




# VISITING NAVY FELLOWS

POLICY PAPERS ON MARITIME STRATEGY AND DEFENCE ISSUES  
EDITION ONE

## OUR VALUES

SERVICE  
COURAGE  
RESPECT  
INTEGRITY  
EXCELLENCE





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## FOREWORD

The papers published in this volume are authored by naval officers who have enjoyed visiting research fellowships at the Sea Power Centre - Australia.

The insight and accomplishment of the officers who have researched in a foreign country, and written in a language not their own is applauded warmly.

And it is welcomed.

Each of the officers who has served as a Visiting Research Fellow demonstrates comradeship among regional partners, and between serving officers. Our navies and our nations stand together, committed to good order at sea and to justice.

Serving good order we enable nations to pursue their maritime interests in peace, to develop marine resources in an ecologically sustainable and peaceful manner, in accord with the law. We serve to forestall threats, and we serve to defend against illegal activity which endangers the safety and security of shipping.

In short, we recognise that prosperity for our nations comes from secure sea trade, and from the peaceful access to marine resources. Sea trade is made secure, and maritime resources are protected, since our navies defend the international law.

The work published in this volume is more than research. It is the fruits of friendship and partnership, a testimonial to the commitment shared between nations to defend right, and to secure peace.

I warmly applaud the officers who have written for us. I applaud their work. I thank them for their friendship, and for their service.

I commend this volume to you.

**CAPT Sean Andrews**

Director Sea Power Centre Aust  
22 September 2021







# PROBLEMS AND PROSPECTS OF MARITIME SECURITY COOPERATION IN THE INDIAN OCEAN REGION: A CASE STUDY OF THE INDIAN OCEAN NAVAL SYMPOSIUM (IONS)

COMMANDER RANENDRA SINGH SAWAN

*Commander Sawan from the Indian Navy attended  
the Sea Power Centre of Australia's Visiting Navy Fellow (VNF)*

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Indian Naval Ships  
*Shivalik* and *Kamorta*  
in the final stages  
of preparations to  
depart the Port of  
Fremantle, Western  
Australia, for the sea  
phase of Exercise  
AUSINDEX 2017.

## CHAPTER 1

States that adjoin this ocean are differentiated by their varying political ideologies, by the God they pray to, by the language they converse in, by their history and their race.<sup>1</sup>

### Introduction

The Indian Ocean Region (IOR) has variously been labelled as ‘insecure and instable’,<sup>2</sup> ‘a region that does not inspire confidence in the potential for peaceful governance’,<sup>3</sup> ‘a disaggregated region notable for its lack of homogeneity’<sup>4</sup> and ‘a troubled and unstable region, apparently without any real unity, common identity or collective goal’.<sup>5</sup> cursory scrutiny of contemporary literature on maritime security in the Indian Ocean tends to reinforce the perception of the IOR as a region riddled with state on state friction, internal chaos within states and the vulnerability of large sections of its population to several non-traditional threats such as natural disasters, food and water shortages, poverty, epidemic, piracy, terrorism and transnational organised crime. This assessment, unfortunately, is true to a large extent. In 2011, a total of 142 political conflicts were recorded in the IOR, representing more than a third of the 388 conflicts worldwide, including 12 of the world’s 20 wars, as well as an additional eight limited wars.<sup>6</sup> The displacement of Rohingyas from the Rakhine province in Myanmar in 2017 and the devastating earthquake and tsunami in Indonesia in September 2018 illustrate the gravity of non-traditional security challenges in the region.

Yet, the Indian Ocean has gained prominence as a focus of strategic policy for nations,<sup>7</sup> its centrality in the sustenance of economic activity for its littoral states<sup>8</sup> and as a zone of competition among major powers.<sup>9</sup> Moreover, the Indian Ocean Region has also been characterised by the presence of extra-regional powers since the beginning of the colonial period in Asia and East Africa. This extra-regional influence has continued in contemporaneous geopolitical context – albeit with different actors and in different ways – primarily due to the vested interests of these actors, but also because the region lacks a robust regional security mechanism. This absence of a regional security mechanism, especially in the maritime domain, has resulted in the proliferation of a range of threats and challenges to maritime security. Consequently, extra-regional powers have mobilised efforts to address the regional maritime security challenges of which the ongoing multi-national effort in counter-piracy operations off the coast of Somalia is a well-known example.<sup>10</sup> Although the IOR does have some cooperative mechanisms for promoting maritime security, their effectiveness addressing the maritime security challenges is widely debated and often doubted.

### Relevant literature on maritime security cooperation in the IOR

The subject of maritime security in the Indian Ocean, and now the Indo-Pacific, is quite expansive with themes ranging from power-plays by the Great Powers during the Cold War to the rise of new regional powers. The dimensions of maritime security – both from the conventional as well as non-conventional perspectives – have also been addressed more than adequately. Some of the existing works, relevant to this study are mentioned in succeeding paragraphs.

In *Maritime Security in the Indo-Pacific: Perspectives from China, India and the United States*, perspectives on key issues such as traditional and non-traditional challenges, multilateral mechanisms and cooperative measures have been obtained from experts, practitioners and policymakers.<sup>11</sup> In *The ‘Indo’ in the ‘Indo-Pacific’ – An Indian View*,<sup>12</sup> Ghosh and Kumar make a holistic assessment of maritime security challenges in the IOR, while noting that ‘IONS has yet to develop the range of interoperability templates required to overcome the various threats and challenges found in the regional maritime arena’<sup>13</sup>. A recent report by

the National Maritime Foundation, New Delhi titled Indo Pacific Report 2019<sup>14</sup> contains a conceptualisation of both IONS and the Western Pacific Naval Symposium (WPNS) at the ‘Executive Level’ of the emerging Indo-Pacific architecture.<sup>15</sup> This report also contains a chapter on the non-traditional security issues in the Indo-Pacific and calls for a twin approach – at the sub-regional and the trans-regional levels – while having a clear focus on ‘small hotspots’ to address these issues.<sup>16</sup> In a thesis submitted to the University of Wollongong, Shishir Upadhyaya focuses on the current maritime security environment in the IOR as well as the impediments in maritime security cooperation. He has also developed a framework for the analysis of maritime security cooperation, which is relevant to this study.<sup>17</sup> In an article published in 2011, Lee Cordner examined various possible models for regional cooperation in the IOR (such as the ASEAN Regional Forum (ARF) and Indian Ocean Rim Association (IORA)) and also posits that ‘in the absence of something akin to the Track 1 ARF, perhaps supported by the Track 2 Council for Security Cooperation in the Asia Pacific (CSCAP)—to work security, strategy, and policy issues at head-of government, senior-minister, senior-official, and academic levels—IONS is likely to facilitate only minor and relatively low-level, navy-to-navy cooperation.<sup>18</sup> Cordner’s thesis (2015) on Indian Ocean maritime security contains a detailed examination of regional maritime governance and security structures and, in passing, describes IONS progress as ‘glacial’ and the support from regional navies ‘patchy’.<sup>19</sup>

## The research problem

It is evident that although many references to IONS are found in existing literature, there has been little effort in evaluating its efficacy as a regional maritime cooperative organisation. IONS, upon its inauguration on 14 February 2008, was hailed as a ‘historic event for the countries of the Indian Ocean Region’<sup>20</sup> and as a ‘uniquely consultative and cooperative initiative... that holds so much promise for the future that it already transcends narrow national moorings and the earlier thinking on security... IONS is a robust sign of a paradigm shift from competitive security to cooperative security within the maritime domain.’<sup>21</sup> At the same time, some experts had adopted a more cautious stance and raised some of the issues that would need to be addressed if IONS were to succeed.<sup>22</sup> Indeed, while IONS can boast of being the only IOR organisation dedicated to promoting maritime security, one struggles to find examples where this organisation has contributed to strengthening maritime security and respond to real-life security challenges such as piracy or natural disasters. Therefore, this paper aims to assess the effectiveness of IONS as a regional cooperative mechanism for maritime security.

## The scope and structure of the paper

This paper will contextualise threats to regional maritime security in the IOR, including the non-traditional and sub-conventional spectrum. The paper will thereafter examine existing regional maritime cooperation mechanisms in the IOR to assess their effectiveness in addressing the common maritime security challenges faced by the littoral nations of the Indian Ocean. Although the focus of this paper continues to be at broad and general level of strategic maritime security cooperation, the paper will offer a specific case study analysis of the Indian Ocean Naval Symposium (IONS) to evaluate its contribution in strengthening cooperative maritime security and make recommendations to enhance the effectiveness of IONS.

Noting the scanty data which is available in the open-source, this paper relies heavily on the open-source opinions of subject matter experts as well as practitioners in the field of maritime security. The paper is purely qualitative, bridging a crucial gap between maritime security theory and practice. The study reviews the practical aspects of maritime security

cooperation without venturing into the domain of political policy.

This paper is divided into six chapters as follows:-

- a. Introduction: This section provides the rationale and justification for undertaking the study. It includes a statement of the problem and an overview of the existing body of work in the field of maritime security cooperation.
- b. Maritime Security Challenges in the IOR: In this section, the existing maritime security challenges, with a primary focus on non-traditional threats to maritime security, are summarised.
- c. Maritime Security Cooperation in the IOR: The problems of maritime security cooperation are discussed in this section. An overview of the existing cooperative mechanisms on maritime security in the IOR has also been provided.
- d. Evaluation of IONS: The broad organisation of IONS, its charter and an in-depth examination of work done by IONS constitutes the bulk of this section. The strengths and weaknesses of IONS, as well as possible measures to overcome the shortcomings, are also discussed.
- e. Recommendations and Way Ahead: This section will enumerate the key recommendations arising out of this study. The paper concludes with an overall assessment of IONS and a prognosis of its potential role in strengthening maritime security in the IOR.
- f. Conclusion.

## CHAPTER 2

### Maritime security challenges in the IOR

The IOR is demonstrably maritime. The national interests of its states range from the need to ensure the unfettered flow of maritime trade to support burgeoning, or emerging and struggling, economies to the need for effective management of the Indian Ocean's vast 'maritime commons,' both national jurisdictions and high seas.<sup>23</sup>

The IOR faces multiple security challenges across the entire spectrum of threats, ranging from traditional (conventional state-on-state conflicts) to non-traditional (threats emanating from non-state actors or those sponsored by states without the active involvement of states). Many of these threats manifest under the rubric of maritime security challenges. The Indian Maritime Doctrine calls the IOR a 'hotbed of international crime'<sup>24</sup> while simultaneously highlighting the other threats related to maritime terrorism, natural disasters, and territorial disputes between states. Cordesman et al have carried out a strategic net assessment of the IOR and have highlighted a full range of major strategic issues and risks in the IOR that range from instability in the Persian Gulf to the fragile relationship between India and Pakistan.<sup>25</sup> However, these are issues that do not readily lend themselves to regional cooperation – primarily because either they are disputes of a bilateral nature or issues in which the positions assumed by state parties are deeply entrenched in a historical and cultural context. Therefore, this paper will focus on 'low end' threats which primarily lie in the non-traditional zone. These are 'low-hanging fruit—while they sit at the 'soft' end of the spectrum of security cooperation, they can be very useful ways to develop personal relationships and inter-operability and provide an opportunity to generate significant goodwill'.<sup>26</sup>

It might be useful to clarify that non-traditional threats are not exactly 'low-hanging fruit' as some prefer to call them. While they do not typify warfighting aspects and reside primarily at the lower end of the spectrum of threats, they can be highly resistant to resolution and therefore many of them constitute what Sam Bateman calls 'wicked problems'.<sup>27</sup> However,

they are more likely to engender cooperation than are issues related to traditional threats such as territorial disputes and power struggles.

Another issue is that there is a difference in the manner in which the IOR nations perceive maritime security. Admiral Marsetio has identified eight maritime challenges that Indonesia faces in the region, namely, the competition for natural resources and sea-borne trade, territorial disputes, the safety of navigation, marine environment, Transnational Organised Crime (TOC), natural disasters, energy security, and food security.<sup>28</sup> More recently, Vice Admiral Muhammad Ali also stressed upon the need 'to deter and combat 'actual threats', namely, terror, separatism, endemic disease and natural disasters'.<sup>29</sup> For India, the more important challenges are coastal security, maritime terrorism, piracy and protection of seaborne trade in addition to the traditional security challenges as a result of naval build up in the IOR.<sup>30</sup> From an Australian perspective, protection of seaborne trade, protection of offshore oil and gas installations, terrorism, transnational crime, climate change and non-geographic threats such as cyber and space crimes appear to be more relevant.<sup>31</sup> While some nations want to include non-traditional threats in their definition of maritime security, some do not want to do so.<sup>32</sup> Also, archipelagic and small island countries will have issues such as climate change and Illegal, Unregulated, and Unreported (IUU) fishing higher on their list of priorities.

## Non-traditional maritime security challenges in the IOR

According to Kumar and Ghosh, many of the threats in the IOR are rooted in inadequate enforcement capabilities, which in turn is detrimental to Good Order at Sea and leads to rising maritime crime and violence.<sup>33</sup> They point out to the intensifying political conflict in Yemen, the 'rooting in' of the Islamic State of Iraq and Syria (ISIS) as well as Al Qaeda in the Western IOR and to the problems of human trafficking, drug smuggling and ethnic strife in the Eastern IOR while observing the lack of a region-wide capability to prevent IUU fishing or to counter the growing maritime capabilities of terrorist groups.<sup>34</sup>

Admittedly, it is not difficult to grasp the range and depth of security challenges that bedevil the IOR. Several reports and assessments prepared by global organisations as well as national agencies continue to draw attention to these threats and challenges.

- a. Drug Trafficking and narco-terrorism: The Indian Ocean, offers a point of convergence to the narcotic trade from both the 'Golden Triangle' in Myanmar and the 'Golden Crescent' in Afghanistan. The Indian Ocean has emerged as an important transit route for the dispatch of large consignments of narcotics.<sup>35</sup> Most of the poppy cultivation in the region takes place in the areas that encircle the Indian Ocean. Terrorist groups operate with transnational criminal organisations, drug cartels and warlords. Drug money is used to procure weapons, arms and ammunition and to support terrorist activities and insurgencies. The transshipment of these tools of terror, which are used to support terrorist activities and insurgencies, often takes place in the waters of the Indian Ocean.<sup>36</sup> A report by the United Nations Office on Drugs and Crime (UNODC) points out that the Indian Ocean remains a conduit for outbound transit of heroin from Central Asia and the inbound trafficking of cocaine from South America.<sup>37</sup>
- b. Maritime Terrorism: Maritime terrorism, a term which implies perpetration of terrorism at sea or from the sea, is another serious threat that is prominent in the Indian Ocean Region. Seven of the top ten nations which have suffered the most terror attacks in 2017 were in the IOR.<sup>38</sup>
- c. Human Trafficking and Illegal Migration: In the context of human trafficking, the UNODC notes that only nine per cent of human trafficking takes place across regions, with 33 per cent victims trafficked within the same region or sub-region (in this context the IOR) and 58 per cent victims within national boundaries.<sup>39</sup> The report further notes that the Indian Ocean

is the main conduit for trafficking of persons, especially those outbound from South Asia and East Asia.<sup>40</sup> According to another estimate, human trafficking is most prevalent in Asia with about 250,000 people from South East Asia and about 150,000 from South Asia.<sup>41</sup>

- d. **Natural Disasters:** A UN report on disasters in the Asia-Pacific notes that in 2018, almost half of the 281 natural disaster events worldwide occurred in the Asia-Pacific region, including 8 out of the 10 deadliest.<sup>42</sup> In the same year, Indonesia accounted for nearly half the casualties worldwide while India recorded the largest proportion of people affected by natural disasters.<sup>43</sup> The majority of these disasters occur in the hinterland with little role for navies in providing relief. However, although the number of disasters in the coastal zones is fewer, their scale is enormous, as demonstrated by cyclones Idai<sup>44</sup> and Fani<sup>45</sup> in 2019, the series of earthquakes and tsunamis that affected Indonesia a year earlier,<sup>46</sup> and cyclone Ockhi in 2017.<sup>47</sup>
- e. **Maritime Piracy:** Piracy and Armed Robbery in the Somali Basin, which had shown an increase from 2005 onwards, has reduced in recent years.<sup>48</sup> This has largely been the result of sustained anti-piracy operations by powerful coalitions formed by extra-regional navies and global initiatives by the shipping industry.<sup>49</sup> A report published in the International Journal of Security and its Application concludes that in recent years the global piracy attacks have reduced; however, there are significant risks to merchant ships from pirates.<sup>50</sup> The monthly reports and updates published by the Information Fusion Centre-IOR (IFC-IOR), India and the IFC, Singapore highlight the continued risks to maritime security posed by piracy and armed robbery.<sup>51</sup>
- f. **Humanitarian Crises:** The IOR has also experienced several humanitarian crises in recent times. These include refugees, 'stateless' people and Internally Displaced Persons (IDPs). According to a UN report, the total number of forcibly displaced people in the world at the end of 2018 was 70.8 million. There were 26 million refugees, of which more than two-thirds came from just five countries – the Syrian Arab Republic, Afghanistan, South Sudan, Myanmar and Somalia – four of which are IOR littoral and hinterland states.<sup>52</sup> It is also a matter of concern that five of the top ten host countries for refugees are also in the IOR,<sup>53</sup> which complicates their security calculus. In addition to the refugees, there are a larger number of Internally Displaced Persons (IDPs) in the region. Five of the top ten countries with IDPs are in the IOR and this is another significant concern for the Indian Ocean.<sup>54</sup>
- g. **IUU Fishing:** IUU fishing is a major concern for IOR nations, especially those whose economy has greater dependencies on fisheries and related sectors. It represents an estimated 15 to 30 per cent of the global catch, with South and South East Asia facing the highest incidence of IUU fishing,<sup>55</sup> although the problem is also more pronounced off Australia's northwest coast.<sup>56</sup> According to the IUU Fishing Index Report 2019, countries in Asia (region) and the Indian Ocean (ocean basin) are the worst performers, implying that their vulnerability to IUU fishing as well as their management and response mechanisms are the poorest among all regions and ocean basins.<sup>57</sup> The IFC Singapore monthly update illustrates the increasing trend in IUU fishing incidents for the years 2018-19.<sup>58</sup>
- h. **Threat from Non-State Actors:** There is also an increasing threat from non-state actors in the Indian Ocean. The recent attacks on a Saudi oil tanker and a Saudi naval frigate by Houthi militia demonstrate this threat.<sup>59</sup>
- i. **Gun-Running:** Gunrunning or illicit trafficking of firearms is a major problem globally and in the IOR. This is also closely linked with trafficking in people and drugs as well as with terrorism.

- j. Climate Change: Lee Corder points out that the combined impacts of climate change, environmental degradation, and ocean resource exploitation will profoundly affect the lives of millions in a region (IOR) where many states have little capability to manage or respond to them.<sup>60</sup>

The enormity of the challenges to maritime security posed by the plethora of non-traditional threats is evident in the IOR. Of greater concern is the upward trend (except for piracy) in the incidence of these threats as well as their repercussions and the costs of reparations. In the next section, the extant mechanisms for maritime cooperation in dealing with these threats will be examined.

## CHAPTER 3

### Maritime security cooperation in the IOR

Navies are inherently international and collaborative – the seas remain the great global commons and because, as I have said, the international trading system is inherently global, we have a fundamental responsibility to contribute to its safe and effective operation.<sup>61</sup>

### Assessment of Regional Cooperation in the IOR

The story of maritime security cooperation in the IOR is, ironically, the story of its absence. It has been absent since the ascendancy of European maritime powers in the region, during the colonial period and even as late as in the latter half of the Twentieth Century. To be sure, even in the recent past, whenever crises have emerged in the region, the regional navies haven't been able to address those challenges. For example, piracy in the Gulf of Aden and off the coast of Somalia has largely been contained through the collective and cooperative effort of extra-regional powers, with little initiative among the regional navies.<sup>62</sup> Even in the case of recurrent natural disasters – the IOR is the locus of seventy per cent of the world's natural disasters<sup>63</sup> – the collective regional response has been muted.

The IOR is remarkable for its lack of regional coordination, habits of cooperation or a sense of regional identity.<sup>64</sup> There is hardly any regional security architecture and maritime cooperation is largely focussed at a sub-regional level, which is in itself weak. According to Corder, '...to flourish, collective and cooperative security needs a common perception of threat, a common "enemy" and none has existed in the IOR until recently'.<sup>65</sup> There are important exceptions though. For example, this assessment excludes the impressive record of the Association of South-East Asian Nations (ASEAN) and its related forums and mechanisms. Although ASEAN is not truly an IOR organisation since some of its members do not reside in the region, it is perhaps the most prominent, powerful and effective organisation in the IOR.

Vice Admiral MacDougall was perhaps prescient when he noted (in 1995) that 'given the size of the Indian Ocean and the political, economic and cultural diversity of its littoral states, the foreseeable future is unlikely to bring speedy developments in maritime cooperation'.<sup>66</sup> C. Uday Bhaskar also notes that 'the IOR does not lend itself to cohesion due to the disparate political and economic profile of the littorals'.<sup>67</sup> He goes on to add that the principal constraints in the management of maritime challenges in the region are: the disparate composition of individual states, low political trust, the historical narrative about territoriality and a deep-seated insecurity and mistrust about the other.<sup>68</sup>

The lack of regionalism<sup>69</sup> also raises some important questions, which could be addressed through separate studies. Firstly, if the IOR has not yet evolved into a cohesive regional entity whose constituents have common traits (religion, language, ethnicity, history, culture

etc.), express common interests and face common threats and are willing to cooperate as well, then what are the merits of attempting to forge pan-IOR maritime security cooperation mechanisms. If there are no common interests or threats, then what might be the objectives of such regional mechanisms?

## Problems in maritime security cooperation in the IOR

**Defining Maritime Security:** To begin with, it is problematic to arrive at a common understanding of maritime security. Most IOR nations have diverse, and often conflicting, maritime interests; their geographical limitations vis-à-vis their political and economic aspirations impose constraints on their understanding of maritime security. For example, nations with large Exclusive Economic Zones (EEZ) but the inadequate capability for surveillance and control would normally place IUU fishing higher on their list of priorities. On the other hand, nations which have relatively small maritime zones but large fishing fleets would be uncomfortable in including IUU fishing within the ambit of maritime security.<sup>70</sup>

It is important to state the context in which the term ‘maritime security cooperation’ has been used in this paper because it potentially encompasses relations which range from alliances bound by treaties to informal collaborations. In this paper, the term ‘maritime security cooperation’ refers to ‘collaboration’<sup>71</sup> which may include explicit or implicit informal arrangements between states under the ambit of defence cooperation and may manifest as navy-to-navy staff talks, multinational exercises, ship visits and exchanges of visits by senior officials. The drivers for maritime security cooperation are: Confidence Building Measures (CBMs), training, capacity building, benchmarking of operational standards, building interoperability, coalition building etc.<sup>72</sup>

**Diversity:** Broadly speaking, the IOR is too diverse to be defined under a single regional concept. Cordesman et al have grappled with this problem of diversity in their strategic net assessment report. They write that the IOR is so diverse that even describing its sub-regions is a challenge because ‘every aspect of culture, religion, security situation ....can change by crossing a single border’.<sup>73</sup> They rightly point out that ‘real regional cooperation... Is at best diplomatic fiction’.<sup>74</sup> It is this diversity that, in the first place, adversely impacts mutual trust and cooperation. That the diversity often manifests as animosity does not help the situation either.

**Political Differences:** Although the efforts to build maritime cooperation in the IOR began as early as the 1980s, these came to naught due to various reasons such as political differences, lack of common interests and simply because of the perception that the cost of cooperation wasn’t worth it.<sup>75</sup> The IOR, in large measure owing to its chequered history, is deeply entrenched in political, religious, ethnic and ideological conflict – ranging from the Persian Gulf to South and South East Asia.

**Lack of Common Interests:** Lee Corder writes that there is ‘unlikely to be a single defining moment that will galvanize action’ among the IOR littoral states to cooperate and notes that ‘late and ineffectual reaction is the most realistic and likely scenario’.<sup>76</sup> This concern reverberates among many experts who note that the presence of various sub-regional structures in the IOR such as Cooperation Council for the Arab States of the Gulf (GCC), ASEAN Regional Forum (ARF), East Asia Summit (EAS), Asia–Pacific Economic Cooperation (APEC), South Asian Association for Regional Cooperation (SAARC), Southern African Development Community (SADC), Association of South-East Asian Nations (ASEAN), Organisation of Islamic Cooperation (OIC) etc. have different priorities and different membership which reflect the sub-regional priorities<sup>77</sup> and which, in turn, ‘has an operationally inhibitory effect in the IOR’.<sup>78</sup>



Wide Geographical Expanse: Many experts argue that the wide dispersion of littoral states across the IOR vis-à-vis proximity of nations in other regions is a challenge to effective maritime cooperation.<sup>79</sup> Not only is the huge geographic expanse of IOR a challenge in communication, but it also presents the problem of disparate strategic outlooks to accommodate a 'one size fits all' approach to regional security architecture.<sup>80</sup> Rory Medcalf also writes that the [Indo-Pacific] region is too big, and its littoral states and extra-regional stakeholders are too disparate and numerous to be expected to achieve timely and practical multilateral solutions to a host of problems ranging from piracy to strategic mistrust.<sup>81</sup>

Lack of Resources and Capacity: Many regional states cannot protect their maritime interests, let alone contribute to regional efforts.<sup>82</sup> This deficiency is even more pronounced because of large scale socio-economic problems such as poverty, illiteracy, poor health and sanitation and unemployment. Almost half of the IOR states have 'Medium' to 'Low' Human Development Indices (HDI) which implies that for these states, it will be more important to devote their resources towards poverty alleviation, infrastructure development, health and education.<sup>83</sup> This limitation is compounded by the effects of natural disasters and humanitarian crises which have been brought out earlier in this paper.

Role of Regional and Extra-Regional Powers: The IOR, until very recently and even now, did not have strong littoral powers which could influence regional affairs although countries like Australia, India, Indonesia, Iran, South Africa and Saudi Arabia do exert varying degrees of influence in the region. As a result, the IOR has been influenced largely by extra-regional powers which have significant maritime interests in the region. This is at times perceived as interference and is not welcome by some IOR nations.<sup>84</sup> At the same time, many experts stress the need to not only recognise the interests and accommodate the involvement of extra-regional powers,<sup>85</sup> but they also maintain that their role is crucial in maintaining regional stability and security. For example, they write that 'External powers must be involved in IOR security if arrangements are to be meaningful and have a chance of being effective';<sup>86</sup> and that '....not involving extra-regional countries that have major interest and stakes in the region may prove to be a major stumbling block'.<sup>87</sup> As far as extra-regional powers are concerned, they continue to view the IOR as a region of significant interest and intend to remain focussed on regional affairs<sup>88</sup> while littoral states would continue to emphasise the preponderance of national sovereignty in the international order.<sup>89</sup> Some experts have suggested 'the creation of 'middle power coalitions': informal arrangements where regional players cooperate on strategic issues, working in self-selecting groups that do not include China or the United States.'<sup>90</sup>

Plainly, on one hand there are genuine concerns about maritime security and stability in the region among the IOR littorals which potentially provide the foundation for building cooperation. Simultaneously, on the other hand, there are over-riding individual interests which tend to blunt cooperative initiatives. Columban Lebas has summarised this contradiction succinctly<sup>91</sup>:-

'Undermined by a sort of fatal propensity for fragmentation, this area seems to waver between a common interest for stability and prosperity, and centrifugal forces that easily counter these positive intentions.'

## **An overview of existing regional organisations and mechanisms for maritime cooperation**

Several authors have written about existing groups and mechanisms in the IOR aimed at facilitating maritime cooperation.<sup>92</sup> These include the Indian Ocean Rim Association (IORA), IONS, SAARC, GCC, SADC, East African Community (EAC), and Bay of Bengal Initiative for

Multi-Sectoral Technical and Economic Cooperation (BIMSTEC). For this paper, only IORA and IONS are considered as pan-IOR organisations.

Interestingly, experts have made a clear distinction between Asian or East Asian organisations (mainly the ASEAN and its related organisations, ARF, EAS, ASEAN Defence Ministers Meeting Plus (ADMM Plus), ASEAN Maritime Forum (AMF) and Expanded AMF (EAMF)) and those of the Indian Ocean. This distinction has, quite surprisingly, reinforced the notion of Asia as a distinct entity from the IOR, even though large number of IOR littorals are indeed Asian. Most assessments of the existing mechanisms for maritime cooperation also clearly rate East Asia much higher than the IOR, citing the cohesive and consistent approach to maritime security issues among its nations, led by ASEAN. Some scholars have argued that ASEAN is now poised for a greater role in the wider Indo-Pacific and point to ASEAN's potential for collaboration with IORA and IONS.<sup>93</sup>

The relative lack of cooperation among IOR nations on maritime security issues and its possible causes have been brought out in this section. These causes also permeate down to the operational level at which the IONS is situated as the only cooperative and consultative forum among IOR nations. Much of the problems of cooperation that have been highlighted earlier in this paper also adversely impede the effective functioning IONS. This idea will be assessed in the next section.

## CHAPTER 4

### Maritime cooperation at the operational level – an evaluation of IONS

Our era demands this above all else. It demands a new spirit of committed multilateralism, a multilateralism suited to the challenges of the Twenty-First Century. A new multilateralism focused on results.<sup>94</sup>

#### Introduction

IONS is a voluntary initiative that seeks to increase maritime co-operation amongst navies of the littoral states of the IOR by providing an open and inclusive forum for discussion of regionally relevant maritime issues. It endeavours to generate a flow of information between naval professionals resulting in common understanding and possibly agreements on the way ahead.<sup>95</sup> IONS aims to achieve mutually beneficial maritime security outcomes through enhanced cooperation among regional navies. Specifically, IONS aims to achieve a shared understanding of maritime security issues among the Indian Ocean littoral navies, strengthen their capability to address these challenges, establish a variety of multilateral maritime cooperative mechanisms and to develop interoperability for Humanitarian Assistance and Disaster Relief (HADR) These objectives, written in the IONS Charter<sup>96</sup>, are the parameters against which the effectiveness of IONS must be evaluated.

In this section, the activities and events conducted under the aegis of IONS will be summarised and specific issues relating to the deficiencies of IONS will be highlighted. More importantly, the views of academic experts and naval practitioners which were obtained as part of this research will also be presented in the context of IONS as well as in the broader context of strategic outlook on maritime security in the Indian Ocean. This section will conclude with recommendations to enhance the effectiveness of IONS.

#### Organisation and membership of IONS

IONS Chair: The IONS chair is selected by the members through mutual consultation. The chair is selected sequentially from geographic sub-regions – South Asia, West Asia, East

Africa and, South East Asia and Australia – and is rotated every two years.<sup>97</sup> To date, the IONS chair has rotated between India (2008-9), United Arab Emirates (2010-11), South Africa (2012-13), Australia (2014-15), Bangladesh (2016-17) and Iran (2018-19), which is the current chair. The next chair will be France for the period 2020-21.

IONS Working Groups: To streamline and organise the distribution of tasks for various member navies, three IONS Working Groups (IWGs) have been created. These are:<sup>98</sup>

- a. Maritime Security IONS Working Group (MARSEC IWG).
- b. Information Sharing and Interoperability Working Group (IS & I IWG).
- c. HADR Working Group

Membership: Currently, IONS has 24 members and 8 observers.<sup>99</sup> The rules for membership and admission as observers are given in the IONS Charter of Business. Interestingly, not all IOR littorals are members of IONS. The 13 nations which are not members of IOR are: Bahrain, Comoros, Somalia, Yemen, Israel, Sudan, Kuwait, Qatar, Iraq, Jordan, Egypt, Madagascar and Djibouti.

2008 events
<p><a href="#">Seminar and Conclave 14-16 February, India</a></p> <p>Plenary sessions on:</p> <ul style="list-style-type: none"> <li>• Overview of IOR maritime scenario;</li> <li>• Contemporary maritime challenges;</li> <li>• Synergy through maritime cooperative approaches;</li> <li>• Commonalities in maritime challenges and options for a cooperative maritime security structure.</li> </ul>
2009 events
<p><a href="#">Operational Workshop 21-23 May, Sri Lanka</a></p> <p>Practical cooperative mechanisms for technical support within the IOR, with following sub-themes:</p> <ul style="list-style-type: none"> <li>• Formulation of standards of interoperability and technical cooperation;</li> <li>• Understanding procedures and maintenance methods being followed in IOR countries;</li> <li>• Leveraging logistic support within IOR for ships on deployment;</li> <li>• Harnessing IT towards shorter refits;</li> <li>• Privatisation of refit/ repair infrastructure;</li> <li>• Optimisation of technical manpower on-board ships with emerging technologies.</li> </ul> <p><a href="#">Preparatory Workshop 01-03 October, Kenya</a></p> <p>Discussions on:</p> <ul style="list-style-type: none"> <li>• HADR;</li> <li>• Observers;</li> <li>• Charter of Business;</li> <li>• Agenda for 2010.</li> </ul>

Figure 1 continued on the following pages.

<b>2010 events</b>
<p><a href="#">Seminar and Conclave 10-12 May, UAE</a></p> <p>Plenary sessions on:</p> <ul style="list-style-type: none"> <li>• Reinforcement of regional stability and establishment of good order at sea;</li> <li>• Cooperative efforts to enhance maritime security;</li> <li>• Experience and challenges of regional capacity enhancement and capability building;</li> <li>• Combating piracy and maritime crime.</li> </ul> <p>Workshops on:</p> <ul style="list-style-type: none"> <li>• Threats, risks and vulnerabilities</li> <li>• Leading to a new, common maritime security strategy</li> <li>• Regional medical and humanitarian maritime missions</li> <li>• New technologies to the service of interoperability in the fields of surveillance and information exchange</li> </ul> <p><a href="#">Operational Workshop 11-12 October, Bangladesh</a></p> <p>HADR Operational Logistics: Importance of mobilisation by the IOR navies to conduct HADR in the affected countries</p>
<b>2011 events</b>
<p><a href="#">Preparatory Workshop 18-19 October, Indonesia</a></p> <p>Discussions on Charter of Business and Agenda for 2012</p> <p><a href="#">Operational Workshop 18-19 October, Indonesia</a></p> <p>Counter-Piracy Concepts: Fostering Strategic Partnerships in Managing Maritime Security</p>
<b>2012 events</b>
<p><a href="#">Operational Workshop 10-13 April, Sri Lanka</a></p> <p>Importance of coordinating and sharing resources for efficient maritime operations in IOR</p>
<b>2013 events</b>
<p><a href="#">Operational Workshop 11-13 September, India</a></p> <p>Panel Discussions on:</p> <ul style="list-style-type: none"> <li>• Role of emerging navies and maritime security forces in collective prosperity in the IOR;</li> <li>• Challenges and opportunities for cooperation among IOR navies;</li> <li>• Essential interfaces required for strengthening naval cooperation, interoperability and confidence-building initiatives amongst IONS maritime forces.</li> </ul> <p><a href="#">Preparatory Workshop 11-13 September, India</a></p> <p>Discussions on:</p> <ul style="list-style-type: none"> <li>• Charter of Business;</li> <li>• Presentation of papers on IONS deliverables.</li> </ul>

<b>2014 Events</b>
<p><a href="#">Seminar and Conclave 10-12 May, Australia</a></p> <p>Protecting the ability to trade in the Indian Ocean maritime economy, with the following session topics:</p> <ul style="list-style-type: none"> <li>• Importance of the Indian Ocean;</li> <li>• Importance of the maritime economy;</li> <li>• Challenges;</li> <li>• Industry responses;</li> <li>• Naval responses;</li> <li>• A role for IONS – Collaborative capacity building.</li> </ul> <p>IONS CHARTER OF BUSINESS CAME INTO EFFECT</p>
<b>2015 events</b>
<p><a href="#">Conclave Sea Power Conference, Australia</a></p> <p><a href="#">HADR Working Group, India</a></p> <p><a href="#">Counter-Piracy Working Group, South Africa</a></p>
<b>2016 events</b>
<p><a href="#">Seminar and Conclave 10-13 January, Bangladesh</a></p> <ul style="list-style-type: none"> <li>• Fostering partnership in IOR: Charting course for maritime cooperative engagement;</li> <li>• The geostrategic and economic outlook of IOR;</li> <li>• Maritime security in IOR;</li> <li>• HADR;</li> <li>• Cooperation and collaboration;</li> <li>• Future outlook.</li> </ul>
<b>2017 events</b>
<p><a href="#">IMMSAREX by Bangladesh Navy 26-29 November</a></p>
<b>2018 events</b>
<p><a href="#">10th Anniversary Celebrations 13-14 November, India</a></p> <ul style="list-style-type: none"> <li>• Seminar Theme: IONS as a catalyst for SAGAR (Security And Growth for All in the Region);</li> <li>• Tall Ship Sailing Event.</li> </ul>
<b>2019 events</b>
<p><a href="#">Preparatory Workshop 14-15 October, Oman</a></p> <p><a href="#">HADR Working Group 27-28 September, India</a></p>

Figure 1: Table Depicting Important Events Conducted by IONS<sup>101</sup>

Format of the IONS: The symposiums are held biannually and incorporate a conclave of the Chiefs-of-Navy. In each intervening year between successive symposiums, an IONS Preparatory Workshop (IPW) is normally held, with representation by respective staff officers at an appropriate level. The deliberations during IPW are aimed at discussing the theme of the next symposium or seminar and drafting the agenda for the next meeting of the Conclave of Chiefs.<sup>100</sup>

## Summary of important events and activities by IONS

A summary of the important events and activities that have been conducted under the auspices of IONS are tabulated in Figure 1.

It can be seen from Figure 1 that over the years IONS has endeavoured to galvanise cooperation in the areas of common concern in maritime security among its member nations. The procedure of preparation of agenda, tasking and reporting back to the chair is also more or less institutionalised. For example, in the IONS Preparatory Workshop at Oman in October 2019, the Iranian Navy (as the current chair of IONS) gave a detailed account of the activities during its tenure including the Maritime Security Working Group meeting and preparation of its guidelines, compiling IONS Tactical Publication and holding IONS Maritime Exercise 2020 briefing session. The RAN and the IN representatives, as chairs of the IS&I IWG and the HADR Working Group respectively, also presented reports about their activities.<sup>102</sup>

IONS Multilateral Maritime Search and Rescue Exercise (IMMSAREX): IMMSAREX, conducted at Cox's Bazar, Bangladesh from 27 to 29 November 2017, is one of the important events conducted under the IONS banner.<sup>103</sup> 41 warships, including 33 from the Bangladesh Navy (which was hosting the event), participated in this first-ever IONS-led exercise. The two-day sea exercises involved assistance to a merchant ship on fire, search and rescue of a fishing vessel, and search for an aircraft reported missing at sea.<sup>104</sup> However, there has been mixed feedback from those who participated in IMMSAREX-17. According to some, the IMMSAREX-17 was a 'pretty basic level exercise, where the Bangladesh Navy personnel did most of the stuff and members of the other navies were only spectators'.<sup>105</sup> So, overall, there were few meaningful interactions or lessons learnt.

IONS Guidelines for HADR: The IONS Working Group on HADR has prepared guidelines for HADR operations.<sup>106</sup> The document aims at providing guidelines for developing a speedy, responsive, coordinated and effective HADR for IONS members, and if required, also serves the purpose of providing a common understanding of HADR operations.<sup>107</sup> However, it lacks objectivity, belabouring aspects of mere theoretical nature and often stating the obvious or what may not be relevant. For example, the document envisages the establishment of a permanent Coordination Centre which would be responsible for the coordination of HADR effort between the affected navy, the assisting navies and the IONS secretariat,<sup>108</sup> a proposition which is even more far-fetched than is the idea of a permanent IONS secretariat. The guidelines also envisage an IONS force and an overall Multinational Force (MNF) coordinator,<sup>109</sup> which though imaginative, is unrealistic because disaster relief efforts by most navies would not be forthcoming at a pre-arranged time or destination.

Code for Unplanned Encounters at Sea (CUES): IONS members have mutually agreed upon the CUES prepared by the WPNS and this document has been posted on the IONS website.<sup>110</sup> Although the document has been adopted in toto by IONS, it is understandable that IONS members would have deliberated upon the utility of CUES (in the WPNS version) to IOR navies. One obvious advantage for the navies which overlap IONS and WPNS is that they now have a common CUES document to abide by.<sup>111</sup> It will also be interesting to observe how many IONS navies which still use allied signal codes or their improvised versions will adapt to CUES in practice.

IONS Open Essay Competition: The IONS Open Essay Competition has traditionally been conducted under the auspices of the IONS chair. This is a significant annual event which promotes professional debate and academic rigour among the member navies on topics of contemporary relevance.

Ionsphere – The IONS Journal: The IONS journal, aptly titled ‘Ionsphere’, was published for four consecutive years between 2013 and 2016<sup>112</sup> and has been discontinued since.

IONS Website: The IONS website is hosted at [www.ions.global](http://www.ions.global) and is accessible on the internet. The website has positive aspects such as unrestricted access as well as a new section on COVID-19 in which certain innovations relating to medical equipment have been shared by the Indian Navy.<sup>113</sup> However, in general, the website contains a lot of dated information and has greater scope for improvement.

## IONS report card

Since its inception in 2008, IONS has matured as a stable regional maritime cooperation forum, focused on security. It has evolved on broadly similar lines as the WPNS and has a somewhat institutionalised mechanism of functioning. This is perhaps one of the reasons that officers from the RAN and the IN, who have been engaged with IONS, have expressed satisfaction over the performance of IONS over the years.<sup>114</sup> However, this is not the definitive view and to be sure, some senior officers have been candid in expressing their views on the speed at which IONS progresses its agenda. Vice Admiral Ray Griggs, for instance, cautions that if IONS continues to progress at the glacial speed it has done so far, it runs the risk of slipping into irrelevance.<sup>115</sup> Vice Admiral Tim Barrett concurs with this view and adds that although there were certain expectations when IONS was founded, it has not fully delivered wholly as expected.<sup>116</sup>

Some civilian experts on maritime security also believe that IONS has performed well as a platform for informal interaction. David Brewster, for instance, thinks of IONS as perhaps the most effective pan-IOR forums.<sup>117</sup> Sam Bateman agrees that within its limitations, IONS has achieved its stated purpose.<sup>118</sup> Scholars also argue that IONS should not be expected to deliver what it wasn’t designed for; which means that its primary purpose remains as a consultative forum – a talkfest of sorts – in which it has succeeded.

Yet, this paper examines the performance of IONS based on the objectives which have been outlined in its Charter of Business and have been brought out earlier. Surely, setting a mammoth multilateral organisation in motion for the mere purpose of getting together to talk once every two years is not an economical use of the regional navies’ time and resources. And the logical next step after ‘talk’ should be ‘action’. In any case, one must ask the following questions (each linked to an objective of IONS charter) to make an objective assessment of IONS:

- a. In what ways have the IONS fostered a shared understanding of maritime security issues among the IOR navies?
- b. How has the IONS strengthened the capability of IOR navies to address maritime security challenges?
- c. What multilateral maritime cooperative mechanisms have been established by IONS?
- d. To what extent has IONS succeeded in developing interoperability for HADR?

When the products delivered by IONS are evaluated in the context of IONS’ objectives, it is evident that much more needs to be done. On the other hand, one might argue that it is a case of the glass being half-full instead of half-empty and therefore IONS has achieved

many of its objectives. Such perspectives, though optimistic, tend to reinforce the status quo and might counter efforts to revive or revitalise the organisation. Indeed, some scholars have also argued that it is better to have something than nothing at all, which again does not help much as it leads to compromise between actions and results.

In the preceding paragraphs, the work done by IONS – IMMSAREX-17, HADR guidelines, adoption of CUES, the conduct of regular seminars, workshops and conclaves et cetera – have been elaborated upon. More importantly, IONS has fostered the spirit of maritime cooperation as witnessed during IMMSAREX-17 when the IN participated with four ships and one Boeing P8-I maritime patrol aircraft and the Chinese Navy sent the guided-missile frigate Yuncheng.<sup>119</sup> This prompted a comment about IONS' relevance in managing security issues in the region because it was at the height of the Doklam crisis<sup>120</sup> that both India and China came together under the aegis of IONS.<sup>121</sup>

In a related context, Rear Admiral Pervaiz Asghar of the Pakistan Navy writes that 'IONS has become a robust interactive forum for generating greater mutual understanding to the ultimate benefit of the region and for brainstorming solutions to maritime issues of common interest.'<sup>122</sup> Recognizing the benefits of IONS for regional navies, he writes:

*'In the formative years of the IONS, Pakistan was needlessly swimming against the tide by non-participation, or at best-limited participation, till the historic 2014 IONS breakthrough by its Naval Chief, which broke the logjam and enabled the country to become a part of the mainstream discourse. Pakistan's active participation, with the hosting of the preparatory workshop and a working group meeting in September of 2015 and the forthcoming working group meeting on Information and Interoperability in July this year will hopefully prove to be beneficial for the country as well as add to the vitality of this dynamic forum.'*<sup>123</sup>

Perhaps many of IONS' achievements lie in the intangible and abstract realm – the goodwill and bonhomie that it has generated among naval professionals, the sheer symbolism of a cohesive regional identity, shaping narrow individual perspectives to look at common security objectives and instilling a sense of cooperation among regional navies. But again, to date, there has been little evidence of regional cooperation inspired by IONS despite several opportunities for cooperation presenting themselves. For instance, Vice Admiral Pradeep Chauhan writes that the anti-piracy missions 'were an excellent opportunity for national maritime security agencies — even while operating essentially alone — to have done so under a nominal IONS-umbrella'.<sup>124</sup> Therefore, it would be useful to look at the reasons that inhibit mutual trust and cooperation among regional navies.

## Problems of IONS

Many of the problems, described earlier in this paper, which adversely impacts regional cooperation also bear upon IONS adversely. As brought out previously, most of these are rooted in regional history, ideological, religious and cultural differences, territorial disputes and lack of resources and capability.

A Group too large and too diverse. In 2013, Rory Medcalf wrote that the Indian Ocean Rim Association for Regional Cooperation (IOR-ARC, now IORA) was 'an all-in body as unwieldy as its title'.<sup>125</sup> He was right: the experience with IONS has been similar. It is not only the numbers but also the diversity in the region that makes a cohesive and consistent approach difficult.

Lack of 'Political Top Cover'.<sup>126</sup> One of the often noted shortcomings of IONS is that it does not include the 'policy' component of regional navies. This is because most navies have a bureaucratic interface with the national leadership (representing the 'policy' component) through which they receive directions and strategic guidance as well as approvals for



seemingly mundane events as port visits in foreign waters and even informal interaction with other navies. This aspect results in limiting the room for manoeuvre during events such as IONS workshops where certain future commitments might be required or concurrence required to be given to a proposal mooted for collective good. In this context, Vice Admiral Ray Griggs points out that because of this lack of political backing, many navies are wary of negotiating 'on the spot'. Therefore, experts note that 'although IONS is a vital facilitator of navy-to-navy engagements, it does not encompass the political dimensions of regional security nor the wider dimensions of national security as perceived by regional states'.<sup>127</sup> Upadhyaya writes that 'a key difference between East Asian multilateral institutions and those of the Indian Ocean region is the lack of direct higher-level political leadership in the latter case'.<sup>128</sup> Yet some maintain that IONS is a purely naval forum and does not need involvement from the government.<sup>129</sup>

**Loosely Aggregated Organisational Foundation:** Strategists and policymakers have grappled with the problem of gaining traction on issues of common concern in large, diverse, loosely fashioned multilateral groups, of which IONS is an example. Unlike organisations where alliance discipline and treaty obligations override other considerations and where the threat of a common enemy or a common socio-ethnic-cultural thread glues the members together (for example, NATO and ASEAN), IONS does not have a binding nature and its members, have little in common. Even organisations such as the WPNS have greater momentum and sense of direction because of the leadership provided by a few 'heavyweight' members. WPNS also has the political top cover that is notionally provided through the ARF and Asia-Pacific Economic Cooperation (APEC).<sup>130</sup> Therefore, IONS continues to suffer from its diffuse and nebulous organisational character and has consequently languished virtually in a state of institutional torpor.

**Absence of a Permanent Secretariat:** The problem of IONS' diffuse character is exacerbated by the fact that it does not maintain a permanent secretariat; the secretariat rotates with the chair. In fact, for some experts, the rotational chair and secretariat results in the forum suffering from ad hocism.<sup>131</sup> The personality of the chair indeed has a significant impact on how IONS shapes and pursues its agenda. Further, there is bound to be a 'transmission-loss' something akin to the loss of electric power when it is transmitted over large distances – when not only the administration and agenda but also the sense of zeal and drive are handed over from one navy to another. In this context, Vice Admiral Ray Griggs believes in the notion of stewardship for the chairs instead of merely presiding over the proceedings. He shares how the RAN engaged with the South African Navy (the preceding chair) almost 6-8 months before assuming chair in 2014. He is also of the view that this is about as good as it will get and that support for a permanent secretariat might never be forthcoming.<sup>132</sup> Another view is shared by officers who are engaged with IONS processes. They opine that a rotational secretariat allows smaller navies to host, conduct and administer international symposiums. Additionally, a navy holding the permanent secretariat may be perceived as unilaterally driving the symposium agenda.

**Limited Membership:** Not all IOR littoral navies are represented in IONS. Rahul Roy-Chaudhury notes that at its inauguration, IONS had 35 Members, of which 11 countries later withdrew.<sup>133</sup> Although this is in itself not an issue of concern (not all countries of Western Pacific are represented in the WPNS), a wider subscription would perhaps lend greater acceptability and credibility to IONS. Another intriguing aspect is the lack of common members between IORA and IONS. Figure 2 lists the IOR countries which are members of IORA or IONS or both. On this issue, it is important to note that because IONS is a voluntary initiative, it is up to the non-member navies to join the forum. Many IONS chairs in the past have reportedly sent out letters of invitation to non-members; however, the latter chose otherwise.<sup>134</sup>

Country	IORA	IONS
Australia		
Bahrain		
Bangladesh		
Comoros		
Djibouti		
Egypt		
Eritrea		
France		
India		
Indonesia		
Iran		
Iraq		
Israel		
Jordan		
Kenya		
Kuwait		
Madagascar		
Malaysia		
Maldives		
Mauritius		
Mozambique		
Myanmar		
Oman		
Pakistan		
Qatar		
Saudi Arabia		
Seychelles		
Singapore		
Somalia		
South Africa		
Sri Lanka		
Sudan		
Tanzania		
Thailand		
Timor Leste		
United Arab Emirates		
United Kingdom		
Yemen		

Figure 2: List of IOR Littoral Countries which are Members of IORA and IONS<sup>135</sup>

The Consensus Conundrum: According to the IONS Charter, ‘Decisions on all matters and issues will be decided through a process of consensus-building amongst all Members’,<sup>136</sup> where the term ‘consensus’ means ‘no opposition’. It is not hard to imagine that the differences in opinion are bound to arise due to the diverse, and even conflicting, interests among member states. Obviously, in such a scenario, decision-making suffers because the opposition by any one member can scuttle the entire process.<sup>137</sup> The corollary to this conundrum is that any further increase in the number of members will only hamper the already encumbered decision-making process.

Lack of Resources: Most IONS member states are developing nations and many of these lack resources for building adequate maritime capability for themselves. To illustrate this point, consider the fact that although IONS member states constitute about 32 per cent of the world’s population, they account for only 19.5 per cent of the world’s GDP.<sup>138</sup> Furthermore, almost half of the IONS states have ‘Medium’ to ‘Low’ Human Development Indices which implies that for these states, it will be more important to devote their resources towards poverty alleviation, infrastructure development, health and education than on military capability.<sup>139</sup> Therefore, there is a constant pressure on members to prune military expenditure resulting in a reluctance to even pay for things as mundane as travel bills for attending IONS seminars and workshops, let alone sending ships or delegations for exercises.<sup>140</sup>

Maritime Military Capability. The maritime military (navy or coast guard, as applicable) capability of most IONS member states is limited when seen with respect to their coastline and Exclusive Economic Zone (EEZ). In most cases, the EEZ area under a country’s maritime jurisdiction is large and the corresponding number of assets that the country possesses is small. For example, small island nations such as Maldives, Mauritius and Seychelles have large EEZs in their jurisdiction. However, these states do not possess the required maritime forces for surveillance of such vast areas. On the other hand, even though large countries like Australia, Indonesia and India have robust naval and maritime constabulary forces, their resources would also perhaps be stretched due to the large sea areas under their jurisdiction. Therefore, in addition to the problem of resource crunch brought out in the preceding paragraph, the lack of maritime military capability among its members also adversely impacts the effectiveness of IONS.

A ‘Talk Fest’. Several experts have noted, and some with not an undeserving sense of frustration, that the IONS has largely remained a ‘talk shop’.<sup>141</sup> Yet others aver that the primary function of IONS is that it is a talking platform for the IOR navies. Where else, they ask, might the chiefs of the Indian Navy and Pakistan Navy come together for professional interaction?<sup>142</sup> Or, for that matter the chiefs of the RAN, the Iranian Navy, and the Royal Saudi Naval Forces? Undoubtedly, the value of informal interaction, especially among the top leadership of the region’s navies, cannot be underestimated. However, one must also revert to the origins of IONS and ask whether that was its sole purpose.

Practical Aspects of the transaction of business in IONS.<sup>143</sup> In addition to the external issues that impact IONS, there are some other aspects related to the functioning of IONS which hamper the effectiveness of IONS. These are brought out below:

- a. Consistency and Focus: One of the practical impediments of IONS is that most often the staff representing the navies are turned around too quickly; for many it is a one-time appearance and they are not seen in consecutive meetings. A related issue is that many delegates are sometimes nominated from ships or operational headquarters and they have neither the background knowledge (of IONS agenda) nor the inclination to contribute meaningfully in the forum.
- b. Level of Staff Engagement: Another aspect is that the level of staff engagement is not uniform across member navies. While in some navies the entire correspondence

of IONS is dealt with by the concerned desk, normally at the level of Commander or Lieutenant Commander, in other navies Commodores and Rear Admirals sometimes are directly involved in routine IONS matters because IONS is engagement with 'foreign navies'. This does not always result in efficient communication.

- c. Protocol: In many navies, there is a strict protocol which might not allow the IONS desk officers to communicate directly, but requiring them to route through specified channels of correspondence and communication. This includes rules regarding with whom it is that officers might communicate. Excessive formality hampers the frequency of communication and also introduces a stiffness and lack of fluency, which may not always be desirable.
- d. Communication: Besides the issues of the protocol in communication, there are other problems too. For example, many navies do not prefer working over emails; as a matter of fact, some nodal officers in IONS do not even have official email designations and use unofficial services like 'Gmail' and 'yahoo' for official correspondence.

## Lessons from the WPNS experience

Although the WPNS was initially conceived in 1988 as a confidence-building measure in the penultimate stages of the Cold War, it has now evolved into a robust organisation with IONS ostensibly having been modelled on the former. Between the two organisations, they have ten common members and observers – Australia, China, France, Indonesia, Malaysia, Russia, Singapore, Thailand, Bangladesh and India. However, IONS and WPNS do have some differences such as many members of IONS are small and underdeveloped countries that lack the resources to participate fully in forum activities and the fact that the WPNS is restricted only to the navies (or defence forces).<sup>144</sup>

Like IONS, WPNS has had its share of similar problems. In this context, Vice Admiral Ray Griggs agrees that although the cooperation in WPNS is excellent, it is still not without its challenges.<sup>145</sup> For example, the WPNS members too have diverse perceptions and they interpret maritime security according to their understanding. Many member navies are playing rather passive roles, resulting in a small core of navies driving WPNS.<sup>146</sup>

Like IONS, WPNS also 'drifted to some extent during the 1990s and early 2000s'<sup>147</sup> and has regularly faced problems of funding.<sup>148</sup> According to Rear Admiral Shrikhande, the issues within IONS are essentially analogous to the ones experienced by WPNS; there are some lessons, but the limitations cannot be wished away.<sup>149</sup>

Yet, IONS could gain much from the WPNS experience. For instance, WPNS has made good progress on training and experience sharing, which is conducted through personnel exchanges, attendance at overseas Staff Colleges, study visits and tours (including visits by naval units), and senior officer visits. The forum has also identified Mine Counter Measures (MCM) and Diving as focus areas and the WPNS members have participated in exercises related to these disciplines.<sup>150</sup> At the working level, their staff channels of communication and procedures are more evolved and efficient and they can make better progress than IONS.<sup>151</sup> The WPNS is also successful because most of its member navies are capable as well as confident. They are reasonably at ease with each other and most have the resources to participate fully in WPNS activities.<sup>152</sup> How WPNS has succeeded in galvanising its members towards cohesive action has prompted Vice Admiral Ray Griggs to suggest that IONS could consider adopting a combination of the WPNS and ADMM Plus model, an idea he reportedly mooted for the first time in 2014.<sup>153</sup> However, as it has been demonstrated earlier in this Chapter, although IONS did adopt a few concepts such as the creation of Working Groups and even the conduct of the IMMSAREX in 2017, these measures have as yet proven insufficient to propel IONS decisively on the trajectory to achieve its objectives.

## CHAPTER 5

### Recommendations and the way ahead

#### Some strategic considerations

The Case Against Multilateralism: In October last year, India's Minister for External Affairs spoke about globalisation coming under attack with an increasingly nationalistic approach to international relations, which in turn was weakening multilateral structures.<sup>154</sup> The minister said that 'more transactional ethos will promote ad hoc groupings of disparate nations who have a shared interest on a particular issue' and referred to 'coalitions of convenience on global issues like counter-terrorism, piracy, maritime security, non-proliferation or even climate change'. He also mentioned the proliferation of 'frenemies' - allies who publicly turn on each other or competitors who are compelled to make common cause on issues.<sup>155</sup> In the context of IOR, this could not be truer. Echoing this view, Rory Medcalf writes that 'unilateralism is not an option, but neither is inclusive multilateralism a realistic solution to Indo-Pacific's security challenges',<sup>156</sup> thus stressing upon the need for more pragmatic solutions.

In a region which has been described as 'largely disaggregated' and 'notable for lack of homogeneity',<sup>157</sup> one scholar suggests that 'the heterogeneity of the region demands ... flexible cooperation of sub-regional organisations that can coordinate with each other in the general institutional environment of the Indian Ocean.'<sup>158</sup> Rear Admiral Jonathan Mead of the RAN also recommends strengthening the sub-regional groups within the IOR stating that 'looking at the conundrum of regional maritime security through a reductionist lens and by uniting IONS states into small, manageable and homogenous components, may offer a pathway for successful naval cooperation'.<sup>159</sup> Medcalf suggests that 'self-selecting minilaterals'<sup>160</sup> – flexible coalitions of middle-powers – might just be the way ahead to progress maritime security cooperation in the Indo-Pacific, and by that extension, in the IOR. James Goldrick also writes about the need to find additional alternatives to existing formal alliances which will be effective enough to allow nations to cooperate in practical ways when the situation demands.<sup>161</sup>

On the other hand, there also exists a view that any further division or break-up within IONS would make coordination even more challenging because of additional communication channels that would be opened. This view emanates from professionals who are actively engaged in IONS activities and according to them, even the existing sub-groups (the Working Groups) become unmanageable at times.

The IOR and the Indo-Pacific: Maritime professionals, experts and policymakers grapple with the idea of IOR regionalism. Yet, while IOR regionalism has few takers, the idea of the "Indo-Pacific" is being championed with vigour... Might it be another occasion of the IOR identity falling victim to great power competition? If the IOR nations are indeed sincere in building regional cooperation, they must focus their energies closer home as much, if not more, as they focus on the Indo-Pacific.

IONS in the Indo-Pacific: In the larger construct of the "Indo-Pacific", the position of IONS is yet unclear although one scholar has suggested a possible role for IONS in the Indo-Pacific architecture, in which IONS is envisioned at the 'Executive Level' (see Figure 3).<sup>162</sup> This role is unclear because 'functional issues at the Executive Level are presently uncertain, and yet to be firmed up'.<sup>163</sup> However, it is clear that in this conceptual model focused on China,<sup>164</sup> IONS is seen merely as one component in a larger mechanism, which in turn relegates the primary purpose of IONS for cooperation on non-traditional security challenges to a lower priority. Therefore, while IONS might have a role in the security matrix of the Indo-Pacific, its focus must remain on the IOR and the several maritime security challenges that trouble this region.

