

# Strategy at Sea: A Plan B for Australian Maritime Security?

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In 2004, a Joint Standing Committee on Foreign Affairs, Defence and Trade inquiry report into Australia's Maritime Strategy recommended the Australian Defence Force (ADF) implement a "modern maritime strategy". Chairman of the Defence sub-committee, Bruce Scott, wrote that the committee was "convinced that an effective maritime strategy will be the foundation of Australia's military strategy, and serve Australia well, into the 21<sup>st</sup> century".<sup>1</sup> Written at a time when the focus of the ADF was on the 'war on terror' and the proliferation of Weapons of Mass Destruction, the 151 page report highlighted gaps in Australia's maritime strategic thinking. Defining maritime strategy as one that involves "air, sea and land forces operating jointly to influence events in the littoral together with traditional blue water maritime concepts of sea denial and sea control", the report listed three elements: sea denial, sea control, and power projection.<sup>2</sup> Experts argued that Australia's existing strategy constituted mere 'sea denial'—effectively a continentalist approach with maritime dimensions, designed primarily to prevent adversaries from attacking territory.<sup>3</sup>

More than a decade later, little appears to have changed. The 2013 Defence White Paper, for example, summarised Australia's maritime strategy in one page.<sup>4</sup> It stated that "Australia's geography requires a maritime strategy for deterring and defeating attacks against Australia and contributing to the security of our immediate neighbourhood and the wider region".<sup>5</sup> Defending Australia required: deterring attacks and coercion against Australia from adversaries; achieving and maintaining air and sea control; protecting key sea lines of communication (SLOC); denying access to forward operating bases by adversaries; and deploying joint task forces in support of the operations of regional partners and projection objectives. It emphasised the role of conventional land forces in controlling approaches, protecting bases, defeating incursions and securing offshore territories and facilities. The summary did not, for example, reveal how sea power would be mobilised in the defence of Australia's national interests. Nor did it grapple with the full suite of interests that may be encompassed by the term 'maritime security'. More recently, in the 2016 Australian Defence White Paper the term 'maritime strategy' did not appear despite a strong focus on modernising maritime capabilities, and the procurement of submarines and other naval surface combatants.<sup>6</sup>

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1 Cited in Parliament of the Commonwealth of Australia, *Australia's Maritime Strategy* (Canberra: Joint Standing Committee on Foreign Affairs, Defence and Trade, June 2004).

2 Ibid., p. 8.

3 Ibid., pp. 48-49.

4 Department of Defence, *2013 Defence White Paper* (Canberra: Commonwealth of Australia, 2013), pp. 29-30.

5 Ibid., p. 28.

6 Department of Defence, *2016 Defence White Paper* (Canberra: Commonwealth of Australia, 2016), p. 19.

The maritime domain is increasingly at the frontline of emerging challenges to Australia's national interests, regional stability and the liberal international order that successive governments have sought to defend. In particular, the oceans have become an important theatre for emergent great power rivalry between the United States (US) and a rising People's Republic of China (PRC). Australia needs to develop, as Dean, Frühling and Taylor put it, "a new strategic policy for a world in which Britannia and its offspring cease to rule the waves".<sup>7</sup> As part of a more independent approach to defence and foreign policy, this paper argues that Australia needs to develop a coherent maritime strategy that can effectively cope with traditional and emerging maritime security challenges.

Developing a maritime strategy requires a clear-eyed assessment of Australia's maritime security interests. As Rothwell and Klein note, 'maritime security' in law of the sea has conventionally been understood through a "national" lens, primarily concentrating "upon the protection and integrity of the nation state and the repelling of hostile states such that territorial integrity was maintained and that maritime threats were capable of being thwarted at sea".<sup>8</sup> However, new threats from non-state actors—such as piracy, terrorism and illegal fishing—have necessitated the broadening of traditional maritime security concepts. Royal Australian Navy (RAN) Commander Alistair Cooper usefully distinguishes between *national* maritime strategy and *military* maritime strategy:

National maritime strategy incorporates all arms of government and is usually focused on marine areas out to the edge of the exclusive economic zone or the seabed boundary. Military maritime strategy denotes the involvement of all arms—sea, land and air—which can influence operations or activities in the marine environment. That strategy is concerned more with the implementation of government policy wherever it is deemed that Australia's interests lie: for example, in waters adjacent to Australia, throughout the region or indeed throughout the world.<sup>9</sup>

Such an expansive concept of national maritime security incorporates a vast array of interests and actors from a range of Commonwealth and state departments, including the Royal Australian Navy, the ADF, Australian Federal Police, Australian Border Force and customs.

