

March 2017

**RSiS**  
Nanyang Technological University

S. RAJARATNAM  
SCHOOL OF  
INTERNATIONAL  
STUDIES



**Policy Brief**

***NAVIES, COAST GUARDS, THE  
MARITIME COMMUNITY AND  
INTERNATIONAL STABILITY***

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## **FOREWORD**

The maritime security environment in East Asia is a policy priority for both private and state actors. The strategic and economic importance of the sea ensures that its stability is of primary concern. Yet competing visions of how stability should be achieved and what a new 'status-quo' looks like has created uncertainty and competition. Naval forces in the region are growing as littoral states seek to ensure their interests at sea are met. Concurrently, many of the same states have looked to maritime law enforcement agencies to supplement their maritime security capabilities.

Through cases studies of littoral states in Asia and beyond this policy brief examines how states in the region have integrated maritime law enforcement agencies into their existing maritime security architecture and how successful these efforts have been. This Policy Brief also determines how maritime stability is impacted by these developments and how it can be maintained in this hybrid maritime operating environment.

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## LIST OF ABBREVIATIONS

ACGF	Arctic Coast Guard Forum
ADMM	ASEAN Defence Ministers' Meeting
APMM	Agensi Penguatkuasa Maritim Malaysia
ASEAN	Association of Southeast Asian Nations
ASW	Anti-submarine warfare
BAKAMLA	Badan Keamanan Laut
BAKORKAMLA	Badan Koordinasi Keamanan Laut
BYO	Boustead Yonca-Onuk
C4ISR	Command, Control, Communication, Computer, Intelligence, Surveillance and Reconnaissance
CBM	Confidence-building measure
CCG	China Coast Guard
COC	Code of Conduct
CSBM	Confidence and security building measures
CSCAP	Council for Security Cooperation in the Asia Pacific
CUES	Code on Unplanned Encounters at Sea
DMS	Destination Marine Services
EAMF	Expanded ASEAN Maritime Forum
EEZ	Exclusive economic zone
EU	European Union
FIC	Fast Interceptor Craft
FON	Freedom of navigation
GMF	Global Maritime Fulcrum
HACGAM	Heads of Asian Coast Guard Agencies Meeting
HCEG	Homefront Crisis Executive Group
ICA	Immigration and Checkpoints Authority
IMO	International Maritime Organization
INCSEA	Incidents at Sea Agreement
JCG	Japan Coast Guard
JMMS	Joint Multimission Ship
JMSDF	Japan Maritime Self Defense Force

KCG	Korea Coast Guard
LHD	Landing helicopter dock
LPD	Landing platform dock
LRAD	Long Range Acoustic Device
MECC	Maritime Enforcement Coordinating Centre
MLE	Maritime law enforcement
MMEA	Malaysian Maritime Enforcement Agency
MND	Ministry of National Defense
MNPSS	Ministry of National Public Safety and Security
MOOTW	Military operations other than war
MPA	Maritime and Port Authority of Singapore
MRO	Maintenance, repair, and overhaul
MSO	Maritime Security Order
MSSS	Malaysian Sea Surveillance System
MSTF	Maritime Security Task Force
NATO	North Atlantic Treaty Organization
NMOG	National Maritime Operations Group
NMSG	National Maritime Sense-Making Group
NMSS	National Maritime Security System
NORDEFECO	Nordic Defence Cooperation
NPR	National Police Reserve
OPV	Offshore patrol vessel
PASKAL	Pasukan Khas Angkatan Laut
PASKAU	Pasukan Khas Angkatan Udara
PCG	Police Coast Guard
PLA	People's Liberation Army
PLAN	People's Liberation Army Navy
PME	Professional military education
PMS	Preparation for Military Struggle
ReCAAP	Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia
RIMPAC	Rim of the Pacific exercise
RMAF	Royal Malaysian Air Force

RMN	Royal Malaysian Navy
RMP	Royal Malaysian Police
RoE	Rules of engagement
ROK	Republic of Korea
ROKN	Republic of Korea Navy
RSN	Republic of Singapore Navy
SAR	Search-and-rescue
SBIC	Shipbuilding Industry Corporation of Vietnam
SC	Singapore Customs
SCAP	Supreme Commander for the Allied Powers
SCDF	Singapore Civil Defence Force
SGMer	General Secretary for the Sea
SGPV	Second-Generation Patrol Vessel
SLBM	Submarine-launched ballistic missile
SLOC	Sea line of communication
SMCC	Singapore Maritime Crisis Centre
SOA	State Oceanic Administration
STAR	Special Task and Rescue
STEngg	Singapore Technologies Engineering
UNCLOS	United Nations Convention on the Law of the Sea
UNESCO	United Nations Educational, Scientific and Cultural Organization
USA	United States of America
USN	United States Navy
USCG	United States Coast Guard
USSR	Union of Soviet Socialist Republics
VCG	Vietnam Coast Guard
VMP	Vietnam Marine Police
VPA	Vietnam's People Army
VPN	Vietnam's People Navy
WoG	Whole-of-government

## INTRODUCTION

*Ian Bowers and Collin Koh*

There are multiple sources of instability on the seas of East Asia. At a state-level, geostrategic ambition and competition intermix with disputes over sovereignty and maritime exploitation rights creating a maritime environment rife with geopolitical tension. At the same time, general lawlessness poses a serious challenge to economic and environmental good order. Each state appreciates these challenges in a different manner and consequently their policy responses are diverse.

In particular, tensions in the South China Sea ran high following Manila's filing of its legal challenge against Beijing at the Permanent Court of Arbitration about a year after their maritime standoff at the Scarborough Shoal. Over the years, numerous maritime incidents have been observed. While navies have mostly receded into the shadows, taking on what could be deemed a recessed deterrent, back-up role, it is maritime law enforcement agencies (MLEAs) which are now spearheading their governments' claims in the disputed waters. These forces which may include coast guards, maritime police, customs organisations and even maritime militias are now a key tool in states' maritime policies.

Yet there are some contradictions in their role on the seas of East Asia. MLEAs have traditionally been tasked with enforcing national maritime laws and providing other public goods such as search and rescue and environmental protection. However, they now are also on the frontline of inter-state tension, not just protecting maritime sovereignty and economic rights, but also contesting it.

Recall those episodes of fishermen being harassed in waters off the disputed Paracel and Spratly Islands, and the Chinese coastguard blockade of the Second Thomas Shoal where a squad of Philippine marines was constantly stationed on board the rusting, decrepit landing ship which grounded on the feature in the late 1990s. And further eastwards, in the East China Sea, coastguard encounters had been a frequent occurrence especially after Tokyo nationalised the Senkaku/Diaoyu Islands in late 2012.

Overall, this trend looks set to persist. With some exceptions, navies in East Asia are gradually seeking to relinquish their constabulary roles to MLEAs. This has been the rationale behind the emergence of new MLEAs in the region since the 2000s. Granted, not all these agencies have been fully capable of taking on the entire suite of peacetime constabulary roles they are supposed to perform. This is due to capacity shortfalls and other endogenous reasons – chiefly of all being the fact that many are relatively young organisations that need time to establish their structure and operating cultures. This is especially the case for MLEAs which are either spawned off navies, or are essentially a macro-body that is coordinating or fully administering subordinate agencies.

As such, there are instances where navies still play a central role – especially for countries with very little resources to spare to establish separate MLEAs. Navies from time to time also enter the fray where their civilian “white hull” counterparts have proven inadequate for their tasks. But it is safe to say that unlike in the past “white hull” encounters have emerged to the forefront. They are supposed to portray a less militaristic impression than their “grey hull” counterparts, which may be constructive in managing interstate maritime disputes. However, the ironic



situation that has since emerged in recent years – based on what has occurred in the East and South China Seas – is that MLEAs, instead of tamping down tensions, are in fact helping to fuel them.

To complicate matters, over recent years another force in East Asia’s maritime hotspots has emerged. Irregular or quasi-military forces – fishing militia as labelled in many official discourses and media reports – have also joined the fray. These innocuous-looking fishing vessels roam the East and South China Seas daily in appreciably huge numbers. They originate from many regional coastal states which depend heavily on marine resource exploitation for socioeconomic development. However, available evidence indicates that many of these fulltime fishermen do have at least a part-time defence and security role in support of their naval and MLEA brethren.

With that one recalls the standoff involving the US Navy oceanographic research vessel USNS Impeccable and a pack of Chinese fishing vessels off Hainan Island in March 2009. And subsequently, these forces have become more active and in many cases, aggressive – cutting the cables of the rival claimants’ seismic survey ships; closely shadowing rival MLEA and naval vessels; or even engaging in direct standoffs with them. For example, one such Chinese fishing vessel rammed a Japanese coastguard vessel off the Senkaku/Diaoyu Islands in September 2010. This same feat was repeated during the tense Sino-Vietnamese impasse over a Chinese oil rig in disputed waters off the Paracels in May-July 2014; Hanoi reported numerous cases of Chinese fishing vessels ramming its coastguard vessels. And Japan recently reported over a hundred Chinese fishing vessels, with numerous coastguard vessels as escort, in waters close to the disputed Senkaku/Diaoyu islands. The same was also observed by the Malaysians off Sarawak close to the disputed South Luconia Shoals in the South China Sea. And a Chinese fishing vessel became the centre of attention during an incident off the Natuna Islands, during which a Chinese coastguard vessel intervened to forcefully secure the release of a compatriot fishing vessel that was towed away by an Indonesian fishery patrol.

These incidents are merely the tip of the iceberg – while many have been reported in the press it is entirely possible that there are also other incidents which have gone unnoticed or unreported. In any case, the situation in the disputed waters of East Asia has become more complex – in fact, greyer than grey these days with the mish-mash of forces – navies, MLEAs and fishing militia – operating within the confined littorals. As regional governments proceed to build up these forces in varying degrees, and so long as the disputes are not resolved, then a plausible scenario is a persistent recurrence of incidents at sea involving these elements.

The combined strategic and law-enforcement roles that East Asian MLEAs now carry out are a new phenomenon worthy of exploration. As over \$5 trillion worth of trade passes through the East and South China Seas each year the stable interaction between these forces is of paramount concern. Additionally, their role in complementing and interacting with military forces poses importance questions regarding the future operational priorities of the region’s navies and the possibility of conflict escalation arising from clashes of civilian forces.

This Policy Brief is an edited collection of short papers presented by the speakers at the Workshop on “Navies, Coast Guards, The Maritime Community and International Stability”, jointly organised by the Maritime Security Programme, Institute of Defence and Strategic Studies (IDSS) S. Rajaratnam School of International Studies (RSIS) Nanyang Technological

University (NTU), Singapore and Norwegian Institute for Defence Studies (IFS) on 16 and 17 November 2016, at Holiday Inn Atrium, Singapore.

Consequently, this Policy Brief seeks to contextualize and explore how states in East Asia approach the development and operationalization of MLEAs. Furthermore, the brief intends to examine how the increasing strategic prevalence of these forces may impact regional maritime stability. It makes a valuable contribution to the understanding of maritime East Asia and how the plethora of actors now present on the region's seas effect stability and inter-state relations.

Despite the proliferation of numerous regional forums – largely revolving around the Association of Southeast Asian Nations (ASEAN) ambit, also called the “ASEAN-led security architecture” – and the existence of the Heads of Asian Coastguards Meeting (HACGAM), little progress has been made to either further cooperation or manage tensions between MLEAs in East Asia. By contrast, despite a longstanding, unresolved multilateral dispute in the Arctic, that region's MLEAs especially have demonstrated finesse in promoting multilateral cooperation – first, agreements to promote collective search-and-rescue and marine oil spill response solutions, and then, the establishment of an Arctic Coast Guard Forum. There is indeed potential for East Asia to learn from this Arctic experience, notwithstanding those obvious contextual differences between the two regions.

Through these short papers, written by some of the field's leading experts, this Policy Brief engages with the following themes:

#### *Setting the Scene*

- The contrast between the current maritime and geostrategic environment in the Western Pacific and that of Northern European waters during the Cold War. While not exactly analogous, both theatres do share several operational and strategic commonalities particularly the interaction between the MLEAs of states in a heavily competitive strategic environment.
- The influence of private and semi-state stakeholders in the East Asia region, particularly shipbuilders and other maritime industries. This is an important area, which is often ignored in efforts to understand the nature of maritime East Asia.
- The role of small navies in areas of geostrategic competition. This is particularly important as in East Asia the Chinese and US navies dominate the waves. How small navies operate under these conditions informs us about state maritime strategies in the region.

#### *The Navy-Coast Guard Nexus*

- The navy-coast guard nexus is how states balance the roles missions between their naval forces and their burgeoning MLEAs. This includes procurement priorities, divisions of labour, command and control and cooperation. The nexus is often complex as it is influenced by strategic culture, domestic political demands and national security priorities. Included are studies of China, Japan, Singapore and other prominent littoral actors. Additionally, states external to Asia including France and Norway are included to provide a strategic and organisational counter-point.

## Stability and Cooperation

- As MLEAs take prominence, cooperation between them becomes increasingly important to ensure stability. This theme explores how MLEAs can cooperate, how states can develop comprehensive approaches at sea and how conflict escalation can be mitigated. This theme includes examples of MLEA cooperation in the Arctic, studies on confidence building measures and escalation.

This Policy Brief strives to be a useful reference for policy makers, practitioners and academics, as well as other interested parties from the public and private sectors alike, who may be keen to learn more about what these various forces have been up to in both East Asia and Arctic regions.

## KEY FINDINGS

There is no definitive ‘best practice’ for establishing an efficient navy-coastguard nexus. It is heavily dependent on a broad array of internal and external factors. These include strategic culture, economic capacity, technological capacity, tactical requirements and strategic requirements. Long-term planning, exercises and operational experience is required to establish an efficient balance and cooperative relationship between naval forces and MLEAs. In some cases, having a naval force act as an MLEA is more efficient given budgetary constraints and the operational environment.

In East Asia, many MLEAs remain in their formative stages. In some cases, a clear delineation in roles and responsibilities is yet to be established. Administrative structures overlap and there is some duplication of capabilities and missions between naval forces and MLEAs. There is a risk of broader maritime security being less efficient due to competition for funds between military and MLEAs. Clear and consistent political and administrative control is required to establish an efficient maritime security architecture.

Operational coordination is a requisite for naval forces and MLEAs to efficiently realize a state’s maritime security goals. In many cases, political and cultural barriers exist which prevent better coordination. Technical issues are also present. Situational awareness requires connectivity between platforms. Often operational coordination between naval forces and MLEAs is hindered by different equipment and procedures which reduce interoperability.

In pressing strategic circumstances there is evidence of increasingly institutionalized and operationalized relationships between military and MLEAs. This is particularly apparent in Northeast Asia where navies and MLEAs are working in concert to both protect and contest maritime sovereignty and economic rights. However, even in these cases there is evidence of bureaucratic infighting and institutional suspicion which impedes the pursuit of interoperability and hinders operational coordination.

In an environment where MLEAs are increasingly at the front line, navies still have an important function. Small navies are required to not only mitigate strategic risk through operationalizing deterrence, but also to work cooperatively to ensure good order at sea. Often cooperation between navies in the form of joint or coordinated patrols or information sharing is easier than it is for their MLEA counterparts. This is because navies do not normally have a law enforcement role in territorial waters.

There is no evidence that clashes between MLEAs are any more or less dangerous than clashes between naval forces. In both cases, due to conditions of instability at sea it should be expected that incidents occur. Crisis management mechanisms are an important consideration alongside confidence and trust building measures. However, the broader strategic and boundary problems that cause instability at sea can only be dealt with on land.

It is important that both confidence building measures and crisis management measures are kept on a professional track and not heavily politicized. They must be of mutual benefit to all parties involved. The experience of the Norwegian Coast Guard during the Cold War indicates that even in contested environments professionalism and consistency are keys to stable interactions at sea. This is especially important in East Asia considering the nascent nature and rapid expansion of the many MLEAs in the region.

## **SETTING THE SCENE**

# THE MARITIME ENVIRONMENT IN THE WESTERN PACIFIC

*Liu Qing*

There are increasing uncertainties in the Western Pacific as major powers are pooling diplomatic and military resources into the region. Traditional disputes and non-traditional issues are appearing with increasing frequency. And yet there is a lack of pan-regional security arrangements. China is an emerging maritime power but faces two external yet typical dilemmas. To diminish misunderstanding from regional countries, China endeavours to expand regional maritime cooperation while seeking to manage divergences with related counterparts.

## **Strategic Landscape**

### *Major Powers Are Actively Involved in the Emerging Region*

With the shift of the geopolitical center to the Asia-Pacific region, major powers have become more involved in this region and now compete to achieve economic development, to obtain energy resources and to promote geopolitical influence. The US is now the only global sea power. This status implies the ability and readiness to seek national interests, while reserving the right to act unilaterally if necessary. To preserve its status as the global leader in strength and quality, the US is planning to move 60% of its warships to the Asia-Pacific by 2020. There are other independent sea powers. Russia seeks to restore its sea power lost after the Soviet Union's break-up. Its Pacific fleet is given priority over the other fleets. India's navy is assiduously building operational ties with Southeast Asia's maritime forces, as well as entering into a formal military support and training agreement with Vietnam, and enhancing military links with Japan. The third category of maritime players includes U.S. allies such as Japan, Australia and the ROK. Japan is increasing maritime security spending to strengthen its own military capabilities. It is actively involved into the South China Sea and seeks to get more levers to bargain with China on the issues of East China Sea.

### *Region-wide Maritime Disputes occur but can be Controlled in General*

Nearly all countries in this region have been involved in bilateral or multiple disputes on the delimitation of maritime borders and related rights. There are three categories: The first is re-awakened disputes. The dispute over the Diaoyu Islands is a long-running historical issue. The 2012 Japanese nationalisation of the island group touched off swift and strong Chinese reactions. The Diaoyu issue has ebbed and flowed but is controllable in general. The South China Sea became somewhat worse. Fortunately, all parties are avoiding the use of violent force. They are not challenging each other's land claims. The second is half-sleeping disputes which are not noted greatly by media, but are occasionally activated. China and the ROK contend Japan's claims to an EEZ and continental shelf around Douglas Reef or Parece Vela. The multiple disputes in the Sea of Japan haven't been solved. Owing to the Japan-Korea sovereignty dispute over Takeshima/Dokdo, the Russia-Japan territorial dispute over the Southern Kuriles/Northern Territories, and historical conflicts between North and South Korea, the states neighboring the Sea of Japan appear to have suspended delimitation of their overlapping maritime zones. The third category is sleeping marine border disputes. There is an incomplete delimitation between the US and Russia in Bering Sea. In addition, the US also has disputes with Tokelau over Swains Island and with the Marshall Islands over Wake Island.

### *The Interdependence of Geo-economics and the Dilemma of Geopolitics Proceed in Parallel*

On one hand, regional economies have close linkages through flows of trade and investments. China and Japan, as well as the ROK and ASEAN members have become increasingly economically interdependent. They have become each other's important trade partners. On the other hand, due to the prioritisation of economic growth, each country has a larger demand for natural resources, including maritime resources. Maritime competition is naturally upgraded and has affected the regional security structure. In addition, the US launched the strategic pivot to Asia, and has poured diplomatic and military resources into this region. In response to these changes, the countries in the region have to adjust their maritime strategies correspondingly.

### *Maritime Non-traditional Security Threats Are Increasing*

The Asia-Pacific is particularly vulnerable to natural disasters, whose damaging effects frequently result in large numbers of killed, injured and displaced persons. These incidents can be exacerbated by poor governance and a lack of coping mechanisms in many littoral countries. The proliferation of violent non-state actors at sea presents the region with the risk of "violent peace". Maritime terrorists, pirates, and criminal organisations are appearing with increasing frequency. With the return of foreign fighters who have joined ISIS in Iraq and Syria, the risk of terrorist attacks in this region is going up. In recent years, we have already seen attacks caused by terrorists in Thailand, Indonesia, the Philippines and Malaysia.

### *There Is a Lack of Pan-regional Maritime Cooperation Mechanisms*

There are various maritime cooperation mechanisms in this region. Some led by the US alliance have been strengthened, but most of them develop slowly since the member states lack mutual trust. These mechanisms differ in participants, themes, goals, and in practice each plays a different role. The US-led security alliance expects to maintain privileges in maritime security in this region. However, it first maintains US security and serves its allied countries and second the targets non-allied countries.

## **Understanding of China's Maritime Policy**

China's contemporary history shows that China's sea defence was weak. Over the last 150 years, the invasions of China by Western countries and Japan were almost all from the sea. After the Second World War, China recovered its sovereignty over islands in the East China Sea and South China Sea from Japan. China vowed to establish a powerful navy to defend its sovereignty. However, the priority of developing its economy and technological limitations hindered China's resources from flowing into military building. The gap between economic development and military modernisation widened and made the military complain. Since the end of 1990s, this situation has been improved gradually with the increase of national defence expenditure. However, China faces the following external dilemmas in diplomacy and security.

### *The Dilemma between the Growth of Sea Power and Anxiety from Outside*

China has become more dependent on oceans for international trade and fuel supply. Meanwhile, China is the only major country in the world which has not achieved national unification. To protect sea lanes, safeguard national sovereignty and promote unification, China has to gradually modernise its army and strengthen its sea power. However, such actions can easily cause misunderstanding on the part of the United States. These changes have also attracted the

attention and speculation of neighboring countries, pushing China into a vortex of contradictions. Some countries have a feeling of excessive anxiety, and some even accuse China of eating their lunch. To face the pressure from the US' rebalance to Asia, China took a strong response. Then, the outside speculated whether China had become "assertive" and was "over-reacting," and asked if would drive the US out of the Asia Pacific and replace the US as the new regional hegemon.

#### *The Dilemma between China's EEZ Principles and the US FON Rules*

Due to different domestic situations and maritime strategies, China and the US have different understandings about maritime order. With its global hegemony based on superior sea power, the US finds it very natural to advocate the principle of "absolute freedom of navigation". In contrast, China pursues an "offshore defence" strategy, and therefore holds the view that foreign warships engaging in military survey operations in a country's EEZ are harmful to the country's national security and should therefore be prohibited. The 'restricted access' concept promoted by China has won the support of many coastal countries and even been applied in some strategic regions. Countries like Iran, Pakistan, India, Bangladesh, Myanmar and Malaysia have even enacted laws prohibiting foreign military operations in their EEZs. The US thinks China's interpretation greatly challenges its maritime interests.

### **China's Engagement**

#### *Sharing Common Interests: Building 21<sup>st</sup> Century Maritime Silk Road*

China endeavours to establish a sense of community of common interest, common responsibility and common destiny, advocating the 21st century Maritime Silk Road, which bears practical significance for pushing ahead win-win cooperation in this region. The initiative is an open, inclusive and expandable platform that endeavours to promote economic trade and cultural cooperation. The cooperation is project-driven and is therefore flexible and pragmatic. It has USD 132-billion potential. Now under the Road Initiative, projects such as an Indochina peninsula corridor have greatly promoted economic development in related countries and injected dynamism into regional cooperation.

#### *Maintaining Common Security: Managing Maritime Divergences*

China and Japan made a bilateral agreement on observing the spirit and principles of the four basic documents between them. This consensus has resulted in the de-escalation of tension over territorial disputes. In January 2015, representatives from each country's defence ministry, navy, and air force met in Tokyo and reaffirmed their commitment to establishing a maritime and air communication mechanism to prevent crisis in and above the East China Sea. In January 2016, China and Japan held bilateral high-level consultation on maritime affairs, in which all the principle maritime-related organisations on both sides, including coast guards, got together for the third time. China accepts Brunei's proposal of a dual-track approach to resolve the South China Sea disputes. During the 9th China-ASEAN senior officials' meeting, both agreed to get the framework for the COC done by mid-2017, and also approved guidelines for a China-ASEAN hotline which will focus on maritime search-and-rescue operations in response to maritime emergencies.



