

OPRF MARINT Monthly Report

October 2007



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This monthly report is edited/ summarized by publisher and staff writers based on published news resources.

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Major Events in October 2007

Security: A U.S. think-tank, the Jamestown Foundation, reported in an article in its biweekly on October 11 that the security situation in the sea lanes linking the Philippines, Indonesia and Malaysia were allowed to deteriorate while international attention was focused on the Strait of Malacca.

A multinational maritime interdiction exercise, Pacific Shield 07, based on the Proliferation Security Initiative (PSI), was held off Izu-Oshima Island, Tokyo on October 13-15. This was the second PSI exercise hosted by the Japanese Maritime Self Defense Force, following one that took place in October 2004.

The International Maritime Bureau (IMB) and the Information Sharing Center (ISC) of the Regional Cooperation on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) published a report on piracy and armed robbery during the third quarterly of 2007 (from January through September). Please refer to 2.Intelligence Assessment in this monthly report.

On October 28-30th, piracy incidents, including a hijack of the chemical tanker flying a Panamanian flag and chartered by Japanese shipping company, occurred one after another off Somalia.

Military: The U.S. Federation of American Scientists (FAS) has published satellite images on Google Earth on which the two, new Chinese nuclear ballistic missile submarines (SSBN), *Type-094's* (Jin-class) being berthed.

On October 11, Indian navy chief Sureesh Mehta told India had invited navy chiefs of 31 Indian Ocean littoral states to a meeting in New Delhi aimed at setting up a regional charter for cooperation in February 2008.

Taking up the recent People's Liberation Army Navy (PLAN)'s cruise to Europe and Oceania, the Singaporean Newspaper, *The Straits Times*, dated October 18 reported in its article that the PLAN was extending its reach, which indicated its expertise and confidence in an ocean-going navy were increasing.

On October 17, U.S. chief of naval operations Admiral Gary Roughead, Marine Corps commandant General James Conway, and Coast Guard commandant Admiral Thad Allen jointly unveiled a new maritime strategy titled "A Cooperative Strategy for 21 Century Seapower" at the International Seapower Symposium at the Naval War College.

Diplomacy and International relations: British Foreign Office spokeswoman clarified that the United Kingdom (UK) was looking to claim sovereignty over a large area around the British Antarctica Territory. Reacting to this British announcement, both Chile and Argentina issued their respective statements.

On October 4, the U.S. Senate Committee on Foreign Relations opened the second public hearing on the ratification of the United Nations Convention of the Law of the Sea (UNCLOS). As

the topics, taking the current public hearings, we have introduced the opinions of both opposition and support to the ratification from the representatives of the shipping circles and oil and natural gas industries.

Shipping, Resources, Environment and Miscellaneous: The United States Coast Guard is planning to build its first operating base near the U.S. northernmost town, Barrow, Alaska. According to the Coast Guard, a newly built base would be seasonal and would be inaugurated by the spring of 2008.

1. Information Digest

1.1 Security

October 10 “Indonesian Navy sets up four radars in Malacca Strait” (Xinhua, October 10, 2007)

On October 10, Indonesian Navy Chief of Staff Admiral Slamet Soebijanto said that the construction of four of nine radars which had been planned to be set up along the Malacca Strait was complete, with the remainder to be completed this year. Two of the four completed radars were funded by Jakarta, while the other two were subsidized by Washington.

October 11 “Security situation deteriorates in border areas of the Philippines, Indonesia, and Malaysia” (Terrorism Monitor, Vol. 5, Issue 19, October 11, 2007, The Jamestown Foundation)

A U.S. think-tank, the Jamestown Foundation, reported in an article entitled “The Triborder Sea Area: Maritime Southeast Asia's Ungoverned Space” in its biweekly journal *Terrorism Monitor* issued on October 11 that the security situation in the sea lanes linking the Philippines, Indonesia and Malaysia were allowed to deteriorate while international attention was focused on the Strait of Malacca. The point of the article is summarized as follows.

- (1) This area—known as the tri-border sea area comprises two main sectors. The first is the Sulu Sea in the southwestern Philippines, a 100,000 square-mile body of water bounded to the northwest by Palawan Island, to the southeast by the Sulu Archipelago, and in the southwest by the eastern Malaysian state of Sabah. The second sector is the Celebes Sea (the Sulawesi Sea), 110,000 square miles of water bordered by the Sulu Archipelago and Mindanao to the north, Sabah and the Indonesian province of Kalimantan to the west, and Indonesia's Sulawesi Island to the south. The Celebes Sea opens southwest through the Makassar Strait, which is increasingly used by large crude oil tankers unable to use the shallower Strait of Malacca.
- (2) The Sulu Archipelago (comprising the islands of Basilan, Jolo and Tawi-Tawi), Mindanao and Sulawesi have all been neglected by the central governments in Manila and Jakarta for decades, resulting in poor governance, the spread of corruption and high levels of poverty. In addition, Mindanao has been wracked by over three decades of insurgency and separatist conflict. As a result, the Sulu and Celebes Seas have become notorious for illegal maritime activities such as smuggling, piracy, and trafficking in illegal narcotics, guns and people; in short, it is an ungoverned space. What most concerns security analysts is the utilization of the maritime domain in this area by terrorist organizations as a base of operations.
- (3) The problem is the lack of state capacity in tackling transnational security threats in the tri-border sea area, especially in the Philippines and Indonesia. The Armed Forces of the Philippines (AFP) is one of the weakest military forces in Southeast Asia. To cope effectively with the internal security threats, the army has received priority funding. The Philippine Navy

(PN) and Philippine Coast Guard (PCG) are unable to protect the country's sea lanes. The Indonesian Navy faces similar problems. It is still significantly below strength and incapable of monitoring the country's 34,000 miles of coastline and 4.9 million square miles of territorial waters and exclusive economic zones (EEZ). (See 1. 2 Military in OPRF MARINT Monthly Report, September 2007 for reference.) Malaysia is better equipped than the Philippines and Indonesia. However, Malaysia has focused its efforts on the Strait of Malacca.

- (4) Security cooperation among the three countries is very limited. The naval forces of Indonesia, the Philippines and Malaysia conduct coordinated patrols but their effectiveness is limited by infrequency and lack of available assets. Indonesia and the Philippines conduct CORPAT PHILINDO four times a year, but each patrol involves only one vessel from each country and lasts for only 10 days. Nevertheless, Manila and Jakarta have agreed to strengthen the joint patrols. Malaysia and the Philippines conduct just two coordinated patrols (OPS PHIMAL) each year. In order to deal effectively with the maritime security threats in the tri-border sea area effectively, Indonesia, Philippines and Malaysia will require sustained assistance from external powers in the form of capacity building.

October 13-15 “Multinational maritime interdiction exercise starts off Izu-Oshima Island” (The Yomiuri Shimbun, October 14, 2007)

A multinational maritime interdiction exercise, “Pacific Shield 07”, based on the Proliferation Security Initiative (PSI), was held off Izu-Oshima Island, Tokyo on October 13-15. This was the second PSI exercise hosted by Japanese Maritime Self Defense Force, following one that took place in October 2004. In addition to Japan, six countries involving Australia, Britain, France, New Zealand, Singapore and the United States took part in the exercise. China and South Korea declined to join the exercise, possibly out of concern that their participation could antagonize North Korea. The exercise was observed by senior officials from governments of about 40 countries, including Brunei, India, Laos, Malaysia, Mongolia, Pakistan, Papua New Guinea, the Philippines and Vietnam.

October 16 “Pirate attacks by late Sept. 2007, up 14 %, compared to last year period” (AP, October 16, 2007)

The International Maritime Bureau (IMB) published a report on the maritime piracy and armed robbery in the three quarters of the year 2007 (between January and September) through the Piracy Reporting Center (PRC) on October 16. The attacks in the first nine months of the year 2007 totaled 198 cases, which show an increase of 14 percent, compared to 174 noted during the same period of 2006. (For details of the IMB Report and the ReCAAP Report, see 2.Intelligence Assessment section of this Monthly Report)

October 23 “Eight countries discuss promoting security cooperation on Malacca Strait” (Antara News, October 24, 2007)

On October 23, eight countries met in Manado, the capital of North Sulawesi, to discuss

cooperation in increasing shipping safety, security and marine environmental protection. In addition to Indonesia, Malaysia and Singapore, - three countries of Malacca Strait coast, Australia, China, Japan, South Korea and the U.S. participated in the conference. Entitled Pre-Project Coordination Committee Meeting, the gathering discussed steps to be taken following the Singapore meeting which had set a cooperation mechanism among the countries concerned on September 4-6, 2007. (As for the Singapore meeting, see 1. 1 Security in OPRF MARINT Monthly Report, September 2007.)

October 23 “U.S., Mongol, inked agreement to allow boarding on Mongol flagging ships” (Mongolia Web, October 25, 2007)

Though Mongolia is landlocked, it has 62 ships registered worldwide under its flag. Due to that fact, the U.S. and Mongolia signed an agreement on October 23 to allow Mongolian ships to be boarded if they are suspected of carrying weapons of mass destruction. The U.S. ship-boarding pact is meant to keep an eye on rogue nations, such as North Korea, and Mongolia is the eighth country which has signed the pact with the United States. Five of the top ten “flag of convenience” countries, including Panama, Liberia, Malta, Cyprus and the Marshall Islands have also signed the ship-boarding pact. Under these agreements, the United States might be able to board nearly 10,000 ships for checking their cargoes.

October 28 -31 “Piracy incidents off Somalia continue” (various sources)

(1) According to the Piracy Reporting Center (PRC) of the International Maritime Bureau (IMB), a chemical tanker chartered by the Japanese shipping company (Dorval Kaiun K. K.), the Panamanian-flagged ship *Golden Nori*, was hijacked in the vicinity of Socotra archipelago, near the “Horn of Africa” on October 28. Of 23 tanker crew, are nine Filipinos including captain, 12 Myanmarese, and two Koreans with no Japanese. To sum up information of the media, the distress signal dispatched from the *Golden Nori* was intercepted by the rescue center in Norway and was relayed to PRC in Kuala Lumpur. The guided missile destroyer, the USS *Porter* (DDG 78) and USS *Arleigh Burke* (DDG 51), which form CFT-150 operating in this area, responded to this signal. Getting an approval of the Mogadishu provisional government, the USS *Porter* entered the Somalia waters, and sank two speed-boats tied to the tanker, which made the pirates unable to leave the tanker. As of 30 October, the tanker was in the hands of the pirates, but was under the surveillance of the USS *Porter*. USS *Arleigh Burk* was pursuing the commanding mother ship. Although tanker was carrying highly flammable benzene, there were no casualties on the tankers, nor did the pirates return the fire. (Information hereof is in CNN, October 29, ABC-CBN News, October 30, Stars and Stripes, October 31, and The Irrawaddy, November 1, 2007.)