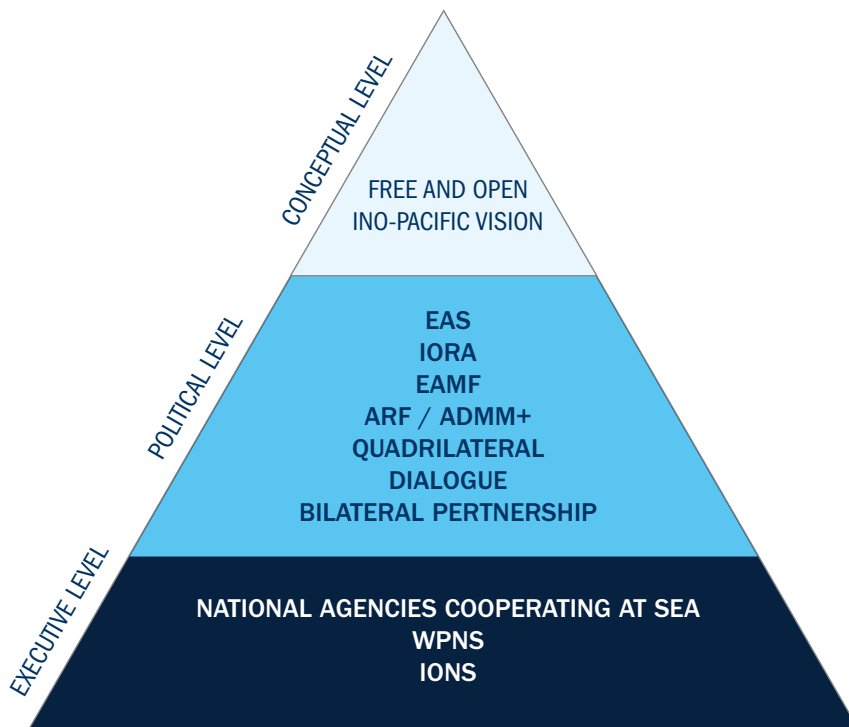


Figure 3: The Emerging Indo-Pacific Architecture (Notional)<sup>165</sup>

**Convergence between IORA and IONS:** There is a general agreement that IORA and IONS are the only two pan-IOR organisations that focus on maritime security. According to Rear Admiral SY Shrikhande, former Assistant Chief of Naval Staff (Foreign Cooperation and Intelligence) of the Indian Navy, while IORA is the D, I and E in Indian Ocean's DIME (Diplomatic, Informational, Military, Economic) construct, IONS can add the 'M', thus complementing IORA.<sup>166</sup> IORA has time and again reaffirmed its commitment to strengthening maritime security and has also acknowledged the role of IONS.

**Lack of Coordination between IORA and IONS:** Although Sam Bateman believes that to an extent, IONS is already within the framework of IORA,<sup>167</sup> Roy-Chaudhury points to the 'underwhelming roles' played by these organisations due to the 'astounding lack of cooperation' between the two in strengthening maritime security.<sup>168</sup> Despite its 2013 Perth Communiqué calling for 'IORA's work [to] align with and complement possible IONS initiatives'<sup>169</sup> and the 2014 Perth Communiqué affirming IORA's commitment to work 'collaboratively with the IONS',<sup>170</sup> IORA has largely charted an independent course in fulfilling its objective of maritime security and safety. Not only has IORA proceeded with the Working Group on Maritime Safety and Security sans consultation with IONS, but it also proposes to set up a new Working Group on Disaster Risk Management, and the publication of the first edition of a booklet of 'IORA Guidelines for Humanitarian Assistance and Disaster Relief'.<sup>171</sup>

**Problems in IORA and IONS Convergence:** Although there is a large scope for coordination between IORA and IONS, this seemingly obvious measure has eluded a practical approach for a long time and there are several reasons for it. One of the reasons is perhaps that although the IORA has committed to coordinate and align its activities with IONS in the past, the former's focus areas range from women's empowerment, tourism and culture to maritime safety and security while the latter focuses only on maritime security. Secondly,

IORA being a more ‘weighted’ organisation (it has a council of ministers from the member countries and a permanent secretariat), is expected to lead the coordination effort, which has unfortunately not yet taken off. Thirdly, even within IONS, there is a sense of caution in involving IONS with IORA because it might result in loss of autonomy for IONS and its efficacy as an informal dialogue forum.<sup>172</sup> Fourthly, their dissimilar membership is also an impediment for convergence between the two organisations.<sup>173</sup> Accordingly, while prima facie cooperation and coordination between IORA and IONS makes eminent sense, there is a need for a more detailed examination of the mechanisms and areas of such cooperation.

**Role of Major Regional Powers:** To rejuvenate maritime cooperation in the region, the larger members of the IONS will have to share a greater burden. As Joseph Nye has noted, small countries have little incentive to pay for global public goods such as political stability, global financial stability, or freedom of the seas. Because their small contributions make little difference to whether they benefit or not, it is rational for them to ride for free.<sup>174</sup> For this very reason, the larger powers must lead and provide global public goods.

**Role of Other Maritime Agencies:– A Whole of Maritime Department Apr.:** Many of the non-traditional challenges that pose a threat to the maritime security regime of the Indian Ocean lie in the jurisdiction of multiple maritime agencies. For example, in case of India, aspects such as SAR and marine pollution control are within the purview of the Indian Coast Guard while issues such as smuggling, IUU fishing, human trafficking and coastal security transcend the domains of the Department of Revenue Intelligence, Marine Police, Customs, Coast Guard, Indian Navy and many more other agencies. This jurisdictional overlap poses several challenges even among national agencies, as has been India’s experience in implementation of the Coastal Security Scheme.<sup>175</sup> In the regional context, the issues of coordination are bound to become more complicated. Therefore, it is apparent that regional navies (and other lead maritime agencies, where there is no navy) alone are incapable of addressing the wide range of security challenges in the IOR, and IONS must review and refine its approach towards these challenges. More importantly, there will be a need to devise a set of *modi vivendi*, especially one that facilitates a common platform for navies and coast guards.

**The Increasing Role of Coast Guards in the Regional Maritime Safety:** In recent years, due to the proliferation of transnational crime at sea and other illegal activities, there has been an increase in expectations from maritime constabulary agencies such as the coast guard, border force, and marine police. Sam Bateman has argued that maritime safety cooperation should be ‘de-securitized’ and the regional coast guards should be involved in cooperation on maritime safety.<sup>176</sup> While this perspective attempts to de-emphasise the constabulary role of navies, it also enhances the role of coast guards in regional maritime security. David Brewster has also suggested ‘a quad of coast guards which can focus on maritime law enforcement without carrying the political baggage that accompanies cooperation among navies.’<sup>177</sup> Therefore, it is becoming increasingly imperative that any cooperative endeavour in the maritime domain must include the coast guards.

### Recommended measures for enhancing the effectiveness of IONS

**A Network of Maritime Cooperation:** Having matured as the only pan-IOR maritime cooperation platform, it is now time for IONS to establish its network of maritime cooperation, which fundamentally implies making new connections with other existing organisations. An indicative list would include the following:

- a. Heads of Asian Coast Guard Agencies Meeting (HACGAM): The HACGAM was inaugurated in 2004 and meets annually. The HACGAM met last year in Sri Lanka and the host for this year is Australia.<sup>178</sup> It has 21 members out of which 11 are also

IONS members. Because of the common objectives of promoting maritime security – specifically aspects of SAR, prevention of illegal activities and countering piracy and armed robbery at sea – IONS and HACGAM have much to gain through networking.

- b. WPNS. Several experts have envisaged a ‘handshake’ between IONS and WPNS<sup>179</sup> and have opined that it would be beneficial for IONS to learn from the WPNS experience, although Rear Admiral Jonathan Mead cautions that ‘while there may be some merit in replicating the WPNS, the history of that construct is quite different from IONS.’<sup>180</sup>
- c. IORA’s Working Group on Maritime Security and Safety (WGMSS). IONS need to establish a dialogue with the WGMSS of IORA and work cooperatively on issues of common concern. Some of these are Maritime Domain Awareness and HADR.<sup>181</sup>
- d. Association of South-East Asian Nations (ASEAN). A 2017 report that examined ASEAN’s maritime links with the IOR recommends that ASEAN should seek to play a role in preserving and enhancing regular IOR maritime security dialogues and targeted capacity-building assistance programmes.<sup>182</sup> IONS nations have adequate representation in ASEAN (five out of ten members), ARF (13 out of 27) and ADMM Plus and EAS (9 out of 18) which means that there is a fair degree of convergence among these organisations. Interestingly, eight out of ten ASEAN countries are also members of the WPNS, thus creating a potential bridge of sorts to facilitate cooperation and sharing of experience between the WPNS and IONS.

**Multilateral Exercise:** The significance of conducting combined exercises and drills as part of maritime cooperation cannot be overemphasised. Such exercises not only result in greater interoperability between member navies, but they also demonstrate the willingness of member navies to cooperate and cement the bonds of regional cooperation. They are therefore considered important indicators of the level of cooperation within the group. IONS also needs to graduate to sea exercises and some suggestions to achieve are given below.

- a. IONS Maritime Exercise (IMEX): The precedent set by Bangladesh in its conduct of the IMMSAREX in 2017 should be continued by IONS. The lessons learnt from IMMSAREX-17 could be validated in the next edition, which could also be an apt opportunity to involve HACGAM representation. In addition to IMMSAREX, the proposal by Iran (IONS Chair for 2018-19) to conduct an IMEX on an anti-piracy theme this year was also noteworthy and such theme-based exercises could also be considered by IONS. Disaster Relief is a relevant theme for all IOR littorals and this could be adopted on priority.
- b. Leveraging Existing Multilateral Exercises to IONS’ Advantage: There is a need to examine ways in which the lessons learnt and experience gained in existing multilateral exercises that are being conducted by some IONS members could be shared with all IONS members. These include exercises such as MILAN (India), KAKADU (Australia), AMAN (Pakistan) and KOMODO (Indonesia). Initially, the participating navies could share the important lessons learnt in IONS gatherings and subsequently, other members could also be invited for these exercises, subject to the willingness by host navies and feasibility of participation.
- c. Table Top Exercise (TTX)/ Command Post Exercise (CPX): Table Top Exercises provide an easy alternative to sea exercises because they simplify the logistic and resource constraint to a great extent and, at a minimum, TTX/CPX should be a biannual IONS feature.

**Minilaterals:** A strong case has been made out in favour of small groups of willing and capable countries – the so-called minilaterals – to act collectively on issues of common concern. Although several unilateral arrangements already exist in the IOR, there is a case for ad hoc grouping of member states who act together in fulfilment of an objective and then



report back to IONS. For example, the navies which respond to a natural disaster in the region could subsequently carry out a briefing to the IONS members about their activities and lessons drawn from their experience. This would be similar to the previously suggested reporting of multilateral exercises by some member navies. A further improvement of this arrangement could be such minilaterals voluntarily acting under the IONS banner. However, for this to succeed, IONS should develop SOPs on promoting bilateral/ tri-lateral/ mini-lateral talks within the organisation as well as on reporting procedures of activities that are carried out beyond the purview of IONS.

**Canvassing for Wider Membership:** As highlighted earlier in this paper, 14 IOR littoral states are not members of IONS.<sup>183</sup> Many experts opine that the absence of these nations from IONS is irrelevant because these are perhaps perceived as potentially ineffective partners with neither the capability nor the will to make a meaningful contribution.<sup>184</sup> However, others feel that wider participation in IONS would not only enhance its reputation as the true representative of IOR navies but would also engage these important nations within the IONS framework. Indeed, in the current geopolitical scenario, it is the smaller players that are of greater significance; one only needs to consider the significance of the Chagos Archipelago which gives legitimacy to two great world powers and also serves their strategic interests. At a minimum, therefore, IONS must get Comoros, Madagascar, Somalia and Yemen (who are already members of the IORA) on-board while engaging constructively with other non-members.

**New Areas of Convergence and Cooperation:** IONS has already identified three enduring areas of cooperation – Maritime Security, HADR, and Information Sharing and Interoperability - on which it also has three Working Groups. However, there are other significant areas of cooperation that can be included in IONS. These are discussed below:

- d. **Training.** There is an obvious need for capacity enhancement among IONS members and training is an important part of the same. Many IONS members – Australia, Bangladesh, France, India, Indonesia, Singapore, Thailand and the UK – are actively engaged in extending their training facilities to other friendly nations, including IONS members. Much of the training that happens among IONS nations can simply be re-badged under the IONS umbrella – a change only in name but with a much greater impact through signalling.<sup>185</sup>
- e. **Hydrography.** Hydrography is one of the areas with good potential for maritime cooperation because most IOR littorals do not have adequate surveying capability and because cooperation in hydrography is ‘easy to do’. Raja Menon and Mac Dougall make a strong case for hydrographic cooperation in the IOR.<sup>186</sup>
- f. **Ship Repair and Shipbuilding.** Larger IONS navies have routinely assisted their smaller counterparts in ship maintenance and even shipbuilding through bilateral arrangements. This could be one of the areas of cooperation wherein the ‘Builder Navy’ demonstrates its shipyard capabilities to a wider audience, based on which subsequent bilateral talks could follow.
- g. **Coastal and Offshore Security.** Coastal and Offshore security, which encompasses both traditional and non-traditional threats, is perhaps the highest priority for all littoral navies and is as important as the security of trade. This area requires a regional approach because of the fluid nature of threats that move across maritime zones. Countries such as India, which have a well-established coastal security mechanism could share their experiences in setting up of coastal surveillance stations (radar and AIS), Vessel and Air Traffic Management Systems (VATMS) for Offshore Development Areas (ODAs) and Standard Operating Procedures (SOPs) which they follow in these aspects.
- h. **Environmental Security.** Environmental security encompasses a wide range of issues from

natural disaster and climate change to the disruptive effects of human activity and the sustainability of marine life. According to David Brewster, this a significant and yet unexplored area for maritime cooperation by IONS.<sup>187</sup> In a report co-authored by him, Dr Brewster has recommended the establishment of an Indian Ocean Environmental Security Forum under the aegis of IORA.<sup>188</sup> The HADR Working Group of IONS could take up a study on this subject.

- i. Oceanography and Meteorology. Oceanography and meteorology are subjects of importance in the maritime domain and these provide excellent opportunities for cooperation among IONS members. For example, the recently concluded study on 'Unconventional Tracks of Tropical Cyclones in the Northern Indian Ocean' might be of relevance to the IOR littoral and island nations.<sup>189</sup> This initiative by the Indian Navy – the report has been hosted on the website administered by the Indian navy – can be taken forward under the aegis of IONS for the benefit of all its members. Australian academic experts have also pointed out that there is scope for Australian leadership in fostering marine scientific research in the IOR, especially in the eastern part of the ocean.<sup>190</sup>
- j. Systems and Software. Although the entire range of products under this subject may not be within the proprietorship of navies, there is an advantage to be accrued in jointly discussing various software or systems (and even SOPs) that the IONS members use for port security, logistics database management, MDA, VTMS and VATMS.
- k. IONS Track 2 or an IONS Think-tank. The need for a Track 2 forum has been emphasised by many experts.<sup>191</sup> Although several Track 2 forums exist in the region – IONS, incidentally, is itself a very successful talk shop – there is a need to involve the academia and retired professionals in the IONS processes. This can be done in many ways, one of which is to invite distinguished personalities to IONS conclaves. Another would be to commission an IONS Think-tank. This could be done as an adjunct to any of the organisations such as India's National Maritime Foundation (NMF). Corder suggests that a possible foundation for such an entity if appropriately supported and resourced, would be the Indian Ocean Research Group (IORG),<sup>192</sup> which is also affiliated with IORA.
- l. Submarine Rescue Exercise. Over a dozen IOR nations operate submarines, and all except Egypt and Israel are members of IONS. Yet not all nations possess reliable and robust submarine rescue capabilities, which underscores the need for IONS to lead cooperation on this critical capability. Also, as Vice Admiral Ray Griggs has remarked:<sup>193</sup>

'As the number of submarines increases across the region we need to work on strengthening the existing submarine water space management arrangements that are in place particularly where new submarine actors are involved. Building some confidence in this area would be useful but will, of course, take time given the additional sensitivities that national ownership of submarines bring.'

Strengthening the Current IONS Initiatives: Some of the measures which IONS could adopt to improve upon its existing activities are as follows:-

- a. Information Sharing and Interoperability IONS Working Group (IS&I IWG). The IS&I IWG could take up new projects such as:
  - i. Exploring the mechanisms which can facilitate collation of information which flows from IFC-IOR, India and IFC, Singapore. Both these hubs release good quality reports and updates on the maritime security situation in the IOR. However, there is a need to synergise the functioning of these two organisations in the manner in which they gather information and publish their reports. Since both India and Singapore are its members, IONS could play a constructive role in enhancing information sharing within its members.

- ii. An equivalent of the Maritime Security Centre Horn of Africa (MSCHOAO) as proposed by Jonathan Mead.<sup>194</sup> This will initially need a proof of concept by the IS&I Working Group. If found feasible, it might then be steered by the MARSEC Working Group...
  - iii. Explore the feasibility for development of a pan-Indian Ocean maritime domain information sharing grid involving all regional states and Indian Ocean stakeholders, as proposed by one scholar.<sup>195</sup> This proposal envisages fusion of information from various sources within the IOR such as IFC, India, IFC, Singapore, ReCAAP-ISC, International Maritime Bureau Piracy Reporting Centre (IMB-PRC) in Malaysia, the United Kingdom Maritime Trade Operations (UKMTO) as well as other centres that have been established in Madagascar, Tanzania, and Yemen.
- b. HADR Working Group. According to David Brewster, ‘Disaster management and peacekeeping are low-hanging fruit—while they sit at the ‘soft’ end of the spectrum of security cooperation, they can be very useful ways to develop personal relationships and inter-operability and provide an opportunity to generate significant goodwill.’<sup>196</sup> Accordingly, the HADR Working Group has greater potential to promote IONS objectives and some of the ways in which this could be done are as follows:
- i. Revision of IONS Guidelines on HADR. It has been brought out earlier in the paper that the current document on IONS Guidelines on HADR is unlikely to serve its purpose. Apart from being highly imaginative in coining terms like the ‘IONS force’ and ‘overall Multinational Force (MNF) coordinator’, it belabours several aspects that are either too obvious or irrelevant. Even the details about the capabilities of ships that could be used for HADR are incomplete and do not include the capabilities of large navies such as France, South Africa, Indonesia, and Pakistan. Therefore, there is a need to revise this document with a more practical perspective and could also include the following suggested details:
    - (aa) Procedures for obtaining clearances for naval ships and aircraft to enter the affected country, the essential information in respect of the unit visiting the affected nation which they will be required to be submitted (preferably a generic proforma should be decided amongst members), points of contact for coordinating HADR operations in each navy etc.
    - (ab) Complete details of HADR capabilities of member navies.
    - (ac) Lessons from recent HADR operations in the region (for example, in response to cyclone Idai). These should include details of problems faced by assisting ships and aircraft, the time required to unload relief material etc.
  - ii. The HADR Working Group could examine the two binding inter-governmental agreements and one non-binding agreement which exist between most of the IOR nations and thereafter the HADR Guidelines for IONS need to align to these agreements as far as possible, failing which the guidelines will always be superseded by the binding agreements. The details of existing agreements are:
    - SAARC Agreement on Rapid Response to Natural Disasters. This agreement has provisions for a prompt response to requesting parties, formulation of SOPs, organisation of mock drills and inviting parties to test the effectiveness of disaster response, the designation of entry points for supplies and expertise from assisting parties, exemptions to assisting parties from taxation, customs etc. and financial arrangements.<sup>197</sup>

- ASEAN Agreement on Disaster Management and Emergency Response (AADMER). AADMER provides a mechanism for reducing the loss of life and social, economic and environmental assets, and for responding to emergencies through concerted national efforts and intensified regional and international co-operation. Through its Standard Operating Procedure for Regional Standby Arrangements and Coordination of Joint Disaster Relief and Emergency Response Operations (SASOP), the AADMER enables the ASEAN Member States to mobilise and deploy resources for emergency response.<sup>198</sup>
  - France, Australia and New Zealand (FRANZ) Arrangement. This is one of the successful models, signed in 1992, to assist the Pacific island nations during natural disasters.<sup>199</sup> Some experts have recommended that the FRANZ could serve as a model for an IORHADR agreement and the Working Group could consider this proposal.<sup>200</sup>
- c. MARSEC Working Group. The MARSEC Working Group could initiate work on the following:
- i. Conceptualising the table-top exercise and sea exercise themes and mechanisms.
  - ii. Compilation of a document containing lessons learnt from IONS exercises, beginning with IMMSAREX and subsequently including multilateral exercises whose details can be shared with IONS plenary.
  - iii. As a prelude to graduating to exercises like the WPNS (such as MCMEX and DIVEX) commence work on common procedures and theoretical studies on mine countermeasures and clearance or salvage diving.
  - iv. Consider and coordinate issues like military and naval doctrine, naval procedures and training, and technological compatibility (protocols, information technology connectivity and logistics).

## Immediate and short-term measures.

- a. Change the Consensus Rule: The consensus rule embedded in the IONS charter has been considered counterproductive by many as it does not permit decision making at a reasonable pace. Having already experienced the pros and cons of a consensual approach, IONS could now look at a majoritarian approach and adopt this as an agenda item for the near term.
- b. IONS Website: Since it lacks a bricks-and-mortar secretariat, IONS needs to invest in a robust, reliable and resourceful website. In the past, IONS chairs have established their IONS websites with country-specific domains. The present IONS website [www.ions.global](http://www.ions.global) is a welcome step in the right direction. Although at present the website has unrestricted access, eventually it would need to have a 'members-only' access to email and chat facility as well as access to exercise programmes and schedule of events. Some of the suggestions to improve the IONS' web presence are as follows:
  - i. Updates. The website should be updated regularly. Usually, one member will exercise the administrative rights and therefore, it becomes difficult for other members to post updates on the website. This impediment must be overcome and all members should be able to post their updates on the website. One way could be to enable each member to update its own country-specific link. The respective Working Group chairs could be given rights to update the Working Group activities.
  - ii. Ionsphere and IONS Newsletter. The missing editions of Ionsphere, if any, should be made available on the website. IONS could also start a newsletter which would carry important updates and information.

- iii. Contact Information. The contact information is outdated and needs to be updated regularly.
  - iv. Email and Chat. IONS could create a dedicated email and chat facility among its members, which would also provide restricted access to the members' area.
  - v. Resources to be Made Available. On a progressive basis, the IONS website should be transformed into a repository of information such as year-wise details of IONS activities including the record of discussions, presentations and briefings as well as the entries received for IONS Open Essay competition. Additional data such as lessons learnt from IONS exercises can also be posted on the website.
  - vi. Language. If required, the website could be made multilingual.
- c. IONS Ensign. Jonathan Mead had proposed an IONS ensign which could be displayed at IONS-led events.<sup>201</sup> This is a worthy suggestion that costs nothing but will do much to boost the sense of collective pride among the IONS members.

## Role of larger navies in driving IONS.

All regional navies are resource-stressed and no single navy in the region can lead and sustain IONS. Yet, because of the presence of a large number of smaller nations, it is incumbent on all well-established maritime powers in the region to collectively shoulder the responsibility of supporting IONS. Unfortunately, however, as Corder has observed, 'India... Australia, South Africa, Indonesia, Saudi Arabia, Pakistan and Iran have so far exhibited little desire or determination to shape their regional destiny'.<sup>202</sup> In this paper, the potential roles of only the Indian Navy and the Royal Australian Navy in promoting and sustaining IONS are being examined.

**India.** India demonstrated an exceptional vision for Indian Ocean's maritime security in being the founding member of IONS. Although some experts see India as the driver for IONS and IORA,<sup>203</sup> others believe that India sometimes has difficulties in multilateral cooperation and is therefore tentative about it.<sup>204</sup> India's participation in IONS, especially its leadership in subsequent years, has been quite tepid. Corder writes that at the second IONS meeting in Abu Dhabi, 'there appeared to be reluctance in the fledgling IONS to move too quickly. Notably, India, the originator of IONS, appeared to adopt a conservative and low-key approach to the future agenda.'<sup>205</sup> As Vice Admiral Pradeep Chauhan puts it:<sup>206</sup>

*'As the midwife of the IONS construct and its permanent secretariat, India must take its fair share of blame for allowing the movement to drift. Indeed, it has appeared — on more than one occasion — that the Indian Navy, having created such a fine instrument, has demonstrated a certain lack of initiative and dexterity in wielding it.'*

However, in a manner that perhaps signals a renewed focus by the IN on maritime cooperation, the Chief of the Naval Staff Admiral Karambir Singh spoke last year about building comprehensive military capability to address the maritime security challenges in the IOR as a group and the IN's willingness to provide leadership in that role.<sup>207</sup> In the context of Exercise MILAN 2020, he added that such exercises aimed to enhance interoperability among like-minded navies and correlated this with one of the reasons that IONS was founded in 2008.<sup>208</sup> The IN is prepared to do more for IONS although Vice Admiral Ray Griggs cautions that whatever India does, it should not give the impression that IONS is an 'Indian thing'.<sup>209</sup> Rear Admiral Shrikhande, echoing similar views, feels that in the inaugural years of IONS, the IN could have de-emphasised its role in leading the IONS initiative. He adds that it might not have gone down well with the other member navies and also perhaps made internal support for IONS from other departments of the Indian government a bit less forthcoming.<sup>210</sup>

India's role in strengthening IONS and making it more effective could include the following:<sup>211</sup>

- a. Funding for maintenance of patrol boats (for Indian Ocean island nations) under IONS.
- b. Offering training programmes under IONS rebranded as ITEC-IONS.
- c. Provide the bulk of secretarial support, including administering the website and publication of IONS newsletter and Ionsphere.
- d. Leverage bilateral relations and goodwill to encourage non-member navies to join IONS.
- e. Host, or provide major support for, IONS-led exercises.
- f. Invest in branding to give IONS greater visibility.

**Australia:** Australia has provided dynamic leadership to IONS while the chair for the period 2014-2015, during which significant developments occurred such as participation by Iran at the Perth symposium, Pakistan joining as a member, composition of IONS Working Groups, and steering IONS' convergence with IORA. However, Australia will need to continue pulling its weight in IONS and it could do so in ways similar to the IN, as described above. Additionally, the RAN could also consider the following measures:-

- a. Although Australia has the most advanced national MDA system in the Indian Ocean, its regional cooperation arrangements are thin. It needs to think about how it might develop regional cooperation arrangements to the advantage of the region and itself.<sup>212</sup>
- b. Actively engage with both IONS and WPNS and, if possible, act as the bridge between the two to share best practices.

**France:** France's core national interests extend to the Indo-Pacific and includes 93 per cent of her EEZ, 1.5 million of her citizens, a strong military presence and transaction of over 70 per cent of her trade.<sup>213</sup> It is a strong maritime power that has the greater capability as well as greater acceptability in the IOR and is known for not taking sides in regional disputes. Its growing relationships with India and Australia provide an excellent opportunity for trilateral cooperation which could eventually reinforce IOR's maritime security.<sup>214</sup> Since France faces similar challenges as other littoral states in the IOR,<sup>215</sup> it would be more willing to commit resources for cooperative maritime security than other great powers which might have peripheral interests in the region.

## Conclusion

*'IONS is not only a ray of hope for the Indian Ocean Region but also a forum of immense importance for the Asia Pacific and the adjoining oceans.'*<sup>216</sup> — Mr Md Abdul Hamid, President of Bangladesh

As IONS enters its second decade, it faces a more complex geostrategic landscape where the significance of the IOR itself is now being subsumed within a larger geopolitical construct of the Indo-Pacific and competition between two significant powers in the region increasingly manifests in regional issues. At the same time, the number of transnational maritime threats that existed ten years ago continues to challenge the ability of nations to maintain good order at sea. It is also ironic that even in the face of evolving security scenario in the region, the IOR nations have preferred to maintain the status quo as far as a regional response to maritime security is concerned. In a large measure this inertia is due to more urgent and important problems – most of them concerning internal security, human development and bilateral relations – which absorb almost all their resources and time. In sum, the reality remains that, as pointed out by Cordner, 'IOR states have yet to comprehensively embrace regional maritime security challenges'.<sup>217</sup>

There is a wide chasm between the kind of security architecture that might be desirable in the IOR and what might be possible. It is also clear that, given the present capabilities of IOR nations and a reasonable assessment of their future capacities, there would perhaps never be enough resources to devote to regional maritime security. Therefore, the best bet for IOR littorals would be to incrementally improvise – with imagination and practical solutions - how they conduct the business of cooperative maritime security. Would such a collective and cooperative track of maritime security be charted by IONS is in itself a matter of debate? Many experts opine that IONS should not be expected to deliver what it wasn't designed to do. At the same time, others readily point out the absence of any other forum (excepting IORA) that could serve this purpose.

Therefore perhaps, is a need to deliberate upon the role of IONS and in what ways can it contribute to maritime security in the IOR? This should include focussing on small, flexible groups of willing partners to deliver 'public goods' of maritime security and yet continue to reinforce the notion of IONS-led activities. Perhaps an IONS quad – Australia, India, Indonesia and South Africa – could do the trick. Much of IONS success would also depend on the connections which it can make with other organisations in the region and beyond, such as the IORA and WPNS.

Nothing that has been said above can be achieved without the support of respective governments. Some experts believe that 'governments of the region must provide the maximum possible traction to the IONS construct as this is the only one likely to yield regional coherence on issues of maritime security'<sup>218</sup> and also that IONS navies must extract this political top cover from their respective governments.<sup>219</sup>

In this paper, a cursory examination of the various non-traditional security challenges in the IOR was carried out; existing sub-regional organisations have been enumerated and it has been highlighted that the IOR is characteristically devoid of habits of cooperation. The various issues that adversely impact the promotion of cooperation among the IOR states have also been studied. Specifically, in the foregoing context that has been outlined thus far, the effectiveness of IONS as a regional cooperative maritime security forum has been examined. The paper concludes that in its relatively short history, IONS has tracked well in the uncharted waters of maritime cooperation in the IOR and has made some credible achievements, including many 'firsts' in the region. At the same time, however, academic experts and even practitioners of maritime security and safety had assigned to IONS a role that perhaps its founders had not envisioned. This was because the idea of pan-IOR maritime security cooperation, which had remained elusive for several decades, appeared alluringly within grasp through the IONS. Expectedly, while IONS did what it could, the broader aspect of maritime security cooperation in the IOR has continued to languish.

This paper has presented a set of recommendations that could enhance the effectiveness of IONS in promoting regional maritime security. However, the future roadmap for IOR maritime security must also allow a more significant role for other maritime agencies like the coast guards. Above all, at least soon, much of what IONS can achieve will depend on how Australia, France and India can steer this unique and useful forum towards greater effectiveness.

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# MARITIME MILITARY POWERS IN THE INDO-PACIFIC REGION: A COMPARATIVE ANALYSIS OF JAPAN, AUSTRALIA AND INDIA, 1980-2017

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## Introduction

The global maritime domain exists not only for logistics and commercial traffic but also as a military operational domain in which state actors compete. It is important to understand each actor's maritime military strategies and the best framework for an analysis of these strategies. This paper uses a comparative analysis of Japan's, Australia's and India's military strategies in the maritime domain from 1980 to 2017. It examines their force building and their tendencies at the military-strategic level, as per the analytical framework illustrated in Table 1.

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Japanese Ship Onami (DD-111) passes port side of HMAS Ballarat during Exercise Malabar 2020.

Name	Power direction	Definition
Area denial	Land/coast to the sea	Denying military threats from the maritime domain. This encompasses the theatre-level operation, roughly one thousand to two thousand kilometres from the coastline.
Sea control	On the sea	Securing military superiority in the maritime domain, and impeding opponents' military action at the sea.
Power projection	From the sea to land/coast	Projecting military hard power against other territories from the maritime domain, to accomplish the military-strategic ends.

Table 1: The analysis framework of this article<sup>1</sup>

Based on this framework, this article reveals the three powers' military strategies in the maritime domain and whether they proactively aim to enhance their influence in the maritime domain or aim to project their hard power onto other countries/areas.

Firstly, the paper analyses previous naval strategic theories or maritime theories: 'sea power arguments'. Secondly, it clarifies the appropriateness of the strategies, based on an analysis of the military-strategic environments of the Far East theatre in the late Cold War era and the current Asia-Pacific theatre. Finally, this article examines case studies for the three countries and their transition of military strategies, and explains the cause-and-effect relationship between US military predominance in the maritime domain and their military strategies.

## 'Dualisms' in sea power

Many strategists' sea power arguments are derived from Alfred Thayer Mahan and Julian Corbett, history's best-known sea power strategists. Elinor Sloan argues that 'a handful of scholars, analysts and practitioners' are associated with post-Cold War strategic thought on sea power. Their ideas have helped to modernise, elaborate and advance the limitations of Mahan and Corbett.<sup>2</sup>

Some previous sea power arguments were preoccupied with 'dualism', shaped by Mahan's 'sea control' and Corbett's argument of 'projecting power from the sea'. James Holmes and Toshi Yoshihara examine Chinese naval strategy in the 21st century, and their main hypothesis is that 'Alfred Thayer Mahan's writings and theories on sea power furnish an indispensable framework for understanding China's emerging maritime strategy'.<sup>3</sup> A similar idea can be seen in British Maritime Doctrine, published in 2011:

*The principles of British maritime power apply across the full spectrum of maritime activity which delivers the military tasks detailed by the government. Using Alfred T Mahan and Julian Corbett's works, Ken Booth described a 'trinity' of '3 characteristic modes of action by which navies carry out their purposes: namely the military, the diplomatic and the policing functions'.<sup>4</sup>*

During the Cold War, the US Navy regarded sea control as more important than power projection. In 'Project Sixty', the secret strategic document initiated by Admiral Elmo Zumwalt in 1970, the US Navy re-adapted this strategy against the Soviet threat. The report argued that the US Navy should regard sea control as taking precedence over power projection.<sup>5</sup>

The US emerged as the predominant military force and a unipolar superpower after the

Cold War in 1989 and subsequent dismantling of the Soviet Union in 1991. Following this, the military-strategic environment drastically changed alongside the paradigm shift in the international political system, including the justification of interference and commitment based on ‘the victory of democracy’. James Mayall explains the critical issue regarding international society in the post-Cold War era:

*Since 1989, the problem of cultural and political diversity has resurfaced in international life. It manifests itself in three closely related, and over-lapping, debates, which form the main focus of this book. These debates are about sovereignty, democracy and intervention. To be more precise, they are about the meaning and relevance of sovereignty and its relationship to national identity and the principle of self-determination; about the claim that democracy should form the basis of the world order – with its upshot that democratisation should be both the objective and the primary instrument of conflict resolution; and about the possibility of using outside force, not merely to deter aggression and that justification for intervention should be humanitarian.<sup>6</sup>*

This ‘claim’ to democratise the remaining non-democratic countries during the post-Cold War era justified interference in and commitment to certain foreign regimes. The ‘Western pact’ meant the victory of values: liberty and democracy. At that time, the US and its allies’ military power enjoyed supremacy in the maritime domain without competitors. Their military power was one of the key enablers to realise commitment to international society and was underpinned by US sea control. Furthermore, the military focal point inevitably moved from sea control to power projection, which enabled physical commitment to other countries beyond the sea. In 1994 the US Navy publication, *Forward... From the Sea*, explained the strategic way ahead for the US Navy, which now gave power projection its highest priority.<sup>7</sup>

This fundamental shift was a direct result of the changing strategic landscape, away from global maritime threats and towards projecting power and influence across the seas in response to regional challenges. Additionally, many sea power arguments did not pay enough attention to area denial despite the fact that it relates to homeland defence directly and is an essential factor of military power. Further, there are other geopolitical viewpoints for sea power arguments. For example, Vice Admiral Tim Barrett, former Chief of the Royal Australian Navy, described the sea power concept: ‘If there is a core concept that has underpinned traditional consideration of sea power, it is the interlinked ideas of sea control and sea denial.’ Barrett’s words highlight another dualism, namely ‘sea control and sea denial’.<sup>8</sup> His geopolitical viewpoint was mirrored by Halford Mackinder, who described the confrontation between Ancient Greece and Persia as an ‘issue was joined between sea-power and land-power’, over the domination of the Aegean Sea.<sup>9</sup> In a conventional geopolitical contention, sea power and land power configure an axis of conflict and a further dualism. This geopolitical argument, ‘competition between land power and sea power’, is significant in various fields such as diplomacy, economy, trade and history, and it is quite difficult to explain clearly whether one country can be defined as a sea power or land power in military strategy terms.

US dependence on sea lines of communication (SLOC) is relatively small because the country’s domestic fuel market is less dependent on imported fossil fuels than China’s. On the other hand, the US is regarded as a sea power because of its military overseas deployments and their influence in the maritime domain. In contrast, many people think of China as a typical land power. China depends on imported fossil fuels due to its rapid economic development since the end of the 20th century. Roughly 78 per cent of the oil imported by China in 2011 sailed from the Middle East and Africa. China imports about 80 per cent of fossil fuels via the Malacca Strait, and based on this, it is possible to define China as a sea power.<sup>10</sup>

Previous sea power arguments can be classified into two dualisms: ‘sea control and power projection’, or ‘sea control and area denial’. However, these two approaches cannot explain military strategy in the maritime domain comprehensively. The next two sections show the appropriateness of this article’s analysis framework of area denial, sea control and power projection.

## The Far East theatre during the Cold War era

In the 1980s, the ‘New’ Cold War surfaced with a high-intensity military confrontation between two superpowers. At that time, the Soviet Union realised that submarine-launched ballistic missile (SLBM), and nuclear-powered, ballistic missile-carrying submarines (SSBNs), were the country’s most critical asset due to their stealth and mobility, assuring the Soviets second strike capability in their nuclear deterrence policy. This ‘deterrence by punishment’ capability was central to the strategic stability between the United States and the Soviet Union. Accordingly, the functionality of the Soviet Navy changed from an auxiliary force to one that enjoyed ‘truly strategic missions’.<sup>11</sup> But this did not mean that the Soviet Navy changed its order of battle symmetrically in comparison to the US Navy. Michael McGwire regarded the Soviet Navy as ‘not as self-contained as the U.S. Navy’, but as ‘task-specific fleets’ to protect SSBNs.<sup>12</sup> McGwire explained that the Soviet Navy concentrated on securing the Sea of Okhotsk, the SSBNs’ patrol area, as a ‘maritime bastion’.<sup>13</sup> The main mission of large surface combatants is to secure their nation’s SLOC and to defeat an adversary’s maritime forces in the open sea – this is called sea control. But the Soviet Navy often used its surface combatants as one of its area denial components. The main mission for the Soviet Navy was to deny US naval forces access to the Soviets’ SSBN patrol area. This strategic direction was called ‘sea denial’, used as a synonym for area denial in this article.<sup>14</sup> To conduct a sea-denial strategy, Soviet forces used a variety of assets: nuclear submarines, surface vessels, missile-carrying and anti-submarine warfare (ASW) naval aviation, naval infantry and coastal missile-artillery troops.<sup>15</sup> Until the late 1970s, the Soviet Navy’s order of battle surpassed that of the US except for aircraft carriers.<sup>16</sup> The Soviets deployed their supersonic long-range bombers, such as the Tu-22 ‘Backfire’, to deny US forces operational access, as well as fortifying some of the critical sea areas. The US and its allies prioritised an offensive capability to capture these fortified seas.

At the beginning of the 1980s, the US Navy adopted the Maritime Strategy to overcome the Soviets’ hard area-denial posturing. The 1984 version of the US Maritime Strategy recognised the Soviet Union’s sea-denial capability, as reflected in Figure 1.<sup>17</sup> At that time, the US Navy recognised that Soviet forces had achieved sea

### Initial wartime areas of operation



Figure 1: The Soviet Union’s area denial in the late stage of the Cold War

control in the surrounding seas and were able to carry out sea denial within 2000 kilometres of the 'sea control' area's outer edge. 'Soviet sea control', which is defined in the Maritime Strategy, meant that the Soviets had exclusive use of geographic/climatic closed seas, including the Sea of Okhotsk, the North Sea and the Barents Sea. This definition has a quite different context in comparison with the conventional definition, which indicates freedom of use of the sea or SLOC in the open seas. Accordingly, 'sea control' in this context, which encompasses occupying geographic/climatic closed seas, will be categorised with area denial in this article.

### Soviet Operations in the Sea of Okhotsk/Northwest Pacific

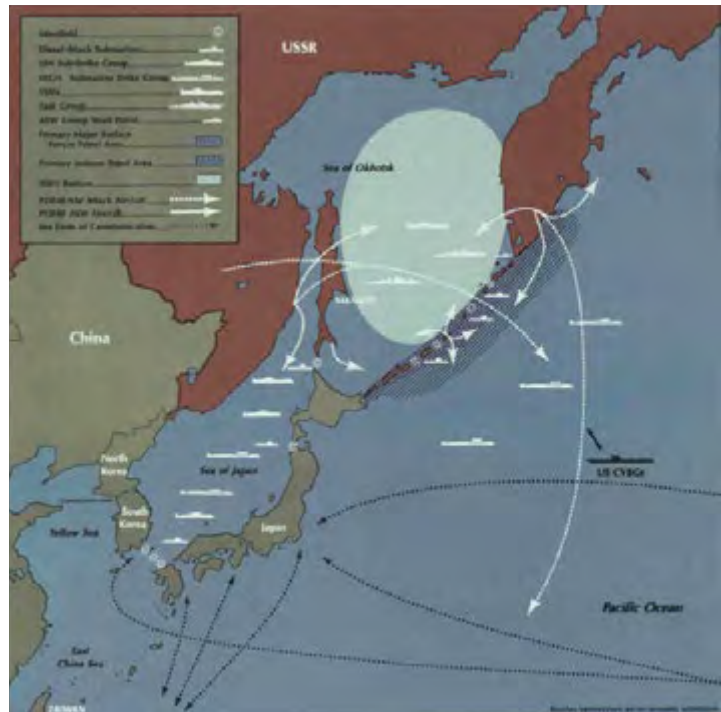


Figure 2: The Soviet Union's 'maritime bastion strategy'

The US Navy estimated that Soviet air and maritime assets would deploy to the vast operational area beyond the Kamchatka Peninsula and the Aleutian Islands to deny US naval forces. Figure 2 illustrates the deployment of both forces in the late stage of the Cold War.<sup>18</sup> This shows that nuclear submarines deployed from their base in the Kamchatka Peninsula to the western Pacific, long-range bombers from inland, and surface combatants advanced from Vladivostok to the southern part of the Sea of Okhotsk. It was anticipated that the Soviet Navy would lay mines around the Aleutian Islands and the Tsushima Strait to deny the US aircraft Carrier Battle Group.

Japan's 'National Defence Program Outline', formulated in 1976, showed that Japan expected US nuclear capability as an extended deterrence,<sup>19</sup> and also expected US forces to secure SLOC in the open seas, coupled with a series of offensive operations.<sup>20</sup> The Japan Self-Defence Forces (JSDF) complemented US sea-control and secured geographic space for US power projection by interrupting Soviet forces. To accomplish this, the Japan Maritime Self-Defence Force (JMSDF) aimed to interrupt Soviet surface combatants and submarines in the chokepoints, especially the Soya, Tsugaru and Tsushima Straits. The primary mission for the Japanese Air Self-Defence Force (JASDF) was air defence operations, while the Japanese Ground Self-Defence Force (JGSDF) protected the northern part of Hokkaido and provided shore defence with land-based anti-ship missiles.<sup>21</sup> The primary mission of the three services was to establish Japan's area denial against the Soviet Union's area-denial strategy.<sup>22</sup> As Figure 3 shows, Hokkaido, the Soya Strait and the Tsugaru Strait were considered to be within the Soviet Union's 'inner-defence zone' for its maritime bastion strategy.

Japan was the only location in the western Pacific Ocean that could provide sufficient industrial and technological infrastructure to US forces. Guam and other surrounding locations could supply water, provisions and fuels, temporarily. The increase in operational distance mitigated plans to conduct out-of-range operations to minimise battle damage and weakened conventional power-projection capability.<sup>23</sup> Despite vulnerability to military attacks, the Japanese needed to carry out an area-denial strategy before US forces performed their offensive strategy of sea control and power projection.

### The Asia-Pacific theatre in the 21st century

Since the latter half of the 2000s, many military strategy analysts recognised that China has enhanced its military capability in tandem with its rapid economic development, using a military strategy often called ‘Anti-Access/Area Denial’ (A2/AD). A 2007 report published by the RAND Corporation claimed that China would not challenge US military superiority in symmetrical ways but would develop a surprise pre-emptive attack capability, otherwise known as an ‘anti-access strategy’.<sup>24</sup> The People’s Liberation Army (PLA) recognised its military technological inferiority and intended to reform its force structures to win the local ‘high-tech’ wars. The US and its allies showed their military superiority during the Gulf War, during which time the PLA could not respond to the US Carrier Strike Groups (CSGs) deployed around Taiwan in the Third Taiwan Strait Crisis. The CSGs showcased their highly accurate and lethal firepower; joint use of air, land and sea forces; intense use of information technology; and high mobility, lethality and resource consumption.<sup>25</sup> Moreover, the RAND report concluded that the ‘anti-access strategy’ imposed a huge ‘operational access’ cost on US forces.

Accordingly, the strategic end of the PLA’s A2/AD strategy is to deny US power projection typified by the CSG asymmetric force structure. This concept is similar to the Soviet Union’s ‘maritime bastion strategy’ or ‘sea denial’ during the Cold War and categorised as ‘area denial’ in this article. As shown in Figure 4, the PLA established its area-denial capability–



Figure 3: Japan’s recognition of the Soviet Union’s maritime bastion strategy

### “The Dragon’s Lair” Portions of the Western Pacific Most Vulnerable to Chinese Antiaccess Measures

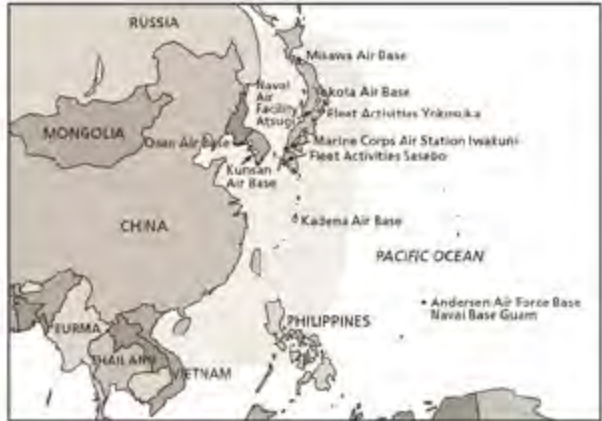


Figure 4: The PLA’s area denial in 2007

the ‘dragon’s lair’– within an area stretching about 1500 kilometres from the Chinese coastline and covering parts of Japan’s mainland, Taiwan and the northern half of the Philippines.<sup>26</sup> Therefore, all the facilities of US forces in Japan were positioned within the PLA’s area-denial capability. The US had few alternatives in the Asia-Pacific region, so both Japan and the US maintained these facilities for US power projection capability, despite pre-emptive attack possibilities.

The weapons used specifically for A2/AD include ballistic missiles, cruise missiles, anti-satellite weapons, air-defence systems, submarines and mines.<sup>27</sup> Figure 5 shows Andrew

Krepinevich’s view on capability, and supposes that the PLA’s area-denial strategy can interrupt US power projection in the seas remote from China’s homeland, similar to the Soviet Union’s ‘maritime bastion strategy’ shown in Figure 1.28

Many argue about China’s military strategy. Aaron Friedberg defined ‘Air-Sea Battle’ as a ‘direct approach’ against China’s A2/AD strategy. He described various alternatives and categorised them in two

ways: distant blockade and maritime denial.<sup>29</sup> Distant blockade aims to contain China’s maritime transport, such as crude oil tankers, based on US sea control outside of China’s A2/AD capability. Maritime denial aims to deny the PLA’s air and naval assets deployment by using submarines, mines, stealth aircraft and unmanned aerial vehicles operating within the PLA’s A2/AD coverage. With maritime denial, US forces would abandon their sea control, with the strategic end of disrupting their opponents’ sea control as the second-best way. This is called ‘maritime no-man’s-land’ because each side cannot take sea control around the contested area.<sup>30</sup> It is possible to carry out highly precise area-denial strategies equally if each actor possesses advanced military capability. Contemporary military strategies in the maritime domain should be analysed not by dualisms – ‘sea control or power projection,’ and ‘sea control or area denial’ – but by these three elements: ‘area denial, and sea control, and power projection’.

### Emerging chinese ant-access/area-denial capabilities



Figure 5: The PLA’s area denial assets

## Sea power utilities

There are various utilities of sea power besides military use. Ken Booth famously argued that the navy has three roles: military, policing and diplomatic, as shown in Figure 6.<sup>31</sup> The military role encompasses strategic deterrence, conventional deterrence, extended deterrence and maintaining international order.<sup>32</sup>

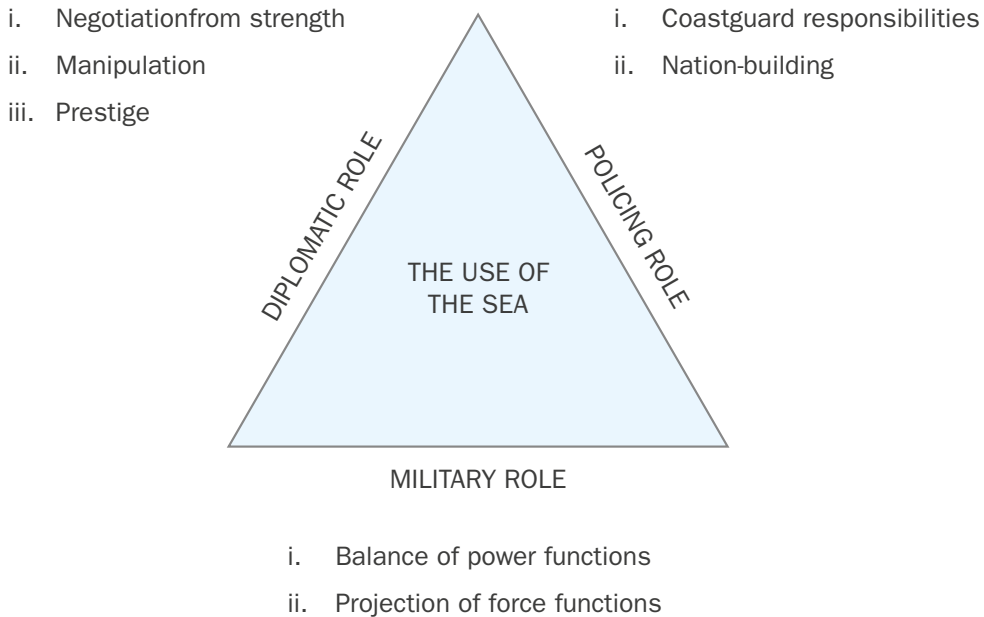


Figure 6: Ken Booth's 'trinity' of naval roles

Booth argues that sea power has been used in both peacetime and war-fighting situations and is more flexible than land power that deploys force beyond its territory and which typically means invasion. In contrast, sea power's flexibility has seen naval forces used for various tasks in peacetime and deployed globally. Likewise, Edward Luttwak stated that 'in having a peacetime political function in addition to their combat capabilities, naval forces are like all other forms of military power, only more so'.<sup>33</sup> Luttwak also argued that various political uses of naval power can be outlined as 'suasion', which tells a nation's intention to all opponents. The US Navy carried out over 70 counts of 'suasion' between post-World War II to the 1970s.<sup>34</sup>

Vice Admiral Stansfield Turner, President of the US Naval War College in the 1970s, argued that the missions of the US Navy were four-fold: strategic deterrence, sea control, projection of force ashore, and naval presence, as shown in Figure 7.<sup>35</sup>

Turner argued that peacetime uses of sea power were recognised as the

### INTERDEPENDENT NAVAL MISSIONS USEFULNESS OF CATEGORIZING NAVY MISSIONS

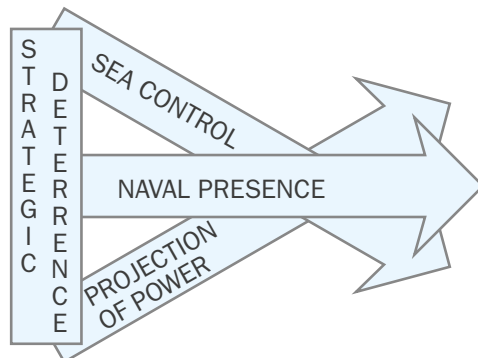


Figure 7: Missions of the U.S. Navy in the 1970s



navy's main mission from the 19th century as follows: 'the first and only mission of the earliest navies was sea control', but 'during the 19th century, the term "gunboat diplomacy" came into the naval vocabulary'.<sup>36</sup> The 2015 revised version of A Cooperative Strategy for 21st Century Seapower explains the main functions of the different capabilities: all domain access in response to rising anti-access/area denial challenges, deterrence, sea control and power projection, and maritime security to combat terrorism, illicit trafficking, piracy and threats to freedom of navigation in the maritime domain.<sup>37</sup>

It is useful for each country and navy to explain its view of the utility of sea power in peacetime and not just during war-fighting. Such an explanation can appeal to naval forces' value during peace and verify their legitimacy at all times. But when we aim to assess military capabilities in the maritime domain, especially the analysis of high-intensity capabilities, it is not appropriate to confuse peacetime usage and war-fighting capabilities. For a capability-based assessment, it is appropriate to assess war-fighting capability, which is based on area denial, sea control and power projection, rather than political or diplomatic usefulness. In the following sections, this article analyses the military strategies of three major actors in the Indo-Pacific region: Japan, Australia and India.

## Case study 1: Japan

Japan's maritime military strategy can be categorised according to three different time periods between 1980 and 2017. First, the late Cold War era, during which Japan dealt with the Soviet Union's maritime bastion strategy; second, the country's maritime commitment in the post-Cold War era; and finally, Japan's response to China's maritime expansion in the 21st century. Japan was located within the Soviet Union's area-denial capability and resided within the operational range of the Soviets' advanced command, control, communications, computers and intelligence (C4I) network, long-range bombers and missiles. Accordingly, Japan had to develop capabilities such as anti-air warfare (AAW), anti-submarine warfare (ASW) and mine warfare (MW) to offset the Soviet Union's hard area-denial capability and secure the geographic basis for US power projection and the protection of Japan's SLOC. Defence of Japan 1986 described major maritime operations conducted by JMSDF and the US Navy as:

### JMSDF

- Operations for the protection of Japan's major ports and straits;
- Anti-submarine operations in Japan's surrounding sea;
- Operations for the protection of shipping.

### US Navy

- Support JMSDF operations;
- Providing mobility and strike power.

Also, Defence of Japan 1986 explained JASDF operations as:<sup>38</sup>

- Air defence;
- Anti-airborne and anti-amphibious invasion;
- Close air support;
- Airborne reconnaissance;
- Airlift.

In the late 1980s, Japan's Defence Agency introduced a new interceptor, the F-15, and the P-3C maritime patrol aircraft in the Medium Term Defence Program (FY1986–FY1990)<sup>39</sup> and decided to develop an at-sea air defence capability by introducing the AEGIS combat system.<sup>40</sup> In this way, the JSDF developed its area-denial capability within Japan and its surrounding seas. This development aimed to secure the geographic basis for US power

projection and complemented US sea control through air defence capabilities such as an AEGIS destroyer and wide-area ASW capabilities like the P-3C.

After the Cold War, and based on US military predominance, Japan aimed to extend its overseas influence, especially in the security domain. Soon after the conclusion of the Gulf War in April 1991, the Japanese government ordered the JMSDF to deploy a minesweeper group to the Persian Gulf. This group consisted of four minesweepers, a minesweeper-tender and a replenishment vessel. This was the JSDF's first overseas deployment, after which it took part in various international and security peacekeeping activities, and humanitarian assistance/disaster relief (HA/DR) operations such as the Sumatra-Andaman earthquake and the 2004 tsunami.

In addition to HA/DR operations, the Japanese government ordered the JMSDF to deploy surface combatants and replenishment vessels to the Indian Ocean by the enactment of Antiterrorism Special Measures Law in October 2001. Since 2009, the JMSDF has participated in anti-piracy operations in the Gulf of Aden. The JMSDF extended its maritime operational area rapidly, and the JSDF was not limited to peacetime activities, actively supporting low-intensity conflicts. In 2008, Rear Admiral Tomohisa Takei, Director General of Operations and Plans Department in the JMSDF Maritime Staff Office, stated that military forces or alliances are compelled to redefine their roles and significance because the possibility of a high-intensity or large-scale conflict had decreased. On the other hand, the Japanese military forces were committed to contributing to international stability. Not unlike other military forces around the globe, the operating environment surrounding the JMSDF has rapidly expanded globally.<sup>41</sup>

As a counterpoint to this view, the instability surrounding Japan in the post-Cold War era remains. North Korea is the most imminent threat to Japan because of its ongoing use of spy boats and development of prohibited nuclear weapons and ballistic missiles. After the National Defence Program Guideline for FY2005 and Beyond, JSDF official publications highlighted ballistic missile defence as one of the JSDF's major missions.<sup>42</sup> Japan continues to support anti-terrorism operations and contributes to international security and expanding its political presence, while recognising the direct military threat close to home. Takei argued the strategic ends of Japan's maritime defence as:<sup>43</sup>

- Defending Japan's surrounding seas;
- Securing freedom of use of the sea;
- Contributing to establishing a more stable security environment.

To adapt to the drastic changes in the security environment of the post-Cold War era and the expansion of its operational areas, the JMSDF developed its force structure in a self-contained fashion. This trend developed into a long-term operational capability in far seas known as 'sea-basing', as well as a stronger air defence capability. In particular, this has seen the introduction of Osumi class LST landing vessels, and Hyuga and Izumo class helicopter carriers (CVH). The JMSDF has continuously developed its ability to conduct independent sea control operations in far seas even after the 1980s.

Despite having a far-seas operational capability, Japan has maintained a strategic defensive posture since World War II. The JSDF does not possess power projection capability for high-intensity conflicts, such as a conventional take-off and landing (CTOL) aircraft carrier, or land-attack cruise missiles. In the same way, the JASDF does not possess long-range bombers, and its primary capabilities are interceptors, attack aircraft for close air support, and air defence missile systems.<sup>44</sup> The JASDF has operated airborne early warning aircraft since 1987 and possesses joint direct attack munitions (JDAM). Accordingly, the JASDF has basic land-attack capabilities, but does not possess a stand-off electronic jammer

necessary for penetration of an adversary's air defence capability. The ability to conduct high-intensity operations can only be performed within Japan's homeland and surrounding air area, which means that the JASDF components should be categorised as having an area-denial capability. The JASDF has expanded its operational area to the maritime domain, a change that can be seen in the 2010 National Defence Program Guideline for FY2011 and Beyond as a 'response to attacks on offshore islands'.<sup>45</sup>

China has rapidly developed its military power during the 21st century. Its primary strategic objective is to construct advanced theatre-level area denial, including 1000 kilometres from its coastline, and to maintain local military supremacy. Since 2010, the PLA Navy (PLAN) has built large surface combatants such as aircraft carriers, missile destroyers and amphibious assault landing vessels, rather than the diesel submarines and small missile patrol boats that are typical area-denial assets. Accordingly, the PLA is not only developing its A2/AD strategy against the US and allies, but continues to expand its sea control and power projection capabilities. Backed by this advanced military capability, China continues its assertive diplomatic behaviour with regards to ongoing territorial disputes in the East and South China Seas.

Similar to the environment during the Cold War, Japan is prepared to respond to any advanced area-denial strategy near Japan's territory. To do so, Japan has to establish its area-denial capability to secure US power projection infrastructure and complement US sea control for securing Japan's SLOC. While the US Navy argues the necessity of re-enforcing sea control capability, the JMSDF has increased its number of surface combatants.<sup>46</sup> In 1976 the JMSDF had 60 major surface combatants, as stated in the National Defence Program Outline (NDPO), but this decreased to about 50 in 1995's NDPO, then 47 in 2004's National Defence Program Guideline (NDPG). This decreasing trend in ship numbers was reversed in 2010's NDPG and increased to 48, and then revised up to 54 in the 2013 NDPG. On Japan's area-denial capability, the number of submarines increased from 16 to 22 in 2010's NDPG. The 2013 NDPG also stated that 'The JSDF will maintain surface-to-ship guided missile units to prevent the invasion of Japan's remote islands'.<sup>47</sup> In this way, the JSDF gradually revised its capability to deal with China's maritime expansion through adjusting the resource distribution between sea-control capability and area-denial capability.

