 1998, Appendix 20, p. 820。

² 日本商船共損失 8,433,389 噸，其中有 4,765,600 噸的損失是遭到潛水艇攻擊；3,252,522 噸是受其他船舶攻擊；415,267 噸則非戰爭所造成的損失。Mark M Parillo, *The Japanese Merchant Marine in World War II*, Naval Institute Press, Annapolis, 1993, Table A-9, pp. 243-244。

³ D.P. O'Connell, *The Influence of Law on Sea Power*, Manchester University Press, Manchester, 1975, p. 123.

⁴ H.J. Donohue, *Maritime Lessons from the 1971 India-Pakistan War*, Working Paper No. 192, Strategic and Defence Studies Centre, Australian National University, Canberra, 1989, pp. 25, 42.

式，如此除可顯著降低船東的成本外，一般也認為這樣可以在發生戰端時對船舶提供保護（也就是說，這些國家多半維持中立）。話雖如此，伊朗和伊拉克仍會攻擊這些船舶，而且六年內都未受到國際社會的干預。於 1986 年末科威特與美國海岸防衛隊商量讓他們的船隻再次懸掛美國國旗，1987 年 4 月起美國同意由美國海軍護衛科威特的船舶。但是美國介入的原因不在於保護船舶，美國國內政治扮演了主要的角色，因為同意再度懸掛美國國旗的時機恰巧在美國-沙烏地阿拉伯軍售失敗後，其時也正是伊朗軍售弊案不斷被揭露之際。冷戰時期的對抗也是原因之一，因為如果當時美國不介入，蘇聯就可以大大的提升其在這個地區的地位。⁵

由於兩次世界大戰都是「總體」的戰爭，許多 1945 年後的戰爭都「受限制」為區域性的戰爭，這些戰役對國際船舶的影響與先前的世界大戰不同，除了努力保護船舶外，國家也樂於忽略這些受限制戰事對船舶的攻擊。這也是國際船舶改掛方便旗的原因，如此國家不僅可對外公開其船舶註冊，且國際船舶公司可因此比在自己國家註冊有更低的成本。由於船東屬於一個國家、保險公司為另一國、船隻所載的貨物又屬於他人所有，而船員又分屬不同的國籍，這使得船舶的保護更形複雜，因為當船舶遭到攻擊時，一方面很難判斷是誰受到威脅，另一方面也很難決定應由誰負責防禦。這些議題在波斯灣油輪戰爭中由國際社會對沉沒的商船普遍缺乏應有的反應上展現無遺。此外，當商船船長明顯無法維持必要的軍事護航行動的紀律時，就出現了護衛艦隊如何有效面對反船舶飛彈的問題⁶。

海上恐怖行動

2001 年 9 月 11 日的大事 — 利用運輸系統做為攻擊的武器 — 造成對海洋交通系統弱點的檢視。隨後並認為國際海上運輸貿易整體相關之供應鏈是極易受攻擊或中斷，這是為降低使用者經濟成本和縮短運輸時間而衍生出的貿易系統，而不是具有較強的安全措施的方式。

為強調出現在國際海事組織（IMO）保護下的威脅，提出了一系列改善海洋安全和保安的措施。2002 年 12 月國際社會同意修改 1974 年訂定的國際海上人命安全公約（SOLAS）。國際海上人命安全公約中增訂了新的一章 — 第 XI-2 章加強海事保全特別措施，此外還加入了

⁵ M.S. Navias & E.R. Hooter, *Tanker Wars: the assault on merchant shipping during the Iran-Iraq conflict, 1980-1988*, Tauris Academic Studies, I. B. Tauris Publishers, London, 1996, pp. 1-2, 6, 36, 181, 183.

⁶ Navias & Hooter, *Tanker Wars*, pp. 131-32, 140.

國際船舶和港口設施保安（ISPS）規則⁷。這個活動的目的在創造規範和評鑑國家船舶和相關港口設施安全的國際立法架構。

船舶易受各種不同團體在不同動機下所發動的攻擊或中斷，包括：海盜、犯罪集團、國家所支持的海盜/犯罪集團、恐怖團體和現階段最不可能的國家。國際船舶面臨的傷害包括：攻擊船舶；搶劫貨物、船隻，此外船隻上水手被搶劫（勒索贖金）的機會也越來越多；船舶沉沒、不論是阻塞窄小的水道、港灣入口或焦點，或製造環境災難；將船隻當作武器，不論是用撞擊或爆炸的方式攻擊陸上基礎建設，或癱瘓水手使船舶停滯在繁忙的海峽中，可能會撞擊其他船隻的危害；將毒品、武器或人員藏匿在船舶貨櫃內走私進口⁸。一般狀況下是不會出現國對國船舶攻擊的威脅，雖然船舶對這種攻擊仍是非常易受傷害的。如果真的發生這樣的攻擊時，海軍也都受過反擊的訓練，不過在今天的狀況下，當船舶遭受攻擊時，實在很難判別究竟應該由哪一國負起回應的責任。

安全環境的變動挑戰著西方的軍文關係、以軍力支持文職政府的執法活動、以及計畫適當回應的觀念。舉例而言，海上經濟戰爭的理念是根據消耗戰略驅使敵方退出戰爭或驅使敵方接受我方的要求，其中又以船舶及人員的大量損失，是這種戰爭的目標。而與此相反地，海上恐怖行動的可能目標，是以引人注目的方式或災難事件贏得世人最大的注意，以達其政治上的目的。由於基本的理由不同，所要求的結果也不同，因此會有不同的計畫以達成威脅的目的。各國政府、海軍、及其他海上武力仍在處理這些變動。上一世紀⁹兩次世界大戰期間，船舶貨物及人員損失龐大，而像 2001 年 9 月 11 日發生的與海洋攻擊相當的攻擊是無法讓人接受的。傳統上海洋經濟戰爭的損失是可預估的，但是恐怖組織所做的破壞性的活動，會對目標國家造成社會和政府法治無法負擔的損失（也就是說，政府根本「無能力」保護其人

⁷ International Maritime Organization, *SOLAS - Consolidated Edition*, 2004, London, 2004.

⁸ A Forbes, 'International Shipping: Trends and Vulnerabilities' *Maritime Studies*, September/October 2003, No. 132, p. 27.

⁹ 第一次世界大戰，協約國損失商船船舶總噸位達 12,850,814 噸，其中 568,537 噸是受戰艦的攻擊而損失；11,153,506 噸是受潛水艇攻擊；1,120,732 噸是受水雷攻擊；8,039 噸則是受飛機攻擊。Faule, *Seaborne Trade Vol III, The Period of Unrestricted Submarine Warfare*, Table 1b, p. 467。第二次世界大戰同盟國損失商船船舶總噸位達 21,570,720 噸，其中 14,687,231 噸是受潛水艇的攻擊而損失；2,889,883 噸是受飛機攻擊；1,406,037 噸是受水雷攻擊；498,447 噸是受戰艦攻擊；829,644 噸是受商船攻擊；229,676 噸是受魚雷艇攻擊；其中還有 1,029,802 噸是不明原因造成的損失。S.W. Roskill, *The War at Sea 1939-45. Volume III The Offensive. Part 11 1st June 1944 - 14th August 1945*, HMSO, London, 1961, p. 388。

民)。

儘管對海上恐怖行動威脅的可行性持有不同的看法，商船都是易受攻擊的目標。以下由地理的觀點分析船舶易受攻擊的地點，以便能對應負責機關保護船舶的責任加以說明——海軍和海上武力。

外海

由國家運用軍事力量對抗船舶攻擊的歷史經驗來看，大眾對此的理解是依據第二次世界大戰的大西洋戰爭，當時戰艦、潛水艇和飛機都在各種地雷水雷的輔助下攻擊商船。改換成今日的科技，除海軍做為攻擊武力的槍炮及炸彈外，還可以使用飛彈、無人飛機攻擊船舶。

護航是一種回應，這不僅可以保護商船不受攻擊，也可使誘使敵方出動武力護航，海軍就可以趁機殲滅敵方，並削弱敵方未來再發動攻擊船舶的能力。但是應特別注意的是，不論由參與的軍艦和必要參與的廣大的行政組織來看，護航都是一項資源密集的軍事行動。¹⁰

獨立航行的快艇是一種選擇（如果被鎖定了，他們可以比潛水艇等威脅來源更快速的離開）。由貿易的觀點來看，優點是船舶可以裝載後立即以最快的速度駛離，並且可以在到達目的地後立即卸貨。但是如果船舶是護航船隊中的一艘，那麼就會花費頗多的時間等待組織好護航船隊，航行時的速度也必需以最慢的船隻為依據，到達目的地港口時可能還要花較多的時間等待卸貨。如此的缺點是，如果船舶在外海被鎖定，必定會被敵方武力擊沉。雖然目前使用及計畫使用的商船可以擁有比護航軍艦更快的行駛速度，但是潛水艇上的更先進魚雷技術和核子動力推進器可能會讓速度無用武之地。

新的特定路線會使運輸時間延長，這可能會出現的雙重影響包括：提高航行所需的營運成本，以及時間的不利因素，影響整體商業船隊運輸能力。這表示延長的運輸路線可能會需要額外的運輸船隻才能符合契約所訂定的運送時間¹¹。但是這種運輸方式的優點是，很難在外海上發現運輸的船舶，因此可降低成為焦點的風險（也就是在港口外）。

外海上的商船需要有增程的範圍和續航力，而當停留在國家境內

¹⁰ Norman Friedman, *Seapower as Strategy*, Naval Institute Press, Annapolis, 2001, p. 87.

¹¹ Rear Admiral Kazumine Akimoto, 'Re-routeing Options and Consequences' in A Forbes (ed) *The Strategic Importance of Seaborne Trade and Shipping*, Papers in Australian Maritime Affairs No. 10, Sea Power Centre-Australia, Canberra, pp. 121-122.

時則要有較強的攻擊力和防衛力（但要包括流氓及衰落中的國家）。因此商船在外海上的保護仍仰賴遠洋海軍。

焦點／瓶頸

在外海上的商船會在明顯的最經濟路線的區域中出現，敵方總是可以確定船舶必然會由像港口的入口外或國際性海峽的焦點/瓶頸處經過。再次，歷史經驗告訴我們，傳統可用於攻擊的軍事力量——潛水艇、戰艦和軍機，並伴隨水雷、地雷使用的逐漸增加——外海上也有相對可以使用的相同反抗手段。由於非國家的參與行動者可獲得攻擊船舶所必需的能力——地雷、快艇、飛彈和經由滲透船員達到登船進行破壞行動，並在焦點/瓶頸處對船舶發動攻擊，因此正是安全計畫者處理過程中最複雜之處。

防衛力量最困難之處是對抗可能出現的不同形式的攻擊，並且這類的攻擊往往警告時間都非常短暫。為對抗傳統的攻擊，防衛力量知道他們位於敵方的範圍內，此外，良好的海上戰場覺知應適時提供攻擊武力和/或實際攻擊的通知。由於非國家的參與行動者將不會有傳統的軍事力量，因此防衛者的戰場覺知也就不會有辨識入侵者的敏感度，例如入侵的快艇，因此也就無法即時採取預防的行動。再者，這樣的攻擊往往發生在擁擠的大洋航線和停錨處，此處眾多的船舶和他們發射出的雷達做為掩蔽，合併使用一些合法的小技倆，就讓目標辨識變得幾乎不可能。¹²

由於海軍的裝備因此他們可以處理傳統的軍事威脅，但是他們的武器系統、感應器、訓練和交戰規則往往無法有效地應付這類非傳統的威脅。一般出現在焦點/瓶頸處的海上搶劫又使事件更加複雜化；這是海商法執行上的事，不必然是海軍角色應處理的範圍。因此建議海軍和海上武力都應視威脅之特性不同，而在保護位於焦點/瓶頸處的船舶方面扮演一定的角色。

港口安全

當船舶進入港口和停泊處，安全規劃領域就改變了。從歷史的觀點來看，傳統戰爭中敵方對港口及其入口的攻擊可以緊密地加以防守（至於港口外的攻擊則在前面焦點單元中已有論述）。但隨著恐怖組

¹² 這些小型船隻（船舶噸位小於500噸）不僅對運輸造成威脅，而且本身易受攻擊，因此長久以來都被視為安全問題。國際海事組織計畫檢視這些安全議題，與修訂國際海上人命安全公約（SOLAS）的可能性。

織明顯已能取得 low-end 技術，他們對船舶的攻擊法就有一系列不同的選擇。對於這些的攻擊也有可以加以阻止的政治命令。一個成功的攻擊行動必定會被大眾所看見（在外海上或在瓶頸處進行的攻擊則都發生在「地平線以外」），也會對大眾造成更大的心理上的衝擊（這也正是這類攻擊的目的）。港口內易受攻擊的情況有兩部份：攻擊船舶和運用船舶攻擊港口。

發生在 2000 年美國船舶科爾號及 2002 年法國油輪 MV LIMBURG 號襲擊事件，受到滿載爆裂物的快艇攻擊，是對船舶不同形式攻擊的最佳示範。此外還有水雷的使用，當時普遍還認為恐怖份子還無能力使用這一武器，除此之外，也使用了肩上發射型導彈，和臨時製作的對抗船殼爆裂裝置。如果恐怖份子滲透到船舶上成為船員，那麼登船從事破壞行為/甚至取得船舶都是可能發生的事。

由於這些形式的攻擊可能發生在港口處，並且可能是非國家的行動參與者，因此第一個想到應負責的人將會是執法人員；經由拘捕聲稱的犯罪者或在攻擊¹³後逮捕他們達到終止攻擊的目的。國際規則管理措施中的國際船舶及港口設施保安（ISPS）法規是用來評估國際船舶和當地政府指揮的海軍和/或海事力量可執行適當安全措施的港口處的安全。這些安全措施可包括：商船或軍艦驅離任何靠近其安全範圍的船隻（在海軍的說法這就是兵力防護）、採用水上安全巡邏以監督港口所發生的事件。由於遠洋海軍可在大部分發生衝突的區域內執行任務，因此其建立的目的是在執行中度至高度的能力，而若發揮其低度能力絕非為其最佳的狀態。因此他們不執行在港口內的安全活動，因為在這個範圍內的安全問題僅屬於法律執行上的問題，因此基本上港口安全是屬於海上防衛力量的範籌。

有關保護船舶安全的安全對策不僅問題重重，而且包括遠距離判定可能攻擊商船的船隻，才能達到盡可能遠離港口就完成延遲、轉向、攔截和檢查攻擊船隻的目的。一般視蒸汽船由港口出發兩天的航程（計算約 20 海里）為容許國家評估船舶是否具威脅性的最短警告時間，並進行安排以達到攔截或使其轉向的目的。為處理這個特殊狀況，需要先獲得詳細的在國家海域內活動的所有船舶的資料，以及可疑船舶的情報，海軍才能在長距離的情況下達成攔截和檢察官的目的。靠近海岸處時，海上防衛力量可以執行類似的功能。至於港口內

¹³ 2002 年 12 月修訂了海上人命安全公約，其中加入了第 XI-2 章：國際船舶和港口設施保安規則（ISPS），對港口、港口設施和國際船舶提供了管理規則，以減少海上安全威脅。

和近岸的海軍活動的法律執行的管轄權的問題，則不論是海軍或海上防衛力量都對港口安全負有責任。

海上恐怖行動的影響

不論是對船舶或直接針對新加坡，大家對於東南亞易受海上恐怖行動的攻擊越來越關注。不但海上運輸系統非常脆弱，此外也發生過海上恐怖行動的意外事件，因此顯示有些團體具有對其他團體從事攻擊和可能採取攻擊的方式的能力。但仍不確定是否有直接且有組織的海上恐怖行動對西方船舶和貿易造成威脅。舉例而言，對美國船舶科爾和法國油輪 MV LIMBURG 號的襲擊事件並不能解釋為對所有區域船舶的攻擊事件；2004 年對沙烏地阿拉伯陸地上的煉油廠和加工廠的攻擊，及 2005 年對伊拉克海上鑽油平台的攻擊，都可視為對區域設備的攻擊。同樣地，塔米爾之虎反叛軍對船舶的攻擊是斯里蘭卡分離派的目的，不能做為海上恐怖行動能力的指標。國際船舶及港口設施保安（ISPS）法規的實施，是首度嘗試進行問題的定量並提出可能的解決方案。

雖然目前對於在公海上進行船舶攔截仍有合法性的爭議，但防擴散安全倡議（PSI）是目前唯一在海上（或空中）中止不友善貨物的機制。雖然先前已有 1988 年通過的防止危害海洋航行的不法行為公約，並在 2005 年 10 月重新修訂。2005 年的協定中將公約中非法攻擊的項目擴大了，其中加入了使用船舶做為攻擊武器造成死亡或嚴重傷害或損傷，以及大量毀滅性武器或設備的運輸。此外，在條款中也加入新的條款，當有所依據可懷疑船舶或船上人員已參與或將參與公約中所列之攻擊行為時，可登船檢查。¹⁴在此可以合理的認定，一旦 2005 年對潛航公約的協定核准後，防擴散安全倡議（PSI）的會員國對於必要時在公海上攔截可疑貨物方面就更有合法的立足點了。此外，合併國際船舶及港口設施保安（ISPS）法規共同執行，防擴散安全倡議（PSI）可視為是盡可能遠離港口攔截問題貨物的手段。

攻擊船舶對經濟造成的影響結果

由業界的角度來看，船舶和其所裝載貨物的價值以及船上人員的生命都是具有名義價值的，反倒是貿易中斷對國際社會經濟所造成的重大影響是無法衡量的。隨著全球化趨勢的逐漸增加，許多國家的業

¹⁴ International Maritime Organization, *Revised treaties to address unlawful acts at sea adopted at international conference*, Briefing 42, 17 October 2005, imo.org/newsroom/mainframe.asp?topic_id=1018&doc_id=5334. (21 November 2005)

界都轉移至即時生產理念，亦即在有需要時立即交貨，而不做預先的庫存，也就是說，船舶沉沒或船舶繞道而行造成遞送過程的中斷，將會對國家的經濟造成重大的影響（然後也會對貿易夥伴造成影響）。當能源貿易受到影響時，上述的現象更是明顯。在這個前提下，國家有必要考慮要如何因應這樣的狀況，以及國家間應如何為共同的利益合作。

儘管可能的威脅會影響到航行，但應注意的是關閉航線不僅與自然或軍事封鎖相關。非常可能存在的威脅會使船務公司選擇行駛其他路徑，否則保險公司可能會拒絕承保，或者當船舶會通過交戰區域時將採用較高的費率。如此雖然船舶經營者可以對船舶本身的損失獲得全額或部份的賠償，但貨主的貨物仍然會有危險。

航線關閉短期的影響是視交通改道幅度的大小而定，例如：有多少船舶受此改道的影響，以及繞道路途的遠近。如果關閉航線後，造成大量運輸改道且繞道路途遙遠，就會造成運輸費率的上漲；反之，若是僅少量船舶需改道且路途不遠，則在供過於求的狀況下，運輸公司就會自行吸收額外超出的成本。如果船舶的需求量增加，就會造成成本的增加（可能的原因是現有的船舶都用於較每一行程較長的運輸），因此造成船舶短缺，因此費率自然就上升了。舉例而言，當麻六甲海峽關閉時，幾乎世界上一半的船隊都要繞行較遠的路徑，這就會造成船舶需求量的增加。短期內由於運費的增加及船舶短缺，會造成全球船舶成本的增加；長期而言，在全球船隊依據需求進行調整後，僅會有因繞道造成運費增加的影響。

雖然船運業可處理這些航線中斷狀況，但仍未及於商品階層。液化天然氣貿易首重快速地將天然氣運至位於岸邊的儲存設備內，以防氣體發生裂解變化，因此任何的運輸延遲都會造成雙重的影響，其一，是氣體品質的影響（這可能會影響能量的基礎建設或未來的出口契約），其次，經濟上能源產品要求準時交貨（在此個案情況下），延遲就會造成整體經濟的影響。貨櫃貿易也有時間的限制，因為海上運輸往往需要與其他的運輸方式結合，因此任何船運的延遲，將會造成陸路運輸及鐵路運輸的延遲。全球經濟相互依賴及大部份開發國家採行準時交貨的生產理念的今天，實在很難想像有國家主導的油輪攻擊，但這也不表示國家不會以短期的損失換取長遠的利益。因此國家可能會基於經濟目的進行攻擊行動（也就是說，運用戰爭來危害敵方經濟和/或其能力），或運用政治壓力迫使敵方讓步。當然最重要的考

量就是，流氓及衰落中的國家可能運用攻擊做為最後的法寶。

因此航線的中斷會影響運輸部門中不同的參與者，並造成不同的結果，因此不論要協調回應或發展出可能的計畫都是問題重重。

船舶保護的架構

海上運輸貿易的保護不僅是個複雜的課題，且往往牽涉不只一個國家。因此除有必要建立某種形式的合作外，在意外發生前先達成必要的協議也是明顯對彼此有益的。

北大西洋公約組織海軍船運管制¹⁵

基於對第二次世界大戰期間商船所受攻擊之反應和其後出現的冷戰的結果，各國達成廣泛的協議以期確保由美國經大西洋至歐洲船舶運送的後勤支援和人員運輸的安全，此外也為避免華沙公約有任何向西發展的可能，因此用此來強化北大西洋公約¹⁶。這項眾所周知的管理架構也就稱為海軍船運管制（NCS），並在同盟海軍船運管制手冊中有關於強制提報、緊張局勢或重大衝突發生時的路徑和商船組織。局勢緊張情況，海軍當局提供組織船舶的控制和保護，而至於管理、營運和商船上的水手仍為船務公司的責任。

隨著 1989 年冷戰結束和俄羅斯入侵歐洲的威脅解除，歐洲情勢劇變，並導致北大西洋公約修訂成為海軍船運管制（NCS）實施的基礎。1980 年代的經驗，特別是波斯灣油輪戰爭，顯示危機或衝突往往僅出現在局部區域內，因此應採用區域海軍船運管制（RNCS）。這個理念於 1996 年引入北大西洋公約的準則中，讓此組織可以更具彈性且更機動地回應危機或衝突。1990 年代的一項重要的改變，是確認許多國家船隊的轉移，國家僅有有限的能力可以「控制」運輸和船舶的營運（國際造船業慣例（STUFT））。因此海軍船運管制（NCS）成為海軍合作和船舶指導原則（NCAGS），並以此為基礎發展並執行在有商船出現或商船參與的情況下促進海上軍事活動的方法。2000 年北大西洋公約準則完成重新改寫，為能協助保護船舶的安全，而不論船隻懸掛旗幟，因此需要海軍和航運業的共同合作。法國海軍在北印度洋上自願性地執行海軍船運管制（VNCS），並自願性地與海軍和相關法國船公司進行資料的交換。

¹⁵ Information is drawn from various naval sources, including CMDR W Hoogendoorn, 'Major course changes for NCS', *Navy News*, 22 April 2004, p. 14.