### *Implementing Preventive Diplomacy: Actively Interacting with the Related Parts*

China actively interacts with the US at a high level to build military mutual trust. There are numerous communications channels between them including visits by national security advisors, secretaries of state, and presidents themselves. They seek some degree of understanding and mitigation of conflicts even when solutions are elusive. Military exchanges are thriving between the two countries. There were 26 types of military-to-military contacts in 2015. China participated in the multinational “RIMPAC” exercise in 2015 and 2016. The two agreed CUES in 2014. In 2015, the agreement was extended to air-to-air encounters as well. China is an active member of regional fora, including The ASEAN Defence Ministers Plus (ADMM+) Expert Working Group on Maritime Security, the Expanded ASEAN Maritime Forum (EAMF), etc.

### *Providing Public Goods: Coping with Non-traditional Security Challenges*

China was quite cooperative with Malaysia and Australia in the 2014 search for the missing Malaysian Airlines MH370 aircraft. China sent several ships and spent a large amount of resources hunting the missing plane in the South China Sea and Indian Ocean. China supported the ARF, issuing a statement on Strengthening Coordination and Cooperation on Maritime and Aeronautical Search and Rescue in 2014, and facilitating the institutionalisation of regional countries’ cooperating on joint search and rescue. China has participated in the Regional Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) and urged ReCAAP to facilitate antipiracy capacity building in the region.

## THE BATTLE THAT NEVER WAS

*Tor Ivar Strømme*

The Cold War in Northern Europe was primarily a naval conflict, and was thus governed by maritime strategy.<sup>1</sup> Maritime strategies are the principles which govern a war in which the sea is a substantial factor and they determine what part a naval fleet must play in relation to the overall strategy.<sup>2</sup> Accordingly, if we are to understand the Cold War in the North, one must first understand how the opposing sides intended to use the sea to achieve their strategic aims and what these aims were.

The Cold War did not revolve around the Arctic but nevertheless it was strategically vital; but the main factors behind its strategic importance were geography and technology. The north was key for strategically targeting the other superpower as it offered the shortest flight path for bombers and missiles.<sup>3</sup> As the USSR was entirely a continental power, it had to be confronted on land to be defeated. Maritime power is not very useful against a state that does not rely on maritime communications unless the war is protracted in time. The key Cold War theatre was Western Europe, an area of immense strategic importance for both superpowers, as it was a US bridgehead in Europe, an industrial powerhouse, and an ideological pivot between the capitalist West and Communist East.

Maritime communications were certainly vital for NATO to maintain the logistical support of America's strategic beachhead in Europe, but control of the sea alone was not sufficient to defeat the Soviet Union.<sup>4</sup> Sea power, NATO's foremost military asset, could directly influence events ashore only through strikes launched from carriers and submarines. For the USSR, the sea was therefore predominantly a moat against her maritime opponents and later became a safe-haven for her retaliatory nuclear capability. As a continental power the USSR used or planned to use the oceans to hide and protect her nuclear-powered ballistic missile submarines (SSBNs), but it would also be a medium for short-range logistic support and would allow for flanking manoeuvres in her land campaigns.<sup>5</sup> The Arctic was the only area through which USSR naval

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<sup>1</sup> Both *the North* and *the Arctic* does in this paper refer to the European Arctic region including the North-Atlantic Ocean north of Greenland-Island-Scotland but not the Baltic.

<sup>2</sup> Paraphrase of Corbett, Julian S., *Principles of Maritime Strategy*, (New York: Dover Publications Inc., 1911:2004), p. 13.

<sup>3</sup> Tamnes, Rolf og Offerdal, Kristine, *Geopolitics and Security in the Arctic: Regional Dynamics in a Global World*, (Routledge, 2014), p. 21-22.

<sup>4</sup> It is, however, commonly claimed that sea powers hold a critical advantage over land powers that eventually will make them prevail as it enables a maritime combatant to protract a war in time, extend it in geography, and assemble a coalition able to field a superior landward fighting instrument in the end. (Gray, Colin S., *War, Peace and Victory: Strategy and Statecraft for the next century.*, (Touchstone, 1991), p. 67-77.) During the Cold War this advantage was to a certain extent nullified by nuclear weapons as their tremendous destructiveness limited the political objectives of war as total victory would result in utter Armageddon for both parties. Hence, improving your strategic position in a short perspective became more relevant, while the more long-term effects of sea power lost much of its potential as war-winning tool.

<sup>5</sup> I.e. in Scandinavia, the Baltic, the Black Sea and in the Far East.

assets could access the Atlantic and threaten NATO's SLOCs and likewise the Arctic region provided NATO's seaborne strike forces access to Soviet territory. This combination of strategic retaliation forces and naval power projection potential thus formed the strategic background for the Cold War in the North.

The Third Battle of the Atlantic is a commonly used name for the Cold War in the North but is also a name that promotes misconceptions, i.e. it implies that maritime communications in the North Atlantic were the key strategic objective. Although the Soviet fleet was a significant threat to NATO SLOCs, maritime interdiction was by no means its main mission, nor was it an important secondary mission.<sup>6</sup> The USSR's war plans for its land campaign were basically offensive and aimed at securing Western Europe within weeks.<sup>7</sup> Such a rapid attainment of strategic objectives would render counter-SLOC operations nearly irrelevant.<sup>8</sup> Furthermore, the USSR saw the destruction of ports and infrastructure as more efficient than sinking ships.<sup>9</sup>

The overall Soviet naval missions obviously varied somewhat between 1945 and 1991, but their variations were, with one exemption, mostly reflections of technological developments. The overarching Soviet naval doctrine remained fundamentally defensive and territorial throughout.<sup>10</sup> The exemption was the introduction of submarine-launched ballistic missiles (SLBMs) adding strategic strike capability to the Soviet fleet. But only in the 60's and early 70's did the Soviets rely on operating in the mid and western Atlantic to strike the US mainland.<sup>11</sup> As SLBMs matured and achieved truly intercontinental range; USSR SSBNs withdrew into protected safe havens in USSR home waters off Kola. Thus, at the height of the Cold War Moscow's naval priorities were assessed to be, in order of importance:

- Providing "combat stability" for Soviet SSBNs, principally through safe havens or bastions.
- Defend the USSR and its allies from NATO sea-based strike forces, i.e., carriers, and submarines.
- Support ground forces against NATO in Europe or elsewhere.

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<sup>6</sup> Ford, Christopher A og Rosenberg, David A, "The Naval Intelligence Underpinnings of Reagan's Maritime Strategy," *Journal of Strategic Studies* 28, no. 2 (2005), Ranft, Bryan og Till, Geoffrey, *The Sea in Soviet Strategy*, 2nd ed., (Hampshire: MacMillan Press, 1989), p. 206-211., Odom, William E., "Soviet Military Doctrine," *Foreign Affairs* 67, no. 2 (1988): p. 127., and Mccgwire, Michael, "Naval Power and Soviet Global Strategy," *International Security* 3, no. 4 (1979): p. 173-174.,

<sup>7</sup> Williamson, Corbin, "Factors Affecting the Feasibility of a Warsaw Pact Invasion of Western Europe," (2008): especially p. 29-30.

<sup>8</sup> Lebow, Richard Ned, "The Soviet Offensive in Europe: The Schlieffen Plan Revisited?," *International Security* 9, no. 4 (1985)

<sup>9</sup> With regards to their efforts to sever SLOCs by destroying ports see to an example Ranft og Till, p. 211.

<sup>10</sup> Williamson, p. 62-63., and Ford og Rosenberg, p. 385.

<sup>11</sup> USSR decided in 1963-64 to develop an SLBM system with sufficient range to be able to strike at North America from the comparative safety of the home fleet areas. Such missiles were however not deployed in numbers before approximately 1975. (Breemer, Jan S, "The Soviet navy's SSBN bastions: Evidence, inference, and alternative scenarios," *The RUSI Journal* 130, no. 1 (1985): p. 19.)

- Interdict Western SLOCs.<sup>12</sup>

As Western SSBNs were well-nigh immune to Soviet ASW efforts, the best defence against them was to secure her own SSBNs and thereby assure the ability to retaliate if attacked.<sup>13</sup> During WW2, the USA had clearly demonstrated what carrier battle groups and amphibious forces could achieve if given access.<sup>14</sup> The USSR recognised that naval power projection against their flanks constituted a major threat and emphasised denying it. As technology evolved, NATO carrier-based strike ranges increased to 2000 km and their striking power saw manifold increases.<sup>15</sup> Therefore, to defend Soviet territory and SSBN bastions, efficient sea denial had to be established out to 2000 km from her shores.<sup>16</sup> Furthermore, sea control had to be maintained in her own waters to protect her SSBN bastions, logistic support to land operations, and in-theatre amphibious operations.

A fleet's structure has two main relationships with strategy. The fleet is the physical means that can achieve strategic aims and support political purposes, i.e. it determines what can and cannot be done at a specific time. Additionally, as an expensive long-term investment a fleet's structure and development always reveals a lot about what it is intended for. Admiral Gorshkov promoted an assertive navy, one that would move out from the coastlines and into the oceans to challenge the West. The mission of these forward-deployed Soviet ships was to counter the West's sea-based strike force and partly to interdict sea lines of communication.<sup>17</sup> Looking at force development one straightforwardly sees that protection against power projection and later also SSBN security remained their foremost missions throughout the Cold War. The Soviet navy was never balanced nor capable of major maritime power projection beyond nuclear bombardment.<sup>18</sup>

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<sup>12</sup> Ford og Rosenberg, p. 38. An alternative view is found in Kuzin, Vladimir og Chernyavskii, Sergei, "Russian Reactions to Reagan's 'Maritime Strategy'," *ibid.* But also they claims that the Soviets main naval missions were related to protecting SSBNs and defend against NATO sea-based strike forces. They do however emphasise interdiction of NATO SLOCs somewhat more as they see this as an operational method to dilute NATO's concentration of force in the Arctic.

<sup>13</sup> Paraphrase of Chipman, Donald D., "Admiral Gorshkov and the Soviet Navy," *Air University Review* 33 (1982)

<sup>14</sup> Throughout the Second World War there were a total of 600 amphibious landings, or an average of one every 3 1/2 days. In addition, nearly all these landings were successful. (Sloan, Geoffrey, "Sir Halford J. Mackinder: The Heartland theory then and now," *The Journal of Strategic Studies* 22, no. 2-3 (1999): p. 34.)

<sup>15</sup> The Tomahawk land-attack missile T-LAM(N) BGM-109A had a range of 2500 km and carrier a 200-250 kt nuclear warhead. These started to be deployed in numbers from 1983. (Ball, Desmond, "Nuclear War at Sea," *International Security* 10, no. 3 (1985): p. 12.) The introduction of these weapons constituted a major increase in naval strike capability both with regards to range and penetration ability.

<sup>16</sup> This is discussed in some length in Kuzin og Chernyavskii, p. 432-437.

<sup>17</sup> Chipman.

<sup>18</sup> By balanced one means a fleet that can conduct every kind of operation wherever one decides, i.e. typically the fleet of a major sea power. If one, however, by balanced defines a fleet with a full range of capabilities within its specific mission portfolio, then the Soviet fleet might be considered balanced.

## **A Norwegian Perspective**

Control of Norway and Iceland was strategically vital for both parties as their geographic position astride key waterways and access routes allowed efficient intelligence gathering, air operations, and forward staging of strike forces both for NATO and USSR. This explains why NATO emphasized defence of these areas as an important task and allocated substantial forces to it, forces one otherwise would assume would be better employed in Western Europe. It also explains why the Soviet Union aimed at gaining control of Norwegian territory if war erupted. It does thus show how a small state could become involved and even a focus area for great-power conflicts even if it had no conflicting interest with either superpower. The USSR's defensive maritime strategy was offensive at the operational level. Bastion defence and the requirement for operational depth in USSR coastal defences, both rendered Norway well within the geographic area USSR had to dominate if their maritime strategy was to succeed. The Cold War ended in 1989-91, but this geostrategic fact remains unchanged and is steadily becoming more acute yet again. This geostrategic fact is probably also directly transferable to the Eastern Asia sphere.

## **Conclusion**

The USSR's maritime strategy was essentially defensive and territorial; it did not challenge NATO's overall maritime supremacy but was aimed at eliminating any real strategic advantage NATO could gain from their command of the seas. Furthermore, the USSR depended on the sea for their ability to deter and ensure nuclear retaliation. The USSR's maritime strategy can therefore be seen as a means to ensure that any conflict would not escalate out of the political realm unless the Soviets themselves decided it would. Fundamentally, it was designed to neutralise the sea as warfare domain that could significantly influence the overall strategic picture negatively for the Soviet Union.

## THE MARITIME INDUSTRIES AS STAKEHOLDERS?

*James Goldrick*

We must understand that there are some definitional problems with the term ‘maritime industry’ because it covers so many areas of commercial activity on, in and under the sea. I intend to focus on maritime security and the relationship of the sector with national agencies and international authorities with responsibilities in that area. I will break industry down into three sectors – shipping, offshore resource exploitation and fishing.

While all three seek to achieve the maximum return on capital, their perception of risk and their focus in managing it will be inevitably somewhat different. If there is a single key to success in dealing with industry, however, it is to ensure from a government perspective that all the national and international authorities are properly ‘joined up’.

### **Shipping**

Turning first to shipping, it is important to understand that shipping companies will not only be motivated by their own assessment of risk, but that of their cargo owners and the insurers of both. They will welcome the patrol and surveillance efforts of coast guards and navies, but they and their insurers may be prepared, for example, to suffer a certain level of loss to piracy and armed robbery if the costs of such losses are less in total than the costs of their providing against such threats.

The shipping companies are also extremely impatient with any maritime security measures which increase running costs, of which the biggest driver is steaming time. This militates against either convoys or evasive routing unless there are very good reasons indeed. The point is that maritime security forces need to understand this imperative. In dealing with merchant shipping, they also need to understand not only where the actual decision makers are within a shipping firm or its parent companies, but who are the authorities amongst the underwriters and in such bodies as the International Maritime Organisation. This alone means that both navies and coast guards need to maintain some form of maritime trade organisation for continuing liaison work and to sustain a core of expertise, even in periods in which the threat of attack is low.

It has been encouraging to see the renewal of the global war focused protection of shipping arrangements in many navies to meet the challenges of piracy, armed robbery and terrorism in the last two decades.

### **Offshore Resource Exploitation**

Notwithstanding the much-publicised interactions in the South China Sea, the offshore resource industry will generally not go where there are significant disputes over maritime sovereignty and it will address any concerns about an area of potential interest and exert influence to make it safe and accessible at the very highest political levels, far above the remit of security authorities.

Where a rig has required physical protection, it is likely that the relevant government has been much more behind its dispatch into troubled waters than the resource company which is the ostensible owner. In the security domain, the offshore resource industry is in fact most concerned

about the potential of terrorist attack – indeed, it has been thinking about this problem longer and perhaps more consistently than most maritime industry. But it also has a sophisticated approach to the problem. It is conscious that the sheer difficulty of attacking offshore facilities means that any terrorist threat is more likely to come from within than from a seaborne or an airborne attacker. This means that the offshore resource companies usually seem to give a much greater priority to vetting and monitoring their own employees than to working with security agencies.

Nevertheless, the offshore resource industry does expect that national authorities will have a regular patrol presence at sea and in the air, as well as an ability to intervene in the event of a terrorist incident on a platform. In this regard, if governments are to maintain such a capability, it must extend to provision for and management of the consequences for the environment in the event of damage to a rig. Thus, ‘armed response’ needs to be practiced not only for its own sake, but in conjunction with the safety and disaster management organisations that will have to deal with the consequences.

## **Fishing**

Fisheries are perhaps the most complex and difficult of all because maritime security forces almost inevitably have to conduct enforcement operations against their own nationals as well as foreign ‘illegals’. This creates a significant tension because the local fishermen may well – indeed usually do – disagree with any government imposed restrictions or outright bans.

This means that maritime security forces need to ensure not only that their enforcement personnel understand how the fisheries work and just what their particular problems are, but exactly what the fisheries management authorities are trying to achieve and why. Such domestic work is one area in which navies are likely to be best off in delegating the front-line work to a partner civil agency, but smaller nations may not have the luxury of more than one service to call upon.

The most uncertain area of fisheries management is obviously that of the high seas. It may be that the recent example of a New Zealand naval patrol vessel being used as an evidence and information gatherer without taking on the risks of an actual boarding with uncertain legal authority may be the way ahead. It was the evidence that the patrol vessel brought back that was used to spur international action through port control mechanisms. The subtext for this for maritime security agencies is the need for effective information exchange and agreed international evidence gathering procedures and standards.

## **Conclusion**

What maritime security organisations must provide, and what all elements of maritime industry most crave is a single point of contact for maritime security, not only within individual national governments, but when various nations are working together to achieve a collective effect. This is not to say that there needs to be one point which can cover every sector at the same time, but that each industry group can be sure that it will receive consistent advice and direction for its concerns. This means that maritime security authorities need to work very closely with the full range of other organisations that are involved in their national governments – and outside them.

Despite, or perhaps as much because of several hiccups and hitches, in some ways the Indian Ocean anti-piracy operations of the last decade have constituted a laboratory for multi-national maritime security, particularly as they have involved such a diverse range of nations, and the most successful elements may act as a guide for best practice in the future



## SOUTHEAST ASIA'S NAVAL SHIPBUILDING INDUSTRY: THE CHALLENGES AHEAD

*Richard A. Bitzinger*

Nearly every large country in Southeast Asia possesses a shipbuilding industry. Some local shipbuilding sectors, such as Vietnam's, are quite large, in fact (Vietnam is the world's fifth largest shipbuilder). These countries are engaged, in a limited way, in the construction of warships for their respective navies. Moreover, most countries wish to expand their shipyards and production capacities, and expand into more ambitious shipbuilding programs.

### **Southeast Asian Shipbuilding: An Overview**

Naval production is mostly concentrated in the following shipbuilding companies:

- Indonesia: PT PAL, a state-owned "strategic" industrial enterprise
- Malaysia: Boustead Naval Shipyard, a division of Boustead Heavy Industries
- Singapore: ST Marine, a division of Singapore Technologies Engineering (STEngg)
- Thailand: Bangkok Dock Company Ltd.
- Vietnam: Vinashin, also known as the Shipbuilding Industry Corporation of Vietnam (SBIC)

These companies are either state-owned enterprises (PT PAL, Bangkok Dock, Vinashin), or have considerable governmental ownership and control (STEngg is a "government-linked corporation," with 51.3 percent of its shares held by the government-run Temasek Holdings, while Boustead Naval Shipyard is 58.7 percent owned by a Malaysian military retirement fund).

The best-known products of these local shipyards include:

- Indonesia: PT PAL has constructed German-designed 57-meter patrol boats for the Indonesia Navy (TNI-AL), as well as Landing Platform Dock (LPD), and wants to build two Dutch-designed *Sigma*-class corvettes, if the TNI-AL places a follow-on order. PT PAL also wants to build submarines (designed by South Korea) for the navy.
- Malaysia: During the 2000s, Boustead Naval Shipyard constructed six *Kedah*-class Next Generation Patrol Vessel (based on the German MEKO A-100 design) for the Royal Malaysian Navy (RMN). This program has been succeeded by the Second-Generation Patrol Vessel (SGPV) program, which will entail Boustead building six French-designed *Gowind*-class (3,100-ton) frigates in partnership with DCNS, a French naval contractor, and costing at least US\$2.8 billion. The SGPV program is regarded as especially crucial by the RMN, who are concerned that they would lack credible combat capability in the South China Sea disputes.
- Singapore: Recent and current naval shipbuilding programs include the *Formidable*-class frigate (based on the French *Lafayette* design), the *Endurance*-class LPD (also sold to the Thai navy), and the 1,200-ton *Independence*-class littoral mission vessel. Singapore also plans to build a large Joint Multimission Ship (JMMS), basically a helicopter carrier (LHD).
- Thailand: Bangkok Dock undertook final assembly of the *Krabi*-class offshore patrol vessel (OPV), based on the British *River*-class.

- Vietnam: Vietnam is currently building several Russian-designed *Molniya*-class corvettes; other naval products include patrol boats and logistics ships.

### Challenges Facing Local Naval Shipbuilders

Southeast Asian shipyards face three long-term problems when it comes to expanding or further developing their shipbuilding capabilities or product lines:

- **Lack of profitability:** Many regional shipyards are unprofitable due to extremely small production runs or mismanagement. Indonesia's PT PAL is starved for contracts, as the Jakarta government is unable to commit to a long-term naval modernisation (and funding) plan. In 2009, PT PAL was forced to enter a process of rationalisation through which around half of its 2,000 employees were made redundant. For its part, Vietnam's shipbuilding ambitions were dealt a severe blow in 2010, when Vinashin collapsed under a debt burden of US\$4.5 billion (it is currently under reorganisation).
- **Corruption:** Malaysia is the worst example of how corruption in armaments procurement has undermined national naval shipbuilding efforts. The *Kedah*-class shipbuilding program was initially an ambitious plan to build 27 large OPVs; however, it was plagued from the beginning by fiscal irregularities, resulting in quality control problems and delays. The original contractor, PSC-Naval Dockyards, was discovered to have not paid several subcontractors, while also engaging in the apparent embezzlement of employee retirement funds; as a result, the government forced Boustead to take over PSC shipyards and finish the project. Even then, the first ship in the series failed to pass its pre-delivery sea trials due to technical problems and quality issues. Eventually, the *Kedah*-class program was reduced to just six ships.
- **Low levels of shipbuilding expertise and technology:** The relatively low level of technological and technical capabilities of regional shipyards is probably the greatest impediment that these builders face. In most cases, local shipbuilding is decidedly small-scale, limited to relatively simple items like patrol vessels, corvettes, and OPVs. Only in a few instances (Singapore, for instance), do local shipbuilders construct larger vessels, such as frigates or amphibious assault ships. Even then, all regional shipbuilding enterprises have to import all or nearly all of the systems and weapons fitted on these warships, including the engines, radars, electronics, fire control, missiles, and naval guns. Singapore's *Formidable*-class frigates, for example, use French sensors and decoys, Israeli electronic warfare systems, American-made anti-ship cruise missiles and helicopters, and an Italian 76mm gun. For the most part, when it comes to naval shipbuilding, Southeast Asian shipyards essentially just build the shell (i.e., the hull, superstructure, and interiors), while the high-end, value-added items are supplied by foreign subcontractors.

For these reasons, many regional shipyards want to move up the "ladder of production" by undertaking more complex and more complicated ship-construction projects. Malaysia, for example, was keen to co-produce (with the United Kingdom) two *Improved Lekiu*-class frigates being acquired by its navy. For its part, Indonesia has expressed an interest in locally building follow-on *Sigma*-class corvettes (the first two were built in the Netherlands), as well as submarines. But in most cases, this is a chicken-and-the-egg problem at work here: local shipyards do not possess sufficient workforce skills or manufacturing capabilities to take on more complicated projects, while at the same time they do not engage in sufficient large-scale

production to justify developing those capabilities. When it came to the *Lekiu* program, for example, BAE Systems, the British-based lead contractor, was reluctant to include Boustead in any kind of significant industrial cooperation, arguing that it was “not advanced enough” to play a large role in the program.