The head of Seafarers Union of Burma (located in Bangkok, Thailand), Ko Thura, told he was worried for the Myanmarese (Burmese) crew because their lives were in danger. He divulged his discontent that the Myanmarese government did little to help the crew who were attacked by the pirates. The Union works in exile to support as many as 20,000-300,000

Myanmarese seamen, but most of them are employed for little pay and under the poor working condition on flag of convenience ships. (The Irrawaddy, November 1, 2007)

The Philippine department of foreign affairs said it was coordinating with IMB, Japanese ship's owners and the Japanese government to secure the crew's safe release. Foreign affairs officials confirmed that they would not deal directly with the hijackers nor pay the ransom. Officials also said the Filipino captain of the seized tanker had contacted his family in the Philippines and told them that he and the crew were in good condition and were treated well by the pirates. (Channel News Asia, October 31, ABC Radio Australia, November 2, 2007)

- (2) A North Korean-flagged freighter, the *Dai Hong Dan*, was attacked by the pirates off Somalia and rescued by the U.S. Navy on October 30. According to the report of the Chosun Ilbo dated November 1, on receiving an SOS from the *Dai Hon Dan*, the Piracy Reporting Center (PRC) in Kuala Lumpur sought help from the U.S. Fifth Fleet for the North Korean ship. The PRC said the *Dai Hon Ban* was carrying a crew of 43 sailors and anchoring in waters about 108 km off Mogadishu after unloading sugar there. The destroyer USS *James E. Williams* which was 90 km from the troubled North Korean ship was ordered to help. The U.S. rescue helicopter arrived at the scene, and urged the seven pirates aboard the ship to surrender. Before a U.S. destroyer was approaching, North Korean sailors overwhelmed the hijackers after a fierce gunfight. One pirate was killed and the rest detained. The North Korean crew asked for medical treatment of their three wounded colleagues, who were moved to the U.S. ship. (Navy News Stand, October 31, and Chosun Ilbo, November 1, 2007)
- (3) According to Reuters dated October 30, Andrew Mwangura, head of the East African Seafarers' Assistance Program, said the South Korean cargo vessel, carrying a crew of 22 sailors, was hijacked sometime between the night of 29th and the morning 30th. (Chosun Ilbo, October 31, 2007)
- (4) The waters off Somalia and the Horn of Africa where piracy incidents were noted frequently are part of the area under the responsibility of Combined Task Force 150 (CTF-50). The CTF-50 is one of three task forces under Combined Maritime Forces, a 20-nation Coalition based in Manama, Bahrain. A key mission of the Coalition is conducting maritime security operations (MSO), which help set the conditions for security and stability in the maritime environment, and complement the counterterrorism and security efforts in regional nations' littoral waters. Coalition forces also conduct MSO under international maritime conventions to ensure security and safety in international waters so commercial shipping and fishing can occur safely in the region. (Navy New Stand, October 31, 2007)

1.2 Military

October 2 “U.S. Africa Command Starts Initial Operations” (Defense-aerospace, October 3, 2007)

On October 2, General William E. Ward, the leader of the newly established separate unified command, U.S. African Command (AFRICOM), announced that AFRICOM has reached “initial operating capacity.” Currently, although AFRICOM will be co-located with U.S. European Command in Stuttgart, Germany, plans have been laid down to establish the organization as a separate unified command by September 30, 2008 with its headquarters somewhere in Africa. So far, Liberia has offered AFRICOM use of its territory as a base, but the Nigerian foreign minister has announced that no foreign troops are welcome on African soil. Also, the 14-nation Southern African Development Community (SADC) which includes Angola, Democratic Republic of the Congo and Madagascar, recently voted against hosting AFRICOM. Although AFRICOM currently has a core staff of 120 members, it will eventually grow by containing not only military members and Defense Department civilians but also representatives from the U.S. State Department, the U.S. Agency for International Development, the U.S. Department of Commerce and the U.S. Department of the Treasury.

October 4 “U.S. Researcher publishes Image-photos of Chinese SSBNs” (Federation of American Scientists, October 4, 2007)

The U.S. Federation of American Scientists (FAS) has published satellite images on Google Earth on which the two Chinese new submarines ballistic missile submarines (SSBN), *Type-094*'s (Jin-class) being berthed. This is the second time since it was last disclosed in July 2007 on the FAS Strategic Security Blog. (See 1.2 Military in the OPRF MARINT Monthly Report, July 2007.)

These images show the two SSBN's docked at the Bohai shipyard at Huludao, approximately 400 kilometers east of Beijing. U.S. naval intelligence estimates that China will produce five of the *Type-094* SSBNs. It is still unclear when China launched these two submarines, but this image was taken on May 3, 2007. The image of the first *Type-094* discovered at Xiaopingdao, Dalian, in July 2007 was the one taken on October 17, 2006. Therefore, two images suggest two pieces of possibility. One possibility is that the SSBN on the first image returned to Huludao for repair or further adjustment and was captured together with the second SSBN. Another possibility is that the two Huludao SSBNs are indeed the second and third boats of the *Type-094*.

Source: FAS Strategic Security Blog, October 4 and 15, 2007
(<http://www.fas.org/blog/ssp/china/>)

China's new *Jin*-class SSBNs at Huludao shipyard

**October 11 “New Delhi to hold Indian Ocean Naval Symposium in February 2008”
(The Straits Times, Singapore, October 12, 2007)**

On October 11, Indian navy chief Sureesh Mehta told India had invited navy chiefs of 31 Indian Ocean littoral states to a meeting in New Delhi aimed at setting up a regional charter for cooperation in February 2008. This was clarified at the seminar organized by the Rajaratnam School of International Studies in Singapore and India's National Maritime Foundation.

Mehta emphasized, “With the increase in asymmetric threats, the importance of constabulary functions of maritime nations is increasing to disproportionate levels. This places an unaffordable demand on the size and nature of maritime forces a country requires. The alternative lies in joining hands of every country. The diplomatic role of navies assumes greater significance by the day.” Moreover, Admiral Mehta also noted, “In the rapidly evolving strategic environment, maritime issues were being taken more seriously than ever before. I call it the 70-80-90 concept. Seventy percent of the world is covered by the oceans, 80 percent of the population and industry is moving to the coastal regions, raising the importance of the littoral to unprecedented levels. And 90 per cent of the world's wealth flows across the oceans.”

The conference is aimed at identifying challenges to maritime security and developing interoperability of doctrines, strategies and operational processes. Indian naval officials involved in planning the meeting said China was not invited to the symposium because it was not an

Indian Ocean littoral state. Nor had the United States been invited. France, Pakistan and South Africa figure on the list of invitees along with the navies of countries such as Singapore, Australia and Indonesia.

October 17 “U.S. unveiled New Maritime Strategy” (Washington Post, October 17, 2007)

On October 17, U.S. chief of naval operations Admiral Gary Roughead, Marine Corps commandant General James Conway, and Coast Guard commandant Admiral Thad Allen jointly unveiled a new maritime strategy at the International Seapower Symposium at the Naval War College. The new strategy titled “A Cooperative Strategy for 21st Century Seapower,” born of the attacks of 9/11 and the following wars, stresses conflict prevention as much as winning victory in war, and acknowledges that “no one nation” can secure the world's waters against terrorist and other threats. Based upon this, new strategy is shifting from a narrow focus on combat toward one that also emphasizes the use of “soft power” to counter terrorism and deliver humanitarian assistance. This approach is a clearly epoch-making shift from the current maritime strategy which focused heavily on offensive operations against the Soviet Union.

A new strategy is available from the following web-site: <http://www.navy.mil/maritime/>

October 18 “Chinese Navy expands its operational area” (The Straits Times, Singapore, October 18, 2007)

According to the Singaporean Newspaper, *The Straits Times* dated 18 October, Mr. Loro Horta, an associate research fellow at the S. Rajaratnam School of International Studies, Nanyang Technological University, writes in his article titled “Chinese navy extends its reach” on an expansion of Chinese area of activities, by taking up the People’s Liberation Army Navy (PLAN)’s cruise to Europe and Oceania, an outline of which is as follows:

- (1) On July 24, 2007 two Chinese naval vessels - the missile-guided destroyer *Guangzhou* and the supply ship *Weishanhu*, left their base in Sanya on Hainan Island for an 87-day cruise for Europe. The two vessels visited St Petersburg in Russia, Portsmouth in Britain, Cadiz in Spain and Toulon in southern France. (See 1. 2 Military report in OPRF MARINT Monthly Report, July 2007.) While the vessels made purely a diplomatic port call in Russia, they conducted the first-ever naval exercises with Royal Navy vessels, including the British aircraft carrier, the *Ark Royal*. The exercises covered search-and-rescue, communication drills, and fleet formation maneuvers. This was the first exercise for the Chinese Navy in the Atlantic. In Spain, they have conducted the first search and rescue exercise with Spanish Navy. In France, the PLAN carried out the second exercise with the French Navy, with the first taking place in the South China Sea in March 2004.
- (2) Two ships from the PLAN vessels - guided missile destroyer *Harbin* and fuel tanker *Hongze Lake* departed Qingdao for Australia to participate in the first trilateral exercises with the Australian and New Zealand navies on September 10. (See 1. 2 Military report in OPRF MARINT Monthly Report, September 2007.)

- (3) Since July 2007, the PLAN South Sea Fleet has also been active in conducting its own exercises and aggressive patrols in the area around disputed Spratly Islands. On July 11, PLAN ships opened fire on Vietnamese fishing vessels for allegedly violating Chinese territorial waters.
- (4) PLAN exercises in European waters marked the first naval maneuvers conducted by China outside Asian waters, which indicates the Chinese navy's operational capabilities on the high sea are improving and activity areas are expanding. PLAN's cruise to Europe and Oceania and activities in the South China Sea demonstrate PLAN's ability to carry out various operations simultaneously in the areas spreading across a geographical expanse. Further, the exercises in European and Australian waters allowed China to get acquainted with the operating procedures of major Western navies that share many common tactical, operational and doctrinal procedures with the U.S. navy. Furthermore, although a large scale exercises in the Asian region (like Malabar-2007 in September 2007) tend to raise suspicion concerning the nature and target of the exercises, such exercises in Europe and Oceania have provided the PLAN with an opportunity of improving their skills without raising much attentions. So far, PLAN has avoided any major exercises in the western Pacific where U.S. naval forces are deployed.
- (5) The ongoing naval exercises by the PLAN go well beyond the purposes of naval diplomacy, which demonstrate their operational capabilities outside the region, and indicate their increasing confidence and professionalism and its desire to become a true blue-water navy.

