

CSCAP Study Group on Facilitating Maritime Cooperation in the Asia-Pacific – Meeting on the Roles of Maritime Security Forces

The first Meeting of the CSCAP Study Group on Facilitating Maritime Cooperation in the Asia-Pacific was held in Wellington, New Zealand PM Friday 15 Dec and AM/PM Saturday 16 Dec 2006 hosted by CSCAP New Zealand. The meeting was very well attended with 25 participants from 15 member CSCAPs and two keynote speakers. The meeting was co-chaired by Probal Ghosh (CSCAP India), Sam Bateman (CSCAP Australia) and Hasjim Djalal (CSCAP Indonesia).

The main topic of this meeting was the Roles of Maritime Security Forces. Specific objectives were to:

- explore contemporary concepts of maritime security in the Asia-Pacific region and the implications for the roles of maritime security forces;
- discuss the implications of these concepts for cooperation between maritime security forces;
- identify existing arrangements for cooperation between maritime security forces;
- explore the contribution of maritime security forces to disaster relief and humanitarian assistance;
- identify ways and means by which cooperation between maritime security forces might be enhanced; and
- produce a monograph of edited papers from the meeting.

Session 1

The meeting commenced with welcoming remarks by the Peter Cozens representing CSCAP New Zealand and by the Study Group Co-chairs. These remarks were followed by the addresses by the two keynote speakers: Rear Admiral James Goldrick RAN, Commander Border Protection Command (BPC), Australia, and Rear Admiral RADM David Ledson RNZN, Chief of Navy, New Zealand.

Admiral Goldrick addressed the main theme for the meeting of “The Roles of Maritime Security Forces”. He identified several key considerations in considering these roles in contemporary strategic circumstances. Firstly, while maritime strategic theorists spoke of the military, diplomatic and constabulary roles as the three roles for navies, considerations with these roles were now more complex with new requirements to consider. Secondly, there was the increased interconnectedness of the various roles and tasks. In Australia, civil and military maritime surveillance were now integrated within the Border Protection Command, which was regarded as a “grey” organization (i.e. integrated civil and military) rather than as a “purple” (i.e. joint Service) command. Another consideration was the evolving nature of the international legal regime for the oceans. This was most evident with the new legal regimes to deal with illegal, unregulated and unreported (IUU) fishing.

Admiral Ledson provided a thoughtful presentation on the topic of “Arrangements for Maritime Cooperation in the South Pacific: A Model for Multi Agency Coordination”. He

reflected on the gaps between rhetoric and reality, and how military doctrine did not shape the roles and tasks of security forces. Rather Governments did. Governments could assign any role they liked to their security forces and apportion responsibilities between agencies as they liked. The New Zealand model was one of a multi-agency integration rather than joint operations. The NZ National Maritime Coordination Centre was an example of this arrangement, as was the acquisition by the RNZN of ships to meet inter-agency requirements rather than purely Defence needs.

The two keynote addresses led to an active discussion session. Main themes were “how one size doesn’t fit all” (i.e. there was no common model that would suit all countries); the importance of personal relationships and trust between agencies; limitations with the naval/military approach to law enforcement; and cultural differences both between countries and between agencies at the national level.

Session 2

The second session comprised presentations reviewing some recent developments with maritime security cooperation in the Asia-Pacific. First, Abd. Rahim Hussin from CSCAP Malaysia briefed the meeting on the Kuala Lumpur Meeting on Safety, Security and Environmental Protection in the Malacca and Singapore Straits held in September 2006. He mentioned that the time for rhetorical statements had passed and that the three littoral countries were working together to operationalise a “burden-sharing” mechanism for the Straits. They had put forward five projects for improving safety and environmental protection in the Straits and that China, in particular among the user states, had shown preparedness to assist. Discussion of this briefing included some expressions of concern regarding the limited response from the user States and the effectiveness of Article 43 of the 1982 UN Convention on the Law of the Sea (UNCLOS) as a framework for sharing the burden of providing safety, security and environmental protection in the Straits.

Second, Stan Weeks from USCSCAP discussed recent developments with the Proliferation Security Initiative (PSI) in the Asia-Pacific maritime context. There have been several PSI events and exercises of note during 2006, including the first high-level Political Meeting held in Poland in July attended by most of the 80 countries that support the PSI, and a PSI maritime exercise in the Persian Gulf region in October 20-06. PSI seemed likely to grow in importance, and increasingly will be a significant factor in Asia-Pacific maritime security cooperation.