Tables 2 and 3 outline the numerical transition of JMSDF's assets from 1984 to 2014.<sup>48</sup> The numbers of major JSDF assets were limited through the annexed table in each NDPO and NDPG and can be observed as quite static, thus it is important to pay attention to the qualitative transition. The number of major vessels in the JMSDF is shown in Table 2.

Type	1984	1994	2004	2014
Submarine	14	17	16	18
Escort Vessel	50	61	54	47
Landing Ship	6	6	3	3

Table 2: The numerical transition of JMSDF submarines, escort vessels and landing ships, 1984–2014

Table 2 shows the number of maritime assets that are designated by annexed tables in each NDPO and NDPG. 'Escort vessels' with a displacement of less than 3000 gross tons are classified as 'frigates', while vessels greater than 3000 gross tons are shown in Table 3.<sup>49</sup> A 'large surface combatant' (according to Jane's Fighting Ships or The Military Balance) is classified as a vessel that is larger than 3000 gross tons.

Type	1984	1994	2004	2014
Submarine	14	17	16	18
Helicopter Carrier	-	-	-	2
Cruiser	-	-	-	2
Destroyer	19	35	44	37
Frigate	31	26	10	6
Landing Ship	6	6	3	3

Table 3: The numerical transition of JMSDF major sub/surface assets, 1984–2014

Table 3 shows the increase in large surface combatants after the Cold War era. All platforms are equipped with advanced satellite communication, tactical datalink and anti-air missile systems to contribute ASW and AAW at sea. Also, the number of submarines is gradually increasing. The JMSDF's sea-control capability is limited, because it does not possess any CTOL aircraft carriers or other such powerful assault capabilities. However, it has, developed sea-basing and sea-control capabilities to respond to high-intensity conflicts to a certain degree. Conversely, the number of frigates smaller than 3000 gross tons has decreased remarkably because the total number of surface combatants is fixed by the NDPG. In conclusion, Japan's maritime military strategy is configured to distributing resources between sea-control capability, which complements the US, and area-denial capability, aimed at countering China's military developments.

## Case study 2: Australia

Australia's approach is different from Japan's and India's because it has not yet recognised the imminent and advanced military threats that have arisen since the end of the Cold War, taking for granted US military dominance. For a long time after World War II, Australia complemented British or American sea control, yet also remained committed to helping regional neighbours during peacetime or low-intensity conflicts. Since the 1990s, the Australian Defence Force (ADF) has developed power projection through the acquisition of amphibious capabilities and simultaneously invested in their Collins class diesel submarines and Lockheed AP-3C Orion maritime patrol aircraft. Accordingly, the ADF has gradually changed its force structure to control Australia's vast territory and surrounding seas. On the other hand, according to Paul Dibb and Richard Brabin-Smith, 'we're still planning on roughly the same number of combat aircraft as were considered appropriate 30 years ago for the "core force"', and 'The numbers of frigates and destroyers are also little changed'.<sup>50</sup>

The centre of gravity in the Cold War was located in the Far East theatre, especially in the Sea of Okhotsk, which meant that the Soviet Union's military presence deployed around Australia was limited both in quality and quantity. Since the Cold War, Australia's strategy has been to stabilise South East Asian countries, such as Indonesia and Papua New Guinea, and the surrounding maritime domain. For the most part, Australia has committed to low-level operations and conflicts in this area. The Royal Australian Navy (RAN) has consistently emphasised sea control by surface combatants and has gradually invested in amphibious capability and power projection in the post-Cold War era. The Royal Australian Air Force (RAAF) has also focused on power projection rather than territorial air defence. However, since 2010 China has been expanding in the South China Sea and the Western Pacific theatre and Australia may soon face a large power directly in the maritime domain. Many experts, scholars and practitioners have argued back and forth on these developments, but these arguments have not caused any real strategic change, especially in the ADF's force structure.

During the Cold War, Australia was a Commonwealth member and party to the Western pact through the ANZUS Treaty. In the 1960s, the Soviet Union's military influence did not affect Australia directly. However, in Indonesia, the Sukarno administration took a pro-Communist posture, and its political regime was considered a potential threat to Australia. An Australian political document published in 1963 stated that 'a threat to Australia's strategic interests could arise from an ultra-nationalist Indonesia pursuing an expansionist policy'.<sup>51</sup> The political instability of Indonesia, or the Malay Peninsula, was a threat to Australia's SLOC.<sup>52</sup> At that time, the RAN's main force was composed of equipment purchased or supported technologically by the UK: the RAN's submarines were based on the Royal Navy's (RN) Oberon class; the RAN's aircraft carrier, HMAS *Melbourne*, was one of the RN's Majestic class; and the RAN River class frigates were a sister class of the RN's Type 12 frigates.<sup>53</sup>

The declaration of 'British withdrawal from the East of Suez' in the late 1960s had a huge impact on Australia's security and diplomacy. 'The British Withdrawal' is the name of a chapter in the 1968 strategic document 'Strategic Basis of Australian Defence Policy', which includes these lines:

*The withdrawal of British military power from Malaysia/Singapore by 1971 and the large reduction in its strategic support to South-East Asia will weaken the position in the Malaysian/Indonesian area. In respect of China and North Vietnam, the responsibility for preserving the balance of power has been, and will continue to be, the United States.*<sup>54</sup>

Australia relied on US military power more than ever after the British withdrew from Asia in the early 1970s, and Australia fought alongside the US in the Vietnam War. Australia's geographic proximity to South East Asia was influential and of great benefit to the US during the geographic-limited conflict within the land domain. In the maritime domain, the strategic centre of gravity was consistently located in the Far East theatre, especially in the Sea of Okhotsk as the Soviet Union's 'sanctuary'.

From the late 1970s, the Soviet Navy expanded its operational area and strengthened its political presence around South East Asia. For example, Cam Ranh Bay in Vietnam was the replenishment base for the Soviet Navy, though its activity was ad hoc due to the US Navy's sea control. In a strategic document published in 1976, the Australian Department of Defence evaluated the Soviet Union: 'At present, the USSR offers Australia itself no direct military threat – although, in the improbable event of general war, the USSR might attack Australia with nuclear weapons.'<sup>55</sup> Because Australia's strategic environment held no imminent or high-intensity threat, the RAN and the RAAF existed to complement US forces and were committed to low-intensity conflicts as a primary mission during the late Cold War era.

The RAN has not possessed an aircraft carrier since the retirement of *Melbourne* in 1982. In a secret study about the future of naval air power carried out between 1970 and 1971, the transcript of a meeting between the Australian Defence Minister and Admiral Elmo Zumwalt, Chief of US Naval Operations, noted that the Defence Minister was interested in a light aircraft carrier and vertical take-off and landing aircraft.<sup>56</sup> However, the main purpose of the study was to review amphibious and ASW capabilities. In that study, the RAN recognised that they did not possess large-scale ASW capability: 'It will include escort, support and/or focal area operations, but will exclude hunter/killer operations as being too unproductive for a force as small as Australia's.' A concept of 'helicopter ship and troop carrier (LPH) was at the forefront of the study'. This suggests that the RAN would implement ASW against Soviet submarines, whose operational area had expanded, and also deal with low-intensity conflicts with a commitment to South East Asia in mind, rather than supporting US sea control.

Australia's assessment of its strategic environment was consistent and did not change in the late Cold War era. The 1987 Defence White Paper, *The Defence of Australia 1987*, showed its strategic end-state as 'independent defence of Australia and its interests, promoting strategic stability and security in our region and limiting the spread of influences in our region inimical to Western interests'.<sup>57</sup> The paper mentions the alliance with the US: 'redistribution of power in favour of the Soviet Union in the central balance, or an extension of Soviet influence in our region at the expense of the United States, would be a matter of fundamental concern to Australia and would be contrary to our national interests'.<sup>58</sup> It goes on to say that 'no regional country now has the capability – nor the motivation – to sustain high level intensive military operations against Australia'.<sup>59</sup> Australia did not recognise any imminent high-intensity threat around its homeland and territorial waters. This paper proposed 'priorities for force development' and explains low-level conflict.<sup>60</sup>

Travis Hallen, a staff member at the RAAF Air Power Development Centre, argues 'this [self-reliance] direction would be provided. . . in Paul Dibb's 1986 Review of Australia's Defence Capabilities published and the subsequent 1987 Defence White Paper'.<sup>61</sup> But power projection capability, which is key for commitments to surrounding areas, was limited to major RAAF assets, such as the F-111, at that time. The RAN's amphibious capability was quite limited because the RAN did not acquire large landing ships during the Cold War era and possessed only one landing ship, HMAS *Tobruk* (5700 gross tons); only later, in 1994, did it acquire two larger Newport class LSTs from the US.<sup>62</sup>

Australia enhanced its commitment to surrounding areas and expanded its national interest based on US military predominance as a unipolar power during the post-Cold War era. The 1994 Defence White Paper defined the surrounding areas as 'comparatively peaceful' and mentioned the situation in the Korean Peninsula and territorial disputes around the South China Sea. The RAN developed its amphibious capability remarkably in the post-Cold War era. The RAN's capstone doctrine, *Australian Maritime Doctrine 2010*, examined amphibious capability under the heading 'The Fall and Rise of Australian Amphibious Capability, 1980s–2010'.<sup>63</sup> During the 1980s, government policy rejected an amphibious capability as inappropriate for Australia's defence force structure. However, a succession of regional crises highlighted inadequacies in the ADF's strategic lift, expeditionary and intervention capabilities, leading not only to the retention of existing amphibious vessels but also to the acquisition of additional capabilities. Since 1990, the RAN has continuously regarded amphibious operations as important. The RAN replaced the Newport class LSTs with two large amphibious assault ships, the Canberra class LHD (27,000 gross tons), and developed its power-projection capability.<sup>64</sup>

Australia's principal military strategy gave a high priority to proactive commitment during peacetime and low-intensity conflict rather than homeland defence against a high-intensity threat in the 21st century. The 2016 Defence White Paper indicates that Australia's strategic interests are 'a secure, resilient Australia, with secure northern approaches and proximate sea lines of communication; a secure nearer region, encompassing maritime South East Asia and the South Pacific; and a stable Indo-Pacific region and a rules-based global order'.<sup>65</sup> To accomplish these strategic goals, the White Paper explains the strategic priorities as 'Intelligence, Surveillance and Reconnaissance, Space, Electronic Warfare, and Cyber Security', and names the P-8A Poseidon maritime patrol aircraft and MQ-4C unmanned aerial vehicle as capabilities. It refers to 'Maritime Operations and Anti-Submarine Warfare Forces' and examines air defence capabilities such as the Hobart class Air Warfare Destroyer and a shipbuilding plan for nine future frigates 'optimised for anti-submarine warfare' and replacing the Anzac class frigates.<sup>66</sup>

Australia's maritime military strategy is based around the assumption of US military predominance in the maritime domain, and gives high priority to sea control in surrounding seas and power projection in surrounding areas. Sea control is regarded as important for responding to contingencies in peacetime and low-intensity confrontations and stabilisation operations in surrounding areas, rather than for a self-contained, high-intensity war-fighting capability. The RAN's Australian Maritime Doctrine states that one of the purposes of sea control is for 'Maritime Trade Protection', with the main threats from piracy and terrorism.<sup>67</sup>

Table 4 shows the dynamics of the RAN's major sub/surface assets. The RAN has not possessed aircraft carriers since 1982 and its force has remained fairly static except for changes in the amphibious force.<sup>68</sup>

Type	1980	1990	2000	2010	2015
Submarine	6	6	4	6	6
Aircraft Carrier	1	-	-	-	-
Large Surface Combatant	7	7	10	12	12
Landing Ship	1	1	3	3	3

Table 4: Numerical transition of the RAN's major assets, 1980–2015

In the same way, the RAAF does not envisage high-intensity air defence being conducted in Australian airspace. The F-111, a major asset from the 1960s until 2010, was not optimised for air defence but for land and anti-ship attacks. Similarly, as a successor to the F-111, the RAAF chose the F/A-18, which is not specialised in air defence but has a ground attack capability. The RAAF's website describes major aircraft with the categories 'strike; air mobility; intelligence, surveillance, reconnaissance; aviation training' – no assets are described as specialised for air defence within Australia.<sup>69</sup>

Neither the RAAF nor the Australian Army possesses long-range anti-aircraft or anti-ship missile systems. The 2016 Defence White Paper argues for 'land-based anti-ship missiles', but as of March 2018, no specific acquisition plans have been seen.<sup>70</sup> As Paul Dibb and Richard Brabin-Smith argue, 'China's military presence over 1,200 kilometres is closing into our northern approaches. This development in itself should be a matter of considerable concern for our defence planning', and 'One option open to Australia is to develop our own version of an anti-access and area-denial capability, especially in our northern and western approaches and the eastern Indian Ocean'. There are many arguments as to China's maritime expansion but almost no specific force structure change has been realised.<sup>71</sup> Table 5 shows the number of major RAAF assets from 1980 to 2015.<sup>72</sup>

Type	1980	1990	2000	2010	2015
Mirage III	62	-	-	-	-
F-111	20	18	35	19	-
F/A-18, F/A-18F	-	48	71	71	95
P-3B/C	20	20	17	19	18

Table 5: The RAAF's major assets, 1980–2015

### Case study 3: India

At the beginning of the 21st century, India drastically changed its military strategy from area denial aimed at the US Navy's sea control and power projection, to a strategy of sea control. Since its independence, India has characterised its basic diplomacy as 'omnidirectional', although in August 1971 it concluded an 'Indo-Soviet Treaty of Peace, Friendship and Cooperation' with the Soviet Union. Arguably, India could have been considered as a potential adversary of the US, given the US–Pakistan relationship at that time. David Brewster argues that 'India used its position as a leader of the nonaligned movement'.<sup>73</sup> On the other hand, the nation-building of Hindu India itself caused territorial and religious disputes.

India became involved in disputes with the Islamic countries of East and West Pakistan (modern-day Bangladesh and Pakistan), and went to war with Pakistan over control of Kashmir; today, India is involved in several territorial disputes with Pakistan and China. Ken Nagao notes that up to 2010 India had carried out 28 'military actions' since independence.<sup>74</sup> Many of these actions were carried out on land, although some included landing operations by naval vessels. The second chapter of the Indian Defence Ministry's 2007 India's Maritime Military Strategy, 'Implications of Recent Maritime History', looks at the second Indo-Pakistan War, 1965, and the third war, in 1971. These two conflicts were categorised as land warfare in principle: naval operations, such as amphibious assault, were carried out in support of army operations.<sup>75</sup> Through this lens, in the period from independence to the end of the 20th century, India can be defined as a typical land power and did not depend on maritime trade or SLOC. The country's low industrialisation level did not require it to expand into the maritime domain. After the 1962 Sino-Indian border conflict, India's military modernisation favoured the army and air force.<sup>76</sup>

During the Cold War, India regarded the maritime domain as an axis where potential threats might originate. The US cancelled military and economic support to India due to the third Indo-Pakistan War. Additionally, the US Navy redeployed the USS Enterprise carrier battle group from the Vietnam War to the Bay of Bengal until the Indo-Pakistan cease-fire in January 1972.<sup>77</sup> The US government did not express a clear intention for this carrier deployment, but the Enterprise incident prompted a shift in the Indian Navy's strategic focus towards one of sea denial.<sup>78</sup> India's sea denial strategy was reinforced after the early 1980s when the US strengthened and upgraded its military base on the Indian Ocean island of Diego Garcia.<sup>79</sup>

Table 6 shows changes in major Indian naval vessels from 1980 to 1990.<sup>80</sup> As this figure shows, the number of landing ships and submarines rapidly increased between 1985 and 1990. This tendency demonstrates the importance of amphibious operations for the Indian Navy when dealing with Pakistan. Further, the navy also invested in area-denial capability, aimed against US sea power.

Type	1980	1985	1990
Nuclear Attack Submarine	-	-	1
Diesel Submarine	8	8	18
Aircraft Carrier	1	1	2
Destroyer / Frigate	30	27	25
Landing Ship	1	9	10

Table 6: Numerical transition of major Indian naval vessels, 1980–1990

In the 1990s, the navy's power-projection capability was accentuated to support land warfare against Pakistan. The navy possessed two aircraft carriers operating Sea Harrier light fighter



aircraft and an embarked Russian helicopter. Considering these embarked assets, the aircraft carriers could contribute to sea control in coastal seas only and not within the greater Indian Ocean. In the same way, the number of surface combatants decreased, and the Indian Navy's sea-control capability could not compete with US naval power on the high seas. To carry out large-scale military operations the navy did not possess sea-control capability without support from the air force. However, their area-denial capability was developed, to an extent, in the following five years. The navy introduced two Shishumar class (German Type 209) and seven Shindhughosh class (Russian Kilo class) submarines between 1985 and 1990. The air force also modernised, with many major assets replaced by newer aircraft such as the Jaguar, Mirage2000 and MiG23/27/29.<sup>81</sup> Nevertheless, these aircraft were relatively small, carried a limited payload, and had a limited operational cruising range. Accordingly, these assets did not possess sufficient capability to operate in the vast Indian Ocean, and their major operations were air defence and close air support for land forces.

The importance of the Indian Ocean increased vastly over the next few decades, becoming a large highway for maritime transportation during the 21st century. According to Robert Kaplan, the Indian Ocean contains 'the principal oil shipping lanes, as well as the main navigational choke points of world commerce – the Straits of Bab el Mandeb, Hormuz, and Malacca. Forty per cent of seaborne crude oil passes through the Strait of Hormuz at one end of the ocean, and 50 per cent of the world's merchant fleet capability is hosted at the Strait of Malacca, at the other end – making the Indian Ocean the globe's busiest and most important interstate'.<sup>82</sup> Many threats face India in the region. To the west of India, several Middle Eastern and African countries face political instability, as well as being originators of terrorism and piracy. In order to ensure economic prosperity for India, it is vital to secure the Indian Ocean's stability and maintain good order at sea and protect the local and global SLOC. In the course of China's military developments in the maritime domain, the US, Japan and many South East Asian countries have engaged with and sought to enhance their strategic cooperation with India. Robert Kaplan also said of the Indian Ocean that 'overlapping configurations of pipelines and land and sea routes will lead more to Metternichean balance-of-power politics than to Kantian post-nationalism'.<sup>83</sup> Thus, the strategic value of India and the Indian Ocean will continue to soar.

Over time, the strategic relationship between the US and India has been strengthened, and military cooperation, including bilateral and multilateral exercises and dialogues, have evolved out of this closer relationship. Accordingly, 'by the end of the 1990s, the dominant emphasis in Indian strategic thinking had settled on building a new partnership with the U.S. as part of a multidirectional engagement with other major powers'.<sup>84</sup> India enhanced its position as a sea power because of growing strategic interests in the Indian Ocean. Consequently, the budget share of the Indian Navy increased from 11 per cent in 1992/93 to 18 per cent in 2008/09.<sup>85</sup> To that end, India has gradually changed its maritime strategic focus from area denial against the US to regional sea control in the Indian Ocean. In the view of David Brewster, 'the Indian Navy now sees itself as destined to be the predominant maritime security provider from the Red Sea to Singapore',<sup>86</sup> and David Scott also argued that the Indian Navy pursues Alfred Thayer Mahan's conceptual thinking on sea control.<sup>87</sup>

Complicating the strategic situation, China is one of India's most important trading partners, a relationship that is vital for India's economic development. Fareed Zakaria argues that 'it will especially mean that India will not want to be seen as actively involved in a balancing strategy against China, which is becoming its chief trading partner'.<sup>88</sup> Nevertheless, India is cautious about China's maritime expansion beyond the South China Sea. In the 21st century, China has enhanced its economic and political relationship with Bangladesh, Sri Lanka and the Maldives. China developed large-scale commercial ports such as Gwadar in Pakistan

and Hambantota in Sri Lanka, regarded as important bases for maritime trade. Analysts argue that China’s actions are a ‘String of Pearls’ strategy.<sup>89</sup> These commercial ports are far away from China’s mainland and there are no specific prospects for securing their logistics in wartime, so ‘China’s power projection capabilities in the Indian Ocean are very limited and are likely to remain so far the foreseeable future’.<sup>90</sup> However, India remains concerned about the deployment of PLA submarines and surface combatants in the Indian Ocean. For example, one retired Indian army general ‘worried about India’s ability to sustain its claims to regional primacy, depicting China as “muscling its way into the Indian Ocean”, which New Delhi has always considered its backyard’.<sup>91</sup> Also, a few Indian military officials expressed concern in 2013 that Chinese submarines operated in the Indian Ocean under the pretext of conducting anti-piracy operations and entered port in Sri Lanka.<sup>92</sup> To respond to this strategic environmental change, the navy developed its sea-control capability. Ken Nagao explained this trend by the numerical transition of the navy’s large surface combatants (refer to Table 7).<sup>93</sup> There has been a consistent increase since 1990 in the number of large surface combatants (greater than 3000 gross tons) with long-term operational capability and equipped with anti-air warfare systems.

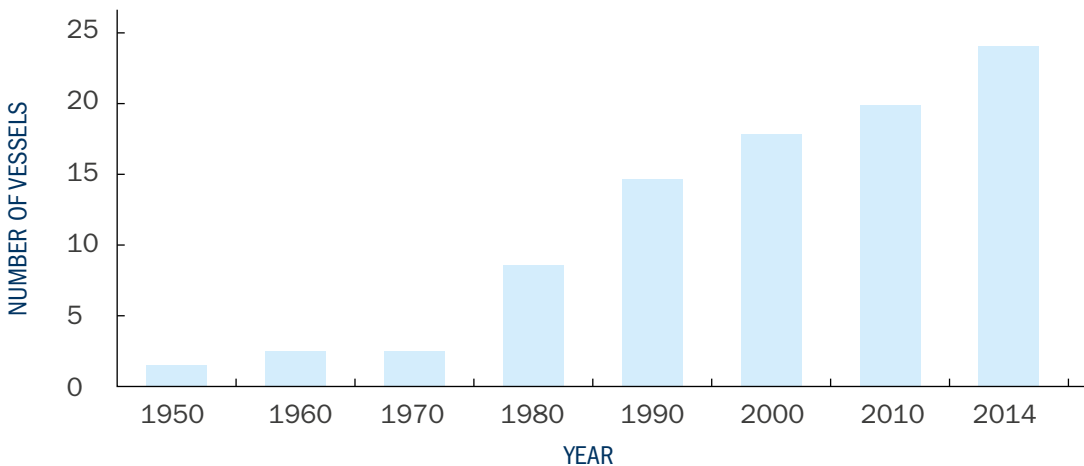


Table 7: The number of Indian Navy large surface combatants, 1950–2014

Table 8 shows commissioning years of major vessels in the Indian Navy, demonstrating a renewal of surface combatants that has prevailed from the end of the 1990s to 2015. Aside from the ageing submarines, numbers of area-denial assets are rapidly progressing.<sup>94</sup>

Type	~1985	1986-1995	1996-2005	2006-2015
Nuclear Attack Submarine	-	-	-	1
Diesel Submarine	-	12	1	-
Aircraft Carrier	-	-	-	1
Destroyer, Frigate	5	2	9	11

Table 8: Commissioning years of major Indian naval vessels in 2014

In the same way, the air force has modernised and also seen its budget increase consistently since the 1990s. However, the air force has not experienced military operations and its ability to do so is unknown. Due to ‘command and control’ challenges, without the support of their army the air force is limited to South Asia’s land domain as an operational area.<sup>95</sup>

Estimated major air force assets in 2020 are shown in Table 9. A drastic change of force structure seems unlikely in the near future.<sup>96</sup>

In conclusion, one of the most critical military-strategic objectives for India has been to exclude outside major powers: the US in the Cold War era, and China in the 21st century.<sup>97</sup> To do so, India practised area denial against the US, which possessed military predominance, and must now confront China's sea control in the Indian Ocean.

#### PROSPECTIVE IAF FORCE STRUCTURE: 2020

Role	Aircraft	Number	Squadron
Air Superiority	Su-30MKI	280	-15
	MIG-29	50	-3
Air Combat: MMRCA	Mirage 2000	59	-3
	MMRCA Selectee	126/200	-7/11
Air Combat: Light	Tejas	125	-7
Strike	Jaguar	110	-6
<b>Total</b>		<b>741/815</b>	<b>-41/45</b>

Table 9: An estimate of the Indian Air Force's structure in 2020

## Conclusion

The military strategies of Japan, Australia and India have been influenced and modified by various factors in the maritime domain. Firstly, diverse and complicated elements influence a country's military strategy: geographical environment, industrial power, economy and trade posture, natural resources, population, educational standards, historical background, religion, values, political/military leadership and so on. Secondly, the influence of a country's military strategy on another country can be unpicked by understanding whether it accepts US military predominance in the maritime domain or not. Finally, the US itself has changed its maritime military strategy by giving priority to sea control or power projection at different times. This article has examined each maritime strategy with several critical assumptions. As a first point, this article argues through a realistic viewpoint, that all of the actors are rational. Accordingly: nuclear deterrence as effective; a bipolar world in the Cold War era; US dominance and a unipolar world in the post-Cold War era; and a multipolar world in the 21st century. This article assumes that each actor has advanced military technology composed of advanced C4I, long-range precision strike capability and so forth. Based on these independent variables and assumptions, these three countries' military strategies in the maritime domain can be explained as dependent variables.

Japan expanded its maritime operational area and aimed to enhance its national interest by developing a sea-control capability in the post-Cold War era. But Japan assigned many of its military resources to area denial for homeland defence rather than sea control in the late Cold War era and 21st century, to deal with the Soviet Union and China, respectively.

Australia has enjoyed a moderate military-strategic environment since the 1980s without an imminent high-intensity threat in the surrounding seas, supported by the provision of a stable security environment provided by a solid US partnership. But Australia may soon need to respond to China's maritime expansion.

In the late Cold War era, India's potential adversary was the US and its primary military-strategic end-state was area denial against US sea control and power projection. But the

relationship with the US improved after the Cold War, and India now regards sea control as important because of the country’s economic development and globalised economy, driven by the Indian Ocean as a critical maritime transportation highway.

Figure 8 summarises these arguments and shows the causal relationships in this article. The figure includes some of the other countries referred to in this article, China and Russia, as references.<sup>98</sup> Not considered in the figure is the fact that the Indian Navy provides free education and training support on submarine operations for the Vietnam Navy, and that both navies purchased Kilo class submarines from Russia.<sup>99</sup> This phenomenon can be explained as part of India’s area denial against China, hoping to use the Vietnamese Navy.

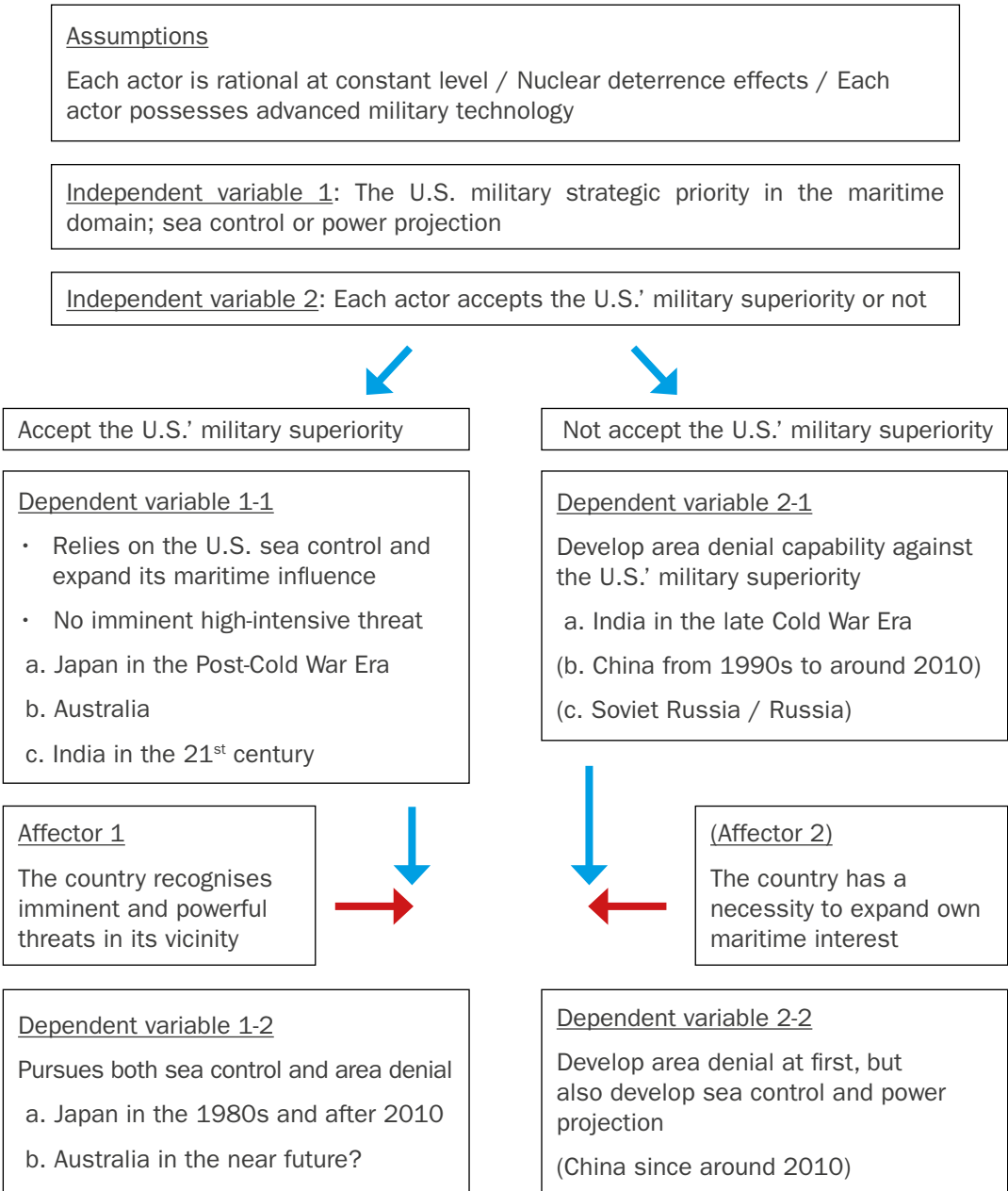


Figure 8: Causal relationships discussed in this article

## Endnotes

- 1 The analytical framework of this article was first proposed in the doctoral thesis by Keitaro Ushirogata, *Kaiyo ryoui ni okeru gunji-senryaku no hensen ni kansuru hikaku-kenkyu* (The Comparative Analysis of Military Strategies in the Maritime Domain, 1980–2017 – Viewpoint from Area Denial, SLOC Defence/ Disrupt, Power Projection), Ph.D. Thesis, National Graduate Institute for Policy Studies, 2017, [http://www.grips.ac.jp/en/dtds3/ushirogata\\_keitaro/](http://www.grips.ac.jp/en/dtds3/ushirogata_keitaro/) (accessed 9 March 2018), p. 8.
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## A MARITIME STRATEGY FOR TIMOR-LESTE

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### Introduction

Timor-Leste, still commonly referred to as East Timor, is an island nation that gained independence in 2002. It is an island surrounded by a large maritime zone and the maritime environment has been accepted as an integral factor in Timor-Leste's national identity in the post-independence period and a decisive element of national strategy. Timor-Leste as a maritime island nation, and in an integrated manner must consolidate maritime security for sustainable economic growth and national development. History tells us that the ocean is vital for economic development, and both the global shipping and fisheries industries have developed into multi-billion-dollar industries.<sup>1</sup> Similarly, the offshore oil and gas industries have expanded, and are of particular relevance to Timor-Leste.<sup>2</sup> Approximately 96% of Timor-Leste's imports and exports are by sea. Fisheries is a significant industry.

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Leading Seaman Aviation Technician Aircraft Jerry Dibella stands by as the Flight Deck Marshall while embarked aboard HMAS *Choules* as the ship sails to take part in the commemoration of the Australian-led International Force East Timor (INTERFET).

Since the sea is economically significant for Timor-Leste and the need to protect and control the maritime zones, including the Exclusive Economic Zone, is great. It is necessary for the government of Timor-Leste to look forward and plan for the future. However, looking forward does not mean having a maritime strategy based on infallible predictions of the future. Looking forward is about identifying the significant shifts and the potential threats that could impact on political and economic development. Maritime strategy is the comprehensive direction of all aspects of national power to achieve national strategic goals by exercising some degree of control at sea.<sup>3</sup> Maritime strategy is an integral part of national defence, a subset of national strategy. Maritime Strategy is concerns all activities a nation conducts at and from the sea including the sea as a means of transportation, as a resource, as a physical environment and as an area of sovereignty. These elements of strategy are particularly important in this globalised era.<sup>4</sup> There is rising evidence to suggest that Timor-Leste needs a maritime strategy to reflect the significant value of the sea. The development of Timor-Leste since 2002 has come from the Timor Sea budget, which accounts for 90% of government revenues and largely derived from oil.<sup>5</sup> Over 70% of the population depend on agriculture or fishery for their livelihood.<sup>6</sup>

Therefore, as a new maritime state Timor-Leste requires a national maritime strategy framework to ensure its security and prosperity of Timor-Leste. This would also ensure that Timor-Leste remains a secure and not a fragile state, which could pose a security challenge for Australian Strategy. This paper will focus on the strategic outlook for Timor-Leste based on geographical position, the challenges for Maritime security policy, the strategic impact to Australia and Indonesia, a way ahead through developing integrated maritime governance, the Maritime Security Program, and coordination at a regional and international level.

## Timor-Leste's geographic position

Timor-Leste is an island with a coastline of approximately 760 km, territorial waters of approximately 9120 km<sup>2</sup>, and an Exclusive Economic Zone (EEZ) of approximately 7326 km<sup>2</sup>. Timor-Leste is situated at the crossways of southern Asia and the Pacific Islands. Timor-Leste's waters have free navigation routes through the Straits of Ombai and Wetar. Timor-Leste is at the strategic heart of the emerging Indo-Pacific theatre, where the major powers such as the US, China, India, Japan, Australia and Indonesia all value its geography.<sup>7</sup> Internationally, as a small state Timor-Leste foreign policy decision-making faces great constraints in its strategic choices. However, it is important to secure its long-term security and prosperity, a goal that faces significant challenges at every geopolitical level. Four international straits in the region have been identified as essential for passage by U.S. Navy ballistic missile submarines: Malacca, Ombai-Wetar, Lombok, and Sunda.<sup>8</sup>

The Ombai-Wetar Straits are an alternative passage, sometimes used for the largest tankers transiting between the Persian Gulf and Japan, considered the safest route,<sup>9</sup> as well as vessels proceeding between Australia and the Java Sea and to East Asia.<sup>10</sup> Both straits are considered strategically significant by the US and China. The Ombai Wetar Straits are deep-water straits that are used by US submarines, something not lost on Beijing.<sup>11</sup> China has already recognised the geostrategic value of the Straits, with Beijing requesting in 2008 to build a radar array along Timor-Leste's north coast.<sup>12</sup> According to Jun Suzuki-San: 'Timor-Leste sits at a geopolitically strategic point, between the Pacific and Indian oceans, and neighbours fear China will boost its presence in the country not only economically but also militarily.'<sup>13</sup> In January 2016 Chinese Navy Task Force 152, comprised of a destroyer, a frigate, and a supply ship, visited Timor-Leste for five days. The task force commander, Commodore Wang Jianxun, said that the visit would improve the bilateral friendship, especially the cooperation between the navies of the two countries.<sup>14</sup> In 2017 the Chinese

hospital ship *Peace Ark* visited Timor-Leste in order provide humanitarian medical services.<sup>15</sup> China continues to provide other aid offerings such as soft loans to obtain the Timorese cooperation for the passage of PLAN ships in the Straits of Ombai and Wetar.<sup>16</sup> As Damien Kingsbury, Professor of International Politics at Deakin University, has said: 'Timor-Leste's foreign policy since 2002, is to have many international friends; to balance them against the others. Thus China is an advantageous strategic balance.' The Timor-Leste government has been wary about China, and while it has accepted aid, it has also refused some of its advances, such as off-shore oil rights and radar arrays ostensibly to counter illegal fishing.<sup>17</sup> Both allow US nuclear-powered submarines to travel otherwise undetected between the Indian and Pacific Oceans,<sup>18</sup> and both straits are less congested by commercial traffic.<sup>19</sup>

The United States has also been active in Timor-Leste, conducting series of naval visits to Timor-Leste of hospital ship and aircraft carriers and conduct a yearly exercise of military cooperation in the area of humanitarian assistance disaster relief (HADR) in the Timor Sea, as a way of helping Timor-Leste in asserting control over its territory.<sup>20</sup> These initiatives are a direct response to the growing Chinese presence in Timor-Leste. Furthermore, Timor-Leste's strategic environment, explained in *Forsa 2020*, assesses that geo-strategically the country is between the two great regional powers: Indonesia and Australia. Indonesia, to the north and the west, has great human potential and accounts for the main share of Timor-Leste's maritime and land borders. Geographically, the position of Timor-Leste is a factor of crucial interest to Indonesia and its other neighbours. Indonesia is also concerned with matter such as its political and security situation, the process of democratisation, and its economic development. The other main regional power, Australia, is also focused on its security and geography.<sup>21</sup> Most of Australia's future national security challenges will come from beyond its borders.<sup>22</sup> Australia's *Defence White Paper 2016* stated that 'the geography of the archipelago to Australia's immediate north will always have particular significance to our security.'<sup>23</sup> As a close neighbour, Timor-Leste factors into Australia's strategic calculations.

Both Australia and Indonesia need to pay attention to Timor-Leste's situation. By maintaining maritime security and prosperity Timor-Leste will be a great strategic asset to Australia and Indonesia. Apart from the maritime security challenges presented by major powers, Timor-Leste's strategic location also makes it highly vulnerable to the threat of maritime crimes, such as human rights abuses, illegal trade, drug trafficking, and piracy.<sup>24</sup> Maritime crimes are facilitated by weak border security because of poor relations between national and interstate agencies, among other factors. For example, According to Belu district police chief, Daniel Yudo Ruhoro, smugglers import drugs by boat from Malaysia, Thailand, China and Vietnam through East Nusa Tenggara and Timor-Leste and on to Bali and Jakarta.<sup>25</sup> Moreover, the inter-island border close to Timor-Leste at the west end of Flores has become a central point of access for drug smuggling.<sup>26</sup> According to the Bureau of International Narcotics and Law Enforcement Affairs, drug couriers are taking advantage of Timor-Leste's porous maritime borders and weak law enforcement to transport illegal narcotics through Timor-Leste's waters to customers in Indonesia.<sup>27</sup> Thus the maritime security of Timor-Leste has a direct impact on law and order issues in Indonesia.



Figure 1. Indo-Pacific Major Shipping Lanes

## The Challenges for maritime security policy

### Government Policy

The international recognition of the Democratic Republic of Timor-Leste in 2002 gave the new state control over its essential elements: territory, sovereignty, and political power. Article 6 of the constitutions of the Democratic Republic of Timor-Leste lists as a state objective 'To defend and ensure the sovereignty of the country.'<sup>28</sup> Crucial to this is developing a strong and prosperous economy, ensuring the security of Timor-Leste's maritime zones, and ensuring peaceful and effective relations with neighbouring countries.<sup>29</sup>

Timor-Leste's strategic concept is based on the geographic characteristics of the country: half of an island with abundant natural resources and with a large maritime area within its jurisdiction. According to the United Nations Law of the Sea Convention (UNCLOS), this maritime area is approximately seven times larger than its land area.<sup>30</sup> This geographical reality can and should be well exploited in its diverse potential, a potential that could bring great value to the country. Timor-Leste must have a maritime guidance policy that includes all aspects of the strategic environment and with due concern for the great size of the maritime domain within its jurisdiction, as well as the great diversity of the maritime economy.

The sea is very important for Timor-Leste's economic development and the process of national reconstruction. The maritime area is rich in natural resources including fish, sea cucumber, oil and gas, much of it on the bottom of the Timor Sea. More than 95 per cent of Timor-Leste's government revenue is generated by oil and gas, which is consigned to a Petroleum Fund with assets of \$16 billion as of mid-2016.<sup>31</sup> The joint petroleum development area (JPDA) contains almost 12 trillion cubic feet of gas and 900 million barrels of oil.

These resources, through the sharing arrangement under the Timor Sea Treaty, will support Timor-Leste economic development for the foreseeable future. They are therefore vital to the country's survival and development, especially as it recovers from political instability, rehabilitates livelihoods, and strengthens the national economy.<sup>32</sup>

It is necessary to analyse the importance of trade as it relates to the ports of Timor-Leste. The Asia-Pacific is the most economically dynamic in the region in the world and is the driver for global economic growth and development, based predominantly on seaborne trade.<sup>33</sup> Reflecting Asia's position as the main source of world shipping demand and the influence of China, port volumes handled at Asian ports increased by 7.2 per cent in 2017, up from 1.9 percent in 2016.<sup>34</sup> Singapore remained the world's top bunkering port in 2016. The total volume of bunkers sold in the Port of Singapore grew 7.7 per cent to 48.6 million tonnes, compared to 45.2 million tonnes in 2015 and consolidating Singapore's position as one of the top 10 ship registries in the world.<sup>35</sup> The Wetar and Ombai straits near Timor are an alternative shipping route to the primary maritime highway of the Straits of Malacca and Singapore.<sup>36</sup> In the event of any disruption of shipping traffic in the Malacca Strait, the straits of Wetar and Ombai would play a critical role in the flow of the world's shipping, particularly the Asia-Pacific region. These straits are critical for Timor-Leste, in terms of the maritime transport and port services and the commercial values of taxes, and the internal transit of tourism and the transport sector.<sup>37</sup> If Timor-Leste intends to assert itself as a maritime state, it must possess maritime transport, both for the transport of passengers from Dili to Atauro Island and Enclave Oecusse, and the transport of goods for commercial exchange. This aspect should be integral to developing maritime policy.

Timor-Leste realises that the sea as an economic resource is vital to its future prosperity. Thus, the government must provide surveillance and patrol capability in order to protect fish stocks and oil and gas-related offshore installations. However, Timor-Leste has inadequate capability to make a significant contribution to joint air and surface surveillance efforts with Australia. Timor-Leste will begin to establish an Air Force in the next few years, based on the Strategic Development Plan. This includes: a combat attack helicopter unit to support land forces; a helicopter unit to support the naval fleet; C-130 for logistics support; a light aircraft (Cessna) for air surveillance; and an air control unit.<sup>38</sup> Presently there is only one civilian-donated helicopter being operated by the Army. As for the fleet, all existing naval vessels are undergoing maintenance and are unsuitable for open ocean operations. Therefore, the Timor-Leste Navy requires new capability, especially ships capable of high seas patrols, in order to protect these vulnerable vital resources and facilities.

Timor-Leste's National Development Plan (NDP) focuses on the reduction of poverty in all sectors and identifies food security as a key issue, with fisheries as a priority sector.<sup>39</sup> Over 70 percent of the population depends on subsistence agriculture or fisheries for their livelihoods and food requirements.<sup>40</sup> Currently there are 5,265 fishermen in 1,034 groups around the country who are engaged in fishing activities.<sup>41</sup> The fisheries area is considered a significant pillar of the rural economy, together with agriculture (crops and livestock) providing employment to around 78% of the population.<sup>42</sup> With a coastline of over 700 km and claimed EEZ of 200 nautical miles, Timor-Leste is well endowed with marine fisheries resources. However, weaknesses in policy and limited capacity to manage, monitor, and protect these resources from IUU fishing threaten to deplete fish stocks.<sup>43</sup> The Maritime Police Unit Commander, Lino Saldanha has said:

*Timor-Leste has vast marine resources and their potential in it, the government should own a national marine policy (National Ocean Policy) which are coordinated and controlled by an institution that has full authority for security and law enforcement at sea of national jurisdiction, and is recognised by the formal legality national law and international law.*

*Furthermore, he adds that: National legal frameworks should empower National Maritime Authorities to take adequate enforcement action against vessels involved in IUU fishing.<sup>44</sup>*

Thus, Timor-Leste should develop an integrated maritime security policy which complies with international maritime obligations and empowers maritime authorities to defend national strategic interests and protect the national maritime economy. This would involve preservation of the marine environment, shipping, ports, maritime transport, the exploitation and conservation of living and non-living resources, scientific research and development of new technologies applied to the sea. These steps could help to minimise the external strategic influences which sometimes could escalate diplomatic disputes and possibly cause military conflict.

Moreover, Timor-Leste needs the support of international treaties and the drafting of relevant national legislation that sets clear maritime security objectives, as well as enabling the integrated management of maritime and coastal areas. Timor-Leste ratified the U.N. Convention on the Law of the sea as 165th member on 27 December 2012 and ratified this treaty on 8 January 2013. However, Timor-Leste's government should also consider the other international conventions such as the Safety of Life at Sea (SOLAS), Maritime Pollution (MARPOL), Standards of Training, Certification and Watchkeeping for Seafarers (STCW) and others that have not yet been ratified. The key to success for Timor-Leste's maritime security policy is that it should be based on a strong legislative foundation that would ensure its legitimacy.

Timor-Leste can draw on the experience of other small nations in the establishment of their maritime security policies and the progressive implementation of these policies. The lessons learned by our partner countries within the South Pacific will be useful in forming credible deterrence through a small yet competent response capability, and a legal system involving financial disincentive for illegal activities. It is therefore necessary to design a national maritime security policy that places the sea at the heart of the operationalisation of the great national strategy, particularly the international strategy for security and development.

## **Illegal, Unreported, and Unregulated Fishing (IUU)**

Illegal fishing according to the document Understanding the International Plan of action-Food and Agriculture Organisation of the United Nations (FAO-IPOA),<sup>45</sup> includes the following activities:

*Illegal fishing refers to activities: 1) conducted by state or unknown vessels in waters under the jurisdiction of a State, without the approval of that State, or in contravention of its laws and regulations; 2) conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organisation but manipulated in contravention of the conservation and management measures adopted by that organisation and by which the States are obliged, or relevant provisions of the applicable international law; or 3) in contravention of national laws or international obligations, including those engaged by supporting States to a relevant regional fisheries management organisation. (Paragraph 3.1 of IPOA-IUU Fishing)*

Unreported fishing is defined as:

*1) which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or 2) undertaken in the area of competence of a relevant regional fisheries management organisation which have not been reported or have been misreported, in contravention of the reporting procedures of that organisation. (Paragraph 3.2 of the IPOA-IUU Fishing)*



Unregulated fishing is defined as:

*1) in the area of application of a relevant regional fisheries management organisation that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organisation, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organisation; or 2) in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law. (Paragraph 3.3 of the IPOA-IUU Fishing)*

Broadly speaking, IUU fishing includes activities that do not comply with national, regional, or global fisheries conservation and management measures.<sup>46</sup> Fisheries are not the mainstay of the country's economy, as growing coffee and agriculture production are the main economic activities for export. However, there are calculated to be some 20,000 artisanal fishers and fish is important for food security.<sup>47</sup> Conservation International reports that The Timor Sea is rich with aquatic wildlife that could bolster the economy in the future.<sup>48</sup> Securing Timor-Leste's fertile fish stocks from IUU fishing will ensure the survival of several communities around Timor-Leste's coastline to whom fishing is a way of life. This will also jointly contribute to a sustainable source of food and trade for the future. Fishing can be a renewable resource, but it must be regulated in such a way that the exploitation of such sources is carried out in compliance with the principle rules of preservation and management.<sup>49</sup>

Regarding Government Decree-Law No. 6/2004 of 21 April 2004 Democratic Republic of Timor-Leste general bases of the legal regime for the management and regulation of fisheries and aquaculture:

*Article 7 (Exploitation of Fishing Resources: 1) Fishing actions in national maritime waters and hydrographical basins of the country shall comply with and conform to the purposes, restraints, conditions, and methods provided for in the fisheries management plan. 2) Until such a time as the fisheries management plan is adopted, the licensing of fishing vessels shall be guided by the principle of precaution and by applicable regulations, which shall define the criteria to be followed to this end.*<sup>50</sup>

Despite the fact that Timor-Leste has fisheries laws and regulations, there is still a gap between domestic implementation and international obligation. The failure to combat IUU is a failure of Timor-Leste to participate as a member of regional fisheries management organisations (RFMO).

As a result, according to the survey of the Timorese Fisheries department, the frequent presence of illegal fishing boats along the south coast has reduced the number of fish and led to environmental harm and the destruction of coral reef. The World Resources Institute (WRI) also released a report indicating that if IUU fishing in Timor-Leste is not curbed, coral in the area will be destroyed by the year 2030.<sup>51</sup> Consequently, Timor-Leste loses USD 200,000 worth of fish annually due to illegal, unreported and unregulated activity.<sup>52</sup> This paper argues that the current framework is inadequate and needs to be improved and made consistent with best-practice international management of fisheries resources. This has direct national economic benefit as the nation finds itself in an era of growing exploitation of fish stocks and subsequent stress on these stocks in both coastal and oceanic waters. This means that overfishing may cause large changes to communities, and those changes could cause stock reductions in significant marketable species. Further to this, IUU fishing has the potential to damage the ecosystem in other ways, such as through the introduction of marine pests and diseases.

The government of Timor-Leste must recognise the full implications of IUU fishing and establish laws that target not only the act of fishing but also the processing, possession, transshipment at sea, import, export, and sale of fish products. Such measures have been stated in Paragraph 4 of Article 62 in UNCLOS which requires coastal states authorising fishing by foreign fleets to take actions including: ‘...determining the species which may be caught, and fixing quotas of catch, whether in relation to particular stocks or groups of stocks or catch per vessel over a period of time or to the catch by nationals of any State during a specified period; regulating seasons and areas of fishing, the types, sizes and amount of gear, and the types, sizes and number of fishing vessels that may be used.’<sup>53</sup>

The problem of IUU fishing is a complex and sensitive one. Increasing demand for fish in growing economies such as Hong Kong and Taiwan has caused damaging fishing techniques to be utilized in the Philippines, Indonesia, and Timor-Leste. IUU fishing in the Timor Sea is mostly perpetrated by non-Timorese fishermen.<sup>54</sup> Boats often come from China, Thailand, Taiwan, Vietnam, Cambodia, and Indonesia. In Timor-Leste, IUU fishing vessels are often apprehended and released later due to diplomatic pressure from government authorities. For example, in 2011 the Navy arrested an IUU fishing vessel from Thailand (KM. Jaya Samudra) that included 36 crewmen from Cambodia and Indonesia. As a demonstration of the complexities involved, the vessel was had Thai ownership, was registered in Indonesia with an Indonesian master, and was sending fish to be processed ashore in Cambodia.<sup>55</sup> The vessel was later released without sanction. There was further evidence of illegal fishing on a very-large scale in 2017. In a dawn raid, Australian and Timor-Leste national police arrested fifteen Chinese fishing boats with thousands of dead sharks. The 10,000-15,000 sharks per vessel included the leopard shark and the endangered hammerhead shark, protected under the CITES convention in Timor-Leste waters.<sup>56</sup> These vessels were run by Pingtan Marine enterprise and permitted by the Timorese government to fish in the Timor Sea for the modest fee of just US\$ 312,450.<sup>57</sup> Pingtan was banned from Indonesian waters in 2015 and threatened with court action for the alleged theft of fish.<sup>58</sup>

The former Minister for agriculture and fisheries, Estanislau da Silva, has told reporters that there was no evidence that the Chinese fishing boats had violated Timorese law and that the court should release them. Gary Stokes, the Sea Shepherd director for Asia, disagreed and said the decision ‘reeks’ and raised questions about China’s pervasive influence over Timor-Leste.<sup>59</sup> It appears evident that the Chinese broke Timor-Leste law in various ways, not least by violating the terms of the fishing license, which was for tuna, not shark. Furthermore, Daniel Flitton said: ‘It’s the latest example of the modern war on the high seas that is fast intruding into Australia’s neighbourhood.’<sup>60</sup> Timor-Leste’s former Prime Minister/President and Nobel Peace Winner, Dr José Ramos-Horta, said: ‘Unscrupulous foreign commercial fishing activities must be stopped in Timor-Leste. We must protect our natural resources; it is an outrage.’<sup>61</sup>

The ASEAN foreign minister’s meeting in Manila on 5 August 2017 issued a joint communique in which ASEAN foreign ministers noted that the challenges of IUU fishing remained and had become even more complex in the region and they were therefore committed to expanding regional cooperation to address this issue, including through supporting the effective implementation of relevant international law.<sup>62</sup> An example of actions taken and future plans for combating IUU fishing are found below.<sup>63</sup>

**Table 1: Capacity reduction and control of IUU Fishing**

Country	Action taken towards IUU fishing
Australia	Australia outlined the following requirements for well-run fisheries: data gathering, if necessary supported by regulations; rules and regulations for managing fisheries; and enforcement of rules and regulations.
China	China emphasised that capacity reduction and IUU fishing policies must have support from the whole community, not just fishers, and therefore needed to include extensive and widespread education.
Cambodia	Actions taken to manage fishing capacity include licensing, MCS, artificial reefs, increasing awareness, strengthening fisheries law. Future plans include implementing a NPOA on capacity, including participation by fishing communities and education/extension activities.
Indonesia	Assessment of fish stocks, improvement of DCS, regional cooperation, increased surveillance and development of community-based surveillance systems. The number of surveillance vessels has increased substantially and has had a demonstrable impact. Future actions include NPOA implementation on capacity and IUU fishing and actions under RPOA on responsible fishing.
Malaysia	Drafting of NPOA on IUU fishing, increased surveillance, establishing community-based management approaches, formulating specific laws to deal with foreign IUU landings, installing VMS on large-scale commercial vessels and implementing an exit plan program for trawlers using a buy-back scheme.
Philippines	Future plans include strengthening fisheries policy, introducing VMS and improving MCS capabilities, establishing catch quotas and ensuring adequate funding for these initiatives.

In the Timor-Leste context, combating IUU fishing could involve formulating specific laws to deal with foreign IUU fishing, introducing VMS, fishing community education, and implementing action under RPOA.

## The weakness of Government institutions

The illegal Fishing activities occurring in the Timor Sea hinder national economic development and create a negative image of Timor-Leste in international forums. People are led to believe that the Timorese are not able to guarantee the security of their waters, as mandated by international law (UNCLOS). Where Australia has the Maritime Security Act (2012, Cth), Timor-Leste presently has no such unifying or coordinating legislation. Rather, Timorese security agencies operate as disconnected and independent agencies, under the auspices of discrete legislative instruments. Thus, any inspection undertaken by Timorese authorities is ad hoc or often not executed in any logical manner. The current challenge often relates to weak national institutions.

Timor-Leste has extensive legislation defining the different responsibility of several government agencies with regards to maritime security, but there should be an overarching law that describes the roles, responsibilities, and relationships of all relevant agencies and how they will operate together as part of an integrated system of maritime security. Timor-Leste should also build institutional bonds with regional partners, particularly the members of ASEAN and Pacific nations, with an emphasis on establishing an information sharing arrangement. There have been issues over the last few years within the Naval Component that have been strongly influenced by the institutional environment of Timor-Leste, such as the release of apprehended fishing vessels, as discussed above.

However, a recent shift in the enforcement of standards has led to a change within these institutions. A Thai fishing vessel was captured off the southern coast of Timor-Leste in 2011. It was discovered that several members of various Timor-Leste institutions attempted to affect the course of justice. These actions were brought to light in an internal investigation, and this has subsequently led to a shift to formal operating structures within the organisations involved.

The Government has always sought to respond to emerging requirements, and to date continues to rely on international law since there is still no domestic law regulating the maritime authority and the right to pursue vessels that violate the waters subject to Timor-Leste's jurisdiction. There is no legal authority defined by the government to stop, enter, board, inspect, detain any vessel, and search any place, structure, vessel and to ensure compliance with the legal regime for the Management and Regulation of Fisheries and Aquaculture Decree Law, or other maritime laws as promulgated by the Government of the Democratic Republic of Timor-Leste. Current regulations may be unworkable and need to be revised. According to Philipp Fluri and Andres B. Johnson:

*National security is uncovering about the government's approach to security and how security is achieved expected. National security policy involves important decisions concerning the security sector that affect the internal and external security of the State and society.<sup>64</sup>*

The problem is that, while legislation and capability exist, there is no clear delineation of jurisdiction and responsibility between Naval Component and Maritime Police. Currently there are many areas of duplication as well as a blurring of responsibilities. The Government should define in legislation clear lines of jurisdiction. For instance, Maritime Police as responsible for Territorial Waters (measured from the inward limits of the coastal waterways from the fairway buoy), Ports, and Harbors. Its jurisdiction may extend beyond those limits in cases of hot pursuit to ensure the safety of life and for the enforcement of national laws. The Naval Component would have jurisdiction beyond Territorial Waters into the EEZ, in accordance with UNCLOS. The Naval Component could also operate inshore and on land based on inter-agency agreements, such as participation in a Joint Task Force (JTF). However, the Naval Component should not take over any law enforcement from the Maritime Police. Such roles and responsibilities must be enshrined in legislation. Apart from their functions the government should also define the capabilities of these two institutions, such as equipment, vessel numbers etc., to avoid duplication of capability and ensure cost effectiveness.

The Naval Component and the Maritime Police are two different organisations with different characters and thus there is the need for a maritime doctrine to govern their relationship, a doctrine that clearly highlights the main roles of both institutions in their primary missions. The Maritime Police should complement the Naval Component's capability rather than duplicate it, optimising the use of scarce national resources. The selection of vessels by the Maritime Police should be in consultation with the Naval Component in order to facilitate interoperability and standardisation for logistic support. Moreover, Naval Component and Maritime Police capability alone will not solve maritime security challenges, and there must be a collective and coordinated effort across multiple sectors and organisations.

National interest is the 'wellspring' from which national objective and grand strategy flow. National interest consist of the most important needs of a nation.<sup>65</sup> National security is an effort that must be made by the government of Timor-Leste with neighbouring countries, through coordination of multinational assets and regional partners can maximise surveillance and response capabilities to common threats. Moreover, national security only makes sense within the context of an actual internal policy that is well defined, synchronised

and coordinated. We all move according to the principal of ‘wanting to do what Timor-Leste wants, rather than what others want.’<sup>66</sup>

Timor-Leste should develop a genuinely maritime security policy that follows general principles truly appropriate for the unique circumstances faced by Timor-Leste. Security is understood not only as part of the military sector, but also politically through reference to existential threats. In maintaining Timor-Leste sovereignty, the government should empower maritime authorities to share information and permit seamless cooperation with neighbours like Indonesia and Australia, and regional bodies such as Asia-Pacific Fisheries Commission (APFIC), in conducting maritime security operations. Quite simply, interoperability with regional partners is a force multiplier for Timor-Leste. It will be a necessity until Timor-Leste can support adequate maritime security forces of its own.

Lack of national political cohesion and governmental instability generate stagnation and imbalance which are at the heart of the uneven socio-economic development of the country. In the dynamic of the state building process, Timor-Leste’s national interest must be shaped and implemented in accordance with a national policy that inspires the unity of all Timorese in the unwavering defence of their natural resources, in order to safeguard the sustainable survival of future generations.

## Problems faced by the Naval Component in Combating IUU Fishing

David Dias Ximenes Mandate, has said:

*We fought for the Independence because we want to assure our wealth and in order to have economic development and guarantee the welfare of the people, it is necessary to assure this wealth to make possible the development of the country. Timor-Leste government shall have deep thought about the issue of maritime security as source of sea control, threats to the natural resources, human traffic, illegal drug, illegal fishing and of course protection of the nation against weaponry threats has not yet existed, but threats that are conventional such as illegal fishing truly exist, but Timor-Leste as sovereignty nation must be vigilant to prepare itself against any threats and to enforce Timor-Leste’s jurisdiction at sea.*<sup>67</sup>

As representatives of the people who carry the aspirations of the people in the country, David Dias Ximenes expressly appealed to the government to maintain the sovereignty of the national territory of Timor-Leste water’s. IUU fishing is also a security threat that includes issues of other illegal activities such as human trafficking.

In order to protect Timor-Leste’s waters from IUU fishing, the government has committed itself to increasing maritime security by improving Navy’s capability in the last ten years. This includes the purchase of two patrol boat from China, and ships donated by South Korea and Portugal.

