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14. ABSTRACT The economic and ecological impact of a maritime terrorist attack on the Straits of Malacca or the Port of Singapore would be immediate and felt regionally and globally. Over a quarter of the world's trade, half of its oil and much of its liquefied natural gas pass through these Straits annually. A majority of this trade also passes through the Port of Singapore. Singapore is a major transshipping hub based on the overall shipping tonnage and the number of containerized cargo handled. The effects of a cataclysmic maritime terrorist act in these areas are alarming: the associated human toll, the immediate loss of revenue and the exponential cost of rebuilding the Port of Singapore, the ecological disaster created from oil flowing into the Straits, and the considerable increase in sailing time to bypass the Straits. Asia would be hardest hit, but the impact will be felt globally. Commander, Pacific Command, by virtue of his Pacific region responsibilities, along with the governments of Malaysia, Singapore and Indonesia, must cooperate and ally with one another to deter and deny terrorists access to the commercial maritime industry, the soft underbelly of our regional and global economies.					
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**NAVAL WAR COLLEGE
Newport, RI**

**PIRACY AND MARITIME TERRORISM;
A SEAMLESS TRANSITION**

By

**John R. Hahn
USMC**

A paper submitted to the faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

Signature: _____

18 May 2004

Abstract

The economic and ecological impact of a maritime terrorist attack on the Straits of Malacca or the Port of Singapore would be immediate and felt regionally and globally. Over a quarter of the world's trade, half of its oil and much of its liquefied natural gas pass through these Straits annually. A majority of this trade also passes through the Port of Singapore.

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Asia would be hardest hit, but the impact will be felt globally. Commander, Pacific Command, by virtue of his Pacific region responsibilities, along with the governments of Malaysia, Singapore and Indonesia, must cooperate and ally with one another to deter and deny terrorists access to the commercial maritime industry, the soft underbelly of our regional and global economies.

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INTRODUCTION

Commander, Pacific Command (COMPACOM) has several initiatives available to reduce the ability of terrorists to interdict or interrupt the Straits of Malacca (including the Singapore Strait) and the Port of Singapore. The primary focus of COMPACOM's efforts needs to be oriented on Malaysia, Singapore and Indonesia because of their proximity to the Straits of Malacca and the Port of Singapore. Uniting these three coastal states that surround these vital areas will deter and deny terrorists from causing a cataclysmic event that would significantly impact regional and global economies. A three-phased plan will allow COMPACOM to effectively execute his responsibility of maintaining regional maritime security by developing the three states into effective cooperative partners in the Global War on Terrorism.

For many years, government leaders assumed that the terrorist threat within this Southeast Asian region was only theoretical. Though not a maritime terrorist attack, the 2002 terrorist bombing in Bali, Indonesia showed intent and capability. This event proved to be a wake-up call for Indonesia because even the world's most populous Muslim state was not immune from being attacked by radical Islamic terrorists.ⁱ Additionally, in April 2004, letters were sent to the South Korean and Pakistani embassies in Thailand threatening America's Asian allies. The letters stated that major facilities in Australia, Japan, Pakistan, the Philippines, Singapore, South Korea, Thailand and Kuwait were being targeted.ⁱⁱ Terrorists are indeed operating within this region.

“Acts of piracy have been strongly linked with maritime terrorism and militant groups in Southeast Asia since the incident on Sipadan Island, Sabah. A group of tourists were abducted for ransom by the Abu Sayyaf group from the Philippines.”ⁱⁱⁱ Many terrorist

organizations can be found throughout Southeast Asia, specifically the Laskar Jihad and Jemaah Islamiyah (JI) in Indonesia, the Kumpulan Mujahidin in Malaysia, the Abu Sayyaf Group (ASG) with known links to Al Qaeda and the Moro Islamic Liberation Front (MILF) in the Philippines.^{iv} It is firmly believed that any state that supports western powers, especially the U.S., will be deemed a target by terrorist organizations. Therefore, all countries that support western capitalism and policies are at risk from any terrorist organization; Muslim states included.

The 830 kilometer long Straits of Malacca are considered international straits overlapped by territorial seas. It is 320 kilometers wide at the northern end^v and only 1.5 miles wide at its narrowest point, the Phillips Channel, in the Singapore Straits.^{vi} The “...least depth in the Straits is about 25 meters and ships require an under keel clearance of 3.5 meters per the International Maritime Organizations (IMO) Rules for Vessels Navigating through the Straits of Malacca and Singapore.”^{vii} This area creates a natural bottleneck or chokepoint where the potential for at sea collisions, groundings, oil spills and piracy attacks are extremely high due to the amount of traffic that transits the Straits daily. “The total traffic using the Straits ...in the mid 1990s ...would have probably exceeded over one hundred thousand vessels. Approximately 80 percent of the cargo traded throughout the world is carried by ships. At peak shipping periods, over two hundred large to very large vessels¹ transit the waterway each day.”^{viii} This strategic chokepoint accounts “for one third of global trade and through which no less than two-thirds of the world’s liquefied natural gas

¹ Medium Ships (Feeder): under 1000-TEU capacity; Large Ships (Panamax and Sub-Panamax): between 1000 and 4000-TEU capacity, capable of transiting the Panama Canal; and Very Large Ships (Post-Panamax): 4000-TEU+ capacity, which exceeds Panama Canal dimensions. TEU: Twenty Foot Equivalent container. (Arthur P. James, John M. Howard, John P. Basilotto, and Heather Harbottle, *Megaports and Load Centers of the Future with the Port of Houston as the Baseline Port* (Texas A&M University: Southwest Region University Transportation Center, 1997) 11, SWUTC/97/467404-1.)

passes.”^{ix} Japan, the world’s second largest oil consumer behind the U.S., imports between 80 and 85 percent of its oil via the Malacca Straits from the Middle East.

The Port of Singapore is a major node within the global shipping network and is considered a mega-port because of the volume of cargo it handles.