October 28 “U.S. SSBN completes conversion for special mission” (Honolulu Star-Bulletin, October 28, 2007)

Having completed a refit from a nuclear missile submarine to a conventional platform for a special operation by loading 154 conventional Tomahawk cruise missiles and embarking 66 Navy Seals, the SSBN, USS *Ohio*, is currently undergoing a final phase of testing in Hawaii. After the trial, the submarine will be deployed to the western Pacific (extending as far as the Indian Ocean) to spend its maiden mission. During the 14 months *Ohio* will be at sea, it will swap its crew every three or four months in Guam, allowing the Navy to maximize the submarine's time at sea. The Navy plans to convert four oldest *Ohio* class SSBN's to the platforms for the special operations.

1.3 Diplomacy and International Relations

October 17 “Britain prepares for claiming sovereignty over its arctic region” (BBC News, October 17, 2007)

British Foreign Office spokeswoman clarified that the United Kingdom (UK) was looking to claim sovereignty over a large area around the British Antarctica Territory.* The spokeswoman said this signified a “safeguard for the future” and it would be a claim in name only. According to

the spokeswoman, the claim is what the UK has been preparing for in view of the deadline of May 2009 of submitting the claim to the U.N. for extending the outer limits of the continental shelf on the United Nations Conventions on the Law of the Sea (UNCLOS). With this, Britain could extend its control over 386,000 sq miles of the seabed off the coast of the British Antarctic Territory. According to the spokeswoman, even if granted, it will not make Britain develop the seabed oil and natural gas, because the Protocol on Environmental Protection to the Antarctic Treaty on environmental protection in 1991 prohibits the activity for developing mineral resources.

These British movements are, as seen in the Russian expedition in August, to demonstrate British willingness to participate in the recent activities of the countries concerned that are trying to secure the control rights over the potential oil and natural gas resources on the seabed in view of the global change of the environment. The British foreign ministry official said, "It is essential to secure the safeguard for the future, and if in future the Antarctic Treaty be cancelled – its probability is almost none, we would have the safeguard to our submission for sovereignty in this sea area."

At present, seven countries - UK, Norway, France, Australia, New Zealand, Chile, and Argentina, are claiming the sovereignty over the Antarctic, which covers an area of five-sixths of the Antarctic continent. The most of the area claimed by Britain (See map) overlaps the areas claimed by either Argentina or Chile. The area of British Antarctica is over 600,000 square miles, which was declared for possession in 1908 (the oldest land declared for possession), where two permanent observations bases are located in two places.

Furthermore, Britain is now submitting to the U.N. commission on the limits of the continental shelf (CLCS) of the UNCLOS for an extension of the limits of the continental shelf in part of the Bay of Biscay in cooperation with France, Spain and Iceland. ** Britain is also discussing for joint submission of extending the limits of the continental shelf with Iceland, Ireland and Denmark over Hatton-Rockall Island off west coast of Scotland in the Atlantic Ocean. The UK is also preparing for a submission of extending the areas around the Falkland Islands, South Georgia and Ascension Island.

Note* : For British Antarctic area, see HP of British Antarctic Survey.

http://www.antarctica.ac.uk/about_antarctica/index.php

Note** : As for the details of the submission to CLCS, see HP of CLCS, and 2. Intelligence Analysis in OPRF MARINT Monthly Report, September 2007.

http://www.un.org/Depts/los/clcs_new/clcs_home.htm

【Related Stories】

The statement above is likely to stir controversy with Chile and Argentina. Below are the reactions of the two countries.

“Reaction of Chilean government” (BBC News October 19, 2007)

The Chilean foreign ministry said in the statement that any British submission would not

affect the Chilean rights over the territory and its maritime space of the Antarctic continent, and the government reaffirmed its claim of sovereign rights over the Chilean territory and its surrounding sea areas.

“Reaction of Argentina” (The Guardian, October 19, 2007)

Argentine foreign minister has warned that the UK will be challenged over any claim to parts of the southern Atlantic seabed, and said that Argentina will apply for sovereignty over the ocean floor around the Falkland Islands and Antarctica. According to the foreign minister, Argentina is preparing studies to present to the CLCS. This will include the area covering Argentine Antarctica, as well as the Malvinas, South Georgia, and the South Sandwich islands (both British territories). The foreign minister said, “They are part of our integral national territory. In defense of our national interest and legitimate sovereign rights we are intensely working on our presentation.”

Both the UK and Argentina lay claim to large areas of Antarctica, territories which overlap. Under the terms of the 1959 Antarctic treaty, territorial disputes on the icecap were “frozen.” British statement rekindled the territorial disputes of two countries over the territories in these areas. Buenos Aires still claims the Malvinas, known to the UK as the Falklands, as well as South Georgia and the South Sandwich islands.

Although British foreign ministry is not reacting to the statement of the Argentina counterpart, the foreign ministry spokeswoman said, “We are absolutely committed to upholding our obligations under the Antarctic treaty. We are engaged in a peaceful, open and long-term U.N. process to establish, by consensus under international law, an orderly regulatory regime in large areas of the oceans where none exists at present.”

Source: BBC News, October 17, 2007
(http://news.bbc.co.uk/2/hi/uk_news/7048237.stm)

British Antarctic Territory

🕒📄 **Topic** 📄🕒

U.S. Senate Committee on Foreign Relations: 2nd Public Hearing on UNCLOS

On October 4, 2007, the U.S. Senate Committee on Foreign Relations (Chairman: Joseph Biden (D-Delaware)) opened the second public hearing on the ratification of the United Nations Convention of the Law of the Sea (UNCLOS). Those who testified before the Committee were as follows:

(1) Vern Clark, Admiral, USN (Ret.), Former Chief of Naval Operations, United States Navy (For Ratification), (2) Bernard H. Oxman, Professor of Law, University of Miami School of Law (For Ratification), (3) Frank J. Gaffney, Jr., President, Center for Security Policy (Against Ratification), as a witness, (4) Fred L. Smith, Jr. President, Competitive Enterprise Institute (Against Ratification), as a witness, (5) Paul C. Kelly, President, Gulf of Mexico Foundation, as a witness (For Ratification), (6) Joseph J. Cox, President, Chamber of Shipping of America, as a witness (For Ratification), (7) Douglas R. Burnett, Partner, Holland & Knight, LLP, as a witness (For Ratification)

(See testimony of each witness: <http://foreign.senate.gov/hearings/2007/hr071004a.html>)

At the current public hearing, Senator Richard G. Lugar, a top Republican member of the Committee, appealed for implementing ratification of the UNCLOS. In his opening statement, offering a historical event in 1950 when the United Nations (U.N.) forces were formed while the Soviet Union was boycotting the U.N., and North Korea invaded South Korea, Lugar said the UNCLOS would continue to be a basis for the legislation on the Sea regardless of whether or not the United States is a member of the Convention.

At the first session on September 27, both U.S. Secretary of State and U.S. Secretary of Defense appealed for the quick ratification of the Convention as witnesses. (As for an outline of testimony of each witness, see the “topics” in OPRF MARINT Monthly Report, September 2007.) Regarding the points of the statements of the witnesses who appealed for the ratification at the current session are fundamentally the same as those of the previous witnesses from the government-side at the first session. Therefore, from the current public hearing, we would like to present an outline of the statement of witnesses who were against the ratification and those of Paul C. Kelly, Joseph J. Cox and Douglas R. Barnett who urged for the ratification, representing the worlds of maritime relations and oil and natural gas related business respectively.

1. Opposition to ratification by Witness Frank J. Gaffney, Jr.

Witness Frank J. Gaffney, Jr. (hereafter witness) said at the beginning of his long statement, “President Reagan was correct in his judgment that UNCLOS was not consistent with U.S. national security, sovereignty and economic interests. I believe that remains the case today and strongly encourage the Senate to decline to consent to the ratification.” As for the negative impacts of the UNCLOS which influences the U.S. sovereignty and national security interests, witness stressed the major points as follows. In his opposition to ratification are noted strong

alertness and aversion to limiting U.S. sovereignty by the multilateral treaty. (Although witness calls the United Nations Convention on the Law of the Sea (UNCLOS) the Law of the Sea Treaty (LOST), we will describe both names jointly as UNCLOS in this OPRF NARINT Monthly Report.)

(1) First, as for the main reasons why the Reagan administration opposed the UNCLOS, taking the provisions regarding the “Seabed” in Part XI in UNCLOS, witness pointed out his concerns as follows: (a) the lack of adequate American influence within the decision-making bodies of the International Seabed Authority (ISA); (b) limitations on exploitation of the deep seabed; (c) mandatory technology transfers to the ISA and developing countries; (d) the competitive advantage given to a supranational mining company affiliated with the ISA known as the “Enterprise”; (e) the imposition of financial burdens on deep seabed mining operations; and (f) the potential for the ISA to impose regulatory burdens on the American mining industry.

Regarding the “Seabed” in Part XI in UNCLOS, “Agreement on Implementation” was adopted in 1994. In its preamble are observed such expressions as that the agreement was made in 1994 by “noting the political and economic changes, including market-oriented approaches, affecting the implementation of Part XI,” and “wishing to facilitate universal participation in the Convention. Also, the Agreement in 1994 stipulates in its chapter two “The provisions of this Agreement and Part XI shall be interpreted and applied together as a single instrument. In the event of any inconsistency between this Agreement and Part XI, the provisions of this Agreement shall prevail.” Regarding this interpretation, witness says the Agreement in 1994 will not perfectly solve the above-mentioned problems. In particular, he points out, “The 1994 Agreement requires that any ISA Assembly decisions concerning administrative, budgetary and financial matters must be based on recommendations by the ISA Council. While the Agreement effectively guarantees the United States a seat on the Council, it does not assure this country a veto.” Witness takes it seriously that the U.S. influence is not completely secured.

(2) In addition, witness regards it as a problem that, as the name of UNCLOS shows, the UNCLOS and its agencies are indisputably lined to the U.N., both substantially and systematically. Should the United States accede to UNCLOS, witness points out, “It is predictable that the Treaty’s agencies will: wield their powers in ways that will prove very harmful to American interests; intensify the web of sovereignty-sapping obligations and regulations being promulgated by this and other U.N. entities; and advance inexorably the emergence of supranational world government.” Moreover, witness emphasizes, “It may be that the only check on such undesirable outcomes is for the United States to remain a non-state party to UNCLOS.”