**Table 2: Current capabilities**

Name	Length	Class Type	Notes
NRTL Jaco (P212)	45.43m	Type 062-class gunboat	Purchased from China, 2010
NRTTL Betanu (P215)	45.43m	Type 062-class gunboat	Purchased from China, 2010
NRTL Kamanasa (P17)	37m	Chamsuri 211-Class	Donated South Korea, 2011
NRTL Oecusse (P101)	21.88m	Albatroz Class	Donated Portugal, 2002
NRTL Atauro	21.88m	Albatroz Class	Donated Portugal, 2002

NRTL Dili	12.7m	Chamsuri-class patrol boat	Donated South Korea, 2011
NRTI Hera	12.7m	Chamsuri-class patrol boat	Donated South Korea, 2011
LVR Prasaa	12.1m	Type 966Y patrol boat	Donated China, 2014
LVR Lifau	12.1m	Type 966Y patrol boat	Donated China, 2014
LAR 01	10.4m	North Sea boats, X-10 RIB	Purchased from Indonesia, 2013
LAR 02	10.4m	North Sea boats, X-10 RIB	Purchased from Indonesia, 2013

Current fleet planning has each boat at sea for 72 hours per week, on a regular rotation for patrol duties and training exercises. The Naval Component Fleet recorded 47 apprehensions for IUU fishing in the period 2010 to 2014. At the same time, fleet presence successfully prevented other illegal activities in northern waters. However, ongoing logistical support difficulties continue to significant impact on operational availability and only four ships are currently still operating. The Naval Component presently lacks effective maintenance facilities and has several issues of concern, including: lack of a local docking facility; lack of a mooring capacity; parts obsolescence; and limited integrated logistic support. There is an immediate danger of ongoing siltation at the current berthing location of Hera Naval base. The vessels are berthed inside the Hera Basin which has silted to a very shallow depth, resulting in warships resting on the bottom (in mud) at low tide. Consequently Naval Component vessels may not be able to sail safely at low tide in order to conduct monitoring and controlling of illegal fishing activities. The government should build a multi-use dry dock for maintenance, repair, and overhauling services that can be used for both naval vessels and commercial vessels. Thus, the most pressing issue for maintaining Naval Component effectiveness in its current activities and future progress, is infrastructure.

In connection with the problems faced by the naval component the Timor-Leste CDF, Major-General Lere Anan highlighted that:

*Challenges faced during the last twelve years, both concerning human resources and infrastructure and other issues, particularly in the legal field. The Government has always sought to respond to emerging requirements and date continues to opt for the international law since there is still no law regulating the maritime authority and the right to pursuit vessels that violate the coast of Timor-Leste.<sup>68</sup>*

Timor-Leste Vice-CDF, Brigadier Falur, has said that: 'improving and maintaining the Naval Component is challenged by budgetary realities', and: 'We are in a very severe financial situation. In spite of that, we are fighting very much to improve our Naval Component.'<sup>69</sup> The Timor-Leste President Francisco Guterres in his speech stated that:

*There is a defined vision for the development of the Naval Component, that will depend on the existence of financial and human resources able to operate the vessels that are necessary to acquire. All economic transformation comes from the sea, and it is important to develop the capacities of the Naval Component.<sup>70</sup>*

Human resources, infrastructure, and legal issues, are all factors in the rampant illegal fishing activities in Timor-Leste's waters. In this regard the former secretary of state for defence, Julio Tomas Pinto, also said:

*Human resources are a major challenge faced by the F-FDTL at this time. The constitution of the Republic of Timor-Leste does not set clearly the national policy standing goals, to*

*be consigned into the national Defence Law (NDL) this requires political bodies and the armed forces themselves to have a concurrent, updated and effective strategic planning, Meanwhile based on strategic Plan of the highest State Institutions that are listed in the constitution of Timor-Leste is the target of national security in order to avoid internal and external threats.<sup>71</sup>*

The Timor Leste Constitution defines in article 146 the main aims of statehood as being defending national sovereignty, defending integrity, national independence and guaranteeing security of citizens. However, the constitution mandates the need for laws supporting these goals. These laws will have implications for the Timor-Leste Navy. Furthermore, Navy Commander, Higino Das Neves has said:

*The maritime zone of Timor-Leste is seven times superior to the terrestrial one, and it is important to have a stronger naval force, more efficient and more professional to defend the sea. Moreover, the Naval Component faced Barriers infrastructure problems such as (1) inadequate harbor conditions for nine warships lack protection from wind and safety, (2) The nine warships F-FDTL patrol cannot reach all areas of territorial waters (South Timor Sea), the capacity can only operate in the northern part Taci Feto and (3) the provision of warships from the Korean and the Chinese government, bringing maintenance problems.<sup>72</sup>*

Overall, the Naval Component requires investment in infrastructure such as base facilities, logistics support, and a dry dock for maintenance.

As for ship capability, the Government should acquire ships that have the capability to conduct a wide variety of tasks. These tasks include: countering smuggling, terrorism, piracy, protection of the EEZ, Search and Rescue duties and general constabulary duties such as environmental protection. The Navy needs ships with the capability to patrol Timor-Leste's EEZ for periods of time greater than seven days. These ships should be capable of sailing at high speed, the ability to sail in severe weather conditions, fuel efficient at 'patrol speeds' (10-16 knots), fitted with a high-speed tender (e.g. RHIB) for boarding operations, and equipped with excellent navigation and communication equipment. Ideally this would include vessels such as two Offshore Patrol Vessels (OPV), supporting other patrol boats such as the *Guardian* class, and other existing patrol boats. This would provide much greater effectiveness for defence, surveillance, control and supervision of maritime and port activities under Timor-Leste jurisdiction and to assure the security of the country.

Timor-Leste's Navy requires aerial surveillance capabilities for fisheries surveillance and even a deterrence presence in Timor-Leste's large EEZ. Surveillance aircraft play a key role in detecting maritime security threats such as IUU fishing and transnational crime. Aerial surveillance, working in conjunction with patrol boats, may allow for rapid action to investigate potential illegal activity and provide the context for greater levels of information sharing in the region on maritime security issues.<sup>73</sup>

Modernisation of capabilities is crucial, and this gives rise to human resources implications. Naval personnel must also be equipped with the knowledge and skills required for the operation of shipboard and shore-based systems. Moreover, it can be argued that Timor-Leste will still need support and assistance from neighbouring countries in order to develop a robust and effective naval capability for maritime security operations.

In this paper I would argue that the Navy is currently limited by a lack of proper legal authority, poor infrastructure, and inadequate human resources. This has implications for the ability to carry out its core role in accordance with its constitutional mandate. Priority needs to be given to human resource development, legal clarity, and authority to meet infrastructure needs for the Navy to fully support the national defence.

## Strategic Implications for Timor-Leste, Indonesia and Australia

It is important to consider the impact of Timor-Leste security issues on Australia and Indonesia, as well as the potential disruptions to the ability of commercial shipping to use the Timor-sea as an alternative sea route.

Timor-Leste is positioned among two much larger neighbours, Australia and Indonesia. Timor-Leste's maritime security problems will affect Australia and Indonesia's security. Non-state actors such as criminals and terrorists could use the Timor Sea for the transshipment of goods to Australia and Indonesia so that it will be a major issue for regional maritime security. Poor security in the Timor Sea could potentially see a rise in other illegal activities such as piracy and even more dangerously, maritime terrorism. Reported cases of piracy attacks against ships across the globe numbered 180 incidents in 2017.<sup>74</sup> The waters around Southeast Asia are home to over half of global piracy incidents: 40 per cent of those attacks happened in Indonesian waters.<sup>75</sup>

Terrorist organisations in Southeast Asia such as Jemaah Islamia (JI), the Gerakan Aceh Merdeka (GAM), in Indonesia, and Abu Sayyaf in the Philippines have made threats against the global petroleum industry. The links between these groups and Al-Qaeda continues to demonstrate that maritime terrorism still aims at gaining international attention in order to influence global opinion.<sup>76</sup> There is still the possibility of a terror attack in the Timor Sea. This should be considered a maritime security threat, especially when considering the potential consequences of an attack in an area such as the JPDA and its attendant oil and gas infrastructure.

Poverty within the region creates vulnerabilities and sometimes drives people into undertaking criminal activities. In the Arafura and Timor Seas, the annual economic impact of IUU fishing has been recently estimated at US\$1.2B per year for Indonesia and US\$214M for Timor-Leste, and illegal sightings in northern Australian waters have also increased.<sup>77</sup> In 2005 there was a high volume of illegal fishing in northern Australian waters, but when Australia increased surveillance effort and apprehended several hundred of these fishing vessels, illegal activities had been reduced by 2016. Many of the vessels were identified by the Royal Australian Navy as coming from Indonesia.<sup>78</sup> The governments of Timor-Leste, Indonesia, and Australia should have maritime security cooperation agreements to work more cooperatively in the fight against IUU fishing in the region, as it is an issue that affect all three nations.

An excellent example of such practice can be seen in the multinational approach taken to securing the Malacca Strait from piracy. Indonesia, Malaysia, Singapore and at times India and Thailand actively cooperative in the conduct of regular coordinated patrols, known as Malacca Strait Patrol (MSP). The patrols are enhanced by shared intelligence, robust vessel information databases, synchronized aerial surveillance and routinely coordinated patrol schedules, and as a consequence vessels have been able to respond rapidly to threats. The patrols in the Malacca Strait can be an example for other countries in the region, especially in demonstrating the effectiveness in maritime security gained through sharing information, expertise, and knowledge as well as establishing personal links among participating nations. These nations have formed a relationship that advances maritime security in this strategically vital waterway. However, such institutional arrangements between Australia, Indonesia, and Timor-Leste are lacking at both the national and regional level.

Currently, Indonesia, Australia, and Timor-Leste do not have a Maritime Domain Awareness (MDA) system or a maritime information sharing center. Such an arrangement would be of great value for the tri-border maritime areas such as the Banda and Arafura Seas, as well as along the Australian and Indonesia maritime boundaries in the Timor Sea. The three



governments should formalise security agreements and make a commitment to work together in a way that does not complicate operations. It would be useful to develop a MOU that focuses on sharing patrol duties in border areas, joint operations, port visits, and training for mutual trust and cooperation. Australia has increased the number of warship visits in recent years to Dili and this has included training and sea rider programs as part of the cooperation. However, it would be of great benefit to include Indonesia in these activities, especially in conducting joint patrols.

Consequently, the lack of useful maritime security capabilities for Timor-Leste not only impacts on the nation's security but will also affect the safety of shipping in and around Indonesian and Australian waters. The combination of weak border security and the high volume of maritime traffic in the region could see a rise in illegal activities such as piracy, maritime terrorism, human trafficking, organised crime, and other non-traditional security threats that have been on the rise in the Twenty-First century. All of these pose a challenge to the flow of global seaborne goods and personnel as well as to sea lines of communication. The rise of non-state actors in security affairs has complicated the mission of modern maritime security forces and has increased the need for cooperation among states to combat these threats.

Timor-Leste, as young nation, has to contend with jurisdictional weakness, a lack of a contemporary maritime tradition, and sparse government policy regarding the maritime realm. All of these issues create vulnerabilities for illegal actors to exploit. Timor-Leste's situation could provide an opportunity for terrorists or pirates to conduct attacks at sea in an area that could have a profound effect on both Australia and Indonesia, and indeed even the global shipping community. While to date there has not been a recorded incident of piracy or terrorism in the Timor Sea, the fact remains that as it currently stands the area is vulnerable to the actions of such forces and there is ample opportunity for pirate or terrorist attacks to occur. A failure to effectively combat other maritime security issues such as IUU fishing may highlight the above systemic weakness to pirate and terrorist actors.

It is imperative that Timor-Leste build an effective maritime security presence in its sovereign waters that will be a help rather than a vulnerability to the region. Maritime issues are an extensive strategic, economic and environmental dimension that require consideration of all these threats of which would benefit from common security interest. However, to achieve those objectives the policymakers of these three countries should implement effective countermeasures, in cooperation and with other states.

Concerning cooperation between the three regional countries, some would argue that the Indonesian strategy-policy mismatch with Timor-Leste's history and Australia's actions in the region create difficulties for trilateral engagement in the region. These issues should not be allowed to interfere with operational cooperation, and Australia should continue to sustain a positive relationship and continuous engagement with Indonesia as a high priority in order to prevent instability in the maritime domain. Moreover, Australia should help Timor-Leste in building maritime capabilities. An increase in trilateral cooperation would greatly strengthen the security of all three nations and help remove strategic uncertainty around the state of the maritime domain in the region.

## Ways Ahead

### Developing Integrated Maritime Governance

This paper argues that it is time to re-think Timor-Leste's approach towards the maritime domain at all levels of government. Many countries have used the model of the integrated maritime government system in order to attain best practice, gaining efficiency and reducing operating costs.

Timor-Leste needs a government body that is dedicated to maritime affairs, empowered and resourced to regulate, supervise and coordinate the various maritime sectors. Key tasks would include ensuring the implementation of relevant national legislation, and supervising and coordinating cooperation between the defence and security agencies and other relevant bodies. This would help ensure the implementation of concerted action to contain threats and minimise risks in the maritime environment.

This proposal would see the establishment of a National Maritime Authority (NMA) as the central government body for civil-military coordination and responsible for the development and sustainability of an efficient, safe and environmentally-friendly maritime domain. This would include an effective regulatory framework for the development of the maritime industry, maritime infrastructure, fisheries and aquaculture, ports, coastal areas, shipping, and environmental and safety regulation. This government body should have the role of supervising the coordination and cooperation between defence and security agencies and the regulatory agencies within the government to ensure interoperability between agencies in maritime enforcement and regulation. This NMA should have the power to do all things necessary or convenient in connection with the performance of its functions including the coordination and cooperation with the Ministries in the Government with responsibility for maritime activity.

It is necessary to have such a Maritime Authority, for as stated by Kraska and Pedrozo 'there is no definable separation between civil activities and naval operations.'<sup>79</sup> This model of a collaborative approach to maritime security is becoming standard throughout the region. Examples include: Australia's Border Protection Command (BPC); Singapore's Maritime Task Force; Malaysia's National Maritime Enforcement; Indonesia's BAKORKAMLA; New Zealand's National Maritime Coordination Centre; and Portugal's National Maritime Authority. These organisations have shown that the joint coordination and cooperation mechanism between civilian and military agencies is an effective way to ensure interoperability in maritime enforcement and regulations for better management of maritime security issues.

For example, Portugal has implemented an integrated and comprehensive ocean policy for the governance of all maritime affairs. The Inter-Ministerial Marine Affairs Commission has been set-up under the National Ministry of Defence to coordinate, support and evaluate the implementation of the National Marine Strategy. The Portuguese Navy has a dual role: conducting naval combat missions to protect Portugal's sovereignty and fulfilling international commitments, and conducting coastguard missions to provide maritime security and safety in Portuguese territorial waters and areas of influence. It also manages marine scientific and hydrographic programs and includes the Maritime Rescue Coordinating Centre (MRCC) and the Navy's Maritime Operations Centre (COMAR—Centro de Operações Marítimas). These two command and control (C2) centers stand in the same space and organisational structure, and both are the responsibility of Fleet Commander of the Portuguese Navy.<sup>80</sup> The Maritime Authority is part of the Portuguese Navy which is tasked with supporting naval operations and the coastguard role. They are responsible for the safety and security of all vessels navigating in Portuguese waters as well as other emerging economic activities like aquaculture and offshore renewable energy.<sup>81</sup> The Chief

of Staff of the Navy is the head of the Authority and is supported by the Directorate of the Maritime Authority, which embraces the Lifeguard Institute, the Maritime Police, the Lighthouse Department, and several harbormasters. The National Maritime Authority also has at its disposition the Portuguese Navy's assets, usable in both military and public service missions.<sup>82</sup> This system successfully leveraged off the existing infrastructure of the Portuguese Navy.

Maritime Border Command is Australia's leading civil maritime security authority, and it incorporates both the Australian Defence Force and the Department of Home Affairs. It is commanded by a Royal Australian Navy Rear Admiral, who is also a sworn Australian Border Force officer. This facilitates the operational control of both Australian Border Force assets and assigned Defence assets.<sup>83</sup> Maritime Border Command ensures Australia's maritime safety, aiming to:

- Deter, prevent, detect and respond to civil maritime security threats,
- Contribute to operation Sovereign Borders,
- Work with partner agencies
- Work with international counterparts and engage with industry.<sup>84</sup>

Border Protection Command in Australia takes a collaborative approach to maritime security issues. It provides the means to monitor Australia's vast maritime domain and provides data to representatives of the different agencies. Individual agencies assess this data, determine their operational priorities and then jointly determine the best approach to meet these operational needs by using the shared pool of asset.

The Republic of Singapore Navy has restructured its Coastal Command into an armed forces-level task force, known as the Maritime Security Task Force (MSTF). Its aim is to enhance inter-agency cooperation, allowing the cross-domain capabilities of the Singapore Armed Forces and the other national maritime agencies to be leveraged upon to conduct calibrated and flexible operations in order to counter maritime security threats.<sup>85</sup> Commander MSTF reports directly to the CDF, but the Chief of Navy still has oversight over peacetime operations. Assets from the navy, air force and army are assigned to MSTF as required by operational needs. MSTF additionally has the ability to co-op assets from national agencies such as the Police Coast Guard, Immigration and Checkpoints Authority, Maritime and Port Authority of Singapore and Singapore Customs for a unified response to maritime security threats.<sup>86</sup> This allows for strong inter-agency cooperation to respond in a robust manner to any maritime security challenges. Beyond domestic coordination, they build communications and inter-operability between the relevant agencies – civilian, military and the shipping industry.

These states have all adopted an integration approach in their maritime security policy and as a result have all made outstanding progress. Timor-Leste is a small nation with a vast sea area to protect. Timor-Leste's current approach to maritime security has many weaknesses. Due to bribery and corruption within the relevant institutions, many foreigners are free to go ashore in ports without registration and without fingerprinting. They are also free from the necessity of requiring entry permits and visas so that foreigners are able to land and disembark at will in the territory of Timor-Leste with little to no security controls or oversight. Poor management such as this is what leads foreign fishermen to believe that fishing in the territorial sea of Timor-Leste will attract no penalty. To date, the management of security and law enforcement in Timor-Leste's waters has not embraced the cooperative approach seen in the countries mentioned above and thus has not had the same level of effectiveness in its maritime security.

Therefore, in the future the government should use all means available to establish a framework for an integrated system such as those successfully employed in the above mentioned countries. This single entity system, through coordination and delegation, would be the first line of defence for Timorese waters. The existence of such an entity would not reduce the duties of the participating agencies as dictated by maritime law. In peacetime, this entity would act in securing Timor-Leste seas from lawlessness and maritime security threats, participate in joint exercises with its neighbours and thus building diplomatic relationships, and provide disaster relief as required. The Portuguese Chief of Defence Force, Admiral Antonio Silva Ribeiro, suggested that:

*There are a lot of models from other countries' systems to adopt whatever coordinates model in which all agencies are networked together, and the free flow of information and a flexible, responsive command system, and the avoidance of excessive turf-fighting and budgetary rivalry are essential for sustained success in the implementation of Timor-Leste maritime policy.<sup>87</sup>*

In this regard the strategic plan for defence and security, the *Force 2020 Plan*, provides comprehensive strategic guidance on the future application of the state's maritime security asset in the protection of the nation. This policy reinforces the seriousness of the development of national maritime security policy, an integrated maritime security authority, and effective maritime response capabilities.<sup>88</sup> Regarding the 2020 plan, it was first presented in 2003 and entitled the *Draft National Maritime Strategy* (including a Framework for a Model Integrated Maritime Administration), and tabled by the Inter-Ministerial Committee on Security. This document aimed at amending Parliamentary Law 2010-02-Art 27 & 28 (Parliament of Timor-Leste, 2002).<sup>89</sup> The document presented a framework based primarily on the Portuguese model, but it was not made clear how authority would be relayed to existing organisations. The second presentation was on 8 March 2016 and made it clear that authority would be under the Ministry of Defence. However, it did not define the roles and responsibilities of the relevant agencies or how they will operate together as part of an integrated system. It also did not set clear policy on maritime security interests or articulate the end state of Timor-Leste's maritime security policy. This paper recommends that the government of Timor-Leste define a security strategy that consolidates and integrates maritime security under one umbrella, backed by appropriate legislation. Furthermore, as a small state Timor-Leste should have small and agile bureaucracies that are empowered for rapid decision-making.

## Timor-Leste and regional cooperation

The strategic interests of Australia in the South Pacific often overlap with Timor-Leste. Australia desires a stable, prosperous, and secure region, minimising security threats in the northern approaches and reducing the amount of Australian aid required and even reducing the likelihood of Australian military involvement in Pacific island nations. These goals have been present in Australian strategic policy documents going back to the 1944 ANZUS pact, which sketches out a leadership role in the region.<sup>90</sup> Australia's sense of responsibility to contribute to the region's security has been proven several times over the last few decades. Australia has a strong interest in a prosperous and stable Timor-Leste.<sup>91</sup> This includes Australian involvement in international peacekeeping in East-Timor after the referendum for independence in 1999 and during military and political crises in 2006.<sup>92</sup> Both missions were successful and enabled the Timorese people to restore their independence in 2002 and maintain order four years later. Other examples of Australian involvement regional assistance missions include the Solomon Islands, the Regional Assistance Mission to Solomon Islands (RAMSI), and delivery of aid to Tonga after the riots of 2006.<sup>93</sup>

The Australian Defence White Paper 2013 stated that Australia's geography required a maritime strategy for deterring and defeating attacks against Australia and contributing to the security of the immediate neighbourhood and the wider region.<sup>94</sup> The current Australian Defence White Paper (2016) states that Australia's second premier strategic priority is the security in the region. It says that, after the defence of Australia:

*Australia next most significant strategic interest is the security, stability, and cohesion in their immediate neighbourhood. Which they share with Papua New Guinea Indonesia, Timor-Leste, New Zealand, and the South Pacific states. From Australia strategic viewpoint, this neighbourhood not major military power and threat, that could challenge Australia sea and air control approaches to Australia, which has accesses and bases in the neighbourhood which could project force against Australia. Australia commits helping to build stability and prosperity in this region. Therefore, Australian interest is inevitably engaged if countries in the region become vulnerable to the adverse influence of strategic competition.*<sup>95</sup>

The Australian Foreign Policy White Paper 2017 also stated that Australia would continue to support Timor-Leste's armed forces and national police. Australia cooperates on regional security issues, including maritime challenges, border security and transnational crime and also supports Timor-Leste's ambition to join ASEAN in order to facilitate closer economic engagement with Southeast Asia.<sup>96</sup>

It is essential for Australia to support the government of Timor-Leste to help build and strengthen their maritime security capabilities, especially in addressing threats such as illegal fishing, transnational crime, and other similar security challenges. In this regard deepening security partnership through defence cooperation program such as Maritime Security Program would be significant to both countries and the region. A close relationship between Timor-Leste and Australia is valuable to both nations.

The relationship between Timor-Leste and China was established following Timor-Leste's independence on May 20, 2002. China expressed its willingness to continue rendering help to Timor-Leste for its national development, social progress, and improvement of the population's well-being.<sup>97</sup> China has paid for large building projects in Timor-Leste, including the president's palace, the ministry of foreign affairs, and the military residential headquarters. There are military exchanges every year, with military officers currently studying in China. The former President and Prime Minister Gusmao has said that the government wants to strengthen bilateral military cooperation with countries that provide support. Moreover, he also said that it would not be acceptable for other countries to stop Timor-Leste from accepting military training from China.<sup>98</sup>

Timor-Leste purchased a Chinese patrol boat, of the *Shanghai* class, in 2010. This caused Australia to pay closer attention to the relationship between the two countries. Ramos Horta, the former president of Timor-Leste, noted in an interview with Mark Davis that it looked more than just a coincidence that the purchase of Chinese patrol boats saw an influx of offers of capability support from Australia, the US, and South Korea. It was remarked that it was taking too long for Australia to appreciate the need for Timor-Leste to have a credible maritime security capability. Nevertheless, he asserted his preference for much closer maritime cooperation with Australia and Indonesia.<sup>99</sup> Australia should not assume that the Chinese patrol boat deal, and others deals, have implications for the future direction of Timor-Leste's foreign policy. Timor-Leste will not abandon Australia as a traditional ally because Timor-Leste and Australia are close neighbours with a shared history and strong people-to-people links. For that reason, Timor-Leste and Australia should continue to see each other as a strategic partners and to carry the relationship forward.

Timor-Leste's core national interest is to guarantee success in building a democratic state. As part of this, a critical strategic interest of Timor-Leste's is to protect natural resources in order to safeguard the sustainable survival of future generations. As the former president of Timor-Leste Kay Rala Xanana Gusmao said:

*We know, and we will always know, to be friends with our friends, respecting their interests, so long as our own interests are not at stake. The main intention of the Naval Component is not to be a navy, but to represent a component of the new paradigm of the Defence Forces of Timor-Leste.*<sup>100</sup>

Furthermore, in a similar statement the National Parliament President of Timor-Leste, Arao Noe, said: 'Timor-Leste, we don't need a big Navy (*maritime power*), but we need capable Navy that has the capacity to control our natural resources all over our national maritime [interests]'.<sup>101</sup> As this statement indicates, Timor-Leste's Navy needs to build its existing capabilities to secure maritime borders, not to build a navy for competition or conflict in the region.

## Implications of the Guardian class Patrol boat for Timor-Leste

Timor-Leste and Australia have common interests in the maritime domain including security, environmental protection, and resource development. Therefore there is considerable mutual benefit to be gained by Australia in providing capacity for Timor-Leste to secure its maritime interests.

The Australian Government has made a commitment to work with regional partners for security cooperation on maritime surveillance. Timor-Leste has been invited to join the Maritime Security Program in order to enhance practical maritime security cooperation, evidence of Australia's growing defence cooperation with Timor-Leste.<sup>102</sup> Two *Guardian* class patrol boats have been offered to Timor-Leste as a new member of the program. Built in West Australia by Austal,<sup>103</sup> the vessel is 39.5 meters long, with a beam of 8 meters and a draft of 2.5 meters. Maximum speed is 20 knots, and at a speed of 12 knots it possesses a 3,000 nautical mile range. Each vessel can accommodate 23 people.<sup>104</sup> In November 2017 the former Prime Minister Malcolm Turnbull and his Timorese counterpart former Prime Minister Alkatiri signed the agreement of two new boats for Timor-Leste's Navy.<sup>105</sup> Minister for Defence Marise Payne said that Australia's gifting of these vessels would help improve Timor-Leste's capability to patrol its maritime borders and protect its natural resources. Moreover, Minister Payne said: 'The boats will be sovereign capabilities of Timor-Leste, with Australian advisory, maintenance, infrastructure, and other support. This enduring assistance makes this agreement a 30-year commitment to supporting Timor-Leste's security and prosperity.'<sup>106</sup> Timor-Leste will receive the vessels in June and September 2023 based on current build schedules.<sup>107</sup> Timor-Leste will use the boats to conduct maritime surveillance and enforcement operations, such as combating illegal fishing.<sup>108</sup>

Many Timorese leaders had questions regarding control of the vessels and whether they would be under Timorese control or remain under the control of Australia. It was a concern raised by Brigadier Falur Rate Laek in a meeting between the Australian defence attaché to Timor-Leste and former defence minister Somoxo in F-FDTL Headquarters. In response to that question, the Australian defence attaché said: 'Definitely the *Guardian* class vessel will belong to your Command and your sovereignty capability, not Australian control.'<sup>109</sup>

Both parties have agreed to carry on this arrangement as part of improving Timor-Leste capability in dealing with maritime security issues. Unquestionably Timor-Leste will benefit from the presence of two *Guardian* class ships: naval assets with the capacity to deal with security issues in Timor-Leste's waters. It also provides the capability to participate

in regional operations and exercises. For example, Timor-Leste could move beyond being an observer for Exercise *Paradise* and become a participant, transforming it into a trilateral regional exercise. Timor-Leste could also send a unit to Exercise *Kakadu* as well as to other multilateral exercises. As for resource implications, participation in the MSP will drive down costs, not only with regards to the hulls themselves, but also in the provision of maintenance support, infrastructure, and crew training. Participation in the *Guardian* class program can be seen as a test case if the Timorese government wishes to buy an even bigger ship in the future. The *Guardian* class patrol boat deal is a very significant step in supporting Timor-Leste's maritime security.

The Australian Pacific Maritime Security Program is a potential source of additional resources for the Timorese Navy that could help it undertake its mission successfully. Further, it would enable the Timorese Navy to conduct joint maritime security exercises and operations with the Royal Australian Navy and other border protection forces. Over time it could lead also lead to trilateral joint maritime security cooperation activities between Indonesia, Australia and Timor-Leste. Finally, the program could help build regional cooperation and capacity building with other Southeast Asian and Pacific island nations. This cooperation is likely to provide the most effective basis for long-term, sustainable solutions to regional maritime security issues. Therefore, this paper recommends participation in the Maritime Security Program to the Government of Timor-Leste as a means of closer bilateral cooperation with Australia, with the potential for even great cooperation with other nations in the region.

## Conclusion

Timor-Leste is an island nation with a large maritime area, and it is facing many questions about how to protect its maritime interests. The government needs a credible maritime security policy and it must further develop and enhance the capabilities of its naval forces. Of particular note is the need to address immediate security challenges such as IUU fishing in the Timor Sea. The government needs to carefully assess the threats and develop effective courses of action. It needs to establish a strategic outlook for Timor-Leste based on geographical considerations, developing an integrated maritime governance regime, and consideration of how Australia's Maritime Security Program can be of aid. The government needs to create a framework for bilateral and multilateral security cooperation in the region, as well as international engagement to better address maritime security issues that are a global problem, such as IUU fishing.

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## Glossary of Terms

APFIC	Asia-Pacific Fisheries Commission
ASEAN	Association of Southeast Asian Nations
ATS	Arafura Timor Sea
COMAR	Maritime Operations Centre
CDF	Chief of the Defence Force
EEZ	Economic Exclusive Zone
F-FDTL	Timor-Leste Defence Forces (Forças da Defesa de Timor-Leste)
FAO	Food and Agriculture Organisation of the United Nations
IPOA	International Plan of Action
IUU	Illegal, Unreported and Unregulated
JPDA	Joint Petroleum Development Area
JTF	Joint Task Force
LAR	Assault Speedboat (Lancha de Assalto Rápida)
LVR	Surveillance Speedboat (Lancha de Vigilância Rápida)
MCS	Monitoring, Control and Surveillance
MSP	Malacca Strait Patrol
MOU	Memorandum of Understanding
NDL	National Defence Law
NDP	National Development Plan
NGO	Non-Governmental Organisation
NRTL	Republic of Timor-Leste Ship (Navio República de Timor-Leste)
PLAN	People Liberation Army Navy
RFMO	Regional fisheries management organisations
OPV	Offshore Patrol Vessel
RDTL	Republic Democratic of Timor-Leste
PNG	Papua New Guinea
UNCLOS	United Nations Convention on the Law of the Sea
VMS	Vessel Monitoring System
WRI	World Resources Institute





# UNDERSTANDING AND COMBATING PIRACY IN THE SULU SEA

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## Introduction

Piracy at sea is one of the world's oldest crimes and will persist alongside the ongoing development of seaborne trade and transportation. Since the early 2000s, piratical activities have attracted both regional and global attention and various responses. Several regions have turned into hotbeds of piracy – in particular, the Gulf of Aden, the Malacca Strait, New Guinea, and the Sulu Sea.

Vessels operating or transiting through the Sulu and Sulawesi region have always been vulnerable to pirate attacks. Recent incidents, especially in 2016, have resulted in significant casualties, including people, cargo, ships, and other related materials. Approximately 20 offshore attacks occurred in 2016, and more than 50 foreigners have been kidnapped by pirates in the second half of 2016.<sup>1</sup> Countries in the region still face a complex maritime security challenge. In light of recent developments, there is a concern that the Sulu Sea will become a 'New Somalia'.<sup>2</sup>

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HMAS *Ballarat*'s Boarding Party conducts a flag verification boarding on a suspicious dhow as part of Operation MANITOU.

Three border countries – Indonesia, Malaysia, and the Philippines – have taken cooperative measures to suppress piracy in the Sulu Sea using their armed forces to conduct coordinated patrols.<sup>3</sup> Since the patrols commenced, the number of incidents has declined, but several attacks have since caused fatalities and the area remains a piracy ‘hotspot’.<sup>4</sup>

To tackle piracy in this region, one needs to understand its characteristics. Although the methods by which pirates do business are similar, some factors differentiate piracy in the Sulu Sea from other regions. Therefore, actions taken to solve the problem in the Sulu/Sulawesi seas must be different. This paper provides a picture of how pirates operate in the region and the causes, as well as challenges in addressing the threat. It also examines current responses from coastal states. Finally, the paper offers recommendations to might improve regional cooperative measures.



Figure 1: The Sulu Sea and near region<sup>5</sup>

## Maritime piracy

Article 101 of the United Nations Convention of the Law of the Sea (UNCLOS) 1982 includes the following definition of piracy, which is also used by the International Maritime Organisation (IMO):

Piracy consists of any of the following acts:

- a. Any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
  - i. On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
  - ii. Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;



- b. Any act of voluntary participation in the operation of a ship or an aircraft with knowledge of facts making it a pirate ship or aircraft;
- c. Any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

According to Derek Johnson, Erika Pladdet, and Mark J. Valencia, that definition contains five elements:

*First, piracy must involve a criminal act of violence, detention, or depredation. Second, piracy must be committed on the high seas or in a place outside the jurisdiction of any state... The third element... is the two-ship requirement.... Fourth, piracy needs to be committed for private ends, which excludes the acts of terrorists or environmental activities from being piracy. Fifth, attacks by naval craft fall outside the bounds of piracy because pirate attacks have to be committed by the crew or passengers of privately owned vessels.<sup>6</sup>*

Meanwhile, the International Maritime Bureau (IMB) has its definition, one that broadens the scope of piracy and eliminates UNCLOS restrictions. It defines piracy as: ‘An act of boarding or attempting to board any ship with the intent to commit theft or any other crime and with the intent or capability to use force in the furtherance of that act.’<sup>7</sup> The differences between the two definitions are given in the table below.

IMO	IMB
Piracy must be committed on the high seas or in a place outside the jurisdiction of any state. A criminal attack with weapons on ships within territorial waters is an act of armed robbery and not piracy.	The distinction does not exist between attacks on the high seas and in territorial waters.
Piracy has a ‘two-ship’ requirement. Pirates need to use a ship or ships to attack another ship. This excludes mutiny and privateering from acts of piracy.	A ‘two-ship’ requirement is abolished. Attacks from any watercraft or even from ashore are acts of piracy.
Piracy is committed for private ends. This excludes acts of terrorism and environmental activism.	Piracy may be committed for private or other ends. Attacks on a ship for political or environmental reasons qualify as piracy.
Because pirate attacks have to be committed by the crew or passengers of privately owned vessels, attacks by naval craft fall outside the bounds of piracy.	The acts of government naval craft can be deemed piracy in certain circumstances.

Table 1: IMO and IMB definitions of piracy<sup>8</sup>

The use of dissimilar definitions results in different piracy incident reports provided by the IMO, the IMB, and respective coastal states. Because if a broader definition, reports published by the IMB tend to show a greater number of piracy incidents. A greater number of piracy incidents creates complexity for coastal states in answering their obligation to ensure the security and safety of sea lanes within their jurisdiction. The greater the number of piracy incidents, the worse the image of the responsible coastal states. For example, the Malacca Strait had obtained a reputation as ‘the most dangerous waters’. The ability of coastal states to handle piracy is therefore thrown into question.

The IMO definition of piracy, adopted from UNCLOS 1982, provides a clear distinction of coastal states’ responsibility for ensuring the safety and security of maritime space in their respective national jurisdiction. This definition allows law enforcement agencies to

understand what rules and regulations apply for any crime inside or outside territorial waters. For the states that agree with the IMO definition, national laws will be used to prosecute the perpetrators of violent attacks on seafarers inside their territorial waters, thereby categorising these acts as armed robbery. By contrast, international law will be employed as the legal basis for prosecuting attacks that occur on the high seas. On the other hand, the IMB definition, which negates jurisdictional limitations, establishes difficulties for coastal states in addressing any pirate attack at sea. This definition creates a negative image for coastal states in cases where a high number of incidents occur within their jurisdiction.

Indonesia and Malaysia have avoided categorising incidents as piracy in territorial waters to prevent the involvement of other states in anti-piracy operations. Both Indonesia and Malaysia argue that using the term piracy for attacks occurring in territorial waters would encourage external powers to be involved in anti-piracy operations. They argue that a foreign naval presence in their territorial waters could be considered a violation of sovereign rights. This follows the proposals by several countries, including the United States, India, China, and Japan, to engage in such operations. Being highly dependent on maritime trade, these are all states that are concerned that the piracy threat could hamper their economies. Specifically, in 2004 the US Navy promoted its Regional Maritime Security Initiative (RMSI) to counter piracy in the Asia-Pacific region, especially in the Malacca Strait.

Aside from the discussion of the piracy definition, this paper will employ its broad meaning since the three coastal states – Indonesia, Malaysia, and the Philippines – agreed with the operational use of the term in their documentation.

To understand how pirates operate, Valencia categorises acts of piracy in the Southeast Asia region into four types based on the methods used. Hit-and-run theft is the most common modus operandi. The actors mainly execute their actions in the dark when a ship's crew slacken their guard and lose situational awareness. Working in a small group of two to five, they usually sneak out, board the ship, take what they want, and leave. These pirates mostly try to avoid being detected but to prevent being captured they arm themselves with knives or sharp objects for self-defence. Their targets are mainly valuable items that are readily found and easily portable, such as cash, engine spare parts, pipes, cables, and electronic devices.<sup>9</sup>

The second type of attack is the temporary or short-term seizure of a ship. Working in a bigger group, the pirates are usually more organised and sometimes better prepared. To carry out their attack, they must invest money in equipment such as small boats, fuel, and proper arms. While the first type is more opportunistic, this second type uses basic intelligence gathering to collect information on the target. The main purpose is to obtain a greater financial gain through collecting money or more valuable assets from the crew, in larger amounts of a longer period than in a hit-and-run attack. This attack can happen anytime and at any place.<sup>10</sup>

The third type, long-term seizure, utilises similar methods to the previous type, with a longer duration of capture and greater gain in mind. This type of attack is aimed at stealing the entire ship's cargo. Therefore, the attackers are more organised and experienced, using bigger ships to load the cargo, and are more prepared to employ violence to maintain control of captives. The risks the captive crew face are greater, and the economic losses are significant.<sup>11</sup>

Hijacking is the fourth type of piracy attack under this classification system. Although similar to types two and three, the goal of this method is to illegally possess the ship and its entire cargo until the ship is disposed of. Hijacking exposes the crew to more serious and dangerous circumstances. Pirates quite often violently capture or even kill the crew.

This modus operandi, however, requires good planning and execution. To obtain revenue, the pirates need ready consumers for the cargo, forged/counterfeit documents to change the identity of ship and cargo, and a safe place to keep the ship temporarily.<sup>12</sup> All of this preparation requires initial capital investment and organisation. This type of piracy is conducted by organised groups with strong financial backing.

Looking at their motives and methods, Eduardo Ma R. Santos codified pirate groups operating in the Philippines's waters into two categories: 'loosely-organized petty thieves and small-time criminal elements, and organized and heavily armed groups'.<sup>13</sup> The first group mainly operates with a pure robbery motive; the latter conduct their actions for larger financial gain. The armed group mainly undertakes the long-term seizure and hijacking method. Most of them are members of terrorist or armed rebellion groups, whose motive is to obtain money to support their operations on land. This type of group operates mostly in the southern Philippines, where their bases are primarily located.<sup>14</sup>

Categorisation	Description
Hit and run	Most common; opportunistic; covert; small groups
Temporary/short-term seizure	Intelligence and planning required; detainment of crew for exploitation; resources for holding command of the ship required
Long-term seizure	Aims to capture total value of ship's cargo; requires resources to transport plundered goods and means of violence to detain and threaten the crew
Hijacking	Total control of the ship; planned with buyers ready for the ship and its goods; perpetrated by experienced organised groups with financial backing

Table 2: Piracy attack categorisations

## Maritime Terrorism

Piracy becomes more complex when terrorist groups are involved. Graham Gerard Ong-Webb argues that both crimes are categorised as an international or transnational crime.<sup>15</sup> He then explains that piracy and terrorism have other interconnecting characters: methods and results of the actions.<sup>16</sup> Pirates and terrorists both use weapons. Hence, in every action, there is a high possibility of violence and subsequent casualties. It is difficult to easily define the act of seizing or hijacking ships in this region as either piracy or terrorism. Both use similar methods and use violence as a primary means of achieving their goals. Yet, more lethal violence might be seen when terrorists engage in piracy. The militant members will most probably use violence as an essential element of maritime terrorism. Therefore, fatalities are more likely in any pure pirate attack. The threat of violence for conventional piracy is meant to elicit fear, prevent any counter-actions from crew members, and allow for sufficient self-defence. Furthermore, Adam Young and Mark Valencia provide clear discrimination between the two terms: they can be segregated when their primary ends are clear. Piracy's goal is to obtain immediate financial gain. Maritime terrorism, on the other hand, has political motivation in attacking or hijacking a ship. In line with the primary motive, piracy and terrorism are different in character: while pirates tend to work in silence, terrorists need to make public noise.<sup>17</sup>

Graham Ong-Webb has identified two main types of attack used in maritime terrorism in Southeast Asia. First, terrorist groups will conduct suicide attacks on maritime infrastructure,

commercial or military, to hamper the economic activities and to reduce military capability, as well as to make their presence felt. Second, they will act as pirates by attacking and hijacking vessels, with various ends in mind, such as using the ship as the medium to conduct suicide attacks, demanding ransom, smuggling weapons, and selling the ship and its cargo to sustain their logistics.<sup>18</sup>

As with piracy, maritime terrorism is also difficult to define since actors have different political motivations. Internationally, there is no accepted definition of maritime terrorism. Concerning several terrorist attacks, such as those against USS *Cole* and the *Limburg*, scholars and practitioners agreed to use Articles 3 and 4 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988 (SUA Convention).<sup>19</sup> Although not explicitly mentioning terrorists, the Convention codified maritime terrorism as any act of a person or group of people to forcefully take control of a ship for various purposes that lead to the damage of the ship, cargo, and persons on board, and unsafe navigation through interstate waters or the high seas. Specifically, a working group under the Council for Security and Co-operation in the Asia-Pacific (CSCAP) defines maritime terrorism as terrorist acts and activities which are within the marine environment and the type of target includes maritime infrastructure, vessels, and people.<sup>20</sup>

Two terrorist groups in the Philippines, Moro Islamic Liberation Front (MILF) and *Abu Sayyaf* Group (ASG), have regularly conducted armed attacks against maritime targets, such as ships and tourist resorts, to convey their political messages to the Government. In February 2000 MILF was accused of bombing the ferry *Our Lady of the Mediatrix* in Iligan Bay, resulting in approximately 40 deaths. ASG assaulted the *MV Doulos* in the Port of Zamboanga in August 1991, killing two people. In 1996, they twice attacked the town of Sempoerna on the coast of Sabah, Malaysia. This group attracted international attention by attacking and kidnapping 21 tourists in the Sipadan diving resort in Malaysia. They demanded the release of fellow Islamic terrorists. In 2001, ASG again abducted 20 people from a Palawan tourist resort. Later in 2003, they kidnapped six workers from a Sabah tourist resort and several hostages were killed afterwards. In the following year, the group bombed *SuperFerry14* in Manila Bay. All these violent actions had political ends and were considered terrorist attacks rather than acts of piracy.<sup>21</sup>

Based on the above discussion, attacks in the Sulu Sea should be categorised contextually; it may be considered either an act of piracy or an act of terrorism depending on the attacker's intent. In short, if the motivation is merely economic, the act falls into piracy. The Indonesian Coordinator Minister of Politics, Legal, and Security, Luhut Pandjaitan, argued that until now, abductions were motivated by financial goals.<sup>22</sup> In this context, it is difficult to directly measure whether an incident should be considered a pirate action or terrorist attack. Authorities must conduct a thorough investigation to determine whether the primary motivation is economic (piracy) or political (terrorism).

## Factors contributing to piracy in the Sulu Sea

Eduardo Santos has identified several factors that contribute to piracy in the Philippines' waters, particularly in the Sulu Sea. First, communities in the Southern coastal areas of the country have made piracy one of their occasional occupations since the 1800s. When Spain tried to occupy the country, Sulu's piracy became one of the effective tools of resistance. Similar to other parts of Southeast Asia, certain communities have been known as pirate societies, using piracy as a means of survival. Second, Santos also recognised that a low standard of living in these communities has made piracy a means of sustaining people from generation to generation. Additionally, economic turbulence in certain times motivates people to seek jobs that promise quick income with low investment. Piracy is one of those options.

A third factor is that the Sulu Sea is a convenient environment for pirates to operate in. In addition to fishing vessels, the Sulu Sea, specifically the Sibutu passage, attracts many merchant vessels shipping from Australia to East Asian countries, and *vice versa*. Annually, over 13,000 vessels operate in this passage.<sup>23</sup> Maritime traffic in the area is, therefore, a promising target for pirates.

The fourth factor concerns maritime terrorism, which has grown in line with increased terrorist group activities on land. The operations of these groups have seen piracy, especially hijacking and kidnapping for ransom, as feasible methods for acquiring significant amounts of money to fund their operations.

The fifth factor regards the capability of maritime law enforcement agencies to cover vast areas of responsibility. Agencies such as navies, the police, and coast guards face inadequate resourcing to maintain 24/7 patrols in the affected areas. This condition creates difficulties for the units responding to immediate piracy threats. Pirates frequently identify gaps in surveillance coverage and take advantage by launching attacks at the appropriate time.

## Impacts of piracy

Piracy has a substantial impact on international interests. In addition to the obvious financial losses and losses of life, piracy also disrupts global sea lines of communication. Most pirate activities take place in vital sea routes, such as the coast of Somalia, the Malacca Strait, the South China Sea, and the Sulu Sea. The disturbance caused by pirate attacks, and even the threat of attack, can halt or delay the flow of commodities, energy resources, and maritime services to all corners of the globe. Minister Pandjaitan stated his concern that a ‘new Somalia’ would exist in the Sulu Sea if this problem is not addressed properly and completely.<sup>24</sup> Having identified several impacts, this paper will focus on three aspects: security, environment and economy.

## Security

Piracy threatens the physical safety and security of ships, personnel, and cargo. The level of threat is different depending upon the method pirates use. These methods are related to the pirate’s motives. Hit-and-run theft piracy is unlikely to cause much harm to the crew. The pirates will avoid contact with or detection by personnel on board. If detected, they are likely to only use force or violence in self-defence or to deter being captured. The longer the pirates stay on board a vessel, the higher the risk to the personnel on board, both crew and any passengers. Therefore, a hijacking attack poses the highest risk of casualties. Oceans Beyond Piracy (OBP) recorded that in 2016, 442 seafarers were affected by piracy in the Sulu and Sulawesi Seas, from 38 incidents of which 37 occurred while the vessel was underway.<sup>25</sup> There were 22 kidnapping cases in the Sulu and Celebes Seas, with 185 seafarers in detention as a result. The detention duration varied from one day to hundreds of days.<sup>26</sup>

According to the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), in the period March 2016 to June 2017, there were 23 incidents of abduction of crew in the Sulu-Celebes Sea and the waters off eastern Sabah, and 59 crew members were detained. As a result of this, two were killed, 39 released and 18 remain as hostages. The perpetrators were mostly members of a terrorist group located in the Philippines.<sup>27</sup> These numbers are quite shocking considering that for the two years previous there were no significant attacks in the region.



Figure 2: Piracy incidents in 2016<sup>28</sup>

Piracy also exposes a ship and its cargo to possible damage or destruction. Long-term seizure leaves cargo unintended and uninspected. This is a result of pirates isolating the crew in close quarters so that they are unable to perform their normal duties, including routine inspections. Also, by being constantly under threat and in a dangerous situation, a crew is more liable to be careless about routine safety matters. Such circumstances have the potential to ruin a ship's cargo, especially easily spoiled commodities like dairy, unprocessed food, and livestock.

## Environment

Piracy endangers a ship's safety and therefore has the potential to harm the environment. Seizure by pirates often sees a ship's normal operations curtailed, leading to poor stability and maintenance practices. In this situation, the ship will be vulnerable in degraded weather conditions. A ship seized by pirates is frequently left unmanned at some stage. It may become a navigational hazard posing a collision risk to other ships, especially since most attacks occur at night. In the event of a collision, there is the potential for the loss of cargo overboard and an oil spill. Potential damage could be compounded by the risk of a subsequent fire or even explosion, depending on the cargo. The worst-case scenario is that a pirate or terrorist attack targets a ship transporting dangerous goods such as hazardous chemicals or radioactive material. This could lead to the catastrophic destruction of the local environment.

## Economy

Besides security, piracy hampers the economic sector at various levels, from the level of individual crew members, ship owners, states, and even the global community. The crew and ship owner will suffer direct financial loss and loss of opportunity. The potential losses include the ship, cargo, and money for ransom, depending on the particular act of piracy. It can cause broader impacts on a country or several states in a region. A pirate attack on a ship transporting energy resources, namely oil and gas, can affect a destination country's energy availability.

Financial losses due to piracy are significant. Although specific data on economic loss in

related incidents in the Sulu Sea is not available, ReCAAP reported that during 2016 the value of stolen cargo in the Asian region was almost \$3.25 million. That number does not include crew belongings of approximately \$150,000-\$280,000, and ship's stores of between \$460,000 and \$1,600,000.<sup>29</sup> ReCAAP estimates that almost \$7 million was paid to pirates, particularly to the ASG, who usually demand large sums of money.<sup>30</sup> For example, to release the kidnapped crew of the tug boat *Brahma 12*, the pirates asked for one million dollars.<sup>31</sup>

The final economic impact is global. Piracy affects the operational costs of global shipping companies. Maritime organisations like ReCAAP have advised ships to take other routes to avoid pirate attacks. This recommendation results in additional sailing time. For example, it adds approximately half a day to a 14-day voyage for the normal transit duration from Port Hedland, Western Australia's main iron ore export terminal, to northern Asia.<sup>32</sup> This means that a ship operating in this route can only conduct two trips a month or 24 times a year. Furthermore, this additional time adds extra costs per day in additional fuel usage. These costs can be large. Over time they mount and impact companies' profit margins.<sup>33</sup> Figure 3 illustrates the possible alternative routes for shippings to avoid the Sulu and Celebes seas.

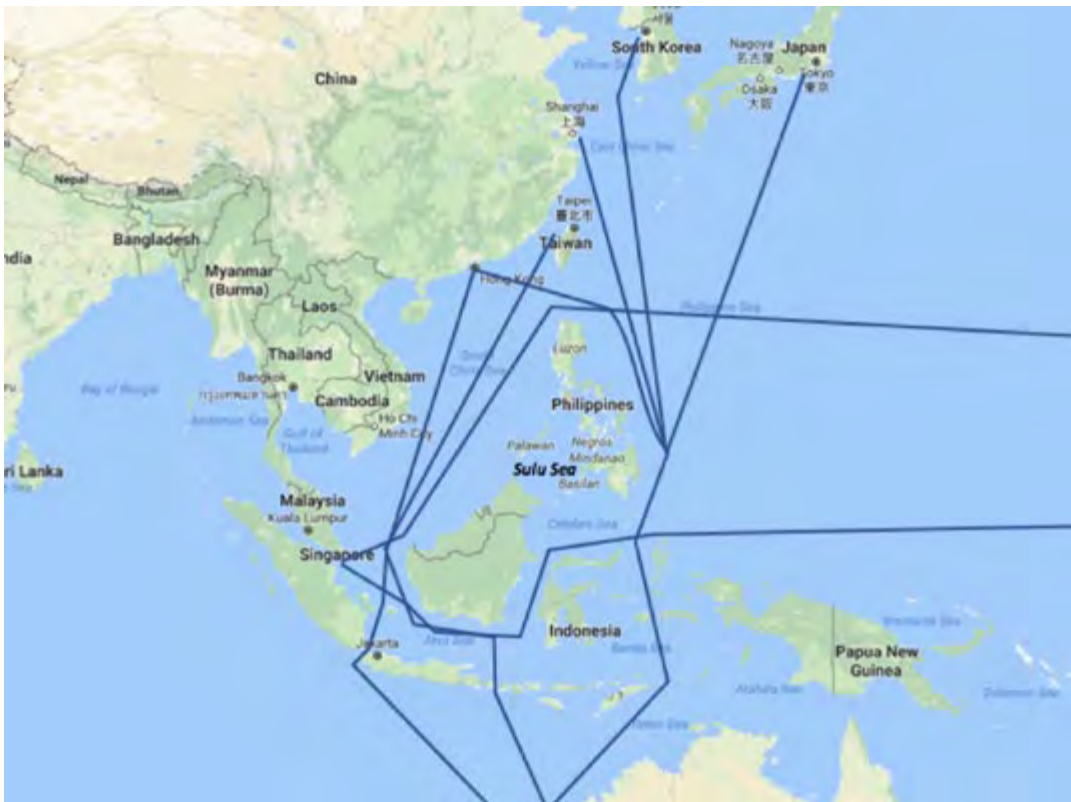


Figure 3: Rerouting of shipping<sup>34</sup>

## The Sulu Sea piracy challenges

Due to its complex characteristics, tackling piracy in the Sulu Sea requires comprehensive measures at both a tactical and a strategic level. Geographical conditions, traffic density, situational awareness, patrolling assets, and logistics are, among other things, important factors that need to be considered in formulating and executing counter-piracy plans. At the strategic level, territorial disputes, national policy, and interoperability are issues that require review. For example, direct unilateral or repressive countermeasures are inadequate in addressing maritime terrorism.



Figure 4: The Sulu and Celebes seas<sup>35</sup>

## Geography

Located in the southern part of the Philippines, the Sulu Sea is semi-enclosed. The large islands of Palawan, Mindanao, Panay, and Cebu are the dominant geographical features. It has some areas that are considered sufficiently deep for the navigation of large vessels. The distance between Palawan and Mindanao is approximately 200nm, and the range between the small islands is relatively short. For example, the waters between Sibutu Island and Simunul Island, known as the Sibutu Passage, are only 15nm in width. From Basilan, one of the ASG's compounds, the Sibutu channel is around 150nm distant. With a high-speed boat, pirates can easily and relatively quickly reach those places. This makes the Sulu Sea a favourable area to launch attacks against vessels. They can wait for their targets at a



nearby small island in the area and hide from patrolling units. Furthermore, the scattered islands that shelter pirates create problems of navigational safety for vessels transiting the area. Ships sometimes need to reduce speed when passing through narrow waters, especially at night. This provides an opportunity for pirates to easily board a vessel and conduct their attack.



Figure 5: The Sibutu Passage<sup>36</sup>

Most of the Sulu Sea is within the Philippines' national jurisdiction and is mostly classified as territorial waters. Legally, only Philippines law enforcement agencies can operate in these areas. Other states' units must have authorisation from the Philippines to operate in the area. This process may take some time due to the country's judicial and political mechanisms. This creates problems for other states trying to ensure their flag-state ships' security when transiting through this area, even for neighbouring states like Indonesia and Malaysia. Adding to the complexity is the fact that the islands of the southern Philippines are a safe haven for terrorist groups. Basilan and Jolo are the islands where the ASG is primarily based, with around 200 to 400 active members. This makes it much easier for the ASG to launch an attack on vessels sailing through the region.

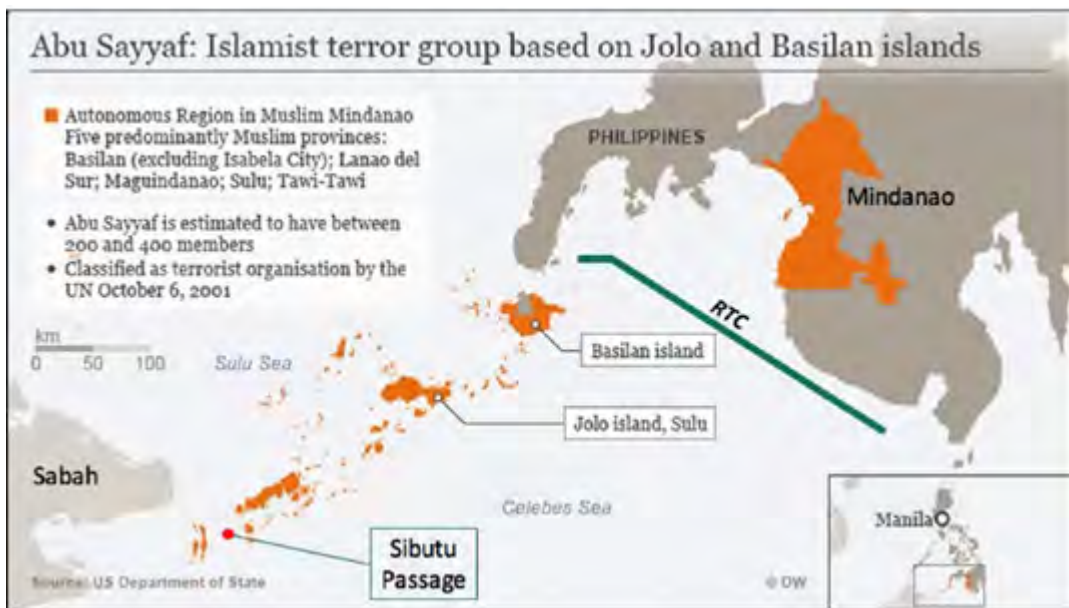


Figure 6: Abu Sayyaf bases<sup>37</sup>

## Traffic density

Although a larger area than the Malacca Strait, the Sulu Sea is one of the key shipping routes in Asia. Maritime agencies estimate that annually over 100,000 ships from Australia, America, Europe, and Asia use this passage, transporting around 55 million metric tonnes of various cargos worth around \$40 billion.<sup>38</sup> This includes most of the coal exports (approximately 70 per cent) exported from countries in the region, such as Indonesia and Malaysia, and imported to the Philippines, and equal to USD 800 million.<sup>39</sup> This high traffic density enables pirates to easily pick any vessel to attack, and most vessels are navigating at slow speed, most commonly tug boats with barges in tow.

Due to the number of scattered islands in the area, vessels using these waters must navigate carefully. These waters are rich in fish and other marine resources and so are home to many fishing vessels. Like most other areas in the region, fishing and fishing-related activities such as aquaculture are prolific in the Sulu Sea. At night, seafarers are likely to encounter fishing boats or marine structures without proper markings or lighting. Such situations require caution. To navigate safely and avoid a collision with these platforms, ships will usually reduce speed. Yet this action has the consequence of making the ship more vulnerable to boarding by pirates. Furthermore, a high number and variety of ships transiting the Sulu Sea increase the opportunity for pirate groups to select a suitable ship to attack. In general, pirates will attack small vessels like tug boats with towed barges and fishing boats. Recently, attacks have also occurred on cargo ships and tankers: higher risk but more valuable targets with the potential for greater gain.<sup>40</sup>

## Maritime surveillance

The need for information, such as where and when piracy will occur, is crucial, but rarely available in real-time and as required. Such information helps sea users to plan and determine routes. Maritime Domain Awareness (MDA) becomes invaluable in this situation.<sup>41</sup>

In the Sulu Sea, the inadequacy of information occurs because of the lack of maritime surveillance platforms within the area. Maritime information mainly comes from outside maritime centres such as Singapore's Information Fusion Centre (IFC), ReCAAP, IMB, and IMO. Currently, surveillance operations are only conducted by surface ships and Maritime Patrol Aircraft (MPA). These two surveillance platforms have limited operational endurance and coverage. This makes it very difficult for patrolling units operating in this area to monitor the entire area of responsibility and build a surface operating picture. The Sulu Sea and adjacent waters require persistent surveillance to ensure the security and safety of the region. To fulfil this need, a coastal radar system may be an answer. It could provide a range of different capabilities, depending on the user's concept of operations, such as 24/7 operational hours, network communications, datalink, and video surveillance.

## Patrolling assets

To maintain a presence, maritime law enforcement agencies deploy patrolling units in the areas of interests but face limitations due to endurance, operational readiness and quantity of assets which, overall, undermine the ability to produce a robust and continuous presence to build a recognised maritime picture.