¹⁶ Paul H Nitze (et al), *Securing the Seas: The Soviet Naval Challenge and Western Alliance Options*, Westview Press, Boulder, 1979, p. 140.

海軍合作和船舶指導原則（NCAGS）關心軍事合作、指導、諮商、協助和監督商船以提升同意接受海軍監督和支持軍事行動的商船的安全。因此海軍的監督包括：強制改道、商船行動控制和/或護航。商船的保護包括：採用軍事力量或程序以避免或防衛任何針對商船所為之進攻行為，因此海軍合作和船舶指導原則（NCAGS）使海軍和船業運輸相得益彰。對商船的好處包括：改善危險區域的安全和保全；將通過發生軍隊行動區域可能產生衝突的危險性降至最低；對軍隊的約束有更佳的瞭解；可達到潛在穩定保險成本；商業程序安排的中斷降至最低；以及改善對海上反恐怖行動和反盜行動的支持。

由海軍的角度來看，是否要引進使用海軍合作和船舶指導原則（NCAGS）需視任務而定；威脅，不論商船的出現是否會影響軍事演習；區域的地理、水道學和環境狀態；區域中商船活動的形式和密集程度；軍事演習對商船活動的影響；商船協會所獲得資料的種類和程度；以及提供給商船協會的指導、消息和協助的種類和程度。

雖然海軍不再特別執行海軍船運管制（NCS）訓練，但是平時定期的練習和檢查就足以提供足夠的基礎技能。一般海軍船運管制（NCS）在管理方面的任務已轉交給海軍後備隊。值得注意的是，在經過數年中斷後，過去 18 個月以來有不少海軍已承認反潛戰爭的重要性，這主要是因為亞太地區潛水艇數量的不斷地增加（實際和計畫中的數量），以及投入重建此複雜技術的資源。¹⁷

區域海軍合作

各國海軍間合作的關鍵是互信和瞭解。透過多邊活動進行合作提供了對各海軍思想、軍事行動及所擁有能力的瞭解，此外也提供人員交流、互換想法和專業知識及獲得對彼此瞭解的機會。透過特定活動達到能力建立，不僅可以訓練海軍更可以達到提升技能的目的。合作和能力的建立讓更多有經驗的海軍能將他們的知識和專業傳承給其他海軍軍官。更重要的是，「經驗」並不僅限於大的海軍軍艦，不同大小的系列海軍軍艦都可以提供不同的特殊技能組。

亞太地區僅有兩個多邊海軍團體：西太平洋海軍座談會和五國聯防。再者，此區域中僅有一個有關船舶保護的協議：Radford-Collins 協議。

¹⁷ 美國海軍近來創制了反潛戰指令，而澳洲皇家海軍亦重振其反潛作戰之能力（http://www.fltaswcom.navy.mil/home_1024.htm）。

西太平洋海軍論壇

西太平洋海軍論壇是每兩年由不同的會員國於 10 月/11 月召開一次的座談會，參加人員皆為各國的海軍司令。西太平洋海軍論壇的目的，在藉由討論全球和區域海事議題的座談會增加西太平洋地區各國海軍間的合作，並於過程中讓所有海軍專家進行資訊和意見的交流，並達成共同的瞭解和可能的協議。要做到這樣的結果，西太平洋海軍論壇有四項主要的目標：

- 討論並闡述合作動機，此外確認需要進一步考慮和發展的保證。
- 探討新的提升友誼和專業合作的方法。
- 發展海軍對海軍的工作關係，並維持代表間在接續的研討會和座談會中非正式的聯繫。
- 討論專業領域的互助合作

西太平洋海軍論壇的會員有澳洲、汶萊、柬埔寨、中國、斐濟、法國、印尼、日本、韓國、馬來西亞、紐西蘭、菲律賓、PNG、俄羅斯、新加坡、泰國、東加、美國和越南。觀察會員國則包括孟加拉共和國、加拿大、智利和印度。新會員的加入需獲得現有會員的同意，因此在中國為會員的情況下，臺灣不太可能會成為西太平洋海軍論壇的會員。

由戰略層面來看，早期的座談會所關心的是冷戰的軍事議題，尤其是前蘇聯太平洋艦隊對西方貿易和海上交通線的威脅。隨著冷戰的結束和蘇聯的瓦解，由於國際關係系統由兩極的轉變為多極的結構使全球安全環境變得相當不穩定。中國軍事的現代化引發了一些關切，包括中國在南海的活動，導致中國成為西方海上交通線新的「威脅」。此外，由於北韓一直被視為北亞海上交通線的威脅，因此北韓核子活動一直都受到西太平洋海軍論壇會員的關心。

在 1997 年第六次的西太平洋海軍會議中，澳洲提出水雷反制措施（MCM）合作，將是未來重要合作的範疇之一，因為在區域中，尤其是東南亞，已有類似的能力出現。儘管各國海軍的結構不盡相同，水雷反制措施（MCM）都可定位為海軍的一項普通能力，從這個角度來看，這項倡議也非常重要。這個理念在澳洲皇家海軍（RAN）中發展出來，而後透過在雪梨澳大利亞皇家海軍（HMAS）水基艦（*Waterhen*）上舉行的國際座談會，探討了遵照國際準則進行軍事演習的想法。最後

決定舉辦這樣的演習，此外新加坡和印尼則同意在 2001 年六月主辦西太平洋水雷反制演習（MCMEX）和 2001 年蛙人演習（DIVEX），演習中共有 16 國、15 艘船艦和 1500 名人員參與。演習計畫中包括獵雷和掃雷行動、潛水、海上航行和醫學交流課程。2004 年 4 月至 5 月期間，新加坡和印尼在新加坡海峽及印尼帛疏和民丹島主辦西太平洋水雷反制演習（MCMEX）和 2004 蛙人演習（DIVEX），共有 18 國，20 艘船艦和 1600 名人員參與。在 2004 年的演習中，除了 2001 年的項目外，還包括：聯合海上爆破性軍品處理訓練、海上活性水雷裝藥引爆處理、和岸上掃雷戰術隊形訓練。2005 年 12 月澳洲在雪梨主辦國際水雷反制（MCM）研討會。2006 年 6 月馬來西亞主辦西太平洋水雷反制演習（MCMEX）和 2006 蛙人演習（DIVEX），共有 21 國、18 艘船艦參與。這個演習的主要焦點之一是在南海近岸水域進行獵雷、拆除雷管和破壞水雷等演訓。¹⁸這些演習不僅建立了區域內海軍的海上能力，也增進了各國海軍彼此間的信任，對海上交通線的保護是極大的助益。

五國聯防協議

自 1955 年起澳洲皇家海軍（RAN）即經常部署在南海上，做為遠東地區的戰略儲備武力。澳洲皇家海軍編制中七個艦隊中的兩個固定地駐守在馬來水域，並定期部署航空母艦 *Melbourne* 號，以顯示澳洲對區域安全的關心。¹⁹英國撤退後，澳洲對馬來西亞和新加坡防衛的承諾更堅定了，1966 年英國軍隊發出撤軍的前兆，將於 1971 年前完全撤離蘇伊士以東的地區。1968 年 6 月馬來西亞和新加坡要求澳洲和紐西蘭取代英國填補防衛的間隙；1969 年 2 月 25 日澳洲和紐西蘭同意保留他們在區域中的武力。1971 年 9 月 1 日在巴特沃斯組成綜合空中防衛系統，對馬來西亞和新加坡提供綜合性的空中防衛，並於 1971 年 11 月 1 日五國聯防協議開始生效。²⁰

英國、新加坡、馬來西亞、澳洲和紐西蘭的武力定期在五國聯防協議（FPDA）的贊助下進行軍事演習。*Flying Fish 03* 的演習是一次在眾多威脅環境下，為保衛馬來西亞半島和新加坡所進行的聯合軍事

¹⁸ (A Forbes) Royal Australian Navy, *The Western Pacific Naval Symposium*, SPC-A Newsletter, Issue 14, July 2006. '21 Pacific navies begin anti-sea mine exercise in South China Sea' *The China Post*, 7 June 2006.

¹⁹ D Stevens (ed), *The Royal Australian Navy, The Australian Centenary History of Defence*, Vol III, Oxford University Press, Melbourne, 2001, pp. 182, 184-85.

²⁰ P Boyce, *Malaysia and Singapore in International Diplomacy: Documents and Commentaries*, Sydney University Press, Sydney, 1968, p. 151; D Hawkins, *The Defence of Malaysia and Singapore*, RUSI, London, 1972, pp. 35-37, 42.

演習，目標在提升互通性並強化防禦力的專業關係²¹。標準的海軍演習是 *Bersama Lima* 軍事演習，目標在聯合海上演習中練習並發展作戰程序和戰術²²。連續兩年都在 9 月時進行了 *Bersama Lima* 軍事演習，而軍事演習則在第三年的 7 月舉行。為因應 2005 年發生在此區域中安全方面所遭受的挑戰，計畫資料與假定的一系列海上軍事演習又重新定位為反海盜和反恐怖活動。

Radford-Collins 協議

1951 年美國、英國、澳洲和紐西蘭共同簽署了 Radford-Collins 海軍船運管制協議，目的在協調力量共同保護商船，並在情勢緊張或戰爭爆發時進行反潛作戰行動。協議中說明國家所應負責的海軍船運管制範圍、區域防衛和在印度與南太平洋進行的反潛戰爭。依據此協議，參與各方應定期舉辦演習以測試並評估一般程序，往往演習時以海軍船運管制指揮所的形式進行²³。

澳洲皇家海軍每年或兩年與其他國家共同參加一次海軍船運管制演習。1970 年代的 *Ripcord* 和 *Roller Coaster* 演習參與的國家包括澳洲、紐西蘭、加拿大、英國和美國。1980 年代起 *Ripcord* 和 *Roller Coaster* 演習分別由雙數年舉辦 *Roll Call* 演習和奇數年舉辦 *Expanded Sea* 演習所取代。*Roll Call* 演習在太平洋地區舉行，而演 *Expanded Sea* 演習為世界性的演習，後來與北大西洋公約組織（NATO）的各個演習相銜接：*Wintex*、*Trade Wind* 和 *Trade Dagger*。這些演習的優點是，演習中美國能讓南美洲國家及駐守在中東的美軍共同參與。*Bell Buoy* 演習是 1986 年因為紐西蘭由太平洋共同防衛組織美澳紐安全條約中被排除在外，因此以此演習與北大西洋公約組織的演習相銜接（通常為 *Wintex*）。

隨著東盟國家的逐漸瓦解，*Bell Buoy* 也成為了獨立經營的演習，此外由 1989 年起新加入了智利和大韓民國。這些演習有些是有成立指揮所的，測試控制船舶的管理程序，或艦隊單位所在地，此外也可以運用實際的情事為依據。*Bellbuoy* 每年在印度和太平洋舉行一次，用以測試並評估緊張狀況下的程序，另外參與的國家也包括澳洲、美

²¹ Department of Defence, *Annual Report 2003-04*, DPS, Canberra, 2003, p. 102.

²² Defence, *Portfolio Budget Statements 2004-05*, p. 118; *Portfolio Budget Statements 2005-06*, p. 108; *Portfolio Budget Statements 2006-07*, p. 121.

²³ T.D. Young, 'Australia bites off more than the RAN can chew', *Pacific Defence Reporter*, March 1986, p. 15. Note that with the NZ decision to bar visiting USN warships, NZ effectively placed outside current NCS arrangements.

國、加拿大、英國、南韓和智利，而新加坡為觀察員的身分。原本他們最關心的是需要完全海軍船運管制程序的整體海上傳統海軍船運管制局勢的衝突。

由於認知到未來的威脅可能為區域性的，Bell Buoy 逐漸發展成為眾多國家參與的保護性組織，使用相同名稱、並於同日進行兩國間或多國間的演習，並具有明顯且相同的主要目標及目的。1997 年起因這樣的安排未將各國演習方案進行連結，因而不切實際，所以各國同意由一國規劃並執行演習，而其他的國家則提供適當的資源協助。1999 年的 Bell Buoy 演習測試了區域海軍船運管制準則，由波斯灣不同港口進行海上封鎖軍事行動的支援。

除了Radford-Collins協議外，還有其他如船舶經營團體（SWG）國際性的海上貿易保護討論會。最主要的兩個為北大西洋公約組織（NATO）和太平洋和印度洋（PACIO SWG）。PACIO團體的會員為美國、英國、大韓民國、澳洲和智利。新加坡和南非則僅具有觀察員的身分，而美國傾向於照顧日本的利益。經營團體的成就，在構思以確保所有參與國瞭解彼此對貿易保護的觀點，發展共同的戰略和營運理念並每年測試通訊聯結²⁴。

區域海軍船運管制架構

以海上貿易為主的亞太地區是世界上最具經濟動力的區域，此外也是全球經濟成長和發展的驅動力²⁵。北亞經濟是這個區域經濟成長的發電廠，但能源需仰賴由中東地區進口，才能為經濟成長加入燃料。中東約供應中國所需用油的 50%、日本的 85%及南韓所需的 50%。在發生敵對情況時，油輪是非常危險的貨物，需要受到保護。一旦北亞的能源運輸中斷，全球的經濟也會受到波及，不僅貿易夥伴會受直接的影響；全球經濟也會受到間接影響而變緩慢或衰退。因此確保能源源源不絕地進入北亞，是這個區域共同的利益。

由於北亞原油主要由中東地區進口，因此有必要檢視每一地區的地理政治狀況、可能的威脅和對威脅應有的適當回應。

波斯灣

²⁴ 資訊取自不同的海軍。若干公開資訊可自 www.globalsecurity.org/military/ops/bell-buoy.htm 取得。

²⁵ A Forbes, 'Foreword' in Forbes (ed), *The Strategic Importance of Seaborne Trade and Shipping*, Sea Power Centre-Australia, Canberra, 2003, p. v.

波斯灣國家生產約 27%全球所用原油，世界總原油中約 57%都蘊藏於此。90%的波斯灣原油都運用油輪經荷姆茲海峽進入印度洋然後運送至各地。每天有 150 萬桶的原油運經荷姆茲海峽，其中 130 萬桶運往亞洲。油輪來回會經過海峽兩處寬 3 公里的航道，及另一處寬 3 公里的緩衝區。一旦海峽關閉，原油就得由油管運送至位於紅海的港口，不僅運送路徑長，也增加了運輸的成本。

由於長久以來以色列和巴勒斯坦間的衝突、伊拉克境內的內戰，以及伊朗宣稱成立恐怖組織及其核子計畫，因此使得這個區域可能是世界上最不穩定的區域。

就像世界其他海峽一樣，油輪通過海峽可能遭遇各種行動者可能的攻擊。雖然對於伊朗可有效地關閉荷姆茲海峽的事件是可以理解的，但這仍會引發美國立即的反應。目前在波斯灣巡邏的聯合海軍，未來也可能因為伊拉克海軍的發展而生變；同樣是產油國的沙烏地阿拉伯可能成為衰弱的國家，這也將會影響到原油的供應。此外這個區域所可能出現的攻擊船舶的海上恐怖活動，如已出現的對美國船舶科爾號和法國油輪 MV LIMBURG 號襲擊事件，以及對伊拉克岸邊的原油設備的攻擊等。海盜也是這個地區海域所出現越來越引人關切的對抗船舶的事件，但他們主要的目標是船舶的倉庫和有價值的物品，而非船舶本身或貨物。中東仍為戰略上極不穩定的區域，這也使得美國不得不一直停留在此區域。

在目前的戰略情勢下，聯合武力共同執行海上攔截軍事行動是保護船舶的最佳方式。

印度洋

經過印度洋的油輪，除通過靠近斯里蘭卡的一段和進入麻六甲海峽安達曼尼科巴群島外，往往都是行經其外海區域。在外海上船舶所面對的威脅來自於由國家所主導的先進科技（也就是海軍攻擊——由於行程和續航力的因素）。由區域能力的條件來看伊朗、巴基斯坦和印度都有能力攔截船舶，但除伊朗具有西方利益考量的優勢異於其他國家外，動機都不明顯。

斯里蘭卡受到來自塔米爾之虎反叛軍海上恐怖行動的騷擾，許多人評估塔米爾之虎反叛軍擁有非國家行動者所擁有的最先進的海上武力。塔米爾之虎反叛軍擁有 2000 至 3000 位幹部，並且配備有重武器裝備的武裝船和快艇。但是證據顯示，塔米爾之虎反叛軍會攻擊油輪

或西方利益，而不會以斯里蘭卡海軍為其攻擊目標。此地有許多海盜會攻擊孟加拉共和國，但運輸至北亞的油輪都會避免進入此軍事行動範圍。

印度洋的地理戰略情況更為複雜；日本由於對能源運輸的關切而進駐此地區，不過印度卻拒絕中國侵入印度洋。

目前美國、印度和澳洲海軍在此區域進行巡邏或軍事行動，中國與緬甸和巴基斯坦的關係，尤其在瓜德爾的海軍基地，使波斯灣聯合武力的海軍計畫更形複雜，並且無法重新分派任務進行通過印度洋船舶運輸的監督，因此必要有某種形式的區域合作，才能因應這個區域船舶受威脅的狀況。

麻六甲海峽和印尼群島

東南亞包括了主要的海上貿易的國際海線，並有複雜的海上地理、相鄰的領海及未解決的未定界問題。麻六甲海峽是歐洲和北亞油輪運輸必經的路線，然後經過香港作為分道點，向北前往東亞或前往美國西岸，或者也可能由新加坡向南分道前往澳洲港口。麻六甲的基本統計數據為人所熟知：每年通過海峽的船隻約有 60,000 艘——也就是每天約有 400 至 500 艘。值得重視的是 30% 的世界貿易量、每年日本所需 80% 的原油、所有北亞所需原油的 50% 及 66% 的液化天然氣都經此海峽運輸。這些船隻的數量所代表的實質意義是，2004 年一年中停泊在新加坡的油輪有 17567 艘，其中 12930 艘運送原油、1405 艘運送液化天然氣/液化丙烷氣、以及 3241 艘運送化學原料。然而，重要的是當船舶載重噸位超過 222,000 公噸時，就必需繞道行駛龍目海峽。

國家有可能在海峽處對船舶進行攻擊，但由於會立即引起國際的回應因此很少出現。因此較大的威脅是來自海上的武裝搶劫及可能的海上恐怖活動。關於恐怖活動，由於我個人的焦點在油輪，因此他們可能搶劫後用於重大傷亡武器方面。

對這類威脅各種不同的回應；美國海軍提出區域海上安全方案（後來稱之為區域海上安全合作），包括協助海軍在海峽上的巡邏；但是馬來西亞和印尼以國家主權為由拒絕了這項提案。至於由印尼、新加坡和馬來西亞所組成的麻六甲海峽巡邏協調（MALSINDO）是否為美國提案的替代方案並不明確，此外也不瞭解這項巡邏的有效性如何。麻六甲海峽巡邏協調（MALSINDO）是協調而非聯合的行為，因

此他們的效用實在令人懷疑。再者，2004 年亞洲的海嘯也造成海盜由其行動地對小船及港口破壞行動的阻礙。

任何造成船舶在海峡處中斷的行為都會造成原油運輸的衝擊，也會造成北亞經濟延遲的影響。這些衝擊的嚴重性，將由油料運輸受延遲的長短及戰略油料庫存量而定。

新加坡、印尼和馬來西亞這些沿海國有責任保護海峡地區海上的安全，但國際社會也仍舊關心他們對海上搶劫的管理能力。此外沒有證據顯示這些沿海國的海軍有能力對抗海上恐怖活動，因此需要國際的共同回應。此外很確定的一點是，美國一定會干擾，另外印度、中國和日本也都會在必要時進行干預。近來對印度在麻六甲海峡執行巡邏一事引發爭論，但這也必需在這些沿海國的同意下才能進行。雖然沿海國拒絕了日本海上自衛隊的巡邏，不過同意會與日本海岸巡防共同合作。

計畫資料與假定也可以用做為麻六甲海峡上船舶保護的基礎，並可包括印尼，將其列為觀察員。

至於考量任何澳洲參與的可能性時，澳洲經由麻六甲海峡進行的貿易極為有限，因此麻六甲海峡安全性對澳洲利益的影響都不與澳洲的直接貿易相關，而是在前往北亞和東亞能源貿易受阻時，造成東南亞穩定性和/或第二或第三順位訂單的影響²⁶。然而保持東南亞的穩定是澳洲防禦政策的原則，因此當船舶遭受攻擊時，除美國外，澳洲武力也可能會進行干預。

南海

每年有 41,000 艘船舶通過南海，這約是全球船隊數量的 25%。由於液化天然氣油輪由澳洲和東南亞都要經南海前往北亞，使此地的船舶交通更為擁塞。

由於可能有石油和天然氣的儲存，因而造成地區國家間對領土主權的明爭暗鬥。由國家主導的對油輪發動的對抗行動，也會造成海域內各相鄰國家間的緊張情勢。至於這些行動可以達到些什麼並不確定，不過錯估倒是可能的。非國家行動者的威脅則仍是麻六甲海峡出現的主要威脅。

²⁶ D. Sukhakanya, 'The Security of the Sea Lanes in Southeast Asia', in Lau Teik Soon and Lee Lai To (eds), *The Security of the Sea Lanes in the Asia-Pacific Region*, Heinemann, Singapore, 1988, p. 23.

