

REPORT FROM CSCAP STUDY GROUP – CAPACITY BUILDING FOR MARITIME SECURITY COOPERATION IN THE ASIA PACIFIC

Study Group Objectives

The agreed objectives of the Study Group are to:

- refine the notion of capacity in the context of maritime security cooperation in the Asia-Pacific;
- identify the requirements for effective maritime security cooperation at both the national, sub-regional and regional levels;
- identify weaknesses in the current arrangements for maritime security cooperation and how they might be overcome;
- draw on the expertise of CSCAP members in overcoming barriers to effective cooperation and facilitating regional dialogue and awareness;
- support links between CSCAP and relevant Track 1 organisations dealing with maritime security, including APEC, the ARF and the International Maritime Organization (IMO); and
- produce an edited monograph(s) and a report for consideration by the CSCAP Steering Committee that might include a proposed CSCAP memorandum for sending forward to relevant Track 1 organizations.

First Study Group Meeting

The first meeting of the Study Group was held at the Golden Dragon Hotel in Kunming, China, 7-8 December 2004. It was attended by the three Study Group Co-Chairs and 29 participants from 14 member CSCAPs (Australia, Brunei, Canada, China, Europe, India, Indonesia, Japan, Korea, Malaysia, New Zealand, Philippines, Singapore and U.S.) and one other participant. The Study Group is most grateful to CSCAP China for the excellent support and arrangements made for the Meeting.

The specific objectives of the first meeting of the Study group were to:

- scope the work of the Study Group with consideration of several major scoping papers provided by Study Group members as identified below;
- take an inventory of current arrangements for maritime security at both a national and regional level;
- receive information papers on the implementation of some recent initiatives relevant to the work of the Study Group;
- define the framework of the study; and
- identify precise issues for further study and assign areas of responsibility.

As reflected in the titles of the Scoping Papers, the Study Group is working on the principle that “Capacity for Maritime Security Cooperation” comprises the three elements of institutional arrangements, legal frameworks and resources at both the national and regional levels. The following papers were presented at the meeting:

Scoping Paper 1 – What are we talking about? - refining the concepts (CSCAP Australia)

Scoping Paper 2A – Institutional Arrangements at a National Level (CSCAP India)

Scoping Paper 2B – Institutional Arrangements at the Sub-Regional and Regional Levels
CSCAP Canada)

Scoping Paper 3A – Legal Frameworks at a National Level (CSCAP Singapore)

Scoping Paper 3B – Legal Frameworks at a Sub-regional and Regional Level (CSCAP
New Zealand)

Scoping Paper 4 – Resources for Maritime Security (CSCAP China)

Information Paper 1 – Building a National Maritime Security Capability in Albania
(CSCAP US)

Information Paper 2 – Cooperative Mechanisms for Maritime Security in Disputed
Maritime Areas (CSCAP Europe/Australia)

Information Paper 3 – Progress with developing a national coast guard (CSCAP
Indonesia)

Information Paper 4 – Progress with developing a national coast guard (CSCAP Malaysia)

Information Paper 5 – Implementing Maritime Security in a Developing Country
(CSCAP Philippines)

Information Paper 6 – New ideas for maritime security cooperation – “The Need for a
Trinitarian Approach to Maritime Security” (CSCAP Canada)

The scoping papers sought to identify key issues for the Study Group – particularly what do we mean by “maritime security” and what is “capacity” for maritime security cooperation? The information papers addressed particular developments of interest to the Group. In many ways these served to confirm the potential utility of the work of the Study Group. The Group hopes to be able to address issues in a way that might not be possible elsewhere. Much of the discussion during the meeting focused on where the Group could “value add” to Track One activities noting the extensive activities that are already occurring at the Track One level with IMO, in APEC, ASEAN and so on.

What do we mean by “Maritime Security”?

There was lengthy discussion of what the Study Group should use as its concept of maritime security. The inclination was to be fairly broad with a comprehensive or non-traditional view but not so broad as to cause some lack of focus. The concept should include law and order at sea, and maritime aspects of food security, resource security and environmental security, particularly where there was some commonality with regard to operational cooperation and institutional arrangements. For example, while the roles of national maritime security forces included marine safety, policing against illegal fishing and monitoring and preventing marine pollution, these roles should also be comprehended by the Group’s concept of maritime security. Related to this concept are

considerations of the implications for the traditional roles of navies and their relationship with the roles of “new” maritime security forces (i.e. coast guards).