The Philippines, Indonesia, and Malaysia have faced challenges in maintaining operational readiness. These three countries have wide areas of responsibility, as their maritime jurisdictions are huge. In reality, assets available are unbalanced within the area that needs to be covered. The Sulu Sea and its adjacent waters are a small part of the areas within their responsibility. Moreover, in line with operational readiness, logistics play a vital role in ensuring the sustainability of an operation. Anti-piracy efforts in the Sulu Sea increase logistical requirements. It affects routine or existing operations in other regions in terms of cost allocations. Counter-piracy patrols and incident responses are only part of the duties of regional naval and law enforcement agencies. These patrols have increased the cost to law enforcement agencies, as well as the navy. To the Philippines, the situation in Marawi after the attacks there has consumed the government's energy and resources. This is one of the reasons the executive proposed increasing the defence budget in 2018.<sup>42</sup>

## Territorial disputes

Territorial disputes exist between Indonesia and Malaysia and the Philippines and Malaysia. Indonesia and Malaysia have contested each other's claims in the 'Ambalat' dispute area (see Figure 7 below). There were several incidents involving naval assets in the 2000s, where units of both states were involved in encounters at sea, and one side perceived the other as entering waters illegally. This was followed by accusations that the units were conducting dangerous manoeuvres. Fortunately, there have been no exchanges of fire between naval units during this dispute. Similarly, claims over Sabah territory between Malaysia and the Philippines have also brought the countries into a long-standing dispute since 1968.<sup>43</sup> In 2013, an armed clash occurred between Malaysia's security forces and a group of Filipino gunmen who landed on the Sabah coast and claimed the territory as part of the Sulu Sultanate.<sup>44</sup>

Existing unresolved territorial disputes do complicate the efforts to suppress piracy, armed robbery, and other criminal acts in this region. Coastal states face difficulties in determining responsible authorities in the disputed areas. This creates complexity in drawing up specific areas of responsibility for each country. Additionally, it creates difficulties in determining what acts break which country's laws.

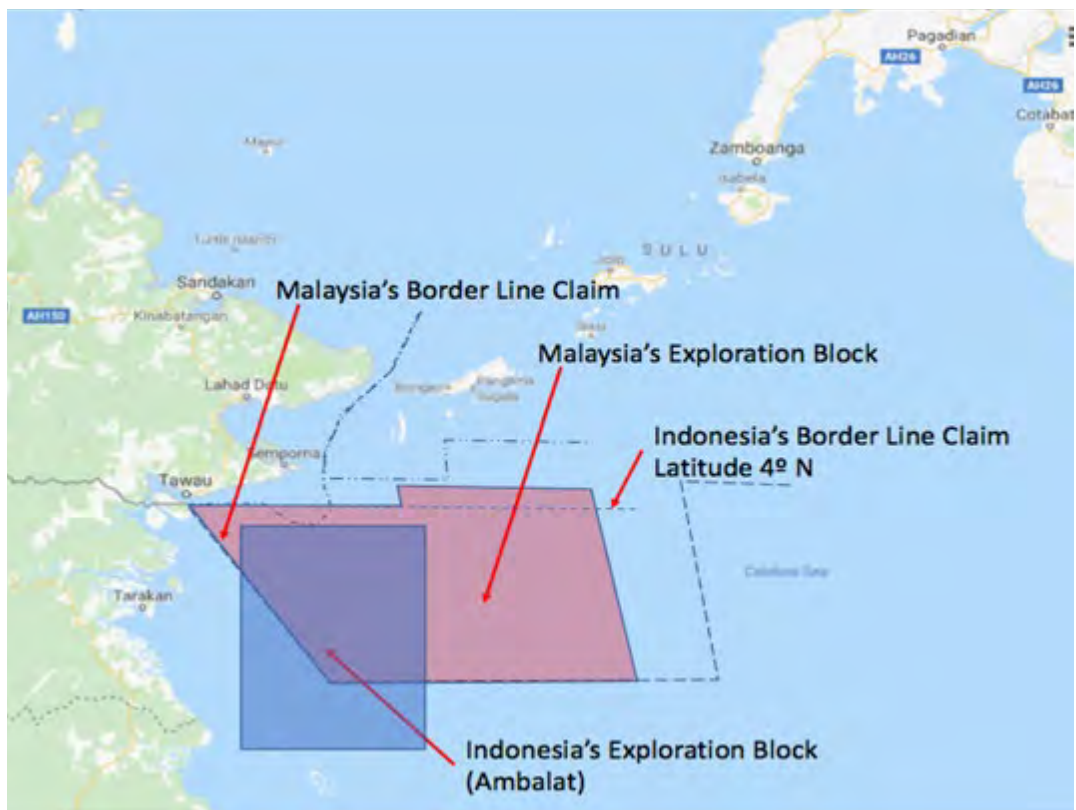


Figure 7: The Ambalat dispute

## Current responses to Sulu piracy

The efforts of coastal states to mitigate and even solve the piracy issue in Southeast Asia have continued as a part of ensuring security and safety in the region. Countries have undertaken individual, bilateral, and multilateral approaches. Recently, regional actors increased their commitment to conduct counter-piracy patrols and prosecute perpetrators of piracy and crimes at sea.

## Domestic efforts

Several countries have developed new strategies for countering criminal offences, including piracy and armed robbery. Indonesia, for example, has developed an operational design called 'Western Fleet Quick Response' (WFQR). This is a concept for the conduct of immediate action against any criminal offence at sea by enhancing interoperability between operational and intelligence units. It was initially designed by the Western Fleet Command of the Indonesian Navy to address maritime crimes in the Malacca Strait. On the other side, Malaysia has established the Special Task and Rescue (STAR) team. Both teams have successfully achieved significant outcomes.<sup>45</sup> On 8 December 2016, Malaysian security forces successfully defeated a group of five members of a terrorist group in Semporna, Sabah, killing three and capturing two. This operation was significant as one of the members was the leader of terrorist attacks on tourists, fishermen, and seafarers in waters off eastern Sabah and the Philippines' Sulu archipelago.<sup>46</sup>

Another counter-piracy effort is that of the Malaysian Maritime Enforcement Agency (MMEA) that has extended its operational reach to the coast of Sabah. It also aims to improve the capability of its maritime surveillance by building a radar system to cover the area. Further, to increase its operational capacity, three new patrol vessels joined together with additional ships from other countries: Australia, Canada and Japan.<sup>47</sup> Looking at the significant achievements of the operation in Malacca Strait, Indonesia's Fleet Quick Response has expanded its operations geographically to the eastern part of the country. The Indonesian Navy has increased its operations in the waters adjacent to the Sulu Sea by sending more ships and personnel.<sup>48</sup>

The Philippines has not only continued but also increased its commitment to ensuring the safety of the Sea Lines of Communication (SLOC) within its jurisdiction. Law enforcement agencies such as the Philippines Navy (PN) and the Philippines Coast Guard (PCG) have taken initiatives to bolster their efforts. The PN has committed to sending more ships and personnel to the area.<sup>49</sup> Besides increasing patrol activities, the PCG has established a Recommended Transit Corridor (RTC) between the Moro Gulf and the Basilan Strait (Figure 8).<sup>50</sup> This enables law enforcement units to monitor and take immediate action when incidents occur. Additionally, the PCG has proposed establishing a new regional office in the Negros Island Region (NIR) with a training centre and additional stations in southern Negros Occidental. This initiative is logical since the island is close to the Sulu Sea, reducing response time to threats. The agency also imposes rules and regulations under its authority, such as stricter safety and security requirements, and an environmental numbering system.



Figure 8: The Recommended Transit Corridor (RTC)<sup>51</sup>

Although the number of incidents at sea has been reduced, the Philippines security forces maintain their military efforts against militant groups. In December 2016, they killed at least 10 suspected members of a militant group in armed combat in Patikul, Sulu.<sup>52</sup>

## Multilateral approach

Given the complexity of addressing the piracy threat in the Sulu Sea, the three coastal states – Indonesia, Malaysia, and the Philippines – launched trilateral sea patrols named ‘Indomalphi’ on 9 June 2017 in Tarakan, Indonesia. This cooperation involves using sea, air, and land assets to curb pirate activities, especially kidnapping and hijacking in the Sulu Sea, as well as apprehending the perpetrators. Since its initiation, the planning team has developed a comprehensive mechanism to support the smooth running of the joint patrols.

To support the operation, each country has established its respective Maritime Command Centre (MCC): Tarakan in East Kalimantan, Indonesia; Tawau in Sabah, Malaysia; and Bongao, the capital of Tawi-Tawi province in the Philippines (Figure 9). The three centres are tasked with coordinating the patrol, as well as collecting and sharing information.<sup>53</sup> Although the initial focus is on maritime piracy, the Sulu Patrol is also meant to address a wide range of crimes at sea.



Figure 9: The three MCCs<sup>54</sup>

What makes the Indomalphi initiative different from the Malacca Strait Sea Patrol is the term ‘joint’ rather than ‘coordinated’. This arrangement allows units to conduct patrolling within the jurisdiction of neighbouring countries. One crucial agreement brought up by the three participating states is the right of hot pursuit into the other nations’ waters. It means that a patrolling unit from Indonesia can enter Malaysian or Philippine territory to apprehend pirates.<sup>55</sup> This arrangement enables greater operational effectiveness. The pursuing unit does not have to gain permission to enter foreign waters but only needs to send a notification to the host nation. Furthermore, this procedure may help to resolve the issue of territorial disputes by normalising arrangements between the countries.

Even though it currently involves three coastal states, Indomalphi could engage more actors to contribute to the operation, especially the Association of South-East Asian Nations (ASEAN) members. Singapore and Brunei Darussalam have been invited to participate. Opening this window may enhance the outcome of the operation. Singapore has shown its commitment by providing humanitarian assistance to the Philippines and sharing

information to support the patrols.<sup>56</sup> The Philippines, in particular, has unilaterally sought support from other countries like China, due to its limited resources in conducting maritime and land operations at the same time.<sup>57</sup> The United States has also shown a willingness to contribute.<sup>58</sup> In June 2017, the Philippines Navy and the US Navy conducted an exercise to deter piracy and other illegal activities.<sup>59</sup>

## Ways Ahead

Responses by coastal states to piracy in the Sulu Sea appear to have achieved their aim. Actual and attempted attacks have been reduced significantly. However, violence remained high in the first half of 2017, where three people were killed. This shows that piracy is still a serious threat, and law enforcement must remain vigilant. The reduction in the number of attacks is most likely related to the activities on land in the Philippines, as militant groups focused their efforts in the city of Marawi.

Although the concerned coastal states have launched Indomalphi patrols, efforts to stamp out piracy in the Sulu Sea must continue. The Indomalphi initiative is open for participation from other states in the region, and this would enhance the operational effectiveness of anti-piracy, especially in terms of information sharing. However, there is a pessimistic view that this initiative is not the exact answer to maritime security challenges.<sup>60</sup> Several challenges remain that may hamper the smooth execution of the trilateral security patrol. This paper has several suggestions on how better outcomes might be achieved.

## Persistent maritime surveillance

Pirates in the area are often opportunistic, and even a tiny window of opportunity can lead to an attack. The area in which the criminals operate must be monitored 24/7 to provide a usable recognised maritime picture for decision making at the operational and tactical levels. Persistent maritime surveillance is a must in such an operational environment. This will allow for timely responses to any threats and attacks.

To maintain continuous surveillance, maritime security forces require permanent systems installed in the Sulu Sea region. Their placement should be such that they will cover areas that are most vulnerable to pirate attacks. Looking at the geographical characteristics of the Sulu Sea, it is recommended that a coastal surveillance system is built and placed in strategic locations such as the Sibutu Passage, the edge of Palawan Island, on islands in the vicinity of northern Sabah, the eastern part of East Kalimantan, Basilan Island, Tawi-Tawi Island, Mindoro Island, and Coron Island. The broad illustration of a proposed coastal radar system is in Figure 10 below.

To cover more areas than those beyond the coastal radar detection range, coastal states need to deploy mobile surveillance platforms, surface ships, maritime patrol aircraft, UAVs, and aerostat. Effective scheduling and the proper division of surveillance sectors for these assets are key enabling factors for the optimisation of surveillance operations. Also, all of these assets must be able to communicate with each other, preferably in a network framework and coordinated or controlled by an appropriate maritime command centre. This communication network would enable real-time information sharing and thus quicker response times.



Figure 10: Recommended coastal radar locations and RTCs in the Sulu Sea and adjacent waters<sup>61</sup>

## Recommended Transit Corridor (RTC)

Providing ships with a specified route determined by the appropriate coastal authority is an effective way of increasing monitoring effectiveness. An RTC also localises and mitigates the risks of piracy since most of the ships are under the umbrella of security force monitoring. During transit through the Sulu Sea, a ship is recommended to take a route where maritime security units primarily operate to deter attack and allow for a quick response in the event of an attack. The RTC should be spacious enough for safe navigation, allowing for two-way traffic, and be the shortest practicable distance to prevent a ship from steaming longer than necessary within high-threat waters.

Although the Philippines has established an RTC, it is only for domestic traffic travelling between the Moro Gulf and the Basilan Strait. RTCs should also be provided along international shipping routes. One international RTC should be established for the Makassar Strait, Sulawesi Sea, Sulu Sea, and to the North to East Asia, with a total distance of around 750nm. A second one should be established for the route Pacific Ocean, Sulawesi Sea, Sulu Sea, and the South China Sea to the East, with a total distance of approximately 600nm. A third one should connect the Sibutu passage to the South China Sea, with a minimum distance of 450nm. Figure 10 depicts these proposed RTCs. These corridors would help to determine the coastal radar system locations as proposed above.



## Information sharing

Maritime surveillance will ultimately fail to achieve its goal if the information gained is only used by law enforcement agencies to support their tasks and is not shared with other agencies. This information is useful for all seafarers, especially with regards to possible or actual threats in the transit area. Coastal authorities should build a platform to share relevant information to appropriate users. It is a difficult but necessary task. The three established MCCs in the region must process raw data from every sensor and surveillance system and other maritime information centres and turn this into ready-for-use information designated for specific users. The command centres need an information-sharing mechanism to complete the maritime picture they build. All users should have real-time access to this information through a network-based platform.

## Domestic interagency coordination

To build MDA, a country needs to integrate its domestic maritime stakeholders. Every maritime agency, government or private, has certain unique capacities that should be utilised to support this effort. Maritime security forces have limitations in providing necessary resources. Other maritime and maritime-related sectors, such as transportation, trade, ports, fisheries, tourism, and so on, are vital in filling the gaps. The government should establish a coordinating or collaborative mechanism. Moreover, within this interagency cooperation framework, stakeholders should further support maritime law enforcement efforts to combat piracy. Authorities need to increase economic and social development for the societies living in coastal areas. This will reduce the economic motive that encourages people to engage in piratical activities. Governments should continuously educate societies to enhance understanding of the causes and consequences of piracy. Private and non-government agencies can assist with these awareness-raising efforts.

## Operational rhythm

Operating naval, air and land assets requires comprehensive management to achieve the desired results. In the Sulu Sea joint patrol initiative, three countries deploy assets to monitor their areas of responsibility. To effectively cover the region, the command centres should have an operational battle rhythm to ensure that a continuous presence is maintained. This requires surface ships, maritime patrol aircraft, UAVs, and other supporting platforms are given operational areas and patrol duration based on their operational capabilities. The result should be no overlapping area or operational gaps in certain areas. This requires close, intensive coordination among the command centres and units conducting operations. Furthermore, since terrorist groups have used piracy to obtain funds for their operations, effective counter-piracy efforts at sea will contribute to military efforts on land. Patrolling units may be tasked with conducting interdiction operations to cut militant logistics support – primarily weapons and related materials into the southern Philippines and surrounding areas. Equally, the defeat of militant groups on land may diminish militant piracy at sea. Therefore, maritime, land, and air operations must make continuous, integrated, and collaborative efforts.

## Sea users' contribution

Besides the efforts of maritime security forces, the involvement of seafarers is crucial for successful anti-piracy and other law enforcement operations. Abiding by the rules, using the RTCs, and reporting any suspicious activities or recent incidents to maritime authorities are all useful contributions. To support security measures on-board a ship against pirate

attacks, the IMO has issued several best-management practices.<sup>62</sup> Implementing these practices will also improve the ship's safety and security in ports and at sea.

## **Media management**

In maritime operations, media plays an important role in shaping situations at sea. Since kidnapping and hijacking incidents have increased, piracy in the Sulu Sea has created the negative perception that it is one of the most dangerous waters in the world. This affects seaborne transportation activities through the region. Broadcasting proper, balanced information via the media is crucial to mitigating this perception. People need to know that coastal states have responded to piracy and that successful operations have been conducted. Also, such information will provide some level of deterrence, further helping efforts to combat piracy in the Sulu Sea.

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# FIJI'S 'BLUE ECONOMY' AND THE IMPORTANCE OF MARITIME SECURITY

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## Introduction

The oceans cover two-thirds of the earth's surface and have long been a source of livelihood and sustenance. They also provide minerals and food for life, they generate oxygen, absorb greenhouse gases, mitigate climate change, influence weather patterns and temperatures, and serve as highways for human transport and seaborne trade. Pacific Island nations have for centuries relied on the oceans for their main source of livelihood and economic progress. For Fiji, the oceans are a pillar of the nation's prosperity by providing food and a driving economic success.

However, the oceans are under increasing threat from pollution and exploitation by criminal elements. Further pressure on the oceans comes from the threat of rising sea levels, ocean acidification, warmer temperatures and extreme weather events resulting from

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HMAS *Canberra* approaches the Port of Suva, Fiji where the ship will spend three days to meet again with the people of Fiji and celebrate the bonds of friendship formed during the emergency response following Cyclone Winston.

climate change. Coastal states and island nations have adopted the concept of the 'blue economy' to align conservation with economic development and sustainability. For Fiji, embracing the 'blue economy' is crucial to sustaining the oceans which contribute directly and indirectly to a third of the Nation's Gross Domestic Product (GDP).<sup>1</sup>

Conservation and sustainability can be achieved only if the legal frameworks which secure critical background conditions are sufficient and enforced. That is where maritime security comes in. Maritime security is fundamentally important as it creates conditions for the 'blue economy' to thrive. Nations should have the appropriate competent entities to ensure that maritime security challenges are adequately managed and threats to maritime security controlled. In Fiji, the Republic of Fiji Navy (RFN) provides that critical role. The RFN is central to Fiji's 'blue economy' and it is critical that its role is widely understood and well supported by the nation.

In this paper I assess Fiji's oceans economy and the adoption of the 'blue economy' concept to promote sustainable development. I contend that the protection of oceans and resources is critical to Fiji's economy and the livelihoods of its people. While there are several sectors of Fiji's 'blue economy', the paper will focus primarily on maritime/coastal tourism, the fisheries sector and the maritime transport and trade sector. I will highlight why it is important to adopt the 'blue economy' concept given the ocean's contribution to economic progress and social development. Some policies outlined in Fiji's National Development Plan and the Green Growth Framework will also be discussed. The paper will also discuss maritime security highlighting its contribution to the 'blue economy'. I explore maritime security challenges currently facing Fiji and the South Pacific region. The role of the RFN in the maritime security realm will be discussed and shortfalls and challenges currently faced by the RFN highlighted. Finally, the paper will make some recommendations on ways in which the RFN can be supported so as to enhance its role in maritime security.

## **From an oceans economy to a 'blue economy'**

The economic sectors of the oceans include fisheries and aquaculture, maritime transport and ports, coastal tourism and mineral exploitation, as well as innovations like marine renewable energy. These sectors have continually evolved and have contributed immensely to the global economy. Research by the Organisation of Economic Cooperation and Development (OECD) in 2016 valued the global oceans economy in 2010 'at US\$1.5 trillion per annum, contributing approximately 2–3 per cent to the world's GDP.<sup>2</sup> Marine services, such as tourism and shipping, provide the largest proportion (US\$880 billion), followed by sectors categorised under marine resources (US\$377 billion) and marine manufacturing (US\$107 billion).<sup>3</sup> A report by the United Nations Conference in Trade and Development (UNCTAD), highlighted that 'globally approximately 350 million jobs are linked to the maritime sectors'.<sup>4</sup> The report also noted that over one billion people depend on fish as a primary source of protein.<sup>5</sup>

Noting the significant economic contribution of the oceans, the health of oceans and seas must be maintained to promote sustainable development and continued economic progress, especially for countries that are heavily dependent on it for the prosperity and livelihoods of its people. Oceans, however, are not limitless and are increasingly under threat by human actions, such as climate change, acidification of oceans, overexploitation and poor management of fisheries, wastewater runoff, pollution of waterways, and seabed mining and extraction.<sup>6</sup> These factors have undermined the health of the oceans' ecosystem and resources, thus placing the oceans economy at risk. There is an urgent need for sustainable use of the oceans and for adopting mitigating and adaptive measures against the risks outlined above. The concept of a 'blue economy' was adopted at the 2012 United Nations



Conference on Sustainable Development (Rio +20) to promote sustainable use of oceans.<sup>7</sup> This evolving concept recognises the need to maximise the enormous economic potential presented by the oceans while preserving them.<sup>8</sup> The term ‘blue’ reflects the need to sustainably manage and protect the oceans and their resources, noting the importance of the ocean’s health in sustaining economic growth.<sup>9</sup>

While the use of the term ‘blue’ to reflect sustainability may be a contemporary term, it is an old paradigm, particularly for islands in the Oceania region like Fiji. Pacific islanders are renowned for adaptive, responsive, environmentally sensitive ‘traditional’ practices like harvesting limitations, closed seasons, limited use rights, and the protection of ecologically and culturally significant sites’.<sup>10</sup> As a relatively new concept, there is bound to be confusion and opposing views on what the ‘blue economy’ means. Despite different views, it is apparent that there is a need to consider the environmental risks and ecological damage in economic development. Failure to do so would be detrimental to the sustainable development of the oceans. A ‘blue economy’ is one in which economic activity and progress is in balance with sustaining the ocean’s ecosystems and ensuring that the oceans remain resilient and healthy for future generations. The blue economic concept promotes economic prosperity, social inclusion, and the preservation and improvement of livelihoods and, in the process, it would also ensure that the environment is preserved and sustained.<sup>11</sup> For Small Island Developing States (SIDS) with relative large Exclusive Economic Zones (EEZ) and small landmasses, like Fiji, the oceans provide a considerable base for their economic progress. SIDS’ economic vulnerability is further exacerbated by isolation from their major trading partners, high dependency on aid, high transportation costs and their vulnerability to extreme weather events and the impact of climate change. That is why SIDS like Fiji have strongly supported and embraced the concept of the ‘blue economy’ with its emphasis on the sustainability of the oceans and their resources.

The ‘blue economy’ concept is aligned with the United Nations General Assembly Sustainable Development Goal 14 (SDG 14), which focuses on conservation and sustainable use of the oceans and marine resources. SDG 14 has the following ten ‘targets’:

1. Prevent and reduce marine pollution
2. Protect marine and coastal ecosystems
3. Minimise acidification of oceans
4. End overfishing and illegal and destructive fishing practices
5. Conserve at least 10 per cent of coastal and marine areas
6. End harmful fisheries subsidies
7. Increase economic benefits to small island states
8. Develop knowledge and research
9. Help small-scale fisheries
10. Implement United Nations Convention on the Law of the Sea (UNCLOS)

SDG 14.7 notes the increased economic benefits to small island economies of the ‘blue economy’ concept, and its adoption is envisaged to achieve this target’s goals.

The need to preserve Fiji’s natural resources to ensure a sustainable economy features strongly in the Fijian Government’s narrative, but this is not widely known in communities. The paradigm of protecting natural resources has been central to recent government policies and initiatives, as reflected in the Green Growth Framework for Fiji, launched in

2014 with the aim of ‘restoring the balance in development that is sustainable for the future’.<sup>12</sup> Complementing the Green Growth Framework is the 5-Year and 20-Year National Development Plan, launched in November 2017, which has sustainability and conservation central to its policies. The health of oceans and ecosystems is fundamentally important to Fiji and its economy, which is why embracing the ‘blue economy’ concept is such a vitally important undertaking. At the opening of the first ‘blue economy’ conference in Suva in 2017, the Fijian Prime Minister, Frank Bainimarama, noted that ‘Our very identity as Pacific Islanders is tied intimately to the health of our oceans and to the marine plant and animal life that inhabit them. We are oceanic peoples, with cultures, histories and ways of life that are all rooted in the ocean environment.’<sup>13</sup> Such a statement highlights the value of the oceans to Pacific islanders and the fact that a threat to the ocean’s ecosystem is a threat to their survival.

The five activities of the ‘blue economy’ highlighted by the World Bank Group and the United Nations Department of Economic and Social Affairs are:

1. The harvesting and trade of marine resources
2. Extraction and use of marine non-living renewable resources
3. Use of renewable non-exhaustible natural forces (wind, wave and tidal energy)
4. Commerce and trade in and around the oceans
5. Indirect contribution to economic activities and environments.<sup>14</sup>

The activities that featured prominently in Fiji’s ‘blue economy’ are the harvesting and trade of marine resources, and commerce and trade in and around the oceans. Harvesting and trade of marine resources include the primary and fisheries industry, trade of seafood products and aquaculture. Commerce and trade around the oceans include maritime transport and trade, shipbuilding and port services, and tourism and recreation. These sectors contributed 20 per cent of Fiji’s GDP in 2016. In contextualising Fiji’s ‘blue economy’, three sectors that fall under these activities will be analysed.

## **Fiji’s ‘Blue Economy’**

### **Harvesting of marine living resources – fisheries**

The harvesting of marine living resources like fisheries is a critical sector for global trade. This activity involves seafood harvesting for food and nutrition and also the harvesting of marine living resources for cosmetics and pharmaceutical products. A 2016 report from the Food and Agriculture Organization (FAO) noted that ‘marine fisheries provide a livelihood for an estimated 300 million people and is responsible for meeting nutritional needs for 3 billion people who rely on fish for protein, omega 3 fatty acids and essential micronutrients’.<sup>15</sup> The fisheries trade continues to grow, and in 2013 was estimated to have reached US\$136 billion.<sup>16</sup> It is projected that the demand for the sector will continue to increase, especially in developed countries and Asia in particular. Due to dwindling fish stocks in neighbouring seas of industrialised countries, the demand and search for fish particularly tuna will increasingly shift to areas where fish stocks are available and on most occasions to the EEZ’s of SIDS like Fiji.

Marine fisheries are particularly important to SIDS since they provide protein and since they are the single source of livelihood for most of its coastal communities. In some SIDS, the fisheries sector can contribute up to 10 per cent of GDP and provide 90 per cent of a people’s protein intake.<sup>17</sup> The fisheries sector is also crucial to Fiji’s economy. In 2016, fisheries and aquaculture harvests in Fiji amounted to FJ\$144 million and 1.83 per cent of

Fiji's GDP<sup>18</sup> The fisheries sector is Fiji's second-largest export earner and is responsible for the livelihoods of thousands of Fijians.

Fiji fisheries include a wide range of both coastal resources and deep water pelagic fisheries like tuna, which is a significant and valuable export for the country. The number of people working directly in the tuna industry alone in Fiji in 2014 was 20.8 per cent of the total number of people employed across the Pacific.<sup>19</sup> The trend of tuna industry-related jobs in Fiji remains stable despite some indication of lower catches in Fiji waters.<sup>20</sup> This is mainly due to fishing fleets from countries like Vanuatu offloading catches in Fiji. The regional catch of tuna remains higher than anywhere else in the world. Fiji lies in the western and central Pacific region, which in 2014 accounted for 60 per cent of the global tuna catch.<sup>21</sup> Fiji, however, is at the fringes of the main migratory route of tuna stocks and on average only 1 per cent of the regional catch is caught in Fijian waters.<sup>22</sup> Nevertheless, Fiji has a viable tuna fishing industry as an offloading and value-adding point for tuna catches from the region.

While offshores fisheries like tuna are critical to Fiji, the contribution of coastal fisheries is also significant. A review of the fisheries sector in Fiji in 2015 highlighted that the value of the coastal fisheries (FJ\$133 million in 2014) is more than that of the offshore fisheries (FJ\$107.6 million in 2014).<sup>23</sup> The coastal fisheries supply a critical source of protein to Fijians, as well as being vital to their livelihoods. This sector produces more than 16 times the food for local consumption than the offshore fisheries.<sup>24</sup> Furthermore, in terms of employment, the coastal fisheries contribute up to 96 per cent of employment provided in the entire fisheries sector.<sup>25</sup> Sustaining the coastal fisheries sector has become increasingly important. The aquaculture sector is still only small, but it has great potential for growth in Fiji. In 2014, the total value of aquaculture harvests was US\$1.4 million.

Given the prominence of the fisheries sector to Fiji's economy and the livelihoods of communities, ensuring that this sector is sustainable and the ocean's ecosystem remains healthy and resilient becomes increasingly important. This is recognised in the Fiji Government's National Development Plan 2017 (NDP 17), in which 'sustainably managed fisheries resources' is a key theme. The adoption of the 'blue economy' concept is a welcome as it will ensure that sustainable activities are core to the economic development of this vital sector.

The NDP 17 noted three policy undertakings to ensure fisheries resources are sustained. Firstly, it aims to 'sustainably manage the benefits from offshore fisheries resources'.<sup>26</sup> This would include the review of existing acts and policies to ensure that those frameworks not only encourage growth in the sector but also ensure that fisheries resources are well managed. The policy promotes collaboration between the Fiji Government, the private sector and regional countries on working on frameworks and strategies that would ensure that benefits from fisheries resources are maximised while at the same time ensuring sustainability.

Secondly, the policy aims to 'support inshore/coastal fisheries through sustainable management and development'.<sup>27</sup> Legislation review, data collection and capacity building will be core activities in this policy. Furthermore, investing in monitoring, control and surveillance activities is also a crucial aspect of this policy to ensure that fisheries resources are properly managed.

The third policy is to 'support the growth of aquaculture industries' in the country.<sup>28</sup> The policy will create legislation and legal frameworks to support the aquaculture sector and ensure that it is sustained. Provision of technical expertise and finance is also part of the policy to promote growth in the sector.

Apart from the three policy undertakings highlighted above, the Fiji Government will continue to support and conduct conservation activities such as creating Marine Protected Areas (MPA) and rehabilitating ocean ecosystems, which is aligned to the SDG 14.

## Maritime transport and trade

The use of the oceans for commerce and trade will always be vital to the global economy. Oceans are critical for maritime trade and are fundamental in ensuring connectivity among the global economies. Up to 80 per cent of the world's trade by volume and 70 per cent by value is transported by sea.<sup>29</sup> With more than 50 per cent of the global population and most industrial hubs located in coastal areas, the oceans will remain a vital medium for transporting goods and people.<sup>30</sup> In 2014, maritime global trade was 9.84 billion tons and is projected to grow at a moderate pace.<sup>31</sup> The growth of shipment of goods at sea will also see growth in other maritime-related services such as ports services and shipbuilding services. Maritime connectivity is fundamental to the economies of SIDS, given their reliance on imports and uninterrupted global trade.

The ocean is a trade artery for Fiji's economy, and it is paramount that growth in maritime trade is encouraged as part of the 'blue economy'. Up to 96 per cent of Fiji's trade by volume is conducted by sea, and for the past two decades Fiji's maritime transport sector has continued to experience growth.<sup>32</sup> The shipbuilding industry and port services contributed directly up to 2.3 per cent to Fiji's GDP in 2016.<sup>33</sup> Fiji is also considered to be a strategic hub for the South Pacific, which has prompted investment in the upgrade of infrastructure to support maritime trade and transport within the region.

Neighbouring countries like Tuvalu and Kiribati heavily rely on Fiji ports as a transshipment points for goods with the rest of the world.<sup>34</sup> Fiji has engaged international partners, notably the Asia Development Bank, to give technical assistance in developing a Port Master Plan, which will improve efficiency and productivity at Fiji's main ports.<sup>35</sup> The NDP 17 highlighted that investment will be aimed at improving berthing capacity and access of berthing by bigger vessels, acquiring modern technology to improve efficiency, and supporting industries like the shipbuilding and repair services.<sup>36</sup> The shipbuilding and repair industry continues to grow, with increasing numbers and sizes of vessels undergoing repairs in the country.<sup>37</sup>

Increasing numbers of cruise liners are visiting Fiji's ports. In 2015, for instance, up to 158,000 tourists visited Fiji by sea and up to US\$123 million was invested into the country directly and indirectly as the result of ship visits.<sup>38</sup> However, the increased maritime traffic in Fiji's ports has also generated pollution, particularly oil pollution from ships. Inevitably, damage caused by pollution will impact fishing and tourism. In 2013, 39 maritime incidents were reported in Fiji, of which 12 were groundings with high risks of oil spillage.<sup>39</sup> In 2017 a container vessel, the Phoenix, sank in Suva harbour resulting in a minor oil spill. Such incidents highlight potentially detrimental environmental risks associated with the maritime transport industry.

Fiji is cognisant of the environmental risks associated with maritime transport and has taken positive actions to mitigate the threat to the health of oceans and ecosystems. The nation acceded to the International Convention for the Prevention of Pollution from Ships (MARPOL) in 1983 and adopted the measures associated with the convention, albeit with enforcement shortfalls. Globally, implementation of the convention had a very positive impact. Since the inception of the convention in 1974, there has been a huge reduction in global oil spills accidents from as high as 25 cases in the 1970s to less than five in the past decade.<sup>40</sup> The convention has also contributed to the use of environmental friendlier fuels that has reduced sulphur content in fuel oil.<sup>41</sup>

Because damage caused by shipping could adversely affect the fisheries and tourism sectors, Fiji continues to work towards ensuring safe and healthier seas by aligning itself to international conventions like MARPOL and the International Convention for the Control and Management of Ships' Ballast Water and Sediments (2004). One of the strategic goals stipulated by the Fiji Government in the NDP 17 was 'enhancing Fiji's status as a vibrant and modern regional and international hub for people and cargo movement'. A key policy to attain this goal was to 'promote sustainable development through the application of world best practices in all ports'.<sup>42</sup> This would be done by strengthening legislation related to maritime pollution, enhancing the capacity and capability of national bodies to deal with maritime pollution, and promoting collaborative efforts nationally, regionally and globally in dealing with oil spills or maritime pollution.<sup>43</sup> Such initiative and direction from the government are consistent with the 'blue economy' concept.

## Coastal and maritime tourism

The tourism industry is fast becoming one of the largest businesses globally, with research showing that it employs 1 out of every 11 persons worldwide.<sup>44</sup> The total contribution of tourism to the global economy stood at US\$7.6 trillion in 2016 and represented 10.2 per cent of the world's GDP. It grew by 9.8 per cent from 2015 to 2016 on the back of a seven-year period of consistent growth.<sup>45</sup> The tourism industry is a critical source of foreign exchange for SIDS like Fiji and is directly linked to the social, economic and environmental well-being of many SIDS. The number of tourists arriving in SIDS has continued to grow steadily; for example, it grew from 28 million in 2000 to 41 million in 2013.<sup>46</sup> Fiji experienced an all-time high tourist arrival in 2017 of 842,884, an increase of 6.4 per cent from the previous year.<sup>47</sup> Maritime and coastal based tourism is particularly crucial to most SIDS. The United Nations World Tourism Organization estimates that one in every two tourists visits the seaside during their holidays.<sup>48</sup> Maritime and coastal based tourism includes activities such as diving, surfing, cruises (international and national), recreational fishing and eco-tourism. All these sectors have featured prominently in Fiji and will continue to grow in the future with improvements in infrastructure and security in the country.

The prominence of tourism in Fiji's economy is remarkable: its direct and indirect contribution averaged 30 per cent of the country's GDP from 2010 to 2017.<sup>49</sup> In 2016, the sector directly supported 42,500 jobs and total contribution to the job market in the country was around 119,000 jobs (36.6 per cent of total employment).<sup>50</sup> It has surpassed sugar to be the nation's main export earner.<sup>51</sup> Tourism earnings in 2016 were over US\$700 million, and this is projected to grow to US\$1.1 billion in 2021.<sup>52</sup> By 2040, Fiji could potentially be receiving 1,200,000 international visitors each year, creating 57,000 jobs and generating an additional US\$190 million in government revenue. The pristine natural environment, inimitable maritime scenery and efficient air international connectivity make Fiji a highly sought-after destination in the Pacific. A survey conducted by Fiji Tourism found that 75 per cent of tourists who visit the country participated in swimming at sea as a primary activity during their visit.<sup>53</sup> Over 90 per cent of tourism attractions in Fiji are maritime or coastal based. This highlights the prominence of the maritime environment to tourism and hence Fiji's 'blue economy'.

Most sectors of marine-based tourism continue to show growth. For example, the number of cruise ships that call at Fiji's ports has increased at an average of three cruise liner port calls per week, and the size and ability of vessels to carry more passengers have increased.<sup>54</sup> In 2015, 158,000 tourists visited Fiji by cruise liner, and it is estimated that up to US\$123 million was invested into the country.<sup>55</sup> Some of the organised tours for cruise liner tourists involve trips to inland villagers, which benefit financially from these tours, so

marine-based tourism benefits both coastal communities and inland ones. This further emphasises how tourism can play a key role in helping SIDS like Fiji to alleviate poverty and raise their standards of living. As highlighted earlier, Fiji's natural resources and pristine environment draw tourists to the islands. Any degradation of natural resources could force tourists to seek alternative destinations for their holidays. Since tourism is a prominent part of Fiji's economy, a marked reduction in tourist arrivals due to environmental degradation would be detrimental not only to the economy but also to the livelihoods of communities that depend on the sector.

Tourism also has a multiplier effect and supports other industries such as agriculture and transport. The transportation industry is involved in moving tourists between the main arrival hubs and various tourist destinations throughout Fiji. A government survey conducted in 2009 found that 84 per cent of tourists use taxis for transportation, suggesting the size of the economic impact of tourism on the taxi industry.<sup>56</sup> Agriculture is essential for the provision of food to hotels and restaurants. With increasing tourist numbers, the need for supply also increases. Fiji has, however, struggled to meet the demand, resulting in high food imports to sustain the growing tourist numbers.<sup>57</sup> The tourism industry has the potential to provide great opportunities for farmers, noting the country's struggling sugar industry.

Despite the growth in marine and coastal tourism, the sector still faces challenges associated with climate change, natural disasters and pollution. Fiji's adoption of the 'blue economy' concept is timely in dealing with the impacts posed by these challenges. Sustainable tourism would be the core theme for the Fiji Government and associated stakeholders when further developing the tourism sector. In the NDP 17, the government's goal for the tourism industry is for Fiji to be 'A world-class tourism destination that increasingly adds value to the local economy'. A key policy driver to attain this goal is 'mainstream sustainable tourism operations'.<sup>58</sup> Activities to implement the policy include the enforcement of legislation associated with Environment Impact Assessment and building codes that are energy-efficient and resilient to climate change impacts; sustainable use of water and energy; enhancing waste management and promote recycling; and strengthening biodiversity for sustainable tourism. Fiji's strategic plan for tourism (Fijian Tourism 2021) aims to ensure 'continued sustainable development of the tourism industry'.<sup>59</sup> This aim would be realised through strengthening legislation that protects the environment and marine ecosystems, implementing resilient mechanisms that will deal with impacts of climate change, and promoting collaboration with other stakeholders nationally, regionally and internationally in capacity and capability building on developing frameworks to ensure the tourism sector is sustainable.<sup>60</sup>

## **Maritime security and Fiji's 'blue economy'**

Maritime security and the 'blue economy' are inextricably linked. The 'blue economy' highlights the opportunities provided by the oceans, while maritime security addresses potential dangers and hindrances that undermine ocean opportunities. Maritime security is crucial for setting the conditions for the 'blue economy' to thrive. Dr Christian Beuger, an expert in maritime security governance, argues that 'without a sufficient degree of security, the oceans cannot be developed'.<sup>61</sup> Fisheries, tourism and offshore oil rig platforms require a relatively stable environment that is safe from the criminal activity for the sectors to grow. Ocean monitoring, controlling and surveillance (MCS) activities by law enforcement agencies are crucial to protecting the environment and oceans resources. Moreover, a capable naval force is required to safeguard a nation's sovereignty at sea and ensure uninterrupted sea lines of communications (SLOCS). Maritime security also requires developing a 'blue

economy' for it to be well funded and conducted effectively. History has taught us that weak economies cause maritime insecurity: witness the spike in piracy activities in Somalia as a result of coastal communities resorting to maritime crime as a source of livelihood due to a failed economy.<sup>62</sup>

The authors of a 2017 publication of Australia's Sea Power Centre saw maritime security to interact with the 'blur economy' in two main ways:

- As an enabler of the Blue Economy: For example, through safeguarding navigation channels, providing important oceanographic data to marine industries, and managing Illegal Unregulated and Unreported (IUU) fisheries.
- As a sector within the Blue Economy: For example, by stimulating economic activity through shipbuilding, development of surveillance technologies and Defence activities.<sup>63</sup>

As an enabler of the 'blue economy', maritime security encompasses a range of activities. Firstly, safeguarding trade routes and keeping sea lines of communication open, which involves national activities of guarding national waters and sea lanes and also involving regional and peacekeeping operations and international diplomacy to ensure that trade routes are kept open.<sup>64</sup> The second set of activities encompasses managing ocean resources and sea lanes through law enforcement operations. Such operations would target activities like maritime crime, IUU fishing, people and drug smuggling, and maritime terrorism. This role requires robust MCS tasks. The third major area of activity is gathering and providing oceanographic data to other sectors of the oceans economy, entailing the provision of a hydrographic service or meteorological service. Finally, maritime security also involves the protection and preservation of lives, the environment and the emerging threat posed by climate change. These activities include the conduct and coordination of maritime search and rescue, enforcement against environmental degradation and the critical role of disaster response.

Maritime security can also be a sector of the 'blue economy'. This is difficult to discern because maritime security is often viewed as the enabler of economic progress. In the Australian context, this role involves the use of the private and public sector in tasks that involve monitoring, controlling and surveillance activities, shipbuilding, defence activities and international diplomacy.<sup>65</sup> Such a role for maritime security may be more relevant to developed and industrialised nations.

## Maritime security threats

In Fiji's context, maritime security is always viewed as an enabler of the 'blue economy'. There are several threats to maritime security in Fiji's region that can undermine economic development. The Pacific region is increasingly affected by non-traditional maritime security threats like trafficking of narcotics, persons and illicit goods, illegal fishing, and maritime incidents and disasters.<sup>66</sup> A joint threat assessment on transnational organised crime in the Pacific by the United Nations Office on Drugs and Crime (UNDOC) noted that Pacific Island Countries and Territories (PICTs) are increasingly targeted by organised crime syndicates. The region is prone to illegal activities due to: '(a) the geographical location of the PICTs situated between major sources and destinations of illicit commodities; (b) extensive and porous jurisdictional boundaries; and (c) differences in governance and state of law enforcement capacity across numerous PICTs and the region in general'.<sup>67</sup> These factors hinder the ability of maritime law enforcement agencies to detect, monitor, prevent and respond to transnational organised crimes in the region. As a result, maritime security is undermined, affecting sustainable economic development and overall security in the region.<sup>68</sup>

The geography of Pacific Island nations, coupled with limited capability and resources of law enforcement agencies, make them susceptible to the trafficking of drugs and chemical precursors. The region's location makes it an attractive transit point for drug smuggling, and there are numerous incidences in the past to support this assertion. Fiji – often referred to as the regional hub in the Pacific – is vulnerable to illicit drug trafficking. Centrally located, and with proximity to New Zealand and Australia, the country has been used in the past and continues to be used as a critical transit point for illicit drug trafficking.<sup>69</sup> In October 2000, 300 kg of heroin were discovered in the country, and in 2004, a joint operation by Fijian authorities and Australian Federal Police resulted in the discovery of an amphetamine factory and precursors of the drug valued at US\$536 million.<sup>70</sup> In 2015, 80 kg of crystal meth were discovered in a shipping container on a ship in Fiji.<sup>71</sup> A joint operation between Fijian, Australian and New Zealand authorities saw the interdiction of a yacht off the coast of Australia in 2017 carrying 1.4 tonnes of cocaine valued at A\$312 million.<sup>72</sup> The yacht was believed to have transited through Fiji from South America. These examples illustrate the existence of drug trafficking within Fiji's region and the use of the country as a transit point, and should be a cause for concern.

The influx of tourists to Fiji in recent years on recreational craft such as yachts and cruise ships potentially increases the risks of drug trafficking in Fiji.<sup>73</sup> Fiji's porous border and the limited law enforcement capacity and capability to detect and respond to such crime further exacerbates those risks. Moreover, the use of Fiji as a transit and staging point for drug trafficking invites criminal elements into the country with potentially detrimental impacts on society. Increased levels of trafficking would put further strain on under-resourced enforcement agencies, creating further issues in other maritime-related tasks like fisheries enforcement. This would undermine Fiji's efforts to enhance its 'blue economy'.

Environmental crime is among the most serious transnational organised crime types affecting the Pacific economies. Since most Pacific Island states rely on natural resources, such as fisheries, for economic development, crimes associated with the pilfering of such resources are a huge concern. Most island states have very large EEZs but lack the capacity and capability to patrol those waters. For example, Kiribati has an EEZ of 3.5 million square km but only one patrol boat to cover this vast area of ocean. Organised crime syndicates take advantage of such vulnerabilities to generate profits through illegal means. A report by the Pacific Islands Fisheries Agency (FFA) on IUU fishing in the Pacific estimated that from 2010 to 2015, around 306,440 tonnes were harvested illegally, with an estimated value of US\$616.11 million.<sup>74</sup> This is a huge loss for many Pacific Island economies and for the many islanders who rely on the fisheries sector for their livelihoods. The increase in 'blue boat' presence in the Pacific targeting highly priced coastal fisheries is also a grave concern. Such boats poach fisheries within the 12-mile zones, and inshore steal fish that the coastal populations use, without any form of control or management. These illegal activities directly affect the livelihood of islanders, and there have been reported apprehension of 'blue boats' in the Solomon Islands and further south at New Caledonia.<sup>75</sup> Blue boats are of great concern to Fiji due to the increasing proximity of their operations to Fijian waters.

IUU fishing activities have an economic impact that includes lost revenue from the landing fees, licence fees and taxes that legitimate fishing companies pay, and the loss of the value of the illegal catch as income for legal fishing operators. Additionally, such illegal operations contribute to imbalances in the ecosystem and reduced productivity, biodiversity and food security through non-compliance with regulations that mitigate environmental impact. Indirectly, IUU fishing affects related industries through loss of employment opportunities and income. In Fiji, the domestic fishing fleet is estimated to have declined by 75 per cent between 2012 and 2016.<sup>76</sup> It is also assessed that a majority of operational fleets are



only able to catch less than 50 per cent of the amount of fish needed for their owners to cover expenses and at least have some profit. IUU fishing and consequent over-exploitation of fish in Fiji waters contribute immensely to these alarming statistics. The threat of IUU fishing to Pacific Island states like Fiji is very clear and, combined with the impacts of climate change, such threats would surely undermine the fisheries sector. Given the value of fisheries resources like tuna and the coastal fishery to the 'blue economy', the need for better management practices and adequately supported enforcement activities is clear.

The Pacific has also seen weapon smuggling, human smuggling and trafficking and the trafficking of counterfeit goods at sea. There are insufficient data and research to quantify the extent and impact of weapon smuggling, however, research shows the existence of people smuggling and trafficking.<sup>77</sup> A report by the Pacific Immigration Directors Conference (PIDC) indicated that Fiji is a preferred transit point for people smuggling and trafficking.<sup>78</sup> The use of the maritime route to conduct people trafficking cannot be discounted, noting the increase in maritime activity in Fiji. The link between people trafficking and the 'blue economy' is vague. However, one of the areas in which this can impact is the labour force in the fishing industry brought about by the exploitation of fisherman from Asian countries such as China, Vietnam Indonesia and some Pacific Island countries to work in fishing fleets.<sup>79</sup> These individuals are often subject to physical and psychological abuse, and poor living and working conditions.<sup>80</sup> Furthermore, the use of such a labour force results in loss of revenue such as working visa permits and also has an impact on the local labour market. The figures of reported trafficking or smuggling into, around and through the Pacific are only a fraction of what happens around the world. However, given the severity of the crimes, the size of Pacific Island populations, and the wider social and economic effects of organised crime, it should be an issue of significant concern for the region.

An aspect of maritime security that is required for the 'blue economy' to thrive is maritime safety. This aims to address the safety of ships and mariners and the ecosystem. Essential activities include conducting search and rescue missions, responding to disasters and carrying out hydrographic surveys. Since 2016, Fiji has received over 280 port visit by cruise liners, averaging three visits per week. This increase in visits also increases maritime risks. The incident involving the cruise liner Costa Concordia in Italy, in 2012, illustrates that maritime accidents still do occur, despite advances in navigational systems on board modern ships and safe navigation practices. Given the multitude of uncharted reefs around the islands, one cannot discount the possibility of a major cruise liner incident occurring in Fijian waters. Fiji should, therefore, invest in capacity and capability to ensure that it can respond if a major maritime incident occurs.

As maritime traffic increases, Fiji would be required to provide essential safety information for maritime seafarers, and supplying updated charts and navigational information through the Fiji Hydrographic services is essential. Reliable, high-quality and up-to-date nautical charts are essential for the 'blue economy' as well as for safety. The increase in maritime traffic, larger ships, ship schedules and shipping companies seeking shorter and more direct trade routes put a lot of pressure on hydrographic services.<sup>81</sup> Failure to provide reliable information to maritime traffic could incur severe environmental and economic impacts.

Climate change represents a clear and profound threat to Fiji's 'blue economy'. It also poses a threat to maritime security. Climate change has often been described as a threat multiplier because it exacerbates existing maritime threats. An assessment by the Global Military Advisory Council on Climate change noted that climate change, will 'amplify existing vulnerabilities among populations and existing threats to security, and can indirectly increase risks of violent conflict'.<sup>82</sup> The report also noted that the most compelling issue would be the displacement of the population due to extreme weather or sea-level rise, the

spread of infectious disease, and lack of food and water.<sup>83</sup> The need to provide humanitarian assistance would increase. The greater intensity of natural disasters, resulting in a higher death rate and destruction of critical infrastructure, coupled with an epidemic/pandemic disease outbreak would affect human security. The impact of category 5 tropical cyclone Winston in Fiji in 2016 underpinned the need to have a capable and efficient disaster response framework and independent response capability. Winston killed 44 people, affected the livelihoods of 62 per cent of Fiji's population, and inflicted damage and loss in the order of US\$900 million, almost 20 per cent of Fiji's GDP.<sup>84</sup> Several outlying islands were severely affected by cyclone Winston, stretching the resources and capability of Fiji to respond independently. Assistance from international donors, particularly Australia and New Zealand, allowed Fiji to provide a timely response and mitigate the impact of the cyclone. Fiji already has a small economic base to eradicate poverty and provide livelihoods for its people. Extreme weather events as a result of climate change would certainly weaken the nation's capacity to provide for its population, thus undermining security as the populace seek alternative ways of making a living, some of which may be illegal, such as IUU fishing and drug trafficking.

Rising sea levels caused by climate change will also affect territorial limits, affecting the maritime jurisdiction of coastal states. A rise in sea levels leads to the retreat inland of the low water line, which affects the normal baseline from which maritime boundaries are normally based. Sea level rise, coupled with coastal erosion as a result of storm surges, could affect baselines.<sup>85</sup> Maritime claims by low-lying atolls like Kiribati and Tuvalu in the Pacific could potentially be under threat from this phenomenon. As such, claims to living and non-living resources of the oceans could be challenged and potentially be a source of conflict. We are already observing maritime disputes borne out of maritime claims, as seen in the Spratly Islands in the South China Sea. This affects not only the states involved in the disputes but also countries like Fiji and Australia which rely on uninterrupted trade routes through the South China Sea. Consequently, coastal states like Fiji, with a desire to enhance their 'blue economy', will be greatly hindered by such maritime disputes. It is therefore crucial that issues relating to climate change impacts on maritime jurisdiction feature in regional and international discussions and forums so that adaptive and mitigating measures can be discussed amicably.

Notwithstanding the prevalence of non-traditional maritime threats to Fiji's 'blue economy', Fiji should also be concerned about more traditional maritime threats, particularly belligerent activities that disturb its trade routes. Up to 96 per cent of Fiji's trade by volume is conducted by sea, so it is crucial for the country that SLOCs are kept open and uninterrupted. Furthermore, Fiji is a strategic transshipment hub for other Pacific Island states like Tuvalu, Kiribati, Tonga and Samoa, highlighting the nation's importance to the region.<sup>86</sup> Fiji's seaborne trade with Asia and Europe and the world in general normally transits through New Zealand, Australia and New Caledonia, therefore if SLOCs for the aforementioned nations are interrupted Fiji will feel the impact and so will the other Pacific Island states.<sup>87</sup> It is very much in Fiji's interests to continue to foster amicable maritime security relationships with Australia, New Zealand and France.

## Fiji Navy's role in Fiji's 'blue economy'

The Republic of Fiji Navy (RFN) plays a critical role in Fiji's 'blue economy' through its role in maritime security. The RFN was established in 1975 in anticipation of the introduction of UNCLOS in 1982, and Fiji was one of the first countries to ratify the convention. Ocean monitoring, surveillance and law enforcement, coordination and conduct of maritime search and rescue, hydrographic survey and vessel reporting are all crucial for the 'blue economy' to flourish. The RFN has been conducting these activities since its establishment, albeit with restricted resources and gaps in legislation.

Patrol boats are the RFN's sole assets for conducting a wide variety of tasks. These vessels fall short of undertaking the traditional role of navies – defending a nation from an adversary – but they have been vital in dealing with non-traditional maritime security threats. The first patrol boats were ex-World War II minesweepers acquired from the United States in 1975–76, followed by two 'L' Class patrol boats in 1988, which were previously utilised as oil rig tenders in the United States. In 1991, Fiji acquired four Dabur Class patrol boats from Israel, which were small fast patrol crafts but were not conducive to Fiji maritime conditions. In 1994–95, Australia gifted three PPB Class patrol boats to Fiji through the Defence Cooperation Programme, which led to the decommissioning of the minesweepers and the Dabur Class patrol boats. Fiji's current fleet is made up of two PPBs from Australia and two L Class patrol boats, the latter undergoing survey to verify their operational capability and the viability of keeping them in service.<sup>88</sup> With this small fleet of patrol boats and 300 personnel, the RFN has been challenged in safeguarding Fiji's maritime security and addressing maritime security challenges.

The RFN has been actively engaged in conducting constabulary tasks like fisheries enforcement, border enforcement patrols, and detection and responding to transnational crime. Maritime safety has also been a core role of the RFN. The Fiji Maritime Surveillance Rescue Coordination Centre is embedded within the RFN, and the patrol boats are used in maritime search-and-rescue (SAR) incidents. The role of providing critical information on nautical charting and updating navigational information rests with the RFN's hydrographic services. This is a crucial role when considering maritime trade and the increase in cruise liners and yachts visiting the country. Furthermore, the RFN also acquired the role of manning Fiji's coast radio station in 2010 (Suva radio 3DP), which broadcasts maritime safety information to vessels within Fiji waters. The radio station also manages a reporting system of vessels entering Fiji territorial waters, although this is not a mandatory service. As an island nation, responding to natural disaster would normally mean traversing by sea. The RFN has conducted this role in the past and with the projected frequency of extreme weather events due to climate change, such duties are likely to become more prominent.

The Fiji Government's adoption of the 'blue economy' concept amplifies the crucial role played by the RFN in maritime security in enabling the economy to thrive. Maritime security should be a vital component of national security in this maritime nation. In the fisheries sector, the conduct of maritime surveillance and patrol to safeguard fisheries resources against IUU fishing activities has become increasingly important. The upgrade of Fiji's maritime surveillance centre in 2017 was a worthwhile investment. The investment in technology like satellite Automatic Identification System (AIS) monitoring and Vessel Monitoring System (VMS) provide the RFN with almost real-time information about activities occurring in Fiji's maritime domain. The upgrade was surely a force multiplier and a cost-effective measure in maritime surveillance, considering that in 2017 the RFN had only one operational patrol boat. Since the upgrade of the surveillance system, the modus operandi of conducting patrols was revised to a more targeted intelligence-based approach. The outcome of these patrols has been more effective than before, with increased boardings and detection of infringements.<sup>89</sup>

Given the possible impact of climate change on fisheries, coastal fisheries enforcement should be given equal precedence to offshore fisheries enforcement. A study into Monitoring, Control and Surveillance (MCS) activities of inshore fisheries in 2017 highlighted a huge gap in the conduct of MCS activities of inshore fisheries. The report stressed ‘the weak state of the Fisheries Department’s inshore MCS compared to that for offshore fisheries’.<sup>90</sup> Despite numerous infringements detected in inshore fisheries, there has been no successful prosecution since 2012.<sup>91</sup> Yet, coastal fisheries will be heavily affected by climate change, potentially undermining food security for coastal communities. Lack of effective MCS activities would further exacerbate challenges and add stress to coastal fisheries. The RFN readjusted its surveillance approaches, ensuring that adequate attention is also placed on coastal fisheries enforcement.

The RFN assists the maritime transport and trade sector by ensuring maritime safety. its hydrographic service provides up-to-date and accurate information about maritime routes and ports. This role is particularly vital given the government’s desire to increase the number of international ports of entry in the country, including the outlying island of Rotuma in the north of Fiji; these ports need to be properly surveyed and nautical charts updated. Timely hydrographic surveys are also important because of changes to ports and facilities brought about by sea level rise and coastal degradation and sedimentation. For example, in 2014 a cruise liner ran aground at Lautoka port as it manoeuvred out of its berth. While human error was assessed as the main contributing factor, the need for an extensive survey of the shallow harbour was also highlighted during the investigation.<sup>92</sup>

The RFN also coordinates and conducts maritime SAR. Fiji is bound by international treaty to provide a search and rescue service to seafarers that enter Fiji’s SAR area of responsibility. The recent increase in maritime traffic in Fiji means that maritime incidents and accidents are more likely. For example, in the past five years, the Fiji Maritime Surveillance Rescue Coordination Centre has responded to 12 incidents of yachts in distress within Fijian waters.<sup>93</sup> This was in comparison to an average of two per year over the previous decade.<sup>94</sup> All those incidents require some form of asset deployment and response from the RFN, with most incidents occurring more than 100 nautical miles away from the main island and during adverse weather conditions.

## Recommendations for the RFN

The RFN’s role in Fiji’s maritime security is critical for the ‘blue economy’ to thrive. Increased opportunities in the sector come with increased threats and challenges. The RFN is constrained in effectively contributing to the ‘blue economy’ due to restrictions on funding, insufficient legislative powers and limited capability.<sup>95</sup> Given the threats to maritime security highlighted above, the RFN must be better resourced, legislated and supported to carry out its critical role. The following recommendations should be adopted to place the RFN in a better position to deal with maritime security issues.

The RFN’s role can only be enhanced if it is well governed by effective and clear legislation, well resourced and adheres to a coherent strategy. The role of the RFN in conducting constabulary duties of maritime law enforcement duties needs to be clearly defined in the relevant legislation. RFN roles have often been vague and require yearly government gazettes to allow officers in the RFN to conduct this critical role. Currently, the RFN uses the Fisheries, Customs, Immigration, and Marine Act to carry out its role, however, its enforcement powers under the Act are vague. Furthermore, the process of empowering naval officers with enforcement powers is long and cumbersome. Creation and implementation of a comprehensive maritime law enforcement legislation that would encompass the wide range of roles of the RFN would certainly enhance the effectiveness of naval officers in

conducting their role. Fiji is in the process of developing its first-ever maritime strategy and it is envisaged that the role of the RFN will feature strongly in the strategic document.

The RFN needs to step up its engagement with other maritime enforcement stakeholders in the country. These stakeholders include the Ministry of Fisheries, Police Transnational Crime Unit, Police Maritime Unit, Fiji Revenue and Customs Services, Biosecurity of Fiji, Ministry of Environment, Maritime Safety Authority of Fiji and Department of Immigration. Exchange of information and intelligence is crucial in dealing with maritime security issues. In the past, these organisations have often worked in isolation without collaboration and such an approach 'can lead to disconnected decisions, inefficient resource use, and missed opportunities'.<sup>96</sup> Noting the secure and sensitive nature of some of the intelligence by individual sectors, priority should be given to developing systems that allow such information to be shared and revising legal frameworks to incorporate data security measures. A cross-sectoral and interagency approach is a more efficient and effective way to deal with issues. There have been some successful outcomes of interagency coordination in the region, such as the New Zealand framework which established a National Maritime Coordination Centre in 2003.<sup>97</sup> The centre was aimed at integrating the work of all agencies and developing a single national strategy in dealing with maritime risks. Through interagency coordination, results and outcome were more favourable, especially given the financial constraints of individual agencies.<sup>98</sup> Fiji should explore adopting a similar approach when dealing with a wide array of maritime security challenges.