日本和中國對於確保能源供應的順暢給予高度的關切。1981 年日本宣佈要保護其海上交通線至 1000nm 的範圍，不過至今還沒出現過直接軍事力量的應用。日本在東南亞地區運用日本海岸防衛隊協助訓練和演習，達成採取海上能力建立的方法。至於中國，則更關心其會運用潛在的海上力量對其貿易進行保護。

為緩和錯估提出並執行了各種信心建立措施。美國會與日本及可能性較低的澳洲優先保護船舶在南海的安全，而這與中國會導致區域出現緊張情勢或衝突的角色不太一致。

東海/黃海

東海和黃海對北亞海上交通線的重要性不但往往易被忽略，而且世界其他地區也多不知道這兩個海域。此區域中有許多疆界上的競爭，如果再加入歷史因素的考量，解決的可能性就猶如緣木求魚。北韓和中國都宣佈延伸自身的海上安全範圍，而不依據海上法會議（LOSC）的規定，因而使區域的海軍活動更形複雜。

主要的對抗力量（也就是中國和日本在經濟和政治上的競爭）、臺灣問題和超級強國的利益（美國視中國為其競爭對手、保證維護臺灣的獨立並與日本簽訂和平協定）組成有趣的時代。南韓與日本對海上疆界及中立資源的使用引發爭端，再者，近來北韓的飛彈試射及其核子計畫都使這個區域成為一觸即發的重要戰略地。

此區域出現由國家所主導對油輪的攻擊是非常易於理解的，此外獲得來自美國直接的回應也是可期的。隨著前蘇聯的瓦解，最初中國成為對此區域船舶造成威脅的考慮因素，但當中國加入世界貿易組織後這樣的疑慮已緩和了。再者，中國擁有龐大的國際船舶，因此一般認為中國不會以其自身的經濟成長為代價來威脅國際貿易。當然，從相反的角度來看，中國可能準備以短期的經濟損失換取長遠的經濟和政治所得。

現階段仍不明確的一點是，如果北亞國家願意或可以合作保護他們能源的進口 — 如果他們不能，則勢必會出現緊張情勢和對彼此貨物的意外攻擊，而如果日本貿易因此受到威脅，美國必會在第一時間聯合日本，在此區域扮演主導海上交通線的保護的角色。

總結

每個區域中都會有國家宣佈對船舶運輸保護保持中立的角色，但超級強國的出現保護他們國家在區域內的利益，反而使情況變得更為複雜了。

跨區域海軍所提供了不同程度能力上合理的合作和協助，但如果這樣的協助影響到國家的感受性則不啻為一種障礙。提供協助時必需以可度量的能力套組和支援為前提。不論是以多邊或雙邊的形勢，與其他國家的海軍共同參與區域演習，都提供了學習新技能、提升現有技能並能瞭解如何與他國共同執行聯合軍事行動。

但並不是區域內鄰近的國家必然會合作共同保護經過區域內的運輸船舶，這暗示必要有外來的參與力量，但由於亞太地區沒有相關的多邊活動機制來處理這些議題，因此在第一出現的情況下，美國或澳洲就會以雙邊或有限制的多邊為國家通信系統（NCS）的基礎。對美國而言，與澳洲的合作是依據 Radford-Collins 協議，與日本是依據美日安全協定，而與韓國、臺灣和相關的東南亞海軍是依據雙邊協議。依據五國聯防協議澳洲與馬來西亞和新加坡共同訓練，並與除印尼外的大部份東協國家執行雙邊演習。至於是否能必要地修正雙邊演習，加入國家通信系統（NCS）則為政策上的問題。在多邊的階層上，西太平洋海軍論壇（WPNS）是包括亞太地區大部份海軍的唯一適當的軍事論壇，但就在最近，由於水雷反制措施和潛水演習是保護船舶的有效方法，因此西太平洋海軍論壇（WPNS）開始執行演習，不過沒有證據可證明所有國家都會順從地執行聯合國家通信系統（NCS）演習，尤其是中國。

尚未考量到的是，各國國內參與船舶安全的不同機構間相互的影響。在不同地理區域內船舶航行上，任何對抗國家或非國家的海上交通線保護的考量都有必要有海軍和/或海上武力的參與。

只要是海軍和海上武力存在的地方，角色的描述就會對他們所需的能力造成影響。一般性的法則，船舶保護的責任可依地理位置、威脅和相關能力之不同，而在海軍和海上武力間轉移。外海上的保護，由於考量到行程/續航力和能力等因素，因此仍維持為海軍的責任。此外海軍也是主要使用先進科技能力，並在海上武力同時存在下，對抗焦點/瓶頸處所出現的由國家所主導的攻擊；他們對於對抗海上恐怖攻擊扮演重要的角色。然而實際上，要做這樣的描述是困難重重的，並且政府、海軍和海上武力都需要相當大的努力，才能確保他們的做法能最佳地對抗威脅。由於傳統式的軍事威脅很低，因此進入港口和停

泊在港口船舶的保護為海上武力負責的範圍，但海軍可能參與長途且在可疑船舶進入港口前即加以攔截的任務。一般而言，遠洋海軍是船舶保護上可選擇使用的工具之一，如果保護角色中包括港口安全，則海上武力就扮演了重要的輔助角色。

區域合作的選擇

國家、他們的海軍和/或海上武力如何一起合作保護船舶？

在進行合作計畫前，必需先確定每個國家船舶所實際面臨的共同威脅，才能完成共同的目的。因此衍生出確認對共同威脅可能的回應，然後導引出必要的協助相關能力的發展。由於對亞太地區船舶共同海上威脅評估尚未達成明確的協議，因此這可能是最主要的議題。國家間所達成的共同協議的形式應逐漸導致各機構間然後是雙邊和最終多邊海軍的合作。可互通性是非常難達成的，但第一步可先做到程序的和諧。

亞太地區船舶保護最適當的架構可能是採用北大西洋公約組織的國家通信系統（NCS）標準。雖然要達到北大西洋公約組織武力的政治協議和軍事整合是極為困難的，但是採用他們的標準可協助亞太做為準則、管理架構和已存在的訓練要求；此外這的標準可以進行必要的修改，以符合亞太地區政治、地理和軍事能力的要求。

大部份區域中的國家都不是船舶經營團體（SWG）和相關討論會的會員，因此需要其他合作方法才能確保區域內海上貿易受到保護。這些方法包括：東亞國家彼此間及澳洲與這些國家間的合作。太平洋和印度洋船舶經營團體（PACIOSWG）可以是執行這些標準的管理機制，並提供具指揮所的演習架構以進行管理程序的測試，此外，將 Bell Buoy 演習開放運用於別的国家，也可測試國家通信系統（NCS）方案，一開始先做觀察員，然後再成為正式會員。對於區域內現有的聯合協議，例如：五國聯防協議（FPDA）、西太平洋海軍論壇（WPNS），其中都採行了北大西洋公約的準則和太平洋和印度洋船舶經營團體（PACIOSWG），但要達成協議去執行就必須先達成對威脅的共識。

領海感知是非常重要的，尤其當船舶遭受到攻擊時，地點和時間都需要確認；此外恐怖份子在各國海上行動的追蹤也非常重要。這將會需要整合情報和調查資訊，並將這些資料傳送給需要獲得這些消息的人。因此這將會需要國家中各機構內的合作，並長時間進行國家間

的聯合活動。最近，國際海事組織同意引入遠距離確認和追蹤（LRIT）系統，使國家具有確認所有通過國家海域船舶的能力，尤其有意進入港口中的船舶。所有海上生命安全一控訴船都裝置有遠距離確認和追蹤（LRIT）衛星系統，將可以提供船舶辨識和位置確認。此外已同意船旗國不論在何處都可以由其船隻上取得這些資料。船旗國可以由指定港口要進入港口的船舶依據程序申報即可取得資料。自2008年起沿海國家可以在距離海岸1000nm時即取得船舶的資料²⁷。

訓練、演習和交流仍然非常重要，初期可改進個別的單項技術，進而擴展至整艘船艦，最後擴及船艦與船艦之間。參與多邊演習可增加海軍的優勢，但是由於具有扮演反恐的法令執行角色，因此機構內的訓練是必要的，所有關心海上安全的機構都參與相關的訓練，更重要的是能對個別機構的文化有所瞭解。聯合演習並巡邏，讓海軍和海上武力合作，基本的航道演習及參與更多的項目，為監控、攔截和最終的執法任務提供基礎的技術。在此階段，參與的組織都應彼此溝通，此外更重要的是，瞭解彼此，徹底瞭解彼此的準則和軍事行動的程序。另一項選擇是利用西太平洋海軍論壇（WPNS）做為合作的適當媒介。雖然西太平洋海軍論壇（WPNS）中不包括臺灣或區域海上武力，但吸引人之處在於其中已包括所有與麻六甲海峽安全有關的重要團體，並關注印度-太平洋上海運的保護。

²⁷ 這些國家係澳大利亞之主要貿易夥伴，因此若該等國家之經濟受麻六甲海峽問題影響，澳大利亞遲早亦會受到相似之影響。

議題五 海上交通線安全保護的區域合作
Topic: Regional Cooperation for SLOC Protection

Regional Cooperation for SLOC
Protection

15th International SLOC Conference
Taipei, Taiwan, 18-20 July 2006

Andrew Forbes
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SLOC保護之地區合作

第15屆國際SLOC會議
2006年7月18-20日 台北・台灣

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Scope

- The ‘threat’ to shipping and trade
- Framework for the protection of shipping
- A regional naval control of shipping framework
- Recommendations



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大綱

- 航運與貿易的“威脅”
- 航運保護架構
- 地區海軍航運管制(NCS)架構
- 建議



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The 'threat' to shipping and trade

- Historical *guerre de course*
- Post-WWII attacks
- Spectre of maritime terrorism



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航運與貿易的“威脅”

- 傳統海上追逐戰(*guerre de course*)
- 二次大戰後之攻擊形式
- 海上恐怖主義幽靈



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Geographic location of attacks

- The open ocean
- Focal/Chokepoints
- Port Security



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攻擊之地理位置

- 開放海洋
- 焦點/咽喉航道
- 港口安全



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Framework for the protection of shipping

- NATO Naval Control of Shipping
- Western Pacific Naval Symposium
- Five Power Defence Arrangements
- Radford-Collins Agreement



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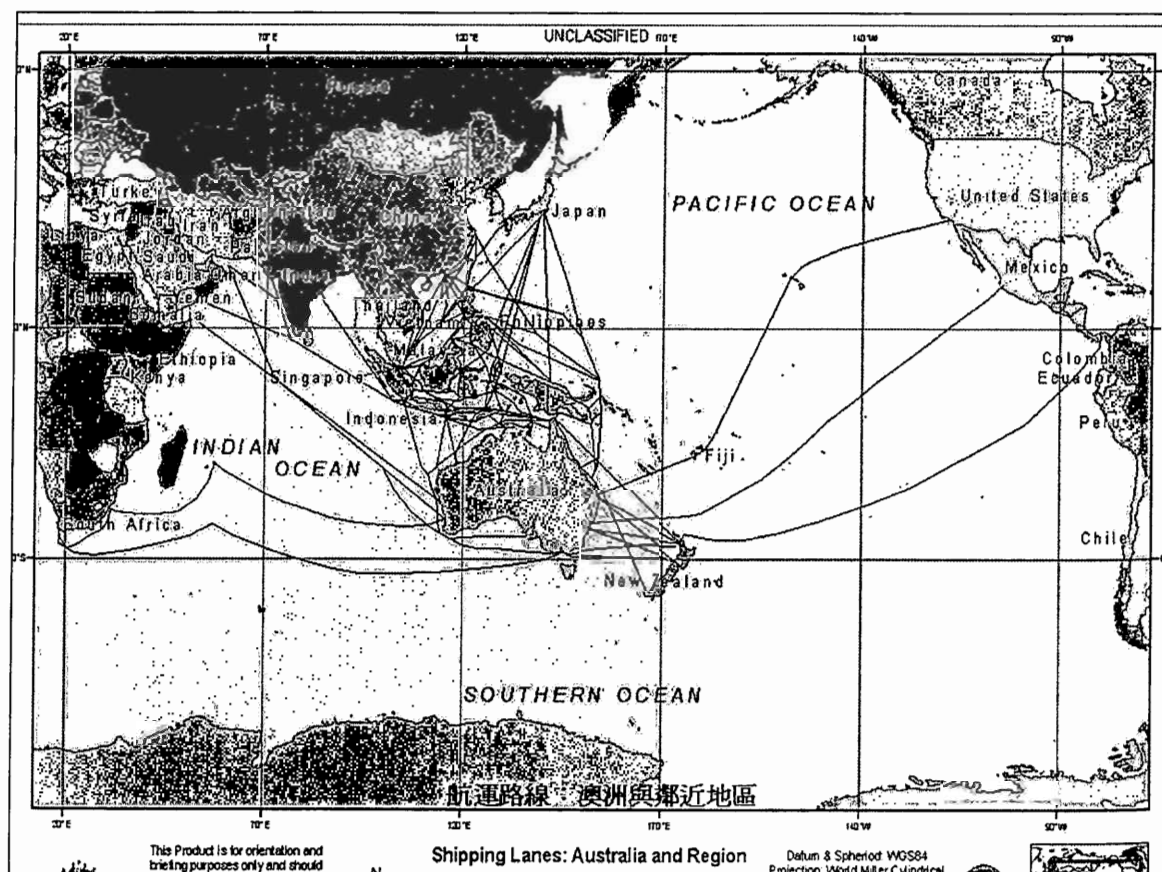
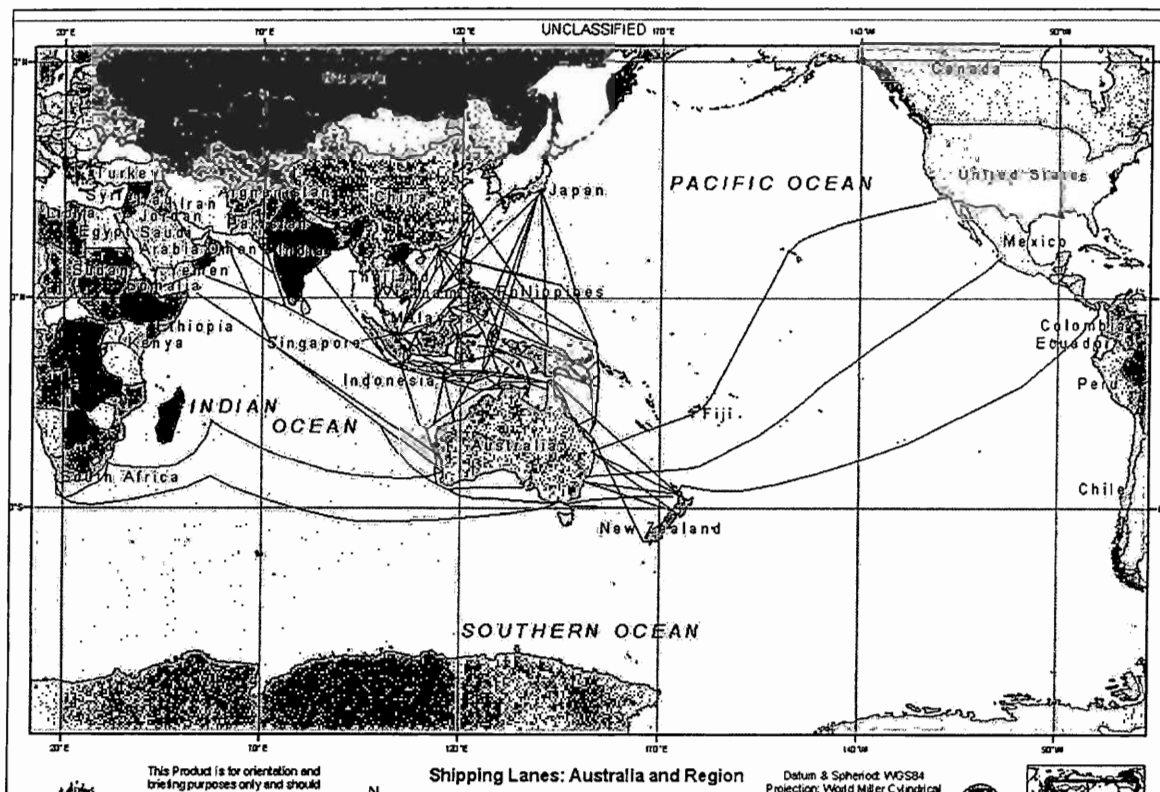
航運保護架構

- 北約海軍航運管制
- 西太平洋海軍研討會
- 五國聯防協議(FPDA)
- 芮佛科林斯協議(Radford-Collins Agreement)



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A Regional NCS Framework - Persian Gulf

- source of North Asian oil
- highly vulnerable to attack
- impact of closure of the Straits of Hormuz
- coalition navies best placed to respond to threats



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地區NCS架構－波斯灣

- 北亞石油來源
- 面對攻擊之高度脆弱性
- 荷姆茲海峽關閉之衝擊
- 部署上最適合對威脅做反應之聯合海軍



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A Regional NCS Framework - Indian Ocean

- predominantly open ocean
- piracy off Indian ports and Bangladesh
- terrorism around Sri Lanka
- India and US best placed to respond to threats
 - possible assistance from Australia
- China's Gwardar naval base a complicating factor



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地區NCS架構－印度洋

- 顯著的開式海洋
- 印度港口及孟加拉外海之海盜攻擊
- 斯里蘭卡附近之恐怖主義活動
- 印度和美國在部署上最適合對威脅做出反應
 - 澳洲可能提供協助
- 中國的瓜達爾(Gwardar)海軍基地構成一個複雜化因素



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A Regional NCS Framework - Malacca Strait and Indonesian Archipelago

- critical chokepoint for global trade
- highly vulnerable to attack
- extensive armed robbery at sea
- concern over terrorism
- littoral states required to respond to threats
- US, Australia and Japan could provide assistance, India and China keen to be involved
- expand FPDA?



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地區NCS架構－ 麻六甲海峽和印度尼西亞群島

- 全球貿易之重要咽喉航道
- 面對攻擊之高度脆弱性
- 海上有大量武裝強盜
- 對恐怖主義的憂慮
- 沿岸國家需要對威脅做出反應
- 美國、澳洲和日本可能提供協助，印度和中國熱切希望參與。
- 擴大五國聯防協議(FPDA)？



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A Regional NCS Framework - South China Sea

- congested waters
- varied use of the seas
- contested maritime boundaries
- LNG trade routes converge to North Asia
- inter-state tensions
- US would be expected to lead response to threats, possibly in conjunction with Japan and Australia
- China would also respond, perhaps unilaterally



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地區NCS架構－南海

- 擁擠的水域
- 水域之各種不同利用
- 擁塞的海事邊界
- 液化天然氣(LNG)貿易路線匯聚於北亞
- 各國間的緊張關係
- 美國可能被期望領導對威脅的反應，並可能結合日本和澳洲的力量
- 中國也會對威脅做出反應，可能為單獨行動



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A Regional NCS Framework - East China/Yellow Sea

- contested maritime boundaries
- inter-state tensions
- numerous chokepoints
- US would respond in conjunction with Japan and perhaps South Korea
- China would also respond, perhaps unilaterally



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地區 NCS 架構－東海/黃海

- 擁塞的海事邊界
- 各國間的緊張關係
- 許多咽喉航道
- 美國可望領導對威脅的反應，並可能結合日本和南韓的力量。
- 中國也會對威脅做出反應，可能為單獨行動。



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Recommendations

- Require a common threat perception for coalition response
- Adopt NATO NCS Doctrine and PACIOSWG Administrative Framework
- Maritime Domain Awareness
- Training and Exercises



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建議

- 聯合反應需要對威脅有共同的認知
- 採行北約NCS理論和PACIOSWG行政管理架構
- 提升領海意識
- 訓練和演習



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15th International SLOC Conference
第 15 屆國際 SLOC 會議
A Way Ahead for Future SLOC Conferences
An Australian Perspective
未來 SLOC 會議策進之道-澳洲觀點

Andrew Forbes
Australian Representative, SLOC Steering Committee

The International SLOC Conference was formed in 1982, with a focus on the Cold War issue of the protection of merchant shipping. The individuals who created the SLOC Conference had a vision that has both sustained us since 1982 and guided us for the following 24 years. As a relative new comer to the SLOC Conference, I understand VADM Tony Ko of Taiwan is the last active member from that initial group, as sadly CAPT Bill Carpenter of the United States recently passed away.²⁸ The newcomers are extremely grateful to the vision of the original founders of the SLOC Conference and intend to carry on with the mission.

