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**Fireball on the Water:
Naval Force Protection-Projection,
Coast Guarding, Customs Border Security
& Multilateral Cooperation in *Rolling Back
the Global Waves of Terror....from the Sea***

Irvin Lim

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“The issue is how seriously do governments take the threat of maritime terrorism... We cannot continue to hope for the best and ignore the lessons.”¹

‘Let’s roll!’²



(U.S. NAVY PHOTO)



(AFP PHOTO/FILE)

The USS Cole bombing killed 17 U.S. sailors on 12 October 2000

French Tanker Limburg attack killed one crew member & caused serious marine pollution on 6 October 2002

¹ See Annual Report of the International Maritime Bureau (IMB) on attacks at sea (March 2003) cited in *The Straits Times* Editorial on ‘Security At Sea’, (4 Feb 2003).

² A haunting clarion call for decisive action; albeit now a new ethic and creed for many Americans made famous by Todd Beamer, one of the many American heroes/patriots of doomed flight 93 which crashed into rural Pennsylvania on 11 Sep 2001.

ABSTRACT

The Maritime Terrorist Threat is a hydra that continues to pose a clear and present danger to world commerce and, ultimately to the very well being of nations. The global stream of explosive carnage with truck bombs in Riyadh (Saudi Arabia) on 13 May 2003, gas station bombing attacks across Pakistan on 15 May 2003, truck bombs in Casablanca (Morocco) on 16 May 2003 and in Jakarta (Indonesia) on 5 August 2003 serve as gruesome reminders that the war on global terrorism is far from over. In fact, the war is getting tougher. We have not yet seen ‘the turning of the tide’³. A new wave of attacks is imminent around the world. More than on land and in the air, the vast maritime domain makes maritime policing a Herculean enterprise, and it continues to be vulnerable to potentially devastating terrorist attacks. This paper argues that in order to effectively deal with the common threat of maritime terrorism, the world’s naval forces and their respective home-front elements such as the coastguard, customs, and port authorities must work hand-in-glove with the shipping community to enhance multi-agency integration and to forge greater multilateral cooperation in order to protect vulnerable hulls and safeguard homelands at ports and at sea. It stands to reason then that the protracted, if not interminable fight against maritime terrorism remains to be urgently *joined* and decidedly *joint in effort*.

Irvin Lim Fang Jau is an alumni IDSS-NTU graduate with an MSc (Strategic Studies) - OUB Gold Medal 2000-1. He has an M.B.A. from Leicester University-UK, 1999; and a B.A. (First Class Honours) in Communication Studies with University Medal in the Arts from Murdoch University-W.A., 1995. Irvin is also the top Distinguished Graduate of the US Naval Staff College - Newport, Jan-Jun 2003. His research interests include foreign policy, critical security studies, the Revolution in Military Affairs, media studies, and nontraditional security threats. He has published work covering geopolitics, military strategies and technology in the SAF Military journal *POINTER*, the US ANSER *Journal of Homeland Security*, with an article on communication theory and media praxis in an edited monograph on *Reading Culture: Textual Practices in Singapore* (1999). More recently, he has also published an *IDSS Working Paper No. 35* on the US Container Security Initiative (2002); and on water resource security in an edited monograph - *Beyond Vulnerability* (2002) with the Institute of Defence and Strategic Studies.

³ In the flush of victory fever back in early May 03, President Bush told sailors returning from the conflict onboard the deck of the USS Abraham Lincoln conflict that: “we have seen the turning of the tide” in America’s wider war on terror.

Introduction: Big Sitting Ducks in Hunting Season?

During World War II, the fearsome German wolf-pack U-Boats conducted the most effective *guerre de course* against British sea borne trade in history. These days, the nature of the maritime threat is posed by a different breed of sea-wolf – small boats packed with high explosives with the sinister objective of ramming into unsuspecting hulls.

The threat of maritime terrorism is not overblown with the high tide of *Fourth-Generation Warfare*⁴ well upon the world. The rocks of risk have also been sharpened by the anticipated blowback resulting from America's troubled victory in the Gulf. Maritime attacks have stained media headlines with their bloody message of mindless carnage. Two terrorists apparently drove an explosives-laden dinghy into the destroyer *USS Cole* and blew a hole in its hull killing 17 US sailors and injuring 39 others on 12th October 2000.⁵ A similar-styled attack on the French Tanker *Limburg*⁶ in the waters off Yemen killed one crewman and spilled 90,000 barrels of



⁴ This term 4GW has been used variously to describe transnational groups without territorially-based armies. Much of their activity resemble ‘guerilla warfare’ or ‘low intensity conflict.’ These highly irregular practices have deep roots in the history of war and 4GW have become almost the by-word for terrorism in the recent morphing of the etymology; albeit post-911. See COL G.I. Wilson, SGT John Sullivan & LT COL Hal Kempfer, ‘Fourth-Generation Warfare’ in *Armed Forces Journal International*, (Oct 2002), p. 56-62. Beyond the *techne* of 4th Generation warfare, analysts like Eliot Cohen and Earl Tilford have gone one step further in describing the war against Militant Islam after Sep 11 2001 as World War IV (World War III was the Cold War). See Asad Latiff, ‘Interview with Eliot Cohen: Charting the Course of a New World War’, in *The Sunday Times*, (12 Jan 2003), p. 31. & Earl H. Tilford Jr., ‘Asymmetry and The American Way of War’, in *ROA National Security Report*, (Jan/Feb 2003), pp. 97-100.

⁵ A key *Al Qaeda* explosives expert, Saudi Abd al-Rahim al-Nashiri, was captured by the US in November 2002. He was described by the US government as a 15-year associate of Osama bin Laden and as *Al Qaeda*’s top operative in the Gulf was a mastermind of attacks at sea. Working with Yemeni operational leader Tawfiq Attash Khallad, Al-Nashiri reportedly made the bomb that was placed on a dinghy that rammed the *USS Cole* in October 2000. He was also suspected of plotting attacks on the *USS The Sullivans* in that same year and was the mastermind behind a foiled plot this year to bomb U.S. and British warships in the Strait of Gibraltar in early 2002. Both operations were thwarted. It was fortuitous that the planned *Al Qaeda* attack on the *USS The Sullivans* in Yemen had foundered after terrorists overloaded their small boat on 3 Jan 2000. Pakistan authorities had also recently announced the arrest of another key suspect in the Cole attack, Waleed Mohammed Bin Attash, a Saudi citizen of Yemeni descent on 30 April 2003. See ‘Another Key Al-Qaeda Leader Bites the Dust’ in *The Straits Times*, (23 Nov 2002), p. 14; and ‘Special Report: The Secret History’ in *Time* (12 Aug 2002), pg. 34. See also Rohan Gunaratna, *Inside Al Qaeda*, (Columbia: Columbia University Press, 2002) & Bruce Hoffman, *Inside Terrorism*, (Columbia: Columbia University Press 1999).

⁶ After the *Limburg* attack, a written statement allegedly by Osama bin Laden aired on the pan-Arab *Al Jazeera* satellite TV network broadcast stated: “We congratulate the Muslim nation for the daring and heroic jihad operations which our brave sons conducted in Yemen against the Christian oil tanker...” (*The Herald Tribune*, 16 Oct 2002, p.1). If a subsequent AWSJ media report is true, the bitter irony, is that “[a]lthough the super tanker *Limburg* was flying a French flag, it was chartered by Malaysia International Shipping Cor. Berhad, 60% owned by Malaysia’s state-owned oil

crude oil on 6th October 2002. The current calm at sea should not lull one into thinking that the threat has blown over.

It would be a tragic oversight to view the seemingly disparate and sporadic nature of postmodern terrorism⁷ on the high seas as isolated events since they share common motivations and are integrated in means and strategic in their ends. Someone once said, "A ship in harbour is safe, but that's not what ships are for."⁸ Ironically enough, even that first assumption about safe harbours is no longer true these days. Warships and civilian vessels, whether in transit, at anchor or berthed in port can be targeted with extreme malice, without warning or mercy.⁹ With the US and its allies 'hardening' their facilities on land against terrorist attack, *Al Qaeda* has reportedly sought to launch sea assaults, as it believes waterborne targets make for easier prey.¹⁰ The 12th October 2002 Bali attacks and the latest

company Petronas. When the blast occurred the ship was carrying 400,000 barrels of oil, also owned by Petronas, and was due to collect another 1.5 million barrels of oil for the company's Melaka II refinery". Perhaps, adding salt to injury, Malaysia's PM Mahathir had urged an Islamic conference in Malaysia, just a week before the explosion, to use oil as a weapon against the West". See Eric Watkins, 'Malaysia Under Attack', in *The Asian Wall Street Journal*, (28 Oct 2002).

⁷ The new postmodern terrorist groups differ in some crucial respects to traditional terrorist groups: they have less comprehensible nationalistic or ideological motivations, embrace more amorphous religious and millenarian aims, are less cohesive in their organisation (usually with a more diffuse structure and membership), and are potentially far more lethal than traditional terrorist groups given their attempts at mass casualty terrorist acts using both conventional means or weapons of mass destruction (WMD). They do not bother to justify their attacks as they see violence as an end in itself. Due to globalization, such groups have been able to operate across borders, which makes them difficult to track. They are able to exploit the new information economy and the Internet to reach out to a much wider base of support. They are also much less dependent on the support of states since they have become much more mobile and do not need fixed base areas to operate from - as defined in Andrew Tan, 'The Emergence of Postmodern Terrorism and Its Implications for Southeast Asia' (2002), available at http://www.ntu.edu.sg/idss/Perspective/research_050107.htm; and Walter Laqueur, 'Postmodern Terrorism: News Rules for An Old Game', (1997), available at <http://usinfo.state.gov/journals/itgic/0297/ijge/gj-3.htm>.

⁸ A quote attributed to John Shedd; date and origin unknown.

⁹ In a telling episode on 22 June 2002, the US Defense Department put its troops on alert and ordered six ships from the fifth Fleet, based in Bahrain, to steam out to sea, for fear that they might be attacked in port. In November 2002, credible but 'uncorroborated' US FBI intelligence reports also warned of possible maritime attacks in the Red Sea – including plans to fly aircraft into coalition warships in the region with attacks on American warships, ports, naval bases and cruise-ship docks. Concerns have also been raised that the distinctively 'American markings' of the many lightly armed-crewed US Navy Military Sealift Command (MSC) vessels plying the world's sea lanes, often singly without armed escorts, pose an acute force protection challenge; see 'Terrorists Talk: Useful Info for FBI But Only for 6 months' in *The Sunday Times*, (24 Nov 2002), p. 4; Keith Bradsher, 'Warnings From Al Qaeda Stir Fear That Terrorists May Attack Oil Tankers', in *The New York Times*, (12 Dec 2002), p. A24 and David, L. Brewer, 'Force Protection Beyond MSC and the Navy', in *Defense Transportation Journal*, (Dec 2002), Vol. 58., No. 6., pp. 6-8.

¹⁰ Captured *Al Qaeda* operative Abd al-Rahim al-Nashiri reportedly confessed that the *Al Qaeda* 'navy' had devised a comprehensively phased and protracted strategy utilizing explosives-packed speedboats, trawlers/medium sized ships, stolen civilian aircraft and divers to wreck havoc on the global maritime community. See Christopher Dickey, 'Al Qaeda At Sea', in *Newsweek*, (27 Jan 2003), p. 8.

vicious attacks in Jakarta on 5th August 2003 show that international terrorists are adept at switched focus from hard targets to soft targets¹¹ in Southeast Asia.