(3) While mentioning on the resolution of the dispute on the seas, witness referred to the fact that the decisions of the Agencies for settling international disputes, including the International Tribunal for the Law of the Sea (ITLOS) and International Court of Justice (ICJ), have legal binding force. Witness says, “The mandatory and rigged nature of the dispute resolution mechanisms are one of the most important reasons why the United States will be better served by continuing its practice over the past twenty-five years – namely, voluntarily

observing those parts of UNCLOS that it finds unobjectionable, but remaining unencumbered by the obligations that are.”

Moreover, witness says the UNCLOS’s requirements and procedures are particularly problematic when taken together with a number of obligations the accord entails that are at odds with our military practices and national interests. These include commitments that: (a) Reserve the oceans exclusively for “peaceful purposes” (Article 88); (b) Require states to refrain from “the threat or use of force against the territorial integrity or political independence of any state” (Article 301); (c) Proscribe the use of territorial waters to collect intelligence and conduct other operations (Article 19); (d) Oblige submarines to travel on the surface and show their flags in territorial waters (Article 20); (e) Bar any maritime research except that conducted for peaceful purposes and require the coastal state’s permission for that performed in territorial waters (Article 240). Witness is concerned about the U.S. military activities being limited by these commitments if the United States accede to the Convention.

- (4) Regarding the technology transfer, the witness mentions the UNCLOS requires extensive transfers of data and technology – at least some of which could be highly detrimental to America’s industrial competitiveness. For example: (a) The UNCLOS’ Article 266 mandates that states “cooperate in accordance with their capabilities to promote actively the development and transfer of marine science and marine technology on fair and reasonable terms and conditions” and “endeavor to foster favorable economic and legal conditions for the transfer of marine technology.” (b) Article 268 requires states to “promote the acquisition, evaluation and dissemination of marine technological knowledge and facilitate access to such information and data.” (c) Article 269 calls for parties to “establish programs of technical cooperation for the effective transfer of all kinds of marine technology to States which may need and request technical assistance.” (d) Article 6 of Annex VII Arbitration requires that parties to a dispute “facilitate the work of the arbitral tribunal and...provide it with all relevant documents, facilities and information.” It can therefore be expected that countries may bring the United States or its businesses before arbitral tribunals – without expectation of a favorable result, solely for the purpose of obtaining sensitive technology information. Based on the above-mentioned recognition, witness emphasizes, “The United States is the nation with the most to lose – from an economic and national security point of view – from the sort of obligatory technology transfer provisions contained in the UNCLOS.”
- (5) Taking up the relation between Proliferation Security Initiative (PSI) and UNCLOS, witness regards the UNCLOS is likely to limit the PSA even though PSI is one of the most effective tools to stop the propagation of the weapons of mass destruction (WMD). Witness has opposite views from the proponents of the UNCLOS. Witness points out the following facts: (a) UNCLOS’ Article 110 only permits such intercepts in four instances-- piracy (i.e., the ship is flying no national flag), slavery, narcotics trafficking and unauthorized radio broadcasting; and (b) UNCLOS provides government-owned ships operating on the high seas complete immunity from the jurisdiction of any foreign country. Thus, witness is worrying that the UNCLOS can be used to protect proliferation activities on the high seas, since most terrorist-sponsoring nations

and their totalitarian enablers have state-owned merchant marines. In addition, witness stresses, as long as the United States continues not to be a UNCLOS state party, it can always act unilaterally. In this connection, it must be noted that the Chinese and Russians have strenuously objected to the PSI, claiming that it violates UNCLOS.

- (6) As for the aim of a Russian arctic expedition, witness says, “Moscow hopes not only to gain access to the Arctic’s undersea wealth but to provoke the United States into joining UNCLOS -- a treaty that is disadvantageous to the United States.” Pointing out its negative implications for American sovereignty and U.S. military activities, witness stresses that the UNCLOS continues to serve Moscow’s interests, but not those of the United States.

Moreover, as for the Russian submission of extending the outer limits of the continental shelf, since UNCLOS explicitly declares that a country’s continental shelf does not include underwater ridges (Article 76, Clause 3), the willing of the “Continental Shelf Commission” even to consider Russia’s claims to the Arctic seabed is indicative of a serious problem with the Commission. If Russian submission be approved, Russia would actually control the Arctic areas, witness warns. In addition, witness pointed out that the United States was able to play a role in the Commission’s non-acceptance of Russia’s first claim to the Arctic seabed back in 2001, even though it was not a party to UNCLOS. Witness says, “This episode demonstrates that, by remaining outside of the Treaty, America can retain its freedom of action (including the use of bilateral diplomacy and more constructive multilateral mechanisms, such as the Arctic Council).” (As for rivalry among the related Powers over the Arctic Circle, see OPRF MARINT Monthly Reports, August and September 2007.)

- (7) In conclusion, pointing out once again “The stated ambition of its architects to promote a supranational government for 70 percent of the world’s surface (i.e., the oceans and their sea-beds): This is one of the most troubling aspects of the UNCLOS,” witness has appealed for objection to ratification of the UNCLOS.

Testimony of Witness Frank J. Gaffney, Jr.:

<http://foreign.senate.gov/testimony/2007/GaffneyTestimony071004.pdf>

2. Opposition to ratification by Fred L. Smith, Jr.

The argument of Witness Fred L. Smith (Hereafter witness) over opposition to ratification is grounded on his recognition that socialistic features of the UNCLOS are irreconcilable with the principles of free, market economy. Witness mentions about the features of the UNCLOS as below. Witness says, “The Treaty is a weird mixture of the codification of some long established and widely accepted navigational rules for the oceans with an outdated and counter-productive collectivist scheme to make the oceans the funding source for an U.N.-organized wealth redistribution plan.* The Treaty would create a socialist entity to develop the oceans viewed as “the common heritage of mankind.”(This is said in the preamble in the UNCLOS.) The entity would gain its resources and knowledge by forcing private firms – likely U.S. – to “share” with “all mankind.”

As for an ideology of “common heritage of mankind,” in particular, witness says, “This treaty

would relegate two-thirds of the world's potential resources to perpetual status as common property resources." Therefore, witness regards that the UNCLOS mandates global redistribution of resources and technology, creates a monopolistic public mining entity, and restricts competition, and aims at policy apart from market economy system. Moreover, citing "The Tragedy of the Commons"*** of a U.S. biologist, Garrett Hardin, witness points out, "Policies that relegate resources to be managed by all, are all too likely to have tragic results." Furthermore, witness insists that to establish legislative scheme for seabed resources and to treat the seabed resources as the international property are the UNCLOS' worst provisions, which would discourage future minerals production as well as punish entrepreneurship in related fields involving technology, software, and intellectual property that have an ocean application.

Note* : Collectivism: Ideology of nationalizing important means of production such as lands, factories, mines and others to concentrate them under the government control, which was adopted under the totalitarian regime.

Note** : "Tragedy of the Commons": This became known after Garret Hardin, a U.S. biologist, published it in the U.S. Journal *Science*, Vol. 162(1968). In case the land of common property is open for access, resources of common property are apt to invite depletion by indiscriminate utilization, which is cited as a metaphor for the problems involving the control of public resources.

Testimony of Witness Fred L. Smith:

<http://foreign.senate.gov/testimony/2007/SmithTestimony071004.pdf>

3. Positive Views on Ratification from worlds of maritime affairs, and oil, natural gas industry

(1) Point of Testimony of Witness Paul C. Kelly

Witness Paul C. Kelly (Hereafter witness) has made a testimony on behalf of the business world of oil and natural gas development, production and transportation. The gist is as below:

- (a) The UNCLOS secures each coastal nation's exclusive rights to the resources of the exclusive economic zone (EEZ), which is important for the development of offshore oil and natural gas resources off the United States. This brings the United States 4.1 million square miles of EEZ. Offshore petroleum production technology has shown a significant progress. We are now probing oil in 8,000 feet of water depth in the Gulf of Mexico. A world record well has been drilled in 10,000 feet of water. Present technologies are allowing oil explorers to extend their search for oil and gas in the sea areas beyond 200 miles, thus enhancing a need for stable environment in delineation of the extended shell boundary. The United States understands that they can extend their outer limited line of the continental shelf at the Chukchi Plateau off Alaska. The U.S. companies are interested in setting international procedures over the extension.
- (b) It is in the best interest of the United States to follow the procedure of the UNCLOS for establishing an extension of the outer limits of our continental margin. In so doing, the U.S. could have jurisdiction over mineral development in the areas of more than 300,000 square

miles. We need to get on with the mapping work and other analyses required to substantiate our submission for an extension of the shelf. Some of the best technology for accomplishing this resides in the United States. Submission for the extension is particularly important in the Arctic, where a number of the countries concerned are vying for expansion. Under “the Commission on the Limits of the Continental Shelf (CLCS),” we could see a historic dividing up of many millions of square kilometers of offshore territory with management rights. One expert says, “This will probably be the last big shift in ownership of territory in the history of the Earth. Many countries don’t realize how serious it is.”(As for the Arctic Circle, see OPRF MARINT Monthly Reports, August and September 2007.)

- (c) Protection of navigational rights and freedom is important from the point of energy security. About 44 percent of U.S. maritime commerce consists of petroleum and petroleum products. U. S. accession to the UNCLOS would promote its position related to such rules and rights in the Convention. The imports of crude oil are increasing in the United States as well as Asian areas. Therefore, security of the sea lanes-- the routes of importing these products become extremely important. The UNCLOS can provide protection of navigational rights and freedom in all these areas.
- (d) The U.S. energy industry is highly interested in demarcation of the maritime borders and security of the sea-lanes. We believe the accession to UNCLOS offers the U.S. the chance to exercise needed leadership in addressing these pressures and protecting the U.S. interests. We are concerned that failure by the United States to become a party to the Convention could adversely affect U.S. companies’ operations. At present, as the U. S. is not a member of the Convention, we are only watching the CLCS’ works from the outside.