國際SLOC會議成立於 1982 年，當初的會議焦點在於冷戰時期商船航運保護問題。創立SLOC會議的前輩們有一個願景，這個願景在 1982 年以來的 24 年間一直引導著我們持續努力。雖然身為相對新進的SLOC會議一份子，我也了解到，在美國的Bill Carpenter艦長不幸於不久前辭世後，台灣的Tony Ko將軍已是SLOC會議創始人團中最後一位積極成員²⁹。我們這些後進們對於SLOC會議創始前輩所提出的願景都非常感佩，也願意將此一任務繼續執行下去。

The end of the Cold War and the emergence of the spectre of maritime terrorism, have changed the strategic circumstances since the SLOC Conference was formed and I believe there is now a need to refocus our activities. There is greater academic awareness of maritime security, note the numerous security-related conferences (piracy, terrorism, and energy) conducted in the region, with governments and international organisations, particularly the IMO, focusing on maritime security issues. Notwithstanding all this activity, I suggest there is still a general lack of understanding of SLOC security issues; that is, these conferences examine the 'threat' but do not have the expertise to develop holistic solutions; nor do some governments necessarily understand supply chain security, which by its nature incorporates SLOC security. In my view, the SLOC Conference

²⁸ The original Australian co-founder, Michael O'Connor is living in retirement in Melbourne.

²⁹ SLOC會議澳洲籍共同創始人Michael O'Connor已經退休，目前住在墨爾本。

should now move to fill this knowledge/expertise gap and exercise influence to improve good order at sea.

冷戰結束和海上恐怖主義的出現，已經改變了 SLOC 會議成立以來的戰略環境。因此我相信，我們現在需要重新調整我們的活動焦點。學術界對於海運安全已有更深的體認，譬如，政府和國際組織(特別是國際海事組織)在本地區召開的許多安全相關會議(海盜行徑、恐怖主義和能源)都是以海運安全問題為討論焦點。儘管有這麼多的活動，我覺得，大家對於 SLOC 安全問題的了解仍然不夠。譬如，這些會議通常著重於對“威脅”的分析與探討，卻沒有相關專門知識來發展整體解決方案。有些政府甚至不了解供應鏈安全的重要性，而供應鏈安全在本質上與 SLOC 安全是密不可分的。我的想法是，SLOC 會議現在應該採取作為來填補這個知識和專門技術的缺口，並發揮影響力以改善海上秩序。

I believe the SLOC Conference must refocus its efforts to be more visible to the academic community, but also provide rigorous analysis of the issues with workable solutions to problems that are relevant to governments and policy makers. This can be done in two ways: the ongoing benchmarking of data so that we inform the public, academic community and regulatory authorities of the hazards facing seaborne trade and merchant shipping, together with rigorous examination of specific issues to develop appropriate policy responses.

我認為，SLOC 會議必須調整活動焦點，以使得 SLOC 會議的努力更受到學術界的重視。同時，SLOC 會議也應就相關問題進行嚴密分析，並針對與政府和決策者有關的問題提出可行的解決方案。這項任務可從兩方面進行：(1) 資料基準分析 - 以便讓一般大眾、學術界和主管機關了解海運貿易和商船航運所面臨的危險；(2) 針對特定問題做嚴密分析 - 以便發展出適當的反應策略。

It is also my view that the administration of the SLOC Conference needs to be rethought to meet the proposed refocusing of our activities. Greater transparency in the planning of conferences, financing of conferences and selection of speakers is required. As an example, I still do not know the identity of many country representatives on the Steering Committee and they probably do not know that I am the Australian representative.

我還認為，SLOC 會議的行政管理需要改變思維，以符合所建議之調整 SLOC 會議活動的要求。在會議規劃、會議資金籌措和講者選擇方面，需要更加透明化。就拿 SLOC 指導委員會來說，許多國家的代表我都不認識，他們可能也不知道我是澳洲的代表。

Therefore I suggest we need to reaffirm and/or adopt the following principles:

因此，我建議，我們需求重申或採行以下原則：

Overall Management Principles

- Greater transparency in the management of the SLOC Conference;
- Identify new member countries for inclusion in the SLOC Conference and encourage new individual members within regional countries

整體管理原則

- SLOC 會議管理更加透明化
- 爭取新會員國加入 SLOC 會議，並鼓勵本地區國家內之個人會員加入。

Steering Committee Responsibilities

- Make available to all, a contact list of the country representatives on the SLOC Conference Steering Committee;
- Consider the development of a website or webpage;
- Note that for a webpage it should not be hosted on a government website;
- Develop a rolling program of conferences, planning a number of years ahead, to give host countries time to source funding, agree conference themes, identify speakers and topics;
- Cancel the planning meeting - it is too expensive to travel just to arrange a conference when email should suffice;
- Develop alternative sources of funding, aiming for long term grants that are not country specific, with host countries generating funding as necessary;
- To achieve this, we have to be able to deliver a product (ie rigorous analysis and/or policy recommendations).

指導委員會的責任

- 製作 SLOC 會議指導委員會國家代表聯絡名單，提供所有會員。
- 考慮發展網站或網頁
- 注意：網頁不應附掛於政府網站

- 發展一套在幾年前便確定主辦國的滾動式會議計畫，以使得主辦國有充裕的時間來尋求資金來源、議定會議主題、和確定講者與講題。
- 取消計畫會議 - 只為了安排議程便召集大家大老遠來開會未免太昂貴了。事實上，這些作業透過 e-mail 便足以完成。
- 開發替代資金來源 - 以非特定國家提供長期補助為目標，且主辦國有提供資金義務。
- 為了做到這點，我們必須能夠提供產品（如嚴密的分析或政策建議）

Host Country Responsibilities

- Continue with each country able to send a maximum of three representatives to each conference, where the host country meets their accommodation expenses;
- If funding permits, consider travel expenses;
- Others may attend the conference but at their own cost (travel and accommodation).
- Conferences may be either closed door, or open to the public for a conference fee to offset costs - this is a host country decision but should be notified to SLOC Conference members;
- We need to provide adequate lead-times for conference papers, including a detailed themes and objectives for each conference, including guidelines to authors to ensure there is no duplication of information/analysis and that the overall conference theme is met;
- Analysis of SLOC issues must break new academic ground and have a policy focus where relevant;
- The aim should be to publish the papers of each conference;
- This can either be arranged by the host country or the Steering Committee.

主辦國的責任

- 維持每個會員國最多可派三位代表與會並由主辦國提供住宿開支的慣例：
 - 如果資金許可，考慮亦提供旅費。
 - 其他人士亦可參加會議，唯需自行負擔費用（旅費和住宿費）。
- SLOC 會議可以為閉門會議或開放社會大眾購票參加（以補貼成本） - 會議形式由主辦國自行決定，唯應告知 SLOC 會議之會員。

- 我們需要提供充裕的前置時間，以利 SLOC 會議論文準備，同時提供每次會議之詳細主題與目標和作者指導原則，以確保論文所含資訊與分析不致於重複，且會議主題能獲得全面關照。
- SLOC 問題分析必須在學術上有新突破，並具備適切的政策焦點。
- 應以將每次會議的論文集結出版為目標。
- 論文集出版事宜可由主辦國或指導委員會負責安排。

These proposals, if accepted, involve a greater administrative burden on Steering Committee members, but I believe this burden would be to the benefit to the SLOC Conference.

I am willing to devote more time to the administration of the SLOC Conference.

以上建議如果獲得採納，將為指導委員會委員帶來更多的行政負擔，但我相信，這些負擔將為 SLOC 會議創造利益。

我本人很願意為 SLOC 會議的行政工作奉獻更多時間。

Topic 6: Security Assurance of Maritime Supply Chains In The Indian Ocean

Dr. Vijay Sakhuja

Abstract

There exists a robust relationship between maritime commerce and sea-lane security that is based on safe and secure waterways and seas. A significant downstream consequence of a terrorist attack on the maritime transportation system would most definitely entail disruption of supply chain resulting in a range of impacts on global economy, business continuity and economic loss.

Although the terrorist attacks of September 11, 2001, did not involve seaports, the attacks highlighted the fact that seaports present themselves as an attractive and vulnerable terrorist target. Likewise, a safe and efficient transportation system is critical to domestic and international business. Any perturbation of an effective supply chain due to a terrorist or a piracy attack would have a significant impact on the competitiveness in nearby regions with expected losses to local and regional economies.

Today the Indian Ocean is the most dynamic region in strategic and economic terms. Maritime developments are integral to the regional economic and security environment. For many countries, economic vitality is dependent on relatively long and vulnerable sea lines of communication.

Asymmetric conflicts in the Indian Ocean region are primary establisher and have spilled to the maritime domain in the form of maritime terrorism and sea piracy, which has increased with the huge increase of maritime shipping. Asymmetric conflicts have also brought in the dimension of mass catastrophic violence and collateral damage by the probable use of mass destruction weapons and thereby it has heightened security concerns in trade and shipping. These threats have also threatened the process of globalization and trade that the region is reliant heavily on. Economic interdependence and security convergence have been primary regional responses to the threats of asymmetric conflicts.

Foreword

Ever since the terrorist attacks of September 11 2001, the subject of security has become a ubiquitous factor in our day-to-day lives. Whilst focus on security is not new, it has become more prominent and is now being dealt with more seriously at all levels. The result is that more and more countries are placing security issues as first priority in any development program.

At the same time, the international community has been discussing the impact of globalization on trade. There is global interconnectivity and large volume of goods and services are moving rapidly across societies resulting in seamless supply chains. While globalized economy calls for open markets, more international trade/commerce and greater openness, security of supply chains needs greater attention. The question is how to manage the competing requirements of security and economic vitality in this new world?

Unfortunately, the maritime supply chains of the world have not seen security as an economic advantage. Instead, security has been seen as a cost. The requirements of security have to be built in the supply chain system. These have to be carefully chosen so as not to impede economic growth resulting in a potential slowing down in the flow of commerce. At the same time requirements have to be stringent and comprehensive enough to secure and defend against a new array of threats in the post 9/11 world, ranging from nuclear/ bio/chemical attacks to suicide boat attacks on the *USS Cole* and *MV Limburg*.

Security assurance of maritime supply chains is a critical factor for global prosperity. Several global initiatives focusing on security issues in ports and ships (International Ship & Port Security Code), customs inspections in international ports (Container Security Initiative) and whole-of-supply chain outcomes (Customs & Trade Partnership against Terrorism) are in force. The main purpose of the above initiatives is to reduce the likelihood of maritime-vectored terrorism. Non-adherence or poor compliance of these initiatives could severely affect safety and security of maritime supply chains.

Revisiting Concept of SLOCs

SLOC is an expression relating to the passage or route transited by a marine craft for the purpose of trade. The route is expected to be short, economical and safe for transporting cargo. SLOC are also referred to as the arteries of a region's economy. SLOCs vary in length depending on the geography in terms of landmass, choke points, reefs, foul ground and location of ports and harbours. In maritime operational terms, SLOC is a route at sea that must be kept safe to ensure smooth flow of maritime commerce. During times of war, these routes are considered strategic paths that must be kept open to ensure that forward deployed forces, allies, and those areas of the globe essential for trade are free of enemy interference or interdiction.

There is an important link between SLOC and geography in the construction of any strategy. Economists, the military and politicians highlight geography in their discussions as it helps them to understand and appreciate strategic relationships and requirements. To an economist, the shortest route, low transportation cost and timely delivery of cargo are some of the factors that play a dominant role in developing maritime economic strategy. But when the military examines the SLOC as they relate to the maritime instrument of power, geography becomes the fulcrum on which the forces must be deployed, keeping in mind the location of friends and adversaries as also the geography that has to be traversed by one to get to the assistance of the other. To a politician, it is the state of relations with countries located along the sea route being traversed that will help develop a strategy for the safety of the SLOC. It is beyond doubt that it is the appreciation of geography and its effects on the SLOC that will determine the strategy.

Linkage between SLOC and Maritime Supply Chains

A strong relationship between an efficient maritime supply chain and security is evident which is based on safe and secure waterways and seas. A significant downstream consequence of a terrorist attack on the maritime transportation system along the sea lane would most definitely entail disruption of supply chain resulting in a range of impacts on global economy, business continuity and economic loss. It would also have a significant impact on the competitiveness in the region with expected losses to local and regional economies. A safe sea-lane system is therefore critical to domestic and international business.

A modern maritime supply chain involves a complex network of systems. The interactive complexity of these systems is critical to maritime supply chains in the sense that the potential for incidents or inefficiencies in these systems, individually or collectively, exist because of vulnerabilities inherent in the design and operation and in their interaction with maritime supply chains. There are at least four systems that merit attention: (a) Seaports, (b) Crew, (c) Vessel, and (d) SLOC.

- (a) Seaports are perhaps the most difficult security challenge that exists within a maritime supply chain. The security of a port is the sum total of individual site security assessments. Consequence at one site in the port premises may multiply overall leading to consequences throughout the port. It may even damage the center of gravity with cascading effects beyond the gates of the port all along the supply

chain. Variations between facilities in a port require that individual facilities are assessed with a holistic perspective considering their part in an overall supply chain system as also in the context of the types of threats that are likely to be encountered with in the system. Port security involves the entire port and that is a challenge of coordination. The concept of entire port planning and coordination may seem immense, but the entire marine community has to be involved to achieve success.

- (b) Till very recently, it was virtually impossible to verify the authenticity of the identity of the crew. There was a major problem of counterfeit and improperly issued mariner documentation. There had been warning to ship operators about the thousands of unqualified crew and masters working illegally with false papers, and had called for tighter security by authorities issuing certificates. The alert followed the release of statistics by IMB showing that of 54 maritime administrations surveyed; more than 12,000 cases of forged certificates of competency were reported. These figures highlight the gravity of the situation. Ships are sailed by crewmen with false passports and competency certificates. The IMB also believes that at times the issuing authorities themselves are to blame. For instance, the Coast Guard office in Puerto Rico was reported to have issued nearly 500 suspicious certificates of competency. Such cases usually escape detection by the port authorities. The ships' crews themselves can act as a potential threat. Both the Philippines and Indonesia are the largest suppliers of merchant ship crew. These states are home to radical groups like the Abu Sayyaf and the Free Aceh Movement (GAM).
- (c) The presence of FOC (Flag of Convenience) vessels has indeed exposed chinks in the armor of security and posed new challenges for the maritime supply chains. Several terrorist organisations are known to possess merchant ships. For instance, the LTTE have a flotilla of ships that are engaged in maritime trade. Most of these are registered in FOC countries known as "pan-ho-lib" i.e. Panama, Honduras and Liberia. Operating under flags of convenience and staffed with a Tamil crew, these cargo ships carry out their activities between Asia and Europe. They are also known to regularly transport illegal immigrants or doing any kind of traffic on behalf of the LTTE. In order to give legitimacy to their fleet as also to generate revenue, LTTE ships move general cargo such as fertilizer, timber, rice, paddy, cement and other dry cargo. Similarly, the world's 'most wanted

terrorist' Osama bin Laden and the Al Qaida operatives are known to own or have chartered at least 20 merchant vessels capable of undertaking ocean passage. These vessels are suspected to possess 'flag of convenience' (FOC) registry in Liberia, Panama and the Isle of Man. Reports suggest that Osama's secret shipping fleet, flying a variety of flags of convenience, allows him to hide the ownership of vessels, transport goods, arms, drugs and recruits with little official scrutiny. Reportedly, one of bin Laden's cargo freighters unloaded supplies in Kenya for the suicide bombers who weeks later destroyed the U.S. embassies in Kenya and Tanzania.

- (d) SLOCs cannot be separated from the maritime supply chains and in essence are a component of the network through which cargo is transported. SLOC security must always be pursued against the context of maritime supply chain security. In other words, an effort to improve security in the SLOC transportation requires that parallel security efforts be undertaken in the other components of the supply chain. On the other hand, if security improvements are limited to the ports, the result will be to generate the "balloon effect"; i.e., pushing illicit activities horizontally or vertically into the transportation and logistics systems where there is a reduced chance of detection. Therefore there is an inherent linkage between a maritime supply chains and SLOC and it constitutes an important component of the system. The system is susceptible to terrorism and other perturbations because of their open nature, both nationally and globally, and their complexity. An effective and efficient SLOC system is critical to optimizing transport and transaction costs and global competitiveness. Thus, the perturbation of an effective SLOC 'moving' through a large hub-port would have a significant impact on competitiveness in nearby regions with expected losses to local and regional economies.

Geographic and Geo-strategic Reality of Indian Ocean

There are some important waterways in the Indian Ocean that have both economic and military importance. These are: the Strait of Hormuz, Strait of Malacca, Ten Degree Channel and two hypothetical choke points between the Lakshdweep Islands and mainland India and Indira Point in the Nicobar Islands and the western edge of Sumatra Island. Some of these are not choke points *per se* but are fairly wide and can be termed high seas strategic passageways where the bulk of merchant traffic funnels in/out. The region's important sea-lanes, which serve as the umbilical cord of the economies of several Asia Pacific and European countries, pass through these strategic

choke points. They carry critical energy resources from the Persian Gulf as also provide economical maritime transport routes.

The enhanced economic dynamism in the Asia-Pacific region is essentially based on maritime activity. There is an increased sensitivity to the safety of maritime supply chains through the strategic choke points in South East Asia and the Strait of Hormuz in the Persian Gulf for energy requirements. The geo-strategic and economic realities in the Indian Ocean region are complex, particularly for the United States, Japan, China, Korea, Taiwan and the South East Asian countries. These states seek an enhanced role in the region for the safety and security of their long and often vulnerable maritime supply chains passing through the Indian Ocean. In the event of such a situation leading to the closure of the strategic choke points, maritime traffic would have to sail farther south of Australia, placing increasing demands on vessel capacity, higher costs of transportation and loss of time.

Also, the reverberations of the economic boom in the Asia Pacific region have been noticeable in the Indian Ocean too. The bulk of the raw materials, markets and above all energy requirements for the economic boom in the Asia Pacific region must be fulfilled from the Indian Ocean states. Notwithstanding the prospects of newer and attractive sources of energy, the reliance on Gulf oil will continue for quite sometime and the bulk of this oil must transit through the Strait of Hormuz and the supply chains of the Indian Ocean.

The real importance of the Indian Ocean region is that it continues to be a theatre of strategic interactions between major global, political and economic powers and the regional states. Because of its geographical location and economic importance, the Indian Ocean has always been an area of high importance in the strategic thinking of the US, China, Japan and ASEAN countries. A large volume of long-haul maritime cargo transits through the Indian Ocean and the strategic choke points in South East Asia. The freedom of navigation through the Indian Ocean supply chains is therefore of both economic and strategic significance for these countries.

Maritime Disorder in Indian Ocean

Maritime order in the Indian Ocean is being threatened from several directions thus impacting on maritime supply chains. These threats are: piracy, drug trafficking, gun running, human smuggling, maritime theft and fraud, and terrorism. Besides, some of these activities are transnational in

nature and its actors have global reach. None is independent of each other and failure in one often leads to failure in others.

Sea Piracy

Pirates are like sharks. They breed and show up more often in some regions than others. They can strike anywhere but some areas are popular with them. According to the Worldwide Maritime Piracy Report 2005, South East Asia and Somalia are the two hotspots of piracy. It appears that piracy moves around and its centre of gravity keeps shifting. However, pirate plagued areas remain active. It may simply happen that one area may record more attacks than the others but no area can claim itself to be free from pirates.

The Malacca Strait continues to be popular among pirates. This is due to geographical and operational reasons. The area around the straits attracts the heaviest maritime traffic concentration. Over 200 vessels of different types transit the Malacca Strait every day and the traffic density is very high. Although there is a traffic separation scheme, the transiting vessels reduce speed to negotiate traffic. Very Large Crude Carriers (VLCCs) transit the strait at safe speeds with only a meter or two of clearance under the keel. Besides, the strait is home to several shipwrecks and shallow areas. These navigational and operational conditions provide the right type of environment for pirates to undertake attacks as also manage a quick getaway. According to the International Maritime Bureau (IMB), incidents of sea piracy off the coast of Somalia are growing. The report notes that earlier attacks on ships had been restricted to coastal areas, but now the pirates are becoming bold, are heavily armed and possess capability to attack ships further away from the coast as far as 120 nautical miles. According to an IMB advisory, merchant ships transiting through Somali waters are advised to keep as far away as possible from the coast. Somali pirates are well organized and have a good network of intelligence. They have positioned informers in various East African ports to give notice of ship departures and expected times of passage through Somali waters.

