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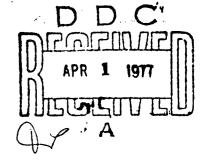
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BY

LIEUTENANT COLONEL JAMES M. CAIN INFANTRY



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These two significant bodies of water affect not only the balance of power and the economic well-being of Asia, but the longrange settlement of the legal and actual status of all of the 115 straits throughout the world. In doing research for this essay, (I have developed what I consider logical alternatives and made recommendations which should form the basis of United States policy for dealing with this complex problem.

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USAWC RESEARCH ELEMENT (Essay)

FUNNEL OF TROUBLE THE STRAITS OF MALACCA AND SINGAPORE,

by

Lieutenant Colonel James M. Cain Infantry

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US Army War College Carlisle Barracks, Pennsylvania 9 June 1975

ABSTRACT

AUTHOR: James M. Cain, LTC, Inf TITLE: Funnel of Trouble - The Straits of Malacca and Singapore FORMAT: Essay DATE: 9 June 1975 PAGES: 27

The primary concern of this essay is to review the strategic significance of the Straits of Malacca and Singapore as they relate to the overall problem of freedom of the seas.

Literature from the United States Army War College Library, the University of Washington Library, as well as material from the Seattle, Washington and King County Public Libraries were consulted.

The geography and history of the Straits of Malacca and Singapore have combined to produce an extremely sensitive situation, which is of vital interest to the major industrial nations of the world, as well as all nations in the eastern littoral of the Indian Ocean, or the southwestern littoral of the Western Pacific.

These two significant bodies of water affect not only the balance of power and the economic well-being of Asia, but the longrange settlement of the legal and actual status of all of the 115 straits throughout the world. In doing research for this essay, I have developed what I consider logical alternatives and made recommendations which should form the basis of United States policy for dealing with this complex problem.

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FUNNEL OF TROUBLE

Control, protection, and the movement of ships through the <u>Funnel of Trouble</u>, the Straits of Malacca, and Singapore, are vital for successful international harmony and the balance of power in Asia. The Straits are the keys in the door of the Indonesian Archipelago. The Archipelago forms a great crescent across the major lines of communication between the Pacific, South China Sea, and the Indian Ocean. This land barrier, and the narrow intervening bodies of water separating the Pacific and Indian Oceans, are therefore a target of any world power which has, or may have, special interests in the eastern littoral of the Indian Ocean or the southwestern littoral of the Western Pacific.¹

THE TROUBLE

The trouble stems from the status of the Straits of Malacca and Singapore. Are they or are they not international waterways? Also, to what extent are they subject to national or international control? "The problems ... are not local aberrations from a generally established law but ... anticipations of a new oceanic order."² On November 16, 1971, Indonesia, Singapore, and Malaysia jointly declared the Straits of Malacca and Singapore were not international waterways. However, they did recognize their use by international shipping in accordance with the "principle of innocent passage."³ George G. Thompson indicates that:

Passage is defined as "navigation through the

territorial sea for the purpose either of traversing that sea without entering internal waters, or of proceeding to internal waters, or of making for the high seas from internal waters." Passage is defined as innocent, "so long as it is not prejudicial to the peace, good order or security of the coastal state. Submarines are required to navigate on the surface and to show their flag."⁴

Malaysia and Indonesia have rejected the principle that the Straits of Malacca and Singapore are corridors of the high seas and, therefore, the same freedom of navigation enjoyed on the high seas does not apply to the Straits. Free and unimpeded movement through what they consider as their territorial waters is viewed as both a threat to their national security and an infringement of their sovereignty.⁵

UNITED STATES INTERESTS

Historically, the United States has long been one of the world's staunchest supporters of maximum freedom of the seas, and an advocate of the narrowest jurisdiction for coastal states.

Maximum freedom with minimum interference from coastal states is an important political principle, essential to free-flowing commerce and world peace. It promotes peace by eliminating a large area of the world from conquest and competition. It also reduces the likelihood of conflict between nations. This concept furthers United States interests in the areas of navigation, military deployment and scientific research.