Although the global war on terrorism may have weakened *Al Qaeda* and have degraded its capabilities, the terrorism swamp is far from drained dry. Terror agents appear to be driven deeper underground. The terrorist network may be down, but their capacity to mount further large-scale attacks cannot be discounted. *Al Qaeda* is not the only worrisome terrorist group with global networks. Splinter groups¹², kindred spirits and copycats still abound. Even non-state actors can potentially teach state actors-sponsors a thing or two about waging unrestricted and unconventional asymmetric warfare. Another point to note is that while the 1985 hijacking of the Italian cruise ship *Achille Lauro*¹³ resulted in only one civilian death, more horrific mass casualty terrorist attacks on civilian passenger cruise ships remain a very real danger these days. Sailing from Ensenada, Mexico to Hilo on 23 April 2003, the Royal Caribbean's *Legend of the Sea*, a cruise-liner with 2,400 people on board was diverted for security sweep boarding by the FBI's Joint Terrorism Task Force [Picture-Right]. Even though subsequent investigations uncovered the threat to be a hoax, the boarding highlighted prevailing concerns over maritime terrorist acts.¹⁴ Such a well-publicised contingency



U.S. Coast Guard agents board the Royal Caribbean's *Legend of the Seas* on 23 Apr 2003

¹¹ The firing of two surface-to-air missiles at an Israeli civilian aircraft, Arkia Airlines Flight IZ582, which narrowly missed the plane as it took off from Mombasa on 28 November 02 serve as another reminder of the determined reach of the global terror threat.

¹² For example, some analysts have suggested that groups such as JI have splintered into three distinct groups due to internal rifts. Although such groups may yet implode from their divisions, ultra-radical and hard-line members of such groups remain dangerous, for they could be out of control and planning more attacks. The JI has some two thousand members in Indonesia alone. See 'JI Splinter Group Carried out Attacks', in *The Straits Times*, (27 Sep 03), p. A12; and Andrew Tan, 'Terrorism in Singapore: Threats and Implications', in *Contemporary Security Policy*, Vol. 23, No. 3, (Dec 02), pp. 1-18.

¹³ The alleged mastermind of the hijacking, a Palestinian, Abu Abbas, was caught recently by US forces in Baghdad on 15 April 2003. See *The Boston Globe*, (16 Apr 2003), p. 1.

¹⁴ FBI agents questioned each person onboard individually about two handwritten notes threatening "acts of terrorism" found in a ladies restroom on early morning of 24 April 2003. The discovery forced the ship's diversion from a port-of-call in Hilo, Hawaii, to an anchoring a mile off the coast of Oahu. According to the FBI, although the threats were "very anonymous" and "non-specific", the notes "threatened acts of terrorism" against the ship, passengers and crew. The FBI did not know if the threats involved a bomb or an armed person on board. Agents with bomb-sniffing canines boarded the ship while investigators questioned those on board about the notes. Subsequent investigations led to admission of guilt by a young woman who had planted threatening notes in hopes of halting a family trip for personal reasons. See 'Threatening Notes Prompt Cruise Ship Diversion', available at *CNN.com* (24 April 2003) and 'Threats on Cruise Ship Lead to Terror Charges', in *USA Today*, (30 Apr 03), p. 3A.

response is becoming the norm in anti-terrorism security enforcement. All threats no matter how far-fetched are taken seriously with little left to chance.

With strikes at sea, Maritime terrorists seek maximum disruption wrecking potentially catastrophic impact on homeland security and the larger global economy. Consider for example, the huge economic significance of the Malacca and Singapore Straits. Virtually all ships from the Middle East carrying oil, liquefied petroleum gas or liquefied natural gas destined for Asia pass through the two straits. Asian countries such as Japan and China are highly dependent on Gulf oil. Some 400 shipping lines and 700 ports worldwide rely on the Malacca and Singapore Straits to get to the Singapore port. To bypass the straits would force a ship to travel an extra 1,600 km (994 miles) from the Gulf. Tankers carry about 10.3 million barrels a day of crude oil eastward through the Strait of Malacca, and this figure represents 25% of the world's crude oil trade. It is unsurprising then that the Malacca Straits is considered a prime target for terrorists bent on disrupting international commerce. A single well-aimed terrorist ship attack there could halt traffic and send insurance rates sky-high, not to mention the environmental disaster it would cause. With much of the world's manufacturing capability dependent on just-in-time delivery of critical components, such an attack could deliver a staggering blow to the global economy. According to the U.S. State Department, the attack on the French tanker in Yemen cost US\$3.8 million a month in lost business and extra insurance premiums¹⁶

The battle needs to be urgently joined and decidedly joint. In other words, keeping the global maritime terror threat at bay will require multilateral determination and multi-agency action. Both naval forces and home front elements such as the coastguard, customs and port authorities must be conjoined at all levels (i.e. policy, strategy, operational, informational, resource commitment and capacity building) with the common mission of protecting vulnerable hulls and safeguarding homelands at port and at sea.

¹⁵ See 'Singapore Confronts Fear of Seaborne Terror', available at MUZI News.com (7 Jan 2003) - <http://latelinew.com/ll/english/1241360.shtml>; Ed Blanche, 'Tanker Terror', in *Middle East*, (Dec 2002), No. 329, pp. 40-43; David Wood, 'Experts Look Warily at U.S. Vulnerability to Terrorism at Sea', available at *Newhouse News Service*, (10 Jan 2003).

¹⁶ See 'Singapore Confronts Fear of Seaborne Terror', available at MUZI News.com (7 Jan 2003) - <http://latelinew.com/ll/english/1241360.shtml>; Ed Blanche, 'Tanker Terror', in *Middle East*, (Dec 2002), No. 329, pp. 40-43; David Wood, 'Experts Look Warily at U.S. Vulnerability to Terrorism at Sea', available at *Newhouse News Service*, (10 Jan 2003).

Troubling Nature of the ‘Rip-Tide’

With the bulk of the world’s communities living near coasts or on just 10% of the earth’s land surface¹⁷ and heavily reliant on maritime economic activity, the adverse impact of a maritime terrorist attack is not hard to fathom. For example, the oil spill from a ruptured tanker, the Bahamas-registered *Prestige*, contaminating marine birds and wildlife in the coast area of northwest Spain in mid-November 2002.¹⁸ Barely two weeks later, another two freighters went ablaze in Asian waters following separate accidents outside Tokyo and Hong Kong. Chinese authorities battled to plug an oil tanker leak contaminating kilometers of the mainland’s coastal waters.¹⁹ More recently, another Chinese vessel - *Fu Shan Hai* - exploded a few times following a collision with a Polish freighter and went down between the Swedish coast and Denmark’s Bornholm Island. Its sinking produced a 15-square mile oil slick, some of which washed up at Sweden’s southern sandy beaches²⁰ [Picture-Right]. Closer to home, periodic collisions and groundings in our congested and restricted waterways make for potentially nasty incidents. A Singapore-registered container ship, *MV APL Emerald*, ran aground south off Pedra Branca on 12 June 2003 and created a 150-tonne oil spill that was quickly contained by anti-



¹⁷ Recent studies have shown that as of 1998, over half the population of the planet — about 3.2 billion people — live and work in a coastal strip just 200 kilometers wide (120 miles), while a full two-thirds, 4 billion, are found within 400 kilometers of a coast. See Don Hinrichsen, *The Coastal Population Explosion*, available at http://www.nos.noaa.gov/Products/retiredsites/natdia_pdf/3hinrichsen.pdf

¹⁸ *Prestige*’s leak of about 3,000 metric tons following damage from a storm off the Galician coast on 13 Nov 2002 resulted in an oil slick that threatened to approach the nature reserve of Baldayo, sparking fears of an ecological disaster twice the size of the 1989 *Exxon Valdez* incident. Spain’s northwest coast had suffered several tanker accidents in recent years, the worst in December 1992 when the Greek tanker *Aegean Sea* lost 21.5 million gallons of crude oil when it ran aground near Coruna. *Prestige*’s Greek Captain had reportedly said that his ship had smashed into a container floating in the busy shipping lane that holed its starboard side. France and Spain, both victims of the tanker disaster, subsequently conducted spot inspections of dangerous tankers off their coasts. See ‘Spain Oil Slick Hitting Wildlife’ (17 Nov 2002), available at *CNN.com*; *The Straits Times*, (26 Nov 2002), p. 9 & *Today*, (28 Nov 2002), p. 27.

¹⁹ A Bahamian-registered freighter, *Hual Europe*, carrying nearly 4,000 vehicles went aground and caught fire 130 km south of Toyko, causing a 400,000 litre oil spill for the Japanese Coast Guard to contain. In the second incident, the Panamanian-registered tanker, *Gaz Poem*, carrying 20,000 tonnes of highly volatile liquefied petroleum gas caught fire off Hongkong. In the third incident, a Maltese-registered tanker, *Tasman Sea*, was involved in a collision that resulted in an oil slick that polluted the Bohai Sea off the northern Chinese port city of Tianjin. See *The Straits Times*, (27 Nov 2002), p. 4.

²⁰ The ship that sank off the Swedish coast was leaking oil but coastal authorities said there was no immediate danger of widespread pollution. All 27 crew members were rescued from the vessel, which sank early evening of 31 May 2003, and was lying in 65 metres of water. According to the Danish coastal authorities, the *Fu Shan Hai* was carrying 1,600 tonnes of heavy fuel oil and 66,000 tonnes of fertilizer destined for China.

pollution craft deployed by the Maritime and Port Authority of Singapore.²¹ Such seemingly ‘routine’ maritime incidents nevertheless underscore the dire consequences of tanker accidents or terrorist attacks at sea.

Besides tanker incidents, the commercial shipping of nuclear material is also another issue of international concern. On 23 February 2002, when the *MV Pacific Pintail* sailed with a 14-tonne container cargo of highly radioactive plutonium waste from France to Japan, the progress of its supposedly ‘secret route’ was monitored with keen interest by many littoral states and was shadowed at sea by interested NGOs like *Greenpeace*.²² In a prior episode back in 1998, *Greenpeace* activists boarded a British-flagged freighter carrying highly radioactive nuclear waste as it approached the Panama Canal en route to Japan. Although *Greenpeace* meant to protest the environmental hazards of shipping nuclear waste materials, the incident amply demonstrated the ease with which terrorists could sea-jack such deadly cargo.²³ Well-established pirate techniques to board ships are clearly within the capabilities of today’s terrorists.

Interestingly enough, fiction may be better at sign-posting the potential scenarios to come. In Tom Clancy’s latest Op-Center series – *Sea of Fire*²⁴ - the conflation of maritime piracy and the smuggling of radioactive waste disposal at sea with nuclear terrorism made for a timely cautionary tale. The tale was made all the more vivid, especially for Singaporean readers, with Southeast Asian waters as the dramatic *mise-en-scène* and the lead fictional character, a Republic of Singapore Navy female officer, lending visceral resonance to the narrative. To be sure, the improvised WMD threat caused by the ramming/hijack-sabotaging of high-risk commercial/military transports ferrying highly toxic chemical cargo or fissile (dirty-bomb) material is a nightmare scenario calling for serious

²¹ See *The Straits Times*, (13 Jun 2003), p. H4.