Singapore’s geographical location positions it in the middle of major international and domestic shipping routes. The port is the focal point for approximately 400 shipping lines which connect Singapore to more than 700 ports in 130 countries. There are between 800 and 1000 ships in the port at any given time. Singapore is also the world’s leading bunkering port, providing value-adding, reliable, and efficient bunkering services. Bunker is related to the residual products of the oil refining process and is used in marine fuel. The port’s leading status most likely results since Singapore is the third largest oil refining center in the world with more than five major oil companies (Shell, ESSO, CALTEX, BP, and Exxon-Mobil) which have the combined capacity to refine over one million barrels daily.^x

In 1993, it handled 274 million tons of cargo. This included 123.5 million tons of petroleum product and 150 million tons of dry-bulk and general cargo.^{xi}

The Malacca Straits are also extensively used by the U.S. Navy’s 5th and 7th Fleets to transit between the Pacific and Indian Oceans. Many analysts believe that a major terrorist attack will occur in the vicinity of the Malacca Straits and will likely involve the use of a commercial maritime vessel carrying a dangerous cargo of oil or liquefied natural gas.^{xii} If this does occur, the region and the world could experience a catastrophic economic and environmental disaster. If an incident closed the Straits, nearly half of the world’s commercial fleet and the U.S. Navy’s fleets would have to sail further to reach their destinations.

Closure of the Straits of Malacca for an entire year would result in an additional US\$6.3 billion worth of extra transportation costs on a global basis in the form of extra shipping costs and cargo holding costs. This is a 67 percent increase in total transportation costs for all Malacca Strait trade in 1999. This deviation is equivalent to 1.2 percent of the total value of all cargo transported through the Strait in 1999.^{xiii}

At a minimum, this will add an extra 1,800 kilometers for a voyage through the Sunda-Makassar Straits, which equates to an extra two to three days sailing time.^{xiv} If the attack was successful on the Port of Singapore, the economic repercussions would be significantly higher.

This cost is insignificant, however, when compared to closing or blocking a major port. In 2001, the National Defense University and the Center for Naval Analysis analyzed the impact of a terrorist act on a major port and determined that the additional shipping cost caused by blocking access to a major port would be around 20 percent of the value of the cargo.^{xv}

The Straits of Malacca derive their enduring importance from their strategic location.^{xvi} In Figure 1, it is evident that Australia, Indonesia and the Philippines form a natural land barrier between the Pacific and Indian Oceans. Figure 2 depicts the natural corridors or straits that exist between these land masses. The water depth in many of these areas is insufficient to safely navigate large cargo vessels. The vessels must reduce their speed making them easy targets for pirates.

There were over 150 pirate attacks registered during 2003 in the vicinity of the Straits.^{xvii} Figure 3 notes the general locations of these attacks. The International Maritime Bureau (IMB) has recorded twenty eight pirate attacks within the first three months of 2004.^{xviii} Globally, the overall number of piracy incidents declined from 2000 to 2001, but there was a marked increase in the number of piracy incidents within the Malacca Straits and the waters surrounding Indonesia since 11 September, 2001. In 2003, three fourths of all maritime piracy incidents worldwide took place within Southeast Asia.

As reflected in the 1982 United Nations Convention on the Law of Sea (UNCLOS), allows merchant ships and cargoes, civil aircraft, naval ships, and task forces, military aircraft, and submarines to transit international straits freely in their normal mode as a matter of right, and not at the sufferance of the States bordering the straits.^{xix} Appendix A identifies

specific allowances and authorities for navigation through territorial seas, international straits and archipelagic waters. It is well within the sovereign rights of Malaysia, Singapore and Indonesia to enact tough laws and harsh penalties to deter piracy or maritime terrorism within the region so long as these laws do not impact the innocent passage and transit passage of shipping.

To successfully deter terrorists and deny them access to the region, Malaysia, Singapore and Indonesia will need to align diplomatically, informationally, militarily and economically. This will not be easy and some hard decisions will have to be made. It will require each country to have a significant change in mindset about the way it deals with its neighbors. Individually, these coastal states have little chance for successfully denying or deterring maritime terrorists from attacking. Aligning themselves either bilaterally or multilaterally will maximize their limited capabilities and increase their success against terrorism exponentially. Without some form of cooperative alliance, there is a risk that a terrorist organization will hijack a commercial ship and either sink the ship in a critical part of the Straits or explode the ship within the Port of Singapore.

PIRACY AND MARITIME TERRORISM;

A SEAMLESS TRANSITION

History has proven that there is a nexus between piracy and maritime terrorism. Terrorists have conducted successful attacks at sea on both commercial and military targets. The United States government and COMPACOM can and should do everything possible to mitigate a catastrophic maritime terrorist attack from occurring in the Straits region.

Per Article 101 of the 1982 UNCLOS, piracy or robbery at sea, is defined as any illegal acts of violence, detention or depredation, committed for private ends by the crew or

the passengers of a private ship or airplane and directed on the high seas, against another ship, persons or property on board such ship or aircraft outside the jurisdiction of any State.^{xx}

Under International Law, all countries have the right to arrest, prosecute and punish pirates caught on the high seas. A problem arises here because the Straits are not considered the high seas. A significant portion of the Straits are considered international waters overlapped by territorial seas, which means that the coastal states bear the responsibility for policing its own waters. Also, each country cannot extend searches or pursuits across another country's territorial boundary without prior coordination or agreement. Because of the number of incidents which occur in territorial waters versus on the high seas, the IMB has redefined piracy "as an act of boarding any vessel with the intent to commit theft or other crimes and with the intent or capability to use force in the furtherance of that act."^{xxi} This ensures that incidents occurring within the Straits are classified as piracy versus robbery at sea.

Regardless of how piracy is classified, it is incumbent upon the coastal states to take action against such incidents. Due to the number of incidents that occurred within the region, the IMB established the Regional Piracy Center in Kuala Lumpur in 1992. The Center's main responsibilities are to broadcast warning messages to vessels, receive warnings concerning suspicious craft movements, collate information, liaise with law enforcement agencies and provide post-incident support services."^{xxii}

Since 9/11, most countries have "hardened" their vital assets. The result of these actions has forced terrorists to seek alternative soft targets. The commercial maritime shipping industry is considered a soft target because of its relaxed security procedures aboard ship. Pirates attack cargo ships because the crews are normally unarmed, but more importantly, because of the inherent wealth they represent. Typically, in thirty minutes, a

pirate crew can walk away with up to \$30,000 in cash and equipment from the crew.^{xxiii}

Pirates are also known to have dealt with organized crime networks on the seizure of cargo from ships. “Bulk commodities such as sugar, metals and petrochemicals are key targets, as illustrated by an attack on the Malaysian tanker Petchem in September 2001.”^{xxiv} This “booty” could net the pirates a significant amount of additional money on the black market.^{xxv} Though infrequent, pirates are also known to seize the ship. After disposing of the crew by either killing them or throwing them overboard, these ‘phantom’ ships are repainted and renamed. The pirates then either sell the ship or hire it out to haul someone else’s cargo which then mysteriously disappears. An example of this occurred in 1998 when the Japanese vessel Tenyu, which was carrying aluminum ingots from Indonesia to Japan was hijacked and found three months later in China, renamed the Sanei 1.^{xxvi}

Pirates are normally not well organized and act for their own economic gain within a certain region. Conversely, terrorists are usually well organized and can act globally for political, ideological or religious reasons. If the two are combined, then gains for both could be mutual. Because greed forms the basis for piracy, it would be very easy for a terrorist organization to entice money driven pirates to assist them with one of their missions. From the pirate’s perspective, their job is essentially the same; hijack an undefended ship. The pirates gain financially and terrorists gain from the actions of the pirates.