Few of these countries will likely be able to do much over the next decade to increase their technological capabilities or expand their naval industrial footprint beyond a few showcase programs. Many of these shipyards still lack sufficient numbers of qualified engineers and technical personnel to engage in more advanced types of naval production.

Consequently, it is unlikely that Indonesia, Malaysia, Thailand, or Vietnam will ever rise above their current positions as relatively minor players in naval shipbuilding. Naval construction will continue to be *ad hoc* and sporadic, limited to MRO (maintenance, repair, and overhaul), low-end manufacturing (hulls and sub-assemblies), final production, and a few showcase arms projects that are, for the most part, generally low-tech in nature.

## **SMALL NAVIES AND INTERNATIONAL STABILITY: CHALLENGES FOR SMALL NAVIES**

**Geoffrey Till**

Small navies face many of the same dilemmas and challenges as big ones, but other particular ones too which have a bearing on how well they respond to common challenges. The most obvious challenge held in common is the need to respond to a changing strategic environment which in many ways is getting more threatening.

Globalisation was supposed to usher in an age of peace and prosperity by giving everyone a stake in success and interest in the efficiency and security of the world trading system whether as consumers looking for reduced costs of living, commodity suppliers or makers of components used by other manufacturing countries. The more countries trade together, its advocates said, the less they fight. Further this meant the world's navies had to work together to defend the trading system against such threats as piracy, and other forms of transnational crimes at sea, instability and natural disasters ashore and inter-state conflict. Navies it was argued were now entering a new era of cooperation at sea.

The South Korean shipping firm Hanjin based its plans on the widespread assumption that international trade would keep on growing and had to file for bankruptcy when it became clear that trade was not in fact expanding. In the second quarter of 2016 it in fact fell by 0.8%, amidst lower consumption and investment. As a result, many of the world's 20 million containers and the ships to transport them were not needed. Free trade seems in trouble, as the World Trade Organisation's most recent talks failed, and the Trans Pacific Partnership founders. China like other major economies is now making more of what it consumes and consumes more of what it makes.

While its advocates claim that globalisation us all together in peace and prosperity, and reduces poverty, there is every sign and more hostile views appearing. Globalisation is becoming unpopular in the developed world for favouring the haves rather than the have nots; neo-liberalism has benefitted capital much more than labour and so has led to great social inequality. In turn this has sparked a rise in populist anti-globalisation sentiment from Donald Trump in the US, and perhaps to the Brexit vote in the UK. In the 2016 US presidential election even Hillary Clinton backed away from her previous support for the Trans-Pacific partnership. New restrictions are being put into place. The asymmetric effect of these restrictions will increase tension between states.

This all seems likely to reduce the urgency of the need for navies to cooperate in defence of the trading system. On top of that it would be naïve to ignore the future possibility of dangerously increasing tensions between India and Pakistan, between the US and China, between the two Koreas, Japan and China, Russia and NATO and so on. In such a maritime area as the Indo-Asia-Pacific region, it is hardly surprising that many of these issues should themselves be maritime. For this reason, naval planners throughout the region feel they have a duty to 'engage' in worst case analysis, and to produce as strong a force as they can in order to minimise strategic risk. Inevitably this produces security dilemmas where one country's defensive measures seem to justify its neighbour's responses in an endless chain of action and reaction leading to a retreat

from collaborative engagement and a slide into heightened tensions and de-stabilising arms-racing.

This is not to say that there are no incentives to cooperate for in fact there are. International sea-based trade will still be important and piracy and all other forms of maritime crime threaten the good order at sea on which that trade is based. Navies and coastguards will still have an important role to play both in facilitating that good order at sea and incidentally in improving the relationship between them that in turn contributes to a better international climate. International terrorism also threatens everyone, great and small, but current problems in Syria show that even so there can be very substantial and perhaps conflictual differences in the way that states choose to respond to it.

Another challenge in common to great and small navies is the fact that they have to balance their resources and their commitments. Their mission choices are effected by the extent of the maritime estate and the broader maritime interests they feel they have to defend, the extent to which their immediate neighbourhood obliges them to invest in the current tensions between sea control and sea denial, in the away game as well as the home game and in how their domestic and budgetary constraints limit their capacity to respond effectively. These are not challenges just for smaller navies; medium and big ones have them too. This is because the existence of bigger navies tends to be associated not simply with the extent of the resources available but with an expanding range of demanding commitments as well. Even so, small navies *do* face very real extra structural problems that make it more difficult for them to respond effectively to an uncertain and challenging world.

These structural problems are well known. The most obvious are the special problems that derive from only having small numbers of platforms and of people. Thailand has one light aircraft carrier, Malaysia two *Scorpene* diesel submarines. With numbers like this it is obviously difficult to manage economies of scale either in the original acquisition of the platforms or in their maintenance and operation. All this constitutes a major source of uncertainty for mission planners. A smaller navy's inability to provide *reliable* future capabilities may therefore seem to reduce its value for money. Smaller navies run particular risks in becoming out of sight and out of mind. Low numbers, cuts and outsourcing damage morale and retention by reducing promotion prospects, and adversely affect sea-shore employment ratios. In the same way, small navies find it difficult to afford NATO-standard cradle-to-grave professional military education (PME) systems able to deliver all the necessary staff/academic skills needed to fight, to argue the maritime case and indeed to procure 'smartly'. Thus, there are fewer people with the necessary professional experience to influence, or even help shape, policy at the national level. Policy made without this kind of professional input becomes less likely to serve naval purposes. Instead the navy simply gets told what to do - or not as the case may be.

Additionally, smaller navies without access to a sophisticated national defence industrial base tend to have two sets of problems in the acquisition and maintenance of equipment. The first set derives from their reliance on other countries for the supply of the platforms, weapons and sensors they need. These dependencies always come at a price which all too often prejudices planning certainty, increases the difficulty of integrating equipment from different sources and may even reduce national independence of decision, since foreign support *can* always be withdrawn. Accordingly, there is an incentive to diversify sources of supply even if that does increase integration problems. But, secondly, trying to manufacture what is needed at home

delivers problems too, in that it is usually more expensive and there is every possibility that the long-term needs of the economy are hard to reconcile with the short term needs of the navy.

This is not to say that for small navies things are hopeless. There are good and effective small navies capable of delivering the required strategic effect – the Israeli navy for example is a small navy that manages, Singapore’s another. But others do not, especially in Africa. The context, evidently, is all important in deciding their roles and resources and explains why it is so hard to generalise about smaller navies in general. Nonetheless the simple fact of their being 'smaller' produces a set of daunting challenges and constraints. Properly integrating smaller navies into the whole of national policy can compensate for this and make them surprisingly effective. For this, a sound defence decision-making system and an established, settled and comprehensive national defence policy, in practice rather than theory, seems essential. Finally, it is worth making the point that smaller navies which prove unable to meet the challenges they face may themselves become a problem. Not only are their deficiencies likely to limit the peace and prosperity of their own countries but the resultant disorder is likely to spill over and impact on international stability more broadly. Somalia’s problems in dealing with offshore illegal fishing and then piracy and the problems faced by Indonesia, Malaysia and the Philippines in maintaining order in the Sulu come immediately to mind. Small navies, in short need to be able to do their jobs properly too.

# WHAT ARE SMALL NAVIES FOR? THE CASE OF DETERRENCE IN EAST ASIA

*Ian Bowers*

This commentary argues that small navies are useful in the hybridised East Asian maritime environment despite the core problem of power asymmetry. To do so, it engages with the concept of deterrence and its applicability to small navies, arguing that relatively smaller navies can have an important deterrent effect. Their strategic role and operational posture should not be based on an expectation of victory against a superior opponent but rather smaller navies should aim to raise the potential cost and thereby reduce the benefits of any potential aggressive action.

## **Deterrence and Small Navies**

The doctrines of advanced navies worldwide frequently espouse the deterrent effect of maintaining naval combat capability. There is also a broad consensus among naval analysts regarding the unique capacity of sea power to implement conventional deterrence.<sup>1</sup> The flexibility of advanced naval platforms provides navies with the potential ability to implement both deterrence by punishment and deterrence by denial. However, there has been little exploration of the role naval deterrence plays under conditions of relative power-asymmetry.

Relatively weaker navies struggle to implement the punishment elements of deterrence. Under conditions of power asymmetry, punitive naval capabilities such as those possessed by the US Navy are beyond the capacity of smaller navies. The pursuit of such an approach is not only inefficient but is inherently risky under conditions of power asymmetry.

Smaller navies are however strategically relevant even when pitted against a more powerful opponent.<sup>2</sup> This is particularly true in home waters proximate to the coast where navies can leverage geography and technology to punch above their weight. For smaller navies, effective deterrence does not mean that victory is the primary objective. Rather, capabilities must be maintained which can impose substantial physical cost thereby altering an opponent's perceptions regarding the advantages of aggression.<sup>3</sup> By possessing capabilities which could prolong a conflict, a smaller state can also hope to garner international sympathy or assistance thereby raising the political and physical cost of aggressive action.<sup>4</sup>

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<sup>1</sup> Chris Parry, *Super Highway: Seapower in the 21<sup>st</sup> Century*, (London: Elliot and Thompson 2014), Kindle edition, Chapter 3; Bernard D. Cole, *Asian Maritime Strategies: Navigating Troubled Waters*, (Annapolis: Naval Institute Press 2013), 205.

<sup>2</sup> James R. Holmes, 'Strategic Features of the South China Sea: A Tough Neighbourhood for Hegemons', *Naval War College Review*, 67/2 (2014), 31; Till, *Seapower*, 275.

<sup>3</sup> John B. Hattendorf, *Naval History and Maritime Strategy: Collected Essays*, (Florida: Krieger 2000), 260

<sup>4</sup> T.V. Paul highlights that small states may initiate war for this purpose also, it stands to reason that small states would utilize such a rationale for deterrence also. T.V. Paul, *Asymmetric Conflicts: War Initiation by Weaker Powers*, (Cambridge: Cambridge University Press 1994), 9; Geoffrey Till, *Seapower: A Guide for the Twenty-First Century 2<sup>nd</sup> ed.*, (Oxon: Routledge 2009), 275.

Norway for example sought sufficient maritime power to defend its coast, imposing cost on and delaying Soviet forces thereby preventing a *fait accompli* and providing the US and NATO with sufficient time to render assistance. For the Soviet Union, this would mean that success was always in doubt, resulting in a potential deterrent effect.

### **Threat Specificity – East Asia**

In East Asia, the likelihood of a direct seaborne invasion which presents an existential threat is remote. Rather, navies in the region face a multitude of low-level sub-existential threats. At this level, deterrence is a complex exercise; deterrent approaches and expected outcomes need to be modified for each individual challenge. Given the strategic context of maritime East Asia, this commentary breaks them into three categories: Resources, territory and influence.

#### *Resources*

The key question is whether deterrence is an applicable concept to prevent illegal resource exploitation. The difficulty lies in a fundamental truth about the maritime environment. The sea is permanently controlled by no one, sovereign boundaries, as defined by UNCLOS, such as territorial waters, contiguous zones and EEZ are not demarcated or defined by the permanent presence of navies or civilian agencies but are rather internalised by political interactions on land. Maintaining control of maritime territory does not normally require a permanent presence of naval or civilian maritime force but rather a consistent ability to enforce sovereign or economic rights.

Military and coast guard forces can contribute to raising the cost of illegal fishing but cannot fully prevent it. The permanent prevention of illegal fishing can only occur with a land-based solution. There is evidence that the use of naval forces can be effective or even necessary when confronted by a concerted state/non-state challenge to economic sovereignty. During the Turbot War between Canada and Spain, Canada deployed a mix of civilian and military vessels to enforce its perceived economic rights most notably during the capture of the Spanish vessel *Estai*. The Lobster War between Brazil and France in the early 1960s also saw the deployment of naval vessels to defend perceived economic rights. Brazil's deployment of an aircraft carrier and capture of French trawler saw the French back down, and in both cases the conflict was settled by a political agreement on land.<sup>5</sup> The threat of military force raised the cost of illegal resource exploitation to the point that a political solution was the best option.

In East Asia, the merging of civilian and state actors complicates the prevention of illegal resource exploitation. For smaller navies, their primary deterrent role is to discourage the use of force in resource exploitation operations. Their presence raises the potential cost for the use of force and therefore may produce a deterrent effect. Small navies may also employ a form of active deterrence, imposing harsh punishments on transgressors of maritime sovereignty in the hope of discouraging future actions. This is arguably evident with South Korea which has been historically robust in dealing with illegal fishing activity. However, such actions seem to have a temporary rather than long-term effect due to the requirement of political land-based solution.

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<sup>5</sup> W.W. Kulski, *De Gaulle and the World: The Foreign Policy of the Fifth French Republic* (Syracuse: Syracuse University Press 1966), 360.



### *Influence*

Smaller navies can also leverage external powers to counter a larger power's influence. Deterring coercive acts may be achieved through cooperation with a larger navy. The possession of modern platforms and capabilities increases a small navy's value and encourages interoperability. Equally, a small navy may contribute to international operations garnering further goodwill. The maritime environment is a valuable space with which a smaller power can take advantage of a great power. Collective security actions, such as international anti-piracy operations in the Gulf of Aden or the US tanker escort operations in the Middle East during the Iran-Iraq War demonstrate the willingness of states to ensure SLOC are sustained. Smaller maritime states may benefit if the threat posed to them equally threatens a third party's SLOC or merchant shipping.<sup>6</sup> Without a formal alliance or trip wire, deterrence through external offsetting is no panacea, there is no guarantee that an external power will provide aid at time of heightened tension.

### *Islands*

The deterrent challenge for the weaker claimants is to maintain territorial holdings in the face of a superior power. Sustaining sufficient but not necessarily equal military capabilities to impose cost on a superior power is the preferred military deterrent option. A small navy may deploy sufficient denial capabilities on and around the islands to take advantage of the stopping power of water.<sup>7</sup> While it is unlikely that fortifications would hold under sustained assault, the problems associated with maritime assaults would make such operations difficult and costly for an attacking power. Relatively weaker navies may also disperse their forces, hitting a superior opponent after they have taken control of territory, thereby rendering access difficult. Thus, the maintenance of specific capabilities which can impose cost on an enemy creates a potential deterrent effect.

### **Conclusion**

Small navies can play an important deterrent role which can be integrated into a military/civilian strategy for maritime security even in conditions of power asymmetry. However, the strategies smaller navies can employ are limited and must be tailored to the specific challenges that they face. The limits of deterrence in a sub-existential threat environment must be acknowledged. If a larger power decides to take offensive action, deterrence will most likely fail. Nevertheless, the ability to impose cost is a vital role in ensuring that relatively smaller-nations can maintain their sovereign maritime rights.

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<sup>6</sup> Yaacov Bar-Siman-Tov, 'Alliance Strategy: U.S. – Small Allies Relationships', *Journal of Strategic Studies*, 3/2, (1980), 208.

<sup>7</sup> Mearsheimer, *Great Power Politics*, (New York: W. W. Norton & Co. 2003), 144.

## **THE NAVY-COAST GUARD NEXUS**

# COAST GUARD-NAVY JOINTNESS AS A RESPONSE TO HYBRID THREATS

*James Goldrick*

The increasing challenges of maintaining a secure maritime environment have forced many navies to play a more active role in civil maritime surveillance and enforcement, while at the same time coast guards and other maritime security forces have been strengthened or even created from scratch.

From an Australian perspective, it is clear that middle-power nations will need to commit both their navies and their civil services to a cooperative effort in order to span the spectrum of maritime threats. While this creates inevitable tensions, particularly for navies in maintaining sufficient focus on their higher intensity capabilities, it is also the approach which provides the most flexibility in the employment of assets.

Central to its success is some form of combined command and control of civil maritime security operations, but there are also deeper challenges in ensuring that assets are allocated to the right agency, and that the 'raise, train and sustain' effort is as efficient as possible, with every effort being made to share infrastructure and expertise.

## **The Roles of Maritime Forces**

The three roles of maritime forces described in Western doctrine, military, diplomatic and constabulary remain a sensible basis for a taxonomy of government security activity at sea. There is no evidence, however stable the interstate relationships in particular parts of the globe, that classical military threats have diminished to the point that they can be ignored everywhere.

The uncertainties of the future strategic situation in East Asia remain, for example, a concern for Australia to the extent that they need to be kept well in mind in determining both current and future force structures. What should be considered in assessing these three roles of maritime forces relates to two developments. The first is the tendency to complexity and the second, particularly with respect to the diplomatic and constabulary roles, the tendency to inter-connection. Both have a bearing on four key principles for conducting maritime security and the associated government arrangements.

## **Complexity**

Turning first to complexity, no old problems have gone away, it is just that new ones have been added. The term 'non-traditional threats' is a misnomer because many of the challenges to good order at sea are as old as human activity on the sea itself – whether related to fisheries, slave trading, smuggling or piracy. What is clear from the range of those threats is that a simple reallocation of resources and focus in terms of national maritime security and defence effort is unlikely to be enough. This does not necessarily mean that all existing capabilities need be retained whatever the cost, but that navies in particular must have force structures which provide the widest practicable range of options to decision makers – a balance, in other words, which provides for the spectrum of conflict.

Non-military security forces face the same challenge in relation to that substantial part of the spectrum of conflict in which they operate – they must be a great deal more capable and ready to deal with a wider range of contingencies than was the case even ten and certainly twenty years ago. It is important that national debates on maritime security focus on this issue – which is one of resources and national effort and not that of particular organisational constructs – although these do matter.

There is another aspect to complexity. The margins for error in maritime operations are becoming progressively smaller. This is partly the result of what was once called the CNN factor, but which is now more accurately labelled the ‘YouTube Factor’ and the speed with which an incident can get out of control of the protagonists. It is also partly the result of the ever more severe consequences of disasters at sea. In these circumstances, one of the most critical challenges for nation states is to ensure that their agents possess not only the legislative powers to act effectively in the maritime domain, but the legislative protection to ensure that they can act confidently in ambiguous situations.

**Principle 1** is thus that *complexity has to be accepted as a given* both in relation to the problems and to the organisations which deal with them. In each maritime nation there are inevitably multiple government agencies with an interest in and responsibilities for aspects of the maritime environment. It does not work to try to bring everything too closely together in terms of managing maritime affairs as a whole. Any effective national regime involves a wide range of agencies, in the Australian circumstance at both federal and state levels, which need to maintain good relationships and have clearly understood demarcations.

Around the world, the number of national government agencies in any maritime middle-power in its maritime ‘space’ will inevitably equal somewhere between 12 and 20, depending on the division of responsibilities. In Australia’s case, Maritime Border Command has to maintain a relationship with some 18 departments, agencies and authorities. Industry in all its ramifications must also be involved, given that so many elements of maritime security involve the protection of economic activity. Here is where having just one operational authority can help as a single point of contact, saving business time and money and avoiding confusion and misunderstanding.

### **Inter-Connection**

This brings me to inter-connection. Understanding this is a vital element in the effective development of national maritime security capacity, for there is much more to such capacity than the platforms and people who constitute the surveillance and response capability at sea and over the water. In the international context, purely military forces no longer represent the sole, or perhaps always even the primary mechanism by which nation-states will cooperate in the maritime environment.

Sea and airborne maritime military forces have for long been very effective mechanisms for initiating such cooperation between nations, but other elements are becoming more important. This should not be surprising in an era in which many of the most immediate problems for the safety of the maritime domain do not result from nation state conflict but from terrorism and international crime – and when the boundaries between terrorism and crime are uncertain because access to funds and materials for terrorist acts can often depend upon successful criminal activity. There is increasing evidence that contributions can be made to international maritime

security very effectively by non-military agencies – customs, police and fisheries, just to name only three – not only in cooperating to suppress illegal activity, but through building capability in less developed states.

All this leads to **Principle 2** in that *the maritime surveillance and response task for law enforcement is neither, except for the smallest and the largest of nations, a purely military or a purely civil problem*. The best value for money lies in a careful combination of the two, particularly since the military generally have a reserve capacity that allows reinforcement of the effort.

In this respect, it is important to understand that the American use of the United States Coast Guard is effectively unique in that the USCG is a military organisation that in peacetime operates under the Homeland Security Department. Arguably, in medium power terms, the United States Coast Guard is a navy in its own right. It is the key maritime law enforcement body for the USA, not just because of its own long (and distinguished) history, but because of the inclusion of the US Navy (by regulation, rather than by law, as is the case for the US Army and Air Force) in the *Posse Comitatus* legislation. This restricts the US military other than the Coast Guard from involvement in law enforcement, particularly domestic enforcement.

Australia, with the flexible provisions of the old Customs Act, now replaced in this context by the Maritime Powers Act, has never had such restrictions on the use of the armed forces for law enforcement in the maritime domain, nor are such restrictions inherent in an absolute sense to any Westminster system nation. It may be that unconscious immersion in the American culture of maritime security affairs can sometimes cause, on the one hand, navies to neglect the full range of their maritime security responsibilities and, on the other, coast guards to over-reach into what are properly military areas.

## Demarcations

Asserting the need for such a civil-military combination begs the question as to how assets are to be divided between the two. **Principle 3** is that *the decision as to whether a capability should be operated by the military or by the civil agency depends upon where its allocation provides the most options to government*. This is not necessarily a matter of straightforward platform characteristics such as hull size, speed or range, but more usually a matter of the sensor, communications and weapon fit. As far as ships are concerned, possession of sensors more sophisticated than radars and very basic electronic intercept equipment or weapons larger than light calibre guns should place the vessels so fitted into naval hands, since such systems confer significant combatant capability.

In making such a judgement, it is useful to understand where in the spectrum each element cannot or should not go. There is *inevitably* an area in which there is overlap between the military and the civil and which it is difficult to determine exact boundaries. If there is proper coordination at the operational level, the overlap actually provides an ability in both domestic and international contexts to ‘swing’ capability from the civil or the military elements to meet the priority need. The demarcation point at which military forces alone become responsible is clearly that at which the operation is an assertion of state power rather than the enforcement of a legal mandate, be it domestic or international. The point at which civil forces alone should

operate is a little less definite, but as a rule of thumb, they are more appropriate for enforcement within a purely domestic context.

Finally, one of the issues is the extent to which engagement in civil maritime security operations affects the readiness of the navy and air force for warfighting. There is no easy answer. It requires a sophisticated dialogue between government and defence forces, particularly when additional units have been provided to deal with a particular civil security problem. The conversation needs to include the impact on availability for other tasking, the effect on training and the achievement of the appropriate standards of complex war-fighting capability and the overall material readiness of the fleet. In the end, choices have to be made and they are sometimes very difficult.

### **Unity of Control**

**Principle 4**, as a corollary to Principle 3, is that *there should be only one civil agency running the civil assets used for maritime security surveillance and response*. This is *really* important if money is not to be wasted on the grand scale. Many demarcation disputes between maritime security agencies are cloaks for what is actually competition over budgets. This is because the big money, and thus the potential bureaucratic power and status, lies in the acquisition and operation of the air and sea platforms. China clearly recognised that this was an issue with the ‘five dragons stirring up the sea’, four of which were brought together in the new China Coast Guard in July 2013.

Multiple maritime enforcement organisations are also an issue in several Southeast Asian nations, despite repeated efforts to create coordinating mechanisms or even specifically designated ‘Coast Guards’. Unless amalgamation of the operational formations is forced by a central authority, the result of new creations has generally been just to add another player to the game and complicate matters further. Having one civil agency also considerably simplifies operational coordination with the military – Australia’s Maritime Border Command nested within the Australian Border Force is a good example of this.