²² Greenpeace had actually deployed its fastest and longest-range ship MV Solo to shadow Pacific Pintail in its journey, providing daily updates on the latter’s progress on the Greenpeace website. See ‘Nuclear Waste Shipment’ available at <http://archive.greenpeace.org/-comms/pintail.html>. See also ‘Germany Nuclear Waste Protest’ in *The Straits Times*, (16 Nov 2002), p. 26. In another episode in early 2002, 20 ‘eco-warriors’ in dinghies surrounded an aging single hull oil tanker, *Byzantio*, in a vain attempt to prevent her from sailing an Estonia port fearing a repeat of a disastrous *Prestige* oil spill. See ‘Suspect Tanker Sets Sail’, in *Streets*, (3 Dec 2002), p. 4.

²³ Lewis M. Simons, ‘Weapons of Mass Destruction: An Ominous New Chapter Opens on The 20th Century’s Ugliest Legacy’, in *National Geographic*, (Nov 2002) p. 17. See also Peter Heathcote, ‘Terrorism At Sea – The Potential Threat’, available at <http://www.aiex.com.au/Old-Terror.htm>. & Maj-Gen Julian Thompson, ‘The Threat of Maritime Hijackings & Dirty Bombs’ in *INTERSEC*, Vol. 12 No,10, (Oct 2002), p. 4.

²⁴ The maritime thriller revolves around the narrative intrigue of a multinational corporation hired to dispose of nuclear waste at sea, but ends up selling the deadly material to terrorists instead. See Jeff Rovin, *Tom Clancy’s Op-Center™ - Sea of Fire*, (New York: Berkley Books, July 2003); series created by Tom Clancy & Steve Pieczenik.

contemplation and urgent action. The protection of such big sitting ducks will not be easy if terrorists who sea-jack or commandeer them are intent on homicidal *and* suicidal destruction. Potential fall-out from a botched rescue operation²⁵ remains a clear and present danger. What are the fall-out danger zones from explosive/contamination plumes, and fail-safe distances for stopping high-risk vessels carrying deadly cargo on a terror mission?

To complicate matters, the thousands of vessels registered in ‘flag of convenience’ nations pose an additional and particularly serious challenge to effective global shipping monitoring. Intelligence agencies have reported that Al-Qaeda use cargo ships routinely to move conventional weapons and explosives. Reportedly, there are anywhere between 12-50 mystery ships controlled by *Al Qaeda* and its proxies.²⁶ Terrorism researcher Zachary Abuza even alleged that Indonesian authorities were clueless as to the identity of the eight ships that supposedly brought explosives into Jakarta weeks prior to the 5 Aug 2003 truck bomb attack.²⁷ To be fair, the unevenly regulated nature of the vast international shipping system masks flag-hopping by terrorist groups, allowing them to operate *incognito* with relative impunity from lax havens. With *intent* and *capability* of the terrorist threat certain, all that remains is for would-be perpetrators to pick and choose the right *opportunity* to strike again.

But terror threats to surface shipping emanate not just from above the waves. ‘Will-o’-the-wisp’ terror attacks at sea can come from underwater as well. The discovery of a half-built mini-submarine

²⁵ Some critics would probably cite the Russian use of gas to incapacitate Chechen rebels during the Moscow theatre hostage crisis in late October 2002 that resulted in high civilian casualties, as a notorious example where things can go tragically wrong despite the best of intentions.

²⁶ As of early 2003, the US intelligence agencies identified 15 cargo freighters around the world believed to be controlled by *Al Qaeda* or available to the network for ferrying operatives, bombs, money or commodities. But the vessels are difficult to track as they are continuously being renamed, repainted and reregistered. Many terrorist organisations have been known to use vessels registered in the ‘HonPaLib’ countries (Honduras, Panama and Liberia). Under international law, every ship must sail under the flag of a sovereign state to gain the protection of a government while on the high seas. The rules are also supposed to ensure that safety and other standards are maintained. But to cut costs or evade scrutiny, thousands of ship owners now register under foreign flags where fees, taxes, regulations and laws protecting seafarers are often minimal or non-existent. As global trade shrinks because of the economic downturn, shippers demand lower freight costs. Some ship owners respond by registering wherever it is cheapest to do so. At least 40 states around the world, most of them developing countries, sanction open registers, or flags of convenience, as a way of making money. Some don’t even have access to the sea. For example, landlocked Mongolia opened a register last March in Singapore, one of the world’s busiest seaports. The flag of convenience registers compete for business by offering quick and cheap ship registration, often online and with few questions asked. See ‘US Tracking Al-Qaeda’s Terror Ships’, in *The Straits Times*, (1 Jan 2003), p. 4; orig *Washington Post*. See also Michael Richardson, ‘Terrorism Roams the High Seas Under Flags of Convenience’, in *The Straits Times*, (22 May 2003).

²⁷ Cited in Pradeep Rajan, ‘More Attacks on the Way: Terror Expert’, in *Streats*, (6 August 2003), p. 2.

believed to have been commissioned by Tamil Tiger rebels from Sri Lanka at the Thai resort island of Phuket in 2000²⁸, coupled with intelligence reports of *Al Qaeda* operatives dive-training for underwater demolition attacks have focused the maritime and port security efforts of many countries. Maritime authorities now cannot discount the use of ‘exotic craft’ like small submarines, human torpedoes and underwater-propelled sleds employed by divers to mount undersea attacks.²⁹ With the panoply of terrorist threats arrayed at the maritime shipping community, cruising at sea with routine watch alert is no longer an option. Burning questions about early threat classification and Rules for Engagement/and of the Road for Avoidance against seemingly innocuous vessels bobbing on the surface now confront the captains of warships as well as those of the shipping industry.

It is difficult to establish hostile intent with any certainty. This is compounded by rules of the road norms, which make it hard to enforce any restrictions of Closest Point of Approach (CPA) for an approach to a highly sensitive commercial vessel or man-of-war based on any fixed standard; save safety of navigation. How does an Officer on the Watch keep suspicious vessels at a safe arms-length without swerving at every spook? And is there a reasonable level of risk or datum safety buffer/distance that can be tolerated, if any? Given that heavy traffic and narrow sea-room make passing at sniffing distance a norm for vessels plying the littorals, what should the appropriate response be? Split-second decision-making demands, sketchy threat indicators, information overload and paranoia can be a deadly combination. Many operational issues remain to be worked out. But timing and accurate decision-making with well-rehearsed procedures are of the essence given the urgent threat. It brings to mind the ill-fated Iran Air flight 655 which was accidentally shot down by USS Vincennes at the height of tensions during the Iran-Iraq War on 3rd July 1988.

While freedom of navigation and transit passage rights through littoral and archipelagic waterways may be safeguarded by international treaties like the 1982 UNCLOS and observed by state actors,

²⁸ The half-built mini-submarine discovered in a shipyard in southern Thailand was reportedly destined for "sea tigers" sabotage missions in Sri Lanka. The vessel, which was discovered by Thai authorities on April 11 in the seacraft shipyard of Phuket island, 630 km south of Bangkok, was to be delivered to the liberation tigers of Tamil Eelam; See 'Mini-sub meant for sly Tiger attacks found' (7 Jun 2000), available at <http://newsarchives.indiainfo.com/spotlight/lanka/tiger2/html>; 'Tamil Tiger submarine discovery confirms move to Thailand', (9 Jun 2000) available at <http://www.abc.net.au/am/s138791.htm>; Anthony Davis, 'Tracking Tigers in Phuket: A secret Tamil guerrilla base embarrasses Bangkok', Vol. 29 No. 23 (16 Jun 2002), available at <http://www.asiaweek.com/asiaweek/magazine/2000/0616/nat.security.html>

²⁹ Dual-use commercial-off-the-shelf technologies (COTS) like Global Positioning Systems, satellite communications, sea-sport scooters and scuba-diving are well within the purchasing power of *Al Qaeda*, and it should not be a surprise that they are on the shopping list of maritime terrorists; See Vijay Sahuja cited by Graham Gerald Ong, 'Taking The Fight Against Terrorism To The High Seas', in *The Straits Times*, (2 Dec 2002), p.13. See also Graham Gerald Ong, 'Next

terrorists respect no laws. Like pirates, terrorists see SLOCs through constricted littorals as natural ambush alleys. Mahan's strategic lines and positions are vulnerable to endemic disruption by the irregular forces of 'glocal' (both global and local) terror. There can be no *Maginot line* or ever enough assets to form a watertight picket line at sea, especially since maritime terrorism is not aimed at securing command of the seas or blocking sea lines of communication. What they seek to inflict is maximum damage on high-value capital ships and disrupting maritime trade with media-calibrated suicide-ramming missions. The global strategy of *terror from the sea* is to unleash an unpredictable wave of destruction that can strike at anytime, anywhere.

From Africa, the Gulf, South East Asia to Oceania³⁰, the fact that many of the vulnerable waterways around the world meander through arc(hipelago)s³¹ of instability, administered by weak or failed states, make maritime protection operations both an operationally complex and politically sensitive task. In many of such areas, traditional Grey Area Phenomenon³² associated with trans-boundary criminal activities like piracy, 'gun-running' and narco/human-trafficking provide a ready-made sinister nexus for terrorism-related activities.³³ In fact, three pirate attacks on chemical tankers in Indonesian waters from 25 February to 26 March 2003, heightened concerns over their vulnerability to terror groups.³⁴ Of particular interest is the report about armed men who steered one of the Indonesian chemical tankers - *Dewi Madrim* -in the Malacca Straits after seizing it. It led Dominic Armstrong, a maritime expert for Aegis Security in London, to warn that "[t]here's a very strong

Wave of Terror Targets: Will They be at Sea?" in *The Straits Times*, (15 Sep 2003), p. 15; and Asif Ansar, 'Just How Prepared Are We?', in *Weekend Today*, (27 Sep 03), p. 15.

³⁰ US intelligence officials have alleged that Osama's *Al Qaeda* terrorist network was moving operatives around the Mediterranean on a shipping fleet flagged in Tonga. See 'Island Nation of Tonga Linked to the Al-Qaeda', in *The Straits Times*, (4 January 2003), p. 12.

³¹ My parenthetical portmanteau expression inspired by Geoffrey Kemp, 'Arcs of Instability: US Relations in the Greater Middle East', in *Naval War College Review*, Vol. LV, No. 3., (Summer, 2002), pp. 61-71. See also Joshua Sinai, 'Middle Eastern Maritime Terrorism Now A Major Threat', in *Journal of Counterterrorism & Homeland Security*, Vol. 8., No. 3. (2002), pp. 6-10.

³² Grey-Area Phenomenon (GAP) can be loosely defined as threats to the stability of sovereign states by non-state actors and non-governmental processes and organisations. GAP are not new and include problems like famine, disease, drug trafficking, terrorism and organised crime. See Jim Holden-Rhodes & Peter Lupsha, 'Grey Area Phenomena: New Threats and Policy Dilemmas', in *Criminal Justice International*, Vol. 9, No. 1, (Jan-Feb, 1993), pp. 11-17; Peter Chalk, *Grey-Area Phenomena in South East Asia: Piracy, Drug Trafficking and Political Terrorism*, Canberra Papers on Strategy and Defence, No. 123, (Canberra, 1997); John S. Burnett, *Dangerous Waters: Modern Piracy and Terror on the High Seas*, (New York: EP Dutton, 2002).