Testimony of Witness Paul C. Kelly:

<http://foreign.senate.gov/testimony/2007/KellyTestimony071004.pdf>

(2) Gist of Testimony of Witness Joseph J. Cox

As a representative of the Chamber of Shipping of America which has a membership of 30 U.S. ocean-going vessel companies, witness Joseph J. Cox pointed out as follows: (a) Over ninety-five percent of the goods shipped into and out of the United States go by sea. On average, four hundred ships a day, from literally all flag nations of the world, arrive in U.S. ports; (b) Freedom of the seas and rights of innocent passage are critical aspects of the UNCLOS and effective operation of their industry and their way of life depend on these rights. It is important that UNCLOS secures the freedom of the seas and the rights of innocent passage. In addition, mentioning, “The United States should continue to be a major player in ensuring the rights embodied in the UNCLOS and should be seen as a leading voice in developments affecting maritime shipping including freedom of navigation and innocent passage,” witness appealed for a ratification of the Convention.

Testimony of Witness Joseph J. Cox:

<http://foreign.senate.gov/testimony/2007/CoxTestimony071004.pdf>

(3) Gist of Testimony of Witness Douglas R. Burnett

On behalf of the North American Submarine Cable Association, or "NASCA", witness Douglas R. Burnett (Hereafter witness) says NASCA and its members have a strong interest in being able to maintain and protect their cables that link the United States to the rest of the world. Point of his speech is as follows:

(A) At present, there are about thirty international cables landing in this country in ten coastal states. Two new Pacific Ocean systems connecting the United States to Asia are planned to enter service in 2008. If all of these cables were suddenly cut, only 7 percent of the United States traffic could be restored using every single satellite in the sky.

(B) In ten specific articles—chapters 21, 51, 58, 79, 87, 112-115 and 297, clause 1(a), UNCLOS provides a comprehensive international legal regime for submarine cables and pipelines in territorial seas, archipelagic waters, the Exclusive Economic Zones (EEZ), upon the continental shelves, and on the high seas. Critics of the UNCLOS (those who are against the Convention) argue that existing customary international law should suffice. For cables this is simply not the case for several reasons. Foremost among these reasons is that the Convention explicitly goes beyond preexisting international law in crucial areas of submarine cable installation, maintenance, and operations and provides binding dispute resolution to ensure proper enforcement of these new obligations, but only for countries that are parties to the Convention. At present for the United States, the operative international treaties for international cables are the 1884 International Conventions for Protection of Submarine Cables and the 1958 Geneva Convention on the High Seas, which largely incorporates the earlier treaty in general terms. While these treaties deal with the laying and repair of cables on the high seas, they do not provide for the freedom of cable owners to exercise in the new zone of the EEZ and upon the continental shelf the full range of uses and operations.

(C) The UNCLOS is the key to the global international telecommunication policy and legal system; it unlocks the door for the fullest participation and makes leadership possible by U.S. telecom companies; it protects existing investments and fosters additional investments. Thus, we can protect our existing rights from encroachment by nations that wish to expand their jurisdiction over cables in the EEZ and upon the continental shelf.

Testimony of Witness Douglas R. Burnett:

<http://foreign.senate.gov/testimony/2007/BurnettTestimony071004.pdf>

✍ Overseas Commentary ✍

Rivalry of the countries concerned over the Arctic Circle – Is it a new Cold War?

Background

Russian planting of flag on the seabed under the North Pole, on August 2, 2007, was regarded as a symbolic show of force of claiming Russia's territorial rights. This monthly report has summarized an article-- "Rivalry of the countries concerned over the Arctic Circle" in the Intelligence Analysis in the September issue. Under the UNCLOS, the five Arctic nations-- Canada, Denmark (through Greenland), the United States, Norway and Russia are permitted to claim 200 nautical miles of territorial waters—the exclusive economic zone (EEZ). If they could prove that their continental shelves are extending geographically to the seabed of the North Pole, they could claim an extension of the outer lines of the continental shelves as far as 350 miles. Therefore, the Russian action has elicited the strong repulsion and response from the countries facing the Arctic Ocean. Regarding the extension of the continental shelf, it would be discussed at the Commission on the Limits of the Continental Shelf (CLCS), based on the paragraph 8 of article 78 in the UNCLOS. The UNCLOS stipulates the time frame for submissions for extending the outer lines of the continental shelves by the countries should be within ten years after their ratification of the UNCLOS. Speaking at the public hearing for ratification of the UNCLOS at the U.S. Senate, witness Paul Kelly, President of Gulf of Mexico Foundation, said on initiation of historical works of dividing the control rights of the offshore extending several hundred square kilometers. Quoting one expert' remarks--"This will probably be the last big shift in ownership of territory in the history of the Earth. Many countries don't realize how serious it is," he pointed out its importance. (Please refer to 1. 2 "Topic" in Diplomacy in this monthly issue.)

In the "work of deciding the last territorial control rights on earth," it is the Arctic Circle, over which the most serious rivalry is expected. The substantial discussions at the CLCS over the submissions of extending the continental shelves of the Arctic Circle will start after all documents of the five nations are delivered to the Commission. This monthly report provides two articles which regard this rivalry as "a new Cold war."

1. Article of Russian newspaper, *Kommersant*

The Russian newspaper "*Kommersant*" dated August 4 reported in an article titled "Cold War Goes North," "(By the current expedition) the competition between Russia and the West has, apparently, opened a new front, the Arctic front."

- (1) The article pays attention to the fact that Russian act has caused repulsion from the United States and Canada while reporting the facts as follows: first, it says, regarding the Russian planting of the national flag, Tom Casey, deputy spokesman of the U.S. Department of State, said, "Putting a flag doesn't support the Russian claim. (Comment: The Lomonosov Ridge is an extension of the Russian continental shelf.) The United States certainly is skeptical about the claims made; second, the article writes that Canada's Foreign Minister Peter McKay has

expressed even stronger irritation by saying, “Look, this isn't the 15th century.” Also, the newspaper reports on the counterargument of the Russia’s Foreign Minister Sergei Lavrov--“Placing national flag is an act to be commonly done by the discoverers. The purpose of the expedition is not to claim territorial rights of Russia, but to prove that our shelf extends to the North Pole.” However, the article points out that the world does not regard the Russian intention as a purely scientific matter, and that, as for its background, it is impossible to develop the resources without solving the territorial problems or defining the borderlines, even though the various mineral resources including oil and natural gas are regarded to be deposited in the Arctic Circle.

- (2) According to the article, the United States showed concern about the current Russian expedition from the beginning, and sent reconnaissance aircraft to the area. Also, it reports on the U.S. plan of dispatching the Arctic research team by the U.S. Coast Guard icebreaker *Healy*. (Note: On August 6, the U.S. dispatched icebreaker *Healy* to the Arctic Region from Seattle for research mission.) From the U.S. reaction and the words from the State Department official, the article says, “Washington took the installation of the Russian flag in the seabed at the North Pole nearly as a declaration of war for the Arctic Region. The U.S. wants to take up Moscow’s gauntlet. The U.N. convention’s ratification by the Congress is just a matter of time whereby Washington will be able to enter the big Arctic race”. In conclusion, the article says, “Consequently, the Arctic front will become a new field of the competition between Russia and the West.” (Comment: On October 31, the U.S. Senate Foreign Relation Committee carried the bill for ratification of the UNCLOS, which was referred to the plenary session.)

2. Cover story in *SEAPOWER*, the journal of the Navy League of the United States

In the cover story in the journal of the Navy League of the United States, *SEAPOWER* put an article titled “The Cold War ? : U.S., Canada , Russia, Demark Rush to Stake Arctic Claims” into its October 2007 issue. Taking the rivalry among countries concerned over the Arctic Circle as a “new cold war,” the article discusses the points as follows.

- (1) First of all, the article says the Russian expedition sparked political speculation involving sovereignty over the scientific research of each nation in the Arctic Circle, and points out about its backgrounds as follows: (a) One is the belief that the Arctic seabed may contain vast undiscovered reserves of oil and natural gas, as well as deposits of useful minerals. (b) Furthermore, progressive melting of the Arctic ice cap is fueling more interest in determining the extent of those reserves. The ice melt also opens the possibility of an ice free Northwest Passage through the Canadian archipelago and a regular sea lane between Asia and Europe.
- (2) While some estimates that the geologic basins under the Arctic Ocean may hold as much as 25 percent of the world’s oil and natural gas resources are published, there are also more recent studies that have been much more cautious about the estimates on the potential resources. In either case, if the CLCS approves an extension of the outer line of the continental shelves to the North Pole, the area where they can execute their sovereign rights will be expanded. This would give substantial merits to these countries.

The United States does not recognize Russia's claim that the Lomonosov Ridge is an extension of Moscow's continental shelf. The article says as follows: (a) In 2001 Russia made a submission for extension over the Lomonosov Ridge to the CLCS. However, the commission refused this submission in 2002, asking Russia to submit further data. The State Department official says, "We estimate that it's going to be another year or possibly more before Russia submit new data." (Russia's submission limit is May 2009) (b) As for the U.S. response, the U.S. State Department official said, "We are way behind most other countries in the world, partly as a result of not having ratified the UNCLOS yet. We are working in a more coordinated fashion than we have been, hoping to establish exactly where our extended continental shelves are." Further, the official said, "If we remained a non-party, we wouldn't be able to go through this process of making a submission to the commission. So we wouldn't be able to enjoy the kind of international recognition (of the lines) and certainty and finality that parties to the convention enjoy. Determining the sovereignty of a section of continental shelf is directly related to the economics of resource exploration. Security of assets is important for oil companies to protect their investment."

- (3) It is predicted that the reduction of frozen sea in the Arctic Ocean will make the Northwest Passage to Asia through the Labrador Sea in the Occident-side to the Bering Sea navigable, which could have an impact on commercial shipping firms and tourism, as well as military operations. If possibility of using the Northwest Passage increases, its international position will become a new problem. Regarding the U.S. posture on this point, the article mentions as follows. (a) The United States considers the Northwest Passage to be "a series of international straits," defined by Article 37 of the UNCLOS as straits used for international navigation between one part of the high seas or an EEZ and another part of the high seas or an EEZ. (b) The United States has officially rejected the Canadian claim that the Northwest Passage is its internal waters (Note: At the summit meeting of three countries in North America on August 21, U.S. President George W. Bush said, "We believe it's an international passageway.") (c) Commodore James Kraska, ocean policy adviser for the Joint Chiefs of Staff, says, "Being inside the Law of the Sea convention allows us to have a seat at the table in interpreting that key provision so it has a direct application to the Northwest Passage,"
- (4) Another important issue in the Arctic Circle is its military value. The recent focus on the Arctic in the United States has shown that the U.S. Navy still has strategic interests in the region despite the end of the Cold War. Thus, the article points out as follows. (a) During the cold war, the Arctic was a theater for anti-submarine warfare. For example, the United States had an interest in detecting Soviet ballistic-missile submarines (SSBN) in this area. (b) Although the United States is not conducting Freedom of Navigation operations in the Northwest Passage, it conducts transits through the Arctic, including underwater transits by submarines. Moreover, an Arctic transit cuts 5,000 nautical miles off of a submarine voyage that would otherwise deploy to the Pacific via the Panama Canal. The submarine can remain covert, avoid the confines of the canal's channel and the need for small boat escorts, and not incur the fees (approximately one million US dollars) of a canal transit. (c) "From a

force-protection perspective, it's faster, it's safer and it's cheaper," said Commodore Kraska above-mentioned. Under a 1988 agreement, the United States has an obligation to provide to Canada notification for U.S. Coast Guard icebreakers conducting marine scientific research in the Northwest Passage. But Kraska told U.S. would not provide notification for the military activities.