But operational coordination is not the only concern. There is another element to the value for money equation and this is how the ‘raise, train and sustain’ elements are managed on a national basis. Many nations – and Singapore, amongst others, shares some of these problems with Australia – face challenges in getting enough fully trained and qualified people to go to sea in sufficient numbers to man their navies and coast guards. It is vital in this and other areas that the relationship be symbiotic and not competitive.

### **Conclusion**

More than thirty-five years ago, the British employed a term to describe their maritime security effort that is even more apt in the present day. They described it as their ‘offshore tapestry’. We need to regard the problems that we face in the same way, in that we must be able to deal with a multiplicity of problems across a wide spectrum with the confidence that the underlying foundation – fundamentally consensual – of law and regulation is prevalent and consistent across the entire maritime domain – including that part of the domain which is outside territorial seas and exclusive economic zones.

When Alfred Thayer Mahan used the term the ‘wide common’ to describe them, he neither suggested nor implied that the high seas were a desert. Rather, we need to remember that the

concept of a common in the English law was not one of an absence of ownership, but one of a collective of ownership and a collective of responsibility. It is time that we started to think the same way, and at every level.

## CASE STUDY: CHINA

*Liu Lin*

In China, the main maritime institutions are the PLA Navy (PLAN), the China Coast Guard, the State Oceanic Administration and the Haiquanban (The Office of the Central Leading Group for the Work on Safeguarding Maritime Rights and Interests).

### **PLA Navy**

The PLA Navy is the main force for safeguarding China's territorial integrity and maritime security. The PLA is now paying more attention to the development of the Navy. This is because, first, the basis for the PLA's Preparation for Military Struggle (PMS) has changed from winning local warfare under information conditions to "*winning informationized local wars, highlighting maritime military struggle and maritime PMS*". This reflects the changes in the PLA's perception of the characteristics of local warfare and also the possible direction to fight such a local war. The PLA now thinks that future warfare is more likely to take place at the sea than on the land. Second, China's maritime interests are expanding rapidly, so there is an urgent need to maintain the security of the sea lines of communication, and to deal with various maritime security threats.

In May 2015, China published its new defense white paper "China's Military Strategy". The white paper points out that the PLA Navy will gradually shift its focus from "offshore defense" to the combination of "offshore defense" with "open seas protection". Some may think that the change of China's naval strategy means that Chinese military is expanding and with the aim of dominating the far seas. But in fact, offshore defense is still the emphasis of the PLAN, because the threats China is facing are mainly from the near seas, including the East China Sea, South China Sea and the Taiwan Strait.

The PLAN put forward the concept of far seas protection mainly because with the diversification of security threats, especially the increase of non-traditional threats, the PLAN nowadays need to operate more in the far seas to deal with these threats, such as counter-piracy, search and rescue, and humanitarian assistance and disaster relief. This requires the PLAN to extend its capabilities into the far seas. It also shows that China is a responsible stakeholder in the international community and is willing to provide more public goods to international society in line with its growing capabilities. A very good example is the escort missions in the Gulf of Aden by PLAN since December 2008. Up to now, China has sent 25 escort task groups totalling 78 vessels and more than 21000 sailors and successfully escorted more than 6300 ships (about 50% of which are foreign).<sup>1</sup>

### **The Establishment of China Coast Guard**

The China Coast Guard (CCG) was established in July 2013. Before that, China relied on several separate administrative agencies to conduct maritime law enforcement activities, including the

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<sup>1</sup> "Responsibility of Big Country, Image of China" (大国担当 中国形象), <http://www.navy.81.cn>



China Marine Surveillance under the auspices of China's State Oceanic Administration (SOA), the China Fisheries Management Bureau under the Ministry of Agriculture, the maritime anti-smuggling force under China's General Administration of Customs, and the Border Defense Coast Guard under the Ministry of Public Security. Bureaucratic competition between these agencies inhibited China from pursuing a comprehensive maritime law enforcement strategy.

So, in March 2013, the first plenary session of the 12<sup>th</sup> National People's Congress passed a Plan for the Institutional Reform and Functional Changes of the State Council. In this plan, there is an important part concerning the maritime organs, that is, to reorganize the SOA. The main content of this part is the following:

*First, in order to enhance the maritime law enforcement efficiency, the forces and functions of China Marine Surveillance, China Fisheries Management Bureau, maritime anti-smuggling force and border defense coast guard will be integrated into China Coast Guard.*

*Second, the SOA will carry out maritime law enforcement in the name of China Coast Guard, and receive operational guidance from the Ministry of Public Security.*

In accordance with this plan, the CCG was established. And it is responsible for maritime rights protection and law enforcement. Its main duties include: safeguarding maritime borders; maintaining security and safety of important targets at the sea; dealing with incidents at the sea and carrying out maritime law enforcement missions.

Since its establishment, the CCG insisted on the principle of "Working while integrating", and has made much progress. In the past several years, the CCG has built some new vessels with multiple functions and larger tonnage. For example, the 4,000-ton *Haijing 3401* and *Haijing 2401* are the first two vessels that were built after the reconfiguration of the SOA,<sup>2</sup> and are new maritime law enforcement vessels with multiple functions, including maritime search and rescue. Now the CCG also has two 9,000-ton vessels, *Haijing 2901* and *Haijing 3901*, which first put to sea in May 2015 and January 2016 respectively. These larger ships are able to remain on station longer than their smaller counterparts. The CCG is also beginning to carry out cooperation with other countries. For example, in August 2016, the CCG and the Vietnamese Coast Guard reached a consensus that both sides will patrol shared fishing areas in the Beibu Gulf twice a year, and both sides will exchange friendly visits of coast guard vessels at earliest possible date. Moreover, Vietnam will send personnel to participate in the capacity-building training on maritime law enforcement to be held by China in 2017, and both sides will organize on-site mutual visits to each other's inspection vessels during law enforcement operations.

However, the integration of the CCG has not yet been completed. And there are still some difficulties and challenges. For example, how to truly integrate the forces, equipment and functions of the four different agencies and what kind of organization would the CCG be, given that they all functioned on completely different organizational structures, their personnel steeped in different cultures and trained for different missions?<sup>3</sup> The China Marine Surveillance and the China Fisheries Administration are largely made up of civil servants, while the Border Defense

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<sup>2</sup> "China Coast Guard receives new vessel", Xinhua News Agency, 24 Jan. 2014.

<sup>3</sup> Ryan D. Martinson, The Militarization of China's Coast Guard, *The Diplomat*, November 21, 2014.

Coast Guard is comprised of units of the Border Defense Forces, a branch of the People's Armed Police. So, this is not an easy task.

### **The Relationship between PLAN and China Coast Guard**

In China, the PLAN is a military service, while the CCG is a civilian maritime agency under the auspice of the SOA. The two have clear-cut duties and functions. The PLAN is responsible for operations safeguarding maritime territorial sovereignty, and the CCG is in charge of maritime rights protection and law enforcement activities.

So, in carrying out maritime law enforcement missions, China usually deploys the CCG ships (the white hull), because the PLAN does not have maritime law enforcement duties. Besides, China thinks that CCG ships are civilian, so if there is a crisis or confrontation at the sea, the situation is more easily under control and will not escalate too quickly and beyond control. In this sense, China's use of CCG instead of military ships in law enforcement is conducive to maritime stability.

Nowadays, with the vast expansion of China's maritime interests, the PLAN will also provide some support for the CCG in carrying out law enforcement, such as information sharing, or to provide rescue aid. They have also begun to have some joint exercises. And if there is a serious crisis which the CCG ships cannot handle by themselves, the PLAN will assist. But the PLAN will not be the first-line force to carry out law enforcement activities.

Because the PLAN and CCG are different independent organs, and one is military, the other is civilian, in practice the coordination between the two needs a higher-level organization. Therefore, the Office of the Central Leading Group for the Work on Safeguarding Maritime Rights and Interests (Haiquanban) was established in the second half of the year 2012. It is a high-level coordination organ and is responsible for coordinating the various maritime agencies, including SOA, the Ministry of Foreign Affairs, the Ministry of Public Security, the Ministry of Agriculture, and the military, and planning maritime affairs as a whole.

### **Conclusion**

Although the PLAN is expanding its operational scope and becoming more and more involved in far seas operations, the main purpose is to maintain security of sea lines of communication, to protect China's expanding overseas interests and to provide public goods for the international society. It does not mean a change of China's defense policy that is defensive in nature.

The CCG is composed of four different agencies, and is still in the process of integration. This is not an easy task. But its role is becoming more and more important. It is the first line force to carry out law enforcement missions. In doing so, China wants to downplay the role of navy so as to avoid the escalation of crisis.

The PLAN and the CCG have some coordination, mainly in the area of information sharing but it remains quite limited. The PLAN, the CCG and some other agencies related with maritime affairs, are now coordinated by the Office of the Central Leading Group for the Work on Safeguarding Maritime Rights and Interests.

## **THE RELATIONSHIP BETWEEN THE JAPAN COAST GUARD AND THE MARITIME SELF DEFENSE FORCE**

*Fumio Ota*

After the end of World War II, the Supreme Commander for the Allied Powers (SCAP), General Douglas MacArthur, governed Japan and imposed the current Constitution on Japan. At that time the Japanese police system was reformed. Since there were no maritime police at that time, the Japan Coast Guard (JCG) was established in May 1948 and became the outer bureau of the Ministry of Transportation, which is currently the Ministry of Land, Infrastructure and Transportation.

Lieutenant General Kuzma Derevyanko, the Soviet representative on the Allied Council for Japan<sup>1</sup> was strongly opposed to the establishment of the JCG. He inserted article 25 into the JCG law, which states that the JCG is not permitted to be trained or organised as an armed force. The reason why was that the Soviets had bitter experiences before World War II.

At that time, Japan insisted on a three nautical miles' territorial water regime whereas the Soviets claimed twelve nautical miles. When Japanese fishing boats wanted to fish within 12 nautical miles from the Soviets coastal line the Soviet maritime border police wanted to crack down on Japanese fishing boats. However, Imperial Japanese Naval destroyers stationed at Ominato, Aomori prefecture, deployed at the northern exit of the Strait of Tartar protected Japanese fishing activities against Soviet enforcement actions in the Sea of Okhotsk.

As a result of the Soviet position, unlike other states' coastguards, which are the fourth or fifth armed service<sup>2</sup> or paramilitary in nature, in Japan that cannot legally be the case.

General MacArthur shifted his security policy toward Japan after the outbreak of the Korean War and, in 1950 created the National Police Reserve (NPR) as a backup organisation for the National Police in order to maintain Japanese security because U.S. Forces in Japan deployed to the Korean Peninsula. In September 1951, the Peace Treaty was signed and came into effect on April 28, 1952. In July 1952, the Safety Agency and Security Forces including a Coastal Safety Force was established. In July 1954, the Safety Agency became the Defense Agency (the progenitor of the Ministry of Defense today) and the Ground, Maritime as well as Air Self Defense Forces which form the current defence structure was established. But, importantly JCG law has not changed. This is the root of the problem.

At the end of World War II, the protection of Japanese sea-lanes fell under the realm of the Ministry of Navy Demobilization. After the JCG was established the mission was briefly transferred to the JCG before the Coastal Safety Force took over. During the Korean War, special minesweeping units were deployed off the coast of Korea near Wonsan as the U.S. Navy

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<sup>1</sup> This council was made up of the US, UK, USSR and Chinese representatives and was formed to advise SCAP MacArthur.

<sup>2</sup> Cf. 14 U.S. Code 1 states "The Coast Guard ... shall be a military service and a branch of the armed forces of the United States at all times." Armed China Coast Guard cutters are manned by People's Armed Policemen who are identified in the Chinese Constitution as being part of the armed forces of China. Both China Coast Guard cutters and US Coast Guard cutters are marked in accordance with UNCLOS article 29 provisions for warships, including being under command of commissioned officers.

was not ready to conduct minesweeping operations. This deployment was legally justified as it fell under the direction of the United Nation Forces Command. One crew was killed in action during the operation and many others were killed during these minesweeping operations. At that time, most of the crews were former Imperial Naval officers and enlisted men. They became founding members of the Japan Maritime Self Defense Force (JMSDF) after its establishment.

The relationship between coastguards and navies in other states is close in terms of equipment as well as mind-set so that fuel, ammunition, rank insignia and Command, Control, Communication, Computer, Intelligence, Surveillance and Reconnaissance (C4ISR) equipment are compatible however historically this has not been the case in Japan. JCG cutters do not install air search radar, sonar or possess refuelling capability. The lack of data links means that no real-time information can be digitally exchanged with JMSDF units. As for mind-set, there has been no common operational concept, strategy, tactics, and concrete code of conducts.

After the end of the Cold War, military operations other than war (MOOTW) became a mainstream mission so that the joint operations between JCG and JMSDF evolved. JCG and JMSDF have conducted joint exercises, especially after the Japanese Government executed the Maritime Security Order<sup>3</sup> in order to chase North Korean spy ships in the Sea of Japan in 1999. After that incident with North Korean spy ships, the JMSDF created its own special boarding force.

However, JMSDF oilers still cannot refuel JCG ships. This causes many difficulties for the JCG's operational tempo and its culture. Nevertheless, the JMSDF and the JCG have developed a manual for joint activities against armed aggressors in Japanese territorial waters and Exclusive Economic Zones (EEZ), which were not conducted before. In 2016, for example, the JMSDF and JCG conducted joint exercises against suspicious boats as well as counter-terrorism for nuclear power plants in February and October based on this manual. According to the Japanese mass media in November 2016, not only JSDF and JCG but also the Japanese Police conducted a joint exercise based on so-called gray zone scenarios including execution of the Security Action Order against isolated island landing activity by armed fishing boats.

In practical terms, the JMSDF has no legal right to act in a law enforcement role in Japanese territorial waters and theoretically even on the high seas because the SDF is not authorised to conduct a territorial defence mission during peacetime. Not only do JMSDF officers not have a law enforcement mission, they also must rely on local law enforcement for their own criminal disciplinary issues.

In order to facilitate anti-piracy operations in the Strait of Malacca, the JCG took the initiative to assist in capacity building for ASEAN countries under the framework of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) in Singapore at the beginning of this century.

However, for anti-piracy operations in the Gulf of Aden, the JMSDF has the lead with the Japanese Government dispatching two JMSDF ships and P-3C patrol aircraft, because it is

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<sup>3</sup> Maritime Security Order (MSO) is executed when the situation is beyond the capability of JCG to respond. The Japanese Government has executed MSO three times in the past. The first case was to chase North Korean spy ships in 1999, the second was after a Chinese Han class nuclear submarine intruded into Japanese territorial waters, and the third was anti-piracy operations in the Gulf of Aden before the special law was established.

beyond the capability of JCG. Since JMSDF crews do not have constabulary authorities, several JCG officers are on board JMSDF destroyers as executors of constabulary authorities such as ship boarding and the arrest of pirates.

In the case of a large natural disaster, the JMSDF has to conduct disaster relief operations based on the requirement of local authorities, coordinating not only with the JCG but also the Ground and Air Defense Forces, local police and fire departments. When the Maritime Security Order is executed, the JMSDF is able to conduct the mission of the JCG based on JCG law. When the Defense Action Order is executed, the JMSDF can conduct military operations and all or a part of the JCG will fall under the command of the Minister of Defense through the Commandant of the JCG. However, there are neither detailed command agreements nor basic operating principles between the JMSDF and the JCG.

While the JMSDF has strong coordination with the USN during peacetime or in times of crisis the JCG does not. Regarding the recent maritime conflict surrounding the Senkaku Islands, China is planning to build approximately ten 12,000-ton class coastguard ships. The Japanese Ministry of Defense proposed that the JCG convert used JMSDF ships into JCG vessels, but the JCG declined, probably for two reasons. First, the JCG would have to send their crews to JMSDF schools in order to train for how to operate JMSDF equipment such as consoles in the Combat Information Center, which would likely be a violation of Article 25 of the JCG law. Second, the JCG's maintenance costs would be tremendously increased because JCG's equipment is completely different than the JMSDF's, for example the JCG mainly uses diesel engines whereas the JMSDF mainly uses gas turbines.

In conclusion, the coordination between the JMSDF and JCG is challenged due to differences in legal authorities and operational concepts, little real time information exchange of C4ISR data, and no compatibility in term of logistics, namely for fuel and ammunition. We have to not only establish concrete as well as detail coordinate regulations but also reform the mindset between JMSDF and JCG.

# **ESTABLISHING A COOPERATIVE PARTNERSHIP BETWEEN THE REPUBLIC OF KOREA NAVY AND THE KOREA COAST GUARD**

*Sukjoon Yoon*

## **Introduction**

The Republic of Korea Navy (ROKN) and the Korea Coast Guard (KCG) should cooperate much more closely through the creation of a maritime security partnership between them to better integrate the ROK's national maritime security capacity.

Creating such a partnership will not be straightforward given the structural and operational differences between the ROKN and the KCG, but it should be seen as a vital national security concern which, once established, would represent best practice for regional maritime security partnership between navies and coast guards.

## **Establishing a Maritime Security Partnership between the ROKN and the KCG**

### *Commonalities and Differences*

The ROKN and KCG have many concepts in common which would facilitate a joint maritime security partnership: 1) their administrative and bureaucratic systems and activities overlap in the politically sensitive so-called grey zone theatre; 2) military and non-military functions have very similar mission-completion requirements; 3) they share fundamental doctrines, operational rules of engagement (RoE), and logistic support; 4) both are equally committed to the rule of law, share a working environment and culture, and are committed to enhancing relations with regional navies and coastal states through maritime security confidence-building measures; and 5) both are building capacity by acquiring complementary maritime security assets and platforms.

Conversely, some significant built-in differences obstruct closer cooperation between the ROKN and the KCG, as at present they conduct independent roles and missions which are structurally and operationally distinct: 1) the coast guard has traditionally been smaller and less capable than its naval counterpart; 2) command and control systems differ, with the ROKN one of three military services under the Ministry of National Defense (MND), and the KCG a public service law enforcement agency under the newly established Ministry of National Public Safety and Security (MNPSS); 3) the ROKN is armed for war-fighting operations, but the KCG is only lightly armed and normally interacts with unarmed vessels.

### *Toward a Maritime Security Partnership between the ROKN and the KCG*

The United States Navy (USN) and the United States Coast Guard (USCG) enjoy a close partnership, and this offers a useful model for ROKN-KCG maritime security operational cooperation. The first formal academic discussion of this issue took place in September 2015, at the ROKN-KCG Maritime Security and Safety Cooperation Seminar: *Enhancing National Maritime Security and Safety Capacities between the ROKN and the KCG*.

The ROKN has proposed the concept of ‘One National Fleet’ as a joint task fleet to protect national security and composed of assets and platforms from both the ROKN and the KCG.<sup>1</sup> This resembles the US concept described in ‘*National Fleet: A Joint Navy/Coast Guard Statement*’ (March 2013) and ‘*National Fleet Plan between USN and USCG*’ (August 2015).

In August 2016, a policy document concerned with the implementation of the One National Fleet Plan, ‘*Memorandum of Policy Coordination for Strengthening the National Maritime Power*’, was signed by the then ROK Chief of Naval Operations, Admiral Jung Ho-sup, and the Commissioner-General of the Korea Coast Guard, Hong Ik-tae.

Various practical steps are required to establish “ops normal” between the ROKN and the KCG: reconciling mission-completion requirements; creating fundamental operational manuals and RoE; acquiring common assets and platforms; information and experience sharing; support for logistical, training and educational interactions, etc. To this end, on September 12, 2016, the first ever ROKN-KCG Staff Talks were held, which discussed joint maritime security drills, training and education, and logistical support, based on the US experience.<sup>2</sup>

#### *Negative Reactions from the KCG*

So far, however, the KCG has been reluctant to support these steps toward establishing a maritime security partnership between the ROKN and the KCG, and seems suspicious of the ROKN’s approach to a national maritime security strategy. The KCG fears that the ROKN is adopting the concept of a hybrid ROKN-KCG maritime security partnership, like the USN-USCG partnership, to maintain and justify its dominant role. The KCG also wonders whether the One National Fleet project is being used by the ROKN to distract attention from the recent scandal involving the ROKN’s overseas acquisitions.

Moreover, unless a single maritime security authority is established between the MND and the MNPSS to conduct joint maritime security operations between the ROKN and the KCG there are obvious structural difficulties in coordinating two separate responsible ministries. Recent experience has also revealed operational discrepancies between the ROKN and KCG: in 2010 when the KCG was charged with expanding Maritime Domain Awareness operations, such as the Proliferation Security Initiative operations off the Korean Peninsula, the KCG complained that the ROKN was unable to coordinate with the KCG for maritime security.

#### *Seeking Mutual Benefits from Maritime Security Partnership*

With growing maritime security threats from North Korea, such as submarine-launched ballistic missile tests, and increasing non-military confrontations over the grey zones, the ROKN and KCG should share the burden of demanding operations by jointly acquiring common maritime security assets: a common command and control ship to carry out long-endurance maritime security operations on the high seas; and unmanned aerial vehicles which can be carried by either ROKN or KCG vessels to monitor the grey-zone theatre without risking human casualties.

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<sup>1</sup> Proceedings of the ROKN-KCG Maritime Security and Safety Cooperation Seminar held in Seoul, September 16, 2015.

<sup>2</sup> Editorial, ‘ROKN conducts the first Navy-Coast Guard Staff Talks’ *Republic of Korea Navy Magazine*, August 2016, Vol. 467, p. 6.

Since the *Sewol* ferry disaster of April 2014, both the ROKN and the KCG have tried to reinforce their official and public standing. There have been serious organizational failings: the KCG was disbanded in November 2014 after demonstrating conspicuous inefficiencies and a lack of professionalism, and the ROKN was also blamed for an inadequate response when its newly commissioned salvage ship, the ROKS *Tongyeong*, suffered technical problems and so was unable to participate in the *Sewol* rescue operation. Both the ROKN and the KCG would prefer to take credit independently for demonstrating maritime security professionalism and expertise, but working more closely together would allow both to rebuild confidence.

#### *Best Practice for Regional Maritime Security Partnerships*

ROKN-KCG maritime security cooperation is the first practical initiative in the region and may offer a useful model worthy of wider emulation. First, the ROKN-KCG can provide a clear conceptual framework for cooperation between coast guard functions and coastal defense naval operations. This would definitely be a counter-example to China's de facto control of the contested waters based on their 'Nine Dash Line' in the SCS, involving the Chinese People's Liberation Army Navy and the Chinese Coast Guard. Second, this can demonstrate how capacity-building between the maritime law enforcement function and the constabulary role of naval forces can enhance national security. Third, the construction or acquisition of common assets and platforms to serve the concept of the One National Fleet can show how to conduct effective joint maritime security operations in politically sensitive waters.

#### **Conclusions**

Rather than the competitors they once appeared to be, ROKN and KCG are already behaving far more as maritime security partners. They engage in frequent on-scene collaboration, coping with the differences between them and deepening their perspectives about what is possible through maritime security cooperation. The present trend is clearly moving toward a joint maritime security partnership between the ROKN and the KCG, and this is the right direction to go in.

Although they share much in common, however, some critical structural and operational differences are hindering the creation of a joint maritime security task fleet between the ROKN and KCG. Nevertheless, progress continues in integrating their capacity-building and burden-sharing at the operational level for non-executive military missions.

This ROKN-KCG maritime security partnership is supported by the One National Fleet concept, which describes best practice for how these two maritime security entities, one with a military function and the other a constabulary instrument, can cooperate. Other countries in the region can learn lessons from the ROKN-KCG maritime security partnership, which shows how Asian coastal states can integrate their maritime security organs to conduct dangerous missions in the maritime grey zones.