³³ In this regard, there has even been speculation that Osama bin Laden and his *Al Qaeda* acolytes might have utilised family links with the tribesmen of the *Hadhra Maug* to assist them in their suspected journey towards Yemen by traditional dhow across the Arabian Sea right under the no(o)ses of US-led maritime posses; See Ong, *Op Cit*.

³⁴ 'We cannot rule out this possibility. Hijacked ships could be used by terrorists,'Marine Police Chief Muhammad Muda, said when asked if hijacked ships could be used by terror groups to launch their attacks on other maritime targets. But he was quick to point out that police had not found any indication that the recent attacks were the work of terror groups. 'For now, it only suggests that it is being done by individuals for monetary gains'. See 'Malaysia warns of terror threat to shipping', in *The Straits Times*, (30 Mar 03).

possibility that we're looking at the equivalent of a flight training school for terrorists".³⁵ In another well publicised incident, the use of weapons like AK-47/M-16 rifles in a pirate attack on a Malaysian Tanker – *M.T. Penrider* - in the Malacca Straits on 10 August 2003 highlighted again the growing sophistication and audacity of modern-day buccaneering trends [AP Picture-Right]. Prior to their release by the pirates, it was reported that the three Indonesian hostages plied the Malacca Straits with their captors, with the ability to blend in with other Indonesian fishing boats to avoid detection. More disturbing perhaps is the revelation by Malaysian authorities that the money paid for the release of the three hostages did not go to the pirates but to an Islamic guerilla organisation in Indonesia. Although the accused group - the Free Aceh Movement - denied the charge, it is evident that some of the countries in the South-East Asian region often saddled with poverty and political instability are home to a large number of pirates. Such conditions make these countries "fertile recruiting grounds for both pirates and fundamentalist movements".³⁶



The widely-held belief that regional Islamic guerilla groups like the FAM and the Abu Sayyaf have terror links with *Al Qaeda* suggest that contemporary maritime buccaneering trends could potentially converge into something more sinister. On a related note, Terrorism and Al-Qaeda expert, Dr Rohan Gunaratna, had previously revealed that Al-Qaeda was spying on Malaysian marine police operations in the Malacca Straits.³⁷ He specifically disclosed that video footages of Malaysian police patrol craft in action were among 240 tapes recovered in Afghanistan by US forces in 2002. He believed that the recordings were used to study how Malaysian marine police carried out their routine exercises. Gunaratna had also previously warned that the Al-Qaeda network was possibly training to execute maritime attacks. In fact, this is not an entirely novel development. In June 2002, Singapore authorities revealed that in 1995 *Hizbollah* operatives had recruited Singaporeans to carry out reconnaissance along the Singapore coast to attack American and Israeli ships in port. The plot failed when the five Singaporeans backed out of the plan.³⁸

³⁵ Cited in Charles Glass, 'Piracy is Up, Increasing Fears of Terror Attacks at Sea', at *ABC NEWS.com* (10 Sep 2003).

³⁶ *Ibid.*

³⁷ As alleged during the "Terrorism in The Asia Pacific-The Threat and Response" conference held in Singapore on 18 October 2002; See 'Al-Qaeda Spying on Malaysian Marine Police in Malacca Straits: Expert', in *New Straits Times*, (19 Oct 02).

³⁸ 'Hizbollah Recruited Singaporeans', in *The Straits Times*, (9 Jun 02).

Official revelations and expert assessments were followed by unsubstantiated media reports about a spate of foiled plots by the Al-Qaeda on ships in Southeast Asia and vulnerability of the Malacca Straits to a terror attack. They noted that the Al-Qaeda and like-minded associates wanted to cripple the global economy; this meant that Southeast Asia being the world's economic jugular vein was at risk. Experts have also pointed out that an attack in the Straits would traumatize world business. This is due to the close proximity of the Straits to the Singapore harbour and its role as a key hub in the global economy.³⁹

To compound the problem, the maritime threat is not just confined to surface shipping. Vital installations and symbolic landmarks that dot the coastlines of many countries make vulnerable targets as well. Already, the threat to vital shore installations like oil terminals has stretched security blankets around many near-shore and offshore oil facilities worldwide. Countries like Singapore deploy military and police personnel and high-tech sensor equipment to deter and prevent attacks at its offshore petrochemical islands [Picture-Above]. Regarding mounting concerns elsewhere, US intelligence agencies have detected surveillance by terror suspects at three oil facilities in the United States in late 2002. It raised fears that plans were under way to attack oil-shipping terminals and refineries.⁴⁰ When a massive but *accidental* barge explosion suddenly rocked an oil storage facility on the edge of Staten Island just off New York in late February 2003, FBI officials could not initially rule out a terrorist attack.⁴¹ It is clear that the hermetic monitoring and '24/7' enforcement of the diverse range of



On vehicles armed with machine guns, soldiers patrol the island — home to petrochemical businesses — as part of tightened security.

³⁹ 'Officials Issue Maritime Terror Attack Alert', at *CNN.com* (23 Oct 02).

⁴⁰ The FBI had stated that according to information it had received, "Al Qaeda plans to weaken the petroleum industry by conducting additional sea-based attacks against large oil tankers and that such attacks may be a part of more extensive operations against port facilities and other energy-related targets, including oil facilities and nuclear-power plants". Three oil-shipping facilities at Philadelphia; Corpus Christi, Texas; and Valdez, Alaska, were reported to be under surveillance by Islamic terrorists during the past several months, officials said. Surveillance of the facilities was detected on four or five occasions for each of the three facilities, according to officials who spoke on the condition of anonymity. The United States has 57 oil terminals located on its coasts. Over at the US Port of Houston, around-the-clock security encompassing constant U.S. Coast Guard checks, mandatory port identification badges and restrictions on vehicular access to vessels and waterfront property, updated communication with the FBI and more than 125 petroleum and refinery plants along the 25-mile harbor. See Bill Gertz, 'U.S. sees Terrorism Threat against Country's Oil Ports' in *The Daily Times*, (22 November 2002); & Allyson Gonzalez, 'Security Beefed up at Port, Plants', in *The Baytown Sun*, (19 Nov 02).

⁴¹ According to media reports, a barge was being refueled and it somehow caught fire. Residents of the New York borough and nearby towns in New Jersey said they heard an explosion and felt the ground and houses shake. Two people died in the fire. The US Coast Guard immediately shut down the Arthur Kill waterway between New Jersey and Staten Island. See 'Blast Rocks New York Oil Facility', in *The Straits Times*, (22 Feb 03).

surface maritime traffic in the congested inshore waterways of the littorals are daunting even for the most well-equipped and well-trained naval force or maritime security agency alone.

Top Priority Naval Mission: Homeland Security...From the Sea?

In the context of enhanced US Navy global missions, US Navy Commander Michael Dobbs has argued that the “routine forward posture makes the Navy well suited to help prevent attacks. The key elements of prevention are threat reduction, deterrence, disruption of terrorist weapons programmes, and preemption of terrorist attacks”.⁴² Such preventive counter-force and defence-in-depth thinking represent on-going calibration of the US Navy and Marine Corps’ 1992 expeditionary vision of ‘Forward...from the sea’. It includes the latest *Seapower 21* vision, which seeks to cover the emergent threats. Recently, a new US military task force was deployed in the Horn of Africa for covert missions against Al Qaeda.⁴³ In another related strategic move, the United States formally proposed the formation of a NATO Response Force (NRF) at the NATO summit in Prague, Czech Republic, on 21st November 2002. The 20,000-strong NRF would consist of land, air *and sea* assets \ able to strike rogue states or terrorist networks anywhere in the world within seven to 30 days.⁴⁴ Post 9-11, the US’ doctrinal alignment towards ‘homeland security...from the sea’ clearly envisages naval forces taking on a front-line role in threat reduction and deterrence. Maritime force protection and projection is something few navies can afford to ignore these days.

⁴² Commander Michael Dobbs, ‘Homeland Security . . . From the Sea’, (November 2002), available at <http://www.homelandsecurity.org/journal/Articles/displayarticle.asp?article=77> (The article first appeared in the August 2002 issue of the Journal of the Royal United Services Institute for Defence Studies). See also ‘U.S. Naval Reserve: The Navy’s Team for Home Games’, in *Newport Paper* 64 (16 December 2001), pp. 136-139.

⁴³ The USS Whitney departed from Norfolk, Virginia, on 5 November 2002 to head towards the region to serve as the command ship. Pentagon sources said that putting a task force structure in the Horn of Africa would give the units there a more formalized command structure and about 400 more troops from the 2nd Marine Division. But it would not change the essential job of the 800 U.S. military personnel already in Djibouti. Those troops already include a number of Special Forces units that remained on standby for covert missions, including possible operations against Al Qaeda targets in Yemen. Under the command of Marine Corps Maj. Gen. John Sattler, the task force would be able to conduct operations throughout Djibouti, Eritrea, Ethiopia, Sudan and Somalia and be prepared to move against Al Qaeda forces wherever they are found. USS MOUNT WHITNEY had previously served as afloat JTF headquarters in Operation Restore/Uphold Democracy in Haiti. No longer obscure, Africa has become a significant battleground between U.S. forces and al Qaeda. See Barbara Starr, ‘Myers: U.S. Needs New Tactics in War on Terror: More U.S. troops heading for northern Africa’ in *CNN.com* (8 November 2002). See also J. Paul de B. Taillon, *The Evolution of Special Forces in Counter Terrorism: The British & American Experiences*, (Westport Connecticut & London: Praegar, 2001) and ‘Net Assessment: Africa – An Obscure Battleground’ at *STRATFOR.Com*, (4 Sep 2003).

⁴⁴ ‘NATO Reaction Force Proposal Speaks to Dual U.S. Priorities’, at *STRATFOR.Com*, (21 Nov 2002).

For many international navies watchful in the wake of US naval transformation⁴⁵, multilateral naval co-operation is poised to feature even more prominently in the fight against global terrorism on *and* from the sea. By the very nature of their often far-flung missions, navy ships often embark on navigational passage through the archipelagic sea lanes and Sea Lines of Communications (SLOCs) cutting through littorals, where they are vulnerable to sneak attacks by terrorist groups. For navies like the USN, conventional Naval (counter)-force protection-projection issues go back a long way. And even at the height of the Gulf Tanker War of the 80's, the maritime small boat threat had largely been conventional and state-centred. Merchant ships, and even warships were routinely harassed by a combination of fast Swedish-built Boghammers, Boston whalers type-craft and even bazooka-firing jet-ski manned by the Naval Branch of the Iranian Revolutionary Guards, which roamed the Gulf sea lanes in the mid-1980s.⁴⁶

Today, the rogue nation-state is not the sole primary unit of concern. Shadowy non-state actors can now easily engage in what one historian calls ‘random/do-it yourself war’⁴⁷ with commonplace wherewithal. In many ways, terrorist networks are learning organizations that are quintessential exponents of an asymmetric brand of indiscriminate ‘effects-based’ warfare. To counter such threats, Gulf Tanker protection tactics like area patrols and shipping protection, with a force mixture of helicopters and small boats (MK-IIIs) and augmented by highly specialized forces (that is SEALs and Marines) have become the norm for naval force protection in an age of maritime terrorism. But to better deal with the range of unconventional maritime threats, a whole new generation of new force protection platforms, weapons and warning systems like armed UAVs (eg. Predator), Autonomous Interception Craft, littoral combat ships⁴⁸, coastal aerostats/blimps⁴⁹ and even sea lions⁵⁰ may have to

⁴⁵ For a succinct update on watershed developments in the trinitarian US Navy concept of *Sea Strike-Sea Shield-Sea Basing-FORCEnet*, see Lt Gen Edward Hanlon Jr, & Vice-Admiral Dennis V. McGinn, ‘Power and Access...From the Sea: The Conceptual Foundation of Naval Transformation’, in *Sea Power*, (Oct 2002), p. 40-43.