Comment

As already mentioned in the Intelligence Assessment in the September issue of the OPRF MARINT Monthly Report, it is expected that keen rivalry over the "work of deciding the last territorial jurisdiction on earth" involving political and economic speculations of the countries concerned will spring up toward the establishment of the maritime orders aimed by the UNCLOS. Under the prediction that reduction of frozen sea, especially in the Arctic Circle, caused by global warming, and based on the development of researching expertise and deep-sea drilling technology, the CLCS' work of dividing between the area where the related countries can execute their exclusive sovereign rights and the ocean as a "human common wealth" (preamble in UNCLOS), will be likely to face rough going. Assuredly, in order to respond the competition relevant to expressing the "new cold war," every nation concerned is required to take action calling for total power of the nation. As the analyst previously mentioned says, each nation should fully recognize "its seriousness."

1.4 Shipping, Resources, Environment, and Miscellaneous

October “Trans-Malaysian Pipeline Plan: Will it be viable alternative route for oil shipment?” (Jane’s Intelligence Review, October, 2007)

Regarding a proposal for a pipeline crossing Malaysia which has been planned to be constructed in northern Malaysia, the OPRF has selected such topics as an outline of the project, its influences among others in the OPRF monthly reports of April, May and June 2007. In an article entitled “Pipe dream: Feasibility of proposed Malaysian pipeline” in the October issue of British magazine, *Jane’s Intelligence Review*, Gavin Greenwood, a freelance analyst specializing in Southeast Asian Security, casting doubts on whether or not the pipeline plan will cut the shipping route. Greenwood expresses his points as follows.

As one of the benefits of this plan, it has been insisted that the shipping route from the Persian Gulf to East Asia should be reduced. According to this plan, with the pipeline projected to cut up to three days off the voyage through the Strait of Malacca (SOM), the shipping cost could be saved by 1.50 US dollars (USD) per barrel of crude oil. Between 10 to 12 million barrels of oil per day (B/D) pass through the SOM, and it is estimated that pipeline could initially reduce this volume of traffic by up to 20 percent and later by almost half. The Trans-Peninsula Petroleum Sdn Bhd (TransPen or TPT), which is in charge of the construction of the pipeline, estimates the pipeline could be amortized and in profit seven years after completion in 2015, citing the example of the Sues-Mediterranean (Sumed) pipeline.*

However, expressing some doubt as to the estimate that cutting shipping distance this way would lead to saving of the costs, Greenwood points out as follows. (a) According to the assessment of one local financial research company in Malaysia, the cost of shipping a barrel of crude oil from the Persian Gulf to East Asia in a very large crude oil carrier (VLCC) is 2.28 USD, with an additional 0.64 USD premium for using the pipeline. Further, the shipping costs are considered to fall as the largest number of tankers under construction in the past 25 years, enter service by 2010. (b) Further, pipelines are vulnerable to stoppage caused from malfunctions. In case of Malaysia pipeline, any time advantage can be offset easily by using the SOM. (c) The example of the Sumed pipeline is irrelevant as it offers an alternative route of either the pipeline or around the Cape of Good Hope, South Africa, to the destinations to the VLCC’s unable to transit the Suez Canal.

Note* : Sumed pipeline is a 125-kilometer long, 2.5-million B/D pipeline system running from Ain Sukhna on the Red Sea coast to Sidi Kerir on the Mediterranean along the Suez Canal, which was completed in 1977. Since the pipeline became operational, and the very large crude carriers (VLCC’s) commenced transporting oil to Europe around the Cape of Good Hope, proceeds from the Suez Canal are said to continue a decreasing tendency.

October 1 “U.S. Navy Settles with Kawasaki Kisen over Sub Crash with Tanker” (Japan Today, October 2, 2007)

Concerning its nuclear submarine *Newport News's* collision with Japanese tanker *Mogamigawa* (299,999-tons) near the Strait of Hormuz on January 9, 2007, the U.S. Navy said on October 1, it has agreed with Kawasaki Kisen Kaisha to pay the costs for repairing the tanker as well as compensation for it being unable to operate during its repair. The amount of its payment has not been disclosed.

October 10 “Australia to make chart of Northern Sea areas” (The Department of Defence, Australia, October 10, 2007)

On October 10, Australian Department of Defence has selected the research company to make the navigational charts of the Torres Strait (between Papua New Guinea and Australia) and northern Barrier Reef. This is part of the Government's plan costing 388.9 million Australian dollars to combat illegal foreign fishing in the northern Australian waters. As Phase 2 of the Fisheries Protection Survey and Charting Project, the accurate charting of the Torres Strait and northern Barrier Reef will be undertaken over three years at the cost of 18.5 million Australian dollars. This Project will enable Defense and other enforcement agency vessels to navigate safely in currently uncharted waters to carry out enforcement operations. It is expected that over 12,000 square kilometers will be surveyed during the project, with Phase 1 collecting 6,360 square kilometers of survey data. Survey operations are due to commence in November 2007 and conclude in January 2009 in accordance with the International Hydrographic Organization (IHO) standards.

October 10 “India, Myanmar, to agree to port developments” (BBC News, October 10, 2007)

According to officials in New Delhi, India is close to signing an agreement with the Myanmar military junta to develop the port of Sittwe. The two countries share a border of about 1,600 kilometers (km) and Sittwe, in Myanmar's Arakan province, is 160 km from India's Mizoram state. According to the agreement, India will build new port facilities in Sittwe port at the cost of 103 million US dollars, and will plan to connect the northeastern part of India with the Kaladan River. Experts say it will take three years to complete the project after the agreement is signed. Once that happens, it will hugely benefit north-east India and save transport costs to the region by 40 percent, even 50 percent. Delhi has been desperate to use a port in one of its neighboring countries to carry goods to the north-east from the mainland for long years. They started negotiations with Myanmar for using Sittwe once it became clear Bangladesh would not allow Chittagong to be used. Negotiations with Myanmar are now in a final stage and the agreement should be through within a month. (For more information, see 1. 4 Shipping, Resources, Environment, and Miscellaneous in the OPRF MARINT Monthly Report, February 2007.)

Now India is building roads and railways in western Myanmar, and its companies are trying to

gain access to rich deposits of oil and natural gas. Almost all of India's seven north-eastern states are troubled by nagging separatist movements, and Delhi is depending on Myanmar's junta to chase out the Myanmar-based rebels.

October 19 “U.S. Coast Guard to build first operating base in Alaska” (International Herald Tribune, October 19, 2007)

The U.S. Coast Guard is planning to build its first operating base near the United States northernmost town, Barrow, Alaska, as a way of dealing with an emergency situation from the ships and oil spills from tankers that are already beginning to ply in the Arctic Ocean. With increasingly long seasons of open water in the region, the Coast Guard has also begun discussions with the Russians about controlling anticipated ship traffic through the Bering Strait in future. According to the Coast Guard, a newly built base would be seasonal and would be inaugurated by the spring of 2008 with just a helicopter equipped for cold-weather operations and several small boats.

A U.S. survey of the sea floor north of Alaska by the Coast Guard icebreaker *Healy* was completed in September. It has provided fresh evidence of proving that the United States has its sovereign rights over the seabed of thousands square miles. (As for this research, see 2. Intelligence Analysis in OPRF MARINT Monthly Report, September 2007.) So far the sea did not pull back this summer that the expedition was able to scan the bottom farther north than in previous surveys, said the project's director, Larry Mayer, Director of the Center for Coastal and Ocean Mapping at the University of New Hampshire. The team found long sloping extensions 200 miles beyond previous estimates. Although more survey is needed to firm up any American claims, countries have a right to submit an extension of the outer limits of the continental shelves which is guaranteed by the UNCLOS. The United States is now carrying the deliberation on an accession to the UNCLOS at the Senate. (As for details, see Topics, 1. 3 Diplomacy and International Relations in OPRF MARINT Monthly Reports, September 2007 and this issue.) From now on, with the resulting increase in Arctic activity, the Coast Guard will be required to strengthen the capabilities of the search and rescue capabilities and environmental protection. Admiral Thad W. Allen, commander of the Coast Guard, points out that increasing ship traffic in this area in future could turn the Bering Strait into a choke point like the Strait of Gibraltar.

Note: You can find the data of annual changes of sea ice in the Arctic Ocean by the web below:
http://www.nytimes.com/interactive/2007/10/01/science/20071002_ARCTIC_GRAPHIC.html#first

2. Intelligence Assessment

Maritime Piracy and Armed Robbery during three quarters in 2007: From IMB Report

I. International Maritime Bureau (IMB) Report

On September 16, 2007, the International Maritime Bureau (IMB) published a report on the maritime piracy and armed robbery in the three quarters of the year 2007 (between January 1 and September 30) (hereafter the report) through the Piracy Reporting Center (PRC) based in Kuala Lumpur, Malaysia. The piracy and armed robbery have been described by IMB as “act of boarding any vessel with the intent to commit theft or any other crime and with the intent or capability to use force in the furtherance of that act.” This definition includes actual and attempted acts regardless of the situation where the vessels are in ports, anchorages, or navigation, excluding an act of theft by persons who are not armed with knives. Below are major points of the report.