The United States will resist, I believe, any new doctrine or

change to our traditional position that would permit a coastal state to exclude our military vessels, submarines, overflight rights, submarine detecting devices, or other defensive military activities. As a part of recent United States policy, we have indicated a willingness to extend the territorial sea of all nations to twelve miles, if it were done in concert with idea of total free transit through established international waterways.⁶

This idea of free transit would prevent the conversion of important but narrow international waterways, such as the Straits of Malacca, and Singapore, into territorial seas of coastal states which could impair the maritime movements of almost any nation in the world.

As cited by George G. Thompson, John Stevenson, United States Representative to the Sea-Bed Conference in August 1971, summarized the United States concern in these words:

> ... if coastal states were given a legal basis for impairing transit, virtually every country in the world would find its very economy dependent upon the political good will of some other state by virtue of geography.⁷

Direct United States interests in the region are both active and passive. Among the active interests are included assurance of passage and overflight rights for United States Armed Forces between the South China Sea and the Indian Ocean, protection of limited American investments in the area, and preservation of raw material sources in Malaysia. Passive interests of the United States include preservation of regional peace and security and

sustenance of the countries in the area, free of Chinese or Soviet hegemony.

There is evidence that some United States military leaders have considered our needs in the area to be vital. George Thompson points out that:

> The U.S. attitude on the internationalisation of the straits was stated categorically by Admiral Thomas Moorer, Chairman of the U.S. Joint Chiefs of Staff, who on April 7 told a press group in Washington that the problem was "one of the most serious we are now dealing with." "The U.S.," he said, "must have freedom to go through under and over the Straits of Malacca regardless of the Malaysian and Indonesian claims."⁸

The territoriality of the Straits of Malacca and Singapore provides a festering issue which could materially upset the peace of Southeast Asia; however, any conflict which can be envisioned now would involve an outside power or a consortium of such powers reopening the Straits and holding them open by force if necessary. Inasmuch as the Malaysian-Indonesian announcements on the question have retained, in every case, an exit through which the two governments can escape without the necessity of a showdown, it is unlikely the Straits issue will erupt into any kind of armed confrontation in the short-range period.⁹

It is the personal opinion of this writer that free passage through the Straits of Malacca and Singapore for United States vessels is a matter of prime interest to this country, and many other nations as well. It is necessary for our forces to have strategic mobility in order to maintain a balance of power in the

Pacific and Indian Oceans. Should this capability be denied, or bargained away, more "dominoes" would surely fall--or the stage would be set for a major conflict.

BACKGROUND

Historical

For centuries the Straits of Malacca and Singapore have held great strategic importance as an international waterway. However, until the post World War II era, the Straits and adjacent land mass had been controlled by one or another of the world's great maritime powers and therefore were not as subject to Regional pressures. But with the rise of Indonesia as a nation and the formation of the Federation of Malaysia, which included Singapore, and the subsequent separation of Singapore as an independent country, turmoil began to mount in the area.¹⁰

Indonesia, outraged over past and present smuggling in the Straits of Malacca, first charged the British, then Singapore and Malaysia, with aiding and abetting illegal trade for their own profit and enrichment. These charges, along with Indonesia's desire to become the dominate force in the control of the area, were factors which led to the confrontation with the Federation of Malaysia, which lasted more than three years. This confrontation not only placed in doubt prospects for a prosperous and peaceful Malaysia but it almost wrecked Indonesia, and repeatedly focused attention on the Straits as an extremely sensitive area. It

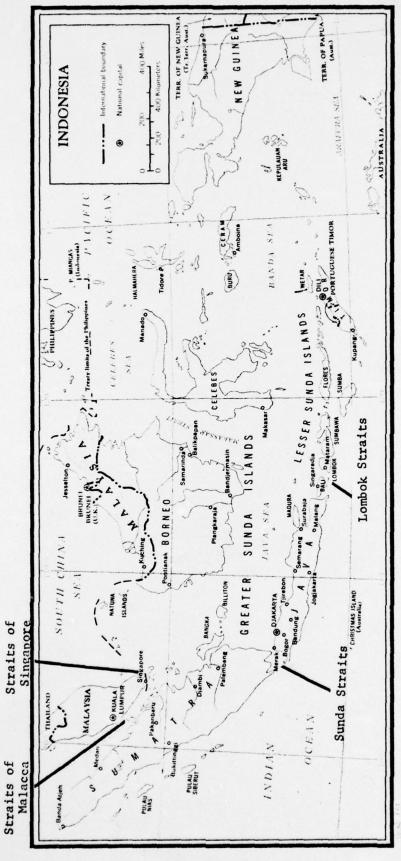
also brought into perspective a much more serious problem which could emerge when the British withdrew from their historic role as protector of the Straits.¹¹

However, after the British, in effect, left the area, Regional tensions relaxed and relations between Indonesia, Malaysia, and Singapore became more friendly.