Drug Smuggling

South East Asia along with South West Asia are the two top opium and heroin producing regions in the world. For Myanmar, history, climate and politics have been instrumental in its emergence as a top poppy cultivating and heroin producing country. With similar climatic conditions in northern Thailand and Laos, cultivation soon spread to these areas and the area came to be called as "Golden triangle". Myanmar tops the list with an annual

production of more than 2,000 tones. In addition to its leading role as a producer of smoke Opium, Myanmar is the Golden Triangle's centre for heroin refining. Myanmar's heroin shipments pass through neighboring Thailand, Laos, Vietnam, China and India. Heroin produced by Myanmar is largely trafficked through unmarked transit land routes and through sea routes. Traffickers move heroin through Central Myanmar often from Lashio, through Mandalay, to Rangoon or other sea ports such as Moulmein for sea-borne passage to the west.

Human Smuggling

Smuggling of humans is not a new phenomenon. Humans have been smuggled for exploitation as also to alter demography. Besides human beings have moved voluntarily for political, economic and security considerations. Today, however, human smuggling has emerged as a lucrative business. It is less risky and more rewarding in terms of profits. For instance smuggling drugs into Singapore entails death penalty and smuggling migrants into the US can net profits at the rate of \$ 30,000 per person. A large number of human smuggling syndicates and gangs have mushroomed all over the world and are engaged in a highly profitable industry.

Millions of Asians leave their country in search of better economic conditions. According to International Labor Organization, there are approximately seven million Asians working abroad, and more than fifty percent of these are illegal migrants. By one estimate, on an average one million people are smuggled illegally world over and twenty percent of these come from China. The other countries included are Iran, Iraq, India, Pakistan, Sudan, Bangladesh and Sri Lanka.

Illegal trafficking and human smuggling by sea has increased in the Asia Pacific region. The general direction is towards the US, Western Europe and Australia. There are reported cases of human movement from the Middle East to Australia. Migrants are moved to coastal areas where they embark small ferries to be moved into international waters. They are finally transported to designate ships that are engaged in this specific business for onward transportation to the desired destination. While there are others who are willing to perform long and a difficult sea voyage in small boats.

Terrorism

Three terrorist attacks against warships in 2000 (*Al Qaeda* attack on USS Cole, *Tamil Sea Tigers* attack on Sri Lanka naval ship and the attempted *Hamas* attack on Israeli naval craft) exposed the vulnerability of

naval forces against a-symmetric threats like terrorism. As a matter of fact, the plot to attack US warships was conceived in January 2000 against *USS Sullivan* in Yemen. It was planned to ram an explosive filled boat into the ship. However, due to a miscalculation of the weight of the explosive charge, the boat sank when the explosive charge was put on board. The operation was delayed by ten months and was finally accomplished in against *USS Cole*. The *USS Cole* incident negated the often-held view that such incidents were isolated. But the terrorist attack on the French oil tanker *Limburg*, off Yemen is indeed a chilling reminder of the vulnerability of maritime enterprise to asymmetric threats. A speedboat packed with explosives rammed into the ship leaving it disabled and leaking oil. It suits terrorist requirements of low technology war against a superior force. The attack was similar to the one against *USS Cole*.

Economic Impact from Disruption of Supply Chains

There are bound to be a range of economic costs resulting from disruption of maritime supply chains in the Indian Ocean. A study for the period 1968-1979, covering 200 countries, found that a doubling of the number of terrorist incidents would lead to decreased bilateral trade between targeted economies of some 6 percent.¹ Similarly, *Fortune* magazine of 18 February, 2002 noted that 'the impact on US supply chains due to increased inventories, border closures, increased lead times and other changes and security measures resulting from the events of September 11, 2001 is estimated at USD 150 billion a year'.² Disruption at US West coast ports would result in a 0.4 per cent reduction of nominal GDP in a number of Asian economies and impact on Hong Kong, Malaysia and Singapore was estimated to be as high as 1.1 per cent of nominal GDP.³ It will be important to note that the 9/11 attacks against the World Trade Centre (WTC) resulted in US \$19 billion in insured property losses and an estimated economic loss of up to \$90 USD Billion in 2001.⁴

Insurance costs are a critical issue. For instance, the Lloyd's Market Association's Joint War Committee (JWC) has declared the Straits of Malacca and 20 other maritime areas in West Asia and Africa as highly

¹ Nitsch, V. and Schumacher, D., (2002) 'Terrorism and Trade,' Paper for Workshop *The Economic Consequences of Global Terrorism*, DIW - German Institute for Economic Research, Berlin, June. November 24-26, Sophia-Antipolis (Nice), France, cited in P.H. Barnes & R. Olorunfoba. (2005) "Assurance of Security in Maritime Supply Chains: Conceptual Issues of vulnerability and Crisis Management," in the *Journal of International Management*, Volume 11, Number 4.

² Ibid.

³ Ibid.

⁴ Ibid.

prone to piracy, war, strikes, terrorism and related perils. The JWC decisions are fallout of a report that warns of an Al Qaeda attack on a "significant maritime target" with fears that Al Qaeda could exploit piracy in the Malacca Straits to attack ships.

Similarly, insurance underwriters had declared Sri Lanka a war risk zone following the attack on Colombo International Airport in 2001, which led to the destruction of several commercial aircraft. Shipping companies had to pay an extra \$350 per container for Sri Lankan imports and exports to cover vessel calls at Colombo. After suffering for almost one year, the Sri Lankan government had to request global insurance giant Lloyds of London to engage in a security audit of Colombo, Galle and Trincomalee ports, and the Bandaranayke International airport. Premiums were tripled for ships calling at ports in Yemen after the 2002 terrorist attack on the French oil tanker *Limburg* off the Yemeni coast. This forced many vessels to cancel Yemen from their schedules or divert to ports in neighboring states.⁵

In March 2006, the 1996-built Hyundai Fortune carrying 5,551 TEUs caught fire 120 miles east of Aden and almost sank.⁶ The cargo included seven containers of fireworks which have raised concerns over incorrectly stored and declared hazardous cargo. All 27 crew were rescued, although one suffered severe burns and was admitted to hospital. The accident looks set to produce the biggest marine insurance claim ever with total expected to reach US\$500 million on top of a hull insurance claim of \$70 million, it will be almost double that of any other maritime accident.⁷

During the 2002 military standoff between India and Pakistan, ships calling at the Indian ports of Mumbai, JNPT, Kandla and other ports in the region (ports 18 degrees Northwest of 73 degrees East) had to pay additional war risk premiums (WRP). War risk surcharge imposed on Pakistani cargoes attracted an additional weekly WRP of about 0.75 per cent of the insured value of a ship and this would have cost more than Rs10 billion annually to the government, had the standoff continued. The All-Pakistan Shipping Association had lamented that Pakistan's economy could not afford such a high WRP as it was facing Balance of Payment problems and disruption of exports.

Concluding Remarks

⁵ 'Growing Vulnerability of Seaports from Terror Attacks, to protect ports while allowing global flow of trade is a new challenge,' *Viewpoint* - Institute of South East Asian Studies, available at <www.iseas.edu.sg/viewpoint>

⁶ Paul Richardson, 'What was in the box?' available at <<http://www.e-cargonews.com>>.

⁷ Ibid.

It must be remembered that unlike the economic globalization (driven by revolution in information technology), oceanic highways are acting as catalysts for globalization of maritime security. Although the terrorist attacks of September 11, 2001, did not involve maritime infrastructure, the attacks highlighted the fact that maritime supply chains anywhere in the world, present themselves as an attractive and vulnerable terrorist target. Several studies have reinforced the fact that major disruptions in economy could result from a maritime supply chain related attack. Seaports are perhaps the most difficult security challenge that exists within the supply chain. Consequence at one system of the port infrastructure may multiply into multiple consequences throughout the port.

Likewise, a safe and efficient supply chain system is critical to domestic and international business. Any perturbation of an effective supply chain due to a terrorist or a piracy attack would have a significant impact on global economy. It is evident that critical maritime systems such as ports and supply chains present themselves as potent target, which can be destroyed, incapacitated, or exploited.

Therefore it is important to understand the strategic objectives of terrorists, what kind of targets they would choose and for what purpose. These are indeed very complex issues and in the past few years several government and industry initiatives have been introduced to improve the security of maritime infrastructure, however, there still remain concerns over vulnerability of ports and fragility of supply chain continuity. What is perhaps needed is a comprehensive analysis to uncover risks to maritime enterprise and detail mitigation options for management.

議題六 印度洋海運供應鏈之安全保障

Vijay Sakhuja 博士

摘要

海運貿易與海上交通線(SLOC)安全之間存在著堅實的關係。SLOCs安全係以航道和海域之安全與保安為基礎。海運系統遭受恐怖攻擊之重大後果，必然造成海運供應鏈干擾，進而對全球經濟、營運延續性和經濟損失帶來一連串衝擊。

雖然2001年9月11日的恐怖攻擊事件沒有殃及海港，但911攻擊事件突顯出一個事實：海港本身是很容易引起恐怖份子覬覦和攻擊的目標。同樣地，一套安全而有效的運輸系統無論對國內或國際企業，都是極為重要的。因恐怖主義或海盜攻擊而對海運供應鏈造成之任何擾亂，都可能對鄰近地區的競爭力產生重大衝擊，進而造成當地和地區經濟的損失。

就戰略和經濟而言，印度洋是當今最具活力的地區。海運發展是地區經濟與安全環境中不可或缺的一環。對許多國家而言，經濟活力決定於相對既長又脆弱的SLOCs。

印度洋地區的非對稱衝突為主要不穩定因子(destabilizer)，這類型衝突已藉由海上恐怖主義和海盜行徑的形式擴散至海運領域。隨著海運業務的大量增加，海上非對稱衝突也日益頻繁。非對稱衝突因為可能使用大規模毀滅性武器而升高為大規模災難性暴力，往往造成大量連帶傷亡。此一情勢更加深了貿易與海運安全的隱憂。這些情勢也威脅到全球化過程和印度洋地區所高度仰賴的貿易。加強經濟互賴性與安全聚合(security convergence)是印度洋地區面對非對稱衝突的基本反應。

前言

自從2001年9月11日恐怖攻擊事件以來，安全議題已成為吾人日常生活中無所不在的因子。儘管注重安全不是新鮮事，但安全問題已變得更為突顯，並在各級單位受到更嚴肅的對待。其結果，越來越多的國家在其任何開發計畫中，都將安全問題置於第一優先的地位。

在此同時，國際社會也一直在討論全球化對貿易的衝擊問題。全球互聯及大量貨品與服務在各社會間迅速移動，形成許多密無縫隙的供應鏈。全球化經濟要求的是自由市場、更加國際化的貿易和商業和

更為開放的措施，而供應鏈安全需要的卻是更嚴密的注意。問題是：在這個新世界中，如何拿捏安全性與經濟活力之間相互衝突的要求？

可惜的是，全球海運供應鏈並未將安全性視為一項經濟優勢。相反地，安全性一直被視為一項成本。安全要求必須被納入供應鏈體系中。這些要求必須經過審慎選擇，以免妨礙經濟成長，甚而造成貿易流動趨緩之可能結果。同時，安全要求必須夠嚴格和夠廣泛，以確實防禦後 911 世界所面臨之各種新威脅，從核生化攻擊到對美國科爾號驅逐艦(*USS Cole*)和法國林堡油輪(*MV Limburg*)的自殺式攻擊不一而足。

海運供應鏈的安全保障是全球繁榮的關鍵性因素之一。目前已有多項相關全球方案正在實施中，分別專注於港口與船舶之安全問題(國際船舶和港口設施保安規則 - ISPS Code)、國際港口海關檢查(貨櫃安全計畫 - CSI)、和整體供應鏈效果(海關貿易夥伴反恐方案 - C-TPAT)。以上方案之主要目的為降低海運導向恐怖主義之可能性。疏於嚴守這些方案或遵從性不良，可能嚴重影響海運供應鏈的安全與保安。

回歸 SLOCs 概念

海上交通線(SLOC)是一個有關船舶為貿易目的行經水道或航線的用語。就貨物運輸而言，航線宜短，而且要既經濟又安全。SLOC也被視為一個地區的經濟動脈。SLOC的長度隨地理因素(如陸塊、狹海、礁脈、險惡地、和港口或港灣之位置)之不同而互異。在海運作業術語中，SLOC是必須保持安全以確保海上貿易平順流動的海運航線。在戰爭期間，這些航線被認為是策略性通道，必須維持開放，以確保前沿部署部隊、盟軍和全球貿易重要地區均能免於敵軍的干擾或封鎖。

在任何戰略性建構中，SLOC 與地理因素之間都有著重要的關聯性。經濟學者、軍方和政界人士在相關討論中都會強調地理因素，因為這樣有助於他們了解和察知戰略關係和需求。對經濟學者而言，航道最短、低運輸成本和按時送達貨物等因素，在他們發展海運經濟策略中扮演著支配性的角色。但軍方在衡量 SLOC 時，由於他們的著眼點是促進海上實力，因此地理因素成為部隊部署所必須考量的支軸。他們念茲在茲的是友軍和敵軍的位置，以及部隊尋求友軍支援時所必須穿越之地理環境。對政界人士而言，其所屬國與航道沿線國家之關係

狀態，將有助於他們發展維護 SLOC 安全的戰略。毫無疑問的是，體認地理因素及其對 SLOC 的影響，是決定戰略的先決條件。

SLOC 與海運供應鏈之關聯

高效率海運供應鏈與安全性之間的強烈關係是很明顯的，其基礎在於安全無虞的水道和海域。航道沿線海運體系遭受恐怖攻擊之嚴重後果，必然會導致供應鏈癱瘓，進而對全球經濟、企業永續經營和經濟損失造成各種衝擊。供應鏈癱瘓勢必對地方和地區經濟造成損失，進而嚴重影響地區的競爭力。因此，安全的航道體系對於國內及國際商業具有關鍵重要性。

現代化海運供應鏈包含一個複雜的體系網絡。這些體系之互動複雜性對於海運供應鏈非常關鍵，因為這些體系在設計和作業及與海運供應鏈之互動上，具有先天的脆弱性，因此它們個別或集體發生事故或效率不彰之可能性是存在的。值得注意的體系至少有以下四方面：1. 海港；2. 船員；3. 船舶；4. SLOC。

一、海港可能是海運供應鏈中最困難的安全挑戰。港口安全是港區內個別場所安全評估之總合。港區內一個場所之安全評估結果就整體而言可能倍增，因而影響整個港口之結果。一個場所之安全評估結果甚至可能因雪崩效應而傷及核心，進而導致損害擴及港口以外，甚至影響整個供應鏈。港口內設施之間的差異需要以整體視野針對個別設施來評估，考量其在整個供應鏈系統中的作用，及其在供應鏈系統可能遭遇之威脅環境中的角色。港口安全涵蓋整個港口，這對協調作業無疑是一項挑戰。整體港口規劃與協調的概念似乎漫無邊際，但整個海運界必須總動員，務期達到成功。

二、直到最近以前，要證實船員身份的真实性幾乎是不可能的。海運界一直存在著偽造或不當核發船員文件的嚴重問題。有心人士曾針對數以千計持假文件的不合格船員及船長非法工作的情形，向船舶經營業者提出警告，也呼籲負責核發執照的主管機關採取更緊縮的安全措施。這些警告是在國際海事局(IMB)發佈相關統計資料後提出。IMB的資料顯示，在IMB所調查的 54 個海事行政管理機關中，發現超過 12,000 件偽造資格證書案例。這些數據充分顯示情況的嚴重性。船舶由持有假護照和資格證書的機務人員在駕駛。IMB相信，有時核發機關本身也有錯。譬如，波多黎各海岸巡防署被揭露已核發近 500 張可疑資格證書。這些案例通常可躲過港口主管當局的檢查。船舶上船

員本身可能構成潛在威脅。菲律賓和馬來西亞是商船船員的最大供應國。這兩個國家也是激進團體的大本營，如阿布沙耶夫組織(Abu Sayyaf)和亞齊獨立運動組織(GAM)。

三、FOC(方便國旗)船舶的存在暴露出安全盔甲中的裂縫，也為海運供應鏈帶來新的挑戰。好幾個恐怖組織都擁有商船，這已是眾所周知的事。譬如，泰米爾之虎解放組織(LTTE)擁有一個從事海上貿易的小型船隊。這些船隻大多數都是在一般稱為“pan-ho-lib”(即巴拿馬、宏都拉斯和賴比瑞亞)的 FOC 國家註冊的。這些貨船掛著方便國旗，雇用著泰米爾船員，平常在亞洲與歐洲之間從事活動。他們定期運送非法移民或代表 LTTE 從事任何非法交易，已是眾所周知的事。為了賦予船隊合法性並產生收入，LTTE 船隊也運送一般貨物，譬如肥料、木材、稻米、稻穀、水泥和其他乾貨。同樣地，據了解，全世界最“惡名昭彰的恐怖份子”賓拉登(Osama bin Laden)和基地組織(Al Qaida operatives)至少擁有或包租了 20 艘能夠從事越洋航行的商船。這些商船被懷疑可能擁有賴比瑞亞、巴拿馬和馬恩島的 FOC 註冊。據報導，賓拉登的祕密船隊掛的是各式各樣的方便國旗，因此他可以隱匿船主身份，並在很有限官方檢查的情況下運送貨物、武器、毒品和補給品。據傳聞，賓拉登的一艘貨輪曾在肯亞卸貨，為自殺炸彈客提供所需用品。數週後，這些恐怖份子炸毀了肯亞和坦尚尼亞的美國大使館。

四、SLOC 與海運供應鏈的關係是密不可分的。本質上，SLOC 是貨物運輸網絡的構成要素之一。SLOC 安全的追求必須始終以海運供應鏈安全為前提。換言之，改善 SLOC 運輸安全的努力需要與增進供應鏈中其他體系安全之作為並行。另一方面，如果僅改善港口的安全，其結果便可能產生“氣球效應”，即迫使非法活動水平或垂直地移往比較不容易被發現的運輸和後勤體系。因此，海運供應鏈與 SLOC 之間存在著固有關聯性，且此一關聯構成 SLOC 體系的一個重要元素。由於 SLOC 體系的開放本質(對國內和國際皆然)及其複雜性，SLOC 很容易遭受恐怖主義及其他擾亂行動的侵襲。一個高效率的 SLOC 體系對於達到理想的運輸與交易成本和全球競爭力，具有關鍵重要性。因此，如果一條經過大型樞紐港的 SLOC 遭受擾亂侵襲，勢必對地方和地區經濟造成損失，進而嚴重影響附近地區的競爭力。

印度洋之地理和地緣戰略現實

印度洋上存在著一些兼具經濟和軍事意義的重要水道。這些水道包括：荷姆茲海峽(Strait of Hormuz)、麻六甲海峽(Strait of Malacca)、拉克沙群島(Lakshdweep Islands)與印度大陸之間的十度海峽(Ten Degree Channel)和兩個假想的狹海、和尼科巴群島(Nicobar Islands)中的英迪拉角(Indira Point)和與蘇門達臘島西緣。這些水道中，有些本身並非狹海，而是相當寬廣的海域。這些海域有大量商船通過，可被稱為公海戰略性水道。印度洋地區的重要航道是若干亞太地區和歐洲國家的經濟臍帶，而這些航道都經過上述戰略性狹海。這些航道不但有助從波斯灣運送重要的能源，也提供經濟實惠的海運航線。

亞太地區經濟動力的增強實質上便是建立在海運活動的基礎上。為能源需求通過東南亞地區戰略性狹海和波斯灣地區荷姆茲海峽之海運供應鏈的安全敏感性越來越高。印度洋地區之地緣戰略及經濟現實非常複雜，對美國、日本、中國、韓國、台灣和東南亞國家尤其如此。這些國家都希望在印度洋地區海運供應鏈之安全與保安中扮演更積極的角色，因為他們通過印度洋的海運供應鏈經常是既長又難於防守。萬一發生導致戰略性狹海關閉的狀況，海運交通將必須繞道澳大利亞以南，如此將造成船舶容量需求增加、運輸成本升高和時間耗損。

此外，亞太地區的經濟繁景在印度洋也看得非常明顯。為供應亞太地區經濟繁榮之大部分原料、市場和能源需求(最重要的)，均必須仰賴印度洋國家來滿足。儘管已出現更新和更誘人能源的可能性，但各國對波斯灣石油的仰賴仍將持續一段時間。而這些石油大部分都必須經由荷姆茲海峽和印度洋供應鏈來運輸。

印度洋地區的真正重要性在於它將持續做為全球主要政治和經濟強權與印度洋國家之間的戰略互動舞台。由於其地理位置及經濟重要性，印度洋一直是美國、中國、日本和東協(ASEAN)國家戰略思考中具高度重要性的地區之一。數量龐大的長程海運貨物都經由印度洋和東南亞戰略狹海運輸。因此，通過印度洋供應鏈之航行自由，對這些國家同時具有經濟和戰略重要性。