⁴⁶ Armed with 107mm rockets, RPG-7s, and machine guns, the ‘mosquito fleet’ rarely sank a ship, but could inflict serious damage on tankers or their crews. Their favorite tactic was to approach a target, swarm around it, then rake its bridge and superstructure with automatic weapons and rocket propelled grenades. See David B. Crist, ‘Joint Special Operations in Support of Earnest Will’, in *JFQ*, (Autumn-Winter, 2001-02) pp. 15-22.

⁴⁷ See Niall Ferguson, ‘War of Words: What’s in a Name When Countries Go into Battle’, in *The Sunday Times*, (22 Dec 2002), p. 32; orig. *New York Times*.

⁴⁸ LCS traces its genesis to former Vice-Admiral Arthur Cebrowski’s idea of a ‘Streetfighter’ – speedy, stealthy and lightly armed vessel capable of conducting littoral or coastal missions and tightly integrated into a network centric force. The US Navy wants LCS to operate in heavily congested waters near the shore to counter mines, submarines and fast attack boats besides performing intelligence, surveillance and reconnaissance missions. See Jason Sherman, ‘Global Teams Angle for Slice: Offer Hull Forms for US Littoral Combat Ship’, in *Defense News*, (18-24 Nov 2002), pp. 20-21.

⁴⁹ See ‘Pentagon Studies Use of Blimps to Boost Security’, in *Los Angeles Times*, reproduced in *The Straits Times*, (13 Nov 2002), p. 19. For a report on the Coastal Area Protection System (CAPS) by the USN’s Naval Sea Systems Command (NAVSEA), see ‘Naval Force Protection in an Asymmetric World’, in *Jane’s Navy International*, (July/August, 2002), pp. 10-17.

be deployed to enhance *right-on-time* precision ‘continuum-of-force’⁵¹ maritime security capabilities. For many international navies, the mission of Homeland Security remains primarily about force protection. However, some like the US Navy may be called upon to conduct preemptive maritime operations *in extremis*; albeit *home and away*. By working closely with the intelligence agencies and special forces, naval forces can now play an increasingly pivotal and specific role in preemption.⁵² By aiding the targeting, delivering precision firepower or special forces from the sea, modern naval forces by virtue of their sustained in-theatre presence and flexible operational capability are uniquely placed to provide discreet force projection coverage to fight the terrorism hydra wherever it may be around the world.

While the *hard power* of naval protection-projection (gunboat diplomacy) is critical in *sustaining* the fight, the *soft power* of naval diplomacy and humanitarian assistance/disaster relief should not be neglected. On-going outreach efforts by some navies to help uplift impoverished communities in littoral regions where maritime terrorists may roost should be stepped up. In a global era where ‘disconnectedness defines danger’⁵³, such naval outreach efforts are often welcome by the local populace and supported by regional governments. After all, such outreach efforts are an integral part of defence diplomacy and constitute the ‘front line’ in the fight against terrorism. Operationally, they can facilitate combined maritime security training, community building projects and even provide preemptive HUMINT on maritime terrorism activities. By winning the battle for hearts and minds, naval outreach projects and presence can undercut popular support bases for terrorists in susceptible

⁵⁰ The US Navy recently deployed specially trained sea lions in Bahrain to mount pier-side defensive undersea surveillance patrols against dangerous human intruders. See *NBC Nightly News*, (22 Feb 2003); See also Beth Daley, ‘Animal Recruits’, in *The Boston Globe*, (1 Apr 2003), p. C1 & C3.

⁵¹ A phrase borrowed from Bruce Stubbs & David Nelson, ‘The Coast Guard Seizes the Moment’, in *Seapower*, (June 2001), Vol. 44, No. 6, pp. 47-49. See also Admiral James M. Loy, ‘Always Prepared – The Coast Guard’s Continuing Role in Homeland Security’, in *Journal of Homeland Security*, (3 Feb 2003), available at <http://www.homelandsecurity.org/journal/Articles/displayarticle.asp?article=55>.

⁵² In a vivid example of the highly precise and ‘personalized’ power of preemption, six suspected Al-Qaeda operatives were killed on 3rd November by a hellfire missile launched from a remote-controlled CIA predator aircraft as they rode in a vehicle 160 km east of Yemen capital Sanna. In another sea change, US navy commandos reportedly conducted a 10-day anti-terror exercise aboard a former nuclear-armed submarine – USS Florida – in January 2003, to study ways to clandestinely confirm and eliminate terrorist cells involving long-range multiple raid missions. Three other former Trident-class sister subs – USS Ohio, US Michigan and USS Georgia - are being converted to carry cruise missiles and to transport SEALs. For a good succinct account of the key roles played by specific-mission action groups, expeditionary forces, battle groups and prepositioned ships in the ongoing US naval transformation, see Rear Admiral Rodney Rempt, ‘President’s Forum’, in *Naval War College Review*, Vol. LV, No. 3., (Summer, 2002), pp. 5-7. & ‘NWC Critical in Supporting War Efforts On Many Fronts’, in *The Newport Link*, (January 2003), p. 1; See also ‘Commandos Train on Sub in Caribbean’, in *USA Today*, (27 Jan 03), p. 12A, and Donald H. Rumsfeld, ‘Transforming the Military’, in *Foreign Affairs*, Vol. 81, No. 3., (May-June 2002), pp. 22-32.

⁵³ Thomas P.M. Barnett, The Pentagon’s New Map: It Explains Why We’re Going to War, and Why We’ll Keep Going to War’ in *Esquire*, (March 2003) available at <http://www.nwc.navy.mil/newrulesets/ThePentagonsNewMap.htm>

and unstable littoral communities. Thus, naval forces have an important contribution to make in this critical aspect beyond traditional defence diplomacy.

Integrated Coastguarding & Customs Border Protection

Notwithstanding ongoing debates over polemics such as that over *posse comitatus* and the *Patriotic Act* in the US, the military forces of many countries post 9-11 have assumed a more proactive posture in enhancing homeland security on many fronts. Therefore, any effort to secure the homeland from the sea does not rest on the shoulders of the navy alone. The broadsword of the military is not the only tool of national power to resolve security challenges. Defence against sinister terrorist threats in the congested sea of global commerce will require more than military force protection and joint land, sea, air and space operations. Other agencies need to be brought onboard. Close interface with civil port and maritime authorities like the Coast Guard and Customs Services is also vital. But this is a point that cannot be overstated enough.

In many countries, the critical work carried out by the Coast Guard and Customs services often falls outside the public eye. For example, in the largest homeland-defence and port-security operations since World War II, the US Coast Guard mobilized more than 2,000 Reservists immediately after the Sept 11 terrorist attacks. In January 2002 alone, the US Coast Guard conducted 30,000 port-security patrols and 3,000 air patrols, boarded 1,792 high-interest vessels and escorted 5,112 vessels in and out of ports.⁵⁴ Such pier-side security activities come on top of the traditional responsibilities of the US Coast Guard regarding border patrols in US coastal waters off the Caribbean in the attempt to stem the tide of illegal immigrants from Haiti, the Dominican Republic and Cuba, as well as the elusive ‘go-fast’ boats of drug smugglers.

At the risk of thinning the protection of the American coastline, the US Coast Guard sent ten cutters to support US Naval force protective operations in the Persian Gulf in early February 2003.⁵⁵

⁵⁴ The US Coast Guard protects the 95,000 miles of America’s coastline, including the Great Lakes and inland waterways, See *Soldiers: The Official US Army Magazine*, (May 2002), p. 48. Although the recent armed hijacking of a Cuban ferry boat, in a failed bid to gain entry into the US, was for political refugee reasons, it highlighted yet again the minefield of transnational maritime criminal avenues that international terrorists can exploit for more nihilistic ends. See Anita Snow, ‘Cuba Says It May Use Force to End Hijack’, in *The Boston Globe*, (4 April 2003), p. A10.

⁵⁵ US Coast Guard Law Enforcement Detachments (LEDET) had even been assigned onboard US Naval warships in the Arabian Sea in support of *Operations Enduring Freedom* and *Operation Southern Watch*. In timely recognition of the enhanced operations of the US Coast Guard in homeland defence and port security, the Bush administration has made significant increases in the US Coast Guard’s FY 03 budget. Anticipated future “budget plus-ups” will see the service benefiting from much-needed cash infusion. The US Coast Guard will benefit to the tune of more than US\$2.9 billion

Alongside enhanced US Coast Guard maritime border security initiatives involving port Vessel Traffic Information System (VTIS) integration, the US Customs has also made parallel alignments. With the launch of the *Container Security Initiative* (CSI)⁵⁶, *Customs-Trade Partnership Against Terrorism* (C-TPAT), *Operation Safe Container* and *Smart Border Initiative* in early 2002, the newly renamed US Customs & Border Protection has switched from its traditionally more narrow focus of domestic revenue collection to broader border-in-depth security enforcement worldwide



[Picture-Right]. All the programmes are designed to involve the private sector in making the supply chain more secure. It has also started the so-called National Targeting Center⁵⁷ charged with the unenviable task of risk profiling and targeting the six million containers that enter the US annually for WMD. Both the US Coastguard and US Customs & Border Protection are now integrated into the new US Department of Homeland Security.

Many countries have also made major organizational and structural adjustments to their government agencies and have taken measures to strengthen their domestic inter-agency maritime security co-ordination and cooperation. For instance, Singapore merged the Singapore Immigration & Registration (SIR) and Customs & Excise Department (CED) to form the Immigration & Checkpoints Authority (ICA) on 1 April 2003. The merger brought together immigration control and clearance performed by the former SIR and enforcement work performed by the former CED at the various land, air and sea checkpoints throughout Singapore. At sea, the COASTAL COMMAND of the Singapore Navy works hand-in-hand, round-the-clock, with the Police Coast Guard and



including US\$1.2 billion for waterway security operations. Nearly US\$600 million will be available for interdiction activities; another US\$725 million will become available for long-overdue capital programme improvements. The US Coast Guard will receive in total about US\$73 million more in 2003 than the previous year for its homeland security-related enforcement activities. See John G. Roos, 'No Easy Fixes: First Homeland Security Budget Reveals Scope of The Job Ahead' & Marty Kauchak, 'FY03 Coast Guard Budget Delivered: Is It Large Enough and Is the Mix Right?', in *Armed Forces Journal International*, (April 2002), pp. 58-63 & 21; 'Middle East Maritime Embargo Patrols Maintain Pressure', in *Jane's Navy International*, (Jan/Feb 2003), pp. 10-13; Daniel Klaidman & Evan Thomas, 'Anatomy of the Threat', in *Newsweek*, (24 Feb 2003), pp. 24-31.