Each country began to define its territorial waters based upon political, economic, and security needs and declared their sovereignty extended twelve miles beyond their land mass.¹² In the case of the Straits each country concerned agreed that where the width of the sea was less than twelve miles they would divide the claimed area in half.

The three-power statement by Malaysia, Singapore, and Indonesia of a common position on the Straits of Malacca and Singapore on November 16, 1971 triggered the Malacca Straits controversy which affects almost every maritime nation in the world.

Even a casual study of the map on the next page clearly reveals the areas of interest and conflict, and the strategic importance of the Straits we are talking about.





Geographic and Hydrographic

Indonesia and Malaysia form a great crescent across the major lines of communications between the South China Sea, the Pacific, and Indian Oceans.

The Indonesian Archipelago consists of 13,667 islands straddling the equator for nearly 3,000 miles from Sumatra in the west to the West Irian border in the east. The width in the east is about 1,000 miles from north to south, a total land area of approximately 730,000 square miles. The territorial claims under the Archipelago Doctrine include both land and sea areas of 3,364,000 square miles.¹³

Malaysia is made up of the northern portion of the Island of Borneo and a peninsula which thrusts south from Asia into the South China Sea.

There are three reasonable portals through the crescent to the Indian Ocean from the east. The Sunda Straits, the Lombok Straits, and the Straits of Malacca.

The Sunda Straits separate the Islands of Java and Sumatra. At its narrowest point it is divided by the Island of Sangiang into two channels each about four miles wide. Although the Straits are deep enough to handle all existing and planned_shipping, the currents in the area do present some problems to navigation. The Straits under the Archipelago Doctrine lie in what might be considered Indonesian territorial water and therefore passage could be subject to Indonesian regulations.¹⁴

The Lombok Straits are located farther east than the Sundra Straits. They separate the Island of Lombok and Bali. These Straits have depths which exceed 600 fathoms and at their shallowest point are at least 100 meters deep. They are twenty miles wide and can provide good, safe passage for all types of shipping. Restrictive regulation by Indonesia is also a threat in these Straits, since they too lie within internal Indonesian territorial waters.¹⁵

The most direct and practical route from the Pacific Ocean and the South China Sea to the Indian Ocean is through the Straits of Singapore and Malacca.

The Straits of Malacca lie between the Malay Peninsula and the Island of Sumatra, with the Straits of Singapore on the eastern entrance.

The Straits of Singapore are bounded by the Malay Peninsula and the Islands of Singapore on the west and the Riouw Islands on the east.

The 500 mile long funnel of the Straits of Malacca is 180 miles wide at the northwestern end but it narrows to no more than twelve miles near the southeastern end.

The Straits of Singapore are 60 miles long. The western entrance is about ten miles wide and the eastern entrance is approximately twenty miles wide. At its narrowest point the Straits are only two to three miles in width.

Nautical charts of the Straits were compiled by the British

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and Dutch in the nineteenth and the early twentieth centuries. More hydrographic surveys were made by the British in 1967 and the Japanese in 1969. In 1970 a four nation survey concentrated on the area southwest of Singapore where the main channel is only one mile wide. About the same time the British did a detail survey on a 185 mile stretch of the Malacca portion.

Many of the problem areas of the Straits have been located and marked.

There are four difficult navigational areas in the Straits. The most dangerous in the Malacca portion is off One Fathom Bank...where one lighthouse and one buoy stand guard over four unmarked shoals all less than six fathoms....

The second area is in the vicinity of Cape Rachado Lighthouse...where five unmarked shoals less than eight fathoms line the channel.

The third area is in the vicinity of Pulau Pisang Lighthouse...where there are five unmarked shoals of less than six fathoms.

The fourth area and most dangerous one in the Strait of Singapore is south of Raffles Light. The area is normally congested with coastal traffic and numerous fishing vessels bound in and out of Singapore. Deep draft vessels have a two-mile-wide channel, which has several unmarked shoals of nine fathoms, in which to pass and negotiate a 90-degree turn....¹⁷

There is still much hydrographic work and clearing to be done to provide safe passage for all types of vessels.