Recent events indicate that pirates and terrorists have already combined their forces and are already training for such an event. In 2003, the chemical tanker Dewi Madrin was boarded by a group of armed men, likely pirates, and robbed in the Malacca Straits. The hijacking was typical except that the attackers were able to navigate the ship across the Straits into Indonesian waters before departing with cash, the captain and another officer.^{xxvii}

Learning how to steer the ship may have been done in preparation for a future terrorist attack, much like the 9/11 hijackers had learned how to fly before their attack on the World Trade Center. Of additional importance, the ship's helm was also left unattended for over an hour which could have resulted in a significant ecological disaster had the ship collided with another ship or run aground.

Most piracy incidents occur in littoral regions like the Malacca and Singapore Straits because large cargo vessels, especially very large crude carriers² (VLCC), are required to significantly slow their speed in order to remain in the channel while keeping clear of other maritime traffic and underwater wrecks in the overly congested channel. At this point the large cargo vessels become extremely vulnerable to attack by the heavily armed pirate crews in fast boats. With the exception of high pressure fire hoses, the unarmed merchant crews have little defensive capability to repel their attackers. If the crew is alert and sounds the alarm before the pirates are able to board the ship, then the Captain can evasively maneuver the ship to create following wakes which in the past have thwarted the pirate's attempts. Due to the size of the ship and crew, ship speed and narrowness of the channel, VLCC's can have great difficulty in maneuvering to evade pirates in high speed boats.

Though the issue is currently being worked, procedures for verifying merchant mariner credentials are critically lacking. In 2002, fifty-four maritime administrations were surveyed with regard to proper documentation for its crews. The result was the identification of more than 12,000 cases of forged certificates of competency.^{xxviii} This means that almost anyone, Al Qaeda terrorists included, can obtain fake seafarer credentials with little effort.

² A VLCC displaces 200,000 to 300,000 dead weight tons and typically carries over two million barrels of oil on every voyage.

This implies that terrorists could ‘legally’ join a crew and then hijack the ship at the most opportune moment.

Precedence for terrorist involvement in commercial shipping has been set. In 1985, Palestinian terrorists hijacked and kidnapped the SS Achille Lauro, killing one passenger and holding 511 others hostage.^{xxix} Though not a commercial target, Al Qaeda was linked to the 2000 suicide bombing of the USS Cole in the harbor at Aden, Yemen that left a forty foot hole in the hull, killed seventeen Sailors and wounded forty others.^{xxx} Terrorists also attacked the French oil tanker Limburg off the Yemeni coast killing a crewman and rupturing the tanker’s hull.^{xxxi} Ominously, Al Qaeda videotape recently captured in Afghanistan showed footage of Malaysian Marine Police patrols, signifying that Al Qaeda was conducting detailed surveillance for a possible attack in or near the Malacca Straits.^{xxxii} In 2002, a captured senior Al Qaeda operative also told officials of plans to attack an American naval ship in Surabaya, Indonesia. Many foreign and domestic security analysts believe that “sooner or later, Al Qaeda or one of its affiliates will make and detonate a radiological bomb, whether it’s in a ship or a shipping container.”^{xxxiii}

COASTAL STATE ACTIONS

Malaysia, Singapore and Indonesia are concerned with their internal security, but they also need to ensure success against terrorism. The most effective means to accomplish this is to seek cooperative agreements with the U.S. and amongst themselves. The countries within the region are operating within their means to combat terrorism. “Singapore, Malaysia, Thailand and the Philippines have arrested more than 200 JI members, while Indonesia has prosecuted 34 JI members involved in the deadly Bali bombings, most of who have been sentenced for their crimes.”^{xxxiv} Recently, both Malaysia and Singapore have individually

taken extraordinary measures to safeguard their portions of the Malacca and Singapore Straits, which have significantly reduced the number of piracy incidents. They can focus more attention on this area than Indonesia because of their political and economic stability.

Unfortunately, Indonesia's political (Aceh), economic and social problems require most of its attention to be focused internally thereby giving security of the Straits a distant second priority.^{xxxv} Additionally, the 93,000 square kilometers^{xxxvi} of surrounding waters belonging to Indonesia, makes it impossible for the Indonesian Navy to patrol and maintain control of their surrounding waters.^{xxxvii} Neither Indonesia nor Malaysia nor Singapore should be reluctant in asking others for or accepting assistance to combat terrorism. Many countries, the U.S. and Japan included, have offered assistance. Currently, only Singapore has publicly agreed to accept outside assistance.

Singapore. Singapore has taken piracy and terrorism threats to heart and believes that they are at "very serious risk of terrorists using ships to attack the city-state."^{xxxviii} Singapore's Deputy Defense Minister Tony Tan fully supports the global war on terror led by the U.S., and his Defense Minister Teo Chee Hean agrees that success in the war on terrorism can only be achieved if countries cooperate and collaborate.^{xxxix} The line between piracy and terrorism has been blurred. Authorities cannot classify an incident one way or another unless the culprits are captured and interrogated. As a result, Singapore decided in December 2003 to invest US \$840 million on a global satellite-based ship identification system to track vessels and crews as accurately as the aviation industry.^{xl}

In 2003, Singapore signed the U.S.'s Container Screening Initiative agreement. The agreement allows U.S. Customs officers stationed in Singapore to review ship's manifests to determine which ships are to be flagged for inspection. Pressure needs to be exerted on all

countries that trade with the U.S. to make similar agreements. Though it may cause delays, which can translate into increased costs, its value will be a deterrent against states, commercial companies and terrorists that want to use commercial shipping to proliferate WMD or their subcomponents.