The consensus was that the Group should focus on capacity building for combating illegal activities at sea (i.e. piracy, maritime terrorism, trafficking by sea in drugs, arms or people, willful ship-sourced marine pollution and illegal fishing) and for maintaining the safety and security of shipping and seaborne trade, including safety at sea, issues associated with implementing the International Ship and Port Facility Security (ISPS) Code, supply chain security and preventing the maritime transportation system being used for illegal purposes.

Institutional Arrangements

At a national level, institutional arrangements comprise established divisions of responsibility between agencies concerned with maritime security, a decision-making architecture and agreed procedures for inter-agency coordination. At a bilateral and multilateral level, they include procedures for information sharing and operational coordination.

In most countries responsibility for some aspect of maritime security is spread across many departments and agencies whose work is often not well coordinated. This duplication of effort leads to ineffective use of scarce resources and sometimes competition (and a lack of trust) between agencies. Many participants cited examples in their countries of duplication of effort and lack of inter-agency cooperation. The problem is often compounded by the lack of appropriate national legislation dealing with maritime security that includes making agency responsibilities clear.

This problem is repeated at a regional level. If agencies do not coordinate well at a national level, there is unlikely to be effective maritime security cooperation (or trust) at a regional level. Due to the tendency of agencies to protect their powers and responsibilities (“turf”) and the political sensitivities involved, the betterment of institutional arrangements for maritime security cooperation is not likely to be addressed effectively by Track One.

Legal Frameworks

National legislation is required that covers threats to maritime security and implements relevant international treaties. The Study Group could play a useful role in identifying gaps in the law and measures to support existing legal frameworks.

Questions that the Group could address include: Where cooperative arrangements might help to deal with the problem of unsatisfactory legislation? In what main areas do coastal States lack the legal capacity? What special arrangements may be necessary to ensure effective maritime security cooperation (e.g. UNCLOS Part IX dealing with enclosed and semi-enclosed seas)? The association between institutional arrangements and legal frameworks is also an important one for the Group to consider.

Maritime Awareness

A key issue that emerged during the meeting was the importance of *maritime awareness*. Many countries identified the lack of *maritime awareness* as a major problem in policy development, implementing legal frameworks and establishing appropriate institutional arrangements and operational coordination. This is not the same as the concept of “maritime domain awareness” or “situational awareness” used recently in an operational context - meaning knowing what is going on at sea and identifying what shipping traffic is engaged on legal purposes – and what might be suspicious or illegal.

The concept of *maritime awareness* that occupied the Study Group was that of the importance of basic knowledge of the maritime environment, operations of the maritime transportation system and relevant legal frameworks (including international conventions) as a prerequisite for policy development for maritime security and its implementation. To some extent, the lack of inter-agency coordination at both the national and regional levels is a manifestation of a lack of maritime awareness. It also leads to a lack of trust, and trust after all is the essence of cooperation.

This lack of maritime awareness is a basic weakness in the current system for maritime security cooperation. Overcoming this could be a fundamental first “building block” in the process of capacity building. Promoting broader maritime awareness could be an important activity for the Study Group that would assist in building capacity and trust both between countries and within countries. It should also enhance political will.

Future Plans

The next meeting of the Study Group will be held in New Delhi 6-7 April 2005 hosted by CSCAP India. Prior to that meeting and subject to the availability of funding, there may be a separate sub-group meeting of the legal experts, who are members of the Study Group, to discuss relevant legal issues.

Subject to further discussion between the Co-Chairs, the agenda for the Delhi meeting will include the following topics.

- Maritime awareness and capacity building
- Legal Frameworks- identify gaps in the law and measures to support existing legal frameworks and due legal processes – what are the capacity building requirements
- Institutional arrangements
- Traditional and non-traditional concepts of maritime security and the implications for the roles of navies and regional maritime strategies, including cooperation between navies and coast guards

CSCAPs Australia and New Zealand have agreed to cooperate in editing and publishing the papers from the first meeting of the Study Group. Subject to further consideration at the Delhi meeting, a CSCAP Memorandum on Maritime Awareness might be developed.