Political and Military

From a historic point of view, I believe the "law of the sea" has been interpreted by most nations to equate with "freedom of the

seas," freedom for all nations to traverse the world's waterways subject only to the "current rules of the road," at least in times of peace. The only major exception has been the right claimed by coastal states to exclude smugglers, hostile vessels, aircraft, and warships from close proximity to their coasts. This principle was largely accepted during the nineteenth century and the first half of the twentieth.

Because of the rise of many new nations and decolonialization since 1945, most small and large nations have become concerned with their proper roles in establishing and protecting their own economic development, national sovereignty and control of their natural resources. One major area of concern has focused on the issue of territorial waterways vs international waterways. The Straits of Malacca and Singapore have become the battleground in the struggle.¹⁸

The pattern of international relations in Southeast Asia have undergone some drastic changes in the last two decades. It is clear that the bipolar configuration of power is being replaced by complex multipolar power structure. This relatively new power structure can be divided into two parts--extra-Regional powers and Regional powers.

The structure of the extra-Regional powers is made up primarily of the United States, Japan, the Peoples Republic of China, and the Soviet Union. In addition, there are other nations which impact the area to lesser degrees. Each of these nations has vested interests when it comes to the decision as to the status of the

of the Straits of Malacca and Singapore.¹⁹ The current politics and policies of these nations indicate the probability of a relatively stable balance of power for now and in the near future.

However, in the long haul, the continuation of the stability in the area is going to depend on the kinds of decisions that are made in the next few years in Washington, Tokyo, Peking, and Moscow.

As stated earlier, the major United States concern is with the passage through the Straits based on our belief that strategic mobility of our military forces is necessary to maintain the balance of power in the Pacific and Indian Oceans and thus serve our national security interests. Direct United States interests in the Region are both active and passive. Among the active interests are included: (1) assurance of passage and overflight rights for United States Armed Forces between the South China Sea and the Indian Ocean; (2) protection of the as yet limited American investment in the area; and (3) preservation of raw material sources in Malaysia. Passive interests of the United States included: (1) preservation of Regional peace; (2) security and sustenance of the countries in the area free of Chinese or Soviet hegemony.

The Soviets have taken the position that the Straits are an important international seaway which must be kept open for the free passage of foreign ships. Soviet policy on the Straits issue is dominated by her need for strategic mobility.²⁰ Her sea routes between the Black and Baltic seaports and Pacific Siberia are across the Indian Ocean, through the Straits of Malacca, and along the littoral of Eastern Asia, a route which the present forces of the

Peoples Republic of China cannot impede. Her land and air routes from Europe are vulnerable to Chinese threat; therefore, the USSR finds herself paradoxically in parallel with the United States, for some of the same reasons. The Soviet Union is chiefly concerned with lessening United States influence, containing the Peoples Republic of China, and securing their shipping lanes between the Middle East and Pacific Siberia.²¹

Japan, the third largest industrial power in the world and absolutely dependent upon the steady flow of oil from the Middle East is the power most immediately and realistically concerned with freedom of passage through the Straits. Without extensive storage capacity, Japan requires a steady and uninterrupted flow of oil, consumption of which is expected to grow from 170,000,000 tons to 600,000,000 tons annually before 1980.²²

The Peoples Republic of China is chiefly concerned with expanding her sphere of influence throughout Asia, Africa and the Pacific.²³ Her major efforts in Southeast Asia will be to contain and lessen Soviet and United States influence in the area. Her interests, therefore, lie in being the champion of small nations which may be able individually or collectively to impede the mobility of the United States and the Soviet Union.

Obviously, the delicate balance which now exists could be upset if a full scale war between the Peoples Republic of China and the Soviet Union broke out. It could also be affected if Japan suddenly decided to emerge as a military or nuclear power. Any substantive return to isolationism or apparent weakening of the United States committment to promote stability in the area could result in complete interdiction of the Straits of Singapore and Malacca for United States traffic.