The RFN should develop ways of dealing with risks and challenges associated with the increasing number of visits by cruise liners and recreational craft. The RFN's capacity and capability to respond to a major SAR incident are limited, therefore the RFN should explore and practise ways of addressing major incidents. Fiji's SAR legislation has not been tabled in parliament and the RFN should lobby government to expedite its implementation. This legislation should provide a framework for dealing with major incidents, although the RFN will be heavily constrained because of the small number and size of response assets. It would be prudent for the RFN to develop an MOU with local shipping providers in the country and the Government Shipping Services and set out ways in which these entities could respond during a major SAR incident.

Given the importance to the 'blue economy' of safeguarding the health of the oceans, it is crucial that the RFN play a more proactive role in enforcing environmental legislation. The RFN should develop a closer working relationship with the Ministry of Environment and the Maritime Safety Authority of Fiji and explore ways in which the RFN can assist in marine environment protection and law enforcement. So far the work of the RFN has been limited in this sector. Adoption of a sea riders program, similar to that provided to the Ministry of Fisheries, could also be extended to environment officials. Moreover, RFN personnel should undergo training in environmental protection enforcement in a similar way that they train with Immigration and Fisheries.

The Fiji Navy Hydrographic Services should continue to enhance its capability but importantly deliver essential and updated charting information to seafarers promptly. Up-to-date charts of outlying islands are important if cruise line tourism is to expand to more ports of call. To perform its job, the hydrographic service must be adequately resourced and funded. The RFN should continue to engage international development partners to improve their hydrographic services.

The coastal radio station currently manned by RFN personnel lacks an effective communication system. The station has the potential to be developed to provide other services. It has so far broadcasted MSI to ships, however, the system can be used to implement the compulsory

reporting system for vessels entering Fijian waters. This would be beneficial for both on maritime security and safety perspectives. Such an undertaking will complement the AIS currently in place and be a back-up should the AIS fail.

The difficulty of communications between Fiji Naval HQ and platforms at sea continues to be a major hindrance in maritime security operations, and it is strongly recommended that RFN ships be fitted with communication systems that can receive and send data. Such systems can effectively improve surface patrols. The RFN will still need to enhance its surveillance capability to detect and respond to maritime security threats on time. The creation of a fusion centre that has the ability ‘to share and integrate intelligence and navigation systems into a common operating picture to position decision-makers to prepare for, prevent, respond to and recover from a broad spectrum of potential maritime-related threats’ will certainly enhance the capability of the RFN.<sup>99</sup>

As in most Pacific Island countries, the RFN is under-resourced to carry out its strategic role. For example, in 2017, the RFN received an annual operational budget of US\$2.3million.<sup>100</sup> This is to finance logistics, training, repairs and capital purchases for the RFN. Noting RFN’s critical role in Fiji’s ‘blue economy’, this amount is insufficient. Without additional resources, the RFN will still be hamstrung in conducting its role effectively. As a critical ‘enabler’ for the ‘blue economy’, the RFN requires more thought and consideration by government. More resources will make it possible for the RFN to invest in capabilities that allow it to be more effective. Investment in innovative technology (AIS and VMS) at the Maritime Surveillance Centre in 2017 was a force multiplier. It improved Maritime Domain Awareness for the RFN, but the RFN still lacks capable response assets.

The best deterrent at sea is presence, and the RFN should acquire the necessary assets to be able to respond and deter potential miscreants.<sup>101</sup> Ships provided by Australia, under the PMSP program, will surely enhance Fiji’s capability, but the RFN would still require additional ships to effectively conduct other roles, such as disaster response. The RFN was severely constrained in responding to outlying islands following Cyclone Winston in 2016 due to limited capability. This shortfall prompted a revised approach in capability development as depicted in the Republic of Fiji Military Forces Command 2018 strategic intent. The intent highlighted the need for the RFMF to respond independently to disasters and ‘not to be dependent on any other organisations to conduct an operation in Fiji’.<sup>102</sup> With the existing assets, the RFN will not be able to achieve the desired result, thus the need to invest in capabilities that allow the RFN to respond effectively. Investment in a multi-role vessel that can be used for a variety of tasks, like SAR, survey, landing operations and disaster relief operations, would enable an RFMF independent response effort.

Given the importance of maritime security to the ‘blue economy’, it would be sensible that more consideration and attention is placed on maritime security efforts. Moreover, the RFN and enforcement agencies should also be engaged in the ‘blue economy’ planning process, and maritime security should be included in marine spatial planning activities.

## Conclusion

Although Fiji's oceans economy is crucial to Fiji's economy, its progress and sustainable development are threatened by climate change and maritime security challenges. Adopting the concept of 'blue' in Fiji's oceans economy to promote conservation and sustaining the oceans with economic development is fundamental to Fiji's economic future. The tourism, fisheries and maritime transport sectors have developed into key contributors to Fiji's Gross Domestic Product, a contribution that is expected to increase. Conserving the natural environment is key to ensuring the sectors' sustainable growth. Fiji's National Development Plan 2017 outlines key policies to ensure sustainable growth.

Maritime security is an important enabler of Fiji's 'blue economy', and must be well supported if the economy is to thrive. An increase in maritime economic activities means an increase in risks and challenges. Fiji, like other small nations in the Pacific region, is vulnerable to maritime security threats and challenges that have the potential to undermine economic progress. As the custodian of maritime security, the RFN has been constrained in conducting its role due to limited capability and restricted resources. Furthermore, lack of engagement with other maritime security stakeholders within the country has exacerbated problems with enforcement efforts. It is crucial that the RFN is better resourced and supported in its role of enabling Fiji's 'blue economy'.

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# EXPLORING THE PHILIPPINES AND AUSTRALIA'S MARITIME SECURITY COOPERATION AGAINST TERRORISM AND OTHER TRANSNATIONAL CRIMES

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## Introduction

Most of the world's surface is occupied by water. Oceans occupy two-thirds of the earth's total area, but most countries focus on land-based initiatives, and efforts to secure the maritime domain are relegated to the sidelines. Sea blindness and continental thinking still dominate the thoughts and perceptions of our national policy-and decision-makers, as well as senior leaders in the military and other stakeholders, both state and non-state, who have maritime-related interests. Due to this prevailing political environment and milieu, the protection of the sea and other littoral and offshore areas is not given importance and priority.

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Philippine Navy coastal patrol boat BRP *Juan Magulyan* sails alongside HMAS *Anzac* during a passage exercise in the Sulu Sea.

Due to this security negligence and complacency, the seas and its environs have become the conduit and seascape of unscrupulous individuals who ply their illicit trades along sea lanes and routes crucial to freedom of navigation, trade and commerce. Transnational crimes and other non-traditional military threats – such as kidnapping, piracy, sea-jacking or robbery at sea, gunrunning, drugs and human trafficking – weaken national, regional and global security. Moreover, the entry into the picture of global terrorism exacerbates the heightening apprehension of countries/states whose security concerns are heavily reliant on oceans, and securing its respective maritime domain becomes a challenging and near to impossible task to all maritime stakeholders.<sup>1</sup>

The Philippines plays an important geopolitical role in the Indo-Pacific region because it occupies a geostrategic location among the Americas, Oceania and Asia. It connects Southeast Asia and Northeast Asia. Most of the world's important sea and shipping routes between Australia and China pass through the Sulu Sea in the Philippine Archipelago, a reality that compels Australia to maintain and enhance closer relationships with the Philippines. Furthermore, the two nations are linked through common regional concerns and shared interests in promoting maritime security under the international rules-based order, as well as a shared responsibility to take part in regional humanitarian assistance and disaster response missions. Economic integration also links these two maritime states.

The Philippine Navy (PN), anchoring on one of the key features of its operational strategy, the Active Archipelagic Defence Strategy (AADS), promotes maritime cooperation to support its operations. Through this initiative, the gaps in capability and capacity could be filled in, especially given the navy's long-standing engagement with the Royal Australian Navy (RAN), one of the most advanced navies in the region. The PN contributes to regional security and stability by collaborating with other navies in the region.<sup>2</sup>

Before the signing of the Status of Visiting Forces Agreement (SOVFA) in 2007, which was ratified by the Philippine Senate on 24 July 2012, and subsequently entered into force on 28 September 2012, Australia and the Philippines had already signed the Memorandum of Understanding on Cooperative Defense Activities, which came into effect on 22 August 1995, and later Terms of Reference (TOR) for the establishment of the Joint Defence Cooperation Committee (JDCC) and the Defence Cooperation Working Group (DCWG), whose joint meetings are conducted annually. These groups also guide subsequent various joint cooperative activities. To further develop bilateral defence relations and advance the military activities of the two countries, biennial Navy to Navy Strategy Talks between the Philippines and Australia were established under the TOR. This TOR is not intended to create a binding international agreement between the participants or the Republic of the Philippines and the Government of Australia. All activities under this TOR will be carried out by respective laws, regulations and policies of both armed forces.<sup>3</sup> Subsequently, the Memorandum of Understanding (MOU) on Cooperation to Combat International Terrorism and the Memorandum of Understanding on Combating Transnational Crime were signed in 2003 to jointly address maritime terrorism, piracy, arms smuggling, human trafficking, kidnapping and the proliferation of drugs and other contraband.

This paper explores maritime security cooperation between Australia and the Philippines to find out how their collaborative efforts would benefit the two states in terms of addressing the threat of terrorism and other transnational crimes, not only in their respective sovereignties and borders but also in their respective allied countries in the Indo-Asia-Pacific or Indo-Pacific region.

I also delve into the long-standing and mature Philippine and Australian strategic defence relationship, especially in the context of the extensive history of cooperation and mutual

support between the two states' navies (the PN and RAN). Moreover, this paper will also examine the aforesaid cooperation with particular emphasis on the SOVFA, taking stock of its strategic achievements and identifying some capability gaps, and operational challenges and opportunities in the two states' bilateral relationship.

## Early maritime security cooperation

Maritime sovereign states like Australia and the Philippines rely on the security of their maritime domains to enjoy economic prosperity and survive as nation states. The maritime interrelatedness is linked with aspects of common strategic space, with their interests in maritime and security endeavours often intertwined. The strategic location of the Philippines draws regional powers like Australia and the United States to establish a foothold on this maritime nation to protect their maritime, security and commerce/trade interests in the Indo-Asia-Pacific/Indo-Pacific region. The strategic importance of the Philippines makes her an enviable and sought-after regional partner. Australia's commonality with the Philippines in addressing maritime and security issues, including their shared interest in countering terrorism in the region, entails Australia actively engaging with the Armed Forces of the Philippines and the Department of National Defence. This engagement will centre on the fields of maritime security, counter-terrorism, law and leadership, airworthiness and logistics. The bilateral partnership is not on an equal footing in terms of the capabilities of the two states' militaries, Australia having the upper hand. However, the intention is to narrow the gap by Australia supporting the Philippines' capability development through targeted training and capacity assistance, such as the current program to gift two amphibious vessels and offering an additional three for sale to the Philippines.<sup>4</sup>

To solidify the security cooperation between Australia and the Philippines, the two nations signed the SOVFA on 31 May 2007, regarded as the most important security milestone of Philippines foreign and security relations after the Mutual Defence Treaty with the United States signed in Washington D.C. on 30 August 1951. For its part, Australia regarded the SOVFA as a logical and legal means to increase Australian security assistance as one way of promoting maritime security in not only Southeast Asia but also in the Indo-Pacific region. Even though there were earlier agreements between the two states on security cooperation, the SOVFA of 2007 gives justification to Australia to increase its assistance to its counterpart in capacity building for port security and border control operations to prevent terrorist attacks and deter illicit and unscrupulous acts in the critical sea lines of communication (SLOC) of Southeast Asia.<sup>5</sup>

Recent years have seen a dramatically changing milieu transpiring in the Indo-Asia-Pacific or Indo-Pacific region, with a shift of strategic focus of global and regional powers like the United States and Australia from the Middle East to this region, which is considered to be a vital focus of economic power and prosperity thanks to Asia's sustained economic growth. With this pivotal movement, of the United States in particular, China's military assertiveness, especially in the East and South China Sea, is challenged by US support for allied claimant-countries such as Japan, Vietnam, Taiwan and the Philippines. This situation presents Australia, as a key strategic and treaty ally of the United States, with a dilemma in terms of how to deal with China, the main military and economic competitor of the United States in the Asia-Pacific. Moreover, the Australian Government is also addressing this shift of focus to the Indo-Pacific by strengthening its defence and security cooperation with other countries in the region.

Connections – but not official diplomatic relations – between Australia and the Philippines date back to the 19th century. Official diplomatic relations were only established in 1946 just

after the Philippines was granted independence from US colonial rule. This earlier relationship came into being when Australian missionaries gained a foothold on Philippine soil through spreading the Christian faith. Even before the granting of Philippine independence on 4 July 1946, the two states had already established a form of maritime security cooperation. During World War II, the RAN joined with the Allied forces in the war against the Japanese imperial forces in the Philippines. After the United States granted independence to the Philippines, Australia immediately opened its consular office in Manila, and through the Colombo Plan, which was established in 1951, joined the United States in actively helping the Philippines' post-war economic rehabilitation, reconstruction and recovery efforts. It was also in 1951 when the Philippines opened its defence attaché in Australia. Moreover, during the Cold War, the two states' security cooperation was strengthened and enhanced when as member states of the South East Asia Treaty Organization (SEATO), and in tandem with the United States, they helped efforts to halt the expanding influence of communism in Southeast Asia. In 1973, Australia and the Philippines entered into a defence cooperation program. When the Philippine-American Military Bases Agreement was terminated in 1991, security relations between Australia and the Philippines were strengthened.

This security partnership was highlighted by a series of bilateral security dialogues and culminated with the signing of the Philippines–Australia Defence Cooperation Agreement in 1995. With this agreement in force, the two maritime states jointly conducted several defence-related activities, such as the Maritime Training Activities (MTA), 'Exercise LUMBAS' which was officially started in 2002, MARSURVEX (Maritime Surveillance Exercise) and the Australian-hosted multilateral Fleet Concentration Period Exercise 'KAKADU'. In March 2003, the two states agreed to collaborate in addressing the clear and present danger in the region – this being, terrorism.

Four months later, another agreement was forged for combating transnational crime, such as human and drug trafficking, maritime piracy and sea-jacking, gunrunning, kidnapping, smuggling and the like. These agreements and common shared interests in maritime security have become the drivers in enhancing Philippines–Australia relations, culminating in the signing of the SOVFA.<sup>6</sup>

## **Maritime security cooperation in the aftermath of 11 September 2001**

After the 9/11 event, which made every country of the world awake to the threat of terrorism, the maritime security of Australia and the Philippines was improved and enhanced. This was bolstered when Australia gave the Philippine military A\$10 million over the period 2003–08 for counter-terrorism efforts and other related initiatives, like strengthening maritime border control and port security against terrorism. In June 2005, the maritime stakeholders of the two states held a maritime security seminar, tackling issues and concerns related to their maritime security cooperation. One outcome was a needs analysis for the Philippines conducted by the RAN.

This analysis gave Australia a clear understanding of what kind of maritime security assistance could be provided to the Philippines. Cooperation between the two states focused on the Philippine Port Security Capacity Building Project; the Army Watercraft Project; and the Coast Watch South Project.

## **Maritime security cooperation during and after the Marawi crisis**

During the 2017 Marawi Siege, troops of the Armed Forces of the Philippines (AFP) found it very challenging to retake the besieged city from its 'do or die' Islamic Maute defenders. The AFP troops were inexperienced in urban warfare and lacked capabilities in countering



improvised explosive devices (IED). Australia offered to deploy Australian Defence Force (ADF) personnel with significant training and counter-IED experience from operations in Afghanistan. After operations in Marawi, these personnel offered urban warfare and counter explosive/ordnance training and technical assistance to Philippine security forces. As well, two Australian AP-3C Orion surveillance aircraft operated in the Main Battle Area (MBA) of Marawi.

The two platforms boosted the Intelligence, Surveillance and Reconnaissance (ISR) capabilities of the AFP, augmented the situational awareness of troops on the ground and denied the enemy target acquisition on the former. The assistance provided by Australia, in conjunction with the United States, was one of the game changers that led to the ultimate defeat of the terrorists and the eventual retaking of Marawi. The siege was a reminder that Australia and the Philippines have a long history of cooperation on defence education and training, both under the Defence Cooperation Program and through joint exercises. Australia is the second-largest provider in military education for the AFP, after the United States.

Just weeks after the culmination of the Marawi crisis in the last week of October 2017, the Australian Government sent ADF personnel to help train Filipino soldiers in urban warfare and other strategies. This initiative was sustained through deploying ADF mobile training teams to key areas in Luzon and Visayas islands. Furthermore, Australian Prime Minister Malcolm Turnbull said when he visited Manila on 14 November 2017 that Australia and the Philippines are in the same fight against terrorism. Turnbull remarked that the ‘threat of terrorism, of Islamic terrorism, is a global one and it is all connected’, thereby underlining the need for better cooperation against the threat of terrorism.

These remarks by the Prime Minister of Australia concerning the campaign against the ISIS-aligned Maute group offered a clear acknowledgement that terrorism is a global menace and that countries like Australia and the Philippines must join together to address it. At stake is potential destruction of infrastructure, vital installations and economies, as well as the creation of a climate of fear and terror in countries not only in the Indo-Pacific (Asia-Pacific) region but also those in other parts of the world.

The scourge of terrorism was further enunciated by the President of the Philippines: ‘Terrorism is everywhere. No nation has escaped from the clutches of the evil of the [Islamic State] ideology dedicated to just kill human beings and destroy places.’<sup>7</sup>

## **Joint maritime security cooperation to address terrorism and other transnational crimes**

### **Current and previous initiatives on counter-terrorism and other transnational crimes**

To further boost counter-terrorism efforts and continuously address terrorism in the area of responsibility of the Naval Forces Western Mindanao (NFWM) of the PN after the Marawi crisis, a joint maritime security exercise was launched on 12 March 2018 in Zamboanga City, Mindanao, between the two navies to address the threat of terrorism in Southeast Asia. Two RAN Armidale-class patrol boats, HMAS *Broome* and HMAS *Launceston*, arrived at Zamboanga port on 12 March 2018 to conduct combined maritime security exercises with PN frigates to improve regional maritime security. Maritime security had been compromised by spates of kidnapping and hijacking incidents targeting foreign and local cargo vessels plying the Sulu Sea and Sibuho Strait, mostly perpetrated by the ISIS-aligned kidnap-for-ransom terrorist organisation, Abu Sayyaf Group. According to Mat Kimberley, Australia’s deputy head of mission to the Philippines, the extensive defence cooperation in terms of technical support, intelligence sharing and Subject-Matter Expertise Exchange (SMEE) was

beneficial to both maritime states. As evidenced by the flushing out of Maute terrorists from Marawi, the deepened cooperation also put at bay the rising threat of ISIS in Southeast Asia and the rest of the Indo-Pacific region. As stressed by Rear Admiral Rene Medina AFP, Commander, NFWM, the combined maritime security engagement that his command and the visiting RAN personnel would be undertaking might improve inter-operability between the two navies, as well as enhance the deepening cooperation between the ADF and the AFP and their respective maritime stakeholders.<sup>8</sup>

### Joint maritime patrols in the area of responsibility of Naval Forces Western Mindanao of the Philippine Navy

NFWM's Second Maritime Security Engagement exercise with the RAN took place in the waters off Basilan, Sulu and Tawi-Tawi, with the aim of enhancing both forces' anti-piracy and anti-terrorism capabilities.

The activity lasted for 21 days during which time both navies conducted maritime patrols in NFWM's area of responsibility, especially in the Basilan Strait, the Sulu Sea and Sibutu Strait where kidnapping, human and drug trafficking, piracy/seajacking, gun-running and illegal fishing often occur. These joint engagements were beneficial in particular to the PN because of the opportunity to enhance its capabilities to combat maritime terrorism and other transnational crimes. Both navies improved their inter-operability and joint capabilities in the conduct of maritime security-related endeavours.

Moreover, these engagements contributed to a dramatic reduction in kidnapping incidents. As Rear Admiral Medina, Commander of NFWM pointed out, Australia and the Philippines and other countries in Southeast Asia and the whole of the Indo-Pacific region share common concerns in ensuring safer seas and trade routes for our seafarers and respective communities. He further emphasised that piracy and terrorism in the southern Philippines, especially in the porous maritime borders in the Sulu Sea (with Malaysia) as well as in the Celebes Sea (with Indonesia), are the concerns of the Philippines and its immediate neighbours as well as all countries in the Indo-Pacific region.<sup>9</sup>

### Strengthening port security: Australia and Philippines strengthen port security

The Philippine Government aims to improve port operations in the Philippines, especially by implementing strategies to deter the proliferation of illicit activities such as drug and human trafficking, gun-running, and the smuggling of other contraband by unscrupulous individuals and crime syndicates operating in some ports of the Philippines. On 19 March 2004, the government, with the support of the Australian Government, held live simulation exercises at Cebu International Port to evaluate the operational readiness of local ports in handling security-related incidents.

Participants in this scenario-driven exercise were the primary stakeholders, the Philippine Office for Transportation Security (OTS), the Cebu Ports Authority, and the Philippine Coast Guard. A series of scenarios included simultaneous attacks on port facilities. The exercise served as the culminating activity of the Philippines–Australia Port Security Capacity Building Project (PAPSB), which is managed by the Australian Department of Infrastructure, Transport, Regional Development and Local Government. This project was bankrolled by the Australian Agency for International Development (AusAID) as one parts of the A\$10 million, Counter-Terrorism Assistance Package earmarked for the Philippines from 2003 to 2010.

This financial aid package seeks to strengthen the capacity of key government agencies to prevent terrorist threats, with a particular focus on law enforcement, border control, port security and regional cooperation among allied countries in the Indo-Pacific region.<sup>10</sup>

## Coast Watch South Project

Occupying an important geostrategic location between the Americas, Oceania and Asia, the Philippines is an indispensable regional partner to Australia. The country serves as a bridge between Southeast Asia and Northeast Asia. Most of the world's important trade and shipping routes pass through Philippine waters, including the Sulu Sea, the site of illegal and sometimes terrorist activities.

The Coast Watch South Project was conceived to protect this vulnerable trade route in the Sulu Sea, and came into fruition with assistance from the Australian and US Governments. Since Australia's and the Philippines' respective interests converge in the Sulu and Celebes Seas, this project is a great opportunity for Australia to give a higher level of assistance to the Philippines to improve its maritime domain awareness and maritime security capabilities. The Coast Watch South Project is the largest maritime security project between the two nations. One of its aims is to help optimise the use of existing resources and capabilities for maritime law enforcement operations and the capability of Philippine maritime security forces to monitor the transit of people in the Celebes, Sulu and Sulawesi Seas.

A vital goal of this project is to counter terrorism and other transnational crimes, especially terrorists and criminals using routes along the porous borders on those tri-seas. Australian assistance aims to further develop Philippine maritime surveillance and interdiction capabilities by centralising surveillance and response mechanisms to secure maritime borders in Mindanao. The project covers various corridors, comprising Zamboanga Peninsula, Basilan, Sulu, Tawi-Tawi; Davao Gulf and General Santos seaward going to North Sulawesi Island, Indonesia; and the southern part of Palawan and Balabac Islands going to Banggi Island and Sabah.

## Defence engagements/bilateral agreements and treaties

Philippine–Australia defence relations have flourished since World War II with regular dialogues to create mechanisms to support the bilateral partnership. These mechanisms are the Philippines–Australia Ministerial Meeting (PAMM), Senior Officials Meeting (SOM), Philippine–Australia Bilateral Counter Terrorism Consultations (BCTC), High-Level Consultations on Development Cooperation (HLC), Joint Defence Cooperation Committee (JDCC) and Defence Cooperation Working Group (DCWG) dialogues.

The Philippines and Australia, according to the preambles of the SOVFA, have pursued the purpose and objectives of the Memorandum of Understanding (MOU) between the two governments on Cooperative Defence Activities signed on 22 August 1995 in Canberra. It states that cooperation between the Philippines and Australia promotes their common security interests and notes that, from time to time, by arrangement between the Philippines and Australia, elements of the forces of one party may be sent to visit the territory of the other party. The SOVFA established the status of Visiting Forces of the Sending Party when in the territory of the Receiving Party, and acknowledged the parties' intention in fulfilling their international commitment.<sup>11</sup>

In accordance with the SOVFA, in 2016, Australia extended maritime security assistance to the Philippines in the form of surface platforms. The Philippines purchased three former Australian landing craft, HMAS *Balikpapan* (L-126), *Wewak* (L-130) and *Betano* (L-133). These Balikpapan-class landing craft heavy (LCH) vessels arrived in Liloan, Cebu, on 26 March 2016. The three vessels were sold to Manila for a 'friendship price' of 726 million pesos (US\$16.5 million) – by market standards, a giveaway price.

The LCHs were among five vessels the Philippines acquired from Australia. The other two

are the BRP *Ivatan* (formerly HMAS *Tarakan*) and BRP *Batak* (formerly HMAS *Brunei*), which were donated and commissioned into the PN in 2015. The vessels are to be used for humanitarian assistance and disaster relief (HADR) operations. Australia saw the need for such vessels after experiencing a shortage of these platforms during relief operations when the Eastern Visayas (Samar-Leyte Provinces) was hit by Typhoon Hainan (local name Yolanda), which decimated and ravaged whole towns and villages in the region in November 2013. ADF personnel were also dispatched to the affected areas to help the victims of the storm, which left more than 7,350 people dead and missing. Beyond HADR operations, the acquisition of these surface assets will also boost the capabilities of the Armed Forces Philippines, one of the weakest military powers in the region, in conducting maritime and naval/ territorial defence operations.<sup>12</sup>

Relative to this, the SOVFA is an agreement that encompasses real-world issues, including immigration and customs; measures for visiting forces to wear uniforms while in the other country; and criminal and civil jurisdiction over these visiting forces while in the other country. Australia and the Philippines signed the Agreement on 31 May 2007. Ratification of the Agreement by the Philippines was on 24 July 2012. The Philippine Senate passed the resolution for SOVFA on second reading with seven negative votes. Australia has similar agreements with, among others, Malaysia, Papua New Guinea, Singapore and the United States. Two months later, the defence agreement entered into force.

ADF personnel participated in Exercise BALIKATAN 2016, the foremost annual multi-faceted exercise hosted by the Armed Forces of the Philippines and the US Pacific Command. Exercise BALIKATAN 2016 included 86 ADF personnel, with contributions from, among others, a 30-strong special forces element from the 2nd Commando Regiment. An RAAF AP-3C Orion maritime patrol aircraft and crew also joined in supporting maintenance personnel drawn from 92 Wing.

Exercise LUMBAS, the maritime training activity between the PN and the RAN, is conducted annually to enhance cooperation between the two navies in the varied fields of maritime interdiction operations, interagency operations, anti-piracy, anti-kidnapping, anti-terrorism, disaster response, human and drug trafficking and the like.

During Typhoon Haiyan/Yolanda, the Australian Government responded instantly with the deployment of ADF assets such as a C-17A Globemaster and a C-130J Hercules aircraft, and an amphibious ship on HADR operations to the ravaged and hard hit communities of Samar and Leyte Provinces. A 37-member Australian Medical Assistance Team established a 50-bed field hospital with surgical capability next to Tacloban City Airport in Leyte Province.

Australian law enforcement agencies have been working closely with their Philippine counterparts for over 30 years. Successful operational partnerships between the Australian and Philippine agencies include joint international investigations into terrorist events such as the Makati bus bombing, the Glorietta Mall bombing and the Superferry bombing. AFP and Philippine law enforcement agencies frequently work together to dismantle major transnational drug and gun smuggling syndicates targeting both the Philippines and Australia, as well as identifying, disrupting and prosecuting numerous multinational child abuse syndicates. In 2015, Australian and Philippine law enforcement agencies successfully dismantled an international paedophile ring in Mindanao. The operation, conducted by the National Bureau of Investigation (NBI) with Philippine National Police (PNP) and AFP support, gained positive worldwide publicity for Philippine law enforcement agencies in their fight against child abuse. An Australian 60 Minutes program on this operation won a 2015 Walkley Award. The success of the two countries' law enforcement cooperation is based on trust, mutual respect and common interest.

The defence engagement between the two maritime states narrows down to three major initiatives: maritime security; counter-terrorism; and assistance to the Philippine defence modernisation program. In like manner, the SOVFA enhanced the already deep relationship between Australia and the Philippines. Some of the milestones of the agreement are focused on opportunities to further training, advance exercises and promote deeper people-to-people ties. Australia prioritises education and training in engaging with their Philippine counterpart. The AFP personnel are beneficiaries of these academic and educational endeavours at Australia's training and educational institutions, and some of them study at Australia's universities.

The two states also strengthened their relationship through disaster risk management and in humanitarian assistance, with Australia assisting the Philippine Government and its communities in preparing for, coping with and recovering from natural disasters. Moreover, an important program between Australia and the Philippine Bureau of Immigration is their cooperation to counter smuggling, human trafficking and other forms of illegal migration. The two countries signed a Memorandum of Understanding in 2005 to share expertise on effective border control to detect, deter and disrupt human trafficking and other forms of irregular migration.<sup>13</sup>

The Association of Southeast Nations (ASEAN)–Australia Dialogue Relations was established in 1974, but it reached a significant milestone in 2007 with the adoption of the Joint Declaration on ASEAN–Australia Comprehensive Partnership that charts the direction of ASEAN relations in the years to come. Australia participates in several consultative meetings with ASEAN, including the ASEAN Regional Forum (ARF), the ASEAN Defence Ministers Meeting Plus, the East Asia Summit, the Expanded ASEAN Maritime Forum, the Post Ministerial Conferences and the Senior Officials' Meeting on Transnational Crime. Australia has been actively participating in and supporting the ARF's work on counter-terrorism, transnational crime, disaster relief, maritime security, non-proliferation and disarmament, and preventive diplomacy. In 2015–16, Australia co-chaired (with Singapore) the ARF Experts and Eminent Persons Meeting, and the ARF workshop on National Maritime Single Points of Contacts with the Philippines and also worked with Malaysia on the proposed ARF Directory of Cyber Points of Contact.<sup>14</sup>

## Strategic and operational achievements

Australia is strongly and passionately committed to helping the Philippines to enhance its maritime security capability. To prove its genuine concern, in 2006, even as an observer, Australia participated in Exercise BALIKATAN (which means 'shoulder to shoulder'). This activity is the largest joint military exercise between the Philippines and the United States. The signing of the SOVFA in the following year was the culmination of the two maritime states' commitment to advancing their common maritime security interests. Former Philippine President Gloria Macapagal Arroyo praised Australia's partnership with the Philippines, stating that Australia is one of the most important security regional partners in the Indo-Pacific region. Furthermore, the main intention of the Philippine Government in signing the SOVFA was to get more military assistance because it regards Australia as its most important and reliable partner after the United States. As evidence of its good faith in this bilateral agreement, Australia donated 28 airboats to the AFP worth US\$4 million. These platforms were to boost the AFP's capability in fighting terrorism and other transnational crimes and promote its maritime security.

## Australia–Philippines common strategic perspectives

Since the two states are maritime in their geographic make-up, the duo has commonalities in their perspectives in addressing security maritime issues. These concerns converge and drive them to cooperate and deepen their bilateral engagement. These concerns focus on the following: alliance with the United States; the challenge of China's growing and rising military might and its subtle intention of Asian hegemony; disputes in the South China Sea (West Philippine Sea from a Philippine geographical perspective); the China–Taiwan issue; and non-traditional/military threats such as terrorism, drug and human trafficking, gun-running, seajacking, kidnapping, cyber-related crimes, child prostitution and other forms of contraband; natural and man-made disasters. These multifarious issues have been addressed by these nations' bilateral maritime security cooperation through the SOVFA whose embedded interest is to promote maritime security in Southeast Asia in particular and the whole of the Indo-Pacific region in general.

## Military and security alliance with the United States

Australia's and the Philippines' interests converge in many ways; but especially in the shared desire of each Nation to counter terrorist activity. Thus, Australia has extended help to its regional partner through technical assistance given by ADF experts in urban warfare and counter-IED operations and by providing surveillance aircraft to help Philippine troops locate Maute terrorists. This convergence of effort reflects the equal commitment of different Nations to defeat terrorism and to ensure the security of the Philippines, the ASEAN countries more broadly, and the Indo-Pacific region in general. Importantly, security extends beyond peace, to involve larger ideas of stability and economic prosperity.

## China's rising economic power and the growth of its military might

Australia and the Philippines also share some apprehension insofar as the rise of China has potential to foment instability in the Indo-Pacific. The Philippines and Australia have diplomatic and trade relations with China but are wary of China's increasing economic power because economic spill-overs have the potential to stimulate investment in China's already considerable military power. According to a Defence Update 2007, it is a fact that China's economic growth has benefited the global community, however, Australia and the Philippines believe that China's assertiveness could also create tension in the Indo-Pacific region.<sup>15</sup>

## The threat of maritime terrorism

Australia and the Philippines have common strategic interests in combating maritime terrorism in Southeast Asia. The Marawi crisis was a reminder to the ASEAN countries and other regional powers like the United States, China, Australia and India, that terrorism is not a problem for a single state, irrespective of its political persuasion and ideology, because terrorism has no borders or geographical barriers. It will strike anywhere like a thief in the night. And to deter its proliferation and invasiveness to the social consciousness of the states' affected societies, the node of its nexus must be cut off. This goal can be achieved only if countries in the Indo-Pacific region strengthen cooperation and joint partnership in addressing this scourge head-on.

With the defeat of the Islamic State elements of the terrorist leadership transferred to the East Asia Wilayah (province). This province comprises Singapore, Malaysia, Indonesia, the Philippines, southern Thailand, Myanmar (Burma) and Japan.

More than the relocation of a mere few people, the transfer of terrorists to the East Asia

Wilayah entailed the transfer of an established terrorist network. According to SouthFront.org, 1000–1500 Malaysian and Indonesian mujahedeen (holy warriors)/militants pledged allegiance to ISIS, and ISIS has transported 1000 of them. Most of these militants reached mainland Mindanao during the Marawi Siege using the backdoor route of the porous Philippines–Malaysia–Indonesia tri-border on the Sulu and Celebes Seas.

Where ISIS cannot establish the caliphate in Malaysia and Indonesia because of their predominantly Sunni Muslim population and stricter laws on terrorist activities, the Philippines might offer a more fertile ground due to the Mindanao question, the dearth of government services, corruption, and a soft approach to terrorism. So how might terrorism best be countered?

The counter-terrorism campaign in Marawi against the Maute-Abu Sayyaf-BIFF Group was land-based, but its implication is purely maritime terrorism. Most of their foreign fighters entered the Philippines through maritime routes. Likewise, some of the terrorists' combat service support and reinforcement emanating from Malaysia, Indonesia and the Philippines' provinces of Basilan, Sulu and Tawi-Tawi were mainly sea-based. Terrorism and transnational crimes are interconnected, as shown by the activities of Philippines' home-grown ISIS-aligned Abu Sayyaf Group (ASG): their kidnapping sprees at the tourist resort in Sipadan, Malaysia, and on Dos Palmas Resort in Palawan, the Philippines, in 2001; their bombing of MV Super Ferry 14 on 27 February 2004 after it left Manila Bay, resulting to the deaths of 116 passengers and the wounding of 300 others; and their other piracy/kidnapping activities targeting commercial and cargo ships plying the Sulu-Celebes-Sulawesi Seas gaining ransom money and worldwide notoriety. Through social media and face-to-face contact, they espoused Jihadist ideology to gain more adherents to their cause. These incidents create apprehension that shipping and ports may face a terrorist attack. Incidents of piracy in Southeast Asian waters make maritime terrorism the centrepiece challenge to regional maritime security. A good example of this occurred on 26 March 2003 with the robbery of the Indonesian chemical tanker Dewi Madrim off the coast of Sumatra, which appeared to maritime stakeholders to be an attempt by terrorists to learn how to navigate a ship in preparation for future attacks at sea.

Australia and the Philippines, each heavily dependent upon the maritime domain, and upon maritime trade, share common concerns about maritime terrorism. The Philippines, an archipelago of 7,107 islands with one of the world's longest coastlines, is especially mindful of the sea, and the relation of the oceans to the land where people live. Filipinos have a reputation as excellent seafarers and are the first choice among international shipping lines and companies for crew. The point being, both Australia and the Philippines share a natural affinity with the sea, and a natural interest in working cooperatively to secure good order. Collaboration is the key, and especially consequential since Australia (one of the region's strongest maritime powers) is well-positioned to help the Philippines enhancing maritime security along the Sulu-Celebes Sea frontier<sup>16</sup>

## **Disputes in the South China Sea/West Philippine Sea**

The South China Sea, or to the Filipinos, West Philippine Sea, lies in the northern extent of the Indo-west Pacific. The disputed islands here are collectively known as the Spratlys; composed of no less than 190 islets, reefs and rocks, they cover an area of about 390,000 sq km, and the surrounding waters contain rich marine and fisheries resources as well as potential gas and oil deposits. The Spratlys are claimed in their entirety by China, Taiwan and Vietnam, while portions are claimed by Malaysia and the Philippines. If a dispute over the islands is not handled sanely, the consequence could be an escalation of hostilities, especially to regional powers like China and the United States, which have great maritime

and strategic interests in the region because their major trade routes pass through the area. And if the situation escalates, threats to freedom of navigation in the area would greatly affect the regional economy, especially to Southeast Asian countries whose economic survival relies on secure access to the maritime domain.

Australia and the Philippines firmly believe there should be code of conduct covering the South China Sea so that disputes among claimant countries can be amicably settled and brewing hostilities among protagonists averted. This is the sort of shared belief and practical partnership which enhances regional maritime security.<sup>17</sup>

## Non-traditional security threats

Non-traditional security threats, such as transnational crimes, pose maritime security risks to states in the Indo-Pacific region. Piracy, sea-jacking, armed robbery of ships, drug trafficking, people smuggling and gunrunning can wreak havoc on a state's economy, stunting the growth of revenues from maritime trade-related profits. James Warren of the Asia Research Institute at the University of Singapore suggests that piracy in Southeast Asia costs around US\$25 billion a year. And likely, piracy and other transnational crimes will increase their ravaging cost to Southeast Asian economies.

## Major challenges to Australia–Philippine maritime security cooperation

There have been strategic achievements concerning the maritime security cooperation between the two maritime states, especially with the implementation of the SOVFA, which has been in force since 28 September 2012. Yet there are issues and concerns that challenge the two regional partners' joint endeavours and initiatives. Among them are the following:

1. One key challenge on the maritime security cooperation between the two states is that the Armed Forces of the Philippines (AFP) is pre-occupied by internal security operations (ISO) and territorial defence operations (TDO), relegating the principal role of the military to the sidelines. Despite the Philippines being a maritime nation, the Defence and AFP leadership are still locked in a continental or land-based strategy, for they are still dominated by senior army leaders who do not properly grasp the nuance of maritime operations.
2. There is an apprehension, especially among the left-leaning groups and communist-linked individuals, that the presence of Australian troops conducting military or naval exercises in the Philippines is an invasion of the country's sovereignty, even though it is explicitly stated in the Philippine constitution that foreign troops are prohibited in engaging or participating in combat operations. The participation of ADF personnel during the five-month Marawi Siege in 2017 demonstrated that the visiting troops' role was limited to giving technical assistance and training to Filipino troops, not actual combat.
3. The SOVFA provided visiting ADF troops temporary structures for troop billeting, classroom instruction, support and messing to be used by both Philippine and Australian troops during naval exercises. Philippine Opposition leaders, especially the party-list representatives, the Communist Party of the Philippines-National Democratic Front and their leftist cohorts, perceive this as a cover to allow the visiting troops to actively engage in combat operations.
4. There is a challenge on jurisdictional grounds about how to settle any supposed violations or crimes committed by Australian troops while deployed in the Philippines. But the Philippines' Department of Justice assured the critics that the Philippine Judicial System



will take good care of any errant visiting ADF personnel if a violation of Philippine laws takes place.

5. There is an issue about how to achieve mutual inter-operability between the ADF and the AFP. Australia's military is one of the strongest in the Indo-Pacific region, while the Philippines' is one of the weakest. Inter-operability in this instance is limited because military capabilities between these two maritime states are not on an equal footing.

## **Analysis/assessment**

Despite the defence and maritime security agreements and cooperative activities engaged in by the two maritime states, including the SOVFA of 2007, there is ample evidence that terrorism and other transnational crimes continue to pose a significant threat to both Australia and the Philippines. There is then, a need to intensify the International Defence and Security Engagement between the Philippines in order to secure the national interests of the Philippines and in order to build up regional good order.

An especial area of cooperation might be along the Celebes-Sulu Sea frontier where both nations have maritime trade and security interests in common. The AFP in general and the PN in particular should leverage all available opportunities offered by the existing treaties and agreements with Australia to identify and upgrade capability gaps. To do, the Philippines needs a whole-of-nation maritime strategy approach in order to secure the Philippines from the threat of maritime terrorism, transnational crimes, breach of territorial integrity and sovereignty rights and incursions into its EEZ.

The common threat of terrorism and other transnational crimes cannot be addressed within the provisions of the existing treaties and agreements. These evils of the contemporary times could only be addressed head-on if the countries belonging to the Indo-Pacific region collaborate to stamp them out. The Marawi crisis was a wake-up call not only to the Philippines and ASEAN countries but to all states in the region.

The maritime security agreement with Australia has improved the Philippines' capability for maritime domain awareness. This awareness gave evidence that the Philippines' EEZ has been encroached on and violated in terms of the provisions of the United Nations Convention on the Law of the Sea. Given this predicament, the Philippines should leverage available diplomatic instruments with Australia to ensure that its sovereign rights in its EEZ will not be challenged.

## Conclusion

Practical security cooperation between the Philippines and Australia from World War II up to the signing of the SOVFA in 2007 corroborates the real-world benefit of collaboration between the two Nations. Australia is helping to increase the capacity of the PN to secure maritime borders against various threats, especially from ISIS and Jemaah Islamiyah terrorists and other international terrorist groups which have used the porous borders of the Sulu-Celebes Sea frontier as transport corridors for their terroristic plans. As well, the benefit of cooperation is in the development of the Philippines' armed forces. Engagement with the Australian Defence Force will have a very constructive effect upon development of the Philippines' armed forces, especially the PN. Further, through partnership the Philippines can leverage Australian diplomatic influence to help protect its sovereignty and EEZ rights from being violated.

Additionally, the Philippines and Australia share strong alliances with the United States. Each of these Nations share a commitment to the global rules-based order, including freedom of navigation and overflight. The Marawi crisis in which the US provided technical assistance and ISR support to Philippine troops was an indication of the good partnership between two old allies. The Philippines' deepening defence relationship with Australia is a most relevant and timely development, given its focus on maritime security.

The favourable decision of the Permanent Court of Arbitration on the protest of the Philippines at China's overwhelming claims over the South China Sea/West Philippine Sea affirmed the foreign policy position of the Duterte Administration administration in this regard.

More generally, Australia's defence relations with the Philippines reflect a shared awareness that national security and national interest depend upon the security and stability in the maritime domain. Thus, and logically, partnership the PN shares with the RAN will be a central to the continuing strong relationship between the two Nations. Regionally, the relationship shared between our navies and our nations will ripple constructively to involve the ASEAN nations,

## Recommendations

To continuously sustain, deepen, improve and explore the existing bilateral defence relationship between Australia and the Philippines especially to the RAN and the PN, below are some of the recommendations culled from the previous analysis and assessment:

- Establish Protocol/Action Plan or Implementing Rules and Regulations (IRR) by operationalising Australia–Philippines SOVFA.
- Develop a more purposive RAN–PN engagement plan and identify target areas for capacity and capability building with the RAN.
- Rationalise the policy of education and training programs.
- Identify salient activities that advocate support of Maritime Domain and Situational Awareness with the RAN.

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# THE CASE FOR INTERNATIONALISING THE SOUTH CHINA SEA

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## Introduction

The contemporary South China Sea (SCS) situation began with regional disagreements regarding the competing claims over islands and reefs by nations including China and five members of the Association of Southeast Asian Nations (ASEAN), Vietnam, the Philippines, Malaysia, Brunei and Indonesia.

All the claimants except Brunei have occupied features within their claimed areas and established military outposts or bases, and they have adopted domestic legislation related to each by name. See Figure 1.

Had the competition for sovereignty in the SCS remained a purely regional issue it is possible it could have been settled, perhaps

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*KD Lekir (back) of the Royal Malaysian Navy and HMAS Ballarat of the Royal Australian Navy conduct a passage exercise off the east coast of Malaysia.*

through economic negotiations, as a result of Chinese endeavours to connect with ASEAN and to fashion more grounded ties within its immediate region. However, disputes over sovereignty have come to garner worldwide attention. On occasions, heightened tensions led to a loss of assets and life. Circumstances now make it difficult for swift regional resolution and claimant states now find themselves locked into a seeming endless series of roundtable talks.

Resolution is imperative; equally from the perspective of regional economies, as from the perspective of regional security. But security concerns can be overshadowed by the clamour for economic growth.

Deeply concerned with economic issues, and with the imperative of economic welfare, the Asia Pacific is no different from the rest of the world, where states are preoccupied with the need for economic development in order to sustain the demand for ever-better standards of living. But the demand for economic growth should not eclipse the need for security, especially since the Asia Pacific is not without security problems, some of them major.

Disagreements about sovereignty among neighbouring states present as a pressing and destabilising problem for the region and indeed the global community. Nevertheless, since 1990 numerous efforts have been made by the regional countries to reduce tension. Most conspicuously, we might recall the 1992 ASEAN declaration on the SCS and, the adoption in 2002 of the ASEAN–China Declaration on the Conduct of Parties within the SCS. It is a matter for great regret that some of the concerned parties have not ceased unconstructive and destabilising activity. But beyond contemporary provocations, tension is fuelled by deep-seated unease and antagonism.

Friction in the SCS traces its provenance beyond the law narrowly defined, to involve politics broadly defined. The realpolitik of past disputes has turned on issues as disparate as competition for natural resources to national face-saving. Most recently, tensions seem to give expression to a proxy contest between China and the United States.

China claims approximately 90 per cent of the whole area of SCS. Robert C. Beckman on his Rajaratnam School International Studies publication mentions that China's claim developed more substance when it attached a map delineating the Nine-Dash Line as an official submission when disputing the Joint Submission of Malaysia and Vietnam to the Commission on the Limits of the Continental Shelf on 7 May 2009.

The United States seeks to advance liberal political norms, creating favourable international economic institutions, and diplomatic regional security organisations. The United States promotes and advocates the rule of law, multilateral cooperation, military alliances and a rules-based free trade system. Security of the sea lanes in the vicinity of the SCS is of considerable concern to the United States since it has significant economic interests with nearly all states in the region. The United States even has a Mutual Defence Treaty with the Philippines, dating from 1951, emphasising mutual commitments on peacefully resolving any international conflicts by constitutional means should the Philippines come under threat in the Pacific area.

Japan's stake in the maritime routes near the Spratly Islands is greater even than that of the United States. Japan is a major trading partner and investor in all the claimant states; it is also involved in financing or operating some of the oil exploration efforts in the SCS. Like the United States, Japan is also apprehensive about China and seeks greater regional and global influence.

In contrast, the People's Republic holds a less reciprocative view, being more evidently concerned about potential adversaries. Chinese policy seems fixed upon the assertion of China's rights and, concurrently, on the power grip of the Chinese Communist Party (CCP). From the Party's point of view, the stronger China grows abroad, the stronger the CCP will be on its own soil.

## Hypothesis

In recent years, the ASEAN countries have been concerned as China intensifies activities in the SCS. The uptick in Chinese activity has resulted in the United States making it clear that it has a national interest in freedom of navigation, accessibility in the maritime environment and adhering to international law in the SCS. However, China, even though it is prepared, even eager, to take part in any initiatives to promote confidence through bilateral negotiations with other affected parties, nonetheless stresses that attempts to internationalise the SCS's issues are unwelcome. However, claimant states argue that China, due to its economic influence, has an unfair advantage in any negotiations. Countries outside the region argue that China should negotiate with ASEAN. However, China is opposed to this, while ASEAN's influence to seek appropriate measures to mitigate the issues is dwindling.



Figure 1: South China Sea and the Claimants

Even so, some regional countries are willing to internationalise any skirmishes with regards to the SCS. The Permanent Court of Arbitration ruling in favour of the Philippines in its case over territorial control presents the most recent example of internationalisation. The aim of internationalisation is fundamentally to drive the discussion of issues in multilateral arenas and to demonstrate a unified will to resist China's aggressive behaviour. Internationalisation will add more weight to asserting the importance of solving maritime disputes professionally and securing freedom of navigation according to the rules of law.

## Methodology and Structure

This paper is descriptive and analytical. The primary sources are secondary. Some interviews and informal discussions were conducted with relevant authorities and officers.

**Structure:** Section 1 describes the importance of the SCS to the regional countries and the world. The disagreements in the region and its ongoing issues are considered further in Section 2. Mitigating the disputes by the regional countries is an ongoing effort towards sustaining a peaceful environment, and the productiveness of the mitigation process is discussed in Section 3. Many non-regional countries have a significant interest in the SCS, especially from an economic perspective. Therefore their standpoints are very much required to answer the problem statement, and this is emphasised in Section 4. China's positions, its understanding of the SCS and how the world perceives China's actions and policies is discussed comprehensively in Section 5. The needs and benefits of internationalisation are the focus of Section 6, describing both proponents and contenders of internationalisation of the SCS. Finally, Section 7 concludes the research by summarising the above analysis and clarifying the principles supporting the whole research.

## Section 1: The importance of the SCS

The SCS is a region covering a part of the Pacific Ocean stretching roughly from Singapore in the southwest to the Strait of Taiwan in the northeast. The surrounding region consists of hundreds of small islands, rocks and reefs with the Paracel and Spratly Island groups providing the main concentrations. Factually, several of these islands are in some part half-submerged atolls, rocks and reefs which are unsuitable for occupation. However, countries that claim these areas have started development and expansion, turning some of the reefs into islands for military purposes, such as naval bases and airfields, to be able to enhance and defend their claims.

For the world, the SCS is strategically important for several reasons:

- **Vital trading route:** The trading route between Europe, the Middle East and East Asia passes from the Indian Ocean, through the Malacca Strait and subsequently uses the SCS as the onward route to South Korea, Japan and China. Regrettably, recent events have led to Japan and South Korea seeing this trading route as being monopolised by China's dominance. Moreover, Japan views this route as essential and against its national interest for any country to control it since the SCS is the ultimate route for Japan to import oil and other commercial resources.
- **Oil and gas reserves and fishery resources:** It is believed significant hydrocarbon resources reside in the vast sea area of the SCS. Li Guoqiang from the China Institute of International Studies states that the oil and gas reserves of the main basins in the SCS amount to 70.78 billion tons, of which petroleum deposits comprise 29.19 billion tons and natural gas deposits comprise 58 trillion cubic metres, although this has not been proven.<sup>1</sup> On the other hand, the US Energy Information Administration (EIA) estimates the South China Sea contains approximately 11 billion barrels of oil and 190 billion cubic feet of natural gas.

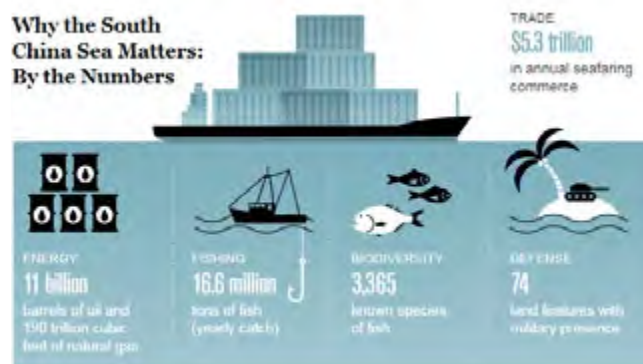


Figure 2: SCS Economic Interest<sup>7</sup>



trillion cubic feet of natural gas in proved and probable reserves. Conventional hydrocarbons mostly reside in undisputed territory.<sup>2</sup> Besides China, other countries have an interest in subsea resources. See Figure 2.

- **Geo-political strategy:** Proximate to choke points in the Malacca Strait and the Singapore Strait, the SCS has conspicuous strategic gravity. The general concern is that if any claimant country establishes total control in the area, then that country will benefit unfairly from the economic expansion and the commercial trading routes in the region. Thus, naval deployments are used by China to demonstrate its strategic objective to be a global naval power.<sup>3</sup> Similarly, the Chinese naval presence in the Indian Ocean is forecast to grow, in accordance with the China Maritime Silk Road Initiative.<sup>4</sup>
- From the record of history, we might see that the Japanese similarly mindful of the strategic moment of the SCS. In February 1939, after Japanese troops occupied China's Hainan Island, they occupied the Paracel Islands, and in March of that same year – the Spratlys.<sup>5</sup> During World War II, Japan also built a submarine base in Itu Aba (Taiping Dao), the largest island in the Spratlys.<sup>6</sup> This was used as a staging point from which to launch attacks on the Philippines, the Dutch East Indies (now Indonesia) and Malaya (now Malaysia). Today, the Spratly Islands could similarly be used as forward logistical and operational bases to support air assets, surface combatants and submarines.

## Maritime areas

The United Nation Convention on Law of the Sea (UNCLOS) provides that ownership of any island grants access and control over associated waters and the resources therein, including any continental shelf and seabed.<sup>8</sup> Islands can also serve as the outermost points in drawing baselines from which a state can measure its 200 nautical mile Exclusive Economic Zone (EEZ).<sup>9</sup> With most countries in Southeast Asia having overlapping EEZs and delimitation negotiations having been hampered, if initiated at all, this complicates the equation and adds to potential conflicts in the region.

In summary, globalisation is the biggest turn of events in the 21st century, with economic interaction among countries it's most crucial aspect. Trading is the principal element of commercial engagement and the medium for transportation is generally the sea. The increase in international trade has led countries such as Japan, South Korea, China and Taiwan to achieve remarkable growth in recent years. Subsequently, sea lines of communications and security at sea have become vital elements for their sustainable trading and economic development. However, it is important to note that any actions creating instability in the region might have a domino effect on all countries that benefited. Sustaining a harmonious environment is therefore crucial to ensure economic progress.

## Section 2: Conflicts in the region

### Conflicting maritime claims

The disputes over the SCS involve five claimant states, as well as the potential and actual use of force in handling the issues on several occasions. China and Vietnam claim all of the SCS Islands and its surrounding waters, the Philippines and Malaysia claim parts of the Spratlys, while Brunei and Indonesia have issues on overlapping claims of EEZ. In the most recent developments, China has developed seven mostly submerged reefs into islands that analysts have said could be used as forward air and naval bases with missile defence systems installed.

China used the Nine-Dash Line, a disputable delineation line to amplify its claim over the

territories and waters surrounding the SCS.<sup>10</sup> It bases its claim on historical grounds, and the principles of discovery and occupation. China claims prerogative rights to all the islands in the SCS, as well as control over adjacent waters. China claims that the Spratlys (Nansha), Paracel (Xisha), Pratas (Dongsha), and Macclesfield Bank and Scarborough Shoal (Zhongsha) belong to the People's Republic of China because of historical reasons.

Vietnam also stakes claims on historical grounds, in its case based on inheritance from its former colonial ruler, France. Vietnam effectively occupied and administered the islands and never ceased to assert its sovereignty over the archipelago, even after China illegally occupied a portion of the islands in 1956 and the entire archipelago in 1974.<sup>11</sup> Vietnam asserted its claim in 1977 by issuing statements claiming 12 nautical miles of territorial water, 200 nautical miles of EEZ, and the continental shelf.<sup>12</sup>

The Philippines does not claim sovereignty over the whole of the Spratly Archipelago but rather a group of islands known as the Kalayaan Island Group (Reed Bank, Mischief Reef, Itu Aba, Second Thomas Shoal and Fiery Cross Reef), which consists of 53 features in the eastern South China Sea excluding Spratly Island itself.<sup>13</sup> The Philippines asserted its sovereignty over the Spratly Islands before the United Nations General Assembly in 1946 and 1950 based on national security. Thereafter, since the 1960s, it made effective occupations and administration over eight of the islands.<sup>14</sup> In 1972, these islands were designated as part of Palawan Province, Kalayaan municipality.<sup>15</sup> The primary focus of the Philippine Government is the Scarborough Shoal and the Kalayaan Island Group.

Although Brunei does not claim any of the islands, its continental shelf and EEZ overlap China's Nine-Dash Line claim. In 1984, Brunei declared an EEZ that includes Louisa Reef.<sup>16</sup> The reef is partially submerged at high tide and is 200 km off the coast of Brunei. The government issued declarations on its territorial waters in 1982 and declared its EEZ in 1993.<sup>17</sup>

Malaysia's claim is based on the projection of its continental shelf, well within its declared EEZ, and amplified it with a 1979 map. The government claims seven islands or atolls in the Spratly group, two of which are occupied by Vietnam (Amboyna Cay and Barque Canada Reef), and one by the Philippines (Commodore Reef).<sup>18</sup> Malaysia occupies the remaining five and even has an airstrip with a permanent military presence on each of these features.

### Crucial conflicts in the region

To have a better understanding of the situation, it is imperative to identify what has happened in recent years as tensions increased in the region.

- **The Philippines protests Chinese presence.** On 1 June 2011, the Philippine Government expressed its resentment over the presence of Chinese warships in the nation's waters off the coast of Palawan Island. The Chinese presence started in March when a Philippines ship surveying in the Reed Bank was forced to leave by a Chinese surveillance ship. As the incident violated the 2002 ASEAN–China Declaration on the Conduct of Parties, both countries started a sequence of scuffles in the disputed area. At the same time, a similar stand-off occurred between Vietnam and China, with China harassing a Vietnamese oil exploration vessel.
- **SCS renamed.** In October 2011, on every formal occasion and communication, the Philippines Government started to refer to the SCS as the West Philippine Sea.<sup>19</sup> This was part of its retaliation at the presence of Chinese warships and it subsequently signed an executive order affirming its 'inherent right and power to declare its maritime area'. The United States supported the Philippines' moves, confirming this in November 2011 in a joint press conference to show its solidarity while the Philippines continued to confront China in its territorial integrity disputes.<sup>20</sup>

- **Incident at Scarborough Shoal.** On 8 April 2012, a Philippine Navy ship was tasked to contest a small number of Chinese fishing boats in the area of Scarborough Shoal, north of the Spratlys. This led to a further deterioration in diplomatic relations between both countries. Consequently, two months of stand-off followed after China sent their surveillance ship to protect their interests in the area.<sup>21</sup> China began to place sanctions on fruit imports from the Philippines, and subsequently it was estimated that the Philippines lost almost \$34 million just from banana exports. The Philippines Government started to pursue several solutions, which included ASEAN participation, UNCLOS for legislative options, and seeking assistance from the United States should military confrontation occur. However, China continues conducting regular patrols, preventing fishermen from the Philippines gaining access in the area concerned.
- **Vietnam authorised maritime law.** In June 2012, Vietnam took a bold step in upholding its influence and jurisdiction over the disputed area of the Spratly and Paracel Islands by passing a maritime law insisting any foreign naval warship plying the area must notify Vietnamese authorities. As though to disagree with Vietnam's action, China declared the establishment of Sansha City in the Paracels, which will administer the Paracels and Spratlys, as well as Macclesfield Bank. Hanoi and Beijing relations have fluctuated ever since. Between May and June 2011, China demonstrated direct aggression by cutting the cables of oil and gas survey ships operated by Vietnam's state-owned energy firm. However, the situation between both countries eased when they entered into a bilateral agreement in which a method of assessing the maritime dispute was outlined. Meanwhile, Hanoi increased its defence budget, reportedly by 70 per cent to \$2.6 billion in 2011.<sup>22</sup>
- **China deploys missiles to the Paracels.** On 14 February 2016, the US and Taiwan officials revealed that Chinese surface-to-air missiles had been stationed on Woody Island, one of the Paracel Islands. Subsequently, the regional countries expressed their concern at the militarisation of disputed territory.<sup>23</sup> China responded that the stationing of missiles was a self-defence measure.<sup>24</sup> Based on Chinese media reports, the People's Liberation Army Air Force also stationed J-11 fighter aircraft in the Paracels in October 2015.<sup>25</sup>
- **Natuna stand-off.** In June 2016, an Indonesian warship chased away a Chinese fishing boat that was allegedly fishing in the proximity of Natuna Island. As sources claimed, this was the third incident in which Chinese fishing boats encroached on Indonesian waters.<sup>26</sup> The boat was seized and the crew arrested. China protested the action taken by Indonesian authorities by stressing that the fishing area was based on its historical background claim. The relationships between both countries became tenser as Indonesia summoned the Chinese diplomat disputing the fishing boat activities and protested the presence of the Chinese Coast Guard off the island.
- **US warships conduct freedom of navigation operations.**<sup>27</sup> Since 2015, the United States has publicly conducted freedom of navigation operations.<sup>28</sup> These operations demonstrate US determination to show that China should comply with international rules and to make clear its disagreement over China's actions to restrain freedom of navigation in the disputed area.
- **China deploys warships to the Paracel Islands.** On 27 May 2018, China deployed warships and aircraft, warning two US warships, Higgins and Antietam, which were spotted entering China's claimed areas.<sup>29</sup> China stressed the encroachment seriously violated Chinese sovereignty. However, US officials responded that their warships were merely conducting freedom of navigation operations (FONOP). The United States has gradually stepped up its military presence and in particular naval operations in the region, conducting FONOP to demonstrate that the SCS should be free to all.<sup>30</sup>

In summary, it is apparent in recent years that China has become very firm in defending its claims in the SCS by militarising the disputed Spratly and Paracel Islands, and has exacerbated the argument between Beijing and its Southeast Asia neighbours.<sup>31</sup> See Figure 3 for a map of China's South China Sea Presence (as of April 2018).