The last briefing in Session 2 was provided by VADM (ret) Hideaki Kaneda from CSCAP Japan. This covered developments with the Western Pacific Naval Symposium (WPNS) and the Heads of Asian Coast Guard Agencies (HACGA) Meetings. The 10th WPNS was held in Honolulu 30 Oct – 2 Nov. The theme of the symposium was “Maritime Security: Opportunity for Cooperation.” Current membership of the WPNS is 18 with four observer countries and its agenda is widening to address more complex issues of multinational naval cooperation, including interoperability and more sophisticated approaches to information exchanges. It was encouraging that the WPNS

was moving more into at sea exercises and Humanitarian Assistance and Disaster Relief (HADR) including coordinated actions against maritime terrorism and piracy.

The 2nd Meeting of the HACGA was led in Putrajaya, Malaysia 20-23 March 2006 with 17 countries participating. The theme of the meeting was “Towards Regional Cooperation in Maritime Security and Safety” and the agenda included the enhancement of information exchange, disaster relief operations and combating transnational crime in the maritime domain. Discussion of the HACGA included mention of another forum, the North Pacific Coast Guard Agencies meetings which were looking more specifically at combating types of crime at sea, including smuggling and illegal fishing.

Session 3

This session comprised presentations on some new concepts for facilitating maritime cooperation. The first by USCSCAP covered the “1,000 Ship Navy” Global Maritime Partnership Initiative. This initiative needed to be seen in the broader context of the USN’s key Strategic Plans. It had its origins in the President’s *National Strategy for Maritime Security*, which provided the vision of a coordinated effort to safeguard US global maritime interests. The concept was based on a broader vision of seapower (“comprehensive security”) that was inclusive, flexible and idealistic (in the sense that “no nation can do everything” but all nations can do something”). Since it involved more than just navies, the USN had recently adopted an official name – the Global Maritime Partnership – for the initiative.

The second presentation in Session 3 was provided by CSCAP New Zealand on the topic of the Pacific Islands Oceans Policy. In some ways this presentation provided an interesting contrast to the first presentation in the session: whereas the 1000 ship Navy concept was essentially a military approach to problems of law and order at sea, the Pacific Island Oceans Policy reflected a civil approach to oceans management, including security. According to the presenter, the latter approach suggested the possibility of reshaping naval doctrine more towards the civil requirements of oceans management. The Pacific Islands Oceans Policy included a key principle of promoting the peaceful use of the ocean, which means discouraging and reducing unacceptable, illicit, criminal, or other activities that breach local, national or international laws. The point was also made during the discussion that effective oceans governance depends on effective governance ashore.

Session 4

This session comprised brief presentations by participants from member CSCAPs covering their national arrangements for the provision of maritime security. The presentations generally identified the agencies with some responsibility for maritime security; and the arrangements for coordination and cooperation between these agencies. The session was split up into three regional panels. In the summary below, only the major highlights of each presentation are included.

Southeast Asia Panel

- Malaysia. Malaysia covers a wide maritime geographical area and is a major shipping country. The focus of maritime security efforts is on illegal fishing and the smuggling of drugs, people and arms. The Malaysian Maritime Enforcement Agency (MMEA) must become the major maritime law enforcement body but the Marine Police have still not come onboard with that goal.
- Indonesia. Indonesia has a large archipelago to administer with a very complicated arrangement for maritime security. Responsibility is spread between different agencies with the situation further complicated by regional autonomy arrangements, which include consideration of internal boundaries between provinces. Controlling illegal fishing is complicated by the lack of EEZ boundaries. Indonesia is also prone to natural disasters. Safety of navigation is another major concern, including issues with defining innocent passage outside of archipelagic sealanes.
- Brunei. Brunei has a small coastline and a small EEZ. Responsibility for maritime security is shared between the Navy and the Police.
- Singapore. The challenges for Singapore are rather narrower than for other countries. Shipping is a very important interest for Singapore and the focus is on the safety and security of shipping and port security. Three agencies are involved in the provision of maritime security: the Republic of Singapore navy, the Police Coast Guard and the Maritime and Port Authority (MPA).