The British, as a former power in the area and a major mercantile nation still, has a direct interest in the Straits issue. The Straits of Dover, moreover, present a similar set of circumstances (trade, strategic mobility, pollution) and the same kind of legal problems would result if France and the British claimed a twelvemile territorial sea.²⁴ France has announced its support for the Malaysian-Indonesian position.²⁵

The Regional powers consist of the three nations concerned with the Straits of Malacca and Singapore; Indonesia, Malaysia and Singapore. There are other nations in the area whose positions should also be considered.

These nations are being compelled to seek new relationships among themselves. They are finding it is best for all concerned not to seek resolution of their disputes and conflicts by force, but rather by conciliation and compromise. Most of them have come to realize that isolation is not a feasible foreign policy option, because they need the cooperation of the major world powers to achieve their own national goals.

Although it appears the declaration by Malaysia, Singapore, and Indonesia in November of 1971, was a joint undertaking which reflected a common interest, it was not. Indonesia was the primary force behind the move. Indonesia has long been concerned about the political integrity of her multi-island nation and has sought the

solution in the adoption of the Archipelago principle.

She regards the de-internationalization of the Straits of Malacca and Singapore as a vital step in securing this principle. Other major interests are natural resources and mineral wealth which are underlying the offshore waters.

Additionally, the Indonesians are interested in localizing control of the Straits as a method of exercising their bargaining power when it comes to dealing with other nations, both large and small.

Malaysia"s major interest and prime reasons for endorsing the claim were twofold. First, she is intensely desirous of pursuing a course promoting neutralization of the Straits.²⁶ Most representatives of other Southeast Asian nations think this concept is impractical. It would declare Southeast Asia a zone of neutrality and no foreign intervention would be tolerated. Secondly, she is most concerned about the environment of her shoreline and her fisheries. The Torrey Canyon incident off Land's End, England provided an extreme concern considering the difficulty involved in navigating the Straits of Malacca and Singapore.²⁷

Singapore's views on the Straits are controlled by the economic impact on her as a nation if any disruption of free flow of trade occurs. She did not endorse the declaration, but merely took note of that portion which stated the Straits were not international waterways.²⁸

The Philippine Government adheres to the Singapore view, because international status would violate the Archipelago Concept of territorial waters and the neutralization policy for Southeast Asia.

Philippine announcements on the subject have been replete with references to "insulating our Region from big-power rivalries."²⁹

Thailand, although not a major maritime state, is interested in the definition of territorial waters in relation to oil exploration. More directly, its interest arises from its active consideration of a 230-kilometer pipeline across the Kra Isthmus to bypass some of the tanker trips through the Straits.³⁰

Australia, although concerned about security aspects of de-internationalization, has indicated that it would take no stand before the final results of the United Nation's Conference on the Law of the Sea was complete.³¹

UNITED STATES ALTERNATIVES

Although Indonesia, Malaysia and Singapore have made the formal declaration that the Straits of Malacca and Singapore are not international waterways, they have not, so far, made any effort to prohibit maritime movement through their "territorial waters."

The alternatives can be divided into two types--short-term and long-term. The short-term alternatives consist of those actions which may be taken in the event the Straits were closed prior to some kind of long-range solution being formed. The long-term alternatives are those which may be implemented as a result of an international agency's action. Although there may be as many alternatives as there are nations involved in the formal solution, I shall only discuss those I feel are major possible alternatives for the United States.

The first short-term alternative for the United States would be the utilization of alternate routes.

The advantages of this alternative are very limited, if our national policy in terms of stability and security of Southeast Asia is followed. It would place the United States in a diplomatic posture which would say to the rest of the world--we are not going to get involved because we believe in the concept that all nations and regions of the world should be free to act in their own best interest without interference from other nations.

The disadvantages are many. The extremely limited alternate routes between the Pacific Ocean and the Indian Ocean are long, and in some cases it could mean circumnavigation of the world to reach an area of crisis. It could require the development of an Indian Ocean force as well as a Pacific force. It would surely increase the activity of both the Soviet Union and the Peoples Republic of China in Southeast Asia because of their proximity and decreased likelihood of United States intervention.

The second short-term alternative is to establish bilateral treaties and agreements with each of the three nations concerned or as a group. This would assure United States forces passage through and over the Straits at any time. It could reduce the total force requirement because of our increased mobility in the Pacific and Indian Ocean areas. It would insure United States presence in the area regardless of the decision by any international agency as to the status of the Straits. This alternative would also serve notice upon the Soviet Union and the Peoples Republic of China that the United States is in Asia to stay and will resist any insecurity or instability which they may decide to create.