## THE VIETNAM COAST GUARD

*Vu Truong Minh Huy*

This commentary seeks to describe in detail the history, missions and strength of the Vietnam Coast Guard (VCG) as well as its role in the current security environment, especially in the context of increasing Chinese encroachment into Vietnam's waters.

The VCG is the youngest branch of the Vietnam's People Army (VPA), and was first established on 28 March 1998. Prior to that, Vietnam did not possess a dedicated coastguard or marine police. The Vietnam's People Navy (VPN), in coordination with the Vietnam Border Defense Force, was responsible for offshore patrol activities as well as other military missions along the country's long coastline.

The VPN at that time was still purely a brown-water navy capable of only operating within a limited range along the coast, equipped with just a few small boats for short pursuit and a number of torpedo boats and minesweepers. Moreover, the regional security environment at that time was quite calm and not seen as urgent as Vietnamese fishermen were still able to freely operate in their traditional fishing grounds.

The establishment of the first Vietnam Marine Police (VMP) units officially set the distinction in operating guidelines between the VPN, a professional fighting force, from that of a paramilitary force. It was one of the many steps put forward by the country's military leaders in modernising and professionalising the navy. Falling under the direct management of the Ministry of National Defense (MoND), the VCG has been playing an important role in maintaining security and stability in the vast exclusive economic zone and continental shelf boundary of the country.

From then on, the VPN has been primarily in charge of protecting Vietnam's sovereignty against foreign military forces, while the marine police plays roles similar to those of their counterpart on land, such as dealing with drug smuggling, human trafficking, environmental and natural resources protection and other law enforcing missions. VMP units, and its later successor, also cooperate with VPN in protecting sovereignty and jurisdictions at sea.

There were many difficulties facing the marine police officers in their early days.<sup>1</sup> The lack of manpower, vessels, equipment and necessary infrastructure were the main obstacles to their operations. Most of the VMP's first cohort of officials were transferred from the VPN. Because of budget constraint, instead of purchasing brand new vessels from foreign sources, domestic vessels were ordered as alternatives. It was this very first cooperation between the VMP and other domestic shipyards that helped strengthen their military shipbuilding capabilities, leading to more significant achievements in the near future.

The years from 2001 to 2010 were an essential period for VMP as several considerations for restructuring were made. In 2002, the MoND decided to transfer all the Coast Guard regions (there were just only three Coast Guard regions at that time, namely the 1<sup>st</sup> the 3<sup>rd</sup> and the 4<sup>th</sup> Coast Guard regions) from the management of their correlative naval counterparts to be placed under the direct command of the Bureau of Marine Police. In 2004, all four Coast Guard regions

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<sup>1</sup> Interview with VCG-Commander: <http://vietnamnet.vn/vn/tuanvietnam/gap-tu-lenh-dau-tien-cua-canhsat-bien-vn-176696.html>

were officially taking shape. This period was deemed as a focal point as the VMP gradually but solidly improved its command structure as well as other necessary infrastructures. The VMP's fleet in this period was also improved in quantity as more vessels were built, but most of them had the tonnage under 400 tons and capable of operating just within a limited range from the country's coastline.

The period from 2010 until now marks another significant and impressive development for the Coast Guard both in terms of quality and quantity. It was in 2013 that the VMP was officially renamed as the VCG; whereas the Bureau of Marine Police was renamed Coast Guard Command; and the Chief of the Bureau became Coast Guard Commander. Additionally, each Coast Guard region also had its own command indicating that the regions would possess autonomy in dealing with various incidents at sea.

Also from 2010, more resources were invested in the VCG in order to improve its overall strength in the context of increasing Chinese assertiveness in Vietnamese waters and Beijing's strategy of using "white hulls" to harass Vietnamese fishermen. Besides, non-traditional security issues have also arisen to the fore, such as piracy, sea robberies and other transnational maritime crimes, requiring the presence of a more robust, effective and modern VCG in sovereign waters.

Until 2016, VCG has in its service more than 50 vessels of different classes, ranging from light vessels such as the 120-ton TT-120 class patrol vessel to the giant 2,900-ton H-222 class replenishment/transport vessel.<sup>2</sup> VCG also operates 3 CASA C-212 patrol aircraft. The backbone of the VCG's fleet is four 2,000-ton DN-2000 offshore patrol vessels, which were built totally by domestic shipyards with technical support from the Damen group. More vessels of this class will be commissioned in the near future. It is also worth noting that a brand-new class of vessel, codenamed DN-4000, which might displace around 4,000 tons, will be soon under construction. This class will be the largest coastguard vessel in Southeast Asia.

Currently, most of the VCG's ships are constructed by domestic contractors, and this trend will definitely carry on as shipbuilding capabilities of those shipyards continue to be improved.

Additionally, as relations between Vietnam and other countries strengthened in recent years, especially in security and military affairs, more international donors are willing to give the VCG second-hand vessels. For instance, Japan and South Korea already transferred to the VCG several of their old ships. Cooperation with the United States in this particular area has also shown signs of great potential, when Washington provided 18 Metal Shark high-speed boats to the VCG.<sup>3</sup> The U.S. also aids in training as well as the provision of other necessary equipment, such as the Long Range Acoustic Device (LRAD) which are now deployed on DN-2000s.<sup>4</sup>

This huge surge in quantity reflects the increased the budget the VCG has received in recent years. But the exact number is still shrouded in mystery, because budget allocations for many Vietnamese military branches have always been considered as a state secret. This rise in

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<sup>2</sup> <http://soha.vn/nghiem-thu-tau-van-tai-da-nang-lon-nhat-cua-can-h-sat-bien-vn-20160508103035773.htm>

<sup>3</sup> <http://vietnamnet.vn/vn/the-gioi/ho-so/xem-uy-luc-tau-tuan-tra-my-ban-cho-can-h-sat-bien-vn-306389.html>

<sup>4</sup> <http://soha.vn/quan-su/kham-pha-vu-khi-dac-biet-cua-my-tren-tau-can-h-sat-bien-viet-nam-20140102234623671.htm>

investment in the VCG also stresses a reality at sea, where the China Coast Guard (CCG) has been actively and aggressively exerting Beijing's control in the disputed waters.

The VCG, as stated, was established as a means to alleviate the burden placed on the navy in peacetime. It can also facilitate a legal approach in enforcing maritime sovereignty and jurisdictional rights, as granted by the United Nations Convention on the Law of the Sea. However, the never-before-seen effort from the Vietnamese Government since 2010 to modernise its coastguard, alongside the navy, constitutes a direct response to what China is doing in the South China Sea. It seems that Vietnam is trying to mimic the same approaches as China: using "white-hull" forces as a tool to resist against Beijing's encroachment into Vietnamese waters.

For Vietnam, utilising the VCG would minimise the military and political costs of a direct confrontation with other stronger forces at sea should such incidents spiral into a crisis. Consider the 2014 oil rig standoff between China and Vietnam in which, although VCG itself was overwhelmed and outnumbered by its Chinese counterpart, it was still able to fend off the aggressor. This opened the way for the government as well as the communist party to negotiate directly with Beijing. The VCG also plays an essential role in protecting Vietnamese fishermen against China's maritime militia forces disguised as fishermen. This approach has been proven to be quite successful in maintaining Vietnam's effective control in the disputed waters and dealing with unexpected incidents at sea under Chinese pressure.

Therefore, besides the navy, the VCG now holds an important position in Vietnam's overall maritime strategy. In a peacetime scenario, the VCG becomes the spearhead in the country's effort to maintain tight control over its sovereign waters. The VPN, at the same time, keeps its defensive and deterrent position against any potential adversaries. VCG vessels and airplanes could also be helpful in reconnaissance and other intelligence activities. This role will be changed when war breaks out, as the VPN would in turn become the spearhead in defending the country's maritime sovereignty and the VCG, alongside Vietnam's own maritime militia, becomes a supporting force. Vietnam's military strategists seemed to have conceived of the idea of a three-layered defence strategy where the VCG stands in the middle of this spectrum.

## THE MALAYSIAN CASE STUDY

*Dzirhan Mahadzir*

### **Introduction**

In 1999, a study conducted by the Malaysian government found that the organisational structure then in place to provide coastguard-type services in the country's territorial waters was both cumbersome and ineffective.

At the time, maritime law enforcement and search-and-rescue (SAR) activities fell under the jurisdiction of eight distinct organisations: the Royal Malaysian Navy (RMN), the Royal Malaysian Air Force (RMAF), the Marine Police (subsequently renamed the Marine Operation Force) of the Royal Malaysian Police (RMP), the Marine Department, the Royal Customs and Excise Department, the Fisheries Department, the Environment Department and the Immigration Department. Their activities were co-ordinated by the Maritime Enforcement Coordinating Centre (MECC), which was headquartered at Lumut naval base and headed by an RMN two-star admiral.

This arrangement was problematic because the MECC could only co-ordinate and advise on operations at sea and had no command authority; such authority resided with the parent organisation. Furthermore, the preponderance of naval personnel within the MECC meant that while it worked well with the RMN and RMAF, its day-to-day relationships with the other organisations responsible for maritime enforcement - particularly the Marine Police - were mixed. The situation was not improved by the somewhat difficult relationship between the armed forces and the RMP.

### **Formation of a New Maritime Law Enforcement Body**

The 1999 study concluded that the best way to overcome these headaches was to hand responsibility for maritime constabulary tasks to a new body, which would absorb the assets and personnel of the civilian agencies hitherto involved in maritime enforcement as such organisations would no longer be required to carry out this role. The proposed strategy was strongly supported by the RMN and accepted by the government and by most of the other organisations involved.

Strong opposition to the proposal came from the RMP, which instead suggested having the Marine Police subsume the entire maritime enforcement role, along with relevant assets. The police service argued that it was unnecessary to create a new enforcement body when the Marine Police already existed, and that simply folding the entire maritime enforcement role into an expanded Marine Police would be a more cost-effective solution. Furthermore, senior police officials realised that the proposed body was set to be heavily dominated by the RMN, which would provide the bulk of the personnel, equipment and command staff.

However, the RMP's then poor reputation for with other organisations worked against its suggestion. Thus, the decision was made to create a new body: the Malaysian Maritime Enforcement Agency (MMEA) or, in the local Bahasa language, Agensi Penguatkuasa Maritim Malaysia (APMM). Although a nucleus team for the agency was established in 2003, police leaders continued to fight the decision and won a reprieve with the accession to power in October

of that year of Prime Minister Tun Abdullah Ahmad Badawi, who, seemingly unaware of the earlier decision, allowed the Marine Police to retain its independent status.

In a clear reversal of the original intent, some of the other civilian agencies also retained their independence in matters of maritime enforcement, with the result that the MMEA began life merely as an additional civilian agency with responsibilities in this area.

It was not until 2011 that the government finally formalised the MMEA's status as Malaysia's sole maritime enforcement agency, with other agencies transferring their assets to the MMEA while the Marine Operation Force limited to policing ports and rivers. However, the Marine Police are again on the seas as a result of the 2013 Sabah incursion by Sulu militants.

### **The MMEA's Functions**

The MMEA's principal duties are as follows: to enforce law and order under federal legislation, particularly the prevention and suppression of criminal offences; assist in the investigation or prevention of criminal offences upon request by a foreign state, as provided by the Malaysian Mutual Assistance in Criminal Matters Act 2002 (Act 621); conduct SAR missions; perform air and coastal surveillance; establish and manage institutions for maritime training; ensure maritime security and safety; control and prevent maritime pollution; prevent and suppress piracy; and prevent and suppress illegal trafficking in narcotic drugs.

However, responsibility for law-enforcement patrols in the country's exclusive economic zone (EEZ) and disputed waters would continue to fall within the RMN's remit, at least until the MMEA demonstrated an ability to take over this role. Because of this legacy, many of the MMEA's senior command staff are ex-RMN personnel.

The RMN enthusiastically embraced the formation of the MMEA from the outset, transferring a significant number of personnel and ships, notably its two 75m *Musytari*-class offshore patrol vessels (OPVs) - which were reclassified as the *Langkawi*-class in MMEA service - and 15 smaller patrol craft of the *Sabah*, *Keris* and *Kedah* classes. These three types were reclassified as the *Sipadan*-class by the MMEA.

The transfer of these vessels became something of a sore point within the RMN, as the government did not fulfil initial assurances that the navy would receive funding to purchase additional, replacement hulls. Despite a sense of betrayal on this issue, senior naval officers remained strong supporters of the MMEA concept, largely because it would allow the RMN to shed the constabulary role, particularly within Malaysia's 12 nautical mile territorial waters limit, and focus primarily on its territorial defence responsibilities.

### **Organisation of the MMEA**

In terms of organisational hierarchy, the MMEA is an agency within the Prime Minister's Department. In the event of war, however, it would be placed under the direction of the Malaysian Armed Forces.

The agency employs 5,371 uniformed and civilian personnel, according to the government's 2017 budget estimates. Those in uniform adhere to a naval rank structure and the civilians (who are normally on rotation from government departments) occupy civil service grades. Although

the uniformed personnel are also technically civil servants, they follow a separate career path and assignment pattern given their appointment as maritime enforcement service officers. Overall, the civilian staff are largely concentrated in the administration section while the uniformed personnel are dominant in operations, logistics and training.

The agency is headed by a director general, appointed by the king on the advice of the prime minister. Admiral Maritime (equivalent to navy four-star rank) Ahmad Puzi, a former RMN officer is the current incumbent. Long-term plans for the director general post suggest that eventually it will be held by an in-house MMEA appointee; the uniformed corps believes that the appointee should come from its ranks rather than the civilian portion, citing the agency's operational tasks and responsibilities.

The deputy director of operations is a three-star officer (vice admiral maritime) and the deputy director of logistic is a two-star officer (rear admiral maritime) while an equivalent two-star grade civil service official is responsible for administration.

Training and education are headed by a First Admiral Maritime (one-star equivalent). The Special Task and Rescue (STAR) Team, which is geared towards counter-terrorism, intervention and SAR, falls directly under the director general's office. The operational area of responsibilities is divided into five territorial zones each headed by a First Admiral Maritime, comprising three in Peninsular Malaysia - North Maritime Territory, East Maritime Territory, South Maritime Territory, and two in East Malaysia, Sarawak Maritime Territory and Sabah & Labuan Maritime Territory. North Maritime Territory covers Perlis to Perak state on the West Coast, East Maritime Territory covers Kuantan to Kelantan on the East Coast while South Maritime Territory covers Selangor to Johor on the West Coast, along with the rest of Johor on the Singapore Straits and East Coast. The East Malaysian Maritime Territories are self-explanatory in terms of their coverage. These five territorial zones are further subdivided into a total of 18 maritime districts, each being led by a Captain Maritime and has a minimum of three patrol craft assigned to it.

Although then MMEA head Admiral Maritime Mohd Amdan told journalists in February 2011 that the MMEA required a minimum headcount of 9,000 to be operationally effective, according to its 2015 annual report the authorised uniformed strength was just 4,914 - presumably a temporary ceiling imposed by the government due to the lack of training facilities.

To make matters worse, only 4,275 (87 percent) of these uniformed billets were filled, the report noted, with the officer corps particularly badly affected: just 808 of the 1,014 officer posts were occupied (79.68 percent). For other ranks, 3,467 out of 3,903 billets were filled (88.83 percent). Meanwhile, 40 Second Lieutenant Maritime and 113 class-two maritime sailors completed basic training in 2015 and entered service out of that year's authorised recruitment of 43 and 158 respectively.

## **MMEA Assets**

The agency's surface fleet consists of 277 ships and smaller craft, more than 85 percent of them inherited from other maritime organisations, including 91 craft of various types transferred in 2011 from the Marine Operation Force and the Royal Customs and Excise department.

Most of the MMEA's waterborne assets have clocked up 20 years or more of operational service, with some vessels now approaching the 40-year mark. The result is a legacy fleet that is

increasingly costly to maintain. Plans to replace some of these ageing platforms are in the pipeline with six 45m ships being built by Destini Group, the first expected to enter service in 2017 and a tender to be issued for the construction of three 75m patrol vessels.

The largest vessels are the two 1,320-tonne Langkawi-class OPVs, KM *Langkawi* and KM *Banggi*. Built respectively in South Korea and by Malaysia Shipbuilding and Engineering in Johore Bahru and commissioned into the RMN in 1985 and 1987, these helicopter-capable ships (each has a platform for one medium helicopter) were transferred to the MMEA in mid-2006 and became operational the following year. Armament consists of a 57mm gun and a twin 30mm mount.

Also in 2006, The Nippon Foundation donated a 40m training vessel to the MMEA. Based at Lumut, the 274-tonne KM *Marlin* serves primarily as a training platform but has also been deployed on operational duties. In 2015, Australia donated two 38.2m *Bay*-class patrol craft.

In early 2011 the government signed two separate procurement contracts under the Fast Interceptor Craft (FIC) programme, which will see 18 craft built for the MMEA. The first contract was awarded to Boustead Yonca-Onuk (BYO) Marine, a Malaysian-Turkish joint venture, for the construction of 10 Yonca-Onuk 17.75m *M RTP16* FICs. Four of these craft will be built by Yonca-Onuk in Turkey while the remaining six will be built at BYO Marine's facilities in Langkawi. All these have been delivered and are in service

The second contract was signed with Destination Marine Services (DMS) for the construction of eight 18m *Icarus 1650* FICs, to be built at DMS' Port Klang shipyard. Again, all units were delivered and operational. DMS previously built two 18m interceptors for the MMEA, which were delivered in 2007 and entered service as the *Penggalang*-class.

Apart from the age of individual vessels, the MMEA fleet is also affected by the shortage of manpower - a particular headache following the recent transfer of 91 police and customs services watercraft. Although the arrangement also allowed for the voluntary transfer of crew, few of the police and customs personnel availed themselves to this opportunity, preferring instead to remain with their existing organisations.

Turning to aviation assets, the MMEA's only fixed-wing aircraft are two Bombardier CL-415MP amphibious platforms that entered service in 2009. They are the multipurpose variant fitted with SSC's Airborne Maritime Surveillance System 6000, a side-looking airborne radar for detecting oil spills and small targets, and a forward-looking infrared sensor.

Other than patrol and surveillance sorties, the CL-415MPs have been extensively used for aerial firefighting at sea - most notably in October 2009 when one was deployed after the RMN landing ship KD *Sri Inderapura* caught fire.

The MMEA also operates three Eurocopter AS365N3 Dauphin helicopters (which entered service in 2007) and three AgustaWestland AW139 helicopters (delivered in December 2010). Although the MMEA leadership believes that eight aircraft are the bare minimum required to cope with operational demands, plans to purchase more helicopters are being hampered by the lack of trained personnel. With several of its helicopters currently crewed by seconded RMAF pilots, the agency is now looking at ways to acquire its own flight-training programme.

Currently the MMEA air wing operates from a purpose-built facility within the Subang Airport facilities. Nevertheless, the MMEA still lacks operational aviation facilities on the Peninsular Malaysian east coast and in Sabah and Sarawak, forcing it to operate aircraft from civil airports

in those areas. While senior officials have drawn up plans to establish bespoke air facilities in the three regions, the small number of aircraft that would be deployed there makes it difficult to justify substantial investment unless agreement can be reached to expand the size of the air wing.

Finally, STAR Team is the agency's special operations unit. It was established to conduct maritime special operations SAR and currently consists of 55 qualified personnel who successfully completed a basic commando course with the RMAF PASKAU (Pasukan Khas Angkatan Udara) in July 2009 and another 10 individuals who underwent basic training with the RMN PASKAL (Pasukan Khas Angkatan Laut) special forces in April 2010. The STAR Team has been actively deployed to conduct operations and support relevant operations requested by MMEA regional commanders. STAR Team personnel are also deployed as part of the Malaysian National Special Operations Forces, which was launched in 2016.

### **Regional Engagements**

Among the MMEA's many bilateral activities are exercises and operations with countries including Indonesia, Japan, Philippines, Singapore, Thailand and the United States. At-sea exercises with the Japanese and US coastguard services normally focus on maritime law enforcement, special boarding operations and maritime SAR. MMEA personnel also participate in the US Navy's 'CARAT' ('Cooperation Afloat Readiness and Training') series.

Regular co-ordinated patrols have been conducted with Indonesia's maritime enforcement body - Badan Keamanan Laut (BAKAMLA) - and the Indonesian Navy. The MMEA has also participated in the 'Thamal' exercises with Thailand, which occur twice a year, and in the 'Malphil' exercises involving the RMN and Philippine Navy.

Having completed the Strait of Malacca phase of the Malaysian Sea Surveillance System (MSSS) and upgraded the relevant C4ISR systems, the MMEA has extended this scheme to the Sabah region, although few details have been released. The MMEA operates 9 radar stations as part of the MSSS in Peninsular Malaysia. Its 2015 annual report mentions a total of 14 radar stations being operated thus the remaining 5 can be deduced to be in Sabah.

### **The Future**

Although the MMEA has stepped up its procurement, recruitment and training efforts, it will take several years before the agency can muster sufficient manpower for its surface fleet and tasks. Similarly, the air wing faces personnel and equipment challenges and, until these can be overcome, an expansion in the air domain is also unlikely in the near future.



## **SINGAPORE: WHOLE-OF-GOVERNMENT APPROACH TO MARITIME SECURITY**

*Collin Koh*

Singapore's geostrategic circumstances are well known – a small island surrounded by congested waterways and a lack of strategic depth. Its sense of vulnerability stems from a dependence on seaborne commerce and trade for national survival and prosperity, thereby necessitating secure access to the vital sea lines of communications. It also does not help that Singapore is not only a well-positioned transshipment port and petrochemical hub, but it overlooks the strategic Straits of Malacca and Singapore. The immediate Southeast Asian maritime domain presents a myriad of maritime security challenges, ranging from unconventional threats such as maritime terrorism to the South China Sea disputes.

However, taking these factors together, one should not overlook that having a constrained water-space to manage can be a virtue: compared to its neighbours which are almost perpetually plagued by capacity shortfalls in their maritime forces – both navies and maritime law enforcement (MLE) agencies – Singapore has a much smaller maritime zone to police, and the available capacity appears proportionate. To illustrate, Indonesia has a maritime zone spanning about 5,409,981 km<sup>2</sup> which, as of 2015, is policed by 229 combat and patrol vessels and 28 maritime patrol aircraft mustered by both the navy and diverse MLE agencies, whereas Singapore has 140 equivalent vessels and five aircraft to police just 343 square kilometres of sea space. Of course, this is not to underestimate the complexity of maritime security operations the Republic of Singapore Navy (RSN) and the Police Coast Guard (PCG) undertake daily.

### **Inter-agency Nexus as a Necessity**

Because of the colossal economic and strategic stakes given its geostrategic circumstances, it is imperative for Singapore to deter, detect, pre-empt, defeat and mitigate the consequences of any conceivable maritime security threat in as efficient and effective manner possible. Prior to the 9/11 terrorist incidents, Singapore was mainly preoccupied with piracy and sea robbery, occasional seaborne smuggling attempts, and to a lesser extent the dispute over Pedra Branca with Malaysia. As the post-9/11 threat landscape evolved, Singapore also found it necessary to evolve accordingly. This led to a fundamental redesign of its maritime security approach.