印度洋之海運脫序

印度洋的海運秩序在多方面受到威脅，因而對海運供應鏈造成衝擊。這些威脅包括：海盜行為、毒品交易、軍火走私、人口偷渡、海

上竊盜與詐欺、和恐怖主義。此外，這些活動中，有些在本質上為跨國性，其行為者也具有全球能耐。這些活動都不是互相獨立的，因此偵查任何一種活動的失敗往往會導致偵查其他活動的失敗。

海盜行為

海盜就像鯊魚一樣，他們經常在特定的地區滋生和出沒。海盜可以在任何地方出擊，但他們對某些地區有特別偏好。根據 2005 年全球海盜行為報告(Worldwide Maritime Piracy Report)，東南亞和索馬利亞是海盜經常出沒的熱門地區。跡象顯示，海盜案件發生地區似乎會移動，其活動重心也會不斷變換。然而，海盜肆虐的地區仍然活躍。實際情況是，某一地區的海盜案件可能比其他地區多，但沒有任何地區可以宣稱完全沒有海盜。

麻六甲海峽仍然很受海盜青睞。其原因為地理和作業上的理由。麻六甲海峽地區吸引最繁重的海運交通集中。每天有超過 200 艘不同類型的船隻通過麻六甲海峽，交通密度非常高。雖然訂有分道航行制，但通行船隻往往會減慢速度，以協商交通流量。大型油輪(VLCCs)必須以安全速度通過海峽，因為其龍骨下方僅有 1 或 2 公尺的間隙。此外，麻六甲海峽中也有若干沉船和淺水區域。這些航行和作業條件為海盜提供了適當的攻擊並迅速逃逸的環境。

根據 IMB 的報告，索馬利亞外海的海盜攻擊事件日益增加。該報告指出，早期的攻擊事件還僅限於沿岸地區，但如今海盜越來越猖狂，他們已擁有火力強大的武裝，並具備在離岸 120 海里的外海攻擊船隻的能力。根據 IMB 的一項公告，通過索馬利亞水域的商船被勸告儘可能遠離海岸。索馬利亞海盜擁有嚴密的組織，並建立完善的情報網。他們在各個東非港口派駐線民，通知他們船隻離港和預計通過索馬利亞水域的時間。

毒品走私

東南亞和西南亞是全世界兩大鴉片和海洛因生產地區。在歷史、氣候和政治條件的助長下，緬馬成為全世界最大的罌粟種植和海洛因生產國。由於泰國北部和寮國的氣候條件與緬馬類似，罌粟種植很快便擴散至這些地區。這整個區域被稱為“金三角”。緬馬的產量最高，每年生產超過 2,000 公噸鴉片。緬馬除了是最大的鴉片生產國以外，也是金三角的海洛因提煉中心。緬馬的海洛因出貨通過鄰近的泰國、寮國、越南、中國和印度。緬馬所生產的海洛因多半透過祕密的

陸路和海路運送出境。走私販子運送海洛因通過緬馬中部，經常從臘戍(Lashio)經過曼德勒(Mandalay)到仰光或其他海港(如茂林港)，再經由海路運往西方。

人口偷渡

人口偷渡不是新現象。為了開發或改變人口結構，一直都有人在偷渡人口。此外，也有人基於政治、經濟和安全因素而自願遷移。然而，今天人口偷渡已經成為一項暴利事業。就利潤而言，人口偷渡的風險較低，報酬卻很高。譬如，走私毒品至新加坡可能被判處死刑，而偷渡人口至美國的淨利是每人 30,000 美元。世界各地的人蛇集團和幫派如雨後春筍般出現，紛紛投入這項高獲利產業。

數以百萬計的亞洲人離開祖國，尋求較好的經濟環境。根據國際勞工組織(ILO)的統計，大約有 700 萬亞洲人在海外工作，其中超過 50% 為非法移民。另根據一項估計，平均而言，全世界 100 萬名非法偷渡者中，有 20% 來自中國。其他來源國還包括伊朗、伊拉克、印度、巴基斯坦、蘇丹、孟加拉和斯里蘭卡。

亞太地區經由海路非法販運和人口偷渡的案例越來越多。一般目的地為美國、西歐和澳洲。報導中也有從中東至澳洲的人口偷渡案例。偷渡者首先被載至沿岸地區，再登上小型渡船被送至公海。他們最後被送上從事此一勾當的特定船隻，再由該特定船隻將他們運至所期望的目的地。但也有些偷渡客願意搭乘小船，經歷一段漫長而艱難的海上航程，前往他們的目的地。

恐怖主義

2000 年發生的三件以軍艦為目標的恐怖攻擊事件 - 基地組織攻擊美國科爾號驅逐艦、泰米爾之虎解放組織攻擊一艘斯里蘭卡軍艦、和哈馬斯組織(Hamas)攻擊一艘以色列軍艦未遂 - 暴露出海軍在面對非對稱威脅(如恐怖主義)時的脆弱性。事實上，基地組織攻擊美國軍艦的構想始於 2000 年 1 月，目標是駐於葉門的蘇利文號驅逐艦(USS Sullivan)。當初的計畫是利用一艘載滿炸藥的小船衝撞蘇利文號。然而，由於炸藥量計算錯誤，以致於當炸藥被裝上小船時，小船沈了下去。行動因此延後了十個月，後來終於完成對美國科爾號驅逐艦的攻擊。科爾號攻擊事件否定了這類攻擊為獨立事件的常見觀點。法國林堡號油輪在葉門外海所遭受的恐怖攻擊著實是令人毛骨悚然的難忘記憶，充分顯示出海運企業面對非對稱威脅時的脆弱性。一艘裝滿炸藥

的快艇飛速撞向林堡號油輪，造成油輪癱瘓，石油四溢。這種手法非常符合恐怖份子以低科技對抗超級強權的需求。林堡號油輪攻擊事件與美國科爾驅逐艦攻擊事件非常類似。

供應鏈癱瘓對經濟的衝擊

印度洋海運供應鏈癱瘓，必然會造成一系列經濟損失。一項針對1968-1979年間涵蓋200個國家的調查發現，恐怖攻擊事件數量加倍將導致目標經濟體間雙邊貿易縮減約6%¹。同樣地，2002年2月18日出刊的財富雜誌指出，“2001年9月11日恐怖攻擊事件後所提升之維安措施(如增加庫存量、邊界關閉、延長前置作業時間、及其他變革和安全措施)對美國供應鏈的衝擊，估計為每年1,500億美元”²。美國西岸港口的癱瘓將造成一些亞洲國家的帳面GDP下降0.4%，對香港、馬來西亞和新加坡的衝擊估計更可能高達帳面GDP的1.1%³。值得注意的是，911世貿中心(WTC)攻擊事件造成190億美元的保險財產損失和高達900億美元的估計經濟損失(2001年)⁴。

保險成本是關鍵問題。譬如，勞埃德保險市場協會(Lloyd's Market Association)所屬的戰爭風險評估委員會(JWC)已經宣告麻六甲海峽和20個西亞及非洲的其他海運地區為海盜、戰爭、攻擊、恐怖主義及其他相關危險的高風險區。JWC的決定是一項報導的餘波。這項報導提出警告，基地組織可能攻擊一個“重要海事目標”。JWC擔心基地組織可能在麻六甲海峽地區攻擊船艦，從事海盜行為。

同樣地，繼2001年造成多架商用機毀損的可倫坡國際機場攻擊事件後，多家保險商也宣告斯里蘭卡為戰爭風險區。針對斯里蘭卡進出口的貨物，海運公司必須支付每貨櫃350美元的額外費用，以便將船舶在可倫坡港停靠期間納入保險範圍。在承受將近一年後，斯里蘭卡政府終於不得不請求全球保險業巨擘倫敦勞埃德保險公司(Lloyds of London)針對可倫坡港、加勒港(Galle)、亭可馬里港(Trincomalee)、和Bandaranayake國際機場進行安全稽查。繼2002年法國林堡油輪在

¹ Nitsch, V.和Schumacher, D., (2002) ‘恐怖主義與貿易’(Terrorism and Trade) – 全球恐怖主義之經濟後果(*The Economic Consequences of Global Terrorism*)研討會論文；DIW – 柏林德國經濟研究所(六月)；11月24-26日，蘇菲亞商業管理學院(尼斯)法國；引用於P.H. Barnes & R. Oloruntoba. (2005) “海運供應鏈之安全保障：脆弱性與危機管理之觀念問題”(Assurance of Security in Maritime Supply Chains: Conceptual Issues of vulnerability and Crisis Management) – 國際管理雜誌第11卷(11月4日)。

² 同前註

³ 同前註

⁴ 同前註

葉門外海遭受恐怖攻擊後，停靠葉門各港口船舶的保險費漲了三倍，迫使許多船舶不是從行程表中取消葉門停靠，就是轉往鄰近國家的港口停靠⁵。

2006年3月，載運5551個標準貨櫃(TEUs)的1996年造貨櫃輪“現代財富號”(Hyundai Fortune)在亞丁以東120哩的地方起火燃燒，造成船隻幾乎沈沒⁶。船上的貨物中包含七個裝滿煙火的貨櫃。因此，煙火儲存失當引發關切，同時煙火已被宣告為危險貨物。船上所有27名船員全部獲救，唯其中一名受到嚴重灼傷而被送醫治療。此一意外事件可能成為最大宗的海運保險理賠案，理賠總金額預料將達到5億美元，外加7,000萬美元的船舶保險理賠。該案的理賠金幾乎是任何其他海運意外事件的兩倍⁷。

在2002年印度和巴基斯坦軍事對峙期間，停靠印度的孟買港、JNPT港、肯德拉港(Kandla)、及地區內其他港口(東經73度西北方18度內的港口)的船隻，必須支付額外的戰爭風險保險費(WRP)。針對巴基斯坦貨物收取的戰爭風險附加費又衍生出相當於船舶保險價值約0.75%的每週WRP。如果兩國僵局持續下去，巴基斯坦政府每年將必須承受超過100億盧比的額外支出。全巴基斯坦海運協會(All-Pakistan Shipping Association)憂慮地指出，巴基斯坦的經濟無法負擔如此高額的WRP，因為巴基斯坦已經面臨國際收支問題，出口也已嚴重受創。

結語

值得注意的是，海洋幹線與資訊技術革命所帶動之經濟全球化不同，海洋幹線扮演的角色是海運安全全球化的催化劑。雖然2001年9月11日的恐怖攻擊事件沒有殃及海運基礎建設，但911攻擊事件突顯出一個事實：世界各地區的海運供應鏈本身都是很容易引起恐怖份子覬覦和攻擊的目標。幾項研究都證實一個事實：海運供應鏈相關攻擊事件可能導致重大的經濟創傷。海港可能是海運供應鏈中最困難的安全挑戰。港口基礎建設中一個系統的結果可能擴及整個港口造成多重後果。

⁵ ‘海港面對恐怖攻擊脆弱性日增－港口保護與全球貿易流兼顧帶來新挑戰’(Growing Vulnerability of Seaports from Terror Attacks, to protect ports while allowing global flow of trade is a new challenge) Viewpoint－東南亞研究所；網址：www.iscas.edu.sg/viewpoint。

⁶ Paul Richardson ‘葫蘆裡賣什麼藥？’(What was in the box?)；網址：<http://www.e-cargonews.com>。

⁷ 同前註

同樣地，安全而高效率的供應鏈體系對於國內及國際企業極為重要。任何海運供應鏈因恐怖份子或海盜攻擊而癱瘓，都可能對全球經濟造成嚴重影響。顯而易見的是，重要海事體系(如港口)和供應鏈本身都是恐怖攻擊的現成目標，很容易遭受摧毀、癱瘓或重創。

因此，非常重要的一點是，要了解恐怖份子的戰略目標 - 他們可能選擇哪些目標？他們的目的為何？這些都是非常複雜的問題。過去幾年裡，政府和產業界已提出一些改善海運基礎建設安全的方案，然而，港口和海運供應鏈的脆弱性仍然令人擔憂。或許現在需要做的是，針對海運安全進行一次綜合分析，以確實發掘出海運企業所面臨的風險，並詳細列出緩和風險的管理選項。

Topic 7: Relations across the Taiwan Strait

議題七 兩岸關係

Taiwan: Seeking a Meaningful Dialogue

臺灣：尋求一種有意義的對談

陸委會主委吳釗燮先生 MAC, ROC
2006/07/19

(This article is an excerpt of an article by Dr. Jaushieh Joseph Wu, Chairman of Mainland Affairs Council. It originally appeared in the *New Zealand International Review*, September 1, 2004. Some revision has been made.)

(本文摘錄自陸委會主委吳釗燮博士撰寫的一篇文章。原文登載於2004年9月1日出版的紐西蘭國際評論雙月刊雜誌(New Zealand International Review)。本文已做了部分修訂。)

The Taiwan Strait has often come in the international media's spotlight, as many people throughout the world fear that tensions between Taiwan and China might intensify to an unmanageable degree. As one of the countries at the center of this gathering storm, it is in Taiwan's own interests, as well as those of other parties, to present some of the facts pertinent to this matter and to make its policies clear to the international community.

臺灣海峽向來為國際媒體關注的焦點，全世界許多人都害怕臺灣與中國大陸間的緊張關係可能升高到無法收拾的地步。身處台海暴風圈中心的國家之一，(我國)唯有忠實呈現此一議題的原貌，並向國際社會清楚表達我方政策，方符合臺灣本身及其他各方團體的利益。

The situation across the Taiwan Strait is more complicated than usually presented by the media, and it is necessary to take into consideration the numerous interrelated dimensions if a clear picture is to be seen. These include the military and diplomatic confrontations, parallel historical developments, and economic interdependence of the two sides. At the center of this complex intersection of conflicting elements, Taiwan would also like the international community to understand that the pursuit of peace is its paramount objective.

海峽兩岸間的情勢較之媒體平時所報導的更顯複雜，若盱衡全局，海峽兩岸仍需針對許多交互關聯的象面列入考量，才能讓世人認清台海局勢實際的發展狀況。仔細評量。這些象面包括軍事與外交的對峙、各自的歷史發展、以及兩岸經濟的相互依賴。位居複雜的衝突要素交匯點，臺灣企盼國際社會能瞭解到，追求和平即是臺灣的最高目標。

First dimension: Military buildup and diplomatic confrontation

It is known from a number of widely available sources that China's military budget began to expand rapidly in 1994, and has had double-digit growth in almost every year since. This is far in excess of China's economic growth rate and, by comparison, Taiwan's military budget has stagnated. Taking 2006 as an example, according to the Beijing authorities' own published figures, China's military budget topped US\$35 billion, which is almost eight times the figure spent on defense by Taiwan. This fact alone provides a number of reasons for concern.

第一項範疇：軍事的建構與外交的對峙

從許多廣泛可得的資料顯示，中國大陸的國防預算自 1994 年開始快速擴張，而且幾乎每年都有兩位數字的成長。這已遠遠超過中國大陸本身的經濟成長率，而比較起來，臺灣的國防預算就呈現停滯狀態。以 2006 年為例，根據北京當局公佈的數據，中國大陸的國防預算高達 350 億美金，幾乎是臺灣國防支出的八倍。單單這項事實就提供了若干需加以關切的理由。

Much of China's growing military budget has been spent on foreign procurement, including Su-27 and Su-30 fighter jets, sovrenmenny-class destroyers, kilo-class submarines, and other advanced weapon systems. China's deployment of missiles is also a cause for worry, with around 820 short- to mid-range ballistic missiles targeting Taiwan from the southeastern coastal region. Some in Washington DC have been moved to describe China's missile deployment as the most destabilizing factor in the region. In addition to these increasingly accurate, traditional ballistic missiles, China has also been developing, and deploying, multiple independently reentry vehicles (MIRVs) and cruise missiles, thus further destabilizing the situation.

中國大陸國防預算的成長已有多數花費在國外採購上，包括蘇愷 27 型與蘇愷 30 型戰機、現代級(sovrenmenny-class)驅逐艦、基諾級(kilo-class)潛艦，以及其他先進武器系統。中國大陸對於飛彈的部署也是一項隱憂，約有 820 顆分佈在東南沿岸地區的短程到中程彈道飛彈

瞄準臺灣。一些美國華府的人士也描述中國大陸的飛彈部署就是此區最不穩定的因素。除了這些陸續擴增的精準、傳統彈道飛彈，中國大陸也持續發展並部署了獨立式多彈頭飛彈(multiple independently reentry vehicles, MIRVs)與巡弋飛彈，因而情勢愈加不穩定。

Immediate need

Under such circumstances, Taiwan's most immediate need is to prevent this military imbalance from tilting so far that China thinks it can use force against its tiny neighbor without the fear of an effective defense force. In order to prevent the cross-strait military situation from deteriorating further, Taiwan's government is moving to strengthen its defense, which explains its attempts to pass a special budget for necessary air, submarine, and missile defense capabilities. Furthermore, Taiwanese government has pledged to raise its military budget to 3% of its GDP.

迫切的需求

在這種環境之下，臺灣最迫切的需求就是預防這種軍事上的失衡逐漸向中國大陸傾斜，避免中國大陸認為可以無畏臺灣有效的防衛兵力，而逕行以武力攻打這鄰近小島。為了預防兩岸軍事情況愈形惡化，臺灣政府致力於增強自身國防，亦即企圖立法通過獲取空中、潛艇與防衛性飛彈能力需求的特別預算。再者，臺灣政府也保證提高國防預算到達國民生產毛額的3%。

On March 14, the People's Republic of China disregarded the concerns of the international community and passed the so-called "Anti-secession Law," unilaterally attempting to change the status quo. The Taiwanese government has called on the international community to address the threat this law has posed to cross-Straits relations and regional security. Indeed, China's rise as well as changes in international politics, military and economical imbalances are important factors affecting the stability of the Taiwan Strait and its surrounding regions. "The rise of China", together with the leverage China has on issues like North Korea and Iran, becomes a serious topic regarding the enhancement of regional hegemonic status and global influence that China enjoys in recent time.

在今年3月14日，中國人民共和國枉顧國際社會的關注，通過了所謂的“反分裂法(Anti-secession Law)”，企圖片面改變兩岸對等的現況。臺灣政府呼籲國際社會協助處理反分裂法加諸於海峽兩岸關係與區域安全的威脅。事實上，中國大陸的崛起也改變了國際上政治、軍事與

經濟的失衡，這些重要因素正影響著臺灣海峽與周遭地區的穩定狀態。“中國大陸的崛起”，再加上其可以引發爭端的作用就與北韓和伊朗一樣，已變成一項有關增強區域霸權地位以及對於全球影響的嚴重議題，這也是中國大陸最近樂於從事的事。

Second dimension: Interdependence in non-political areas

In contrast to this military buildup and diplomatic confrontation, economic integration and cultural exchange across the Taiwan Strait present a dramatically different picture. For humanitarian reasons, in 1987 the Taiwan government started to allow its citizens the right, albeit limited, to visit relatives in China. In the 18 years since this first opening up, travel between the two sides has mushroomed. There have been a total of 37 million visits by Taiwan's people to China till the end of 2005, averaging around 3 million visits annually in recent years. In the same period, PRC citizens have made more than 1 million visits to Taiwan. This is just one small but significant example of the reality that lies behind what is widely perceived as the Taiwan-China tension.

第二項範疇：在非政治領域上的相互依賴

相對於軍事的建構及外交的對峙，海峽兩岸經濟整合與文化交流呈現出截然不同的圖像。以人道主義為考量，臺灣政府在 1987 年局部開放，允許百姓探訪居住在中國大陸親屬的權利。自第一次開放後 18 年來，兩岸間的旅遊如雨後春筍般地蓬勃發展。直到 2005 年底，已有 3700 萬人次的臺灣百姓造訪大陸，近年來每年平均約有 300 萬人次。同一期間，中國大陸也有超過 100 萬人到訪臺灣。這些只是潛藏在海峽兩岸緊張局勢下微小卻很重要的實例。

Cross-strait trade has also expanded year-on-year, reaching US\$76.3 billion in 2005. China accounts for around 37.8% of Taiwan's export market and about 71% of Taiwan's outbound investment. Some people have even suggested that these high levels of trade with the PRC make Taiwan too dependent on China.

兩岸經貿也是一年一年地擴展，對中國大陸貿易總額在 2005 年達到了 763 億美金。中國大陸證實臺灣對其出口市場約佔 37.8%，而對大陸的投資約佔總體對外投資的 71%。部份人士甚至認為臺灣的高度經貿對中國大陸有過於依賴的現象。

Tremendous increase

After taking up the reins of government in May 2000, DPP leaders adopted a series of liberalization policies aimed at improving cross-strait exchanges. These included setting up direct transportation links between China's southeast coast and the ROC offshore islands of Kinmen and Matsu, liberalizing the "go slow, be patient" policy by pursuing the "proactive management and effective liberalization" policy, preparing for future direct shipping and air transportation links, permitting Chinese tourists to visit Taiwan, and allowing charter flights back and forth between Taiwan and China.