⁵⁶ For a detailed discussion on the global ramifications of the CSI, see my 'Not Yet All Aboard...But Already All at Sea Over CSI', (Nov 2002) available at <http://www.homelandsecurity.org/journal/Articles/displayarticle.asp?article=79>; (Oct 2002 version) available at <http://www.ntu.edu.sg/idss/WorkingPapers/WP35.pdf> - paper presented at the 12th Council for Security Cooperation in the Asia Pacific (CSCAP) Maritime Cooperation Working Group, (10 Dec 2002, Singapore).

⁵⁷ See Mark Hosenball & Evan Thomas, 'High-Seas Hunting', in *Newsweek*, (23 Dec 2002), p. 45.

Maritime Port Authority to preserve the safety and security of Singapore's vital waterways for all mariners [Picture-Above].

For all practical purposes and intents, the evolving maritime security *ménage à trois* - naval force protection/projection, Coast Guarding and Customs Border security - will need to be both *multi-agency* and *multilateral* in nature. Beyond domestic restructuring⁵⁸, any multi-agency effort in strengthening homeland security affairs must not be episodic or ad hoc, but sustained and strategic. There is therefore an urgent need to cultivate strong networks to fight *and* prevail over sinister networks.⁵⁹ For this to materialize, concrete multilateral maritime security cooperation in the littorals and high seas must be an operational imperative. Given the amorphous and diffused nature of the threat, no single country or agency will be able to stem the emergent threat of maritime terrorism effectively without the aid of close allies and strategic partners. This especially so when the urgent mission of fighting terrorism should rightly define the coalition *and* urgently unite all concerned nations of the international community. The diplomatic imperative is for countries to forge consensus over common interests and eschew unilateral actions that may shrink, not widen such coalitions of the willing.

Riding on the Wave of Strategic Opportunities & Anti-Jolly Roger Initiatives

In this regard, the war on global terror has focused sharply the strategic maritime orientation of many countries. The oftentimes polemical ‘Four-star foreign policy’⁶⁰ long exhibited by the US Combatant Commanders (formerly known as CINCs) in their respective regional commands will continue to be a key driver in security community-coalition building. For example, in the Asia Pacific, the “unique role” assumed by the Combatant Commander of U.S. Pacific Command “in working the security arrangements that underpins the region’s strong record of structural stability over the past quarter century”⁶¹ is likely to continue, if not enhanced, in the common fight against global terrorism. While

⁵⁸ The recent milestone US decision to form a Department of Homeland Security with 170,000 staff from 22 agencies represents an ambitious attempt at integrating the key national instruments of power to combat global terrorism.

⁵⁹ A phrase inspired by John Arquilla & David Ronfeldt; See John Arquilla, ‘It Takes a Network’, in *The Los Angeles Times* (25 Aug 2002); also available at <http://www.rand.org/hot/op-eds/082502LAT.html>. See also John Arquilla & David Ronfeldt (eds.) *Networks and Netwars: The Future of Terror, Crime and Militancy*, (US, RAND, 2001).

⁶⁰ Also variously described as *Parallel Diplomacy*. See William Praff, ‘The Praetorian Guard’ in *The National Interest*, (Winter, 2000/01), pp. 57-64; Dana Priest, ‘The Proconsuls: Patrolling the World: A Four Star Foreign Policy?’ in *Washington Post*, (Sep 2000), p. 28; and her, *The Mission: Waging War and Keeping Peace with America’s Military*, (New York: WW Norton, 2003); and Richard H. Kohn, ‘The Erosion of Civilian Control of the Military in the United States Today’, in *Naval War College Review*, Vol. LV, No. 3., (Summer, 2002), pp. 9-59.

⁶¹ Thomas P.M. Barnett, ‘Asia: The Military-Market Link’, in *Proceedings*, (January 2002), pp. 53-56, available at <http://www.nwc.navy.mil/newrulesets/AsiaTheMilitary-MarketLink.htm>

on a tour of six Asian and Pacific nations in November 2001, former US Pacific Commander ADM Dennis Blair publicly urged Indonesia, Malaysia and Singapore to work closely to prevent terror attacks on shipping in the Malacca Strait. He disclosed that many nations had offered to participate in the Malacca Strait patrol and that the US was interested in exploring further such an avenue.⁶²

For quite sometime now, neighbouring coastal states have been conducting bilateral maritime patrols (Indonesia-Malaysia and Indonesia-Singapore) in the Malacca and Singapore Straits respectively. The prospect of widening the operational scope of such bilateral patrols to include extra-regional powers in a more joint multilateral setting still appears to be politically ambivalent, tentative and outwardly low-key, given latent territorial sovereignty sensitivities and traditional waterway jurisdiction concerns of the coastal states. Despite the guarded stance, it should not unduly hamstring greater intelligence sharing with the US and other friendly navies patrolling the Malacca Straits to fight piracy and prevent maritime terror attacks. Growing worries over the convergence between piracy and terrorism activities provide the overarching operational impetus for greater multinational cooperation. However, the challenge of expanding bilateral patrols to joint multilateral patrols is contingent on the political alignment of threat perceptions and the operational capabilities of the various coastal state parties.

By working closely with US PACOM in recent years, countries like Japan and India have capitalized on the anti-terror campaign to further establish their maritime presence in areas like the South China Sea and Malacca Straits. The Japanese have been quick to deploy SDF surface combatants to lend non-combat support to the US-led global antiterrorism campaign. They have also deployed Japanese Coast Guard vessels into the Southeast Asian waterways.⁶³ There are mounting domestic pressures and justifications for Japan to play a more active role in safeguarding the Southeast Asian waters, particularly as the Indian Ocean and Malacca Straits are very important economic lifelines for the daily transit of Japanese tankers and cargo vessels. Riding on its ‘Look East’ Policy of engaging the Southeast Asian states, India too has also lent signaling support to the US efforts in *Ops Enduring*

⁶² See *AP*, (27 Nov 01).

⁶³ In addition, the Japanese have also been quick in announcing that the Japanese Coast Guard would send its vessels to India and Singapore to carry out joint drills against terrorist attacks on tankers and cargo ships in the region; although such unilateral moves do not appear to have been endorsed bilaterally or multilaterally in some cases. Cited in ‘Japan to Hold Anti-Terror Drills with India, Singapore’ in *Shipping Times of The Business Times*, (21 Oct 2002), p.1. Three warships from Japan’s Self-Defence Force made a goodwill visit to Malaysia on 10 Mar 03. The three ships are from the escort division of Japan’s Self-Defence Force. They are destroyer JMSDF Inazuma, JMDS Asagiri and JMSDF Asakaze. It was not confirmed how many days the warships would be in port or where they were headed from Malaysia. It is rare for Japanese warships to call in Malaysia. (AFP) ‘Three Japanese warships to make rare goodwill visit’, in *The Straits Times* (10 Mar 03).

Freedom by sending warships to provide naval escorts of key US military and commercial support vessels plying the Malacca Straits.⁶⁴ It has also stepped up its operational turn-a-round deployments in the South China Sea area with major surface combatants in recent years.

Fledgling *ad hoc* bilateral anti-piracy cooperation continue to serve as a natural and politically convenient platform for sustained major power engagement in the Southeast Asian region. Over the past few years, the Japanese government has been busy canvassing regional Southeast Asian states to support its proposal for a more coordinated *Regional Cooperation Agreement Against Piracy* (ReCAAP). Seizing the operational initiative, the Japanese Coast Guard has been equally quick to ride on strategic opportunities to stage anti-piracy exercises with regional counterparts with the stated aim of enhancing the capability of each in combating piracy both at ports and on the high seas. As a case in point, Coast Guard personnel from the Philippines and Japan undertook a one-day joint exercise in Manila on 31st October 2001. The exercise deployed the PCG's search and rescue vessel *BRP San Juan* in response to piracy attacks along with JCG's patrol vessel Mizuho. It tested the response capability of both countries to piracy emergencies and the establishment of a communication network between the participating units. The exercise also simulated a rescue operation involving a drifting lifeboat with survivors, including joint operations in search, hot pursuit, interception and boarding.⁶⁵ Barely two months later in the Gulf of Thailand off Pattaya on 12th December 2001, the Japanese Coast Guard and the Thai Marine Police launched a joint anti-piracy exercise. The exercise was designed to promote cooperation between the police forces of the two countries in combating increasing piracy in Thai waters. About 100 Thai Marine Police officers and eight patrol boats joined about 50 members of the Japanese Coast Guard and a helicopter-carrying patrol vessel, *Ryukyu*, in the exercise.⁶⁶ While it is evident that Japan is beginning to unshackle itself from its post-war 'peace' constitution⁶⁷ and traditionally low-key/limited security cooperation with the (increasingly receptive) Southeast Asian states, residual fears of a resurgent Japanese militarism

⁶⁴ India is said to have taken on the 'escort job' only after a couple of countries in the region declined the task. As New Delhi sees it, the 'escort job' was a tangible contribution to the American anti-terrorist war and strengthens India's credentials as the new U.S. ally not only in South Asia, but also in neighbouring South-East Asia. See Amit Baruah, 'Only 'escort duties' in Malacca Straits', in *The Hindu*, (23 Apr 2002).

⁶⁵ See *Fairplay Daily News*, (18 Oct 2001).

⁶⁶ See *BGP*, (12 Dec 01).

⁶⁷ Article Nine of Japan's postwar 'peace' constitution, which 'forever' renounced war and the threat or use of force, is being challenged by new calls from within Japan for constitutional reform. Her quest to be a 'normal' state has also been prodded along by her American ally's support for her to shoulder some limited form of peacekeeping duties under the auspices of the United Nations. Such calls have been gathering momentum as the U.S. administration continues to re-calibrate its focus on enhancing closer strategic ties with Japan (and Taiwan) under the aegis of the much-touted Theatre Missile Defence (TMD) system and its global war of terror.

is still a deep-seated concern⁶⁸ for many states in the region. It remains a historical bugbear that the Japanese will need to be overcome.

Another major step to help curb widespread piracy in the Andaman Sea saw warships and aircraft from India and Indonesia conduct their first-ever joint coordinated patrols (codenamed PATKOR INDINDO) along the international maritime boundary line on the Andaman Sea on 2nd September 2002. No less significantly, in a first-ever test case of piracy to go on trial in India, the Indian court assumed jurisdiction over a crime committed outside Indian waters recently and imposed a tough deterrent sentence on the culprits. Citing *Article 105* of the *United Nations Convention on the Law of the Sea*, which empowers any state to seize a ship or aircraft taken by pirates and decide on penalties, India imposed seven years' jail with hard labour on the Indonesian pirates who hijacked a Japanese freighter.⁶⁹ In the same month of February 2003, a Chinese court meted out prison terms of up to 15 years to 10 Indonesian pirates. With piracy in the high seas hitting record numbers in the first three months of 2003, it is hoped that the landmark decisions by courts in China and India in imposing stiff prison terms will help curb the maritime menace.

China is adopting a proactive stance as well. A PLA Navy ship, *Taicang*, conducted an anti-piracy exercise while transiting the Malacca Straits for the Indian Ocean on 28th May 2002. With the increase in the long-range projection capabilities of the rapidly modernizing PLAN, Chinese vessels can be expected to seek out more operational avenues with regional partners for maintaining a strategic presence in the Southeast Asia region and its strategic waterways. In due course, regional anti-piracy or anti-terror cooperation might figure prominently for the Chinese. This is particularly significant as China's global shipping trade links grow and the world's merchant ships converge at her coastal ports transit through the vital SLOCs in the Southeast Asian littorals.