China will certainly impede any research, surveillance and exploration of hydrocarbon deposits, fishing or any development by other states in the region. Primarily, the disputed states in the region face a fundamental challenge to the sovereignty of their claims based on China's aggressive actions, which will eventually undermine their capability to legitimately exercise jurisdiction per UNCLOS.



Figure 3: China's Presence in the South China Sea (as of April 2018)

### Section 3: Conflict mitigation in the region

The security and stability of the Southeast Asia region depends on how contesting states manage disputes. Due to the density and fervour of the argument, the SCS dispute does seem to be a potential threat to the region and the affected trading nations. China's continued claims about possession of the area; the military growth in the region; the pursuit of maritime resources; autonomous actions by claimants to amplify their claims; lack of solid mechanisms to handle the disagreements; and the potential power vacuum in the region may lead to conflict. On the other hand, even though the tensions in the SCS have been quite alarming in recent times, some positive initiatives for confidence-building measures and co-operation, as well as engagements at the bilateral and multilateral level to manage the dispute, have emerged.

#### Soft balancing

Diplomatic engagement between ASEAN and China has been ongoing for more than three decades with the primary objectives to have soft balance strategies. The ASEAN Regional Forum, the East Asia Summit and the ASEAN Defence Ministers' Meeting-Plus have all been used as platforms to debate significant issues and deliver some promising resolutions for both China and ASEAN. However, China is disposed to discuss any issues on the SCS on a bilateral basis.

#### Code of Conduct

China and ASEAN agreed on the non-binding Declaration on the Conduct of Parties in the SCS (DOC) in 2002. Article 10 of the DOC cited that 'the adoption of a code of conduct in the SCS would promote peace and stability in the region'.<sup>32</sup> Thereafter in 2017, a negotiating framework for a Code of Conduct (CoC) in the SCS was developed among ASEAN leaders during ASEAN's 50th anniversary, a step closer towards finalising the CoC.<sup>33</sup>

The acceptance of the negotiating framework for a CoC has been praised by China, but analysts believe that China has ulterior motives.<sup>34</sup> On 6 August 2017, the United States, Japan and Australia stressed the issue by delivering a joint statement pressing the Chinese Government to accept the decision made by the Hague Tribunal, which decided in favour of the Philippines and concluded that the CoC was consistent with international law, and legitimate.<sup>35</sup> Nonetheless, the implementation of the CoC seemed not to lessen the stress of the dispute since both China and the Philippines did not comply with the award. China questioned the authority of the tribunal by boycotting it, while the Philippines put aside the award to improve their relationship with China.<sup>36</sup>

On 28 April 2018, Singapore Prime Minister Lee Hsien Loong mentioned that negotiations on multilateral territorial disputes generated a 'useful exchange of views' from the ASEAN countries. Mr Lee stressed that:

*the key difficulty is, whether it's binding or legally binding, once you have a document like that you have to define what exactly you are disagreeing about, which are the areas to which it applies, and the conduct to which it applies. In the SCS, what is in disagreement is itself not in agreement. That is the nature of the dispute. Because what is mine is indisputably mine, what is yours is being disputed. If it's going to be binding or legally binding, how are disagreements or issues going to be arbitrated... what jurisdiction do we subject ourselves to? These are all 'very difficult issues' that will take a long time even to crystallise.<sup>37</sup>*

China's economic prosperity places it in an advantageous position compared to ASEAN, which remains uncertain whether the CoC should be legally binding. Eventually, it seems that the final CoC would be based on the least commonality and that solving the sovereignty disputes was not on the main agenda. This is certainly unlikely to delay Chinese intentions towards the SCS.

## The ASEAN Pivot to China

### Philippines

In recent months the diplomatic relationship between the Philippines and China has become closer after President Rodrigo Duterte signed several business projects in an attempt to secure his transformation program of improving infrastructures, in particular, the country's transportation systems.<sup>38</sup> Despite the ongoing disputes over the SCS, the Philippines Government is willing to compromise and focus on establishing the bilateral relationship and greater cooperation for the country's best interests.

On the other hand, China is keen on securing a business deal on joint exploration in the SCS. Both countries have arranged to work on oil and gas exploration offshore, based on the so-called appropriate legality context.<sup>39</sup> The road ahead seems unclear if we may refer to the Philippine Constitution, which stresses that a country that rejects the Philippine's EEZ and its sovereignty should be barred.<sup>40</sup> Consequently, many analysts and critics have argued that the Philippines might end up repaying the loans taken out for the government projects early, and eventually fall into a debt trap.

### Vietnam

The relationship between Vietnam and China now seems closer following the tension caused by China's military activities. In part, increased closeness follows 30 March 2018, when China's Foreign Minister, Wang Yi, and his fellow delegates made an official visit to Vietnam mainly to attend the sixth Greater Mekong Subregion (GMS) Economic Cooperation Leaders' Meeting.

While the meeting was meant to focus on economic matters, it turned out to be more a discussion on the SCS dispute. Vietnamese President reiterated that the ongoing issues at sea should be settled based on mutual respect of each other's legitimate interests and the rule of international law.<sup>41</sup> The dispute should be approached peacefully, in line with the basic guiding principles of both countries' leaders and in particular following mutual views.

Likewise, the Chinese Foreign Minister, Wang Yi mentioned China is willing to work with Vietnam for a comprehensive joint development program to create progressive conditions in several fields, especially in handling maritime issues, and at the same time strengthen the development strategies of both countries.<sup>42</sup>

At the 17th International Institute of Strategic Studies (IISS) Shangri-La Dialogue Summit 2018 in Singapore, Vietnam's Minister of National Defence, General Ngô Xuân Lịch, spoke about some of the key foundations for security, peace and development, in particular adhering to international laws and promoting greater cooperation.<sup>43</sup> This is essential for concerned parties to peacefully handle especially complex issues such as the SCS while respecting the principles of sovereign territory, international law and non-interference in each other's internal affairs.

## Malaysia

On 18 October 2015, Malaysia's Chief of Armed Forces made a public comment at the Xiangshan Forum held in Beijing that China's construction work on islands in the disputed SCS is 'unwarranted provocation'.<sup>44</sup> During the 16<sup>th</sup> IISS Shangri-La Dialogue Summit 2017, the Malaysian Defence Minister strongly upheld Malaysia's position that military deployment on China's artificial islands is unacceptable.<sup>45</sup> Later, during the visit by the Prime Minister of Malaysia to China on 1 November 2016, it was agreed with Premier Li Keqiang, that the SCS disputes should be settled through bilateral means and on a dialogue basis.

However, even though the Malaysian Government is strict in upholding its policy towards the SCS issue, it is notable that medium-power states with limited resources like Malaysia have to balance the circumstances and be more practical in safeguarding their rights on their territory. Malaysia has always had to soften its approach when dealing with China so as not to impede the growing trade between both countries.

The relationship between both countries reached another 'new high' after the Malaysian Government signed a two-year defence deal to build four littoral mission ships (LMS). It was indeed a turning point for Malaysia as this is the first-ever shift in its military focus as well as geostrategic alignment towards China. On 5 June 2018, the new Prime Minister of Malaysia, Mahathir Mohammad, made a surprise statement that it is better to have no Malaysian warships in the Strait of Malacca and the SCS.<sup>46</sup> He stressed that stationing ships in the area would only induce more warships from other countries to be there, thus creating an unfavourable situation for the maritime community.

### **Non-claimant countries: Indonesia and Brunei**

Indonesia, a non-claimant country in the disputed SCS, started paying close attention to China's aggressive actions, especially when Chinese fishing boats encroached into Natuna Island's waters. It is important to note that China's Nine-Dash Line overlaps Indonesia's EEZ around Natuna Island, as well as the continental shelf.<sup>47</sup> Opposing illegal fishing in their waters, Indonesian authorities arrested the fishermen and convicted them. On 21 March 2016, the Indonesian Government conveyed a note of protest to the Chinese Government over the incident.<sup>48</sup> (See Figure 4.) In July 2017, the Indonesian Government renamed the disputed maritime area, especially to the north of Natuna Island, as the North Natuna Sea. Also, the Indonesian Maritime Affairs and Fisheries Minister Susi Pudjiastuti emphasised that Indonesia has the right to make decisions on their territory. However, it must be noted that the Indonesia only renamed some of its EEZ where it also falls inside China's Nine-Dash Line.

A researcher from Australia's Lowy Institute argues that the purpose of renaming the waters was to demonstrate Indonesian interest in protecting its territory and defending its rights on its soil, as well as reinforcing troops and facilities, and does not demonstrate a tougher stance on the wider issues in the SCS.<sup>49</sup> It is therefore unlikely that Indonesian President Jokowi Widodo would provoke a crisis because doing so would hamper his planning to attract Chinese investors to fund his country's infrastructure projects. However, it is unclear as to whether Indonesian action to deter China's hegemony will remain effective in the longer term as the PLA (Navy) and Chinese Coast Guard appear intent on increasing their presence and activities in the region. This may affect both countries' relationships sooner or later.

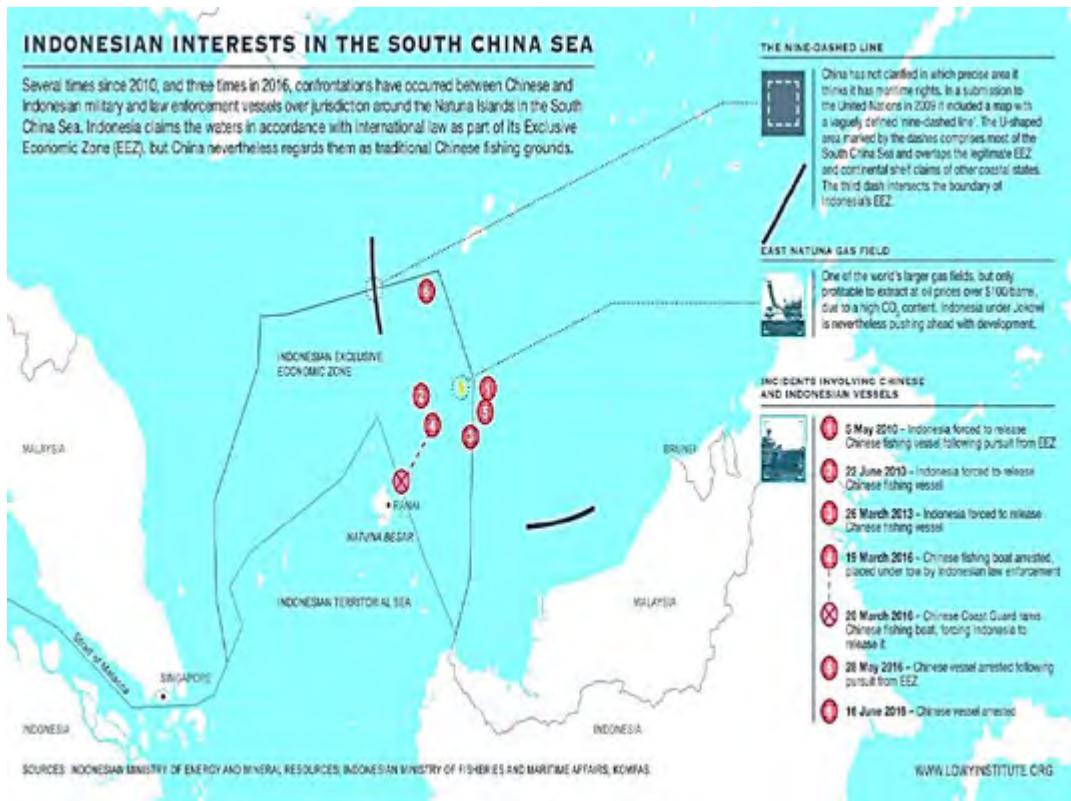


Figure 4: Incidents involving Chinese and Indonesian vessels

Another non-claimant state in the SCS is Brunei. It is the only state that has not installed any military features or stationed a permanent military presence in its 200-mile EEZ. Brunei has been dealing with China in constructing a refinery and petrochemical complex.<sup>50</sup> This major foreign direct investment project, which was signed on 28 March 2017, is a boost for the Brunei economy, particularly since its hydrocarbon reserves are predicted to be depleted within the next two decades.<sup>51</sup> Oil is the major source of Brunei's economic development, and the country's revenue is declining in line with the global oil price. Furthermore, the agreement with China will create almost 10,000 job opportunities for Bruneians. This bilateral engagement meets Brunei's interests and puts China in an advantageous position since Brunei, jointly with Laos and Cambodia, agrees that the disputes in the SCS should not be solved within ASEAN but through direct engagement and consultations only.<sup>52</sup>

In summary, collaboration and relationship building is complicated. And the stakes are high; alongside pragmatic economic imperatives, the most pressing and fundamental need is the need for justice and the need for peace.

Thus, it is perhaps regrettable, that some ASEAN countries, such as Indonesia, Malaysia and Brunei, have been hit by lower commodity and oil prices in recent years, slowing the pace of infrastructure development because of financial constraints, and engendering political uncertainty. This has encouraged politicians to engage with richer countries, and China, with its high economic growth, has proved more than helpful. Bilateral engagement and financial aid in the form of investment and trade have put ASEAN countries in China's debt literally and figuratively, further fuelling expectations and demands in the SCS. The strategic shift or positioning of these countries is due to political transitions, domestic political uncertainties,



and narrow self-interest, which unfortunately discourage them from engaging with other Southeast Asian countries or external sources in mitigating the increased tension facing the region.<sup>53</sup>

## Section 4: The key players

The territorial disputes in the SCS foment a general regional geopolitical instability. Most likely, tension will not rise to the level of out-and-out conflict. But there have been concerning incidents or clashes at sea with minor casualties. China's militarisation of its artificial islands in the SCS and the territorial and sovereignty disputes indicate a potential use of firepower. This instability and the frequent emergence of new issues have drawn serious attention from other countries, especially key players such as the United States, Japan, India and Europe.

### The United States of America

The United States has a belief that China – as a growing economic power will come to be the ascendant Indo-Pacific power in years to come. Perhaps in living proof of this expectation, China's presence in the SCS is becoming more conspicuous and less amicable. China, for example, has claimed the whole sea unilaterally, and defended this claim vehemently, fortifying seven man-made islands in the area. The United States believes China will seek total control of maritime trade in the region and enforce such claims by military means. In June 2018, the then US Secretary of Defense, Jim Mattis, spoke at the IISS Shangri-la Dialogue in Singapore, relaying that the United States opposed Chinese aggression and intimidation directed towards ASEAN countries and stressed that the Pentagon will react forcefully if the situation dictates.<sup>54</sup>

Since 1990, the US has been engaging with ASEAN countries as well strengthening its international alliances with Japan, Korea, Australia and New Zealand to preserve a favourable balance of power in the Asia-Pacific region. The US policy in Asia is focused on establishing peaceful trading and greater investment, and building regional institutions that encourage regional prosperity while seeking to avoid any potential conflicts or tension in the region. US policy in the Asia-Pacific has become less realistic in the past 10 to 15 years as China's rise as a global economic superpower has continued. Thanks to globalisation, China's economy has boomed, generating more wealth as the country grows militarily stronger.

China's economic dominance has induced the ruling party, the Chinese Communist Party (CCP), to become more aggressive in terms of military expansion and its desire to seek status in the world. The party rules in an authoritarian manner, exerting full control over the country's national policy and economic development to pursue its objectives both internal and external. The advancement of China's assertive behaviour clashes with US efforts to preserve a favourable balance of power in the Asia-Pacific region.

### Japan

Japan does not claim the SCS. But, Japan has a profound interest in the SCS. Japan is concerned that if China gains supremacy over the SCS, it would block the sea lanes of communication between the Pacific and Indian Oceans, a route that carries 90 per cent of oil imports to Japan. Like Australia, Japan relies on maritime trade for its economy and security. Additionally, many of Japan's trading partners are ASEAN nations who assert claim rights to the SCS in competition with China. Furthermore, Japan has confronted China over the Diaoyu/Senkaku Islands in the East China Sea, with claims of sovereignty and exclusive economic zones. Significantly as well, the United States, has an alliance and commitment with Japan over the defence of the islands.

China's assertiveness has encouraged Japan to help ASEAN countries, the Philippines and Vietnam in particular, to protect their interests. Japan offered assistance to train the Philippines Coast Guard in enforcing maritime and security needs to intensify its activities in the disputed area.<sup>55</sup> Japan also dealt with regional security initiatives with ASEAN countries to show support in safeguarding the seas from piracy and armed robbery. The establishment of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (RECAAP) is the sole idea of Japan, with the intention of promoting multilateral engagement between ASEAN countries.<sup>56</sup>

During a visit to Japan by the Malaysian Prime Minister on 12 June 2018, in a joint press conference, Japanese Prime Minister Shinzo Abe said the Indo-Pacific region, including the SCS, should be free and open based on the rule of law and maintained as a global public route for regional peace and prosperity. The statement has provided comprehensive assurance of Japan's commitments in the SCS.

### **India**

India has a different perspective from other countries in Asia and particularly Southeast Asian nations. This perspective is related to security and cooperation, economic trading and enhancing bilateral relationships. Moreover, India has strong economic ties with Vietnam with its joint exploration of oil and gas reserves off the coast of Vietnam in the SCS by ONGC Videsh Limited (OVL) and PetroVietnam (PVN). Moreover, both countries have mutually agreed to engage in a transfer of technology in the defence sector from India as part of cooperation strategies.<sup>57</sup>

For India, the location of the SCS is as strategic as the Indian Ocean since it links the East China Sea, Singapore Strait and the Malacca Strait which are considered the most important SLOC. The interest is greater today as the growing demand for energy sources for Indian consumption has accelerated in recent years. For example, in 2015, India was considered the third-largest importer of oil after the United States and China.<sup>58</sup>

Ongoing disputes and conflict in the SCS have drawn India's attention. India's view is that any crises or hostility in the region will disrupt the SLOC and thus, India's economy. For that reason, India's security interest in Southeast Asia has deepened, emphasising freedom of navigation and overflight in the area, which has been much stressed by the United States.

India's involvement in the SCS focuses on three objectives, according to Byron Chong: 'First, to ensure peace and stability in the region and keep the vital sea lanes open; second, to maintain cordial relations with regional powers; and third, to ensure that no potentially aggressive external power comes to dominate the region.'<sup>59</sup> India's presence in Southeast Asia is now more evident, as it works together with regional countries in bilateral and multilateral exercises at sea, knowledge and expertise sharing, arms deals and securing trading partners.

### **Australia**

With its deep strategic and economic interests in the region, Australia perceives that security imbalances in Southeast Asia will affect its economy.<sup>60</sup> The region affords Australia the maritime trading routes critical to the export of coal, iron ore and liquefied natural gas. Additionally, Australia has strong military commitments in the SCS, especially in the Five Power defence arrangements established in 1971. This strong relationship allows Australia to regularly participate in maritime and air exercises in the southern corridor of the SCS. Operation GATEWAY is another defence relationship between Australia and Malaysia in providing maritime surveillance patrols in the North Indian Ocean and SCS as part of efforts in ensure security and stability in Southeast Asia.

According to the 2016 Defence White Paper, Australia is concerned about China's expansion in the SCS, with the prospect of territorial disputes and ASEAN's military growth creating tensions in the region and eventually threatening Australia's interests. During the meeting of the ASEAN–Australia Special Summit (The Sydney Declaration), held on 18 March 2018, regional leaders indirectly opposed China's occupation of the Spratlys by emphasising their commitment to the non-violent resolution of disputes, and stated that freedom of navigation applies to all, and any military activities are not permissible because they may escalate tensions.<sup>61</sup> During the summit, Prime Minister Malcolm Turnbull's government signed a memorandum of understanding on counter-terrorism with ASEAN to show Australia's commitment to working together even more closely to enhance regional cooperation to fight terrorism.

In a speech delivered at the IISS Shangri-La 2018 Dialogue, the Australian Defence Minister, Marise Payne, urged China against adopting a 'might is right' approach to international relations, because such a stance is contrary to the interests of all nations and will eventually lead to instability in the region. She stressed that no country should develop laws that favour themselves at the expense of the common good. Hinting at the chill in Australia–China relations, Payne said: 'Nations must also have the right to be free from coercion or criticism when they lawfully and reasonably communicate concerns about the behaviour of others. This extends to the reasonable expectation that rules, not the exercise of power, govern our actions.'<sup>62</sup>

## Europe

As far as the European states are concerned, only France and Britain have a strong history of siding with the United States to oppose Chinese assertiveness in the SCS. This was evident when the European Union acknowledged the Permanent Court of Arbitration ruling in favour of the Philippines, without villainising China.<sup>63</sup> As mentioned by Theresa Fallon in the Newsbrief of the Royal United Services Institute, 'the EU's approach to China's assertiveness in the South China Sea can be described as "principled pragmatism", based on a pragmatic pursuit of its own interests on one hand and on upholding the principles of international law on the other'.<sup>64</sup>

In a recent development, France supported US actions in the SCS by deploying warships to the region.<sup>65</sup> The deployment took place after President Emmanuel Macron visited Australia in May 2018, where he stressed the importance of the balance of power and preserving the rules-based order in the Indo-Pacific region.<sup>66</sup> On 3 June 2018, the UK Defence Secretary, Gavin Williamson, stated that the British Government had deployed three warships to the Asia-Pacific to conduct FONOPs in SCS to demonstrate the importance of every nation being bound by the international rule of law.<sup>67</sup>

In summary, the SCS is a key link in the chain connecting trade throughout the world. It is a matter of concern therefore, that regional instability looks set to continue for years to come. Hopefully, pressure exerted by the key players might slow down China's efforts to militarise the region.

## Section 5: China's interest in the SCS

China's rise began in the early 1980s. Since this time, the pace of modernisation has been tremendous. Growing wealth has enabled socio-economic improvements, notably reducing poverty, as well as increasing budget outlays to fund military expansion, which has taken place under a united political direction.<sup>68</sup> Economically rich, China seeks for its place in the world. Part of this place is as a maritime power, with the aim that China will rise as a *prosperous society in all respects*.<sup>69</sup>

## Potential benefits

China uses the legal frameworks of UNCLOS – which Beijing ratified, with some exceptions, on 7 June 1996 – as the basis for its claims in the SCS.<sup>70</sup> As China claims sovereignty of the island chains, it may extend jurisdiction and rights to explore the potential oil and gas reserves and fish stocks in adjacent waters.

The militarisation of the seven artificial islands with significant civil and military intent provides strategic outposts for Beijing to monitor any activities by neighbouring countries or outsiders. This projection of military power may act as deterrence for any eventualities in the region now or in the future. At the same time, China's craving for energy to feed its domestic consumption requires oil, coal and minerals imported from all over the world. Therefore safeguarding the SLOC is considered vital for its continued economic growth and prosperity.

The People's Liberation Army (PLA) has been developing underwater fibre-optic cable technology since the 1990s. While the technology has become commercially advantageous, so have the demands for global data and networking increased.<sup>71</sup> With total control of the SCS, China will use its fibre-optic cable capability to explore undersea dominance and gain undersea warfare advantages, allowing them to control media and propaganda. At the same time, a credible anti-submarine warfare capability will put the PLA in a tactically advantageous position in monitoring underwater operations in the SCS.

ASEAN countries such as Vietnam and the Philippines have already engaged with China on Joint Development Agreements (JDA) on mutually exploring hydrocarbon deposits in disputed areas. Joint developments are not new in the region since many ASEAN countries have signed at least one agreement between them.<sup>72</sup> However, this move ideally will set aside the skirmishes and foster tangible relationships in promoting cooperation.

## Potential for conflicts

The United States has strongly backed peaceful resolution of territorial disputes and unimpeded passage for commercial shipping, and therefore protests China's claims over the SCS. The United States deploys warships to conduct FONOPs in the disputed area. China strongly rejects the US presence, and tension keeps rising. France and Britain deploy warships in support of the US stance on freedom of navigation.<sup>73</sup>

Though China does not have legitimate maritime claims to the artificial islands (Article 21 UNCLOS), we may reasonably expect that China will declare a 12-nautical mile territorial limit and even an Exclusive Economic Zone.<sup>74</sup> China will seek to use these claims to justify the aggressive assertion of its own interests, to more vigorously harass foreign trawlers, any marine survey ships or other law enforcement forces. It is even possible that Chinese authorities might seek to control merchant shipping in the area using paramilitary forces.

President Rodrigo Duterte preferred a non-confrontational approach and agreed to pursue a joint exploration of hydrocarbons in the disputed area.<sup>75</sup> In 2016 the Permanent Court of Arbitration ruled that China does not have overlapping claims with the Philippines on the areas which both countries intend to explore.<sup>76</sup> This means, the Philippines will not seek a Joint Development Agreement with China. A JDA is meant for a country that has overlapping claims, referring to the provision in UNCLOS. Moreover, the Philippines' 1987 Constitution states that any country intending to collaborate with the Philippines must, first of all, acknowledge its sovereignty.<sup>77</sup>

In an attempt to resolve periods of tension in the SCS, China signed the Declaration on the Conduct of Parties (DOC) in 2002.<sup>78</sup> The DOC was intended to establish a favourable

relationship between both China and ASEAN members on solving disputes and differences peacefully. It is now obvious that the DOC has not met its intended purpose, with China constantly expanding its interests in the SCS by fortifying its claims. As the DOC was non-binding, it did not affect China's claims. As well, some ASEAN members, such as Laos, Cambodia and the Philippines, were more concerned about their own economic interests rather than ASEAN's interests.

On 13 August 2017, ASEAN members gathered in Manila to celebrate ASEAN's 50th anniversary. At this time, ASEAN leaders developed a Framework Agreement of the Code of Conduct to amplify the DOC signed in 2002. The draft framework was then presented in the 20th ASEAN–China Summit on 13 November 2017 in the Philippines. Eventually, ASEAN leaders and Chinese Premier Li Keqiang agreed to negotiate a practical Code of Conduct in the SCS.<sup>79</sup> During the seventh Trilateral Strategic Dialogue, held on 7 August 2017 in Manila, the Foreign Ministers of Australia and Japan, together with the US Secretary of State, urged ASEAN leaders and China to expedite the process of finalising the COC, and stressed that it should be legally binding under international law.<sup>80</sup> The point is: ASEAN countries desire a future for the SCS in which disputes are resolved peacefully. China's tactic, however, is to slow negotiations while expanding its claims.

In summary; constant tension and uncertainty in the SCS may generate disruption or catastrophe. Despite positive initiatives and confidence-building measures such as high-end bilaterally or multilaterally, meetings, and despite economic cooperation, the future remains unclear.

## Section 6: Internationalising the SCS

Though Vietnam, Indonesia and the Philippines have voiced disagreement with China, very often these complaints are retracted or toned down, though Indonesia has maintained an emphatic statement in claiming the Natuna Islands and the North Natuna Sea – a claim which overlaps with China's Nine-Dash Line. Malaysia and Brunei have taken a less assertive approach. Perhaps this reflects economic self-interest, or perhaps accommodation is a response to Chinese muscle flexing?

Certainly, more powerful nations are intimidated less. The United States and its allies constantly challenge China's strategy in the SCS. Withdrawal by the United States of an invitation to China to RIMPAC, a joint multi-naval exercise, is a clear example of opposing Chinese's military activities in the SCS.

Even so, Beijing continues to assert its influence in the SCS, most conspicuously by the artificial islands, and by increasing military activities. For example, challenging US warships conducting FONOPs near the disputed islands shows China's seriousness in defending its maritime interests. On 27 June 2018, Chinese President Xi Jinping mentioned to US Defence Secretary Jim Mattis that China is always committed to peace but will never give up what it considers to be its territory.<sup>81</sup>

Meanwhile, based on a report published by the Stockholm International Peace Research Institute (SIPRI), Chinese military spending was second only to the United States, with China estimated to have spent US\$228 billion in 2017. The defence think-tank said it estimated that China's share of global military spending had doubled since 2008 to 13 per cent.

See Table 1. China's huge increase in military spending over the years poses serious concerns for ASEAN countries because it undermines the search for peaceful solutions to disputes in the SCS.

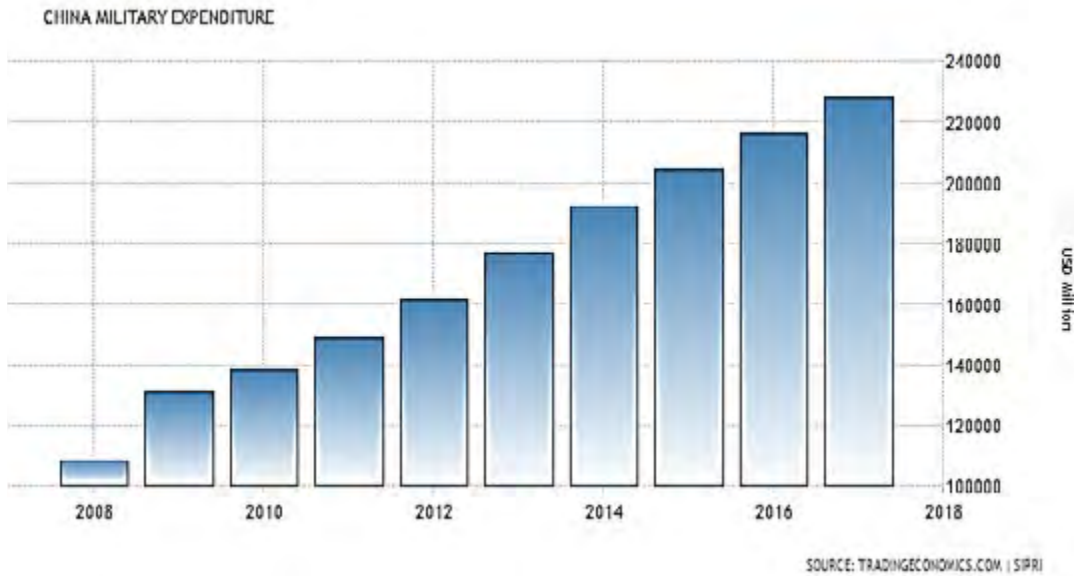


Table 1: China's Military Expenditure<sup>82</sup>

With China's military budget growing by about 9 per cent per year over the past decade,<sup>83</sup> most countries in the Asia-Pacific region have concerns about China's growing military power. A Pew Research Centre survey reported that countries actively engaged in disputes with China over military activities in the East and SCS considered that China's growing military power was a bad thing for their country. See Table 2.

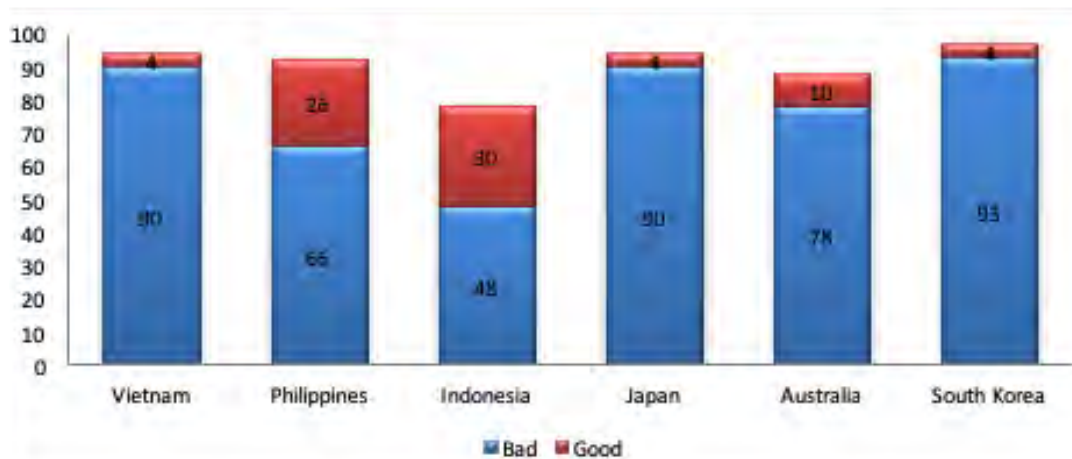
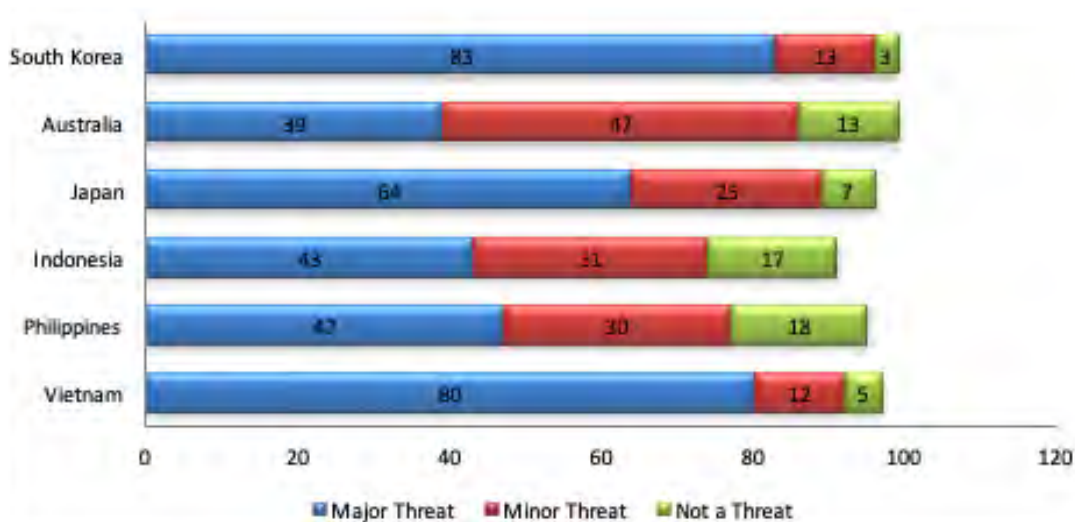


Table 2: How People in the Asia-Pacific View China's Growing Military Power<sup>84</sup>

Furthermore, many people in Asia-Pacific countries perceive China's power and influence as a top threat posing a great concern in the region. Based on the research done by the Pew Research Centre, an average of 47 per cent of people see it as a major threat. South Koreans and Vietnamese rated China's power and influence as the top threat facing their nations. See Table 3.

Table 3: China's Rising Power<sup>85</sup>

Based on the analysis presented by this paper, I argue that a new mechanism is needed to resolve the skirmishes in the SCS or to at least not allow them to escalate towards global tension. This mechanism should adhere to international diplomacy, capacity building and respect for international law in the SCS.

Internationalisation is defined as:

*an act of leveraging, whereby a given actor initiates a certain form of cooperation with at least one other actor on the regional or global level, aiming to engage this actor in a specific affair of the initiating actor, affecting regional and/or global dynamics<sup>86</sup>.*

The concept of internationalisation is fundamentally to drive discussion in multilateral arenas with the involvement of external powers, their focus being to demonstrate their unified will to aggressive behaviour. The concept of internationalisation with regards to the SCS can be studied in several ways, such as regional cooperation analysis, security analysis, bilateral or multilateral analysis, energy and resources analysis, and even overall analysis of the SCS.

A profitable internationalisation strategy would be for ASEAN to encourage regional cooperation, with multilateral participation on a more assertive footing from countries such as the United States, Japan, Australia, India, Europe and even countries in the Middle East... Some of these countries have been active partners with ASEAN members over a long period. Multilateral engagements will help ASEAN gain press China to agree that the Code of Conduct be legally binding. Multilateral influence can be exerted perhaps by ASEAN organising workshops, seminars, conferences and official dialogue with active participation by scholars and subject matter experts from the United States, Japan, India, Australia and Europe.

However, this strategy is workable only as long the ASEAN countries have a strong unified will, allowing the multilateral cooperation to take place. And, China's commitment to solve any disputes in the regions on a unilateral basis will impose a credible threat to the success of the strategy described above.

The second internationalisation strategy is based on bolstering the capability of the regional nations. Southeast Asian countries have been expanding their military assets significantly over the last ten years, especially Cambodia (332 per cent), Indonesia (122 per cent), and

Vietnam, the Philippines and Myanmar (more than 40 per cent but less than 100 per cent)<sup>87</sup>. Controlling sovereignty over the territorial sea is among the main reasons for this expansion of military capability.

It would be to the advantage of ASEAN countries if they took a big leap, collaborating more purposefully by inaugurating a combined operations concept such as combined patrol between the armed forces, the coast guard, and law enforcement agencies. Moreover, since most of the countries are member of the Western Pacific Naval Symposium, it would bring regional naval leaders together to discuss issues of maritime security. Such unified action would eventually create a broader Maritime Domain Awareness and enhance cooperation through information sharing and knowledge of best practices.

Additionally, were ASEAN was able to forge strong relationships among its members, it would reap credible support from external powers such as the United States, Australia, New Zealand and the United Kingdom, which has a strong relationship under the Five Power Defence Arrangement (FPDA) with Malaysia and Singapore. India and Japan.

Never properly legitimate, China's claims to the SCS have become less viable and less reasonable after the Permanent Court of Arbitration ruling. Despite being a signatory to China's refusal to accept the ruling of the Permanent Court smacks of belligerence and an absurd arbitrary disregard of the international laws of the sea.<sup>88</sup> The sense of greedy arbitrariness is underlined by the refusal or failure of Beijing to define what the Nine-Dash Line included or excluded.<sup>89</sup> As things stand, the Nine-Dash Line that appears to enclose roughly 90 per cent of the SCS,<sup>90</sup> an apparently egomaniacal grasp which ignores the convention that maritime claims derive from land features.<sup>91</sup>

Beijing acts as if it has exclusive rights over such waters, but it has never clearly stated its position, thus greatly increasing the overall level of uncertainty.<sup>92</sup> Furthermore, the UNCLOS clearly states that 'artificial islands, installations, and structures do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea, the EEZ or the continental shelf' (Article 60(8)). The area inside the Nine-Line segments far exceeds what is claimable as territorial waters as reflected in UNCLOS, and includes waters that are within the claimable EEZs of the Philippines, Malaysia, Brunei and Vietnam.<sup>93</sup>

After the Court of Arbitration ruling, several ASEAN states – Vietnam, Malaysia, Singapore and Myanmar – made their statements on supporting the legal process of the tribunal and adhering to the rules of law. Beyond disputes over territory and sovereignty, the strategic relevance of the SCS obtains from its rich biodiversity. People in the SCS have been fishing for decades. However, Chinese land reclamation has caused widespread destruction of the marine life.<sup>94</sup> At the same time, overfishing looms as another serious threat.<sup>95</sup> Illegal, unregulated and unreported fishing (IUU fishing) is the main culprit.

Studies by the University of British Columbia Fisheries Economic Research Unit have found securing exact statistics about IUU fishing in the region is very challenging. According to the US Centre for Strategic and International Studies (CSIS), which conducted studies on marine biology in the SCS in 2017, total fish stocks in the South China Sea dropped by 70–95 per cent since the 1950s, and catch rates have declined by 66–75 per cent over the last 20 years. Giant clam harvesting, dredging and artificial island-building in recent years severely damaged or destroyed over 160 square km, or about 40,000 acres, of coral reefs, which studies indicate is declining by 16 per cent per decade.<sup>96</sup>

It is evident that the SCS is on the verge of fisheries collapse, which will certainly affect the communities in the region as well as national revenues. Unfortunately, none of the disputed



countries has taken drastic measures to overcome the situation except for the Philippines, which brought its case to the Court of Arbitration.

A multilateral organisation incorporating independent marine experts, fisheries departments, scientific researchers and environmentalist experts from regional authorities should be formed to establish a Joint Development Agreement on Fisheries and Environmental Protection in the SCS. The Blueprint for Fisheries Management and Environmental Cooperation in the South China Sea suggested by the CSIS would be ideal as the framework for such an agreement.<sup>97</sup>

## **Section 7: Summary**

Internationalising the SCS will be very challenging despite the opportunities. China is just too unilateral and perverse to imagine that constructive dialogue and practical collaboration is feasible just yet. However, in the longer term, multilateral cooperation will be the game-changer. ASEAN states must cultivate and strengthen their present consensus; they must collaborate to secure a region that is utterly against violence and extremism, adheres to peaceful diplomatic means, and respects international law.

In time, the United States, Japan, Australia and India, as regional maritime powers, will likely play more prominent roles in the Indo-Pacific to safeguard regional security and common interest. And in time, it is hoped that China will take a seat at the table to help shape a practical, sustainable Code of Conduct. Conflict must be avoided.

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# A CRITICAL REVIEW OF VIETNAM'S MARINE MANAGEMENT AND NEW INSIGHTS FOR A SUSTAINABLE DEVELOPMENT OF THE BLUE ECONOMY

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## Abstract

The idea of the blue economy has been gaining publicity since the second half of the 20th. century. Coastal states worldwide are especially aware of the crucial importance of oceans as an economic and ecological resource. Vietnam is a case in point. Occupying a vast area of the South China Sea, Vietnam, a developing state in South-East Asia, has an economy largely depending on marine resources. However, Vietnam faces many troubles in managing maritime spaces. This paper portrays the practices of the maritime spatial management of Vietnam in the South China Sea and then focuses on giving practical suggestions on maritime spatial planning and its implementation.

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HMAS *Success* arrives in Ho Chi Minh City, Vietnam, during her South East Asia Deployment 2018.

## Keywords

Maritime spatial planning (MSP), implementation, marine governance.

## Introduction

The South China Sea is a strategic focal point for the world's shipping, and for developing countries in this region. However, the South China Sea is made difficult and contested. Noting that most disputes among coastal states have been solved via diplomatic methods, it is concerning to see China dispute energetically with coastal states in this region in relation to the so-called nine-dash line.

In order to prevent China's undue territorial expansion, countries in the region need to develop maritime spatial plans. Maritime spatial planning (MSP) brings together multiple users of the ocean – including energy, industry, government, conservation and recreation – to make informed and coordinated decisions about how to use marine resources sustainably. Typically, MSP uses maps to create a comprehensive picture of an ocean area, its resources, its uses, and its users. Maritime spatial planning has an especial bearing and potential in the South China Sea, where the utility of planning exceeds the bounds of political economy to involve political security.

Maritime spatial planning is also of special utility to Vietnam. Vietnam, a coastal state, occupies a vast part of the South China Sea with more than one million square kilometers and includes over 3000 small islands nearby and many small islands far offshore in two archipelagos, namely the Sprat and Paracel. Nearly half of the population of Vietnam lives in twenty-six coastal provinces along the coastal lines.

Located in a privileged geopolitical position with a myriad of marine resources consisting of sea creatures, petroleum, natural gas, and minerals in coastal and offshore areas, Vietnam has long benefitted from marine resources. The blue economy is booming with a variety of sectors related to marine tourism, petroleum, shipping, fisheries, and renewable energies. Individually and severally, these endeavours contribute consequentially to the economy of Vietnam, and call for appropriate marine governance. Thus, the Politburo approved the Maritime Economic Development Policy and issued Resolution No. 09-NQ/TW on the Vietnam Sea Strategy at the Fourth Conference of the 10th Central Committee of the Vietnamese Communist Party on 9 February 2007, which emphasized the 21st century as “The century of the ocean.”<sup>1</sup> The “century of the ocean” gestures to the importance of the blue economy to Vietnam, and to the legislative system, tools, and governmental organs which support the blue economy.

With the blue economy in mind, the Vietnam Sustainable Marine Economic Development Strategy for the period 2018–2045, issued on 22 October 2018 focuses on sustainable development of the marine economy: formation of marine ecological culture; actively adapting to climate change and sea-level rise; preventing trends of pollution, degradation of the marine environment, coastal erosion and sea erosion; restoration and conservation of important marine ecosystems; and applying cutting-edge scientific achievements for promoting sustainable economic development of the sea.<sup>2</sup> However, to realise the maritime strategic plan, structural and governance reforms are required.

## A Critical Review of Using and Governing Marine Resources of Vietnam in the South China Sea for Ten Years

Using marine resources without a thoughtful and practical maritime spatial plan has led to many weighty problems; inter alia the gradual exhaustion of fossil resources and fish, serious marine pollution, the degradation of the ecological balance and biodiversity, and conflicts among marine stakeholders. These urgent issues are analysed in more detail below.

## The Difficulty of Implementing the Maritime Strategy towards the 2020 Vision

The government has acknowledged “The 21st century is the century of the ocean” in the Maritime Strategy towards 2020 vision. However, the present scale of the blue economy is small; and much needs to be done to realise and develop potential. At present, the blue economy is small. Planning and infrastructure in coastal areas and islands is weak and fragmented. Where development and investment has been vigorous, very often investment and development has been misguided, suffering the lack of a cohesive, unifying overall approach.

There is an overall strategy, but the steps by which this strategy might be realised are insufficiently plain and thought through. As well, the way progress might be measured is unclear. What is clear though, is the diminishing contribution of the blue economy to the GDP. In 2005, the blue economy was about 22% of the national GDP. In 2017, this proportion had decreased to 13%. The attenuation continues.<sup>3</sup>

## A Lack of Sustainability in Developing a Blue Economy

The difficulty implementing a strategic vision stems in a large part from a lack of awareness. At all levels of society, and in very many sectors of the economy there is a failure to comprehend the power and importance of the marine economy. In part, this is due to a lack of clearness and precision in defining maritime economic spaces, the connection and the potential connections among marine, coastal, and island economic sectors, and the activities of gathering and analysing the statistics which illuminate the whole picture.

Plans for managing marine resources, are very many and varied,<sup>4</sup> but a glance through them will show a focus on exploiting marine resources. In contrast, plans for the sustainable development of Vietnam’s marine resources are comparatively under-developed. Currently, in the Vietnam Maritime Strategy for 2010–2020 and the Vietnam Sea Law in 2012, there are four defined marine economic sectors in six groups, including oil, gas and other types of marine mineral resources; shipping and seaports; building and repairing ships; maritime services; marine tourism and island economy; and exploiting, cultivating and processing seafood.<sup>5</sup> The consistent focus is on exploitation for short-term purposes.

## The Underdevelopment of Marine Science and Technology

The system of marine scientific and technological research institutions has been small, incapacitated, dispersed, task-overlapping and only located in large cities. The facilities of monitoring, forecasting and warning of marine natural disasters, and search-and-rescue in coastal areas, are rudimentary and poorly-equipped. In addition, people are not properly prepared to reach the open sea. Thus, the quality of marine research has been poor, and limited to coastal areas.

## Case study

*Conflicts among economic sectors and environmental protection in the coastal zone of Hai Phong city.*<sup>6</sup>

Hai Phong is one of the biggest harbour cities located in the north of Vietnam. The economy of the city consists of three main sectors: ports, industry, and tourism. However, lacking an appropriate, sustainable maritime spatial plan, development has been poorly coordinated. Of note, economic and industrial development has tended to compromise the environment.

To begin with the conflict between tourism and marine environmental protection, Hai Phong has two famous tourist areas: Do Son beach and Cat Ba Island. Conflicts between tourism development and environmental protection have been apparent in Cat Ba Island since the island was recognized by UNESCO as a world biosphere reserve. Booming tourist numbers

and booming development have caused serious problems: water pollution by untreated domestic wastewater and solid waste from tourism areas, and the destruction of the coral reef around the island by oil pollution of tourism vessels.

The conflict also occurs between industry and environmental protection groups when industrial wastewater containing toxic substances (such as phenol, cyanide, heavy metals, durable organic pollutants, suspended solids) is dumped into harbour water (or in fact, anywhere).

According to the Hai Phong Department of Environmental Protection, the operation of Hai Phong's industrial facilities generates about 778 tons of hazardous and difficult to decompose waste each year. Of this, about 415 tons are recycled, the rest is disposed of, but only about 10% is processed in accordance with waste treatment regulations.

As well, the discharge of untreated waste from ports and shipyards degrades the sea environment via increasing organic matter and pollutants, especially heavy metals, which leads to the accumulation of pollutants in fish and bivalve species. Dumping dredged materials from the channels to the deep areas near Cat Ba Island was responsible for the decline of water quality there. Additionally, the operation of ships/boats on the river disturbs the habitat of aquatic organisms.

However, the efforts to research marine environmental pollution so as the environment might be better protected have been very limited. Efforts instead – and tragically – have been directed toward the short term gain which follows from the exploitation of precious, non-renewable resources.

Vietnam ranks fourth in the world in terms of marine waste pollution, especially plastic waste. Violations of the law on environmental protection are very common. National environmental protection strategies have done little to prevent or to discourage an array of severe marine pollution incidents. Few, if any, goals have been met. Marine pollution and seems unabated, and plans for the sustainable development of the marine treasure seem merely aspirational.<sup>7</sup>

## Case study<sup>8</sup>

### *The Formosa Incident*

In 2016 the Ha Tinh Steel plant, built by the Taiwanese company, “Formosa” discharged toxic waste into the sea through drainage pipes. This was the biggest single environmental disaster in Vietnam for generations.

This incident shows interconnection of uses in the maritime domain and the resonance of the maritime domain through the entire economy.

Beyond immeasurable tons of dead seafood, the chemical discharge caused the death of coral reefs, and plankton affecting long-term livelihoods of locals. Over 17,600 fishing vessels and nearly 41,000 people were directly affected. Tourism in Hanoi and Ho Chi Minh City also suffered since guests planning to visit the four provinces cancelled tours, making room occupancy in those four provinces only 40–50%.

### Weaknesses of the National Management System

Up to now, the sea, islands and coastal areas within Vietnam's jurisdiction have been managed separately by departments. Bureaucratic confusion and friction has been significant, since management and regulation functions have involved something in the order of fifteen ministries.<sup>9</sup>

The upshot has been predictable. Policies and laws on marine management are not synchronised. There are overlaps and contradictions.<sup>10</sup> Law enforcement comes to be much more difficult than it should be. And regulation comes to be difficult.

Perhaps because it is easier to go along to get along, the involvement of local and national authorities in marine management has not been vigorous. In consequence, the ownership and proper use of coastal land and waters is ambiguous. In turn, coastal communities suffer, and the policing of illegal, unregulated and unreported fishing is less effective than it should be.

In short, the bureaucratic structures which underpin Vietnam's oversight of the maritime domain are immature. Problems which obtain from underdeveloped governance structures are compounded by an insufficient national strategy, by poor infrastructure, a lack of qualified human resources, poor science and technology, and by constrained financial resources.

### Making a Practical Maritime Spatial Program

The National Assembly of Vietnam, the highest organ of state power adopted maritime planning law in 2017. The Assembly directs the Ministry of Natural Resources and Environment to formulate maritime plans to which all other plans and strategies and plans are subordinate, and with which all other plans should be consistent.

The Ministry assumes the prime responsibility and coordinates ministerial-level agencies, and local authorities; in order to take account of inter-agency, inter-regional and inter-provincial issues so as rules, regulations and plans might be uniform and effective.

After proposing the plan, it is sent to the relevant authorities for review and in order that authorities might give their suggestions to the Ministry of Natural Resources and Environment. These authorities send suggestions, together with explanations, to the Planning Evaluation Council. Following the deliberation and conclusion of the Council, the Ministry of Natural Resources and Environment adjusts the proposal and submits it to the prime minister before the National Assembly meeting for approval.

As strategy and plans evolve, there will be – or should be – some consistent and enduring themes. Firstly, maritime strategy and resource management plans should evolve to reflect data. In turn, data should be collected and collated in order to inform long term perspectives and forecasts. Beyond quantitative data, planners should have a mind to legislation, policies and plans. The point being, with good data – and with records taken from a variety of perspectives – planners can assess opportunities and threats, and make course corrections to best secure the sea as a national asset.

Moreover, data should be transparent. Transparency enables comment, collaboration and innovation. Certainly, data are available to the public online, but this availability is fairly meagre and the update or refresh cycle is infrequent and irregular.

As well, data should be collected from de novo sources. Too often data is secured from old and familiar sources only. There is a good reason for this; data on the marine environment and on the governance of this environment have been tricky and difficult to collect. Old, familiar and reliable sources are favoured. But new sources offer new perspective, insights and innovations.

Taking this point a little further, foreign and non-government organisations might profitably be encouraged to do marine research, and to gather new data. And effort should be given to making reporting mechanisms clear, so as data collection and reporting can be frequent, accurate and sustainable.

Additionally, maritime planning needs to be consistent with standards set down in the Law of the Sea Convention. The Law of the Sea Convention acknowledges the sovereignty of the coastal states over internal water and territorial waters up to 12 nautical miles, measured from baselines. By the lights of the Convention, Vietnam has exclusive rights to fish stocks in the Exclusive Economic Zone (EEZ) which extends to a distance of 200 nautical miles measured from the coastal baseline.

Coastal states have sovereign rights to explore, exploit, conserve and manage the living resources in the EEZ, and take such measures, including boarding, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with the laws and regulations adopted by it in conformity with this Convention. For highly transboundary migratory species, the conservation and exploitation should consider collateral states. In the case of Vietnam, these states include China, Taiwan, Philippines, Thailand, Indonesia, Malaysia, and Cambodia.

Beyond the fine points of day to day dealings at the rub points of maritime boundaries, a maritime spatial plan must be strategic – which is to say, a spatial plan should take a long term view of the state's development and set out the practical steps by which such a spatial plan will be realised. In saying this, we acknowledge that the small steps along the road to a long term strategy will be measurable, and we acknowledge development targets for the period 2010–2020 have been a problem – either the targets have been too easy, or they have been too hard. Only rarely have they been realistic.

Looking ahead, the Vietnam Government has approved the strategy for the period 2018–2045. Now it is the job of the planners to gather data and to refine data, to evaluate the capacity of each relevant sector and set up an explicit development index which may be slightly different from the index in the national economic development strategy. By 2030, the marine economic sectors are in the following priority order: (1) Tourism and marine services; (2) Marine shipping industries; (3) Mining oil and gas and other marine mineral resources; (4) Aquaculture and fishing; (5) Coastal industry; (6) Renewable energy and new marine industries. The planners must follow the priority order.

At present, the marine environment and ecosystems in the coastal areas within 12 nautical miles from baselines are degraded by overfishing, and pollution – particularly after the Formosa incident. The fishing yield near the shore, where the majority of fishing boats are small capacity and where conflict between stakeholders is severe, has declined markedly. This is a conflict which gestures to the potential for eco- and spiritual tourism. Such an industry might nourish an array of linked marine cultural spaces, and contribute not merely to environmental protection and conservation but also to the life and livelihood of coastal residents. The fishers owning small boats could be a force in the development of this kinds of tourism. Additionally, renewable energy can be established in these areas to take advantage of the solar, wind and tidal powers and support the development of the sectors there.

Just as coastal fishing and eco-tourism might be prioritised in coastal areas, so oil and gas might be preferred in offshore areas. Similarly, marine shipping industries should be located where the disruption is minimal. Common sensibly, it is necessary to close small ports and the ones operating inefficiently. Concurrently, the international ports and main national ports need to have more investment to upgrade the infrastructure and human resources to manage all activities and control risks of marine pollution.

The shipbuilding industry needs a similarly pragmatic consideration. Shipbuilding is considered one of the main industries of the state, but its growth has reduced remarkably. Furthermore, shipbuilding requires a huge investment in order to furnish the necessary technology and infrastructure. And as well, shipbuilding is responsible for an array of environmental pollution incidents in the coastal area near the shipbuilding factories. It would be wise to designate some coastal areas for main shipbuilding corporations and close small private yards which are sources of environmental pollution.

The point is: in order to avoid conflict among blue economy sectors, the demands of each sector have to be understood. The development targets of each sector must be consistent with national economic development strategy. Thus, planners might enjoy a comprehensive

view which reveals the the correlation and the potential conflicts between sectors of the economy. For example, fishing, eco-tourism, and renewable energies (such as solar, wind, and tidal powers) can be designated with each other in the areas along the coastlines and islands near the shore.

To take advantage of infrastructure which might be shared, to capitalise on common skills and to minimise conflicts; planners must consider what is kept, what is removed, and alternatives. In more detail, sectors are kept if they are still on the list of priorities or support the main ones to develop or not impact negatively on the main ones. In contrast, it is necessary to remove inefficient ones, the ones conflicting with the new, and sources of environmental pollution. In cases where existing sectors in one area have the same priority order in the national maritime development strategy and they have conflicts with each other, the planners have to sit together with stakeholders to figure out adjustments to reduce the conflicts.

Careful planning is important since Vietnam is a developing country with a very limited national budget and its investment in the blue economy has been scattered and inefficient. As a result, considering the priority order of investment is also a crucial factor, but it probably takes much effort and time for this.

As well, it is crucial to prepare the legal framework. Laws and policies must supporting the larger, overarching strategy. Laws and the overall maritime spatial plan will benefit from conference and collaboration. Different stakeholders must discuss, adjust and fix the draft and approve the official draft. At the same time, they should examine the conflicts in the existing legislative system, decrees, circulars and plans of the government departments, and ministries related to governing sea areas as well as suggest measures to appropriately remove and adjust these the legal substructure.

### Implementing the Maritime Spatial Program

A practical program is meaningless if it is not implemented appropriately and efficiently. An effective implementation plan requires a structured approach to thinking and communicating in eight areas: planning, governance, engaging stakeholders, managing risk, monitoring, review and evaluation, adjustment, resource management, and management strategy.

The mechanism of implementing a plan is mentioned but not clarified in the Planning Law of Vietnam. This is a tricky challenge for stakeholders to conduct their duties. This paper provides some suggestions with respect to engaging stakeholders, managing risk, monitoring, review and evaluation, and adjustment, which are learned from the experiences and achievements of the MSP in the European Union, which offer some insights for Vietnam – a small developing coastal state with limited financial resources.

### Legalising the program

In order to find practical realisation, the program will require legal endorsement. This will ensure that it is respected by even the most reluctant stakeholders. At least in the initial phase of the program, it will be important to have the authority of law, especially since integration among stakeholders will thus be imposed in a more or less top-down process.

On the other hand, it would be unrealistic to expect every aspect of implementation to be guided by law. In the case of specific resolutions of the plan, voluntary agreements and overall acceptance may well constitute the better option. This, however, requires bigger initial costs than a simple ban on certain activities.

## Engaging stakeholders

It is necessary to have an agency in charge of bringing together different ministries, industries, and other stakeholders in an attempt at bundling a broad range of responsibilities and tasks. The best choice for this function is the proposal-making organ. In Vietnam, it is the Vietnam Administration of Sea and Islands. Whatever the institutional context, working together across administrative boundaries and sectors is essential if a coordinated maritime spatial plan is to be achieved. A particular point is that land–sea coordination should be strengthened, and thus a coordinating mechanism or agency needs to be established. Such an institution might be existing or a new and separate entity. The need for coordination is so strong that it may pay to make the establishment of a cross-sectoral coordinating body a legal requirement.

In addition, the data system should provide a platform for managing risks and conflicts among stakeholders during implementation. The problem-solving activities should be divided into three levels: direct discussions and connections, conferences, and submission to higher competent authorities.