Singapore will likely be one of the few countries in the region that will be in compliance with the International Maritime Organization's (IMO) imposed deadline of 1 July 2004 for the International Ship and Port Security (ISPS) Code program. ISPS aims to identify weaknesses in the physical structures, personnel protection systems or processes, information programs or procedures and any other area that might lead to a breach of security. ISPS requires a port facility security plan to ensure the application of measures designed to protect the port facility and ships, their cargoes and persons on board the ships from the risks of a security incident. Singapore's proactive actions, however, may be for naught.^{xli} Unfortunately, countries like Indonesia and the Philippines which have thousands of ports, cannot ensure (afford) all ports are compliant. Therefore, the intended security measures originally developed for this program will not be fully realized until all ports are brought on line which could take many years and billions of dollars.

Malaysia: Malaysia understands its role and responsibility in combating terrorism within its territorial waters. Its economy is prospering following the 1997-98 financial crises, which has enabled it to begin modernizing its armed forces. In 2003, Malaysia acquired new offshore patrol vessels that significantly enhanced its maritime security. Because of the leadership, professionalism and aggressiveness of Malaysia's Marine Police, pirates only made five attempts in Malaysian waters^{xlii} (see Figure 3) out of 28 that occurred in this region during 2003. The Malaysian's were responsible for decreasing the number of attacks in their

waters by more than 50 percent from 2002. The remaining 23 were conducted in Indonesian waters. The Marine Police have strategically placed bases along Malaysia's west coast in Johor, Lumut and Langkawi Island to reduce closure times and distances.^{xliii} They also conduct joint exercises with neighboring countries to share information.

Malaysia stood up the Maritime Enforcement Coordinating Center (MEEC) to coordinate all maritime enforcement activities by the Royal Malaysian Navy, Air Force, Marine Police, the Fisheries Department, and Royal Customs and Excise Department. The government also approved the stand up of a Coast Guard to take the lead in maritime law enforcement. Malaysia is building radar stations along its peninsula's west coast to ensure the safety of the Malacca Straits.

Malaysia shares land and/or sea borders with Thailand, Brunei, Indonesia, Singapore and the Philippines and has had territorial disputes with all of its neighboring states. Because of these disputes, Malaysia has "made efforts to cooperate in many areas with its neighbors, including military border cooperation and an alliance relationship with Singapore through the Five³ Powers Defence Arrangements (FPDA)."^{xliv} Malaysia has no real outside threat to its security. Though a predominantly Muslim country, internal Muslim militancy is seen as the predominant security threat to Malaysia.

Indonesia: Unlike its northern neighbors, Indonesia's extensive internal political, economic and military problems coupled with a lagging economic recovery following the 1997-98 economic crises, which resulted in the military having to "make due" with antiquated equipment and little logistics to maintain what equipment they possess.

In 2003, Indonesia's military received only 0.76 percent of the country's Gross Domestic Product (GDP) as compared to its neighboring militaries from Singapore (4.7 percent), Malaysia (3.5 percent) and Thailand (3.7 percent).

³ The Five Powers include Australia, United Kingdom, New Zealand, Singapore and Malaysia

The Indonesian Navy is currently ill-equipped to handle piracy patrolling and interception operations within their 7.6 million square kilometers of territorial waters. The Navy has 116 total vessels of which only 35 are seaworthy enough to patrol the seas. Only 16 vessels are available to patrol in the west, leaving twenty-two to patrol in the east.

Indonesia needs a minimum of 180 ships to effectively patrol its waters. More conservative estimates call for as many as 380 ships. Until Indonesia's Navy receives the financial backing it requires, it can neither effectively deny nor deter pirates or terrorists from operating within its waters. The majority of their vessels are 30-40 years old. Indications are that the two naval zones will soon be combined into one zone to promote efficiency.^{xlv}

Though currently unable to effectively police its region of the Straits, Indonesia has increased emphasis on its anti-terrorism laws. Indonesia has enacted new anti-terrorism laws to ensure that when terrorists are caught, they are prosecuted and sentenced accordingly. The Indonesian government was able to formally charge Islamic cleric Abu Bakar Bashir, the suspected religious leader of the JI, in the 2002 Bali attack. Under Article 17 of Indonesia's Anti-Terrorist Law, the leadership of an organization can be punished for acts the organization commits under its name.^{xlvi} Indonesia's Court sentenced him to four years.^{xlvii}

RECOMMENDATIONS

COMPACOM testified before the House Armed Services Committee on 31 Mar 2004. His comments on transformation as a future direction concerning the deployment of Marines and Special Operating Forces (SOF) troops aboard high speed vessels was erroneously reported by the media.^{xlviii} Regardless, Malaysia and Indonesia vehemently opposed his ideas of using U.S. troops to police the region. Malaysia's Deputy Prime Minister Syed Hamid Albar stated that "in principle, ensuring security in the Malacca Straits is the responsibility of Malaysia and Indonesia and for the present we do not propose to invite the United States to join the security operations we have mounted there."^{xlix} And Indonesia's Foreign Minister, Marty Natalegawa added that "security of the Malacca Straits

was the joint responsibility of Indonesia and Malaysia, in terms of international convention, and that cooperation between the two had been close.¹ Conversely, Singapore fully supports Admiral Fargo's initiative.^{li}

Though misquoted, the negative comments from Malaysia and Indonesia in response to Admiral Fargo's theoretical proposal to deploy Marines and SOF into the region to guard the Malacca Straits are clear. These sovereign countries do not want U.S. forces deployed into the region, at this time, to handle current or potential threats. Therefore, COMPACOM should instead seek to provide "behind the scenes" assistance to these coastal nations to combat piracy and terrorism. A three-phased plan to meet this objective follows:

Phase I: Theater-Strategic. COMPACOM must work at the Theater-Strategic and Operational Levels of Warfare due to Malaysia's and Indonesia's reservations about direct U.S. involvement in the region. He must convey to the U.S. Senate and House Armed Services Committees and the Department of State the strategic importance of this initiative to the region, the U.S., and the world. The U.S. must be prepared to make economic concessions as required to get each country to commit to the united regional security plan against maritime terrorism. The three states must fully understand that allying with one another is in their own best interest and in the best interest of their ASEAN counterparts and the entire world. U.S. relations with Singapore and Malaysia are sound and they should not take much convincing, but relations with Indonesia have been strained since their 1999 human rights violations in East Timor.

Indonesia, whose Muslim population of 200 million, is the largest Muslim country in the world, accounting for one-fifth of the world Muslim population, has historically held moderate views.^{lii} Its transition from an authoritarian to a democratic government should be

seen as a positive sign for the country and the region. However, should Indonesia become a failed state under radical Islamic control it will significantly complicate transit through the strategic straits, seas and air routes and hamper everyone's efforts to combat piracy.^{liii} The U.S. should do everything possible to prevent this from happening.