1. Characteristics viewed from numbers and locations of actual attacks (including attempted cases)

The number of the attacks reported during the past three quarters (hereafter the same period) of 2007 was 198. Of them, 132 were accomplished cases, which included 15 hijacks and 117 boarding. Of a total of 66 attempted cases, were 11 firing attacks and 55 boarding. Compared to 174 cases during the same period of 2006 (239 cases throughout a year), the 198 cases show an increase by 24 cases – 14 percent. The number of these cases is smaller, compared to the number of 344 cases during the same period of 2003 (445 cases ditto) which has recorded the highest one for the past five years, and 251 cases during the same period of 2004 (251 cases ditto), and 205 cases during the same period of 2005 (276 cases ditto). However, the number of cases during the nine months of this year has marked an increase over that of the same period of the previous year for the first time in five years. The IMB warned, “If this current trend continues, it would appear that the decline in piracy attacks since 2004 has bottomed out.” (AP, October 16, 2007)

Looking from the locations of the incidents, as shown in Table 1, of 198 cases noted by the end of the third quarter of this year, 121 cases have occurred in the six locations of the sea areas. In order of higher numbers of incidents, as many as 37 cases (40 cases during the same period of 2006) are overwhelmingly noted in the waters of the Indonesian archipelagoes, followed by 26 cases (eight cases ditto) off Somalia, 26 cases (nine cases ditto) off Nigeria, 13 cases (33 cases ditto) off Bangladesh, ten cases (nine cases ditto) off Red Sea/Gulf of Aden and nine cases off Tanzania (two cases ditto).

According to this, the highest number of the incidents has been noted in the area of the Indonesian archipelagoes, and in view of the number of the cases, this place is regarded to be the most dangerous area. This status remains unchanged for the past ten years. However, looking

from the numbers of the cases for the past five years, it has certainly been decreasing every year from 87 cases during the same period of 2003. Also, the number of the case in the Malacca Straits has declined into a half, and, in view of the attacks for the past five years, they have been decreasing drastically since 2005. The number of incidents off Malacca Straits (east coast) has dropped from nine cases during the same period of 2006 to seven cases, decreasing by two cases. However, this area is next to Indonesian waters where the attacks have most frequently been observed. Three cases have been noted in the Singapore Straits, as they were during the same period of the previous year. In addition, in other Asian waters, two cases off the Philippines (three cases during the same period of 2006), two cases off Thailand and the Gulf of Thailand (one case ditto), three cases in the South China Sea (one case ditto) and four cases off Vietnam (three cases ditto) have been observed.

It is of note that the incidents off Bangladesh in the Bay of Bengal have drastically decreased from 33 cases during the same period of 2006 to 13 cases this year (ditto). The report warns, “60 incidents have been reported since January 2006 (47 incidents throughout a year 2006). Pirates are targeting ships preparing to anchor. Most attacks reported were at Chittagong anchorages and approaches. Though the number of attacks has fallen recently, the area is still listed as very high as the attacks appear to be on the increase again.”

On the other hand, 26 cases have been noted off Somalia so far this year. The report says many more attacks may have gone unreported. The report says some pirates are dangerous and fire their automatic weapons at ships to stop them. Occasionally, they would use their rocket-propelled grenade (RPG) launchers at ships. The pirates are believed to be using “mother vessels” to launch their attackers. IMB warns that the vessels not making calls to port in Somalia should keep away from Somali coast, more than 200 nautical miles. The number of incidents in the areas including Red Sea/Gulf of Aden has reached 36 cases, which indicates that the waters around the “Horn of Africa” continue to remain a dangerous zone.

The number of incidents off Nigeria is 26, which is increasing significantly from nine cases noted during the first nine months of 2006. This is close to 28 cases of the year 2003 (ditto), the highest number ever noted for the past five years. “The report during the first half of 2007” was pointing out that most of these incidents occurred in the delta at the mouth of Niger River in the oil-producing areas. At first, supporting ships for the oil rigs were the targets of attacks, but recently attacks on tankers were also noted. It said the pirates were heavily armed, and attacks were well-planned and coordinated, which was increasing the danger of lives and environmental destruction.

(As for the “Report during first half of 2007” in July 2007, see 2. Intelligence Assessment in the OPRF MARINT Monthly Report, July 2007.)

Table 1: Trends of incidents (including the attempted cases) that frequently occurred in Asia and other areas during the annual three quarters of the recent five years

Locations	2003	2004	2005	2006	2007
Indonesia	87	70	61	40	37
Malacca Straits	24	25	10	8	4
Malaysia	5	8	3	9	7
Philippines	12	3		3	2
Singapore Straits		8	7	3	3
Thailand / Gulf of Thailand	1	4	1	1	2
South China Sea		8	4	1	3
Vietnam	10	3	8	3	4
Bangladesh	37	15	14	33	13
India	24	10	12	3	7
Gulf of Aden / Red Sea	17	5	8	9	10
Somalia	3	1	19	8	26
Nigeria	28	18	14	9	26
Tanzania	5		4	2	9
Sub Total Jan - Sep*	344	251	205	174	198
Total at year end*	445	335	276	239	

Source: Made from Table 1 in Report for the period January 1 – September 30, 2007, pp. 5-6

Notes*: The totals of first three-quarter year and throughout a year include all targeted areas in the report.

2. Characteristic viewed from the Activities

According to the report, the number of the actual attacks during the first three quarters of 2007 was 132, of which 16 cases (ten cases during the same period of 2006) occurred while the vessels were berthed, 77 cases (75 cases ditto) happened while the ships were anchored, 32 cases (38 cases ditto) took place while they were steaming, and seven cases (one case ditto) were not stated. On the other hand, of 66 attempted attacks, one case (none ditto) while the boat was berthed, 16 cases (20 cases ditto) while anchored, and 49 cases (30 cases ditto) while steaming, were noted. In Indonesia, Bangladesh and Nigeria where the actual attacks are most frequently occurred, the most of the incidents happened while the vessels were anchored. There were 20 cases (a total of 29 cases) in Indonesia, 11 cases (12 cases ditto) in Bangladesh, and 11 cases (20 cases ditto) in Nigeria. However, in Somalia, of nine actual attacks, six cases occurred while the vessels were steaming, which is reflecting uniqueness that the pirates in this area are using “mother vessels.”

The ports and anchorages, where three or more attacks were reported during the first three quarters of 2007, total 16 in the world. Of the three locations with more than ten attacks, 14 cases for Lagos, Nigeria; 13 for Chittagong, Bangladesh; and ten for Gulf of Aden/Red Sea were noted. In Asia, seven attacks for Belawan, Indonesia; six for Balongan; three for Jakarta-Tanjung Priok,

Dumai and Balikpapan respectively; four for Malacca Straits; three for Singapore; and three for Vung Tan, Vietnam, were noted.

To look at 198 attacks during the first three quarter of 2007 by types of the vessels involved in the incidents, the highest number was 39 for “containers” (37 during the same period of 2006); the second was 35 for “chemical tankers” (25 ditto); the third was 27 “general cargoes”(19 ditto); the fourth was 22 “bulk carriers” and “crude oil tankers” respectively (39 for the former; six for the latter ditto); and the fifth was 12 “Fishing Trawlers” (eight ditto). The types of the vessels to be attacked in numbers show a trend for years in the past. However, compared to the numbers during the same period of 2006, both an increase for bulk carriers and a decrease for crude oil tankers are distinctively noted.

3. Types of violence to the crew and arms used

As shown in Table 2, regarding the types of violence inflicted upon the crew, a total number of persons who were violated during the first three quarters (January-September) of 2007 drastically increased to 286, compared to 218 during the same period of 2006. Together with the numbers of attacks, they marked an increase, compared to the number during the same period of the previous year for the first time in five years. Particularly, kidnap and ransom cases are increasing, it is of note that the numbers of cases have largely increased from 20 during the same period of 2006 to 63.

Looking at the violence by location, of 63 kidnap and ransom cases, we note 40 in Nigeria and 20 in Somalia occupy most part of violence in these categories. Also, among 172 persons who were taken hostage the numbers were overwhelmingly high in these two countries. Those who were kidnapped were 24 in Nigeria and 85 in Somalia, followed by 23 in Eritrea, 11 in Thailand and Guyana respectively, and seven in Indonesia. Furthermore, among three killed, one in Nigeria and Somalia respectively (another one in Thailand) was noted. In view of these trends of the violence, the two countries could be regarded as the most dangerous places.

Looking at the violence by the types of arms used by pirates, as the Table 3 indicates, of a total of 198 cases at the end of the third quarter of 2007, 51 attacks were made by gun. In view of the attacks from geographical locations, 14 attacks were noted in Nigeria and Somalia respectively, followed by four cases in Indonesia. This means these two African countries are the most unsafe. Concerning the attacks by using knives, of a total of 47 attacks, ten were noted in Indonesia, nine in Bangladesh, and six in Nigeria in order of frequency. Also, of a total of 198 attacks, nine cases by other weapons and 91 unstated cases were noted.

Table 2: Types of violence to crew, January-September 2003-2007

Types of Violence	2003	2004	2005	2006	2007
Taken Hostage	221	186	259	163	172
Kidnap / Ransom	N/A	N/A	12	20	63
Crew Threatened	38	29	10	14	4
Crew Assaulted	33	10	3	2	21
Crew Injured	61	51	19	13	21
Crew Killed	20	30	-	6	3
Missing	43	21	12	-	2
Total Jan - Sep	416	327	315	218	286

Source: Made from Table 8 in Report for the period January 1 – September 30, 2007, p. 11

Table 3: Types of arms used by geographical location, January – September 2007

Locations / Types of Arms	Armed with Guns	Armed with Knives	Other Weapons	Not Stated
Indonesia	4	10	4	19
Malacca Straits	1			4
Malaysia	2	3		2
Philippines	1	1		
Singapore Straits		1		2
Thailand/Gulf of Thailand	1			1
South China Sea	1			2
Vietnam		1		3
Bangladesh		9		4
Nigeria	14	6		6
Somalia	14			12
Sub Total*	51	47	9	91
Total Jan - Sep*	198			

Source: Made from Table 10 in Report for the period January 1 – September 30, 2007, pp. 12-13

Notes*: The case-numbers include all targeted areas in the report.

II. Piracy and Armed Robbery against Ships during the first three quarters of 2007: ~ from ReCAAP Quarterly Report (1st January 2007 – 30th September 2007)

The Information Sharing Center (ISC) in the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) which was established in September 2006, based upon the ReCAAP, issued to the public a report on the incidents of piracy and armed robbery against the ships which were noted in the Asian areas during the first three quarters of 2007. Below is a summary of the characteristics of the incidents of piracy and armed robbery against the ships during the first three quarters (from January through September) of 2007

which are viewed from the ReCAAP Quarterly Report (hereafter report)

1. Definition of piracy and armed robbery

The ISC in ReCAAP adopts the “definition of piracy” in Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS). As for the armed robbery against the vessels, the ISC accepts the definition of the “Code of practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships” which was adopted by the International Maritime Organization (IMO) in November 2001.