This article focuses on contemporary challenges to maritime order and the implications for an Australian national maritime security strategy. Maritime re-ordering dynamics cut across traditional and non-traditional security concerns, involving as they do changing patterns of power and relative capabilities, shifting alignments among states, and, in some cases, the use of military and civilian actors in the articulation and defence of national interests. Australian strategic thinking tends to employ a conventional security lens, yet non-traditional maritime security threats—particularly to resources such as fish, and oil and gas—are prominent in current contests over the seas. It first examines contemporary challenges to the maritime order. It then articulates what is at stake for a middle-sized power such as Australia that has vast oceanic resource entitlements under

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7 Peter J. Dean, Stephan Frühling and Brendan Taylor, 'Introduction', in P. J. Dean, S. Frühling and B Taylor (eds), *After American Primacy: Imagining the Future of Australia's Defence* (Carlton, Vic.: Melbourne University Press, 2019), p. 5.

8 Donald R. Rothwell and Natalie Klein, 'Maritime Security and the Law of the Sea', in N. Klein, J. Mossop and D. R. Rothwell (eds), *Maritime Security: International Law and Policy Perspectives from Australia and New Zealand* (London and New York: Routledge, 2009), p. 22.

9 Cited in Parliament of the Commonwealth of Australia, *Australia's Maritime Strategy*, p. 11.

international law. Finally, it argues that as it is surrounded by three oceans—the Pacific, Indian and Southern—an Australian maritime strategy needs to more fully account for the rapid transformations of power in the region, and how power is exerted in traditional and non-traditional domains.

## Challenges to Maritime Order

Australia's region is increasingly unsettled. A new period of explicit competition between the United States and China has emerged, necessitating new thinking about Australia's efforts to negotiate complex relationships with and between the great powers. Viewing the PRC as a "revisionist power", the 2018 US National Defense Strategy argued that "[w]e are facing increased global disorder, characterized by decline in the long-standing rules-based international order", with great power competition replacing terrorism as the preeminent concern for national security.<sup>10</sup> The adoption of the maritime 'Indo-Pacific' construct by a number of regional states including the so-called 'Quad'<sup>11</sup> states—US, Australia, Japan and India—is emblematic of the growing significance of the maritime domain in the changing regional security order. According to the 2019 US Indo-Pacific strategy report, high profile maritime disputes, for example in the South China Sea, provide evidence of Beijing's desire to "reorder the region".<sup>12</sup> These 'reordering' dynamics are evident in the changing naval balance of power, strategic efforts to control sea space and access denial capabilities, normative contestation and challenges to international law, and the pursuit of military and economic influence in other regional states through bilateral and multilateral means, such as the Belt and Road Initiative (BRI). Despite a rapidly changing landscape, Australia's strategic orientation—including its maritime thinking—has remained geared towards the US alliance, relying upon a belief that the US will continue to be present and engaged in the region. While debates exist around the contours of engagement—such as whether the US should contain China or constrain its influence—there is little doubt that key actors increasingly view rising powers as a threat to the post-World War Two liberal international order. At the same time, the Trump administration has undermined US credibility through a transactional approach to international affairs that has emphasised the primacy of US sovereignty at the expense of key international rules and norms.

The maritime domain has become a primary theatre of great power rivalry. Historically, this is not surprising given that control of the seas—through naval supremacy and capacity to ensure maritime commerce—is an enduring source of state power. As Bekkevold and Till argue, the sea has long been viewed by naval strategists thinkers as a "medium of dominion": it "is a strategic highroad, a medium by which one group of people can come to dominate the affairs of another".<sup>13</sup> Control of the seas has been critical for the

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10 Mattis cited in United States of America, *Summary of the 2018 National Defense Strategy of the United States of America* (Washington DC: Department of Defense, 2018), p. 1.

11 Abbreviated from the Quadrilateral Security Dialogue.

12 Shanahan cited in United States of America, *Indo-Pacific Strategy Report* (Washington DC: Department of Defense, 2019).

13 Jo Inge Bekkevold and Geoffrey Till, 'International Order at Sea: What It Is. How It Is Challenged. How It Is Maintained', in J. I. Bekkevold and G. Till (eds), *International Order at Sea: What It Is. How It Is Challenged. How It Is Maintained* (London: Palgrave Macmillan, 2016), p. 4.

creation of empires, for changing international political orders and enabling the rise of new powers to supplant the old. It is little wonder, then, that the PRC has engaged an ambitious strategy to become a naval power. In 2012, President Xi Jinping declared the PRC's intentions to become a great maritime power by developing "a large and effective coast guard; a world-class merchant marine and fishing fleet; a globally recognized shipbuilding capacity; and an ability to harvest or extract economically important maritime resources, especially fish".<sup>14</sup> It is not just the PRC that has been embarking on a problem of naval power enhancement; in the region more generally, naval militarisation projects have been advancing over the past decade, including in Australia. Naval supremacy and sea control are hence key sites in the changing balance of power in Asia.