This suggestion reflects the common sense that most often, a workshop or discussion between conflicting parties will come up with a solution. If conflict cannot be resolved, a report is submitted to the competent higher authority. Above all, the management of, coordination, and reporting and resolution of conflict should be transparent, and timely. The conflict resolution process which is employed, will then sustain long term practical efficiencies.

## Monitoring

The process of monitoring, review, and evaluation has to be based on a set of useful indicators. Indicators can take the form of quantitative/qualitative statements or parameters that can describe existing situations and measure changes or trends over time. Good and reliable indicators will generally be:

- Readily measurable on the time scales needed to support management, using existing instruments, monitoring programs and available analytical tools. They should have a well-established confidence limit, and their signal should be distinguishable from background noise.
- Cost-effective: indicators should be cost-effective since monitoring resources are usually limited.
- Concrete: indicators that are directly observable and measurable (rather than those reflecting abstract properties) are desirable because they are more readily interpretable and accepted by diverse stakeholder groups.
- Interpretable: indicators should reflect aspects of concern to stakeholders and their meaning should be understood by as wide a range of stakeholders as possible.
- Grounded on scientific theory: indicators should be based on well-accepted scientific theory, rather than on inadequately defined or poorly validated theoretical links.
- Sensitive: indicators should be sensitive to changes in the aspects being monitored. They should be able to detect trends or impacts regarding things that are monitored.
- Responsive: indicators should be able to measure the effects of management actions to provide rapid and reliable feedback on the consequences of management actions.
- Specific: indicators should respond to aspects they are intended to measure and have the ability to distinguish the effects of other factors from the observed responses.<sup>11</sup>



In practice, indicators should be established and defined by stakeholders, and by experts, in collaboration or conference. And, these indicators will need to be flexible. This is because maritime spatial plans will take a long time to realise. Ecological, socioeconomic and political strategies – so far as they relate to the sea – need a lot of time to accomplish. This means long-term indicators have to be divided into temporal phases.

The big challenge of monitoring is to collect relevant data quickly but not expensively. Three suggestions are given:

First: establish a data system which enables data to be collected, collated, and shared. The collection and sharing of data should also be monitored, since accurate monitoring is the seed corn of good understanding of the whole maritime spatial plan. A good overview, enables understanding or mapping of sea use; boundaries, ecology, environment, human use and so on. Good data, and the good use of data, is on show in online mapping tools, a number of which have transitioned into operational systems. The most notable examples of these are: the Belgium Coastal Atlas developed under C-Scope, Plan Bothnia integrated into HELCOM-VASAB data portal, MESH Seabed Habitat maps integrated into EMODnet, Adriatic Atlas developed under SHAPE, ADRIPLAN Data Portal developed under ADRIPLAN, the European Atlas of the Sea and THAL-CHOR web-GIS. More generally, spatial data mapping tools developed within projects have been proved to be useful demonstrations of transboundary mapping issues (e.g. TPEA, ArtWei, and Plan Bothnia).<sup>12</sup>

Many lessons can be learned from the Europeans. The BaltSeaPlan is the integrated maritime spatial plan of the states along the coastlines of the Baltic Sea. This program has been facing three main problems in collecting data. Firstly, the collected data are often too general to serve the MSP purpose.<sup>13</sup>

Secondly, dispersal of data is another problem both at national as well as the pan-Baltic scale because BaltSeaPlan partners lost a lot of time searching for suitable data stored at different institutions. Thirdly, the transnationality of some pilot projects, as well as the interdisciplinary nature of MSP, created additional challenges during the compilation of data into data sets and maps, so compatibility of MSP data is a technical problem.

Vietnam also has these problems because of the lack of infrastructure of information management, experts for determining indicators and human resources for collecting data. To cope with these issues in the national scale, Vietnam should consider some measures such as: establishing a national system of managing MSP data. Such a system would benefit cooperation between – for example – the Vietnam Coastal Resources for Sustainable Development Project, the government assigns Coast Guard, Border Guard, fishery forces and others in the Ministry of Agriculture and Rural Development as well as fishers.

Last, data should be applied generally, where this is feasible. For example, the data of weather parameters, climate, and natural resources in each area can be used for not only environmental protection and preservation but also designating appropriate functions of each area (such as installing wind farms, generating renewable energy or other economic activities).

## Review and Evaluation

It is difficult to evaluate the overlapping and complementary uses of the sea and the conflicting uses of the sea. Making this evaluation, it is constructive to discriminate between real conflict, and imagined or perceived and envisaged conflict. Some uses of the sea are mutually exclusive. Other uses only appear exclusive.

Some assessment tools founded by European states can be applied in Vietnam such as

Ecodump or MESH – applied modeling tools to support management (environmental investigations, sedimentary patterns, site selection, ecological risks) in the Baltic Sea; EsaTDoR – maritime region typology: sea uses and land–sea interactions (i.e. economic significance, flows and environmental pressures) in Europe; MESMA or COEXIST – interactions and risk analysis in Europe; C-Scope in the North Sea; and ADRIPLAN – cumulative impact assessments and conflict score tool in the Adriatic–Ionian seas.<sup>14</sup>

## Adjustment

Logically, the evaluation can form the bases for adapting the maritime spatial program. The actual adaptation of the maritime spatial program can either be done by modifying (1) goals and objectives, or (2) the spatial and temporal measures selected to implement the maritime spatial program.<sup>15</sup> For temporal conflicts or problems related to the development of stakeholders, the adjustment should be conducted in a timely and common sense way.

For serious conflicts, four things need to be considered. Firstly, measures for these issues should be conducted by the Vietnam Administration of Sea and Islands MSP authority and submitted to the government for approval. Second, when considering crucial elements in the plan, examining the evaluation and data once again because of possible loopholes or incorrect data during these phases should be considered. Third, before changing the plan, the planners have to account for strategic vision in the Marine Strategy of Vietnam to avoid deviating from the national development orientation. Fourth, since the context in which the initial maritime spatial program was drafted might have evolved as a result of changed socioeconomic, environmental, political or technical conditions, this new context should be taken into account when adapting the maritime spatial program.

## Conclusion

Although having a long history of using the marine resource and being aware of the crucial role of the blue economy to the national development, the approach of Vietnam to the blue economy has been fostered insufficiently. To develop the blue economy, the first and must-have step is to establish a feasible maritime spatial program based on concrete bases.

The bases originate from an examination of the present problems, potential threats and national capacity regarding infrastructure; human, financial and natural resources; technology; management systems; legislative initiatives integrated with the environment; national interests; strategic development visions; and international legal frameworks. In other words, the bases will follow from answers to the questions: “What does it want? What does it need to do? And the maritime spatial plan must be implemented.

During the implementation, a tight coordination mechanism among stakeholders, monitoring, evaluation, and adjustment are vital to not only ensure what happens in practice following the plan but also control the risks and fix the inadequacies of the plan because of incorrect initial assessments of the planning step.

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# MARITIME SECURITY COOPERATION IN THE SOUTHEAST ASIA REGION

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ROKS *Wang Geon* (978) prepare to conduct a Replenishment at Sea Approach (RASAP) exercise with HMAS *Success* in the South China Sea during the ASEAN Defence Ministers Meeting Plus (ADMM+) sea phase exercises. Photographer: LSIS Christopher Szumlanski

## Aim

This paper investigates and explains the nature of Southeast Asian maritime security concerns. The paper considers national, bilateral, or multilateral security alternatives, and the feasibility of these alternatives.

## The importance of Southeast Asian Sea Lines

In his important text, *Seapower*, Geoffrey Till reminds us that the sea has always been central to human development as a source of resources, and as a means of transportation, information exchange and strategic dominion. It has been the basis for our prosperity and security.<sup>1</sup>



Figure 1: HMAS *Warramunga*'s Boarding Party approaches a dhow in international waters to conduct a boarding operation. Photographer: LSIS Tom Gibson

Till understands that maritime transport is especially important to driving the global economy. Commercial trade is essential to global connection and has traditionally had a significant impact on the sustainability of nation-states and, in particular, maritime governance. Shipping, being one of the world's largest sectors, serves as the backbone of globalisation. Therefore, all nations with a need for maritime transport routes focus on preserving the right to travel through waters in good faith and safety.

However, the good order which is fundamental to free and safe access to the global commons is undermined by several challenges; for example, terrorism, piracy and armed robbery at sea, human trafficking, weapons smuggling, drug smuggling and transnational crime linked by sea. These unconventional threats are especially problematic in Southeast Asia.

Southeast Asia is a region located between South Asia, China, Northern Australia and East Asia. Its area accounts for about 14% of Asia and 3% of the world. Southeast Asia is a region of great international political and security importance due to its location at the junction between the Indian and Pacific oceans. It is the major bloodline in the transportation of goods that connects the Western world with the East.<sup>2</sup>

## Strait of Malacca

The significance of Southeast Asian sea lines of communication (SLOC) to the economies of existing and growing Asian nations is undeniable, and of critical importance for the world economy as a whole. The Strait of Malacca carries an especially significant volume of international marine traffic. The Malacca and Singapore Straits connect Europe, the Middle East, Africa, and East Asia. It is estimated that nearly 100,000 vessels pass through the Straits each year.<sup>3</sup> The Strait of Malacca, which carries about one-third of the world's petroleum and other liquid cargo, is the shortest maritime route connecting the Middle East and Europe with the Asia Pacific. The next shortest alternative path adds three days of sea travel and hefty expense. Consequently, it is in the international community's best interests to keep the straits open, secure, and safe. Any disruptive incident can drastically interrupt commerce and result in severe expense.

## Sulu and Celebes Seas

The Sulu and Celebes Seas are enormous bodies of water – about 100,000 square miles and 110,000 square miles, respectively. The Sulu Sea is bordered to the northwest by the Philippine island of Palawan, to the southeast by the Sulu Archipelago and in the southwest by the eastern Malaysian state of Sabah. The Celebes Sea is bounded to the north by the Sulu Archipelago and Mindanao, to the west by Sabah and the Indonesian province of Kalimantan, and to the south by Sulawesi. The maritime trade routes that bridge the two seas connect Indonesia, Malaysia and the Philippines, and are heavily used by international ships travelling between Australia and Southeast and Northeast Asia. Every year, an estimated \$40 billion in trade flows through the region.<sup>4</sup>

## Part I – Maritime Security in Southeast Asia

Southeast Asia’s marine environment is dynamic. The region’s unique geography, including vital waterways such as the Malacca Strait, the Sunda Strait, the Lombok Strait, and the Singapore Strait – to mention a few – has made it significant in terms of world trade. The sea lanes and straits are located inside or astride geographical archipelagos occupied by dense populations. There is a plethora of narrow waterways, shallow reefs, and small islands suitable for piracy and other maritime crimes. Simultaneously, several key chokepoints make sea lines vulnerable to acts of terrorism.

### Piracy and Armed Robbery at Sea

According to annual statistics from the International Maritime Organization, since 2010 the incidents of piracy and armed robbery at sea in various locations across the world have been constant or falling.<sup>6</sup> However, the number of incidents in the Malacca strait and South China Sea remain high.

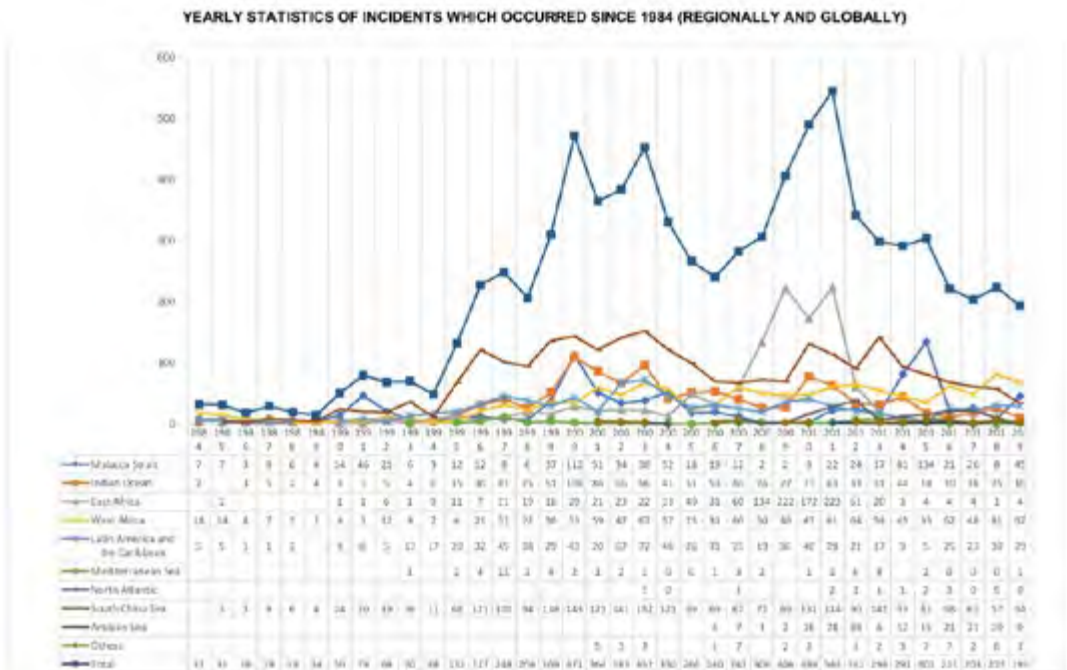


Figure 2: IMO yearly statistics of piracy and armed robbery against ships at sea, 1984–2019

Furthermore, IMO statistics as shown in Figure 2 indicate that piracy and armed robbery at sea was clearly higher in the Malacca Strait and South China Sea than in other areas during 2019.

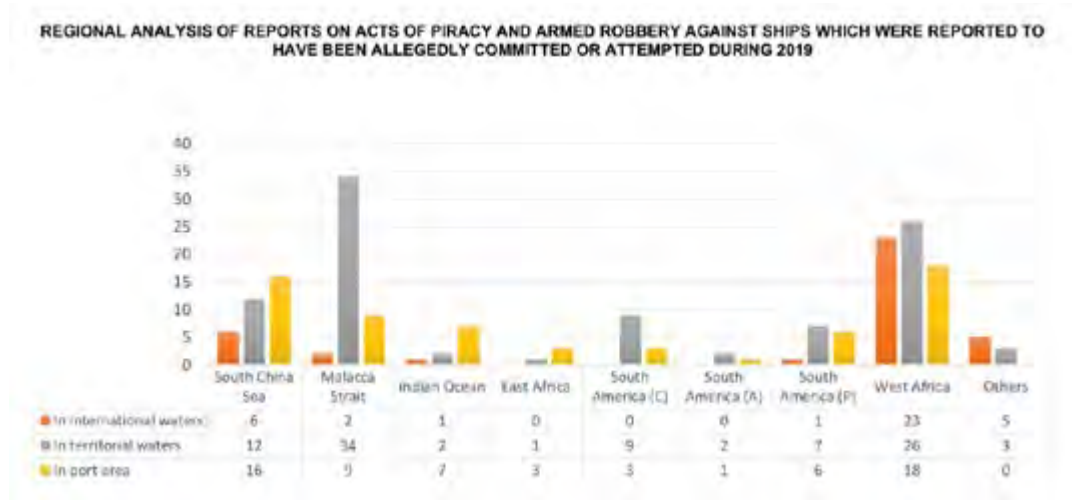


Figure 3: IMO piracy and armed robbery against ships at sea report, 2019

	2007		2008		2009		2010		2011		2012		2013		2014		2015		2016		2017		2018		2019		2020	
	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att
<b>Southeast Asia</b>																												
Andaman Sea																												
Gulf of Thailand							1																					
Indian Ocean															1													
Indonesia	33	7	20	1	14	6	36	10	47	2	66	6	83	7	42	5	22	1	32		30	3	21	6	18	5	21	1
Malaysia	8	1	13		12	3	18		14	3	11		6		4	1	4		1		1	1	6		8		3	
Myanmar					1				1																			
Pacific Ocean																												1
Philippines	5	1	8	2	4	1	5		4	2	3		5		5		7	1	3		19		8	1	5	2	13	
Singapore							2		3		2																	
South China Sea	1	5	8	2	11	2	18	8	12	6	7		8	1	40	2	10	1	4	1	11	1	3	1	1		3	1
SOMS	2	4	7	4	6	2	5	3	24	2	12	1	14		45	4	94	10	1	1	7	2	6	2	29	2	34	
Sri Lanka			1																									
Sulu-Celebes Seas																				12	6	3	4	2	1	2		1
Thailand	1				2		1										1											
Vietnam	5		11	1	8		13		8		3	1	8	1	6		27		9		2		4		2		6	
<b>Sub-total</b>	<b>65</b>	<b>19</b>	<b>63</b>	<b>10</b>	<b>58</b>	<b>14</b>	<b>99</b>	<b>21</b>	<b>113</b>	<b>15</b>	<b>104</b>	<b>8</b>	<b>124</b>	<b>9</b>	<b>142</b>	<b>13</b>	<b>186</b>	<b>13</b>	<b>62</b>	<b>8</b>	<b>73</b>	<b>11</b>	<b>50</b>	<b>11</b>	<b>65</b>	<b>10</b>	<b>81</b>	<b>2</b>
<b>Overall total</b>	<b>77</b>	<b>23</b>	<b>63</b>	<b>13</b>	<b>82</b>	<b>20</b>	<b>134</b>	<b>33</b>	<b>136</b>	<b>22</b>	<b>124</b>	<b>9</b>	<b>141</b>	<b>9</b>	<b>171</b>	<b>16</b>	<b>190</b>	<b>13</b>	<b>78</b>	<b>9</b>	<b>90</b>	<b>12</b>	<b>62</b>	<b>14</b>	<b>72</b>	<b>11</b>	<b>96</b>	<b>3</b>

**Location of Incidents (2007-2020)**

Figure 4: ReCAAP Information Sharing Centre (ISC) incidents of piracy and armed robbery against ships in Asia

According to the ReCAAP Information Sharing Centre, during 2010–2020 most of the piracy and armed robbery against ships in Asia occurred in Southeast Asia.<sup>7</sup>



ReCAAP (Regional Cooperation Agreement on Combatting Piracy and Armed Robbery against Ships in Asia) is a multilateral agreement between 21 countries, which is significant as the first regional government-to-government agreement to defend against piracy and armed robbery against ships.

The data above demonstrates that Southeast Asia waterways have consistently placed high in terms of reported piracy and armed robbery at sea incidents.

### ***Maritime Terrorism***

Maritime terrorism is generating significant insecurity in Southeast Asia, since the majority of countries rely on seaborne trade. Due to the lack of a robust regional land transport infrastructure in Southeast Asia, trade states rely heavily on air and sea transportation. The massive expansion in the ship industry is mirrored in a significant increase in shipping activity, and in a heightened concern at the risk of maritime terrorism in Southeast Asia.

The threat of maritime terrorism began to cause increasing concern in the wake of 9/11. In March 2003, the Aegis Defense Services reported that the *Dewi Madrim*, an Indonesian chemical tanker, had been hijacked off the coast of Sumatra. The hijacking seemed to be the work of terrorists learning how to drive a ship in preparation for a future maritime assault.

The hijackers were fully equipped with weapons and assaulted the ship via the bridge rather than the safe room, and, instead of ransacking the crew's belongings, they maneuvered the ship for over an hour. Some news publications also compared the *Dewi Madrim* event to "Al-Qaeda terrorists who committed the September 11 attacks travelling to flight school in Florida".<sup>8</sup>

The presence of the criminal-terrorist Abu Sayyaf Group in the Sulu Archipelago has drawn international attention to the Sulu and Celebes Seas. Abu Sayyaf established ties with global terrorist organisations such as Jemaah Islamiyah and Al-Qaeda. During the early 2000s, the group conducted a series of kidnappings for ransom in Malaysian and Philippine beach resorts to raise cash for its activities. In February 2004, Abu Sayyaf claimed responsibility for the bombing of *Superferry 14*. The incident resulted in the loss of the ship and the death of 116 passengers and the wounding of about 300 others, which was considered the deadliest act of maritime terrorism to date. In July 2014, Abu Sayyaf pledged allegiance to the Middle East-based terrorist organisation Islamic State.<sup>9</sup>

Furthermore, from 2016 to 2018 Abu Sayyaf perpetrated a series of violent attacks against shipping. According to the ReCAAP Information Sharing Centre, in 2016 there were 12 actual and nine attempted attacks in the Sulu-Celebes Sea. In the 12 actual attacks a total of 61 crew members were abducted: 28 have been released (often following the payment of a ransom by the ship owner), 17 rescued, seven killed and nine are still held in captivity. From 2017 to 2020 the number of incidents declined but the threat remains active.<sup>10</sup>

### ***The Nexus between Piracy and Terrorism***

Southeast Asia has become the world's maritime terrorist flashpoint, due to the high frequency of piracy and the increasing threat of terrorism in recent years.

The menace of Southeast Asian piracy is exacerbated by indigenous terrorist organisations with strong maritime ties. Abu Sayyaf, the Moro Islamic Liberation Front, the Gerakan Aceh Merdeka, and the Jemaah Islamiyah are three Southeast Asian terrorist organisations with the competence and the will to conduct maritime terrorism. The increasing link between piracy and terrorism makes maritime terrorism a regional security issue in this region.<sup>11</sup>

The security issue is compounded since many Southeast Asian countries are marine states. Pirates and terrorists find it easy to thrive in the region. Yet, the extent to which pirates and terrorists are likely to collaborate is debatable. Some experts have claimed that terrorists might learn from pirates by studying and mirroring their behaviours.

Others have speculated that pirates may work very closely with terrorists.<sup>12</sup> But pirates and terrorists are different. Pirates seek economic gain, whereas terrorists seek political gain.

Terrorists might simulate pirate methods or pirate raids, but maritime terrorists are bent on terror as a political tool. Rather than hijacking a ship, the terrorist might blow it up or use it to attack another vessel or a port infrastructure. Terrorist organisations also consider shipping ports and international ocean liners to be appealing targets since they are located at the crossroads of terrorist purpose, capability, and opportunity.<sup>13</sup>

### ***Trafficking and Smuggling***

Alongside piracy and terrorism, the sea is also exploited by traffickers and smugglers. Just as the sea is the primary means of transporting legal large cargoes, so the sea is exploited to transport illegal cargoes of people or goods.

Trafficking and smuggling are obvious problems in Southeast Asia. Because of the archipelagic structure of the region, and the fact that maritime borders may be crossed more simply and secretly than land borders, the sea offers an easy opportunity for the criminal. For the people smuggler, Southeast Asia offers a ready supply since the region attracts refugees and asylum seekers. Illicit goods may also be transported by sea and, again, Southeast Asia is a hub. Drugs may be smuggled through Southeast Asia from the 'Golden Triangle', which straddles Myanmar, Laos and Vietnam, through Thailand and Cambodia. The production and transportation of methamphetamines and other amphetamine-type stimulants is also a concern in the area, with precursor chemicals most likely travelling by sea.<sup>14</sup> Weapon trafficking is a further serious security issue. Small arms and light weapons proliferation, much of which happens at sea, is a subset of larger transnational criminal networks that encompass terrorism, drug trafficking, money laundering, piracy, and human trafficking. These are all transnational crimes that need regional collaboration to combat.<sup>15</sup>

### ***Illegal, Unregulated and Unreported (IUU) Fishing***

IUU fishing is a major issue in the region. Clashes between various groups of fishers and accused illegal fishers, as well as maritime law enforcement authorities, occur on a regular basis. In general, these occurrences have minor repercussions, but they can take on a more severe tone when they occur in areas of disputed sovereignty, when confrontations or armed 'stand-offs' between law enforcement forces from neighbouring nations are possible. The dangers of fisheries incidents may rise in the future as regional fish stocks continue to drop and fishers are forced to go further away to make worthwhile catches. Tensions are especially likely when fishers encroach upon the waters of foreign nations.<sup>16</sup>

## Part II – Existing Maritime Security Cooperation in the Region

### *Malacca Strait Patrol*

The Tripartite Technical Experts Group of Malaysia, Indonesia and Singapore have worked together to ensure the safety of the Strait of Malacca since the 1970s. These states issued a joint statement on 16 November 1971, recognising and calling attention to the special responsibility of littoral states to assure maritime security.<sup>17</sup>

Establishment of the Tripartite Group was a turning point in Strait of Malacca traffic management and environmental protection. The Group is responsible for coordinating cooperation on navigational safety and ship-source pollution in the Strait. The Group also serves as a platform for discussing navigational safety and environmental protection problems in the Strait and meets on a regular basis to coordinate policies. It has contributed to the improvement of navigational safety in the Strait by establishing a vessel routing system and a compulsory ship reporting system known as the Straits of Malacca Ship Reporting System (STRAITREP).<sup>18</sup>

However, the continued incidence of piracy in the Strait of Malacca gestures to the continued need for regional security cooperation on Strait security. Thus, the littoral governments have signed bilateral agreements to conduct coordinated patrols in order to combat piracy, to assure information exchange (since 1992), and to maintain direct communication lines with each another.

The Indonesia–Singapore Coordinated Patrols in the Singapore Strait were initiated in 1992 and involved the establishment of direct communication lines between navies as well as organising coordinated patrols in the Singapore Strait every three months. Since 1992, both countries have collaborated to enhance and coordinate their efforts to combat piracy. Similarly, in 1992, Indonesia and Malaysia decided to form a Maritime Operation Planning Team to coordinate patrols in the Malacca Strait. In addition, the defence ministers of Singapore and Malaysia agreed in September 2003 to expand bilateral defence ties and collaboration, particularly in the fight against piracy.<sup>19</sup>

Furthermore, since 2004, Malaysia, Indonesia and Singapore have taken efforts to improve collaboration and information sharing in the fight against piracy and violent robbery against ships by launching year-round naval patrols in the Strait of Malacca – the so-called Malacca Straits Surface Patrols (MSSP). In September 2005, the three governments, plus Thailand (which was added in 2008), began conducting air patrols in the Strait, named ‘Eyes in the Sky’ (EiS).<sup>20</sup>

To increase the effectiveness of these programs, all participating governments signed the Malacca Straits Patrols (MSP) agreement in April 2006, which linked surface and air patrols with intelligence exchange and standardised operating procedures to coordinate the activities of air and surface units.<sup>21</sup>

Thus, we see the MSP is made up of three components: the MSSP, the EiS, and the Intelligence Exchange Group (IEG). In its turn, the IEG has created the MSP Information System to increase coordination and situational awareness among the three countries at sea. These beneficial improvements may have contributed to a decline in maritime violence in the Southeast Asia region. The MSP appears to have been an effective deterrent to pirates and sea robbers.

### ***Sulu–Celebes Sea Trilateral Maritime Patrol***

Maritime crimes are not a new phenomenon in the Sulu–Celebes Sea and their surrounding islands. Piracy has existed for a century, and other crimes, including abduction, drug trafficking, human trafficking and arms trafficking, have been widespread since at least the conclusion of World War II.

In the early 2000s, the littoral states surrounding the Sulu–Celebes Sea, Indonesia, Malaysia, and the Philippines, sought a trilateral cooperative framework to tackle these crimes. However, a trilateral maritime patrol never occurred until 2016, when Abu Sayyaf conducted an unusual number of kidnappings and hostage takings. In 2016, apart from May, attacks against seafarers travelling through the Sulu–Celebes Sea happened every month. After the Abu Sayyaf ransom demand was not paid, some of the captives were murdered.<sup>22</sup>

The result of severe attacks against seafarers has forced Indonesia, Malaysia and the Philippines to strengthen security cooperation in the area affected. Most notably, following 13 months of negotiations, the three nations established Trilateral Maritime Patrols (TMP) in June 2017. TMP is a framework of maritime security cooperation aiming at safeguarding the Sulu and Celebes Seas against maritime crimes.<sup>23</sup>

It was reported that the three nations had built Maritime Command Centres in Sabah, Malaysia, Bongao, the Philippines and Tarakan, Indonesia, to coordinate patrols and oversee the sharing of information and intelligence. This framework was also designed to observe a specified sea lane in which civilian vessels would be permitted to travel and the area which they would not be permitted to navigate.

This is consistent with the June 2016 Joint Statement, in which the three countries agreed to create a ‘transit corridor’ for ships transiting the Sulu–Celebes Sea.<sup>24</sup> Furthermore, Indonesia, Malaysia and the Philippines have urged neighboring Southeast Asian nations and non-regional countries to actively join in the effort or give capacity-building support. These nations went a step further in October 2017 by conducting a combined air patrol to monitor the Sulu–Celebes Sea.

The Trilateral Maritime Patrol is modelled on the Malacca Strait Patrol. However, in comparison to the Malacca Strait, the Sulu–Celebes Sea comprises a vast area, and the three nations involved in the Trilateral Maritime Patrol have large exclusive economic zones but limited resources in terms of patrol vessels, manpower and fuel. Thus, maintaining security of the Sulu–Celebes Sea is much more expensive and difficult.<sup>25</sup> Also, another major problem is the sensitivity over sovereignty: the Philippines still has a claim over Sabah, and Indonesia and Malaysia have an unresolved maritime border dispute in the Celebes Sea in the Ambalat area.<sup>26</sup>

### ***The ReCAAP Information Sharing Centre (ISC)***

The concept of a regional cooperation agreement to combat piracy and armed robbery was originally proposed during the November 1999 ASEAN+1 Summit Meeting in Manila. The idea was presented at a period when there was widespread concern about piracy and armed robbery against ships in Southeast Asia, particularly the Malacca Strait. The Japanese Government recognised that piracy and armed robbery in the region constituted a threat to maritime transportation, potentially resulting in loss of life and undermining the security of sea lines of communication in the region. In 2000, the Japanese Government organised the Asia Anti-Piracy Challenge 2000, a meeting held in Tokyo in 2000 to examine strategies to combat piracy and armed robbery in the Southeast Asia region. As a result, the Tokyo Appeal and the Model Action Plan, two documents, were promulgated at the conference, both of

which served as the foundation for the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) Agreement.<sup>27</sup>

The ReCAAP Agreement was finalised in Tokyo on 11 November 2004 and came into force in November 2006 with 14 Asian contracting parties including North, Southeast, and South Asian countries. To date, ReCAAP has 21 contracting parties including Europe (Norway, the Netherlands, Denmark and the United Kingdom), Australia and the United States. Subsequent to the coming into force of the Agreement, the ISC was launched on 29 November 2006 in Singapore.

The ReCAAP ISC is the region's first multilateral government-to-government anti-piracy and armed robbery operation, having the status of an international organisation with local and international secondees from member nations. It is a framework for promoting communications and information sharing; providing statistical analysis on piracy and armed robbery incidences in Asia; and facilitating capacity-building to enhance member nations' capacity in combatting piracy and armed robbery in the region. The Agreement is underpinned by three pillars: (1) information sharing among member countries, (2) capacity building among member countries through the sharing of best practices in combating piracy and armed robbery, and (3) engaging in cooperative arrangements with like-minded organisations to strengthen member countries' ability to manage incidents at sea.<sup>28</sup>

The ReCAAP ISC has several strengths: firstly it facilitates information sharing through the ISC Focal Points Network, which contributes to the effectiveness of anti-piracy efforts. Each ReCAAP member appoints a Focal Point (FP) to serve as the ISC's point of contact. Designated ReCAAP FP have significant responsibilities, such as overseeing piracy and armed robbery within their respective country's territorial waters; serving as a point of information exchange with the ReCAAP ISC; enabling their country's law-enforcement investigations; and coordinating monitoring and enforcement activities aimed at combating piracy and armed robbery.<sup>29</sup> ReCAAP's capacity-building initiative is another area of strength. Generally, maritime organisations tend to operate alone within a nation, with little interaction across countries. Through capacity-building activities such as exercises, training seminars, and technical assistance programs that exchange best practices, ReCAAP attempts to break down these silos and create a better awareness among contracting parties.<sup>30</sup>

Furthermore, the ReCAAP ISC engages with variety of organisations which have a role to play in dealing with piracy and armed robbery at sea other than government agencies. ReCAAP forms collaborative agreements with a number of organisations that are interested in exchanging information or undertaking capacity-building programs. The ReCAAP ISC can be viewed as a stepping stone towards regional cooperation since it brings regional governments together to face a common security problem – piracy and armed robbery at sea.<sup>31</sup>

However, ReCAAP also has certain limitations due to its organisation and processes. To begin, several observers have expressed concern that because Malaysia and Indonesia have not signed the Agreement and are not members of ReCAAP, the efficacy of ReCAAP may be restricted. Secondly, the ReCAAP ISC currently does not have an operational function.

This is due to the fact that it obtains information on piracy and armed robbery events from FP, which sometimes results in a delay in reporting. In addition, apart from piracy and armed robbery, shipping and major ports also confront other maritime threats such as maritime terrorism that recently targeted the shipping industry. Many of the precautions adopted by ships to combat piracy and armed robbery also reduce a ship's vulnerability to maritime terrorism.

### ***ASEAN Defence Ministers Meeting and ASEAN Defence Ministers Meeting-Plus***

The ASEAN Defence Ministers Meeting (ADMM) was founded in 2006 to offer an organised platform for ASEAN defence establishments. The ADMM is ASEAN's highest level defence consultation and cooperation mechanism that seeks to foster mutual trust and confidence through increasing awareness of defence and security problems.<sup>32</sup> The ADMM aims to promote regional peace and stability via discussion and cooperation in defence and security. The ADMM's three Three-Year Work Plans have centred on exchanging views, deepening mutual trust, gaining a better understanding of each other's defence and security policies, building confidence, practical cooperation including with Plus countries, and maintaining communication procedures among ASEAN countries' defence and military organisations.



Figure 5 : HMAS *Success* joins naval vessels from 12 countries to conduct co-ordinated formation manoeuvres in the South China Sea during the ASEAN Defence Ministers Meeting Plus (ADMM+) sea phase exercises. Photographer: LSIS Christopher Szumlanski

The ADMM gave regional security a new dimension by transferring it from the diplomatic to the operational sphere. It is the first time since ASEAN's creation that the military establishment was at the forefront rather than playing the supporting part. This was also the first time that the 10 ASEAN military establishments' cooperation was established in a regional framework. Some of its recent accomplishments, like the network of peacekeeping centres, direct communications connection, and logistical support framework, show that the ADMM seeks to find ways for the ASEAN military to develop confidence through more cross-national contacts and collaboration.<sup>33</sup>

Later in 2010, the ADMM-Plus was officially launched, it is a venue for ASEAN and its eight Dialogue Partners (Australia, China, India, Japan, New Zealand, Republic of Korea, Russia, and the United States, collectively referred to as the 'Plus Countries') to improve security and defence cooperation for regional peace, stability and development. Currently, the

ADMM-Plus focuses on seven areas of practical cooperation: maritime security, counter-terrorism, humanitarian assistance and disaster management, peacekeeping operations, military medicines, humanitarian mine action, and cyber security. To enhance cooperation in these areas, Expert Working Groups have been formed, co-chaired by an ASEAN member and a dialogue partner.<sup>34</sup> The ADMM-Plus has been designed to address non-traditional security concerns rather than standard security issues. Non-traditional security problems have provided the greatest difficulties to ASEAN countries and their peoples in recent years. Natural disasters, earthquakes and tsunamis are examples of these concerns, as are transnational crimes, people smuggling, piracy and pandemics.<sup>35</sup>

The ADMM-Plus establishes an organised framework for ASEAN member nations to diversify and extend their military cooperation scope. Military action and cooperation need information exchange and confidence, which frequently restrict a state's potential allies. The ADMM-Plus also introduces ASEAN member states to the military training and procedures of the Plus nations, a process that raises the standards of the ASEAN militaries. The ADMM-Plus assists ASEAN member nations in establishing links and networks to strengthen their militaries, which is in harmony with the ADMM-Plus objectives. In addition, the co-chairmanship structure of the Expert Working Groups provides for close collaboration between an ASEAN and ASEAN Plus member states.<sup>36</sup>

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# THE FIJI NAVY AND UNCLOS : THE CHALLENGE OF CLIMATE CHANGE

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## Introduction

The Republic of Fiji Navy (RFN) was established as the Royal Fiji Military Forces Naval Division on 25 July 1975 to protect the maritime zones of the recently independent Fiji, and soon after the United Nations convened the third conference on the law of the sea in 1973 which would culminate with the adoption of the United Nations Convention on the Law of the Sea (UNCLOS) in 1982. The Government of Fiji had recognised that maritime zones were a source of wealth and power and the primary roles of the naval division, with an initial fleet of three former US Navy minesweepers, were dedicated to upholding the law of the sea. The RFN took on a myriad of other roles throughout the years to support the nation,

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HMAS *Adelaide* sails back to Australia from Fiji after the success of Operation Fiji Assist 20-21.

which amongst others included coordinating and carrying out maritime search and rescue, hydrographic surveys, reef blasting to enable government access to the islands, medical evacuation, operating the national maritime surveillance and rescue coordination centre, and manning of the national coastal radio station.

Throughout the years whilst upholding UNCLOS, the RFN had been supporting Fiji's border agencies dealing with drug trafficking, infringements related to immigration and customs law, and infringements of national fisheries laws in coastal and offshore fisheries, especially illegal, unreported and unregulated (IUU) fishing. The major threat that is rapidly emerging is climate change, which affects the whole maritime environment and has direct impacts on the maritime limits and the resources prescribed in UNCLOS. Climate change is a threat multiplier because of its ability to intersect with other factors to contribute to security problems. Also, for island nations such as Fiji, climate change gives rise to extreme weather disturbances that cause coastal infrastructure damage and reduced access to potable water. Moreover, sea level rise is a direct threat to the existence of low islands and coastal villages. Major economic activities such as tourism and the fishing industry are dependent on a steady climate and healthy marine ecology. Climate change cannot be addressed individually but has to be a collective action that spreads across global, regional, national, agency and individual efforts. The RFN needs to be relevant in the collective effort and prepare itself to handle the disasters that arise out of climate change.

In this paper I reflect on the formation of the RFN, and I explain the relevance of UNCLOS to Fiji and the RFN. While there are many threats possible to maritime security, the paper will focus primarily on climate change, which is a conspicuous threat to the maritime limits and resources upon which Fiji depends for wealth and prosperity. I will explore the current and



HMAS *Glenelg* and RFNS *Savenaca* sail in-company in the waters between Fiji and Vanuatu as part of Operation Island Chief. Photographer: Republic of Fiji Navy

predicted effects of climate change on coastal and maritime states such as Fiji. I will then highlight national efforts as part of global and regional cooperation to address the challenge of climate change along with the overarching government documents that will guide the RFN's approaches to position itself as part of the required collective effort. Recommended approaches by the RFN will be discussed and shortfalls highlighted. In conclusion, the paper restates the central place of UNCLOS.

## Formation and evolution of the Fijian Navy

The Third United Nations Conference on the Law of the Sea (UNCLOS III) was convened in New York in 1973 to discuss the rights and obligations in relation to the world's oceans. The Conference culminated with the United Nations Convention on the Law of the Sea (UNCLOS) being adopted in 1982.<sup>1</sup> When discussions on the international law of the sea commenced in 1973, Fiji was without a naval force. The Fiji Royal Navy Volunteer Reserve (FRNVR) had been disbanded on 14 June 1959 after Operation Grapple, the British nuclear weapons tests conducted in the Christmas Islands in the years 1957–1958.<sup>2</sup> In 1957, 39 members of the FRNVR, after passage from Fiji aboard the Royal New Zealand Navy (RNZN) frigates *Rotoiti* and *Pukaki*, witnessed the first three nuclear tests carried out in Malden Island whilst embarked aboard the Royal Navy light fleet aircraft carrier, *Warrior*.<sup>3</sup>

The Fiji Royal Navy Volunteer Reserve boasted an illustrious heritage. Two members, Able Seaman Savenaca Naulumatua and Able Seaman Timo Puamau, had died in action onboard HMNZS *Leander* in the Battle of Kolombangara on 13 July 1943.<sup>4</sup> The FRNVR had succeeded the Fiji Naval Volunteer Force (FNVF) when the latter had become a reserve of the Royal Navy in February 1942 under the administration of the RNZN. The FNVF was formed by the government in Fiji at the commencement of World War Two and had volunteers from the colony of Fiji seeing active service in all theatres of the war.<sup>5</sup> Prior to 1911, the Australian squadron of the Royal Navy had offered oversight to the naval affairs of the colony.<sup>6</sup> Fiji's first naval force, formed by the prominent Fijian high chief Ratu Seru Cakobau in 1870, was disbanded when Fiji was ceded to Great Britain on 10 October 1874.<sup>7</sup>

In 1968, the British Government announced that British forces east of Suez would be pulled out by 1971. The Royal Navy, which had overseen the maritime defence of Fiji for almost a century, would be based halfway round the world. Fiji, which had gained independence from Great Britain on 10 October 1970, would have to secure the exclusive economic zone (EEZ) to be proposed at UNCLOS III.

The Prime Minister of Fiji, Ratu Sir Kamisese Mara, was in favour of a naval force, and there was public support for a navy being needed. The US ambassador to Fiji informed the Government of Fiji of the availability of US Navy ships that were soon to be decommissioned. These ships were to form the nucleus of the RFN, which was established on 25 July 1975. On its inception, 72 personnel were selected for recruitment with induction training on the RNZN training ship, *Inverell*. Shortly after this time, 62 personnel were sent to Seattle in the United States and returned with the former US Navy Redwing-class minesweepers, *Vireo* and *Warbler*. The two ships were then commissioned into the RFN as Her Majesty's Fiji Ship (HMFS) *Kula* and HMFS *Kiro* respectively.

Highlighting the significance of the establishment of the RFN, Ratu Mara at the official commissioning ceremony in Suva, stated, "For an island nation like ours, a naval squadron is not a luxury. It is a necessity." The former USS *Woodpecker* was the third ship to arrive a few months later in 1976 and was commissioned as HMFS *Kikau*. The three ships soon entered into a phase of EEZ patrolling and training that commenced with the RNZN and the Royal Australian Navy (RAN).

The Government of Fiji enacted the Marine Spaces Act through Acts No. 18 of 1977 and No. 15 of 1978, which set forth Fiji's maritime limits.<sup>8</sup> From 1978, RFN patrols were conducted under the Marine Spaces Act and training onboard the patrol boats was focused on that legislation.<sup>9</sup>

The role of the RFN in maintaining territorial sovereignty quickly included hydrographic survey when the Fiji Hydrographic Department was transferred from the Fiji Marine Department in 1976. Three years later, in September 1979, the survey ship HMFS *Ruve* was commissioned into the RFN.<sup>10</sup> After hydrographic survey, the RFN developed a diving capability in order to deal with munitions left over from the World War Two.

These remnants are concentrated around the waters in the vicinity of the two main airfields of Nausori and Nadi. The RNZN provided training support to the divers who also created boat passages by blasting reefs in order to enable government to access and provide services to the outer islands that were difficult to approach.<sup>11</sup>

This reef blasting was carried out in the days when environmental concerns and laws were less stringent than in current times. The RFN was also expected to support Fiji in fulfilling her international obligations at sea under the Safety of Life at Sea (SOLAS) convention by providing maritime search and rescue (SAR). Also, the Navy supported the government in carrying out humanitarian assistance and disaster relief on the outer islands in the aftermath of natural disasters. An important task was to carry out medical evacuations from the outer islands for the Ministry of Health.<sup>12</sup>

In the following decades, the roles of the RFN expanded and called for a maritime surveillance centre (MSC), included in the modern headquarters building commissioned on 27 July 1995 by the Australian Chief of Naval Staff, VADM R.G. Taylor at RFNS *Stanley Brown*, the main naval base in Suva. Maritime SAR for the Fiji SAR region was coordinated at the MSC until 2017 when the national Rescue Coordination Centre came into being. At this time, the MSC was rebranded as the Fiji Maritime Surveillance and Rescue Coordination Centre. Furthermore, the role of manning Fiji's national coastal radio station (Suva radio 3DP), which broadcasts maritime safety information to vessels within Fiji waters, was adopted by the RFN in 2010.<sup>13</sup>

The adoption of UNCLOS in 1982 with enforcement from 1994 resulted in the Pacific states being given responsibilities for huge maritime jurisdictions.<sup>14</sup> Fiji, understanding the significance of the Convention, was among the first signatories.<sup>15</sup> Australia, recognising that the securing of regional security would be enabled by the Pacific Island countries having the capability to patrol their own maritime jurisdictions, introduced the Pacific Patrol Boat (PPB) Programme during the Fourteenth South Pacific Forum in Canberra on 29–30 August 1983.<sup>16</sup>

Regional defense relationships with Fiji were suspended after the first military coup in 1987. Fiji declared herself a republic and adopted an independent foreign policy. Two oil-rig tenders were procured from the USA in 1988 and commissioned as Republic of Fiji Navy Ships (RFNS) *Levuka* and *Lautoka*.

Fiji acquired four Dabur-class patrol boats from Israel in 1992 and, in 1994, after regional defence relationships had been restored, received *Kula*, the first of its three PPBs which were replaced and renamed after the three minesweepers that had formed the first naval fleet.<sup>17</sup> From 1982, UNCLOS and the Marine Spaces Act were the two big agreements or sets of laws that allowed the RFN to do its work.<sup>18</sup>

From 2006 to 2013, Fiji defence relationships with its "traditional" regional security partners were suspended and Fiji maintained a non-aligned foreign policy which enabled relationships to be built with China and Russia. The highlight of these relationships, in

addition to training and handing over of equipment, was the provision of the survey ship RFNS *Kacau*, which was handed over on 21 December 2018 by the People's Republic of China.<sup>19</sup> On 5 December 2019, the Government of the Republic of Korea handed over the survey ship RFNS *Volasigā* as part of the Official Developing Assistance project with the Korean Hydrographic and Oceanographic Agency titled “Reinforcing the capacity for responding to climate change in Fiji”.<sup>20</sup>



Republic of Fiji Navy Ship *Kikau* departs HMAS Coonawarra to participate in the sea phase of Exercise Kakadu 2018. Photographer: SBLT Max Logan

UNCLOS gave sovereign rights in various degrees to coastal states over five zones of the sea; namely, the internal waters, the territorial sea, the contiguous zone, the EEZ and the high seas.<sup>21</sup> In spite of the myriad responsibilities undertaken by the RFN for the government, UNCLOS continues to be the driver of Fiji's maritime strategies and directions, as the greatest threat to every small Pacific Island country is the threat to its ocean, coastal and marine resources. The primary roles of the RFN are very much structured around the requirements and rules set by the law of the sea.

Constabulary duties deriving from the law of the sea offer a small economy like Fiji a strong justification for the expense of maintaining a navy.<sup>22</sup> But the RFN undertakes much other valuable work. Since her formation in 1975, the RFN has provided the critical role of managing security challenges and controlling threats to maritime security,<sup>23</sup> but the greatest security challenge is unconventional.

In 1992, that threat to maritime security was acknowledged globally when the United Nations Framework Convention on Climate Change was signed in Rio de Janeiro. Uncontrolled greenhouse gas (GHG) emissions are creating the biggest threat facing all nations of the world: climate change. For island nations dependent on the sea, the acidification of the ocean by the carbon dioxide component of GHG emissions has an effect on both fish and coral reefs. The threat to maritime security in any coastal state has never been greater. For the RFN, the responsibility becomes even more pressing as GHG emissions cause ocean levels to rise. Rising sea levels are significant since they impact adversely on Fiji's maritime zones, as these zones are designated under the UNCLOS.

## Advent of climate change as a threat

Climate change is defined by the Intergovernmental Panel on Climate Change (IPCC) as “A change in the state of the climate that can be identified (e.g., by using statistical tests) by changes in the mean and/or the variability of its properties and that persists for an extended period, typically decades or longer. Climate change may be due to natural internal processes or external factors or to persistent anthropogenic changes in the composition of the atmosphere or in land use.”<sup>24</sup>

The Climate Change 2021 report by the IPCC highlighted that every inhabited region across the globe is already being affected, with human influence contributing to many observed changes in weather and climate extremes. The report highlights that the scale of recent changes across the climate system as a whole and the present state of many aspects of the climate system are unprecedented over many centuries and in some respects much longer. For example, atmospheric CO<sub>2</sub> concentrations in 2019 were higher than at any time in at least 2 million years, and concentrations of CH<sub>4</sub> and N<sub>2</sub>O were higher than at any time in at least 800,000 years. The report also points out that global surface temperature has increased faster since 1970 than in any other 50-year period over at least the last 2,000 years. Temperatures during the most recent decade (2011–2020) exceed those of the most recent multi-century warm period, around 6,500 years ago. The report observed that in 2011–2020, annual average Arctic sea ice area reached its lowest level since at least 1850; the global mean sea level has risen faster since 1900 than over any preceding century in at least the last 3,000 years and the global ocean has warmed faster over the past century than since the end of the last deglacial transition around 11,000 years ago.<sup>25</sup> The World Meteorological Organization’s publication *State of the Global Climate 2020* reports that despite the temporary reduction in emissions in 2020 related to measures taken in response to COVID-19, concentrations of the major GHGs, i.e. CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O, continued to increase, and 2020 was one of the three warmest years on record with temperatures on 20 June 2020 reaching 38°C at Verkhoyansk in the Russian Federation, the highest recorded temperature anywhere north of the Arctic Circle.<sup>26</sup>

In every region across the globe, climate change is conspicuous in weather and climate extremes such as heatwaves, heavy precipitation, droughts and tropical cyclones. Of special note, the evidence of human influence has strengthened since 2013.<sup>27</sup> Over the next 20–30 years, if global temperatures increase 2°C, likely effects are an increase in mean sea-surface temperature, extreme heat, precipitation and flooding, an increase in the relative sea level, coastal flooding and erosion, and increased ocean acidity.<sup>28</sup>

Climate change is a threat multiplier because it exacerbates other threats such as extreme weather disturbances, coastal infrastructure damage and reduced access to potable water; and, for atoll islands and coastal villages, climate-related sea-level rise is an existential threat.<sup>29</sup> The *World Risk Report* of 2020 listed Oceania first in terms of disaster risk. Fiji was ranked 15 out of 181 countries with the highest risk, behind her neighbouring countries Vanuatu and Tonga that occupied the first and second positions respectively.<sup>30</sup>

The impact of weather extremes cannot be underestimated. In 2016, Tropical Cyclone Winston, the most intense tropical cyclone on record to make landfall in the Southern Hemisphere, caused devastation in Fiji amounting to F\$2 billion, or 20% of Fiji’s GDP.<sup>31</sup> The acidification of the ocean due to the high buildup of CO<sub>2</sub> gases affects reefs and shellfish. Reefs play an important role in maintaining a healthy marine ecology along the coasts whilst shellfish are a major source of food in the daily lives of rural coastal dwellers and islanders. These impacts on marine ecology, along with the disturbance of the ideal tropical climate necessary for the popular “sun, sand and sea” enticement to visitors, affect the tourism



industry which was the highest foreign exchange earner for Fiji in 2019 with earnings of over F\$2 billion.<sup>32</sup> The effects of climate change will also have a direct impact on the fisheries industry, a major economic activity contributing 1% to Fiji's GDP in 2019.<sup>33</sup>

## National approaches to climate change

Climate change cannot be addressed individually but has to be addressed collectively as it involves the ocean which transcends borders and maritime zones of coastal countries.<sup>34</sup> Fiji has been at the forefront of the global effort in addressing climate change, holding presidency of the 2017 United Nations Climate Change Conference (COP 23), marking the first time a small island developing state assumed presidency of the negotiations.<sup>35</sup> In 2019, Fiji was part of the Pacific nations at the 50th Pacific Island Forum (PIF) held in Tuvalu which issued the Kainaki II Declaration, a strong collective statement to the international community to step-up actions to mitigate climate change and increase support for Pacific-led initiatives on resilience.<sup>36</sup> In 2018, along with other members of the PIF including Australia, Fiji signed the Boe Declaration, which articulated that “climate change remains the single greatest threat to the livelihoods, security and wellbeing of the peoples of the Pacific”.<sup>37</sup> Fiji in 2010, at the Tarawa Climate Change Conference in Kiribati, adopted the Ambo Declaration that highlights the need for urgent support and action in countries most vulnerable to climate change.<sup>38</sup> The nation had also ratified the Kyoto Protocol in 1998 and was the first country to ratify the Paris Climate Accord on 22 April 2016.<sup>39</sup>

Fiji has signed up to international initiatives, enacted legislation, and launched national action to build adaptability and resilience. In 2007, the Fiji Cabinet endorsed the National Climate Change Policy Framework which consequently led to the introduction of Fiji's first national climate change policy in 2012. The Environment and Climate Adaptation Levy (ECAL) Act introduced in 2015 is a combination of taxes on prescribed services, items and income to fund selected projects in the national budget that deal with protection of the natural environment, reduction of carbon footprint, and adaptation of the economy, communities and infrastructure to the worsening impacts of climate change. Fiji was the first country to issue a sovereign green bond in 2017 to raise funds dedicated to climate mitigation, adaptation and other environmentally friendly projects.<sup>40</sup> The guiding vision, principles, institutional arrangements, approaches and objectives for tackling climate change issues in Fiji are described in Fiji's National Climate Change Policy 2018–2030 which is the nation's first national climate change policy since the Paris Climate Accord.<sup>41</sup> In 2019, Fiji launched the Climate Relocation and Displaced Peoples Trust Fund for Communities and Infrastructure, the world's first relocation fund for people displaced by climate change.<sup>42</sup>

On 28 January 2021, the nation was the first small island developing state to sign an Emission Reductions Payment Agreement with the Forest Carbon Partnership Facility, a global partnership housed at the World Bank.<sup>43</sup>

## National guidelines to the Fijian Navy for addressing climate change

Section 131(2) of the 2013 Constitution of the Republic of Fiji, in its designation of the role of the Republic of Fiji Military Forces (RFMF), delegates to the RFMF the responsibility for ensuring at all times the wellbeing of Fiji and all Fijians.<sup>44</sup> The Fiji Government's National Development Plan 2017 (NDP 17) direction for national security is that, apart from the traditional security challenges, focus will also be placed on protecting Fijians from environmental risks and natural disasters.<sup>45</sup> As Fiji is an archipelago with about 110 of its 332 islands inhabited, a significant number of people are more vulnerable to the effects of climate change because they live in the outer islands or the rural communities of the larger islands. For disaster-risk management in rural and maritime areas, NDP 17 identified

830 vulnerable communities at risk from climate-related events who need to be relocated.<sup>46</sup> NDP 17 goals includes building resilient communities, and the policies to achieve this goal include strengthening understanding of the impacts of climate change and disasters in order to better plan for recovery and long-term development. The strategies offered by the NDP 17 include developing comprehensive assessment frameworks, including adoption of the damage and loss assessment methodology along with institutionalising a mechanism to collect and analyse hazard, vulnerability and exposure data. The strategies also include encouraging collaboration with development partners and tertiary institutions in researching priority areas of climate change and disaster risk reduction and developing hazard maps and models for all potential hazards (including sea level rise, storm surge, flood and tsunami).<sup>47</sup> Fiji's National Climate Change Policy 2018–2030 (NCCP) in its pathway to achieve visions and strategies identifies that Fiji has to carry out capacity development in data availability, analytical capacity, risk communications and awareness.<sup>48</sup>

The NCCP encourages public and private sector engagement and alignment in its woven approach to address climate change and pushes for a climate-ready workforce.<sup>49</sup>

## Recommendations for the Fijian Navy

The RFN must provide maritime security. The Navy will do this through protection of marine resources and by maintaining control in the maritime limits assigned by UNCLOS. The RFN will also offer advice to government. The ability to provide support and advice to government in addressing the impacts of climate change is only developed by having a proper understanding of the challenge and having acknowledgement as being a competent authority on climate change by the nation as well as outside the nation. Additionally, the RFN will support the stability of the Fiji nation. The ability to provide services for internal stability when climate change induced events impact the vulnerable coastlines and islands is vital to ensure maritime security is maintained.

It is vital that the RFN understands the signs of maritime resource scarcity and environmental degradation. In order to have control of the sea and ensure maritime security is maintained when the maritime domain is threatened by climate change, there has to be thorough scientific understanding of the entire maritime environment. This understanding is enabled by having data-gathering capability. The capability is developed and enhanced through collaboration with tertiary education institutions in researching priority areas of climate change and disaster risk reduction. Collaboration with defence partners for professional climate change related scientific training also develops the capability. The two naval branches that can be developed are the hydrographic branch and the diving branch. The hydrographic branch should incorporate oceanography amongst its roles and explore other projects with other partner agencies such as the current tidal gauge project with the Korean Hydrographic and Oceanographic Agency. The capabilities of the diving branch are to be developed to carry out research dives in support of institutions carrying out research on effects of climate change on marine ecology. The RFN can request government consideration of funding from climate levy funds to support it in projects that are carried out in collaboration with established research entities.

The RFN might be a constructive voice, speaking for Fiji and for the region and arguing for action to defend against climate change. For climate change, remaining silent only exacerbates an existential threat.

In broad terms, in 2019, the G20 countries accounted for 78% of the total GHG emissions,<sup>50</sup> and lagged behind the glide slope requisite to the Paris Accord goal of limiting warming to below 2°C.<sup>51</sup> Encouraging environmentally friendly policies needs an authoritative voice, and the RFN might exercise such a voice, a voice informed by practical experience.

Alongside advocacy, the RFN when out on patrols in Fiji's maritime domain carries out anchorages in the outer islands and coastlines of the rural areas of the bigger islands. The Navy has first-hand experience of the environment, the scale and scope of environmental degradation and the dependence of the people on the maritime economy.

Women, who in most Fijian coastal villages and islands carry out fishing for daily food needs, become powerful advocates for climate change if fully aware of the detrimental effect that climate change will have on their family lives. Raising the awareness of young people and children through advocating activities is a crucial step towards the collaborative action that is required. The collective action by the RFN would support government in its efforts of ensuring that communities can adapt to the current and future consequences of climate change that are already inevitable; and also persuade the industrialised nations to adopt the actions necessary to prevent climate change.

The increased risk of climate change induced events including cyclones, sea surges and floods will increase humanitarian disasters where livelihoods and human habitat are affected. In line with the current government designated role of providing humanitarian and disaster relief (HADR), the RFN will have to enhance HADR capability and put together plans for all disaster scenarios that are expected from impacts of climate change in the maritime domain.

This enhancing of capability supports the RFMF to be the "strategic reserve to government" where the RFMF develops in limited form capabilities that mirror government capabilities used in emergencies affecting safety of human lives.<sup>52</sup> The RFMF's capabilities will be utilised when government capabilities are overwhelmed, such as the use of RFMF personnel and capabilities in the current COVID-19 pandemic, where the RFMF contributed significantly across the range of activities needed to contain and mitigate the virus. For the RFN, the absence of landing-craft capability will limit its ability to provide reserves or complement national efforts when required in any HADR situation. As climate change increases the probability and severity of disasters, it is essential that a landing craft is procured or requested from Australia or from other international defence partners. In addition, the RFN should designate a cadre of its own naval officers to start writing plans for worst-case maritime disaster scenarios occurring on the coasts and remote islands, to be tested and refined in Table Top Exercises and the annual Navy exercises with scenarios inserted into the patrol boat work-ups.

## Conclusion

The major reason for the formation of the RFN was the nation recognising the importance of protecting its maritime zones and the valuable resources within them, as laid out in the law of the sea which in 1982 was formalized in the terms of the UNCLOS. The evolution of the Fiji Navy from 1975 till today was shaped by its role under UNCLOS and its role of maintenance of maritime security along with responsibilities delegated by the government for national development and stability including fulfilling international maritime law obligations.

Climate change is the most dangerous threat that the world is currently facing and its impacts on coastal zones of any nation will be devastating. Sea level rise will have implications for the physical and legal status of the sea and maritime zones.

Climate change impacts marine resources and natural environments and this consequently affects, amongst other things, food security and stability of major economic activities that Fiji depends on. Its intersection with other factors contributes to and exacerbates security problems that affect the wellbeing of Fiji and its people.

The RFN has to be part of the collective national, regional and global effort against economic activities creating climate change. It has to be prepared to support and advise government when the impacts of climate change affect the nation. The ratification and entry into force of UNCLOS consolidated the role of the RFN, and which continues to be vitally significant to this day. The climate threat has immense ramifications within UNCLOS and, as Fiji's national agency responsible for upholding UNCLOS, the RFN is obliged to address the challenge of climate change.



HMAS *Adelaide* sails past Tamarama as she returns to her homeport of Fleet Base East, Sydney, New South Wales  
Photographer: LSIS Tara Byrne

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