⁶⁸ See Shuku Ogawa, 'The Difficulty of Apology: Japan's Struggle with Memory and Guilt' in *Harvard International Review*, (Fall, 2000), pp.42-46. See also Phar Kim Beng "Sorry Seems to be the Hardest Word for Japan" in *The Straits Times*, (12 Oct 2000), p. 45; Francesco Sisci, 'Removal of Rape of Nanking Monument Sparks Fury' in *The Straits Times*, (16 Dec 2000), p. A4.

⁶⁹ The Indonesians were sentenced to seven years of 'rigorous imprisonment' - India's equivalent to hard labour - after they were found guilty of 11 charges relating to their hijack of *Alondra Rainbow* on 22 Oct, 1999. The pirates set the ship's crew adrift a week later and repainted and renamed the vessel to *Mega Rama*, before being stopped by Indian authorities three weeks after the hijacking. See 'Indian Court gets Tough with Pirates who seized Japan Ship', in *The Straits Times*, (2 Mar 03). For a robust argument that individual nations have a right to try and punish the pirates because they are enemies of *al hotis humani genesis* and merit being treated as criminals regardless of their nationality, see Vijay Sakhija, 'Maritime Order And Piracy', available at <http://www.idsa-india.org/an-aug-500.html>

In sum, the disparate efforts to ride on the wave of anti-piracy initiatives need sharper focus in an era of global terrorism. Singapore's Deputy Prime Minister and then-Defence Minister Tony Tan has called for an 'integrated multi-dimensional approach' towards enhancing maritime security. He asserts that it involves security agencies, as well as port authorities, international organisations and industry players. Such an approach should also seek to improve coordination in "basic areas" such as the exchange of information, and build on extant and fledgling regional anti-piracy cooperation efforts: "we should try to build on regional anti-piracy frameworks that already exist or are starting to come into place...We have been dealing with the problem of piracy for some time, and there are methods and tactics associated with terrorism which we can identify, and put in place preventive measures."⁷¹ Indeed, the scope for coordinated bilateral and multilateral patrols in international waterways has been enlarged and enervated by the ongoing war on terror.

Notwithstanding complex political and international legal regime challenges that remain unresolved, the allied naval interception of North Korean scud missile bound for Yemen in mid-December 2002 had shown that multilateral cooperation in Maritime/Leadership Interdiction Operations⁷² (MIO/LIO) on the high seas to fight terrorism and WMD proliferation will remain a high priority for some time to come. During his trip to Poland on 31 May 2003, George W. Bush announced a new drive against weapons of mass destruction - which would permit searches of suspect cargo on planes and ships and seizure of materials useful in the manufacture of such arms. The plan to fight the spread of nuclear, biological and chemical weapons has been called the *Proliferation Security Initiative* (PSI) allows suspect cargo on planes and ships to be searched and gives the authorities the power to seize materials used in producing weapons of mass destruction. In a quick follow-up with an international show of force, the US had North Korea's nuclear programme in mind when it launched the much-touted the 'global initiative with global reach' in the high seas off the coast of Australia in mid-September 2003⁷³.

⁷¹ David Boey, '3 Singapore Ideas for Boosting Maritime Security', in *The Straits Times*, (2 Jun 2003). See also excerpts of DPM Tony Tan's speech – 'Policing the Sea is a Job for Everyone', reproduced in *The Straits Times*, (3 Jun 2003).

⁷² The North Korean freighter *Sosun* - found to be carrying 15 Scud missiles, conventional warheads and rocket propellant under a cargo of cement after it was stopped in December 2002 by US and Spanish naval vessels in the Arabian Sea was registered in Cambodia. It was searched but then allowed to proceed to its destination in Yemen. For a closer insight and analysis of MIO, see Houlihan, 'Policing the Gulf', in *All Hands*, (Mar 2003), pp. 20-27 & Alexander E. Carr, *Maritime Interdiction Operations in Support of Counterterrorism War*, (Newport: NWC JMO Research Paper, 4 Feb 2002), pp.1-20.

⁷³ The 10 countries that joined the United States in the exercises were Australia, France, Germany, Italy, Japan, the Netherlands, Poland, Portugal, Spain and Britain. See '11 Nations Plan Exercises to Intercept Banned Weapons', in *The Straits Times*, (20 Aug 2003).

For a start, four countries took part in the inaugural naval exercise involving 800 military and law enforcement personnel carrying out joint-combined maritime interdiction of WMD-related arms shipments with air, land and sea elements in the Coral Sea [Picture-Right]. Forces from Japan, the United States, Australia and France hunted down a ‘rogue freighter’ in exercise ‘Pacific Protector’, with a crew rappelling onto the vessel from helicopters after a two and-a-half hour chase off the north-east coast of Australia⁷⁴. It was to be the first of ten such joint exercises planned by the 11 nation PSI.⁷⁵ By reaching beyond multilateral exercises, such ‘assertive’ operational initiatives to regularize the interdiction of suspect maritime shipping could well encroach into sovereign maritime and aviation spaces, not to mention polemical issues of international legality. That being the case, the PSI initiative can be expected to face considerable political hurdles. Despite US assurances that the PSI is “consistent with national and international authorities”⁷⁶, China has criticized the legitimacy of the PSI, arguing that contravenes international law. Meanwhile, North Korea has condemned the exercises as ‘blatant provocation’ and any attempt at a ‘blockade’ is viewed as a hostile act.⁷⁸



Away from the high seas and closer to the shore line, many littoral states like Malaysia and Singapore have also stepped up pier-side security and sea patrols in their respective backwaters (the Malacca and Singapore Straits) to deter and prevent maritime terror attacks in a region now considered by some to be a second-front in the war on terrorism *post Bali 12 Oct 2002*. Singapore has gazetted certain key areas within the port of Singapore as prohibited or ‘No-Go’ areas, with restrictions that cover the approaches to sensitive facilities used by tankers⁷⁹ [Picture-Right]. Singapore naval vessels have also



⁷⁴ See ‘Exercise Sends Warning Against Arms Shipments’, in *The Straits Times*, (15 Sep 2003), p. 13.

⁷⁵ See ‘Hurdles in way of US Plan for Cargo Searches’, in *The Straits Times*, (2 Jun 2003).

⁷⁶ John Bolton, US undersecretary of state for arms control and international security, cited in ‘US to search ships for WMD’, *BBC News.com* (5 Sep 2003).

⁷⁷ John Bolton, US undersecretary of state for arms control and international security, cited in ‘US to search ships for WMD’, *BBC News.com* (5 Sep 2003).

⁷⁸ Patrick Goodenough, ‘Board-and-Search Exercises Set to Begin’, *CNSNews.com* (9 Sep 2003).

⁷⁹ Donald Urquhart, ‘No-Go Zones Already In Place in Singapore Waters’, in *The Business Times*, (21 Oct 2002), p.1

conducted selective maritime naval escorts for High-Interest Vessels transiting the Singapore Straits by working closely with Singapore's Maritime and Port Authority and the Police Coast Guard. Bilateral anti-piracy patrols with the Indonesian Navy continue in earnest. Malaysia has also stepped up sea border patrols with the Philippines and has instituted new sea-lanes in the waters off East Malaysia (Sabah) to better regulate and monitor sea traffic after the spate of cross-border terrorist kidnapping and arms smuggling activities in the area. A common feature of such stepped-up backwater patrols is the renewed emphasis on close civil-military, multi-agency cooperation, with enhanced scope for intra/extraregional bilateral or multilateral cooperation.

Australia has unveiled a new US\$ 3.25 million antiterrorism aid package to help boost the presence of Australian soldiers and policemen in the Philippines. Part of the aid would be used to beef up security at Philippine ports and its poorly policed waters.⁸⁰ Although it is said that Australia does not appear to have a grand plan to project power into the Southeast Asian region, it is nevertheless convinced that such bilateral tie-ups would help to secure its national security interests by better safeguarding its sprawling northern sea border.

Towards a Watertight Shipping Industry Security Community

Besides state-centric opportunities for multi-agency and multilateral cooperation in areas of operational overlap, the shipping community as keen stakeholders have also proposed radical industry-wide measures to safeguard the global maritime trading domain. In what has been touted as "the most radical security plans in the shipping history" drawn up under the auspices of the London-based International Maritime Organisation (IMO), ships passing close to 'rogue states' or through high risk regions are offered armed troops or sea marshals and military escorts. The measures also include the stationing of on-board security staff (Ship Security Officer/Sea Marshals) and tightening protection at ports with robust security plans and regular vulnerability-readiness assessments. In particular, vessels passing close to, or docking within states suspected of containing Al-Qaeda cells are offered military protection. The responsibility of providing assistance and the determining of security levels fall to the nearest contracting coastal states.

Ships the world over are gearing up for compliance with the International Ship and Port Facility Security Code and amendments (Chapter V & XI-1/2) to the Safety of Life at Sea (SOLAS) Convention which come into effect from 1st July 2004. The UN's International Maritime

⁸⁰ Melissa Roberts & Erin Prelypchan, 'The Aussie Posse', in *Newsweek*, (11 August 2003), pp. 18-19.

Organisation adopted the Code and amendments to the SOLAS Convention at its diplomatic conference in London in December 2002. The new regulations require governments, port authorities and ships to implement enhanced security measures and promulgate the appropriate security levels according to the prevailing threat condition. The amendments include the installation of automatic identification systems on ships, and require a ship-to-shore alert system to signal emergencies, and other security measures on vessels and ports.⁸¹

As of May 2003, shipping lines using Singapore have a year to improve security on their ships and in their companies to keep abreast of tough maritime security measures outlined by the International Maritime Organisation (IMO). Failure of shipping lines to comply with the new regulations, risk delays in cargo handling or may even be banned from entering the port. The tough measures form part of efforts spearheaded by the IMO, the world's governing body for merchant shipping, to help shipping lines thwart nightmare scenarios like having weapons of mass destruction shipped by terrorists on a merchant ship. The rules are intended to frustrate attempts by terrorists to disrupt global trade by attacks on seaborne commerce, or endanger coastal cities by turning the highly flammable cargo aboard oil or gas tankers into lethal weapons.⁸² The effectiveness of such international schemes remains to be seen. But the urgent focus given by the world's shipping community against piracy-brigandage and maritime terrorism is of no small significance, and should be supported by all parties concerned.

Conclusion: Setting Convergent Course for Concerted Action

To confront the threat of terrorism in the littorals and on the high seas, effective responses cannot be unilateral or disjointed. Multi-agency and multilateral action is required. This must be coupled with

⁸¹ See 'Armed Escorts for Ships in War on Terror', in *The Straits Times*, (9 Dec 2002), p.4. & 'Keeping the Seas Safe', in *The Straits Times*, (22 Jan 2003).