It needs highlighting here that navy-coastguard integration is not at all new for Singapore; both entities have already integrated their maritime security operational responses since 1993. Following the Asian financial crisis in 1997-98, this integration was expanded from countering piracy and sea robbery to coping with the anticipated threat of illegal immigrant inflows. The RSN and PCG, along with other agencies, also conducted maritime security-related response drills, such as Exercise Northstar since 1997. All the while, the navy has remained the premier agency spearheading Singapore's maritime security. Integration is also made of sheer necessity and prudence: the armed forces possess the requisite physical assets and it would not make sense for other agencies to duplicate them. Therefore, while playing a lead role, the RSN and the air force especially have provided critical assets such as aircraft, as the PCG has no organic aviation of its own. Yet there are some exceptions. For example, the RSN could relinquish more of its patrol obligations around Pedra Branca once the PCG acquired larger vessels to undertake more sustained routine operations off the islet.

It needs pointing out that this integration is not limited to RSN and PCG. After 2001, many inroads were made to involve other agencies, with the navy still the lead agency. The navy's Coastal Command, having served as the national maritime security Coordinating Authority since 1988, evolved into the Maritime Security Task Force (MSTF) in 2009 by pulling together both the armed forces and other national maritime agencies – PCG, Immigration and Checkpoints Authority, Maritime and Port Authority of Singapore and Singapore Customs. The MSTF comprises three groups, two of which are directly involved in inter-agency coordinated responses – the Comprehensive Maritime Awareness Group that maintains a comprehensive maritime situation picture through information sharing with national agencies, international partners and shipping community; and the Inter-Agency Coordination Group that comprises representatives from all concerned agencies. This last group is the apex body within the MSTF to ensure close inter-agency coordination.

### **Evolve and Adapt**

Integration was further enhanced within a few years to encompass greater operational scope. In 2011, Singapore unveiled the National Maritime Security System (NMSS) which constitutes a Whole-of-Government (WoG) based strategy framework, implemented by the Singapore Maritime Crisis Centre (SMCC). Housed at Changi Naval Base, the SMCC is staffed by representatives from the Singapore Armed Forces and Singapore Police Force (no longer just the navy and PCG, though they remain the key security responders, to reflect this WoG approach including land-based actions), ICA, MPA and SC. In times of emergencies, other agencies such as the Singapore Civil Defence Force are also involved for post-incident consequence management. This transcends the preceding form of the navy-coastguard nexus represented by the integration between the RSN and the PCG.

Despite the inclusion of more state actors, the NMSS is still led by the navy – the navy chief serves as the Crisis Manager (MARSEC) in the Homefront Crisis Executive Group (HCEG) (MARSEC) that establishes unified command and control. This appointment recommends maritime operational strategies and courses of action to the HCEG (MARSEC) and helps ensure coherence and unity of response across various Incident Managers, i.e. the commanders of the various agencies. The SMCC comprises the National Maritime Sense-Making Group (NMSG) which serves as a single focal point in establishing a National Maritime Common Operating Picture and facilitating information sharing between the agencies; and the National Maritime Operations Group (NMOG) which is responsible for inter-agency operations planning and coordination, including reaching out to other agencies.

The NMSS as a WoG maritime security concept that integrates such diverse pool of actors was first validated during Exercise Northstar VIII in 2011, during which the SMCC achieved initial operational capability. It later achieved full operational capability in Exercise Highcrest 2013. Again, it needs pointing out that this level of integration, while unprecedented in terms of the extent and scope, is basically a step up from what has been long practiced in the past, and enabled by technological advances. For example, outside the Northstar and Highcrest parameters, discrete agencies exercised together to assess maritime security readiness. The Exercise APEX series involves the SAF, PCG, MPA and the SC from time to time. Exercise Blue Dolphin included such diverse agencies as the MPA, SAF, PCG, SCDF and even the People's Association in assessing emergency preparedness; the 2014 iteration simulated a rescue

of over 700 people from a “burning” cruise ship about 4.5km from Marina South Pier – clearly a plausible scenario in times of a terror attack and not merely a matter of maritime safety. While these exercises continue to be conducted from time to time, dealing with specific subject matter, they helped build on this WoG approach.

### **Conclusion: Right Formula for a Navy-Coastguard Nexus?**

Singapore’s geostrategic circumstances are both fortuitous and otherwise. From the negative perspective, they present a complex maritime security environment for the country that leaves very little margin for error. Yet positively seen, it allows Singapore to focus on more immediate threats without having to be distracted by so many other priorities that require overstressing forces thinly over a broad geographical region like what its larger neighbours are long confronted with. The finite resource capacities also oblige Singapore to adopt a WoG approach – for both prudence and operational reasons. Technology again emerges as a key enabler, much like it is for all Singapore’s security agencies, in no small part to circumvent manpower constraints that stem from a small population with low fertility rate.

The numerous incidents worldwide and in the region – USS *Cole*, MV *Limburg*, and most recently, those “kidnap-for-ransom” cases in the Sulu Sea, not to forget the country’s close brushes with insidious danger of unconventional threats – the Jemaah Islamiyah plot to bomb Singapore in 2001, and most recently, the terrorist plot to fire rockets from Batam at Marina Bay – allow Singapore to see the writing on the wall, thereby compelling it to constantly evolve and adapt measures against those anticipated maritime security threats. This WoG approach, borne out of geostrategic, domestic, fiscal, operational and technical necessity, looks set to be a “right formula” forward. But Singapore’s success story, albeit one with its own inherent limitations – especially real effectiveness in times of a crisis, which should never be prayed for to come – cannot necessarily be replicated by other countries with different contexts.

## INWARD-LOOKING NAVY AND EXPANDING BAKAMLA: THE INDONESIAN CASE OF NAVY-COASTGUARD NEXUS

*Muhamad Arif*

Indonesia, the biggest country in Southeast Asia and the biggest archipelagic state in the world that resides literally right at the centre of the “21<sup>st</sup> naval century”, is still facing numerous challenges in its struggle to secure its expansive and vulnerable maritime domain.

The blurred distinction between “defence” or sovereignty protection and “security” or law enforcement hinders the effective performance of the two most important maritime security agencies: the Indonesian Navy and the newly-established Coast Guard – known as BAKAMLA (*Badan Keamanan Laut*). This, I argue, is the result of the historically-shaped strategic thinking of Indonesian military. An understanding of Indonesian strategic history, civil-military relations and strategic culture are thus essential to comprehend the problematic relations between the country’s maritime security agencies.

Indonesia is not really familiar with the concept of a coastguard. There are multiple agencies responsible for law enforcement and maritime safety and security in Indonesia, including representatives from the Navy, Police, Customs, Immigration Agency, Maritime Affairs and Fisheries Ministry and the Transportation Ministry. These agencies are tailored to carry out operations according to the respective needs of their parent institutions.

Prior to 2014, when the presidential regulation establishing the BAKAMLA was passed, these agencies were coordinated by BAKORKAMLA (*Badan Koordinasi Keamanan Laut/Maritim Security Coordinating Agency*). Thus, when BAKORKAMLA was transformed into BAKAMLA, its responsibilities were expanded. No longer limited to coordination, its functions now range from early detection to enforcing law using its own cutters. On paper, it is responsible to carry out operations and synergise other agencies operating on all maritime jurisdictions, from the territorial sea, contiguous zone, economic exclusive zone to the high seas.

The establishment of BAKAMLA as a designated maritime law enforcement agency, however, does not eliminate all the problems. The other agencies, including the Navy, still retain their maritime law enforcement roles. This results in a dualism in the national maritime law enforcement system in which the coastguard is expanding, albeit slowly, while the navy is reluctant to share its law enforcement roles.<sup>1</sup> Finding a proper demarcation of roles and functions between the two remains a challenge to maritime management and hinders the achievement of Indonesian national maritime interests. This observation can only be understood if we take a closer look at the strategic history of Indonesian armed forces and how it shapes its strategic thinking.

Indonesia’s experience during its emergence and early years has left a deep imprint on the armed forces’ strategic thinking. The first one and a half decade of the Indonesian military was spent to defend the fragile territorial integrity of the country against returning Dutch colonialism and a series of separatist movements. This experience justifies the perception in the Indonesian

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<sup>1</sup> As of the time of this writing, BAKAMLA operates three 48m patrol boats with the Navy is planning to grant 10 more ships. One 110m offshore patrol vessel for BAKAMLA is under construction.

military that the nation is subject to perpetual strategic vulnerability due to the country's archipelagic nature, ethno-cultural diversity and contested nation-building.

Threats against Indonesian territorial integrity are believed to be most likely coming not in the form of direct invasion by other states but rather the enmeshment of external actors' interests with dissenting factions within the country.<sup>2</sup> Indonesia's archipelagic nature does not help here; while the abundant marine resources promise wealth and prosperity for its citizens, the same straits and seas render maintenance of unity and single national identity a challenge. It is hard enough to maintain the unity of a culturally-diverse nation; even harder to maintain the unity of a culturally-diverse nation scattered across thousands of islands.

The most relevant manifestation of this historically-shaped strategic thinking is the embedded belief that the functions of the military go beyond the traditional role as the defender of the country against external threats to the maintenance of internal security. For decades, the most noticeable feature of this strategic thinking is the domination of the army. The Indonesian Army is not only the first among equals among the armed services but it is also involved deeply in the country's socio-political structure for decades. But it is not only the army that is inward-looking and expands its role beyond defence. Mostly uncovered in the literature on Indonesian strategic history and civil-military relations, the blurred distinction between "defence" and "internal security" can also be found on the sea.

Similar to their land-based counterparts, Indonesian sailors take internal security as its area of responsibility in addition to external defence. This means, as stipulated by the bill on armed forces, it is tasked, among other jobs, to enforce law in the maritime jurisdiction of the country including in the internal waters. A high-ranking officer of BAKAMLA once said, "Do not consider sovereignty merely about external borders as it also entails security threats in the (internal) waters. The difference is that the navy uses warships instead of civilian ships. When dealing with illegal practices, we cannot separate defence and civilian maritime (law enforcement)."<sup>3</sup> It needs to be noted that when the United Nations Convention on the Law of the Sea was signed in 1982, and granted Indonesia with extensive additional maritime jurisdiction, military's involvement in politics and internal security was at its height. Thus, instead of the need for a separate coastguard, the 1982 UNCLOS justified the Navy to maintain its internal security roles in the now-recognised internal waters.

During the course of its history, the Indonesian Navy's experience in carrying out high-intensity operations is relatively limited. In the 1950s, it took on only a supporting role in the central government's counter-separatist operations. In 1962, it was involved in the so-called "Irian Campaign" to retake the Western Papua from the Dutch. Apart from infiltration missions and small-scale clashes, the campaign stopped short of full invasion after the civilian authorities reached diplomatic agreement. The navy also took part, albeit only as a supporting force, in Operation Seroja, as part of the campaign to annex Timor Portuguese in 1975.

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<sup>2</sup> This belief is still noticeable even today. For example, the current leadership of Indonesian military have been propagating, though abusively, the notion of "proxy wars", that is seen as ranging from students demonstration to LGBT, as one of the most imminent threats the country is facing.

<sup>3</sup> "Dicky Munaf, Sestama Badan Keamanan Laut: Pengamanan Dan Keselamatan Laut Seimbang," *Republika Online*, 2016, <http://www.republika.co.id/berita/koran/wawasan/16/01/27/o1lt0h5-dicky-munaf-sestama-badan-keamanan-laut-pengamanan-dan-keselamatan-laut-seimbang>

The Indonesian Navy also left its footprint in maintaining good order in international waters. In 2011, in a highly-celebrated rescue mission, a navy task force successfully took on Somali pirates that hijacked an 8,900-tonne bulk carrier *Sinar Kudus*. Most of the time spent by the Indonesian Navy, however, is to focus on law enforcement missions, particularly in the internal waters and EEZ. More than anything, the Indonesian Navy has been more concerned with the prevention of rampant illegal fishing activities.<sup>4</sup>

The focus on law enforcement operations have also allowed the Navy to raise its much-needed off-budget funding. Due to the Army's domination and generally low attention on armed forces modernisation, the Navy has to rely on itself for revenue for decades. It has to be noted that at one point, business enterprises contributed around 70% of the Indonesian armed forces' budget.<sup>5</sup> The Navy is not an exception to this rule. There is a great deal of evidence, for instance, that naval patrols have demanded bribes from illegal vessels that they have detained.<sup>6</sup> "Floating courts", where naval patrols put the violators of the fishery laws straightaway on the seas rather than passing them to prosecutors, remain a common practice.<sup>7</sup> A Law enforcement focus, in other words, provides financial incentive for the Navy which it finds hard to relinquish.

With this long history and incentive to stay involved in the maritime law enforcement activities, it is thus understandable that when BAKAMLA is already in place, the inward-looking Navy is reluctant to share the burden. The result is inefficiencies and ineffectiveness in the country's maritime security operations.

So, what to expect? Understanding on the strategic history of the Indonesian military helps us comprehend the difficulties the country is facing in restructuring its maritime security agencies, particularly with regard to the Navy and BAKAMLA. As other military norms and values, this historically-shaped strategic thinking cannot be changed overnight and will thus continue to shape the threat perception and perceived responsibilities of the Navy in the years to come.

The so-called *Poros Maritim Dunia* or Global Maritime Fulcrum, a foreign policy doctrine adopted by the current government under President Joko Widodo, is a renewed realisation of Indonesia's geopolitics. It is driven by both the domestic need to foster the country's abundant marine potential as well as the recent developments in regional security architecture. Unlike the previous era, issues like disputes in the South China Sea and regional stability have started to enter into the public and naval planner's discussions.

One possible consequence is the Navy giving greater attention to the more traditional roles and thus more space for BAKAMLA to consolidate its position as the major maritime law enforcement agency. Finally, the steady increase of the defence budget and the greater attention given to the Navy might further contain the temptation to raise off-budget revenues through law enforcement operations.

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<sup>4</sup> *Indonesia's Naval Development and Maritime Cooperation, RSIS Policy Report* (Singapore, n.d.).

<sup>5</sup> Michael Heazle and John G. Butcher, "Fisheries Depletion and the State in Indonesia: Towards a Regional Regulatory Regime," *Marine Policy* 31, no. 3 (2007): 279.

<sup>6</sup> *Ibid.*, 278.

<sup>7</sup> *Ibid.*

# **THE NORWEGIAN COAST GUARD - SECURITY POLICY CONTRIBUTION DURING THE COLD WAR, 1945 - 1990**

*Jo G. Gade*

## **Introduction**

In the aftermath of World War II, fishery control in Norwegian waters was re-established during the winter 1945/46. The main task was to avoid illegal fishing by foreign fishermen within the Norwegian territorial waters. So, at the beginning of the Cold War, operations were mainly focused on Norway's coastal waters and the fishery protection force did not play an important security policy role in Norway.

That changed in the 1970s, when offshore oil and gas marked a new era for Norway and a 200-nautical mile exclusive economic zone (EEZ) was established. This paper will therefore focus on the period from the 1970s and to the end of the Cold War.

## **The establishment of the Norwegian Coast Guard**

On 1 January 1977 Norway created an EEZ of 200 nautical miles and a fishery protection zone around Svalbard, which came into effect on 15 June 1977. A fishery zone around Jan Mayen Island was established on 29 May 1980. The total size of these three exclusive zones is more than 2 million square kilometers, over six times the size of mainland Norway.<sup>1</sup> This expansion resulted in new and demanding challenges for the Navy. In order to ensure of Norwegian sovereign rights in these vast areas, the Norwegian Coast Guard was established as an integrated part of the Navy on 1 April 1977. The advantage of such an organisation is that one common basic education gives a platform for increased understanding of each other's tasks and challenges. The Coast Guard and the Navy regularly exercise together and ensure that they are interoperable and are able to cooperate if and when called upon. This is a cost-effective solution that is beneficial for both the Coast Guard and the Navy proper and tailor made for Norway, but could serve as a model for other nations too.

## **The Coast Guard as a Security Policy Tool**

The tasks of the Norwegian Coast Guard are to ensure Norwegian sovereignty and Norway's sovereign rights, surveillance, control and inspections of fishery activity, custom inspections, environmental surveillance, including protection against pollution and waste, and other surveillance tasks such as public control of the seaworthiness of ships and immigration. One of the most demanding tasks is the enforcement of the administration regime in the fishery protection zone around Svalbard. The Norwegian view is that the Svalbard Treaty of 1920<sup>2</sup> that came into effect in 1925, and that gives the signatories equal rights to engage in commercial activities, is only valid ashore and in territorial waters. That view is disputed by many nations.

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<sup>1</sup> Mainland Norway 324.130 square kilometres.

<sup>2</sup> The Svalbard Treaty recognises the sovereignty of Norway over Svalbard. The exercise of sovereignty is, however, subject to certain stipulations, and not all Norwegian law applies.

Especially, Russia<sup>3</sup> and Spain are of the opinion that Svalbard should have a separate EEZ where the Svalbard Treaty should apply. The political reality is that the Norwegian regime is respected, even though ships from Russia, Spain, Iceland and some others challenge the Norwegian regime from time to time.

The Soviet Union/Russia and Norway had a dispute on the delimitation of the maritime border between the countries. However, fishery control in the disputed area was regulated peacefully based on a bilateral agreement in 1978.<sup>4</sup> In 2010 Russia and Norway managed to agree on a delimitation of the disputed area.

The control and inspection of fishery activity is one of the main tasks for the Coast Guard. Tension and conflicts on the fishing grounds have so far been kept at a low level. One reason is that the presence of the grey painted Coast Guard vessels in the operational area is a normal situation and is therefore not seen as provocative or escalatory. Other factors are the importance of having common international rules, using force proportional to what is at stake, and being able to act firmly and consistently in what is perceived as a fair manner. So far, the Norwegian Coast Guard has never faced a situation escalating to a point where support from the Navy has been required.

The Norwegian Coast Guard is fit for conducting maritime security operations. However, during the Cold War plans were made to strengthen the fighting capabilities of the Coast Guard ships if the war should break out. The idea was to use the Coast Guard ships as war fighters reinforcing the Navy proper. Today the response time will probably be so short that you have to fight with what you have at hand. The peacetime equipment of the Coast Guard ships may therefore put some restrictions on their tasks at the outbreak of a war.

### **Relationship with the Soviet Union**

As with Russia today, Norway shared, during the Cold war, a common border both at land and at sea with a powerful neighbour, the Soviet Union. This asymmetric relationship in military terms is a security policy challenge seen from a Norwegian point of view, even though Norway and the Soviet Union/Russia have never been at war. But as a junior in this relationship, Norway has balanced this challenge through multinational channels like the United Nations and NATO. But Norway needs to handle and manage fishery protection and challenges related to offshore oil and gas on its own. NATO cannot help, as it easily might be that the Norwegians will find themselves in conflict with another NATO member nation when it comes to fishery in the exclusive zones, especially the fishery protection zone around Svalbard.

It is quite unique that during the Cold War, when the Soviet Union and NATO/Norway considered each other the worst enemy and prepared to fight the third world war, Norway and the Soviet Union managed to maintain good bilateral cooperation. The Soviet Union/Russia and Norway may have different national interests, but when it comes to preservation and administration of the fishery resources in the Barents Sea, both nations have the same interest in ensuring that the amount of fish taken out of the sea is within the ecological limits for a

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<sup>3</sup> Soviet Union during the Cold War.

<sup>4</sup> The disputed area was 175.211 km<sup>2</sup> in the Barents Sea because Norway claimed the principle of middle line to draw the sea border, while Russia claimed the sector principle.



sustainable stock. They have managed to regulate the total allowable catch by the Soviet Union/Russia and Norway, including the issuance of licences to around 20 other nations which traditionally fish in these waters. They respect each other's right of fishery inspections at sea and to take necessary legal action. The Norwegian Coast Guard and the Russian Border Guard exchange information and keep a communication 'hotline' open to avoid misunderstandings that could lead to a tense and escalating situation. In addition, you have the exchange of officers between the two Coast Guard staffs, and an exchange of inspectors in the respective economic zones, with the visiting part given an observer status. Both nations respect the UN Convention on the Law of the Sea (UNCLOS).

### **The Present Situation and the Way Ahead**

The Russian conflict with Ukraine has also changed the security policy situation in the north. In general, bilateral cooperation between Russia and Norway has been reduced to a minimum, and together with the EU and the USA, Norway has implemented sanctions against Russia. However, there is one exception, the good practical cooperation between the Coast Guards in Norway and Russia continues despite the politically sensitive situation between the two countries.

NATO is meeting the new security policy challenge from Russia with several deterrent measures. Norway fully supports this policy, but also underlines the importance of multinational and bilateral dialogs with Russia. Not a dialog to agree on the perception on the security policy situation, but to avoid that misunderstanding may result in situations escalating out of hand.

Increased interest for and activities in the Arctic Ocean may be a future challenge for the Norwegian Coast Guard. Increased maritime traffic, including big cruise ships, are expected. Any accidents in these areas could be catastrophic. Oil and gas activities are stretching further north in the Arctic, and due to the climate change, fishery activity is also moving north. However, the expectations on a resource race in the Arctic have been toned down. The security policy challenges in the north will probably not change much in the foreseeable future, and Norway and Russia will hopefully be able to continue the good bilateral cooperation; Coast Guards included.

## MARITIME MILITIA AND FISHING CONFLICTS IN THE SOUTH CHINA SEA

*Zhang Hongzhou*

Mainstream media and a substantial body of academic literature attribute these fishing incidents and the growing presence of Chinese fishermen in disputed waters – particularly in the South China Sea – to China’s strategic and political motives, arguing that these fishermen are actually maritime militia who are positioned to conduct a ‘people’s war’ at sea in any future conflict. It is no secret that all the South China Sea claimant parties view their fishermen as important defenders of their respective claims in the disputed waters of the South China Sea. In 2013, Chinese President Xi Jinping, during a visit to the Tanmen fishing town of Qionghai city in Hainan province, advised the maritime militia members to ‘not only lead fishing activities but also collect oceanic information and support the construction of islands and reefs’.

Over the past few years, several coastal cities in China have established fishing militia forces, and the militia force of China’s Sansha city has grown from a few dozen vessels to several hundred since 2012. Similarly, the Vietnamese National Assembly passed the Law on Militia and Self-Defense Forces in November 2009. The law included a draft provision that militia and self-defence forces be compulsory in any enterprise that employed fifty or more workers and regulates that self-defence militias should escort Vietnamese fishing fleets. It has also been reported that Vietnam has been in search of a model maritime militia force. In the case of the Philippines, armed fishing vessels from the Philippines have been operating in the disputed waters in the South China Sea for years, and the Philippines has recently established its own version of the militia force named the ‘Area Task Force North’ in the South China Sea. Nonetheless, the maritime militia narrative is overblown for three key reasons.

First, it’s important to take a step back and remember that incidents involving Chinese fishermen have occurred worldwide, not just in disputed waters in the South China Sea and in the East China Sea where China has an interest in strengthening its maritime claims. Similar incidents have taken place in the exclusive economic zones (EEZs) of South Korea, Russia, North Korea, Indonesia, Palau, Argentina, and South Africa. As a matter of fact, most of the fishing incidents involving Chinese fishermen take place in the Yellow Sea. All of this suggests that a primary factor behind rising numbers of incidents involving Chinese fishermen globally is the ongoing, outward expansion of China’s marine fishery sector in general. Faced with depleted traditional fishing grounds near China’s coast and excess capacity in the fishing industry, Chinese fishermen have ventured into new waters to stay in business.