龐大的增加

2000 年 5 月接掌執政權之後，民主進步黨的領導人採用了一系列的自由化政策，目標放在促進兩岸交流。這些政策包括建立介於中國大陸東南沿岸與中華民國金門、馬祖外島間的小三通，自由化的“戒急用忍”方針以追求“積極管理，有效開放”的政策，準備在未來的兩岸海、空直航，開放中國大陸觀光客到臺灣旅遊，允許台商春節包機來回往返海峽兩岸。

The government also allowed specialists in a variety of fields to visit Taiwan, universities to use textbooks written in China's simplified characters, and China's media to station journalists in Taiwan. These measures were all aimed at increasing mutual understanding and bringing reason to the previously confrontational atmosphere of cross-strait relations.

臺灣政府也允諾各種領域的專家學者來台參訪，各大學院校亦使用簡體字版的教科書，中國大陸各媒體亦將在臺灣派駐特派員。這些措施的目標都是在增進兩岸相互瞭解，同時緩和先前的兩岸關係對峙氣氛。

Domestic politics

Despite China's rapid social and economic changes, there has not yet been an equivalent political transformation towards a more responsive system. In recent years, China seems to be more focused on using the so-called "three warfares" against Taiwan. The main purpose of this strategy is to forge a false impression that China is lenient despite harsh measures stipulated in "Anti-secession Law."

國內政局

儘管中國大陸在社會與經濟上正快速的變遷，目前仍未有同步的政治改革朝向更具回應的系統。近年來，中國大陸似乎更傾向運用所

謂的“三項戰法(輿論、心理、法律)”來對抗臺灣。這項策略的主要目的是為了捏造一種假象來表現雖然在“反分裂法”嚴峻的規定下，中國大陸依舊保有寬大的態度。

On the other hand, internal political differences in China tend to become exaggerated and ignite domestic feuds since the PRC's decision-making process is not transparent, and its leadership selection and recruitment processes are still closed to institutional oversight, media scrutiny, or popular participation. There are still no signs as to how soon people in China might be able to choose their own leaders, or even when the political system might be more responsive to public opinion. It can be expected, therefore, that Taiwan may serve as a scapegoat for some time to come.

另一方面，由於中華人民共和國缺乏透明的決策過程，領導班子的選舉與補充也不受任何公共團體與媒體的監督、或允許民眾的參與，中國大陸在內政上的歧異往往過於誇大也激起國內的爭端。目前仍無跡象顯示大陸人民要到何時才能選舉自己的領導人，或何時才能有一個行政系統願意對民意作出回應。因此，可預測的是，在未來一段時間內，臺灣仍將被中國大陸視為代罪羔羊。

Unlike China, Taiwan embarked on the process of democratization in the late 1980s. This culminated in the first direct presidential election in 1996, and first peaceful transfer of power between political parties in 2000. The peaceful nature of these transformations has been recognized internationally as a tremendous political achievement. As president Bush in a speech delivered in Kyoto last November has testified that people living in Taiwan all enjoy political freedom.

不像中國大陸，臺灣從 1980 年代後期即開始了民主化的進程。在 1996 年第一次的總統直選與 2000 年首度和平的執政黨與政權移轉時達到顛峰。這些轉型的和平本質被國際社會視為極重要的政治成就。如同去年 11 月美國布希總統在日本京都演說中證實臺灣百姓在民主自由體制下都生活得非常愉快。

Major trend

Moreover, since Taiwan is a democracy, major policies must meet the approval of a majority of the people through legislative oversight and periodic elections. The public also reacts to cross-strait developments and international situations. China's diplomatic oppression of Taiwan, for example, has had a counterproductive effect that China did not foresee, with

more than 50 percent of Taiwan's people now identifying themselves as Taiwanese rather than Chinese. This trend has been interpreted as evidence of Taiwan's desire for independence, however, and China does not seem to realize that the main force behind it has been the PRC's own hostile posture toward Taiwan. Meanwhile, it continues to formulate policies that will merely encourage this trend and force Taiwan's people to conclude that China is afraid of Taiwan's democracy and its people's right to express their views.

重要趨勢

此外，由於臺灣已是民主政體，重要政策應透過立法監督及定期選舉以獲得多數人民的認同。民眾對於海峽兩岸發展及國際情勢也會反應看法。例如，中國大陸對臺灣在外交上的打壓已導致其未能預見的不良後果，這使得目前有超過半數的臺灣百姓自認是臺灣人而非中國人。此一趨勢已被對岸解讀成臺灣意圖獨立的證據，然而，中國大陸似乎並不瞭解此情況主要是由於中華人民共和國對臺灣採取敵視所造成的。同時，中國大陸不斷制定助長此種趨勢的政策，迫使臺灣人民認為中國大陸恐懼臺灣的民主體制，以及臺灣人民表達意見的權利。

Taiwan's democratization has many facets, and China would do well to pay closer attention to the results of public opinion surveys in Taiwan. Regarding future relations with China, for example, surveys asking whether people support independence, the status quo, or unification with China have consistently shown that between 70 and 80 percent of Taiwan's people opt for a broadly defined status quo. It is reasonable to conclude, therefore, that Taiwan's public opinion on cross-strait issues is one of the most important foundations of cross-strait stability.

臺灣的民主化具有許多層面，若中國大陸更注意臺灣的民調結果，其對台做法將更完善。例如，有關與中國大陸的未來關係，民調中問到關於統、獨及維持現狀等問題時，一直以來都有七、八成的臺灣人民選擇廣義的維持現狀。因此合理地推論，臺灣民眾對兩岸關係的看法是海峽兩岸穩定最重要的基礎之一。

People in Taiwan are beginning to wonder if it might be Taiwan's democracy that China objects to, rather than Taiwan independence per se. For China to better understand how Taiwan's people view the future of cross-strait relations, it should realize that the majority of Taiwanese are sensitive to China's hostility toward Taiwan government. This merely

illustrates how China's Taiwan policies can be counterproductive to its stated policy goal of bringing Taiwan closer. If China does indeed want Taiwan's public to view it more favorably, it should act in a less threatening manner.

臺灣人民不禁懷疑是否中國大陸反對的是臺灣的民主政體，而不是臺灣獨立本身。中國大陸要想更瞭解臺灣人民如何看待未來的兩岸關係，應該察覺到多數的臺灣人對於其敵視臺灣政府是相當敏感的。這就證明了中國大陸的對台政策對其拉攏臺灣的政策目標上會有反效果。如果中國大陸想給臺灣民眾好感，必須減少對台威脅的方式。

Meanwhile, China continues to threaten Taiwan over its intention to revise the Constitution as if the people of Taiwan do not have the right to an improved political system. This threat raises concern in the international community over whether constitutional revision by Taiwan constitutes a "unilateral change of the status quo." Actually, one could say that the better Taiwan's democracy functions, the more Chinese people—whether in Hong Kong, China, or wherever—can emulate it. Taiwan's democracy is, therefore, the best hope for all Chinese people the world over.

同時，中國大陸持續威脅臺灣修憲的意圖，好像臺灣人民無權改善他們的政治制度。這項威脅提高了國際社會關切臺灣的修憲是否會構成“片面的改變現狀”。事實上，一般人會認為臺灣的民主政體運作得愈好，爭相仿效的華人就愈多--無論他們是身處香港、大陸或任何地方。因此，臺灣的民主體制便是全世界華人的最佳希望。

Four stages

Since Taiwan is already a democracy and its people are willing to seek reconciliation with China, Taiwan's government would like to deescalate regional tensions and bring the two sides of the Taiwan Strait together to create a cooperative mode by the following four stages.

四個階段

由於臺灣已是民主國家，且臺灣人民願意與中國大陸尋求和解，臺灣政府想要降低區域緊張並循以下的四個階段為海峽兩岸建立合作模式。

In the first stage, already underway, Taiwan is pursuing a conciliatory and open policy toward China, even if this requires unilateral gestures of goodwill. Taiwan's government has reviewed its cultural and economic exchange policies, and would like to expand the scope of these cross-strait interactions.

第一階段已在進行中，而即使是單方面的善意作為，臺灣也持續尋求對大陸和解與開放的政策。臺灣政府已檢視其文化與經貿交流政策，並願意擴大海峽兩岸互動的範疇。

In the second stage, Taiwan will pursue dialogue and negotiation with China on substantive issues, such as currency exchange, investment protection, avoidance of double taxation, legal arbitration, IPR protection, tourism, repatriation of illegal immigrants, joint efforts to combat cross-strait crime, and direct transportation links. Through negotiation of these substantive issues, Taiwan and China may slowly build confidence and gain each other's trust. When agreements on these issues are reached, the two sides will enter a new era of cooperation. At that stage the environment should be such that dialogue on more thorny political issues can begin.

第二階段，臺灣將尋求在實質議題上與中國大陸展開對談及協商，例如匯率、投資保護、避免雙重課稅、法律仲裁、保護智慧財產權(IPR)、開放觀光、偷渡犯遣返、共同打擊兩岸犯罪和直接三通等議題。經由這些實質議題的協商，臺灣和中國大陸可逐步建立互信與互賴。當這些議題達成協議時，兩岸即邁入合作的新紀元。屆時，海峽兩岸就能夠對更棘手的政治問題展開對談。

Interim framework

In the third stage, Taiwan will seek to establish an interim framework for peace and stability to govern the activities between the two sides before a final settlement can be found. The pursuit and maintenance of peace should be the paramount guideline within this framework so as to ensure that neither side resorts to extreme means to change the status quo. The two sides should pursue political negotiations according proper mechanisms, establishing appropriate political relations, carrying out military confidence building measures that will prevent any accidental incidents from erupting into major conflicts.

中程架構

第三階段，臺灣將尋求建立兩岸和平與穩定的中程架構，以便在最終解決方案出現前來規範雙方的行為。在這項架構內，追求及維持和平應為最高指導原則，以確保任一方不以極端方式片面改變現狀。海峽兩岸應循適當機制來尋求政治協商，建立適當的政治關係，並建構軍事互信機制，以避免因任何偶發性事件而爆發嚴重衝突。

In the fourth and final stage, the two sides will work out their political differences for a final settlement. Whatever form this takes, Taiwan should

be able to maintain its self-rule without jeopardizing its democratic system. Taiwan should also be guaranteed the right to be a member of the international community and to participate in international bodies, such as the United Nations and its affiliated organizations. Taiwan does not exclude any form of political relationship with China, so long as Taiwan's democracy is recognized and the people agree to it.

第四也是最後階段，海峽兩岸將就雙方政治上的歧異，發展出一套最終解決方案。不論採取任何形式，臺灣一定要能維持其自主同時其民主制度不受傷害。臺灣也應當確保有權利成為國際社會的一份子，與參與國際組織，例如聯合國及其附屬機構。只要臺灣的民主獲得承認且經由臺灣人民同意，臺灣不會排除與中國大陸建立任何形式的政治關係。

The Taiwan Strait has been described by many as one of the most volatile areas in the world. Any military conflict will certainly bring devastating results to the region and, therefore, is not in anyone's interest. Since commencement of the Taiwan government's new term on May 20th, 2004, it has spoken with prudence and acted with goodwill in trying to reconcile the differences with China. Taiwan has repeatedly urged China to resume its dialogue with Taiwan without any preconditions since this will help achieve China's stated aim of bringing Taiwan closer rather than pushing it further away. Taiwan has already made unilateral efforts to hold out olive branches to China. For example, it has already allowed more Chinese to visit Taiwan. These efforts have been appreciated by the international community, and it is time that more followed the lead of those major nations which have urged the PRC to look more carefully at Taiwan's policies, actions, and intentions, and to resume dialogue with Taiwan.

台海情勢已被許多人士認為是世界上最詭譎多變的區域之一。任何軍事衝突勢必為此區域帶來災難，而且不符合兩岸雙方的利益。自2004年5月20日臺灣政府的新任期開始，其言詞謹慎，並釋出善意，試圖與中國大陸化解分歧。臺灣也一再催促中國大陸在未具任何先決條件下恢復兩岸的對談，此舉將有助於中國大陸達成既定的目標，拉攏臺灣而非更形疏遠。臺灣已做出許多單方面的努力並釋出與中國大陸和談的建議(olive branches)。例如，允許更多大陸同胞造訪臺灣。這些努力已被國際社會所讚賞，臺灣政府籲請更多國際社會追隨主要國家的腳步，來敦促中國人民共和國更加審慎看待臺灣方面善意的政策、行動及意向，並儘速恢復海峽兩岸對話。

The international community should also remind China that peace and development should be the most important objectives in cross-strait relations, especially in light of the "peaceful rise" China has proclaimed as its national endeavor. As always, it takes two to make peace, and China should make a public proclamation that it will pursue peace in resolving its differences with Taiwan. Peace should color the language used by all parties concerned.

國際社會也應提醒中國大陸，和平與發展實為海峽兩岸關係最重要的目標，特別是中國大陸既已宣稱“和平崛起”為其國家的努力方針。維繫和平務須由雙方共同努力，同時中國大陸應當公開聲明將以和平方式解決與臺灣的歧見。和平應為各方共同關切的語言。

In recently released "2006 National Security Report," Taiwanese government highlights the necessity for establishing a peace and stability framework for cross-strait relations. The reward for China to reach peace with Taiwan outweighs those of conflict or stalemate. China has wasted the four years of President Chen's first term by not responding to Taiwan's repeated calls for meaningful dialogue. A widening of the distance between the two sides has certainly not benefited China's interest. Those in the international community who are concerned with cross-strait relations should remind China's leaders of this simple but important fact.

最近發表的“2006 年國家安全報告”，臺灣政府強調，建立一個和平與穩定的組織架構對海峽兩岸關係而言是必要的。若能如此，中國大陸與臺灣和平共處所獲得的報酬將遠優於兩岸衝突或僵局。中國大陸已蹉跎了陳總統任期的前四年，對於臺灣方面重申兩岸進行有意義對談的呼籲亦不予回應。兩岸之間漸行漸遠顯然不符合中國大陸的利益。凡是關切海峽兩岸關係的國際友人，都應提醒中國大陸領導人這項顯而易見的事實。

Thank you for your patience! And I would like to wish this symposium as successful as ever!

感謝各位的耐心聆聽！謹預祝本次專題討論會圓滿完成。

Topic 8: Security Outlook on Korean Peninsula

“The North Korean Nuclear Issue and Future of the ROK-U.S. Alliance”

Dr. Tae-Hyo KIM. Korea

Abstract

Discussion of South Korea's cost-benefit analysis leads to the conclusion that the search for nonviolent responses to the North Korean nuclear issue causes a dilemma for Seoul: It must balance its security policies toward Washington and Pyongyang, and that dilemma can be resolved only when the North Korean problem, the most critical and the most difficult hurdle, is resolved. The South Korean government has consistently objected to North Korea's development of nuclear weapons, while actively pursuing a more constructive role at the six-party talks.

However, the U.S. and the ROK do not seem to agree on what constitutes the further steps and what would be the most desirable strategy to induce North Korea to give up the nuclear program. Washington seems to include economic sanctions and political pressure in the category of peaceful measures, while Seoul believes that economic assistance should be provided to North Korea in the first place in order to persuade Kim Jong-Il to freeze the nuclear program.

Caught between two stubborn nations (North Korea and the U.S.) in the six-party talks, the South Korean government should realize that it cannot have it both ways. It can maintain the trust of the U.S. only by being tough on the nuclear issue, but this would aggravate inter-Korean relations.

With the ebbing likelihood of full-scale war with North Korea, the ROK-U.S security alliance must be modified to cope with different forms of potential North Korean aggression: infiltration, limited armed conflict, weapons of mass destruction, and regime or state collapse. Given the increasing importance of non-conventional security issues, the alliance should also look beyond the Korean Peninsula and contribute to facilitating peace and prosperity in East Asia based on the common values of democracy and a market economy.

North Korean Nuclear Issue

The launch of the six-party talk's mechanism in late August 2003 has significant meaning for multilateralism in Northeast Asia, despite its uncertain prospects. It is the first official forum in which all the major states of Northeast Asia sit together and discuss the North Korean nuclear issue.

Although there is now an abundance of multilateral forums that deal with East Asian security, particularly since the end of the Cold War, all of these attempts have been impotent as far as North Korean issues are concerned.

Although countries differ in their preferences for ways to solve the problem, it has been alleged that North Korea's nuclear weapons development violates the international code of conduct on human security aspects as well as international stability: (1) North Korea's pursuit of WMD will leave its own people in constant starvation; (2) North Korea armed with nuclear weapon will aggravate the regional and global security order by stimulating an arms race, posing a serious challenge to the NPT regime and international stability; and (3) there is a possibility that North Korea will provide nuclear material or technology to "rogue states" or terrorist groups. In addition, a North Korea equipped with nuclear arsenals will be a significantly greater military threat to South Korea, which motivates the ROK government to stubbornly oppose the nuclear program.

Pyongyang seems to be simultaneously pursuing two mutually conflicting goals, but either direction places North Korea in a dilemma. Stubbornly clinging to the nuclear option in the face of international objections might invite tougher measures while uncharacteristic appeasement could hasten internal divisions among the Pyongyang elite and even lead to the implosion of North Korean society. The only difference between the two dilemmas is that the former concerns the near future, while the latter would occur over a longer time span. A compromise for Kim Jong-Il may be to keep the current momentum of the six-party talks going for a while, preventing the international community from taking "further steps." The key here is how long the North Korean delaying tactic will work amid the commonly shared desire for a nuclear-free Korean Peninsula, to which North Korea itself expressed an understanding at the previous rounds of the six-party talks. North Korea's dilemma will probably deepen as the six-party talks proceed.

Discussion of South Korea's cost-benefit analysis leads to the conclusion that the search for nonviolent responses to the North Korean nuclear issue causes a dilemma for Seoul: It must balance its security policies toward Washington and Pyongyang, and that dilemma can be resolved only when the North Korean problem, the most critical and the most difficult hurdle, is resolved. The South Korean government has consistently objected to North Korea's development of nuclear weapons, while actively pursuing a more constructive role at the six-party talks.

However, the U.S. and the ROK do not seem to agree on what constitutes the further steps and what would be the most desirable strategy to induce North Korea to give up the nuclear program. Washington seems to include economic sanctions and political pressure in the category of peaceful measures, while Seoul believes that economic assistance should be provided to North Korea in the first place in order to persuade Kim Jong-Il to freeze the nuclear program.

Caught between two stubborn nations (North Korea and the U.S.) in the six-party talks, the South Korean government should realize that it cannot have it both ways. It can maintain the trust of the U.S. only by being tough on the nuclear issue, but this would aggravate inter-Korean relations. If South Korea continues to oppose any kind of "sticks" against North Korea despite a lack of progress in the six-party talks, ROK-U.S. relations will be damaged significantly. The only possible solution to this dilemma is to let Pyongyang's leadership realize that South Korea will choose the American side if the nuclear crisis cannot be resolved through dialogue.

Finding common ground on the exchange of political and economic benefits for verifiable dismantlement of the nuclear program is the critical variable that will determine success or failure of the six party talks multilateral approach. The multilateral dialogue becomes meaningful only when there is an agreement to exchange nuclear inspections for a security guarantee between North Korea and the U.S., conditions for which, if it is to be a peaceful approach, can only be created through more solid and concerted influence on North Korea. South Korea should proactively move to cultivate this condition.

The ROK government's strong and consistent commitment to a nuclear-free Korean Peninsula is particularly required lest it should convey a perception to Kim Jong-Il's regime that a possible policy change of the United States (not North Korea) would present a new window of opportunity for North Korea. It should be clearly delivered to Pyongyang's leadership that both the U.S. and South Korean governments take as a matter of long-term national interest achieving a complete dismantlement of the North Korean nuclear capability.

Future of ROK-U.S. Security Relations

Given that the U.S. Forces in Korea will gradually be adjusted to reflect the changing security environment in Northeast Asia and that there remains a salient rationale for Korea-U.S. security cooperation, the ongoing Korea-U.S. alliance will certainly remain a win-win strategic option for both

countries. How and in what capacity the two allies will coordinate on the North Korean nuclear crisis will be the critical litmus test that will show the direction of the ROK-U.S. alliance for the next years.

The fundamental problem the two countries now face is how to ensure a more qualified and upgraded defense posture that provides mutual trust and confidence. If the crisis management capability of ROK-U.S. combined forces can be improved and Northeast Asia's regional stability can be enhanced by USFK relocation, this plan, which seems quite revolutionary, will be proved to be a success.

Since the USFK may gradually adjust to reflect the changing security environment in Northeast Asia, the bilateral alliance will remain a win-win strategic option for both countries: for the ROK, its comprehensive alliance with the United States would maximize its security interests at minimum cost, while the United States would maintain a forward base in one of the most crucial strategic regions in East Asia with reasonable burden-sharing on the part of Korea.

With the ebbing likelihood of full-scale war with North Korea, the ROK-U.S. security alliance must be modified to cope with different forms of potential North Korean aggression: infiltration, limited armed conflict, weapons of mass destruction, and regime or state collapse. Given the increasing importance of non-conventional security issues, the alliance should also look beyond the Korean Peninsula and contribute to facilitating peace and prosperity in East Asia based on the common values of democracy and a market economy.