In contemporary maritime disputes in Southeast and Northeast Asia, disputes tend to revolve around three centres of control: the first pertains to strategic control of sea lanes. In the South China Sea (SCS), for example, the PRC has rapidly built its naval capability and anti-access/area denial (A2/AD) systems, raising concerns that this crucial strategic waterway has or will become a 'Chinese lake'. China's territorial and maritime claims and the 'grey zone' tactics used to defend them has raised considerable consternation in the West among strategists and international lawyers alike. China's strategic primacy in this domain has been asserted through artificial island building, naval militarisation and the rapid increase of the number of blue and white hulls (maritime militia and coastguard) active within the first island chain. While some view China's strategy as defensive, with military installations used primarily for surveillance and patrolling purposes, others view the militarisation efforts as signifying its desire to pursue regional hegemony by pushing the United States out of maritime Southeast Asia and providing a base for projecting power elsewhere in the region. The geostrategic value of the SCS lies in its potential to transform into a deep-sea bastion for basing nuclear-attack submarines capable of launching missiles with nuclear warheads, and useful for forward deployments into other areas, such as the Indian Ocean. There are widespread concerns that China's sea control in the SCS threatens freedom of navigation (FON) in terms of the transit rights of warships, acceptable military activities in Exclusive Economic Zones (EEZs) and the commercial passage of merchant ships. In this example, the critical interest of the United States and allies such as Australia are expressed in ensuring FON because it is vital for open, maritime trading nations.

The second centre of control in contemporary maritime dispute is sovereignty over land features, particularly in the East and South China Seas. While material factors provide potential flash points for conflict, sovereignty claims over islands, rocks and low-lying elevations have become linked to historical grievance and ideational 'symbolic' politics that link national identity, status and prestige to the defence of maritime possessions.<sup>15</sup> What these features are and who possesses them matters for determining maritime jurisdictions over such territorial seas and EEZs, and can have implications for the capacities of states to exercise their (limited) rights to strategic control in maritime areas.

The third centre of control is of maritime resources, particularly in terms of fish and oil and gas. Under UNCLOS (United Nations Convention on the Law of the Sea), the land determines sea, which means the issue of maritime entitlements can be tied to recognition of sovereignty of land features. As important is the classification of land

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14 Michael McDevitt, *Becoming a Great 'Maritime Power': A Chinese Dream* (Washington DC: Center for Naval Analysis, 2006), p. iii.

15 Rebecca Strating, 'Maritime Disputes, Sovereignty and the Rules-Based Order in East Asia', *Australian Journal of Politics and History*, vol. 63, issue 3 (2019), p. 449.

features: whether they are islands, rocks or low-lying features determines rights to maritime zones, including whether states receive a 12 nautical mile territorial zone and/or 200 nautical mile EEZ. Given that maritime boundaries are yet to be determined in some crucial waterways, contests over maritime resources, and activities such as illegal, unregulated and unreported fishing (IUU), are straining the capacities of the international rules to establish maritime order.

In the legal domain, the seas are increasingly subject to ‘norm contestation’, which refers to struggles between actors to define the rules and norms that govern interactions and behaviours. Some Chinese policy analysts consider these “sea domains under Chinese jurisdiction ... [as] the overlaying area of China’s national sovereignty”.<sup>16</sup> In the South China Sea, for example, a key puzzle is whether China views its ‘near seas’ as unique or a testing ground for revisionism on a broader scale. There have been a number of positive outcomes with respect to the role of UNCLOS in resolving maritime disputes, including in the Timor Sea dispute between Australia and Timor-Leste, and the India and Bangladesh maritime boundary dispute in 2014. In both cases, the bigger ‘powers’—Australia and India—participated in the processes in good faith, with Australia negotiating an acceptable deal with its smaller neighbour in the world-first United Nations Compulsory Conciliation processes under annex VII of UNCLOS, and India accepting the decision of a tribunal of the Permanent Court of Arbitration that largely favoured Bangladesh. These examples demonstrate that the UNCLOS-led maritime order is by no means dead. However, the concern that other disputes raise is how the PRC, as an emergent great power, has used its growing power to defend its interests and cast aside UNCLOS, what this might mean for how it will seek to project its rising naval power in other domains, and consequences for smaller powers in the Indo-Pacific.

## What’s at Stake for Australia?

Challenges to international law and maritime order in the Indo-Pacific have potential security implications for regional states, including Australia. In 2017, former Chief of Navy Vice Admiral Tim Barrett argued that, owing to “the increasingly aggressive actions taken by some nations to assert their claims over disputed maritime boundaries, there is the increased risk of a regional maritime dispute escalating and the potential for armed confrontations at sea”.<sup>17</sup> Historically, Australia’s maritime security interests have been framed around defence of territory and the security and safety of maritime trading routes, given its economic reliance on seaborne exports. At the same time, destabilising conditions in the Asian maritime domain are viewed as inimical to open and secure SLOCs, which as a trading nation, Australia has vital interests in maintaining. Indeed, successive defence white papers have identified maritime security and unfettered access to shipping lanes as integral to Australian security and prosperity.<sup>18</sup> SLOCs are vitally important

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16 Weng Shumei, Shi Jiazhu and Xu Mingshun cited in Peter Dutton, ‘Three Disputes and Three Objectives—China and the South China Sea’, *Naval War College Review*, vol. 64, no. 4 (2011), p. 4.