Northeast Asia and Europe Panel

- Japan. The maritime security priorities for Japan include measures against piracy and maritime terrorism and the prevention of the proliferation of weapons of mass destruction (WMD) and ballistic missiles. Responsibilities are shared between the Japan Maritime Self-Defense Force (JMSDF) and the Japan Coast Guard (JCG) and the Government has been reviewing the roles and duties between these two organizations. Maritime security cooperation requires the actions of the JMSDF and the JCG, as well as diplomatic activities (including by the Japan International Cooperation Agency (JICA) and actions by relevant private organizations, such as the Nippon Foundation). There are now two strong movements in Japan to establish new governmental organizations related to maritime security policy. Those are the establishment of a National Security Council as a commanding tower, and a Council for Comprehensive Maritime Policy and a Minister of Maritime Affairs.
- South Korea. The emphasis with maritime security in South Korea is on the threat from the North. The Republic of Korea-Navy (ROK-N) is at the center of maritime security efforts and responsible for upholding national sovereignty. The Korean Coast Guard (the former Korean National Marine Police) belongs to the

Ministry of Home Affairs. Some subsequent discussion related to whether the ROK would become more involved in regional maritime security cooperation.

- China. China has multiple agencies with maritime security responsibilities with agencies enforcing the law according to their responsibilities. However, with the development of the international situation and the emergence of non-traditional security threats, the Navy is playing a more important role in the non-traditional security areas, such as fighting against terrorism, pirates, smuggling, drug trafficking, and search and rescue. The National Border and Coastal Defense Commission coordinates maritime law enforcement agencies, such as public security, customs, inspection and quarantine, fishery administration, marine safety administration, marine environment protection and marine surveillance. Provincial governments have jurisdiction over the territorial sea of China while the central government has control over the EEZ.
- Europe. European countries, like those in the Asia-Pacific, face a range of common transnational maritime security challenges although the emphasis given to particular problems varies between parts of Europe. The primary capacity building agency is the European Maritime Safety Agency (EMSA) responsible for a common approach to sub-standard shipping and the prevention of pollution at sea. In the search for common ground, the European Commission has scoped Europe's maritime priorities ranging from oil exploration to fisheries preservation to the cruise ship industry and threats to the maritime supply chain. Various European Union (EU) commissions address some aspect of maritime security but the proposition of an EU Coast Guard (EUCG) has gone nowhere so far.

South Asia, Oceania and North America Panel

- India. Maritime security is mainly the responsibility of the Indian Navy and the Indian Coast Guard but there has been a growth in the number of other agencies with some maritime law enforcement responsibility. Dealing with the security of sea lines of communication (SLOCs) and asymmetric challenges are current major concerns, as well as the protection of national sovereignty.
- Australia. There are six agencies involved with national maritime security in Australia and coastal surveillance coordination arrangements have a long history. The Border Protection Command now brings together civil and military maritime surveillance and response. The Australian Maritime Identification System (AMIS) coordinates and integrates the maritime information collected by the different agencies and seeks to identify all vessels within the Australian EEZ other than day recreational craft. Basic entry information is sought from all vessels within 48 hours steaming time of an Australian port.
- New Zealand. New Zealand adopts a multi-agency approach to maritime security with developed arrangements for inter-agency coordination. There is no coast guard and the RNZN is very responsive to the needs of other agencies.

- Papua New Guinea. Maritime security is the responsibility of the PNG Defence Force and the National Surveillance Coordination Center is the primary coordinating body.
- Canada. Canada is a fairly rigid Federal State with a large EEZ and a very long coastline. There are no maritime boundaries on the West coast. Responsibility for maritime security is shared between the Armed Forces, The Royal Canadian Mounted Police and the Canadian Coast Guard. There is good naval cooperation with the US, including with maritime domain awareness, but coast guard cooperation is relatively less effective.
- United States. The US has adopted a “top down” approach to maritime security encompassed by the national maritime strategy. There are various security plans for some dimension of maritime security and Joint Inter-Agency Task Forces (JIATF) to ensure coordination between agencies. National maritime domain awareness is a priority concern. There is National Fleet agreement between the USN and the US Coast Guard. The USN is not permitted to have judicial authority and USCG personnel are embarked in USN ships when they undertake law enforcement missions.

Several important themes emerged from these national presentations. First and foremost was the importance of maritime security cooperation to deal with security problems at sea. There was a perceived need to strengthen information sharing and law enforcement cooperation through existing mechanisms as far as possible. Secondly, it was apparent that maritime security threats and priorities vary greatly from one country to another. Thirdly, while arrangements for providing maritime security also vary from one country to another, most experience problems with coordination between the different agencies responsible for some part of maritime security. Fourthly, while information sharing is a concern of most countries, some are also developing arrangements for maritime domain awareness in their maritime zones of jurisdiction. Lastly, it is clear that the lack of maritime boundaries has a major impact both on arrangements for national maritime security and on cooperation with neighbouring countries.