The disadvantage of this alternative begins with the probability that none of the three countries, except possibly Singapore, who are basically non-aligned nations would be willing to enter into such an agreement.

If they did it would probably be because of enormous amounts of economic aid and protection which the United States could be expected to provide. It would mean a massive reinsertion of United States military force in Southeast Asia which would be contrary to current United States policy and the mood of the people of the United States. This action would alienate our current allies around the world because of the unilateral action which could exclude or affect their movements through the area.

The last short-term alternative is to maintain the status quo until some overt action takes place and then force the Straits militarily.

The advantage of this alternative is that we do not disrupt the delicate balance of power which exists in the area now. It would preclude the Soviet Union, the Peoples Republic of China, or our allies from having to take a stand from which they could not step back.

It would permit all the world maritime nations to concentrate on a long-range solution, rather than concern themselves with diplomatic brush fires. It would not require any immediate increase in foreign aid or an increased presence of United States military force in the area. The disadvantage of course, is if overt military action did become necessary, the United States would likely

be branded by many nations as an aggressor, with all the potentially dangerous consequences which an action of this type can create.

The first long-term alternative, as I see it, is to attempt to solve the problem of the Straits of Malacca and Singapore through the International Court of Justice.

The main advantage of this approach is that the Court could examine the problem from a functional point of view instead of a geographical one, and weigh the interests of the coastal nations against the interests of international shipping and overflights.

The United States has said she would accept a twelve-mile territorial sea if the right of free passage was established in international waterways.

I believe the Court, as in the 1949 Corfu Channel Case,³² would probably find that a strait can be an international waterway even if it lies within the territorial sea claimed by Indonesia and Malaysia. The disagreement between the maritime powers of the world and Indonesia and Malaysia does not lend itself to agreement by the parties concerned, or to arbitration by a neutral country. It seems to me the only road to a peaceful settlement goes in the direction of International Law.

The major disadvantage of this alternative is that it will be extremely difficult to get Indonesia and Malaysia to refer the matter to the International Court of Justice, without some overt action which would force them to request the action.

Another disadvantage could be a determination by the Court

that "innocent passage" is appropriate, which could result in a restriction of mobility of United States military ships and aircraft, thus affecting the strategic mobility vital for maintaining a balance of power in the area.

The second long-term alternative is to continue to work within the United Nations Law of the Sea Conference to reach a favorable settlement.

The big advantage is that the United States would have the support of most of the maritime nations of the world to prevent Indonesia and Malaysia from restraining world trade. For the major maritime nations nationalization of the Straits of Malacca and Singapore by the Law of the Sea Conference could also signal the ultimate closure of many more of the 115 straits in the world. Also, if a favorable clarification is reached on the status of the Straits of Malacca and Singapore by the majority of the members of the United Nations Law of the Sea Conference, the pressures, sanctions and other actions which could be taken against any offender would be enormous.

The internationalization of the straits would, to some extent, maintain stability in Southeast Asia, since none of the three major world powers, the United States, the Soviet Union, or the Peoples Republic of China, would gain any distinct advantage by drawing Indonesia, Malaysia or Singapore into their sphere of influence for the sake of unrestricted passage.

The disadvantages are that the United Nations Law of the Sea Conference is made up of many nations, many of which are the so -

called "third world nations", who are not particularly fond of the industrialized nations of the world. If they voted as a Bloc, there would not be, I am sure, a settlement of the problem of the Straits of Malacca and Singapore favorable to the wishes of the United States and the other maritime nations. Also, any nationalization of the straits would increase tensions and start a great deal of power politics by many nations to gain favor and influence with the nations which control the straits.

A third alternative should be mentioned, although any detailed discussion of it seems academic in the light of announced United States policy. That is complete withdrawal from that section of the world, militarily, politically, and economically. Undoubtedly many voices will be raised in favor of this course of action. However, the present Administration has gone on record as categorically rejecting this type of solution. Both the President of the United States and the Secretary of State have on numerous occasions stated unequivocally that we will honor our committments to our friends and allies in that area. Thus, a return to isolationism at least in Southeast Asia is not considered a strong option under present United States policy.