17 Tim Barrett, Chief of Navy Address to Law of the Sea Convention Conference hosted by the Australian National University, Centre for Military and Security Law and the United Services Institute of the ACT, Canberra, 22 August 2017.

18 Department of Defence, *2013 Defence White Paper*, p. 82; Department of Defence, *2016 Defence White Paper*, p. 70.

for Australian security and prosperity as it relies upon the sea for over 98 per cent of exports by volume (more than 75 per cent by value) and 95 per cent of data is transmitted through undersea cables.<sup>19</sup> It adopts a similar position to the United States on freedom of navigation, and global threats to commercial transit, particularly in crucial Southeast Asian chokepoints connected to Australia's northern maritime approaches, or legitimate navigation of warships are also viewed as antithetical to Australia's security interests.

Australia's geography renders maritime security a crucial interest. Surrounded by three oceans, it has one of the largest coastlines in the world with more coast per capita than any other continent.<sup>20</sup> Australia is a largely coastal society: over 85 per cent of the population live within 50 kilometres of the coastline.<sup>21</sup> With vast entitlements generated under international law, Australia has one of the largest maritime jurisdictions in the world. In accordance with UNCLOS, Australia claims an EEZ of over 10 million square kilometres, the world's third largest. Offshore territories—Heard and McDonald Islands, Macquarie Island, Christmas Island and Norfolk Island—generate maritime jurisdictional entitlements of more than 400,000 square km, and the contentious EEZ claimed off Australian Antarctic Territory (AAT) adds over 2 million square kilometres to the 8 million square kilometres generated by the mainland. In 2008, the Commission on the Limits of the Continental Shelf confirmed its rights to an extended continental shelf (beyond 200 nautical miles) of 2.56 million square kilometres—larger than the size of Western Australia—taking its continental shelf to over 12 million square kilometres.<sup>22</sup> Australia's maritime search and rescue area under the SOLAS convention<sup>23</sup> stretches out across continental Australia, the Indian, Pacific and Southern oceans and Australian Antarctic territories, constituting around 53 million square kilometres or around one-tenth of the Earth's surface.<sup>24</sup> As Rothwell and Moore argue, these new maritime zones established “new resource rights for Australia but also carried with it new responsibilities such as environmental management”.<sup>25</sup> The legitimacy of international law—primarily UNCLOS—is important for the preservation of the regime of maritime jurisdictions and the sovereign rights that flow from it, particularly for middle- and smaller-sized states.

Despite these sea-bound geographical realities, culturally, land forces have tended to feature more prominently in Australia's national war psyche than the Royal Australian Navy. For example, while Gallipoli and Kokoda are central to Australian national mythology, the battle of Coral Sea—fought off the north-east coast near Papua New Guinea during World War Two—receives less recognition. It is often observed that land forces have

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19 Brett Biddington, *Girt by Sea: Understanding Australia's Maritime Domains in a Networked World*, Kokoda Foundation, no. 20, (Canberra: Kokoda Foundation, 2017), p. 6.

20 R. E. Galloway and M. E. Bahr, 'What is the Length of the Australian Coast?', *Australian Geographer*, vol. 14 (1979).

21 Australian Bureau of Statistics, 'How Many People Live in Australia's Coastal Areas?' 1301.0—Year Book Australia, 2004, <[www.abs.gov.au/Ausstats/abs@.nsf/Previousproducts/1301.0Feature%20Article32004](http://www.abs.gov.au/Ausstats/abs@.nsf/Previousproducts/1301.0Feature%20Article32004)>

22 Australian Geoscience, 'Ocean and Seas', <[www.ga.gov.au/scientific-topics/national-location-information/dimensions/oceans-and-seas](http://www.ga.gov.au/scientific-topics/national-location-information/dimensions/oceans-and-seas)>

23 The International Convention for the Safety of Life at Sea

24 Australian Maritime Safety Authority, 'Australia Search and Rescue Region', updated 2 December 2019, <[www.amsa.gov.au/safety-navigation/search-and-rescue/australias-search-and-rescue-region](http://www.amsa.gov.au/safety-navigation/search-and-rescue/australias-search-and-rescue-region)>

25 Donald Rothwell and Cameron Moore, 'Australia's Traditional Maritime Security Concerns and Post-9/11 Perspectives Maritime Security: International Law and Policy Perspectives from Australia and New Zealand', in N. Klein, J. Mossop and D. R. Rothwell (eds), *Maritime Security: International Law and Policy Perspectives from Australia and New Zealand* (London and New York: Routledge, 2009), p. 37.

tended to capture the national imagination more than the navy. Australia's forward operations since Federation have largely been land-based, deployed to support a favourable international order. This has led some to remark that Australia is "not culturally a maritime nation".<sup>26</sup> While attack and invasion are embedded in Australia's strategic culture, contemporary maritime disputes highlight emerging trends in non-conventional threats and challenges to international law that run contrary to Australia's material and legal sea-based interests and its vision of a favourable international order.