Session 5

The last session of the meeting included a report from the Legal Sub-Group, a panel discussion and discussion of the way ahead for the Study Group.

Legal Sub-Group

The Legal Sub-Group has not held a meeting since the one in Phuket in March 2006. That meeting had considered the challenges faced by states in deciding whether or not to ratify international maritime conventions, and then, once the decision is taken to do so, to implementing them effectively in national legislation. The meeting decided to draft a report on regional experiences with both topics possibly in the form of a CSCAP

Memorandum. While little progress had been made since Phuket, this was still a objective although some scepticism was expressed in discussion that the CSCAP Steering Committee may still need some convincing as to the relevance of this work.

Panel Discussion

The panel to round up discussions at the meeting comprised Rear Admirals Goldrick and Ledson, Mr Kwa Chong Guan and the Study Group Co-Chairs. Admiral Goldrick identified five themes from the meeting. The first was how governance at sea reflects governance on land and that this was the reverse of classical maritime strategy which saw events at sea as only having significance if they influenced events on land. The second was what been described as the “return to Admiralty” in the sense that navies only do what Governments want. In this regard the USN was *sui generis* with its clear focus on military roles while other navies seemed comfortable with a multiplicity of roles. Thirdly, while there will always be many agencies involved with maritime security, it was preferable to have one offshore enforcement agency liaising with one military agency. Lastly, with legal frameworks and legislation, there would always be some reluctance to change and critical small changes to legislation were more likely than major reviews

Mr Kwa noted that the perception of the sea is changing from a strategy of dominating space (sea control and the like) to one of the sea as a resource to be managed in a sustainable fashion. However, regional countries were concerned with building capacity to enforce sovereignty and upgrading naval inventories. With institutions and regimes, there was still a need to promote a more cooperative approach to maritime security. But how could countries cooperate if they lacked the capacity for governance.

Admiral Ledson reminded the meeting that maritime security is not a vague concept. It is about sovereignty and the protection and promotion of national interests. He drew a comparison between the Atlantic Ocean which was a fairly homogenous region and the Pacific which was much more disparate. He noted the number of forums where maritime security was being discussed and expressed the hope that there was no duplication of effort.

Dr Hasjim Djalal discussed the importance of links between Track One and Track Two mechanisms. He drew on his experience with the South China Sea to identify the benefits of engaging official people in their private capacity. The modalities of the South China Sea could be of use elsewhere. He thought it would be worthwhile for CSCAP to look further into the lessons learned for maritime security cooperation through Track Two experiences, including a possible book on the topic.

Discussion after the comments from the panelists ranged over the importance of links between Track One and Track Two, including the possible exchange of views between CSCAP and the WPNS; approaches to preventive diplomacy in the maritime domain; and the ongoing importance of the freedom of the seas. However, some concepts of both freedoms and maritime security were changing in subtle ways and there was a need to ensure that we are using these concepts in the same sense. The general belief of the

participants was that the meeting had been an extremely useful one. It had demonstrated once again that we have more in common than differences.

Way Ahead

Meeting Outcomes

An edited monograph is to be produced with papers from this meeting as well as possible additional commissioned papers. Advice of the framework and requirements for papers will be sent out as soon as possible.

The draft CSCAP Memorandum on “Maritime Knowledge and Awareness; The Basic Foundations of Maritime Security Cooperation in the Asia-Pacific” was also re-tabled at the meeting. Unless there are any further comments, this memo will be sent forward to the CSCAP Co-Chairs for approval to publish.

Next Meeting

The charter for the current Study Group includes a second meeting on maritime cooperation in enclosed and semi-enclosed seas with a particular focus on cooperation for maintaining law and order at sea (including against piracy, maritime terrorism, proliferation of WMD, and illegal trafficking in arms, drugs, or people), search and rescue, navigational safety, and marine environmental protection. However, the CSCAP Steering Committee at its meeting in Wellington just prior to the Study Group meeting also discussed the possibility of a special Study Group meeting on Security in the Malacca and Singapore Straits. If this meeting goes ahead, it may be in mid-2007 with the enclosed and semi-enclosed seas meeting held over until later in 2007 or early 2008. CSCAP Korea has indicated a preparedness to host the latter meeting.