Nevertheless, proponents will maintain that it contains the advantage of reducing the risk of war to a near zero percentage. It also has the advantage of being perhaps the only solution which can be put into effect by the United States unilaterally. Proponents can point out that the obstacles in the path of other alternatives appear to be virtually insurmountable in many cases.

One big long-term disadvantage could be that removal of the United States deterrent from that area may well set the stage for a third World War, as the Communist World finds itself able to expand over the area without hindrance. Another disadvantage is certainly to be found in the economic lossess suffered, as well as the fact many strategic and other vital supplies might be denied the Western World.

Recommendations:

I recommend the policy of the United States with regard to the Straits of Malacca and Singapore be as follows: (1) In the shortterm, reflect a low military and political profile in the area. Maintain the status quo to preserve the delicate balance of power which exists now. This action will assure the necessary stability and security to permit a search for some long-term, if not permanent solution to the question of the straits. At the same time we must be prepared to restore stability in the area if any overt action takes place which may require a reopening of the straits. (2) In the long-term seek a lasting solution through the United Nations which will permit both the maritime nations and those of the Region to reach a fair and equitable trade-off to insure peace and prosperity. If this festering issue does break open prior to any solution by the United Nations, then I suggest we create an incident which will force the issue into the International Court of Justice for settlement. In my opinion, after my research, review and study of the situation which surrounds the Straits of Malacca and Singapore, I can only conclude the straits must become international

waterways, under international control.

As I have stated earlier, I believe that the United States security interests in Southeast Asia, the Pacific and Indian Ocean areas are primarily and directly concerned with the free passage of United States vessels and United States aircraft, overflight rights of the Straits of Malacca and Singapore.

amome JAMES M. CAIN LTC Inf WashARNG

FOOTNOTES

1. Vincent DeP. Gannon, Jr., LTC, Malaysia - <u>New Crisis for U. S.</u> in Asia, p.4.

2. George G. Thompson, The Malacca Straits: Who has the last word," Pacific Community, V.3, No. 4, July 1972, p.675.

3. Ibid, p.684.

4. Ibid, pp. 679-680.

5. Edward F. Oliver, Capt, USCG, "Malacca: Dire Straits," <u>U.S.</u> <u>Naval Institute Proceedings</u>, June 1973, p.30.

6. Thompson, p.693.

7. Ibid

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8. Ibid, p. 694.

9. Willard A. Hanna, "Nationalizing the Straits of Malacca," <u>Field</u> <u>Staff Reports, Southeast Asia Series</u>, Vol. XXI, No. 8, July 1973, p.1.

10. Chan Heng Chee, Singapore, The Politics of Survival, 1965-1967, p.6.

11. Hanna, p.6.

12. Lawrence Griswold, "Bypassing Malacca," U.S. Naval Institute Proceedings, June 1973, p.106.

13. Richard A. Miller, Capt, USN, "Indonesia's Archipelago Doctrine and Japan's Juglar," <u>U.S. Naval Institute Proceedings</u>, October 1972, p.28.

14. Ibid, p.30.

15. Ibid, p.31.

16. Oliver, p. 29.

17. Ibid, p.28.

18. S. Iskandar, "For Malaysia and Indonesia, A Family Affair," <u>Far</u> Eastern Economic Review, April 15, 1972, p.28.

- 19. Thompson, p.696.
- 20. Oliver, p.29.

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21. Richard H. Sugg, LTC, <u>The Five-Power Agreement for Defense of</u> <u>Malaysia/Singapore-Opportunity or Obligation for the U.S.</u>?, pp. 17.18.

- 22. Thompson, p. 692.
- 23. Ibid, p.678.
- 24. Ibid, p.695.
- 25. Ibid, p.691.
- 26. Hanna, p.3.
- 27. Oliver, p.28.
- 28. Hanna, p.3.
- 29. Thompson, p.691.
- 30. Ibid.
- 31. Ibid.

32. The 1949 Corfu Channel Case was taken to the International Court of Justice, by agreement between Albania and Britain. It concerned the passage of men-of-war through the Corfu Channel. The Court ruled there was no violation of Albanian sovereignty.