## What's Plan A?

Unlike other regional states, Australia does not produce a standalone maritime strategy document.<sup>27</sup> While specific issues, such as the purchase of submarines or the political role of shipbuilding, receive attention in public and policy discussions and federal parliament, these rarely provide a broader concept of maritime strategy. As Andrew Carr points out, while the 2016 Defence White Paper articulated Australia's future submarine project and the costs of these acquisitions,

little public strategic justification has been provided for this decision since it was first announced in 2009. Submarines are of course very important for an island nation. But why 12? Why diesel? Where does Australia want them to go? And most importantly, what does Australia actually want them to do?<sup>28</sup>

In the scholarly and policy literature, various models of maritime strategy are offered, including sea denial and those driven by technological capabilities. As Peter Layton argues, there are "several alternative maritime strategies in play", but more thinking is required to link a coherent maritime strategy to an overarching grand strategy.<sup>29</sup>

Despite rapid transformations of the regional security environment, the alliance with the United States remains central to Australia's approach to maritime security. Rod Lyon observes that Australia is more a "strategy-taker than a strategy-maker".<sup>30</sup> Historically, it has been the case that Australia has come to depend upon US naval might for its own security. Rothwell and Moore suggest that World War Two and the fall of Singapore had a significant impact on Australia's strategic outlook when it came to maritime vulnerabilities, encouraging it to adopt an alliance with a great naval power, an arrangement "which has

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26 Alex Tewes, Laura Rayner and Kelly Kavanaugh, 'A Foundation Paper on Australia's Maritime Strategy', prepared for Joint Standing Committee on Foreign Affairs, Defence and Trade Inquiry into Australia's Maritime Strategy, Canberra, 2004.

27 The US Department of Defense, for example, released its *Asia Pacific Maritime Security Strategy* in 2015. In the same year, India's Navy released its *Ensuring Secure Seas: Indian Maritime Security Strategy* report. In contrast, Australia has the 2010 *Australian Maritime Doctrine* which explains foundational theory and key concepts behind strategic maritime thinking.

28 Andrew Carr, 'No Longer a Middle Power: Australia's Strategy in the 21st Century', *Focus Strategique*, No. 92, Ifri, September 2019, 35.

29 Peter Layton, 'Australia's Many "Maritime Strategies"', *The Strategist*, Australian Strategic Policy Institute, 28 March 2013.

30 Rod Lyon, 'Nuclear Weapons and the Defence of Australia', in P. J. Dean, S. Frühling and B. Taylor (eds), *After American Primacy: Imagining the Future of Australia's Defence* (Carlton, Vic.: Melbourne University Press, 2019), p. 63.



remained steadfast ever since”.<sup>31</sup> Australia’s commitment to the US alliance is reinforced in the political rhetoric around the continuing importance of ANZUS as the ‘cornerstone’ of Australian foreign policy. This reliance is also observable in spending and policy initiatives. Recent policy initiatives, such as the Pacific ‘step-up’, have seen Australia undertake a number of specific actions in conjunction with the US, including plans to reopen the Lombrum naval base in Papua New Guinea. The US is critical to Australia’s defence capabilities in the maritime domain, even when RAN vessels are not sourced from the US. For instance, Brabin-Smith argues that “Australia relies very heavily on the United States to maintain its capability edge, with the overwhelming majority of Australia’s high-end maritime equipment being American in origin” including AP-3C Orion and AP-8A Poseidon maritime patrol aircraft.<sup>32</sup>

Conventional debates in Australian defence policy have centred around the balance between two paradigmatic positions: the ‘Defence of Australia’ policy that focused on defending continental Australia—including protecting Australia’s northern maritime approaches (the ‘sea-air gap’) from external attack—and the policy of forward defence requiring a force capable of deploying overseas that defined Australia’s defence engagements in the 1950s and 1960s. Such decisions have consequences for maritime strategy, including the ‘ways and means’ required for achieving objectives. This is evident in debates about naval procurements. Australia’s adoption of the Indo-Pacific concept signifies that policymakers conceive of Australia’s primary strategic domain as maritime, and Canberra has invested significantly in the high-profile procurement of naval assets. The 2016 Defence White Paper outlines Australia’s biggest asset regeneration plan since World War Two, providing for twelve new submarines, and nine frigates and patrol vessels. The purchase of two Landing Helicopter Docks and the Australian Army’s 2011 restructure—Plan Bersheeba—further developing amphibious capability; for example, by the establishment of specialist amphibious infantry battalion.<sup>33</sup> Yet there is still an awareness among strategic experts that Australia’s air and naval forces remain too small, particularly given technological developments in land-attack cruise missiles and the potential need to respond to nuclear submarines in its maritime approaches.<sup>34</sup> There are concerns that Australia remains ‘undergunned’ in surface warfare capabilities as the technological capabilities of the rising powers grows in areas such as supersonic and hypersonic speed and greater range.<sup>35</sup> The time is ripe for developing a coherent and long-term maritime strategy that addresses contemporary sea-based challenges and those that are likely to become more prominent in an increasingly contested security order that can no longer rely upon American primacy.