The ROK government should stress to its people that condemning problems originating in the ROK-U.S. alliance does not deny rationale for the alliance. That is, while appreciating the positive role that public pressure makes in improving the Korean input into the ROK-U.S. alliance, possible misunderstandings or conflicts of interests with the United States should not damage the half-century-long partnership and friendship between the two countries. The differing views between the public and policymakers' may cause tensions in the decision making process, and state leaders may attempt to manipulate public opinion so that the people will become supportive of their policies. One thing that must be avoided is taking advantage of public opinion to further a political agenda.

It seems to be clear *why* the ROK-U.S. security alliance must continue to exist and function and *how* the ROK and the United States should cooperate to serve their respective security alliances and interests in the new

security environment. It remains for the two countries to implement the alliance transformation in a way that minimizes confusion and misunderstanding.

¹ In WWI, Britain lost 7,759,090 gross tonnage of shipping, of which 442,702 was lost due to attacks by warships; 6,635,059 due to submarines; 673,417 due to mines; and 7,912 to aircraft. C Ernest Fayle, *Seaborne Trade Vol III, The Period of Unrestricted Submarine Warfare*, History of the Great War, Imperial War Museum, London, 1924, Table 1b, p. 467. In WWII Britain lost 2919 merchant ships to submarines, comprising 14,593,987 gross tonnages. Clay Blair *Hitler's U-Boat War Vol 1 - The Hunters: 1938-1942*, Random House, New York, 1996, Appendix 18, p. 771 and *Vol 2 - The Hunted: 1942-1945*, Random House, New York, 1998, Appendix 20, p. 820.

² Japan lost a total of 8,433,389 gross tonnage of merchant shipping, comprising 4,765,600 lost to attacks by submarine; 3,252,522 to other agents; and 415,267 in non-combat losses. Mark M Parillo, *The Japanese Merchant Marine in World War II*, Naval Institute Press, Annapolis, 1993, Table A-9, pp. 243-244.

³ D.P. O'Connell, *The Influence of Law on Sea Power*, Manchester University Press, Manchester, 1975, p. 123.

⁴ H.J. Donohue, *Maritime Lessons from the 1971 India-Pakistan War*, Working Paper No. 192, Strategic and Defence Studies Centre, Australian National University, Canberra, 1989, pp. 25, 42.

⁵ M.S. Navias & E.R. Hooter, *Tanker Wars: the assault on merchant shipping during the Iran-Iraq conflict, 1980-1988*, Tauris Academic Studies, I. B. Tauris Publishers, London, 1996, pp. 1-2, 6, 36, 181, 183.

⁶ Navias & Hooter, *Tanker Wars*, pp. 131-32, 140.

⁷ International Maritime Organization, *SOLAS - Consolidated Edition*, 2004, London, 2004.

⁸ A Forbes, 'International Shipping: Trends and Vulnerabilities' *Maritime Studies*, September/October 2003, No. 132, p. 27.

⁹ In WWI, total allied losses of merchant shipping totalled 12,850,814 gross tonnage, of which 568,537 was lost due to attacks by warships; 11,153,506 due to submarines; 1,120,732 due to mines; and 8,039 due to aircraft. Fayle, *Seaborne Trade Vol III, The Period of Unrestricted Submarine Warfare*, Table 1b, p. 467. In WWII total allied losses of merchant shipping was 21,570,720 gross tonnage; of which 14,687,231 was due to attack by submarine; 2,889,883 due to aircraft; 1,406,037 due to mines; 498,447 due to warships; 829,644 due to merchant raiders; 229,676 due to E-boats; with 1,029,802 where the cause was unknown. S.W. Roskill, *The War at Sea 1939-45. Volume III The Offensive. Part 11 1st June 1944 - 14th August 1945*, HMSO, London, 1961, p. 388.

Norman Friedman, *Seapower as Strategy*, Naval Institute Press, Annapolis, 2001, p. 87.

10. Rear Admiral Kazumine Akimoto, 'Re-routeing Options and Consequences' in A Forbes (ed) *The Strategic Importance of Seaborne Trade and Shipping*, Papers in Australian Maritime Affairs No. 10, Sea Power Centre-Australia, Canberra, pp. 121-122.

11. The US Navy recently created an Anti-Submarine Warfare Command

(http://www.fltaswcom.navy.mil/home_1024.htm), while the Royal Australian Navy is reinvigorating its ASW capability.

12. These smaller craft (less than 500 gross tons) have long been recognised as a security problem, either because they constitute a threat to shipping, or because they are vulnerable to attack. The International Maritime Organization plans to examine these security issues in the context of a possible amendment to the International Convention for the Safety of Life at Sea (SOLAS).

13. In December 2002 the SOLAS Convention was amended with the introduction of Chapter XI-2: International Ship and Port Facility Security (ISPS) Code, creating a regulatory code for ports, port facilities and international shipping in order to mitigate maritime security threats.

14. International Maritime Organization, *Revised treaties to address unlawful acts at sea adopted at international conference*, Briefing 42, 17 October 2005, imo.org/newsroom/mainframe.asp?topic_id=1018&doc_id=5334. (21 November 2005)

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16. Paul H Nitze (et al), *Securing the Seas: The Soviet Naval Challenge and Western Alliance Options*, Westview Press, Boulder, 1979, p. 140.

- 17.(A Forbes) Royal Australian Navy, *The Western Pacific Naval Symposium*, SPC-A Newsletter, Issue 5, March 2006. '21 Pacific navies begin anti-sea mine exercise in South China Sea' *The China Post*, 7 June 2006.
- 18.D Stevens (ed), *The Royal Australian Navy*, The Australian Centenary History of Defence, Vol III, Oxford University Press, Melbourne, 2001, pp. 182, 184-85.
- 19.P Boyce, *Malaysia and Singapore in International Diplomacy: Documents and Commentaries*, Sydney University Press, Sydney, 1968, p. 151; Hawkins, *The Defence of Malaysia and Singapore*, RUSI, London, 1972, pp. 35-37, 42.
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- 22.T.D. Young, 'Australia bites off more than the RAN can chew', *Pacific Defence Reporter*, March 1986, p. 15. Note that with the NZ decision to bar visiting USN warships, saw NZ effectively placed outside current NCS arrangements.
- 23.Information is drawn from various naval sources. Some public information is available at www.globalsecurity.org/military/ops/bell-buoy.htm (9 July 2006)
- 24.A Forbes, 'Foreword' in Forbes (ed), *The Strategic Importance of Seaborne Trade and Shipping*, Sea Power Centre-Australia, Canberra, 2003, p. v.
- 25.D. Sukhakanya, 'The Security of the Sea Lanes in Southeast Asia', in Lau Teik Soon and Lee Lai To (eds), *The Security of the Sea Lanes in the Asia-Pacific Region*, Heinemann, Singapore, 1988, p. 23.
- 26.These countries are Australia's major trading partners, so if their economies are affected by problems in the Malacca Strait, then Australia will be similarly affected, albeit with a time lag.
- 27.(A Forbes) Royal Australian Navy, *Maritime Security Regulation*, SPC-A Newsletter, Issue 3, February 2006, Sea Power Centre - Australia, Canberra.

議題八 朝鮮半島之安全展望 “北韓核武問題與韓美同盟的未來”

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摘要

南韓的成本效益分析討論所導出的結論是，尋求對北韓核武問題的非暴力反應已使得首爾陷入進退唯谷的窘境：南韓政府的安全政策必須在華府與平壤之間取得平衡。南韓政府的困境唯有在北韓問題獲得解決後才可能解脫。北韓問題是當前最重要也最難跨越的障礙。南韓政府一向反對北韓發展核武，並積極尋求在六方會談中扮演更具建設性的角色。

然而，在未來應採取何種步驟及何者為誘使北韓放棄核武計畫之最佳策略方面，美國和南韓的看法似乎並不一致。美國似乎希望將經濟制裁和政治施壓納入和平措施選項，而南韓則認為，應先對北韓提供經濟援助，以勸服金正日凍結核武計畫。

在六方會談中，南韓的處境是夾在兩個頑固國家(北韓和美國)中間，因此南韓政府應該體認，南韓不可能腳踏兩條船。南韓必須在核武問題上採取強硬立場，才能維持美國的信任，但如此一來，必將造成兩韓關係的惡化。

隨著與北韓全面開戰可能性的降低，韓美安保同盟必須加以修正，以因應不同形式的北韓侵犯可能性：滲透、有限武裝衝突、大規模毀滅性武器、和政權或國家崩解。由於非傳統安保問題的重要性日益升高，韓美同盟應該將眼光看到朝鮮半島以外的地方，基於對民主和市場經濟的共同價值，也為促進東亞和平與繁榮做出貢獻。

北韓核武問題

2003年8月底啟動的六方會談機制對於東北亞地區的多邊主義(multilateralism)具有深遠意義，唯其前景尚未明朗。六方會談機制是第一個可以讓東北亞所有主要國家坐下來討論北韓核武問題的官方論壇。儘管目前已有許多處理東亞安全問題的多邊論壇(特別是冷戰結束以來)，但就北韓問題而言，這一切的嘗試都沒發揮預期作用。

儘管各國在解決問題的方式上容或有不同的偏好，但北韓的核武發展已涉嫌違反有關人類安全和國際安定的國際行為規範：(1) 北韓發展大規模毀滅性武器(WMD)將使得其本國人民陷入長期飢餓；(2) 北

韓發展核武將刺激軍備競賽，造成地區及全球安全秩序更加惡化，進而對防止核擴散條約機制和國際安定構成嚴重威脅；(3) 北韓可能將核物料或技術提供給“流氓國家”或恐怖組織。此外，擁有核子武器的北韓將對南韓構成更大的軍事威脅，因而促使南韓政府堅決反對核計畫。

平壤似乎在同時追求著兩個相互衝突的目標，但無論未來朝哪個方向發展，都將使得北韓陷入兩難。如果北韓在國際同聲反對下仍緊抱核武選項，將會引來更嚴厲的制裁措施。反之，如果北韓採取有失個性的緩靖政策，將可能加速平壤精英內部的分裂，甚至造成北韓社會的內爆現象(implosion)。這兩個困境的唯一差別在於前者關係到不久的將來，而後者的發生則比較久遠。金正日的折衷方案可能是讓六方會談的動力再維持一陣子，以防國際社會採取“進一步措施”。關鍵在於，在各方一致希望維持非核化朝鮮半島的情況下，北韓的拖延戰術能維持多久。事實上，北韓在之前數回合的六方會談中，也曾表達對非核化朝鮮半島立場的理解。隨著六方會談的繼續進行，北韓的困境可能更為加深。

南韓的成本效益分析討論所導出的結論是，尋求對北韓核武問題的非暴力反應也使得首爾陷入進退唯谷的窘境：南韓政府的安全政策必須在華府與平壤之間取得平衡。南韓政府的困境唯有在北韓問題獲得解決後才可能解脫。北韓問題是當前最重要也最難跨越的障礙。南韓政府一向反對北韓發展核武，並積極尋求在六方會談中扮演更具建設性的角色。

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在以政經利益交換可檢驗之核武計畫撤除中找到共同基礎是個關鍵變數，此一變數將決定六方會談多邊機制的成敗。唯有當北韓與美國就以核武檢查交換安全保證達成協議時，多邊對話才具有意義。如果要採取和平方式解決，唯有透過更團結和一致地影響北韓，才能創造出有助北韓與美國達成協議的條件。南韓應該採取主動積極的行動來促成此一條件。

南韓政府尤其必須在追求非核化朝鮮半島議題上展現出堅定而一貫的意志，以免金正日政權得到一種錯誤認知，以為美國（而非北韓）可能改變政策，進而為北韓開啟一扇新的機會之窗。南韓應該向平壤領導階層清楚傳達，美國及南韓政府將完全解除北韓核能力視為兩國的長期國家利益。

韓美安保關係之未來

有鑑於美國駐南韓的部隊將逐步調整，以反映東北亞改變中的安保環境，以及韓美安保合作仍具有顯著的理論基礎，繼續維持韓美同盟對兩國仍將是一個雙贏的戰略選項。韓美兩國將如何或以何身份就北韓核武危機進行協調將是個關鍵的試金石，可測試出韓美同盟在未來幾年中的走向。

韓美兩國當前所面臨的根本問題是，如何確保一種有助於提升相互信任和信心之更有效和更高層級的防禦姿態。如果韓美聯合部隊的危機管理能力能夠改善，同時東北亞地區安定能夠藉由駐韓美軍(USFK)移防而提升，這個似乎有點革命意味的計畫將被證明為一次成功出擊。

由於駐韓美軍可能逐步調整，以反映改變中的東北亞安保環境，雙邊同盟對韓美兩國而言將仍是一個雙贏的戰略選項：對南韓而言，與美國建立廣泛的聯盟關係將使得南韓能以最低的成本獲得最高的安全利益，而美國則可在東亞最重要的戰略地區之一維持一個前進基地，並有南韓合理分擔部分責任。

隨著與北韓全面開戰可能性的降低，韓美安保同盟必須加以修正，以因應不同形式的北韓侵犯可能性：滲透、有限武裝衝突、大規模毀滅性武器、和政權或國家崩解。由於非傳統安保問題的重要性日益升高，韓美同盟應該將眼光看到朝鮮半島以外的地方，基於對民主和市場經濟的共同價值，也為促進東亞和平與繁榮做出貢獻。

南韓政府應該向其人民強調，韓美同盟所衍生之令人責難的問題，並不足以否定韓美同盟的理論基礎。也就是說，一方面肯定民眾壓力在改善南韓在韓美同盟中角色中所發揮的正面作用，但南韓與美國的可能誤會或利益衝突，不應損害兩國之間長達半個世紀的夥伴關係和友誼。民眾與政策制定者之間的不同觀點可能在決策過程中造成緊張，國家領袖們或許會試圖操作輿論，以使得民眾轉而支持其政策，但必須避免利用輿論遂行其政治目的。

韓美安保同盟為何必須繼續存在和運作？以及韓美兩國應該如何合作，以期在新的安保環境中服務兩國各自的安保聯盟和利益？這兩個問題的答案似乎已經很清楚了。韓美兩國仍然需要執行同盟轉型，以便將混淆和誤會的情形減至最低。

4. Closing Remark

閉幕致詞

Good afternoon, Admiral Ko, our distinguished guests, outstanding scholars, ladies and gentlemen:

葛（敦華）顧問，各位貴賓，各位先進，各位先生、女士，各位朋友，大家午安！

I would like to extend my heartfelt appreciation for your enthusiastic participation in the two-day seminar, which is quite meaningful to us. At the meeting sessions, several issues have been comprehensively addressed and discussed, which to include the trend of global strategies, regional security cooperation, SLOC (sea lines of communication) around Japan waters, status updates of Korean Peninsula and the Taiwan Strait. Also, we sure have put much emphasis on the maritime shipping/sea-lifting security and status in the Indian Ocean. All agenda were echoed with valuable opinions and suggestions.

首先我想先感謝各位熱烈的參與，為期兩天的會議對我們來說是非常有意義的，在我們的會議過程中，我們討論了許多的議題，這些議題包括了全球策略的趨勢、區域安全合作、朝鮮半島還有台灣海峽的現狀、印度洋的狀況，同時，我們也花了許多的時間討論安全的議題，所有的議題都獲得熱烈迴響，也獲得各位的建議。

As you know, in the post-cold war era, the international maritime cooperation has become more and more important. Most of maritime security threats such as narcotics traffic, smuggling, piracy and proliferation of Weapons of Mass Destruction can only be countered by collective response and multinational efforts. Taiwan, a maritime country situated in the West Pacific, undoubtedly, has highlighted its focuses centered on the maritime security and the SLOC. However, unlike other maritime states in the world, while exploiting the maritime resources and seeking the partnership for further cooperation with other countries, Taiwan herself has to face and respond to the threat and challenge from China's rising military power.

我們知道在冷戰過後，國際的海運越來越重要了，毒品走私、貨品走私、海盜行徑，都需多國的合作才能夠遏止。台灣是一個海洋國家，位於太平洋的西部，同時也致力於 SLOC 以及海運的安全，台灣在

使用海洋資源的同時，也尋求更多的合作，也同時要面對來自中國大陸的威脅以及挑戰。

As Vice Admiral Kaneda mentioned yesterday, some maritime nations in the Asian-Pacific region such as China still lacks of transparency in its military intention and maritime policy. It is quite clear that China Navy has unleashed its ambition aimed at breaking through the First Island Chain and further advancing to the Second one. In recent years, PLA submarines practically have their frequent presence around the waters in the Sea of Japan, further steam over the 1st Island Chain and project their military might to the US territory, Guam. It is worth noticing that the Mainland intends to put up its own carrier group in a bid to project its maritime clout outreaching to the Indian Ocean and the Persian Gulf if they can. Currently, 56% of China's oil import comes from the Middle East; therefore, China has formulated a grand plot to connect the seaways from the Persian Gulf, the Indian Ocean, Malacca Strait to the South China Sea, realizing the "strategic sea line of energy transportation," also dubbed as the "String of Pearls" by western strategic analysts.

金田中將昨天提到，有些亞太地區的海運國家，例如中國，在軍事方面仍舊缺乏了透明性，他們的海運政策也缺乏透明性，我們看到中國的海軍是相當具有野心的，他們希望能夠突破第一個島鏈，同時把他們的勢力推動到第二島鏈，在過去幾年間，解放軍的潛艦時常出現在日本海域，同時也出現在台灣海峽，同時把他們軍事武力擴展至關島，他們也企圖發展航艦技術，以利將海上勢力延伸至更遠的印度洋、波斯灣水域。目前中國有 56% 的石油來自於中東，因此，中國正從波斯灣、印度洋、麻六甲海峽以迄南海建立其海上能源戰略線，西方分析家稱之為「珍珠鏈」(string of pearls) 戰略。

Seeing either from the geo-strategic view of the 1st and 2nd Island Chains or from the resource-strategic view of the "String of Pearls," Taiwan is situated at the nearest crucial point from China and plays an essential role in counterbalancing China's military expansion. Therefore, China is trying to subsume Taiwan into its spheres of influence in an attempt to eliminate "the biggest obstructer" on its way of extending its oceanic boundary. Consequently, China continues to impose the political persecution, economical luring and military intimidating on Taiwan. It is truly a great security challenge for Taiwan, the long-term peace-pursuer, to neutralize China's threats and to maintain the stability across the Taiwan Strait and the West Pacific.

不管是從地緣戰略角度的第一、第二島鏈來看，還是從能源戰略角度的珍珠鏈來看，台灣都位於最接近中國的關鍵位置，具有遏制中國海上軍力擴張的作用。也就因此，中國始終想要將台灣納入其勢力範圍，去除其向外擴張海洋疆界的最大阻礙。為此，中國持續對台灣進行政治壓迫、經濟利誘及軍事威嚇，對於追求持久和平的我們而言，如何因應中國的威脅，維繫台海及西太平洋的穩定，實在是最大的安全挑戰。

Due to military threat from China, Taiwan proactively constructs armed forces for national self-defense in recent years, which include establishing sufficient surface, underwater and ASW combat capabilities to counterbalance China's ever-increasing naval activities and to maintain military balance, security and stability across the Taiwan Strait. The consolidation of Taiwan military defense is not only for the matter of securing the peace in the Strait, but also for the most vital factor of ensuring security and stability in the Asia-Pacific.

鑒於中國的軍事威脅，台灣近年來積極整建自我防衛的國防武力，包括籌購足夠的海上、水下及反潛兵力，希望能夠因應中國日益擴張的海上軍事活動，以維持台海軍力平衡，確保台海的安全與穩定。台灣國防力量的強化，不但關係著台海的和平，更是確保亞太地區安全與穩定最重要的關鍵。不過，我們強化國防，絕對不是為了要挑釁，也不是軍備競賽，而是為了追求和平、確保和平。因為唯有備戰才能止戰，唯有備戰才能避戰，實力才是和平最好的保證，這是國際關係的鐵則。

The security of international SLOC and Asia-Pacific regional peace and stability are not the sole responsibility of few countries but collective interests in the international community, which requires endeavor from every country as well. As a member of maritime countries, we all should dedicate ourselves with our best to the collective maritime security. I believe and hope that the "International SLOC Conference" can keep moving and getting better, and provide a platform for scholars, experts, think tanks of decision-making and elites to communicate and exchange, to lay a foundation for international cooperation, to achieve the vision of "common interests and peace sharing" on the base of "arc of inseparability."

國際海線的安全與亞太區域的和平穩定，不是少數國家的責任，而是各國共同的利益，也需要各國共同努力。我們身為世界不同海洋國家的一份子，應該都能夠為海洋的共同安全盡一份心力。我相信

也期盼未來「國際海線安全研討會」將會持續運作，並且愈辦愈好，使得各國的專家學者、決策智囊或菁英們能夠有溝通對話、交換意見的機會，以奠定國際共同合作的基礎，使「利益均霑、和平共享」的遠景在「海洋無國界」的基礎上得到實現。

Finally, I want to express my appreciation again for your attendance to the conference and participation in the discussions, and also for your contribution of intelligence and splendid ideas.

最後，本人要再一次感謝各位與會來賓的參與，以及你們不吝於貢獻自己的智慧與卓見。

Sincerely, I wish you all health and joy! Thank you!

敬祝大家身體健康、萬事如意！謝謝！