Indonesia is the lynchpin to the success of the plan. It has again recorded the highest number of attacks globally with 21 reported incidents in the first quarter of 2004.^{liv} Unless Indonesia receives assistance soon, there will likely be no reduction in incidents recorded within its region. Therefore, full diplomatic relations need to be reopened with the U.S. immediately. Once Indonesia agrees to an alliance with Malaysia and Singapore, the Foreign Operations Appropriations Subcommittee needs to make funding available to COMPACOM to begin the provision of Security Assistance. It is impossible for Indonesia to maintain any credible regional maritime security if it does not possess the means to accomplish the mission. Without access to the U.S. Security Assistance program, Indonesia and the Straits will continue to be plagued by pirates and terrorists because of its lack of resources. The U.S. must pressure the Government of Indonesian to increase its emphasis on piracy and terrorism within the Straits, much as it has done in regards to Indonesia's human rights violations.

PHASE II: Operational.

Security Assistance. COMPACOM's J-4 should coordinate with the Security Assistance Officers/Defense Attaches (SAO/DA) in Malaysia, Singapore and Indonesia to determine specific International Military Education Training (IMET) and Foreign Military Sales (FMS) requirements. Once the IMET and FMS requirements have been determined and Security Assistance Cases initiated, a determination should be made on how Indonesia

will pay for the training and equipment. If Indonesia cannot afford to pay for these items, which is likely, then attempts could be made to either provide loans or grants. Appendix B identifies the IMET and FMS Cases possibly required by Indonesia to become effective against maritime terrorists in their region.

Coastal States. COMPACOM should be the lead agent for convincing each military's Chief of Defense on the importance of forming an alliance with the other countries. An alliance between the three states on combating terrorism will by no means solve all of their current disagreements. The countries will continue to disagree on a myriad of issues involving national security, the economy and their borders. The result of this alliance will, however, substantially increase their chances of success against maritime terrorism. As noted below, three key areas need to be discussed and agreed upon by all three countries to deter pirates and terrorists from operating in this region. COMPACOM could be used as an outside arbitrator if agreed to by the three countries.

First, an agreement must be made with respect to maritime boundaries. These agreements will not impact legal rights to the areas, but are only applicable for assignment of maritime patrol areas. The agreements would be written in such a manner that they do not become permanent under international customary law. Second, the countries need to agree upon and enact strong anti-piracy and terrorism laws and severe punishments for those found guilty. Since the waters surrounding the three countries are territorial and archipelagic, legal jurisdiction falls to the country owning the waters where the incidents take place. If all three countries have similar laws and punishments with regard to piracy and maritime terrorism, then there will be no added benefit for pirates and terrorists to operate out of any one particular area. And thirdly, the three countries must agree to allow others to cross their

maritime boundaries if they are in “hot pursuit” of a pirate or maritime terrorist suspect. This assumes that the country whose territorial seas the suspects enters does not have any available law enforcement or military in the vicinity to intercept. The crossing of boundaries would occur after approval is provided by the Commander, Coalition Joint Regional Surveillance and Interdiction Group (COMCJRSIG).

Coalition and Joint Staff Training. COMPACOM should deploy subject matter experts (SME) to the region to provide extensive training for the coalition and joint staffs from the three countries. These staffs should form the new Coalition Joint Regional Surveillance and Interdiction Group and Joint Area Surveillance and Interdiction Group detailed in Phase III. This training is imperative to ensure the staffs are fully integrated and understand their roles, missions and responsibilities. It would enable them to better synchronize the available capabilities from the three countries against the maritime terrorist threat in their areas of responsibility (AOR).

Phase III: Development and Stand Up of a Coalition Joint Regional Surveillance and Interdiction Group and a Joint Area Surveillance and Interdiction Group.

Since intelligence drives maneuver, information and intelligence-sharing between the three countries is of the utmost importance to successfully deny and deter terrorists from operating within the AOR. COMPACOM should work closely with the three Chiefs of Defense from Indonesia, Malaysia and Singapore on the establishment of two types of surveillance and interdiction organizations within the region (see Figure 4). The first organization is the Coalition Joint Regional Surveillance and Interdiction Group (CJRSIG). Its focus is upon the territorial areas surrounding the three countries. The CJRSIG’s mission

is to synchronize and integrate operations, training, and intelligence support for each State's Joint Area Surveillance and Interdiction Group (JASIG) in order to combat piracy and terrorism within the region. The CJRSIG is primarily an intelligence fusion center and will receive human intelligence (HUMINT) from state sources, information from the IMB's Piracy Reporting Center in Kuala Lumpur and region specific intelligence from the Pacific Command's Joint Intelligence Center in Hawaii. All three countries will provide manning to the CJRSIG. The key billets (Commander, Deputy Commander, CJ-2 and CJ-3) should be rotated equally among the three countries on a two year rotational basis as identified in Table 1. If the three countries cannot agree on who should command the CJRSIG, then one alternative is to look at standing agreements with Australia. Australia maintains bilateral agreements with all three countries through the Five Powers Defense Arrangements between Malaysia, Singapore, United Kingdom and New Zealand^{lv} and the Australia-Indonesia Arrangement on Maintaining Security.^{lvi} Either of these two documents could be used or modified to allow an outside party with close ties to the region to maintain control of the operations. The remaining staff will be provided by the three countries on three year tours to promote continuity.

The JASIG will be formed within and by each state. Their mission is to provide immediate tactical response forces based on intelligence and tasking from the CJRSIG using either that state's law enforcement agencies (Coast Guard, Marine Police, etc) or military armed forces (Army, Navy, Air Force, Marines) as available and appropriate to patrol their territorial waters and engage pirates or terrorists.

In addition to the training provided to those manning the surveillance and interdiction groups, COMPACOM should provide additional SMEs to the four headquarters to assist in

daily operations and planning. The duration of the SMEs tenure will be agreed upon by the COMCJRSIG, COMJASIG and COMPACOM.

CONCLUSION

COMPACOM is in a unique position to influence the security and prosperity of countries within his area of responsibility, but he has global influence as well. He and his staff have worked hard to develop and maintain professional and mutually respecting relationships with most, if not all, of his military and political counterparts in Asia. These relationships are critical for ensuring that regional maritime security is maintained. One weak link in this vast chain can have global repercussions that will be expensive and difficult to recover from.

We live in a world where governmental complacency can result in significant death and destruction. Vigilance needs to be maintained throughout because international terrorism is here to stay. It is important for all countries to understand that this war should not and cannot be fought by one or two countries alone, including the United States. It must be a global fight.