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31 Rothwell and Moore, ‘Australia’s Traditional Maritime Security Concerns’, p. 38.

32 Richard Brabin Smith, ‘Maintaining a Capability Edge’, in P. J. Dean, S. Frühling and B Taylor (eds), *After American Primacy: Imagining the Future of Australia’s Defence* (Carlton, Vic.: Melbourne University Press, 2019), p. 47.

33 Australian Department of Defence, ‘Army Delivers Final Component of Plan Beersheba’, Defence News, 28 October 2017, <[news.defence.gov.au/media/media-releases/army-delivers-final-component-plan-beersheba](http://news.defence.gov.au/media/media-releases/army-delivers-final-component-plan-beersheba)>

34 Stephan Frühling, ‘The Defence of Australia: From Lucky Country to Uncomfortable Normality’, in P. J. Dean, S. Frühling and B. Taylor (eds), *After American Primacy: Imagining the Future of Australia’s Defence* (Carlton, Vic.: Melbourne University Press, 2019), p. 19.

35 Malcolm Davis, ‘Australia’s Navy Is Undergunned for Denying Long-Range Attackers’, *The Strategist*, Australian Strategic Policy Institute, 11 October 2019.



## Maritime Strategy and Contemporary Security Challenges

Much of conventional strategic thinking positions China as a threat to the defence of Australia. Hugh White's recent contribution, *How to Defend Australia*, is critical of Australia's reliance on the United States in the context of a changing order:

our political leaders and policymakers have more frankly acknowledged both China's ambitions and America's uncertain response, and the need for Australia to do something about it. But the consensus response has been to double down on our support for, and dependence on, America.<sup>36</sup>

Essentially employing an updated Defence of Australia (DoA) policy, White suggests that Australia needs to invest much more in defence—including significant spends on naval procurements such as submarines—in order to become self-reliant. This 'plan B' remains tied to a sea denial approach to maritime strategy, however there are other challenges that threaten Australian maritime security as it is broadly conceived.

Conventional thinking of maritime security account less for new non-conventional security challenges. Much of the contemporary concern with the PRC's actions in the South China Sea, for example, is over the use of 'grey zone' tactics: operations short of war that employ non-naval vessels to intimidate and harass other maritime actors. These tactics are aimed at preventing smaller Southeast Asian states accessing and exploiting maritime resources, such as fish, oil and gas, that they are entitled to under international law. These are not abstract concerns for Australia. Joanna Vince, for example, has written about IUU fishing activities in the region, stating that in 2005 alone, 13,018 illegal fishing vessels were sighted in the northern part of Australia's Fishing Zone (AFZ), with only 600 apprehended.<sup>37</sup> Jade Lindley, Sarah Percy and Erika Techera demonstrate in the Australian context how illegal fishing activities overlaps with other non-conventional security threats, including drug and human trafficking, piracy and irregular maritime arrivals.<sup>38</sup> These issues should be integral to an Australian maritime security strategy, particularly as UNCLOS—which provides these entitlements—is coming under challenge in other areas.

As Sarah Percy convincingly argues, the deep focus of defence thinkers on conventional war in Asia "assumes that the threats Australia faces are primarily conventional in nature ... [yet] the vast majority of day-to-day activity by Australia's military, particularly the navy, focuses on unconventional threats".<sup>39</sup> This is a key problem with a maritime strategy that is primarily engaged with sea denial. Non-traditional maritime security threats encompass a range of different areas: transitional crime, such as the importation of illegal substances via seaborne vessels; environmental and climate change dilemmas, including effects of rising sea levels on international legal entitlements; maritime piracy;

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36 Hugh White, *How to Defend Australia* (Melbourne: La Trobe University Press, 2019).

37 Joanna Vince, 'Policy Responses to IUU Fishing in Northern Australian Waters', *Ocean and Coastal Management*, vol. 50 (2007), p. 685.

38 Jade Lindley, Sarah Percy and Erika Techera, 'Illegal Fishing and Australian Security', *Australian Journal of International Affairs*, vol. 73, issue 1 (2019), pp. 82-99.

39 Sarah Percy, 'A World Transformed: A Need for New Defence Approaches?', in P. J. Dean, S. Frühling and B Taylor (eds), *After American Primacy: Imagining the Future of Australia's Defence* (Carlton, Vic.: Melbourne University Press, 2019), p. 213.