Second, the maritime militia narrative is overly state-centric, and neglects the reality that fishermen and local governments are individual decision-makers driven by self-interest much more than patriotism. In the case of the South China Sea, the government’s maritime militia policy certainly encourages its fishermen from Tanmen, in Hainan, to fish at the frontlines of maritime disputes. Just as large a consideration, however, are three high-value marine species: giant clams, red coral and sea turtles. These species are generally found in shallow waters close to the disputed features in the South China Sea. Furthermore, the reach of the central state has always been limited in rural areas, particularly in coastal fishing villages. Under the country’s zoning regulations, distant-water fishing and fishing under bilateral agreements with foreign countries are both under the jurisdiction of the central government while offshore fishing and inshore fishing are under the jurisdiction of local governments.

Third, while it is true that the Chinese government provides fishing fuel and ship construction subsidies to its fishermen, their genesis has little to do with the South China Sea disputes. The fishing fuel subsidy was introduced in 2006 as part of China's overhaul of an agricultural subsidy aimed at boosting fishermen's income and an effort to combat illegal fishing by squeezing "black ships" out of the market. The central government subsidy for the upgrading and renovation of fishing vessels was introduced in 2012. This was also a nationwide policy and one of the key objectives was to phase out the very damaging bottom trawler, canvas stow-net fishing, and large single-ship light-luring purse-seiners. Furthermore, the special fishing fuel subsidy for fishing in the Spratly Islands was introduced in 1995, long before the South China Sea disputes emerged as a key security issue. The main objective of the subsidy was to cover a portion of fishermen's excessive fuel costs for long-distance fishing.

Rather than the fishing militia policy of the government, the primary factor behind the rising incidents involving the Chinese fishermen is the ongoing trend of the outward expansion of the country's marine fishery sector, which is attributed to excess capacity coupled with depleting resources in China's traditional fishing grounds. In the past, inshore fishing has been the major marine fishing operation in China, as nearly 90% of China's total marine catch in 1985 was inshore. However, by 2002, this figure dropped to 64.5%. While data at the national level is unavailable after 2002, data from local levels continues to suggest the shift from inshore to offshore fishing. Due to overfishing, pollution and land reclamation, fish stocks in China's traditional fishing grounds are depleted. Seventy percent of China's beach is polluted and 50 percent of tidal wetlands have disappeared. The Bohai fishing ground, Zhoushan fishing ground, the other fishing grounds near coastal waters in the South China Sea and the Beibu Gulf fishing grounds now exist in name only.

As the depletion of fishery resources mainly occurs in inshore waters, China naturally focuses more on curbing inshore fishing. Meanwhile, to ensure a stable supply of fishery products and to protect the fishermen's livelihood, China encourages its fishermen to go further out to sea. As urged by Xi Jinping during his visit to Tanmen fishing town in 2013, Chinese fishermen need to 'build bigger ships and venture even further into the oceans and catch bigger fish'. In practical terms that means offshore fishing in waters near Spratly islands and distant water fishing. Offshore fishing in waters near the Spratly Islands is not covered by China's South China Sea fishing ban (16 May to 1 August annually), fishermen who go there would receive additional fishing fuel subsidies under the *Special Fishing-Fuel Subsidy for Fishing In The Spratly Islands Programme* which was introduced in 1995.

The outward expansion of the marine fishery sector is not unique to China, marine fishery sectors of the Southeast Asian countries such as Vietnam and Thailand, Philippines and Malaysia are all undergoing notable outward expansion, though at various stages. For instance, due to overfishing and excess capacity in its coastal and inshore fishery, Vietnam has implemented strategies to limit coastal fishing effort and develop offshore fisheries since the late 1990s. In 1998, the construction of new vessels with less than 20 horsepower was banned and financial subsidies were provided to build big vessels which are capable of sailing to offshore waters. The outward expansion of the Vietnamese marine fishery has been remarkable. In 2012, the near-shore and offshore catching output was in balance, with a rate of 50.6% and 49.4%. This is a significant change compared to that in 2001 with near-shore fishing accounting for 69.2% of the total catch. Furthermore, Vietnam is expected to reach a rate of 64%-36% by 2020. This also

explains the growing number of fishing disputes among the Southeast Asian countries themselves.

With the ongoing trend of outward expansion of regional fisheries, competition between fishermen for limited fishery stocks, compounded by existence of territorial disputes in the South and East China Seas, will likely lead to more fishing incidents, and some of which could be escalated into larger diplomatic and security tensions. While national and regional policies to help sustain fisheries are important steps to prevent this fishing crisis, success will largely depend on Chinese actions, not only because the country has the largest fishing industry in the world but also due to the fact that China's fishing policies are directly and indirectly responsible for triggering the fishing crisis. China must take due efforts to deal with the predicament facing its fishing sector. Sustainable fishery must be placed as the top priority to govern the future development of China's fishery sector, and marine fishery in particular.

## FRENCH STATE ACTION AT SEA

*Jean-Rene Degans*

Metropolitan and overseas France does not stop at the coastline. Like other countries, her sovereignty extends at sea and to its underwater area, up to the limits of her territorial waters as defined by the United Nations Convention on the Law of the Sea (UNCLOS). France also exerts certain sovereign rights within the limits of her exclusive economic zones.

France has a considerable maritime area of about 11 million km<sup>2</sup> with nearly 18,500 km of coastline. Present in all the seas and oceans around the world, except for the Arctic, France has considerable possessions which constitute coveted wealth and help to assert her position as a great maritime power. They give her rights, particularly to preserve her sovereignty and her sovereign economic rights, but also impose responsibilities under international agreements that France has signed.

But to achieve these objectives, France doesn't have a coastguard service. Instead, France has developed a **specific approach of maritime surveillance and intervention** with a flexible and versatile organization that does not rely on the assets and skills of a single agency.

In France, state Action at Sea is **an administrative and operational organization** that has been established to fulfil French obligations as a coastal and maritime state.

### **State Action at Sea: Organization at the National and Central Level**

At the national level, given the inter-ministerial character of this organization, political direction is given by the Prime Minister. An Interagency Committee for the Sea, gathering all the ministers involved in maritime activities, provides the national and international aspects of the state policy for the sea. It determines a bearing for State action in all domains of maritime activities, and gives priorities to the stakeholders. The cross-sectoral characteristics of maritime policy are embodied by the **General Secretary for the Sea (SGMer)** and his interagency bureau, whose mission is to prepare and track the execution of national policy.

At the central level, the **Coastguard mission** is organized and controlled by an executive committee which meets under the chairmanship of the **Secretary-General for the Sea**. As well as the directors of the administrations responsible for the sea, the overseas director-general sits on this committee. This is to provide the coastguard's services or similar agencies from other countries an easily identifiable body to reach out or interact with.

The French concept of organizing State action at sea was strengthened in 2010 with the creation of a **Coastguard function** designed to strengthen the coherence of this organization at the national level. Among the various dimensions of this coastguard function it is worth noting:

- the setting up of a **steering committee** for administrations whose resources contribute to the action of the State at sea in order to propose priorities for action and to examine the policy on means;
- the establishment at the central level (SGMer) of an **operational center for Coastguard functions**. This is a point of entry for new maritime surveillance systems and is equipped

with maritime event surveillance and analysis functions for the benefit of the Government officials;

- the development of a global inter-administration format for the resources required for the Coastguard function and the identification and animation of capability optimization approaches.

### **State Action at Sea: Organization at the Operational and Regional Level**

At the operational or regional level, French State action at sea is exercised on the oceans and seas around the world, which are divided into **ten maritime zones**: three off Metropolitan France (Channel/North Sea, Atlantic, Mediterranean) five overseas (southern Indian Ocean, Antilles, French Guiana, French Polynesia and New Caledonia maritime zones) and two covering only areas on high seas (Indian Ocean, Pacific Ocean). These maritime zones include areas placed under our jurisdiction and those having the status of high seas over which France may exercise certain responsibilities, either in relation to its own ships or to foreign ships or stateless vessels abiding by the international conventions that France has signed.

In each zone, the State is represented by a **single administrative authority**: the **Maritime Prefect** ou *Préfet Maritime* in metropolitan France or, overseas, the **Government delegate** for the State action at sea assisted by the commander of the maritime zone who is an admiral or a navy captain.

For the exercise, by the State, of its policing powers at sea, each zone shelters a **competent court** (*tribunal de grande instance, TGI*) in a position to prosecute offenders. Some of them benefit from cross-regional specialized jurisdictions which leverage the action of the operational authority. The tandem formed by the *Préfet Maritime* and the specialized jurisdiction court close to them is a token of efficiency as the safety of jurisdictional issues of actions has been improved.

Since its creation 200 years ago, the *Préfet Maritime* is an **admiral**, by virtue of the Navy's prominence in the organization. The French organization does not rely on a specialized corps, but on various stakeholders operating assets at sea. Should an agency have no asset to fulfil its mission, the *Préfet Maritime* can demand the support of those capable. Thus, State action in the maritime environment profits from the various skills and special powers of all the agencies involved in the management of maritime activities.

The *Préfet Maritime* relies on **two entities**:

- An interagency team (around 12 persons) of personnel from the Customs, Maritime affairs, Gendarmerie and the Navy. Working in a common structure facilitates information sharing between the services, which is of utmost importance in the management of ports as sea-shore interfaces;
- A military structure, the Maritime Operation Centre manned by the Navy and located in the Maritime Prefecture. This operational center manages all the operational activities in the area of responsibility of the *Préfet Maritime*, military commander of the maritime zone.

The administrations having and operating maritime assets act in the context of a **Coastguard function**. These include:

- French navy – including the maritime gendarmerie;
- French customs;
- French maritime affairs;
- National Gendarmerie;
- civil protection;
- The national police.

### **A Legal Framework**

The reference is a law enacted in July 1994 (Law 94-589 July 15, 1994 Exercise of law enforcement at sea), further amended in response to the evolution of maritime activities.

The aim of the original law was to give a legal framework to boarding and the use of force in fisheries controls in a difficult context with Spanish fishermen. However, the text became generic to law enforcement at sea.

Two years later, with the ratification of the Vienna convention, an amendment codified French jurisdiction to fight drug-trafficking at sea. It establishes the ability to implement coercive measures towards a vessel suspected of drug trafficking after the consent of the flag State.

In 2004, articles related to boarding and use of force were transferred to the Defence Code, dealing with the procedures for control and coercion (how to use force). The Defence Code applies to texts gathering legislation related to a specific domain, for instance the Code for maritime fisheries, or the Code for environment in case of a voluntary oil spill. The law of July 1994 is the text establishing the empowerment of State agents including naval officers to seek and notice infringements.

In 2005, the law took into account the Palermo protocol, dealing with smuggling of migrants at sea. Of course, any amendment of this law is fully compliant with the UNCLOS.

With the challenge of maritime piracy, an amendment was issued in 2011. Besides the use of force, new measures were introduced into the Defence Code, to restrict or remove liberties of accused people; applying not only to piracy but also to any illegal activity (such measures have been applied to crewmembers of an IUU fishing vessel in Indian Ocean in 2013).

The last amendment introduced in 2016 enabled maritime agents to treat separately apprehended persons, seized cargo and vessels after the interception of a ship carrying illegal drugs.

### **Advantages**

The French organization for State action at sea:

- is effective through its **highly-coordinated organization** (a single national authority and a single regional authority) and the ability of each administration to respond to the **wide variety of missions of State action at sea**;

- is economic because by privileging the versatility of the means, including those of the French Navy, France **saves the cost of operating an ocean coastguard** (monitoring and response needs are considerable to cover the 11 million km<sup>2</sup> of the French EEZ and our international commitments - environment, illegal immigration, illegal fishing, piracy, drug trafficking...);
- is adapted to the new challenges of safety at sea and the protection of the environment at sea. Due to the evolution of technologies, maritime space has become commonplace, hence the strong growth of crime illustrated by the Piracy, trafficking in human beings and drug trafficking. The highly-integrated nature of our organization and the possibility of combining the resources of all the administrations offers France a considerable advantage.

## **Conclusion**

The French organization for State action at sea remains unique in the world, even if more and more countries are developing similar concepts.

Based on the flexibility and the versatility of the various naval and air resources of the administrations of the Coastguard Function and the synergy between all the stakeholders, this organization responds to the maritime issues France is facing with the aim of achieving the effectiveness and efficiency which must guide the operational use of resources and their upstream dimension.

Last, this organization is able, due to its flexibility and its pragmatic character, to play its role in the European perspective of enhanced coordination.



## **STABILITY AND COOPERATION**

## THE CONCEPT OF AN OCEANS POLICY

*Sam Bateman*

The preamble to the 1982 UN Convention on the Law of the Sea (UNCLOS) declares that State Parties to the Convention are ‘*conscious* that the problems of ocean space are closely interrelated and need to be considered as a whole’. This declaration establishes the need for a whole-of-government approach to ocean problems, potentially established through a framework provided by a national ocean(s) policy.

The entry into force of UNCLOS in 1994 prompted countries to pay more attention to policies for managing their maritime rights and obligations, including protection of sovereignty and enforcement of national laws at sea. The regime of the exclusive economic zone (EEZ) established under UNCLOS gave coastal states jurisdiction over much larger bodies of water than they had had previously.

A coastal state has extensive rights and duties in its EEZ, including sovereign rights over the resources, both living and non-living, obligations to preserve and protect the marine environment, and jurisdiction over marine scientific research. Developing policies and appropriate arrangements for managing these rights and duties is a major challenge for coastal states.

An oceans policy provides a framework for managing maritime interests, rights and duties. Typically, such a policy is established to:

- Exercise and protect national rights and jurisdiction over offshore areas, including marine living and non-living resources;
- Meet international obligations under UNCLOS and other international treaties;
- Provide good order at sea in areas under national jurisdiction;
- Preserve and protect the marine environment;
- Promote ecologically sustainable economic development and job creation (an interest now referred to as developing the Blue Economy<sup>1</sup>);
- Coordinate policies and activities between government agencies and levels of government with responsibilities and interests in the maritime domain;
- Provide a framework for maritime cooperation with neighbouring and regional countries; and
- Promote public awareness and understanding of the oceans.

Prior to UNCLOS, national maritime interests were largely managed on a sectoral basis with each maritime sector (i.e. shipping and ports, fisheries, marine environmental management, offshore oil and gas, etc.) and ocean user doing “its own thing”. This approach is dysfunctional, leading to “a tyranny of small decisions”. It does not recognise the interconnectedness of ocean uses and fails to resolve conflicts of interest, particularly those between wealth creation interests

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<sup>1</sup> The Blue Economy encompasses marine economic activity such as fishing, renewable energy, mineral exploration and coastal tourism. These activities are now seen by many coastal and island states around the world as a major source of growth, innovation and job creation.

(or economic uses) on the one hand, and marine environmental protection on the other. A national oceans policy helps resolve conflicts of interest.

Countries are paying more attention to their ocean interests. Increased environmental awareness both of the oceans and of the pressure on fish stocks, along with greater concern for ship safety and the avoidance of marine pollution, has led to increased regulation of the oceans and marine activities. There are now more international conventions designed to promote good order at sea and mitigate threats than there were thirty years ago. National legislation covering maritime space and uses has also increased accordingly.

The International Oceanographic Commissions of UNESCO has published a set of national oceans policies as they were in 2007.<sup>2</sup> More recent research suggests that at least fifteen countries around the world are now taking steps towards developing a national ocean policy, including Australia, India, Japan, New Zealand, the Philippines and Vietnam in the Indo-Pacific region.<sup>3</sup> The concept of the “Global Maritime Fulcrum” (GMF), announced by Indonesia’s President Jokowi in November 2014, also has many of the characteristics of a national ocean policy.

In the United States, President Obama took steps in 2010 to establish a National Ocean Policy along with a multi-agency National Ocean Council. The National Ocean Council later released the *National Ocean Policy Implementation Plan*<sup>4</sup>. Canada issued the policy paper *Canada’s Oceans Strategy: Our oceans, our future* in 2002.<sup>5</sup>

Australia’s Oceans Policy was released in 1998.<sup>6</sup> This was an attempt at whole-of-government strategic planning for the oceans. While the main focus was on EEZ management, the policy also addressed Australia’s interests in the high seas and maritime aspects of its regional relations. Unfortunately, the high expectations for this policy have not been realised mainly because of ‘turf wars’ between government agencies, lack of support from the Australian States, and some ‘push-back’ against the policy from maritime industry concerned that an over-arching national oceans policy could lead to increased industry regulation.

## Maritime Security and Oceans Policy

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<sup>2</sup> Intergovernmental Oceanographic Commission. *National Ocean Policy. The Basic Texts from: Australia, Brazil, Canada, China, Colombia, Japan, Norway, Portugal, Russian Federation, United States of America*. Paris, UNESCO, 2007. 280 pp.,

(IOC Technical Series, 75. Law of the Sea Dossier 1), p. 3, <http://www.ioc-unesco.org/images/stories/LawoftheSea/Documents/NationalOceanPolicy/nop%20web.pdf>

<sup>3</sup> Biliana Cicin-Sain, David Vanderzwaag, Miriam C. Balgos, eds., *Routledge Handbook of National and Regional Ocean Policies*, p. 5.

<sup>4</sup> White House, ‘Obama Administration Releases Plan to Promote Ocean Economy and Resilience’, *Press Release*, 16 April 2013, [https://www.whitehouse.gov/administration/eop/ceq/Press\\_Releases/April\\_16\\_2013](https://www.whitehouse.gov/administration/eop/ceq/Press_Releases/April_16_2013)

<sup>5</sup> <http://www.dfo-mpo.gc.ca/oceans/publications/cos-soc/index-eng.html>

<sup>6</sup> Commonwealth of Australia, *Australia’s Oceans Policy*, Vols.1 and 2, Canberra: Environment Australia, 1998.

Maritime security and oceans policy are closely related. Maritime security is a fundamental requirement of all coastal states and effective arrangements for providing maritime security will be a key objective of a national ocean policy. The success of the Blue Economy, for example, depends essentially on maritime security and good order at sea. Resource security, food security and environmental security are basic concerns for a national oceans policy.

The UK's *National Strategy for Maritime Security* is an example of an inter-departmental strategy that comes close to being an oceans policy. It adopts a comprehensive approach to maritime security by defining it as 'the advancement and protection of the UK's national interests, at home and abroad, through the active management of risks and opportunities in and from the maritime domain, in order to strengthen and extend the UK's prosperity, security and resilience and to help shape a stable world'.<sup>7</sup> Similarly, France issued its *National Strategy for the Security of Maritime Areas* in 2015.<sup>8</sup>

A country's capacity for maritime security, broadly defined, is comprised of institutional arrangements, legal frameworks and resources. The institutional arrangements might include an oceans policy and should provide for inter-agency coordination and information management. Legal frameworks should include legislation and regulations for maritime security. And finally, resources include capabilities (ships, aircraft and systems) and personnel with appropriate experience and training.

Specific requirements comprise maritime law enforcement to enforce national laws at sea and protect national sovereignty; maritime safety services (including SAR); marine environmental protection (including prevention and mitigation of marine pollution, and management of sensitive sea areas and marine parks); marine navigational aids and services; marine scientific research and hydrographic surveys; and maritime resource management covering living resources and the exploration and exploitation of non-living resources. A major outcome from the entry into force of UNCLOS has been the development and expansion of coast guards additional to a navy to provide capacity for the new interests and responsibilities at sea, particularly the increased need for policing wider areas of maritime jurisdiction.

Maritime law enforcement has become more complex requiring special skills and expertise that naval personnel may not have without special training that could detract from their war-fighting skills and expertise. The employment of a coastguard on law enforcement helps to keep the military out of politics both domestic and international. Military personnel answer ultimately to government, but police officers to the courts. Coastguard and marine police undertake policing at sea akin to civil policing onshore. Onshore most countries make a sharp distinction between the roles and responsibilities of the military and the civil police. A similar split is now emerging at sea.

Even if a country does not have a formal oceans policy, it will still seek to coordinate management of its ocean interests and resolve conflicts of interest. Due to the nature of the requirement, a coastguard or other similar non-military maritime law enforcement force is likely to have a key role,

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<sup>7</sup> The UK National Strategy for Maritime Security [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/310323/National\\_Strategy\\_for\\_Maritime\\_Security\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/310323/National_Strategy_for_Maritime_Security_2014.pdf), p. 15.

<sup>8</sup> [http://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2016/01/strategie\\_nationale\\_de\\_surete\\_des\\_espaces\\_maritimes\\_en\\_national\\_strategy\\_for\\_the\\_security\\_of\\_maritime\\_areas.pdf](http://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2016/01/strategie_nationale_de_surete_des_espaces_maritimes_en_national_strategy_for_the_security_of_maritime_areas.pdf)

despite the country's navy possibly seeing this as a competitor for scarce security resources while other agencies might object to handing over powers to another agency.

### **Problem areas**

Drawing up and implementing a national oceans policy is no easy task. First, such a policy can be rather idealistic and possibly beyond what is achievable in terms of political will. Then such a policy cuts across the responsibilities of many different agencies and is vulnerable to 'stove-piping' and 'turf wars', including between different jurisdictions in a country with a federal system of governments and states and provinces having significant maritime interests. This was a problem with Australia's Oceans Policy. Indonesia has also found difficulty in coordinating the work of many different agencies involved in maritime affairs.

Despite these problems, it is fundamentally important to have effective coordination between maritime agencies rather than competition. Providing that coordination is an ultimate objective of an ocean policy.

## ESCALATION MANAGEMENT AND CLASHES AT SEA

*Ian Bowers*

This commentary addresses escalatory cycles caused ‘without explicit decisions by the responsible leaders of the participating nations’.<sup>1</sup> This is a vital issue, highlighted by analysts, journalists and practitioners who fear that the contested seas of East Asia have created a situation which, as chief of the US Pacific Command Admiral Harris stated, is ‘ripe for miscalculation that could escalate to conflicts that no one wants, in an area vital to global prosperity’.<sup>2</sup> This commentary argues that this fear may be overblown as the geostrategic and operational realities of the maritime theatre reduce the risk of escalation on a tactical level. Further specific measures can be taken to reduce the risk of misunderstanding while at sea.

### **Agreements, Interactions and Hotlines – Easing Tension**

Escalation through an inadvertent miscalculation or following an isolated incident can be prevented or mitigated by the establishment of agreements which set the rules of interaction between maritime forces and provide mechanisms for the alleviation of tension.

Inter-naval or inter-governmental agreements which aim to mitigate potential clashes at sea have proven to be successful. The flagship 1972 US-Soviet Incidents at Sea Agreement (INCSEA) was signed because of mounting tensions and continued clashes at sea and Soviet fears that the rapid expansion of their navy had resulted in inexperienced officers being promoted which could ‘inadvertently lead to an incident with grave consequences for both countries’.<sup>3</sup> The INCSEA provided rules for both navies on how to operate and provided relief mechanisms when incidents occurred. These mechanisms included a yearly meeting where violations could be reviewed and the use of naval attaches as liaisons between both sides.

The effectiveness of this agreement was predicated by the reality that neither side wanted to inadvertently escalate tensions and damage valuable government assets. This resulted in both the US and Soviet Union actively seeking to improve INCSEA and engaging with its processes.<sup>4</sup> This suggests that for an agreement to have utility, both sides must view it as beneficial.

Professional understanding between naval officers of both sides was also a key component in both ensure the success of the INCSEA. Professional empathy created by consistent working-level interactions between officers of conflicting sides can reduce but not eliminate the chances of inadvertent escalation.

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<sup>1</sup> Herman Kahn, *On Escalation: Metaphors and Scenarios*, (London: Pall Mall Press 1965), 285.

<sup>2</sup> Admiral Harry B. Harris, *Statement of Admiral Harry B. Harris JR, US Navy Commander, U.S. Pacific Command Before the House Armed Services Committee on U.S. Pacific Posture*, 24 February 2016.