It is imperative that Malaysia, Singapore and Indonesia work in concert with one another for their own mutual defense in the global war on terrorism. This cooperation will significantly increase their ability to combat piracy and terrorism in the region. The result of this cooperative effort will deter terrorist organizations from attempting an attack in the region.

COMPACOM has the regional responsibility and the ability to coordinate and execute the proposed plan. Successfully aligning the three countries will not be an easy task, but the possibilities of what may occur if the three countries remain unilateral in their focus

would be catastrophic. There is a real risk that a maritime terrorist-based 9-11 type event will occur in this region. Action must be taken now to prevent such an event from occurring.

SOUTHEAST ASIA NATURAL LAND BARRIERS AND STRAITS

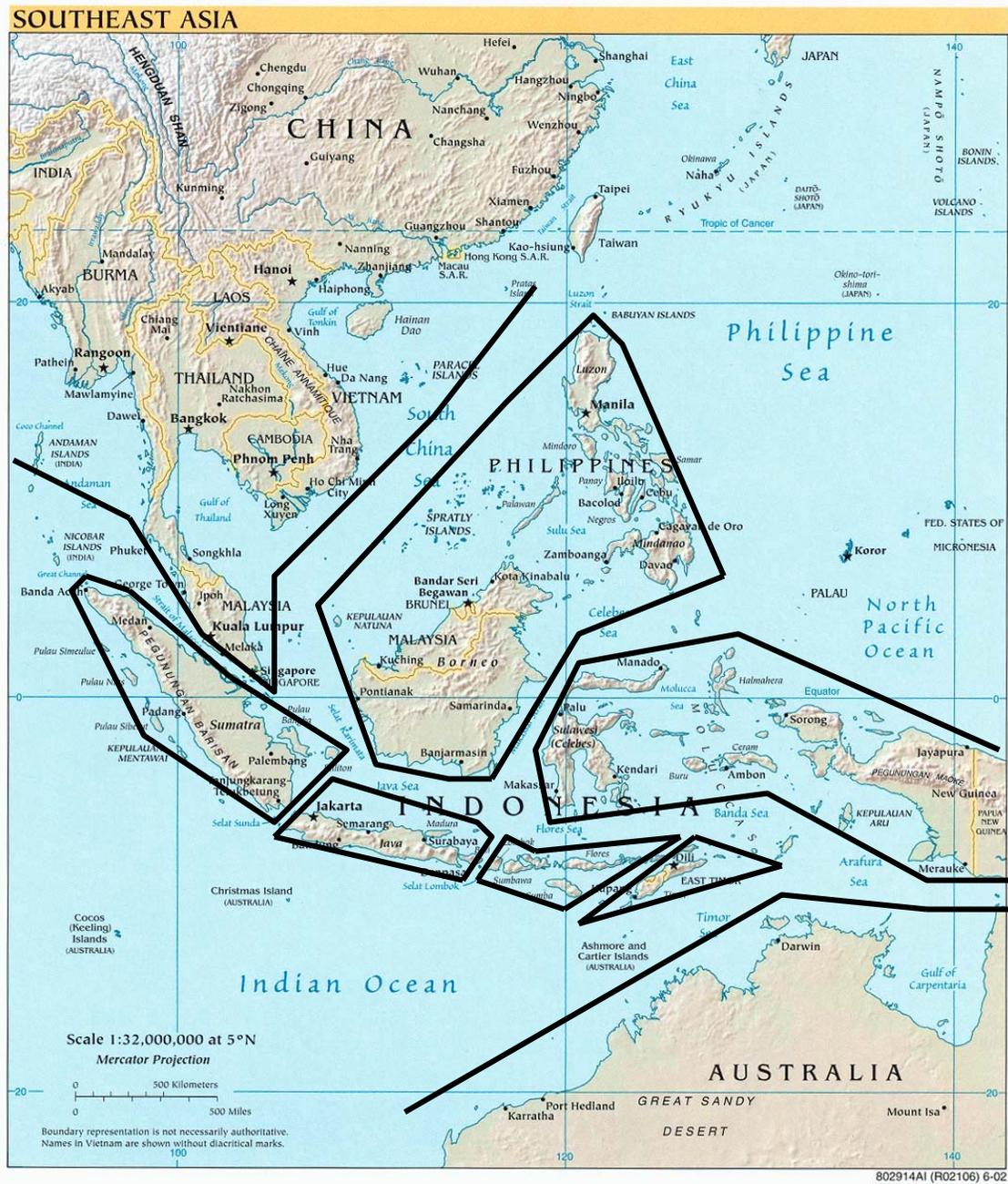


Figure 1

SOUTHEAST ASIA TRADE ROUTES

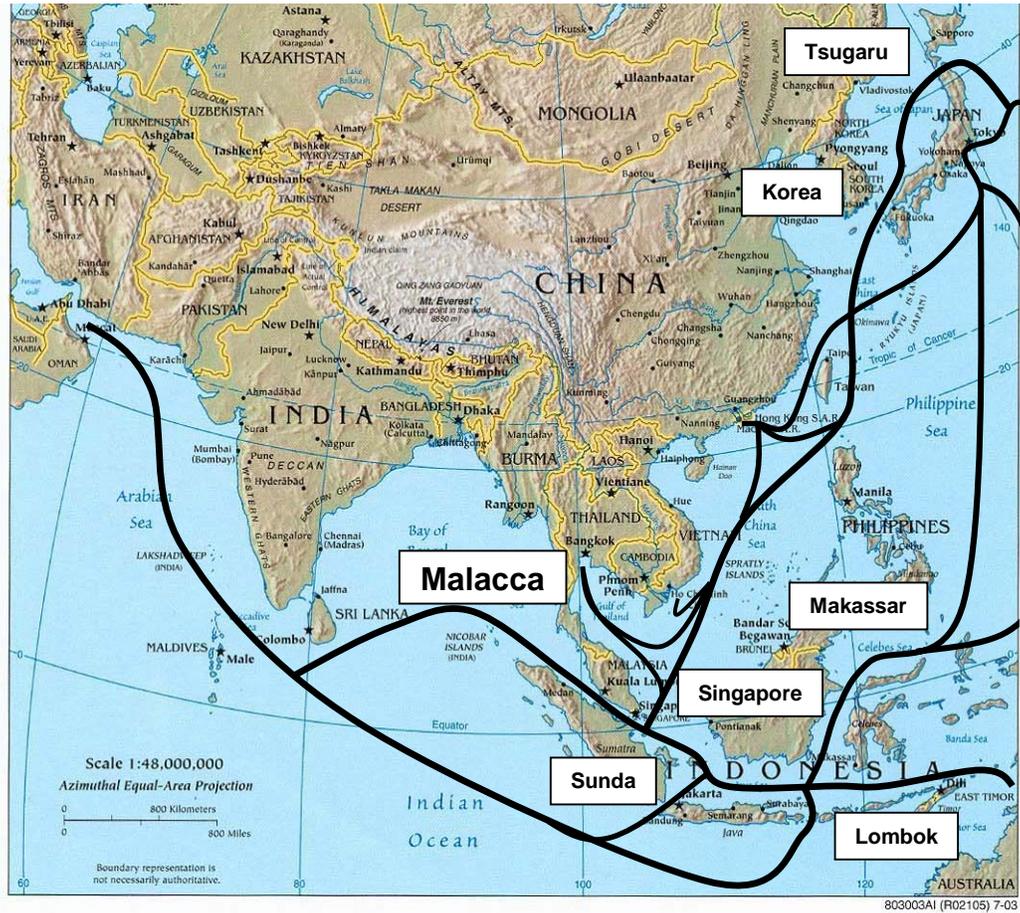


Figure 2

SOUTHEAST ASIAN PIRATE ATTACKS FOR 2003

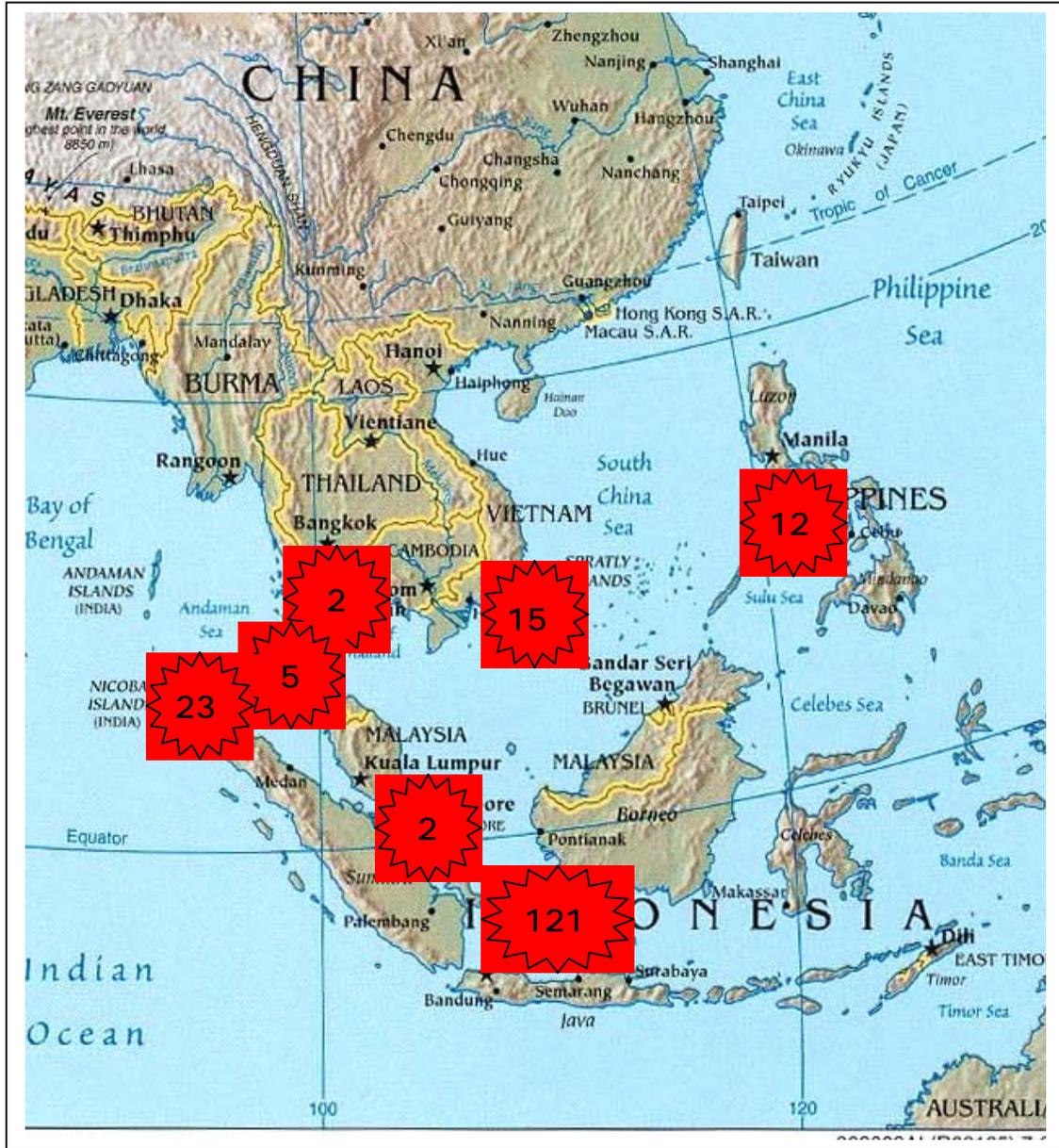


Figure 3

**PROPOSED STRUCTURE FOR THE COMBINED JOINT REGIONAL
SURVEILLANCE AND INTERDICTION GROUP AND JOINT AREA
SURVEILLANCE AND INTERDICTION GROUP**