IUU fishing; emergent, technological developments; and the growing importance of deep seabed mining. The challenges to UNCLOS in the South China Sea, for example, have potential implications for the application of international law in other domains, such as the Indian and Southern Oceans. Domestically, the 2019-2020 bushfire season raised new questions about the contemporary nature of ‘threats’ and whether climate change should be considered a security issue. If so, to what extent does or should the military – including the navy – have responsibilities to protect communities and how should scarce resources be allocated and deployed? Several naval vessels – including HMAS Choules and MV Sycamore – as well as RAN helicopters, were used to rescue people stranded on the beaches of Australia’s southeast coast and to support firefighting crews on the ground. This highlights the challenges in developing a twenty-first-century maritime strategy fit for a middle-sized power that can address the full complement of traditional and non-traditional security threats.

Contemporary maritime challenges also provide opportunities for cooperation with regional states.<sup>52</sup> Australia could take the lead on coordinating instruments that could work on developing collective interpretation of specific laws among ‘like-minded’ regional states, conducting joint patrols in contested areas, and concentrating on capacity building and partnerships, particularly in areas like fishing and maritime domain awareness. Indeed, over recent years, foreign and defence policy initiatives have emerged to address regional maritime security issues. These speak to the importance of the maritime domain in Australia’s international affairs, but they also reflect the ongoing significance of sub-regions within the overarching Indo-Pacific construct. These include Australia’s Pacific Maritime Security Program (PMSP), which emphasises regional cooperation to support the stability and security of the South West Pacific. In 2017, the Australian Government initiated the PMSP, a \$2 billion commitment over 30 years to provide twenty-one Guardian class patrol vessels to assist Pacific Island states to protect their sovereign rights and maritime security. The program also includes Integrated Aerial Surveillance, training and advisory support, and regional coordination efforts.<sup>41</sup> It succeeded the Pacific Patrol Boats Program that was implemented in the 1980s following the establishment of EEZs of Pacific Island states, which presented new maritime security requirements for the region. The focus of the new program is largely on non-traditional threats, particularly IUU fishing, but it also accords with Australia’s Pacific step-up program which has been implemented in response to China’s growing influence in the region. In 2010, for example, it was reported that the Pacific loses around A\$1.7 billion a year worth of fish due to IUU fishing.<sup>42</sup> Fishing is a significant industry and source of food security for Pacific Island societies, which also renders it an area of vulnerability.

Arguably the most significant undertaking as part of Australia Indo-Pacific concept has been the Indo-Pacific Endeavour (IPE), a defence diplomacy initiative. Beginning in 2017, the defence activity has seen a joint task force command a naval flotilla that has travelled each year to selected partner states in the Indo-Pacific for several months to conduct security cooperation activities. The first (2017) and third (2019) centred largely

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52 Ibid.

41 Australian Department of Defence, *Annual Report 2017-2018* (Canberra: Commonwealth of Australia, 2018). <[www.defence.gov.au/annualreports/17-18/Features/Maritime.asp](http://www.defence.gov.au/annualreports/17-18/Features/Maritime.asp)>

42 Linda McCann, *The Future of Australia’s Pacific Patrol Boat Program: The Pacific Maritime Security Program*, (Canberra: Centre for Defence and Strategic Studies, 2013).

upon Southeast Asia, including transit through the South China Sea, while the second (2018) travelled to the South Pacific. In 2019, US Marine Rotational Forces stationed at the Darwin base joined HMAS *Canberra* for part of the transit. Australian Defence Personnel worked alongside “partner security forces to support the development of regional maritime security capacity” and “rules-based global security”.<sup>43</sup> The IPE has focused on military-to-military and governmental relations, grassroots engagement and public diplomacy, presenting Australia as a ‘partner of choice’ in the region. It is concerned with upholding maritime rules, including the ‘rules of the road’, more formally known as the International Regulations for Preventing Collisions at Sea (COLREGs). As the heart of Australia’s Indo-Pacific strategy, it highlights the importance of the maritime domain for Australia’s sense of regional order, and Australia’s efforts to defend the rules-based status quo.