<sup>3</sup> David F. Winkler, ‘The Evolution and Significance of the 1972 Incidents at Sea Agreement’, *Journal of Strategic Studies*, 28/2 (2005), 361-377, 368.

<sup>4</sup> David F. Winkler, *Cold War at Sea: High-Seas Confrontation between the United States and the Soviet Union*, (Annapolis: Naval Institute Press 2000), 174-175.

Another successful component was the agreement's relative obscurity. Keeping it out of the public eye allowed both navies to administer the agreement with reduced political interference. Measures to prevent escalation are more effective when kept out of the public eye. Quiet diplomacy was a key component in allowing the US and China to successfully de-escalate the 2001 EP-3 incident.<sup>5</sup>

Beyond the formal agreements, open channels of communication are also viable methods of reducing tension. Establishing hotlines between governments, ministries of defence, and military services can aid in reducing the risk of misunderstandings or coordinating de-escalatory measures. However, as with agreements such as INCSEA, hotlines are not a panacea nor do they ensure peace. Rather their primary utility, as was demonstrated during the Cold War, is as a crisis management tool.<sup>6</sup>

### **Does the Sea Make Escalation More Difficult?**

During the Cold War, there were numerous, distinct acts between the US and the USSR at sea which could be described as escalatory or dangerous behaviour and are analogous to the events now seen on the seas of East Asia. Indeed, many acts between both sides, including 'shouldering', ramming and the pointing of weapons would be considered extremely provocative today. Yet none of these resulted in substantially heightened political tension or war. In the waters around the Korean Peninsula, there have been several high-profile incidents which have resulted in the loss of life at sea but did not result in the outbreak of full-scale war on land. Fishing disputes in the Atlantic, particularly the UK-Iceland Cod Wars and the Turbot War between Canada and Spain both had potential for escalation but political and legal solutions were found.

To explain why this is the case, the nature of the sea provides a partial answer. The sea is distinct from the land and events that occur on it are often far from the public eye. Incidents on the sea are therefore 'less emotional' and reduce the political pressure for escalatory actions.<sup>7</sup> Linked to this is the reality that what happens on land is what affects the population.<sup>8</sup> Policy makers seem unwilling to escalate a conflict at sea if the consequences will have an adverse effect on their populations. In areas of low-level tension such as the South China Sea miscalculation may occur, but it is more difficult for events to escalate beyond the initial act. Between 1999 and 2010 there have been four significant clashes at sea between the South and North Korean navies, including the sinking of the ROKS *Cheonan*. In none of these cases did the action at sea escalate into extreme tension on land nor did it escalate beyond the immediate area of conflict. The consequences of such escalation would have been potentially catastrophic for those living on the peninsula.

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<sup>5</sup> Zhang Tuosheng, 'The Sino-American Aircraft Collision: Lessons for Crisis Management', In Michael D. Swaine et al. (eds.), *Managing Sino-American Crises: Case Studies and Analysis*, (Washington D.C.: Carnegie Endowment for International Peace 2006), 391-422, 415-416.

<sup>6</sup> Kelsey Davenport, *Hotline Agreements*, Arms Control Association, November 2012;

<sup>7</sup> Christian Le Miere, *Maritime Diplomacy in the 21<sup>st</sup> Century: Drivers and Challenges*, (Oxon: Routledge 2014), 74.

<sup>8</sup> Julian S. Corbett, *Principles of Maritime Strategy*, (New York: Dover Publications 2004), 14.

The sinking of the *Cheonan* reveals a further factor which can reduce an escalatory cycle at sea. The lack of eyewitnesses and the difficulty of collecting evidence made attributing the attack to North Korea particularly challenging. This reduced the ability of South Korea to respond immediately with military force and allowed time for tensions to cool and for allies and the international community to become involved.<sup>9</sup>

### **Escalation Management at Sea in East Asia**

In East Asian waters, mutual acknowledgement of the need to dampen tensions has created the potential for the better management of escalation at sea. Clashes that have occurred, particularly in the South China Sea have not yet resulted in further escalatory violence. This in part can be attributed to the nature of operations at sea and the forward role of coast guards rather than naval vessels in asserting/maintain claims. Further there is little to be gained from the destruction of expensive maritime assets.

As with the Cold War, tensions have produced some positive outcomes particularly in managing interactions at sea and reducing the risk of miscalculation. The CUES agreement between the US and China is a positive step forward as is the continuing dialogue between both navy's leaderships. Similarly, the agreement between China and ASEAN in 2016 on CUES is a potential starting point to reduce the risk of escalation.

Given the concerns that the Soviet Union highlighted in the 1970s about the escalatory role of inexperienced officers, the rapid expansion of Asian coast guards should be noted. The circumstances of East Asia where coast guards are taking the lead in enforcing maritime claims suggest that there is a requirement for similar agreements within this context. Such agreements should be tailored with the specific roles that coast guards undertake.<sup>10</sup> As with naval agreements during the Cold War, it is vital that all sides see the operational and political benefits of such agreements for them to be successful.

Hotlines are also present in East Asia, most notably between the three military services of South Korea and Japan; and South Korea and China. There are also on-going negotiations for the establishment of a hotline between Japan and China aimed at de-escalating tensions over Senkaku/Diaoyu Islands.<sup>11</sup> Importantly, there are also moves towards a working-level hot-line between China and ASEAN. Further there is a South Korea- China coast guard hotline, which could soon be replicated between China and the Philippines.<sup>12</sup>

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<sup>9</sup> Bruce W. Bennet, 'On US Preparedness for Limited Nuclear War', In Jeffrey A. Larsen & Kerry M. Kartchner (eds.), *On Limited Nuclear War in the 21<sup>st</sup> Century*, (California: Stanford University Press 2014), 211-243, 229.

<sup>10</sup> Sam Bateman, 'CUES and Coast Guards', East Asia Forum, 7 October 2016. <http://www.eastasiaforum.org/2016/10/07/cues-and-coast-guards/>

<sup>11</sup> Julian Ryall, 'Japan, China Agree to Resume Talks on Defence Hotline', *IHS Jane's Defence Weekly*, 6 September 2016.

<sup>12</sup> Richard Javad Heydarian, 'Deciphering Rodrigo Duterte's China Triangulation', *The National Interest*, 31 October 2016. <http://nationalinterest.org/feature/deciphering-rodrigo-dutertes-china-triangulation-18244>



## **Fears of Escalation and the Future**

It would be wrong to suggest that the outbreak of violence at sea in Asia is impossible. Rather this commentary suggests that the fears of uncontrolled escalation due to on-going tensions are too heavily emphasised. The Cold War was a period of great tension between the world's superpowers; something that was replicated at sea. The very nature of the maritime sphere allowed this tension to be relieved and provided the time for both sides to develop measures which could reduce the risk of miscalculation and escalation. It is evident that there are similar developments occurring in East Asia. It is important to ensure that such efforts remain in the professional realm and are not heavily politicised. Continued professional contact is vital to ensure cross-regional working relationships. These efforts do not solve the underlying problems that exist in maritime East Asia, instead they reduce the risk of such problems resulting in conflict.

# COAST GUARD COOPERATION AS CONFIDENCE-BUILDING MEASURE: A TOOL FOR STABILITY IN SOUTHEAST ASIA?

*Jo Inge Bekkevold*

## **Introduction**

At the 23rd ASEAN Regional Forum Foreign Ministers' Meeting in July 2016 in Laos, a statement on enhancing cooperation among maritime law enforcement agencies was adopted. The statement expressed concern about growing maritime challenges that may affect peace and stability in the region, recognised the important role of the maritime law enforcement agencies as the first responders and front-line actors in addressing those challenges, and emphasised the need to enhance cooperation among maritime law enforcement agencies with a view to promoting trust and confidence, and strengthening capacity and coordination.<sup>1</sup>

I will here discuss if coast guard cooperation can contribute to stability in Southeast Asia, from the perspective of coastguard cooperation as a confidence-building measure (CBM). Increased coastguard cooperation in Southeast Asia is not a new idea, but very few countries in East and Southeast Asia have well-functioning coastguards. However, as this is changing, and as coastguards are gaining in strategic relevance in the region, this is a topic worthy of examination.

## **Confidence-Building Measures**

During the Cold War, confidence-building was focused primarily on hard security and reducing the risk of a sudden, unexpected military attack. After the Cold War, the concept of confidence-building has expanded to include a wide range of non-military CBMs.

Today, it is common to distinguish between confidence and security building measures (CSBMs) referring to specific military measures – like disarmament and information sharing on military activities – to reduce tension, and the broader concept of confidence building measures (CBMs) which includes non-military measures with the aim of increasing transparency and the level of trust between two or more conflicting parties or states. Non-military CBMs could be introduced in the political, economic, environmental, societal or cultural fields. CBMs will not solve a conflict, not change existing balances or imbalances of power and are unlikely to change the core interests of the conflict actors. But CBMs can modify relations and behaviour, and should be understood as an investment in the broader objective of peace.

An increasing number of CBMs have been introduced in the Asia-Pacific region in recent years; the Western Pacific Naval Symposium, the Council for Security Cooperation in the Asia Pacific (CSCAP), the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), the ASEAN Regional Forum, and the ASEAN Defence Ministers' Meeting (ADMM) and ADMM-Plus (which includes the eight Plus countries, namely Australia, China, India, Japan, New Zealand, ROK, Russian Federation, and the United States in addition to the ten ASEAN Member States). Maritime security and maritime CBMs are central

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<sup>1</sup> ASEAN (2016) "Turning Vision into Reality for a Dynamic ASEAN Community", Chairman's Statement of the 23rd ASEAN Regional Forum, Vientiane, Lao PDR, 26 July, [http://asean.org/storage/2016/07/Chairmans-Statement-of-the-23rd-ASEAN-Regional-Forum\\_FINAL.pdf](http://asean.org/storage/2016/07/Chairmans-Statement-of-the-23rd-ASEAN-Regional-Forum_FINAL.pdf)

pillars within all these initiatives. For instance, the CSCAP has a working group on maritime CBMs, and one of the six dedicated ADMM-Plus Expert Working Groups is on maritime security. Some of these initiatives are moving beyond the conference rooms into live exercises and cooperation at the operational level.<sup>2</sup> Although a number of naval CBMs have emerged in later years in the Indo-Pacific region, coastguard cooperation remains underdeveloped.

### **Coastguard cooperation**

Coastguards have duties separate from the primarily war-fighting role of navies. Coastguards are an extension of the police force at sea, that answer to the courts. Coastguard vessels have in nature a more benign role than navies, which is useful undertaking daily constabulary duties as well as less intimidating and provocative in periods of tension.<sup>3</sup> Coastguards normally have the responsibility to provide maritime security, border control, to combat illegal drug trafficking, migration, and fishing, provide search and rescue and respond to environmental disasters.

In recent years, several regional coastguard forums have been established. The first was the North Pacific Coast Guard Forum established in 2000, by Japan, Korea, Russia and the United States as a venue to foster multilateral cooperation by sharing information and establishing best practices in the North Pacific Ocean, and later Canada and China have joined. In 2007 the North Atlantic Coast Guard Forum was formed in 2007, which includes Canada, Russia, the United States and 17 European countries. A European Coast Guard Functions Forum was formed in 2009, and the same year also saw the establishment of a separate Mediterranean Coast Guard Forum. Finally, an Arctic Coast Guard Forum was established in 2015.

The main function of these forums is to facilitate coordinated operations in order to leverage limited resources, but also to bring each nation's jurisdiction to bear on transnational threats, to share strategies and increase mutual understanding. However, these forums also have an element of confidence-building by fostering closer cooperation and information sharing.

Southeast Asia, a predominantly maritime region, does not have an equivalent coast guard forum. One important reason for this is simply that most countries in the region have only recently established dedicated maritime law enforcement agencies. It should be mentioned though that the Japanese-initiated Heads of Asian Coast Guard Agencies Meeting (HACGAM) established in 2004 could serve as such a platform, but it is an open question if HACGAM is too broad in its approach to serve as a CBM contributing to increased trust and stability in maritime Southeast Asia. The initiative consists of the ten ASEAN member states as well as China, Hong Kong, Japan, South Korea, India, Pakistan, Bangladesh, Sri Lanka and Australia.

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<sup>2</sup> Sarah Teo and Bhubhindar Singh, eds. (2016) *Roundtable on the future of the ADMM / ADMM-Plus and defence diplomacy in the Asia-Pacific*, Policy report, February, RSIS, Singapore.

<sup>3</sup> See Chapters 12 (Sam Bateman) and 13 (Jo Gade and Arild-Inge Skram) in Jo Inge Bekkevold and Geoffrey Till (2016) *International Order at Sea. How it is challenged. How it is maintained*, Palgrave Macmillan.

## **Coastguard cooperation as a CBM in Southeast Asia**

The feasibility and success of coastguard cooperation as a CBM to increase the level of trust among countries around the South China Sea of course depends on several criteria. However, based on CBM handbooks and manuals compiled by the United Nations Office for Disarmament Affairs, the Organization for Security and Co-operation in Europe and the Council for Security Cooperation in the Asia Pacific, we can identify some of the most essential criteria for successful CBMs.

- First, CBMs are most effective either in the early warning, conflict prevention and post-conflict rehabilitation stages, and least likely to have an effect during the crisis management stage. Despite several incidents in the South China Sea in later years, we are not in a crisis management phase, but rather in a stage where it is important to build trust and prevent conflict. Hence, based on where we are in the ‘conflict cycle’, CBMs have an added value in this region.
- Second, although coastguard cooperation must be regarded as a non-military CBM, coastguard cooperation could potentially help to demilitarise maritime security issues in Asia, either through countries developing maritime law enforcement rather than naval capabilities, or through the operational balance between naval and coastguard assets.
- Third, successful CBMs require genuine political will to serve as a true conflict prevention measure, that the States concerned share a desire to avoid escalation or conflict and do not use CBMs as an instrument to please the international community. States will engage in practical CBMs when they deem the expected rewards of their role-change to be greater than the political costs.
- Fourth, CBMs do not require equality in military capabilities. This means that the power gap between countries in this region, including coastguard capabilities, is not in itself a hindrance for coastguard cooperation as a CBM. However, it is important that all partner countries have a minimum level of capability to contribute with.
- Fifth, local ownership is important. CBMs rarely succeed when they are imposed on the parties from the outside.
- Sixth, the prevailing international situation is important for successful CBMs, which are more difficult to implement effectively if major powers in or outside of the region are engaged in geopolitical competition for influence in the region of concern.

## **Conclusion**

Finding the right balance between local ownership and managing great power relations will be crucial when seeking closer coastguard cooperation in Southeast Asia. It will be important to identify which countries such cooperation or regional coastguard forums should encompass.

An ASEAN coastguard forum would make sense if the main aim is to increase the capability for safeguarding maritime security in the region through role specialisation, sharing and pooling among the coast guards of the ten ASEAN member countries. There is clearly a need for ASEAN countries to strengthen their capacity and expertise in order to respond more effectively to non-traditional security challenges both at the national and regional levels. An ASEAN coastguard forum would also have an important CBM dimension.

However, it might be useful to establish a forum that reaches out to the countries with overlapping maritime claims in the region, meaning that China should be included. This would in reality be an ASEAN+1 forum, as the maritime security challenges in the South China Sea go beyond maritime disputes. In an ASEAN+1 forum China would be the dominant partner, and it would therefore not be surprising if ASEAN countries would prefer an ASEAN+3 model expanding a regional coastguard forum to include Japan and South Korea. Two other possibilities would be deepening the existing HACGAM, or even to follow the ADMM-Plus model.

## ARCTIC COAST GUARD COOPERATION: ROOM FOR MANOEUVRE?

*Andreas Østhagen*

The Arctic Coast Guard Forum (ACGF) was officially established in 2015 following years of deliberation on how Arctic states could increase cooperation to manage a changing maritime environment in the north. Yet, there are certain constraints with regards to coast guards, and their specific roles and mandates in the Arctic. What does the establishment of this Forum entail? And what forms of cooperation can coast guards in the Arctic aspire to accomplish?

### **Multilateral Cooperation**

International cooperation has been promoted as a measure to deal with some of the challenges growing in the Arctic. In 2011, the eight Arctic countries signed an agreement for search and rescue under the auspices of the Arctic Council. A similar agreement on oil spill preparedness was signed two years later, in 2013. Although a sign of cooperation, these agreements which mainly outline existing responsibilities and boundaries, have been criticised for having limited impact in the Arctic. The coast guards themselves have also pointed out that an increased number of exercises and more regular contact between practitioners are needed to operationalise these agreements.

Touted as a practical response to further cooperation, the Arctic Coast Guard Forum was formally established on October 30, 2015, at the US Coast Guard Academy in New London, Connecticut. The structure of the Forum is quite simple. It consists of the eight Arctic coast guards, with a rotating Chair in tandem with the Chair of the Arctic Council. The heads of the coast guards will convene annually, whereas working groups will meet more frequently when needed. Aiming to avoid a heavy bureaucracy, there are currently only two working groups, namely a secretariat and the ‘combined operations’-group. The latter will be concerned with tasks such as joint operations, asset sharing and increased focus on exercises. Starting with search and rescue, the Forum will expand in scope as work gets underway.

### **Icy Waters Ahead?**

Although there has been great interest in forming a coast guard forum for the Arctic, there are some challenges that limit what can be cooperated on. An overarching task for most coast guards is the protection of the coastal state’s sovereign rights. Coast guards uphold sovereignty through naval presence and the enforcement of national jurisdiction. Fisheries inspections, for example, are an integral part of protecting a states’ sovereign rights through the management of its own marine resources. Yet, this authority cannot easily be shared without the coastal state forgoing some of its sovereignty. There are therefore some limitations to what can be collaborated on in the framework of the ACGF, as not all coast guard tasks lend themselves to sharing across borders.

Additionally, there is significant variation between the coast guards in the Arctic. There is not *one* unified Arctic coast guard structure, as each coast guard is tailored to national interests, geography and institutional cultures. The variety of mandates and structures - roughly outlined in the table below - challenge potential dialogue of sensitive and/or military character, as an Arctic

Coast Guard Forum would have to lend itself to a ‘lowest common denominator’ approach. In an emergency, such differences are undoubtedly overcome and appropriate methods for burden sharing are reached. However, if collaboration is to expand and formalise, the relatively wide variations in mandates and competence can still act as a barrier. Effective defence collaboration is often dependent on a similar set of structures, with similar size and priorities. The lack of commonality in organisational structures and mandates hinders further cooperation, as there has been minimal harmonisation between coast guards in the Arctic.

**Table 1: Organisations with responsibility for coast guard tasks and associated institutional structures (simplified).**

Country	Name	Organisation	Institutional set-up
Denmark (Greenland)	Søværnet (Navy) (1. eskadre)	Danish Defence	Military
Norway	Kystvakten (Coast guard)	Royal Norwegian Navy	Military
USA	United States Coast Guard (USCG)	Department of Homeland Security	(Military)* <sup>1</sup>
Iceland	Landhelgisgæsla (Coast guard)	Ministry of Justice	Semi-military
Finland	Rajavartiolaitos (Border guard)	Ministry of the Interior	Semi-military
Russia	Coast Guard of the Border Service* <sup>2</sup>	Federal Security Service (FSB)	Semi-military
Canada	Canadian Coast Guard	Department of Fisheries and Oceans	Civilian
Sweden	Kustbevakningen (Coast guard)	Ministry of Defence	Civilian

\*<sup>1</sup> The USCG is part of the US Armed Forces. Yet, it is dissimilar from the US Navy and its Danish/Norwegian counterparts operating under Navy structures.

\*<sup>2</sup> In Russian: Береговая охрана ПС ФСБ России

Finally, the geographic vastness of the Arctic is in itself a challenge to effective cooperation. Arctic geography involves large maritime domains where few incidents occur, with limited or no capabilities present. Sharing responsibility or handing over tasks to other countries is often not even an option, as states are struggling to even provide capabilities in their *own* Arctic maritime domains. The option of *practical* or *on-site* cooperation between, for example,

Norway and Canada is almost non-existent, given the vast distance between these two parts of the Arctic region.

### **Room for Manoeuvre?**

Given the limitations listed above, what forms of cooperation can Arctic coast guards aspire to accomplish? The stated purpose of the ACGF is to develop the relationships between the Arctic states on a practical level, to form a community focused on operational activities. In a crisis, familiarity with your neighbour is crucial. The ACGF can help enhance this as activity increases. Particularly the sharing of information and identification of so-called ‘best practice’ are areas of focus. Improving maritime situational/domain awareness and sharing information are also particularly relevant.

The ACGF can also act as a platform to initiate cross-border exercises, implementing the circumpolar agreements from 2011 and 2013. Joint contingency exercises in the Arctic have increased slightly in frequency, but a leading organisation is necessary for long-term strategic planning. In the long-term, the forum will also be able to contribute further by providing strategic direction to emerging issues within coast guard areas, in tandem with the overall work that takes place under umbrellas such as the Arctic Council and the International Maritime Organization (IMO).

Looking forward, there are some additional concepts that might be interesting for Arctic coast guards. Pooling of coast guard resources can have applicability for Arctic states, if the capacity created has relevance across borders. An example of pooling would be the establishment of search and rescue centres at geographically relevant locations in the Arctic. Such a centre could be a search-and-rescue (SAR) unit in Keflavik, Iceland, tailored to rapidly conduct operations along the East coast of Greenland, north of the Faroe Islands, and in Norwegian waters around Jan Mayen, in addition to Icelandic waters. Another example would be an oil spill response unit on Svalbard, responding to a potential spill off the coast of Greenland (should drilling commence) or in the Barents Sea. For tasks that require immediate response, such as oil spill response or search and rescue, pooling of coast guard resources could hold value and be orchestrated by the ACGF.

In addition, practical cooperation on procurement of equipment seems to be an area with great potential. Here, the defence sector itself still has a long way to go, as witnessed by the voluminous literature calling for more streamlined and effective procurement policies across the North Atlantic Treaty Organization (NATO) and European Union (EU) member states. In the Arctic, potential is great amongst the Nordic countries, as they have relatively similar force structures and operating conditions, and they are already collaborating under the umbrella of Nordic Defence Cooperation (NORDEF). The same goes for the US and Canada, which already have closely integrated bilateral defence cooperation under the NORAD-framework. Cooperation on this level with Russia will have its limitations, although there could arguably be room for expansion when dealing with civilian capabilities and technology.

It is interesting to note that whereas the more in-depth forms of collaboration prove difficult for coast guards due to national jurisdiction and sovereignty concerns, the opposite is the case with the lighter forms of collaboration. The ‘soft security’ nature of coast guard tasks works to their advantage regarding light forms of collaboration sharing of information, joint exercises, training



and procurement could be relatively easy to facilitate between coast guards dealing with tasks of a non-sensitive nature. However, as soon as the tasks change character and we talk about heavier forms of military collaboration, barriers arise.

## **Conclusion**

The Arctic states and their respective coast guards are under mounting pressure. Cooperating with neighboring coast guards – formalised through the establishment of the ACGF – can help provide some remedy to these challenges. The establishment of which is an accomplishment given the current political environment. Yet, there are limitations to what international collaboration can achieve. The distances in the Arctic, variations in mandates and priorities amongst the coast guards, and the difficult political environment with regards to Russia, constrains what the ACGF can achieve. In an abundance of Arctic institutions, this Forum is nonetheless an arena from which to explore further cooperation, as a pre-emptive measure ahead of a major incident. It adds another layer to the governance of the region, ideally taking a step beyond the conference rooms and into real-life operations and practical action.

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