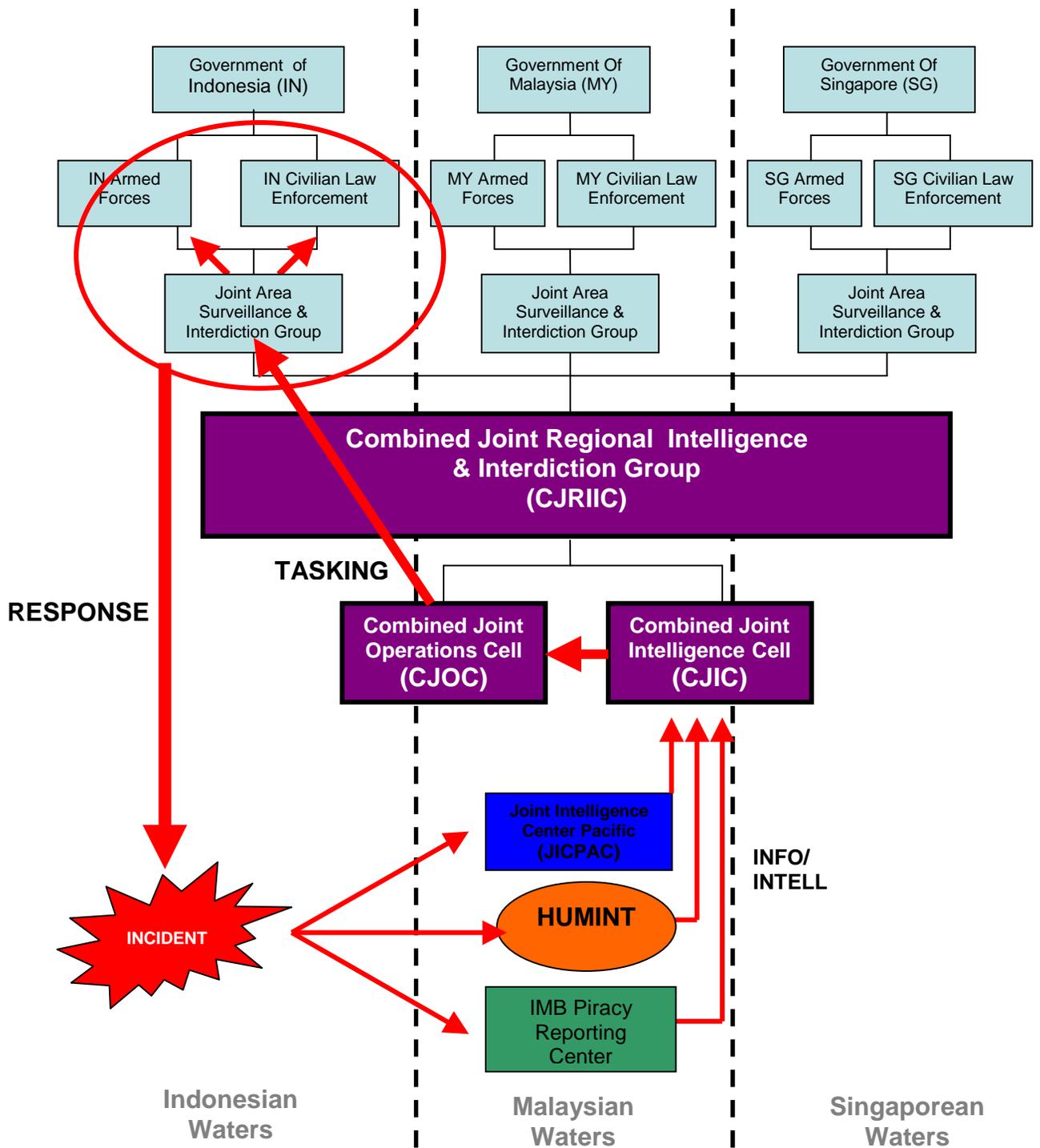


Figure 4
CJRSIG KEY BILLET ROTATION SCHEDULE

	2005-2007			2008-2010			2011-2013		
	IN	MY	SG	IN	MY	SG	IN	MY	SG
Commander		X				X	X		
Deputy Commander			X	X				X	
CJ-2		X				X	X		
CJ-3	X				X				X

IN – Indonesia
MY – Malaysia
SG – Singapore

Table 1

International Navigation

Transiting the Malacca Straits takes vessels through a myriad of zones that designated by the 1982 United Nations Convention on the Law of the Sea. The following are the rights of transiting ships and the responsibilities of the coastal states.

Territorial Seas.

Transiting Ships (but not aircraft) of all nations enjoy the right of **innocent passage** for the purpose of continuous and expeditious traversing of the territorial sea or for proceeding to or from internal waters. Passage is considered innocent so long as it is not prejudicial to the peace, good order, or security of the coastal state.

Coastal States may take affirmative actions in its territorial seas to prevent passage that is not innocent, including, where necessary, the use of force. The coastal state may, where navigational safety dictates, require foreign ships exercising the right of innocent passage to utilize designated sea lanes and traffic separation schemes.

International Straits. Straits are used for international navigation through the territorial sea between one part of the high seas or an exclusive economic zone and another part of the high seas or an economic exclusion zone.

Transiting Ships and aircraft of all nations, including warships, auxiliaries, and military aircraft, enjoy the right of unimpeded **transit passage** through such straits and their approaches. Transit passage through international straits cannot be hampered or suspended by the coastal nation for any purpose during peacetime.

Coastal States bordering international straits overlapped by territorial seas may designate sea lanes and prescribe separation schemes to promote navigational safety.

Archipelagic Waters.

Transiting Ships and aircraft, including warships and military aircraft, enjoy the right of archipelagic sea lanes passage while transiting through, under or over archipelagic waters and adjacent territorial seas via all routes normally used for international navigation and over flight. (substantially identical to the right of transit passage through international straits).

Archipelagic states cannot hamper or suspend traffic through normal routes for any purpose.

Appendix A

Indonesia Security Assistance Program Requirements

1. IMET Case(s)

- a. General Training
 - (1) Leadership
 - (2) Joint Operations
 - b. U.S. Coast Guard Model Maritime Service Code Training
 - c. Maritime Operations
 - (1) Customs and Smuggling
 - (2) Narcotics
 - (3) Immigration
 - (4) Living Marine Resources Preservation
 - (5) Search and Rescue
 - (6) Navigation
 - (7) Port Security and Safety
 - (8) Merchant Vessel Inspection and Documentation
 - (9) Merchant Vessel Personnel
 - (10) Pollution
 - (11) Preservation and Exploration of the Marine Environment
 - (12) Ship Handling (Open Ocean to the Littorals)
 - (13) Anti-Terrorism Training
 - (14) Maritime Interdiction Operations
 - (15) Visit, Board, Search and Seizure Operations
 - d. Military Equipment Specific Training (Determined in equipment cases)
 - (1) Helicopter Pilot Training
 - (2) Small Boat Coxswain Training
 - (3) Weapon Systems Training
 - (4) Radar Systems Training
2. **FMS Equipment Cases** (All equipment cases include the requirement for spares)
- a. Patrol Boats
 - b. High Speed Rigid Hulled Inflatable Boats
 - c. Medium Lift Helicopters
 - d. Direct and Indirect Fire Weapon Systems
 - e. Shoulder Fired Missile Systems
 - f. Shipborne and Ground Based Surface Radar Systems
 - g. Encrypted Communications Equipment
 - h. GPS
 - i. Night Vision Equipment
 - j. Ammunition

Appendix B

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