⁸² The IMO adopted the wide-ranging *International Ship and Port Facility Security Code* in December 2002 and it takes effect from July 2004. The job at hand for the IMO is vast. In the next 12 months or so, it has to ensure that an estimated 30,000 to 40,000 merchant ships and up to 20,000 port facilities worldwide are updated on its new regulations. The New guidelines include the following: Use of better lighting or surveillance equipment to protect ships; Advising sailors on how to respond if their ship comes under attack; Ports to introduce security training and drills, and check security at entry/exit points; Ship owners must have details of the people or organisations that appoint and employ crew members on their ships; Shipping firms must have a shore-based 'company security officer' for each ship; Each ship will also have aboard its own 'ship security officer'. See David Boey, 'Shipping Lines Face Tighter Rules', in *The Straits Times*, (6 May 2003), p. 1.

a sharp focus on the early preemption and hot pursuit of maritime terrorists. It is equally important to recognize that the war against terrorism is not a fleeting concern. Conflict these days spans the gamut from conventional to unconventional warfare, and force protection-projection operations against asymmetric threats (posed by non-state *and* state actors) have become part and parcel of contemporary and future war fighting missions that all militaries must be prepared for. On a sanguine note, an emergent consensus on implementing a more muscular anti-terror approach against suicide/asymmetric threats on the high seas and littorals looks set to become the *defining global maritime security issue* of our times. As Geoffery Till has well-noted, the major function of the navies of the 21st century will be to cooperate in the policing of the globalized world albeit by arriving at a “maritime bargain in defence of the globalized trading system”, with the USN, acting like ‘a system administrator’⁸³, in the lead role. Such naval cooperation may yet signal “a return to the preoccupations of the Royal Navy of the 19th century, where such things as the suppression of the slave trade, action against piracy and maintaining law and order in the coastal zones ranked amongst its main task”⁸⁴.

The unenviable role of being a ‘system administrator’ (read: global policeman) will no doubt be plagued by controversy over leadership and legitimacy issues, such as those over the PSI, and challenged by both detractors and contenders alike. And despite any step-up in multilateral international cooperation, navies will never be ‘de-nationalized’ insofar as their respective *raison d'être* are contingent on individual national interests and objectives. But common global maritime interests can now make a stronger strategic pitch, symbiotically and side-by-side with narrower national ambitions and conventional naval missions of the Mahanian and Corbettian kind. They need not always be mutually exclusive; often, they are not.

The Mahan dictum suggests that control of the sea by maritime commerce and naval supremacy accords a nation predominant influence in world affairs and underpins both the power and prosperity of nations. The post-Mahanian dictum, in the age of postmodern maritime terrorism, may well be that security of the sea for international maritime commerce and freedom of navigation accords a nation its continued stake in global affairs, and underwrites both the safety and survival of nations.

⁸³ See Thomas P. M. Barnett, ‘The Core and the Gap: Defining Rules in A Dangerous World’, in *Providence Journal-Bulletin* (7 Nov 2002), available at <http://www.nwc.navy.mil/newrulesets/The%20'Core'%20And%20The%20'Gap'.htm>; and Thomas P. M. Barnett & Henry H. Gaffney Jr., ‘The Global Transaction Strategy’, in *Transformation Trends* (16 Dec 2002), available at <http://www.nwc.navy.mil/newrulesets/TransactionStrategy.pdf>.

⁸⁴ See Geoffrey Till, ‘Seapower, The Indian Ocean and the 21st Century’ in his *Discussion Notes for IMF, USI and IDSA*, (unpublished, Feb 2002).

On that score, the inception of multi-agency and multilateral maritime force protection-projection serials - featuring pier-side protection, anti-mine and small boat clearance at sea in unconventional threat scenarios - into existing combined naval exercises, with joint civil-military interagency interaction can be one ready way to establish high degrees of intelligence-sharing, integrated contingency planning and interoperability from the lowest unit levels up. CARAT (Cooperation Afloat Readiness and Training) - the series of bilateral exercises between US PACOM and individual Southeast Asian military forces that takes place throughout the region annually can be a useful avenue for developing a more robust regional maritime security community with a multilateral anti-terrorism orientation. Sign-posting the opportunities ahead, the armed forces of Singapore and the United States included sea and land anti-terrorism drills for the first time at the recent ninth CARAT Exercise between the two nations in July 2003. In time to come, multilateral CARATs involving joint and combined civil-military forces may become a regular feature of the Southeast Asian regional military cooperation landscape. Although there will be political sovereignty issues and challenges of achieving the right level of interoperability between the respective national blue/brown water naval orientations, there is potential as well. Sensitivities can be managed and signature can be calibrated through candid mutual discussions with all partners involved.

Going beyond existing bilateral initiatives, bolder and more comprehensive multilateral steps in maritime security cooperation can begin by focusing on niche common interest areas like force-protection/concentration operations to counter asymmetric and unconventional threats at sea. These can later expand in scale and complexity to deal with more catastrophic maritime crisis scenarios incorporating ‘Terrorist incident-cum-Mass casualty Search and Rescue (SAR) exercises. In fact, members of the *Five Power Defence Arrangements* (FPDA) recently announced that they are exploring ways of adapting the security grouping to counter non-conventional threats such as piracy, illegal immigrants and terrorism, in a shift from the 32-year-old organisation’s original aim of defending Malaysia and Singapore from conventional external threats.⁸⁵ Admittedly, the character of multilateral action often lacks stamina and leans heavy on symbolism. This can be mitigated if countries can agree on common denominators of critical security interests and act together consistently on them by building upon established norms and habits of cooperation.

Second, in an era of ‘embedded media’⁸⁶, joint/combined civil-military combined operation/exercises worth their salt would do well to incorporate finely-calibrated perception management and strategic influence aspects in the anti-terror game plan to bolster public confidence. While the escort of oil tankers and increased naval patrols in international waters do not eliminate the threat of terrorism from the world’s shipping channels, good media coverage of regular maritime security exercises can have a positive effect of stimulating greater multi-agency cooperation amongst coastal states and reassure the shipping community. For all purposes and intents, the crux of a *deterrence-cum-denial-based approach* involves demonstrating that the capability to ward off or to minimize damage in the event of an attack mitigates the desired effects of terrorists.⁸⁷ Over time, such ‘hard-target’ enforcement profile and postures with the absence of untoward incidents make for psychologically important positive ‘incremental dividends’ in the broader fight against terrorism. Even if the deterrent messages may appear limited with ambivalent results, such exercises nevertheless signal international concern and political resolve to curb the tide of maritime terrorism.

Third, rigorous multi-agency ‘red-teaming’ to verify the robustness of maritime security regimes and identify critical home front vulnerabilities can be another common goal to aim for. The focus of such coordinated red-teaming should not just focus on hardening critical infrastructure, but also on second-tier softer targets like civil maritime community practices and infrastructure which can be vulnerable as well. It follows also that red-teaming probes should not just deal with first-order magnitude contingencies but also account for any potentially crippling cascading shock effects throughout the infrastructure vulnerability chain from hot-button incidents. By leveraging on the highly specialized interagency expertise, unique comparative advantages and interested perspectives of the various maritime security agencies - like those from the naval, coastguard, customs and even the mercantile community – red-teaming can help to pool resources to conduct holistic impact studies involving critical vulnerability analysis with downstream implementation of remedial measures. It also helps the individual agencies break out of a reactive ‘fire-house’ mentality by institutionalizing mechanisms for instilling a more proactive culture of cross-agency vulnerability probing. Thus, tapping upon the relevant expertise of ‘private security service providers’, a growing global industry,

⁸⁵ The five member countries of FPDA are - Australia, Britain, Malaysia, New Zealand and Singapore. See Leslie Lau, ‘FPDA Ready to Evolve to Meet Threat of Terrorism’, in *The Straits Times*, (3 Jun 2003).

⁸⁶ *Embedded Media* in the US-Iraq War has been credited for giving reporters and the public a better understanding of the armed services and how they operate, with a better appreciation of men and women in uniform. *Embedded Media* for Military Operations Other Than War (MOOTW) is another useful avenue for such info-outreach efforts.

⁸⁷ See Wyn Q. Bowen, ‘Deterring Mass-Casualty Terrorism’, in *Joint Forces Quarterly*, (Summer, 2002), pp. 25-29.

might also prove to be useful in sharpening red-teaming focus while broadening the scope for inter-agency cross-training.

Fourth, naval civil assistance programmes in littoral communities that straddle vulnerable waterways should be stepped up to promote security through community building. Besides gathering better HUMINT on potential threats, such goodwill defence diplomacy efforts would also help to mitigate concerns or resistance by some coastal states to the surge in the presence of policing forces in the region, especially by extra-regional actors.

Fifth, multinational civil-military technology collaboration can hasten the quest for better and more cost-effective innovative security solutions⁸⁸ to counter the spectrum of maritime threats. Rapid insertion of new technologies for better detection and deterrence can also encompass joint capacity building in CBRNE (Chemical, Biological, Radiological, Nuclear, Explosive) detection/crisis response capabilities between the different security agencies and industry players. Singapore, one of the world's busiest ports, is already installing a US\$ 840 million global satellite-based ship identification system as it joins an international effort to ward off a maritime equivalent of the September 11 terrorist attacks.⁸⁹ In fact, Singapore has been regarded as amongst the best prepared in implementing new measures to safeguard its ports and shipping community.⁹⁰ Of course, new counter measures, especially those involving emergent high technologies will entail substantial costs. And it is not entirely clear whether such countermeasures will not be overcome in time by determined terrorists. This thus makes such technology collaboration-application programmes a potentially expensive and indefinite undertaking; even if a necessary one under the circumstances.

Last but not least, extant fora like the *Western Pacific Navy Symposium* can be another useful professional platform for regional navies to shape a renewed anti-terror compact and anchor

⁸⁸ One recent security innovation endorsed by the International Maritime Bureau is an electric fence on a ship's deck that promises to protect cargo and crew against pirate boardings. It will give off a 9,000 volt shock at contact, enough to knock an intruder back into the water but without killing him. Experts have described it as a breakthrough in maritime security. See 'Security At Sea' in *The Straits Times*, (4 Feb 2003).

⁸⁹ See 'Satellite-based Ship Tracking System Soon', *The Straits Times*, (22 Jan 03).

⁹⁰ "In Asia, preparations for introducing the plans...vary from country to country. But Singapore is certainly among the best prepared" – Michael Richardson, former senior correspondent for the International Herald Tribune, cited in Ansar, *Op Cit.*

commitment to enhanced multilateral maritime security cooperative regimes and joint operational protocols. Such professional fora as well as wider political ones like the ASEAN Regional Forum (ARF) should be strengthened to forge consensus and coordinated action against emergent maritime security threats. In the end, the onus is on the world's navies, maritime security agencies and shipping communities to sharpen their respective strategies and capabilities with the necessary resource allocation.

It is partnership and not unilateralism or dependency that is the key. To prevent further fireballs on the water from exploding in the first place, it is high time for all concerned maritime nations and shipping communities to work together to overcome any political-operational cross currents that may slow down multi-agency and multilateral cooperation. Cooperation against piracy on the one hand, with counter-maritime terrorism activities on the other is not a mutually exclusive endeavour. Together, they mutually reinforce and strengthen the global nexus of maritime security enforcement. This global nexus is strengthened by the three-pronged approach of greater interagency cooperation, forward-leaning bilateral agreements and proactive multilateral interstate arrangements. Terrorist attacks at sea *and* at port may be infrequent or episodic in occurrence in comparison to commonplace piracy or even terror attacks on land, but they can recur with more horrifying cataclysmic consequences than those seen so far. In an age of WMD proliferation, future terror attacks ave the potential to dwarf even the *shock and awe* of September 11. With little sea-room for strategic slack, there should be no let up in the momentum for concerted maritime efforts to roll back the global waves of terror... from the sea.

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