SELECTED BIBLIOGRAPHY

. 7

- Bull, Hedley. "The New Balance of Power in Asia and the Pacific." <u>Foreign Affairs</u>, July 1971, pp. 669-681.
- Bundy, W. P. "Straits of Malacca-Suez East." <u>Newsweek</u>, 10 April 1972, p. 39.
- 3. Chee, Chan Heng. <u>Singapore, The Politics of Survival, 1965-1967</u>. Singapore and Kuala Lumpur: The Oxford University Press, 1971.

(A perceptive analysis of Singapore, the problems and opportunities, from 1965 through 1967.)

 Gannon, Vincent Dep., Jr., LTC. <u>Malaysia-New Crisis for U.S. in</u> <u>Asia</u>, Thesis. Carlisle Barracks: U.S. Army War College, 1965.

(A very good study in which the author presents valuable details underlying the separations of Malaysia and Singapore.)

- 5. Griswold, Lawrence. "Bypassing Malacca." <u>U.S. Naval Institute</u> <u>Proceedings</u>, June 1973, pp. 105-107.
- Hanna, Willard A. "Nationalizing the Straits of Malacca." <u>Field</u> <u>Staff Reports, Southeast Asia Series</u>, Vol. XXI, No. 8, July 1973.
- Horelicks, Arnold L. "The Soviet Union's Asian Collection Security Proposal: A Club in Search of Members." <u>Pacific Affairs</u>, 47, pp. 269-285.
- Iskandar, S. "Malacca Straits For Malaysia and Indonesia, A Family Affair." <u>Far East Economic Review</u>, 15 April 1972, p. 18-19.
- 9. Lee, John M. New York Times, 9 April 1972, p. F-1, p. F-5.
- 10. "Malacca," New York Times, 13 March 1972, pp. 9:1-D.31.
- McBride, James C. LTC, <u>Withdrawal of Singapore from Malaysia and</u> <u>Implications for U.S. Policy in Insular Southeastern Asia</u>, Thesis. Carlisle Barracks: U.S. Army War College, 1973.
- Miller, Richard A. Capt. USN, "Indonesia's Archipelago Doctrine and Japan's Juglar." <u>U.S. Naval Institute Proceedings</u>, October 1972, pp. 27-33.
- "N-Blasts Eyed to Dig Canal," <u>The Atlanta Journal and Constitution</u>, 15 July 1973, p. 4-c.

 Nielsen, Danny A., Lt USNR. <u>United States Political, Military</u>, <u>and Economic Interests in the Expansion of Territorial Seas</u>. Thesis. Washington: Defense Intelligence School, January 1973.

(Good review of the Straits of Malacca in context of the 115 waterways around the world.)

- 15. Nixon, Richard M. "A New Strategy for Peace." U.S. Foreign Policy for the 1970's, A Report to the Congress by Richard Nixon, President of the United States. Washington D.C., 18 February 1970.
- 16. Nixon, Richard M. "Building for Peace." <u>U.S. Foreign Policy</u> for the 1970's, A Report to the Congress by Richard Nixon, <u>President of the United States</u>. Washington D.C., 25 February 1971.
- Oliver, Edward F. Capt, USCG, 'Malacca: Dire Straits." <u>U.S.</u> <u>Naval Institute Proceedings</u>, June 1973, pp. 27-33.
- Pauker, Guy. "The Soviet Challenge in Indonesia." <u>Foreign Affairs</u>, Vol. 40, No. 4, July 1962.
- Quigg, P. W. "Straits of Malacca, Environment and Freedom of the Seas." <u>Saturday Review World</u>, 26 January 1974, p. 54.
- Singh, S. N. La1. <u>Malaysia A Commentary</u>. New York: Barnes and Noble, Inc., 1971.
- Sugg, Richard H. LTC, <u>The Five Power Agreement for the Defense</u> of Malaysia/Singapore - Opportunity or Obligation for the U.S.?", Thesis. Carlisle Barracks: U.S. Army War College, 1972.

(Good background in formation written with a view to U.S. withdrawal from Viet-Nam, the Guam Doctrine, and the continued British withdrawal).

 Thompson, George G. "The Malacca Straits - Who has the Last Word?", <u>Pacific Community</u>, Vol. 3, No. 4, July 1972, pp. 675-697.

(An outstanding study of the history, strategy, law, and economics affecting the dispute over the Straits.)

23. Wu, Yuan-li. "Planning Security for a Small Nation: Lessons from Singapore." <u>Pacific Community</u>, Vol. 3, July 1972, pp. 661-674.