2. Characteristic viewed from numbers and locations of actual and attempted attacks

The number of the attacks reported in ReCAAP areas during the first three quarters in the past three years respectively is shown in the table below.

Table 4: Number of attacks during the first three quarters in the past three years respectively

	Jan-Sep 2007		Jan-Sep 2006		Jan-Sep 2005	
	Actual	Attempted	Actual	Attempted	Actual	Attempted
South Asia						
Bangladesh	10	1	24	12	14	4
India	5		2		10	1
Arabian Sea	1	3				
Bay of Bengal	1					1
Sri Lanka		1				
South-East Asia						
Indonesia	28	8	31	10	45	7
Malaysia	6	2	10		2	
Vietnam	4		3		9	
Gulf of Thailand					1	
South China Sea	1	3	3		3	4
Straits of M and S	1	1	3	3	8	7
Thailand	1		1			
Philippines	1	1	2			
Overall Total	59	18	79	25	92	24
	77		104		116	

Sources: Made from ReCAAP Quarterly Report (1 January 2007–30 September 2007), p.11, Table 6.

The primary source of the ReCAAP report is ReCAAP ISC’s Information Network System (IFN). Where necessary, the report uses other secondary sources of information from the IMO and IMB, as well as other data. According to the report, 77 incidents occurred during the first three quarters (hereafter the same period) of 2007, and, of them, 59 were actual cases and 18 were

attempted cases. The report says the number of the cases occurred during the same period of 2007 has remarkably been decreasing, compared with 104 cases (79 actual cases and 25 attempted cases) during the same period of 2006, and 116 cases (92 actual cases and 24 attempted cases) during the same period 2005. While pointing out that the incidents off Bangladesh and in the Indonesian archipelago waters have been reduced drastically, ReCAAP report continues to pay attention to the attacks off India, in the waters around the Straits of Malacca and Singapore and in ports.

3. Characteristics viewed from Activities

The ReCAAP report shows the status of the ships attacked during every three quarters at the time of 77 incidents, both actual and attempted, during the first three quarters of 2007 in the table below.

Table 5: Status of ships at the time of incidents during every quarter of 2007 (January – September 2007)

	Jan-Mar 2007		Apr-Jun 2007		Jul-Sep 2007		Jan-Sep 2007	
	Berthed / Anchored	Steaming	Berthed / Anchored	Steaming	Berthed / Anchored	Steaming	Berthed / Anchored	Steaming
South Asia								
Bangladesh	1		3		7		11	
India	1		1	1	2		4	1
Arabian Sea		2		1				3
Bay of Bengal		1						1
Sri Lanka						1		1
Sub Total	2	3	4	2	9	1	15	6
South-East Asia								
Indonesia	8		14	1	9	2	31	3
Malaysia	1	1	4	1	1		6	2
Vietnam	1		2		1		4	
South China Sea		1				3		4
Straits of M and S		1				2		3
Thailand				1				1
Philippines				1	1		1	1
Sub Total	10	3	20	4	12	7	42	14
Overall Total	12	6	24	6	21	8	57	20

Sources: Made from ReCAAP Quarterly Report (1 January 2007 –30 September 2007), p.7, Table 3.

According to the report, generally, many cases of piracy attacks occurred while the ships were berthed or anchored, in which Bangladesh and Indonesia overwhelmed others. Looking at the

map which shows the location of the incidents, the attacks are most notable in the ports of Chiitagong in Bangladesh, Tanjun Puriok (Jakarta), Belawan in Sumatra, and Dunai in Indonesia.

On the other hand, the number of the vessels that were attacked by type during the first three quarters of 2007 is as follows: the first, 12 cases for the containers and bulk carriers respectively; the second, 11 tankers (others); the third, eight chemical carriers and general cargoes respectively. Following them are seven product tankers and oil tankers respectively, five tug boats and barges respectively, two fishing boat/trawlers yachts respectively, and one vehicle carrier, LNG carrier, and Ro-Ro cargo ship respectively. According to the report, the highest number of attacks to the vessels by type was 42 bulk carriers during the same period of 2005 and 30 during the same period of 2006. On the other hand, nine containers were the fourth in all during the same period of 2005, 22 were the second in all in 2006, and the number was the first in all in 2007 though it was smaller as the case itself. But it is notable that the number of attack to containers as a target has been increasing.

4. Evaluation on Significance of Incidents viewed in the ReCAAP report

The most distinctive characteristic of the ReCAAP report is making a division into categories by evaluating the significance of the incidents from the two viewpoints of a violent factor and economic factor.

In evaluation of the violent factors, the report uses as criteria; (a) types of weapons used (violence is the most forceful when more highly efficient weapons than knives are used); (b) treatment of the crew (violence is the most intensive if the crew are killed or kidnapped); and (c) numbers of the pirates /robbers who engaged in an attack (in this case, the more the numbers are, the greater the violence develops, and the possibility of organized crime increases.)

In assessment of the economic factors the report uses a criterion of evaluating financial values of damaged vessels. In this case, the seriousness is the greatest when the ship was hijacked with the cargoes.

Based on the above criteria, the report divides the category as follows.

Category	Significance of Incident
CAT 1	Very Significant
CAT 2	Moderately Significant
CAT 3	Less Significant

According to the report, 59 actual cases in the first three quarters of 2007 are divided into the categories in the table below.

Table 6: Divisions of 59 actual incidents into categories in the first three quarters of 2007

	Jan-Mar 2007	Apr-Jun 2007	Jul-Sep 2007	Jan-Sep 2007
CAT 1	1	1	2	4
CAT 2		6	3	9
CAT 3	13	16	16	45
Uncategorized			1	1
Total	14	23	22	59

Sources: made from ReCAAP Quarterly Report (1 January 2007 –30 September 2007), p.6, Table 2

According to the report, as to the contents of 59 actual incidents during the first three quarters of 2007, of 48 incidents attacked while the vessels were in port or anchored, 41 were Category 1, six were Category 2, and one was an uncategorized incident. However, the incidents attacked while the vessels were steaming were mostly Category 1 or Category 2, and of 11 incidents, seven were Category 1 or Category 2.

As to the types of weapons used, of 59 actual case, two cases by firearms, 19 cases by knives, five cases by firearms and knives, five cases by other arms, and 28 cases by unidentified means. Regarding the treatment of the crew, of 59 actual incidents, one case, in which persons were seriously injured, two cases, in which persons were thrown overboard (one for Category 1 and another for Category 2), one case, in which a person was taken hostage/attacked, six cases, in which persons were threatened, two cases, in which persons were abducted (both for Category 1), and one case, in which a person was killed and 46 unidentified cases, were noted. As for the numbers of piracy and armed robbery, of 59 actual incidents, 49 cases by a group of one – six, four cases by a group of seven-nine, six cases by a group of more than nine persons (of six cases, four were actual attacks while the ships were steaming), were noted.

Regarding the economic factors, of 59 actual cases, three cases for abandoning cargoes/hijacking, four cases for robbing cash/possessions, 33 cases for robbing equipment/engine parts, five cases of robbing other materials, and 14 cases for unidentified/no damages, were noted.

According to the report, of 59 actual incidents during the first three quarters of 2007, four cases which are classified as Category 1 are as follows:

Case 1 : Steaming about 30 miles west of Pulau Bintan, Indonesia on March 14, Honduras-flagging tanker, the *Ai Maru*, was raided, which was reported from the Focal Point in Singapore. A group of ten men armed with shotguns, rifles and knives approached the tanker with two boats and embarked it. The crew members sustained no serious damages, except that they were robbed of their ship's documents, passports, seaman books, cash, and mobile phones. The ship's radio communications equipment was also destroyed, but its cargo was intact.

Case 2 : Navigating about five miles from Talutao Island off the west coast of Thailand on April 2, Thai fishing trawler was attacked by a group of five robbers armed with guns, which was reported from the Focal Point in Thailand. Five armed robbers boarded the fishing

trawler, throwing the crew members overboard. (The crew members were subsequently rescued.) The hijacked trawler was last seen heading toward Sumatra Island, but later it was found in the vicinity where the hijacking took place.

Case 3 : On August 13, a focal point in Singapore reported that a tugboat that was steaming in the Strait of Malacca and Singapore with a Malaysian barge in tow was attacked by a group of ten robbers armed with firearms. The armed robbers destroyed all the communication equipment, robbed personal properties of the crew and the documents of the ship and abducted captain and chief engineer of the boat. The remaining six of the crew were safe. AP press dated August 27 reported the captain and chief engineer were released after paying the ransom. The amount of the ransom and identity of the armed robbers are unknown.

Case 4 : On September 22, Singapore focal point and Indonesian authority reported that an Indonesian tanker, MV *Kraton*, was attacked while it was steaming in the waters southeast of Bintan Island (off Singapore). The tanker had a crew of 17, and it was transporting cooking oil to Cilacap (Indian Ocean-side) in Central Java, after departing from Palembang, Sumatra. Approaching in a high-speed boat, two robbers armed with pistols climbed on board the tanker, and later 12 persons also embarked. They were armed with four pistols, one hand grenade, and ten knives. The captain of the tanker operated SSAS and immediately informed Teluk Bayut port's administration in Palembang about the incident. He was threatened to cut off the alarm, and obeyed the order. On the other hand, the pilot station reported the incident to the agencies concerned. The Indonesian Navy had intercepted the tanker on 24th. The crew members were safe. (As for this incident, please refer to 1. 1 Security in OPRF MARINT Monthly Report, September 2007.)

Links

ABC Radio Australia	http://www.abc.net.au/ra/
ABS-CBN News	http://www.abs-cbnnews.com/
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Navy League of the United States	http://brem-olympic.nlus.us/
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New York Times	http://www.nytimes.com/
ReCAAP	http://www.recaap.org/index_home.html
Reuters	http://today.reuters.com/news/default.aspx
SEAPOWER (Navy League of the United States)	http://www.navyleague.org/membership/ind_benefits.php
Stars and Stripes	http://www.stripes.com/
Terrorism Monitor (Jamestown)	http://www.jamestown.org/
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The Irrawaddy	http://www.irrawaddy.org/
The Straits Times (Singapore)	http://straitstimes.asiaone.com/
The United Nations (CLCS)	http://www.un.org/Depts/los/clcs_new/clcs_home.htm
U.S. Senate Committee on Foreign Relation	http://foreign.senate.gov/hearings/2007/hrg071004a.html
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