While the Indo-Pacific is a maritime concept, it is not a maritime strategy. It does not reveal much about which maritime theatres Australia is likely to prioritise, how this feeds into the balance between DoA and forward defence objectives (including defending a favourable international order), or the specific choices that Australia must make about how to deploy its naval assets. Australia’s announcement of its limited contribution (one frigate and a P-8A Poseidon) to the US-led ‘International Maritime Security Construct’ operating in the Strait of Hormuz is a pertinent example. This mission purports to defend freedom of navigation in the Gulf region. According to Australia’s Prime Minister, 15 per cent of crude oil and 30 per cent of refined oil destined for Australia transits the Strait, which means “destabilising behaviour is a threat” to Australian interests.<sup>44</sup> This issue is reflective of Australia’s broader issues with fuel supplies. A Department of Environment and Energy report recently revealed that Australia had net fuel imports in reserve of fifty-three days, far less than the International Energy Agency (IEA) obligations of ninety days.<sup>45</sup> It also demonstrated that while Australia’s biggest sources of refined products are Korea, Singapore, Japan, Malaysia and China, these states rely heavily on oil from the Middle East. Yet, the only other states to join the United States is the United Kingdom (who originally supported Gibraltar in the seizure of an Iranian tanker believed to be headed towards Syria) and Bahrain. How does this fit operations with Australia’s Indo-Pacific emphasis? The Strait of Hormuz does not fall within Australian and US conceptions of the boundaries of the Indo-Pacific, essentially framed as ‘Hollywood to Bollywood’, or ‘Asia-Pacific plus India’. Some strategists have criticised the operation as being beyond Australia’s Indo-Pacific strategic purview. It should instead be scaling back its commitments in the Middle East and focusing on the Indo-Pacific as America’s regional edge is in decline and has it “ill-prepared for a confrontation with China”.<sup>46</sup> What it does highlight is Australia’s preparedness to conduct operations in support of alliance burden sharing *outside* the

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43 Australian Department of Defence, *Annual Report 2017-2018*, p. 20.

44 Sarah Martin and Ben Doherty, ‘Australia to Join US Military Effort to Protect Shipping in the Strait of Hormuz’, *The Guardian*, 21 August 2019, <[www.theguardian.com/australia-news/2019/aug/21/australia-to-join-us-led-defence-effort-to-protect-shipping-in-the-strait-of-hormuz](http://www.theguardian.com/australia-news/2019/aug/21/australia-to-join-us-led-defence-effort-to-protect-shipping-in-the-strait-of-hormuz)>

45 Andrew Robertson, ‘Australia’s Fuel Supplies Vulnerable if Middle East Conflict Cuts Supply’, *ABC News*, 19 September 2019, <[www.abc.net.au/news/2019-09-19/australia-remains-vulnerable-to-running-out-of-fuel/11527492](http://www.abc.net.au/news/2019-09-19/australia-remains-vulnerable-to-running-out-of-fuel/11527492)>

46 Lisa Murray, ‘Australia Exposed as US Defence Strategy in Crisis: New Report’, *Australian Financial Review*, 19 August 2019, <[www.afr.com/policy/foreign-affairs/australia-exposed-as-us-defence-strategy-in-crisis-new-report-20190815-p52hfk](http://www.afr.com/policy/foreign-affairs/australia-exposed-as-us-defence-strategy-in-crisis-new-report-20190815-p52hfk)>

Indo-Pacific, but not always *within* it. Compare this example with Australia's reluctance to conduct Freedom of Navigation Operations (FONOPs) within 12 nautical miles of Chinese claimed features in the South China Sea. This reticence is at least partly driven by an unwillingness to risk Beijing's disapprobation. Yet, these challenges to freedom of navigation, and to the rules protecting and the rights of smaller states, are critical drivers of the increasingly contested character of the Indo-Pacific.

Evans and Biddington emphasise the need for a maritime strategy narrative.<sup>47</sup> Indeed, central to Australian defence and foreign policy discourse over recent years has been the 'rules-based order', a term employed fifty-six times in the 2016 Defence White Paper. This rhetorical commitment to the 'rules-based order' serves as a proxy for a US-led order.<sup>48</sup> Yet, even if the meaning of the phrase is accepted on face value, Australia's own compliance with maritime law has been questioned in a number of settings, undermining its legitimacy as a defender of the UNCLOS-led maritime rules-based order. One of the most visible examples of Australia's *realpolitik* approach to international law of the sea was its maritime boundary with Timor-Leste in the Timor Sea. Ultimately, public pressure coupled with Canberra's own rules-based rhetoric—specifically its criticisms of the PRC's rejection of the 2016 arbitral tribunal ruling in the case against the Philippines—led Australia to alter nearly five decades of foreign policy on the Timor Sea. There are other examples: following the September 11 terrorist attacks, the Howard government announced a controversial 'Maritime Identification Zone' extending up to 1,000 nautical miles from Australia's coastline, in which the government would institute a 'surveillance or interception zone' that would run into the maritime zones of its neighbours.<sup>49</sup> The proposal raised compliance issues with law of the sea, and despite adjusting the policy after complaints, the replacement 'Australian Maritime Identification System' (AMIS) was also problematic in terms of legal consistency and its own attempts to limit the freedom of navigation of other states.<sup>50</sup> Australia's compulsory pilotage system over the Torres Strait in 2005 also raised questions about Australia's compliance with international law.<sup>51</sup> Given these issues with interpretation of law and potentially excessive maritime claims across a number of fronts, developing an Australian maritime strategy narrative requires more than a rhetorical appeal to the rules; it requires a deeper commitment to the international laws and conventions that underpin maritime order. A coherent, whole of government maritime strategy must connect the rhetoric with operations, policies, behaviours and relations.

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47 Michael Evans, 'Maritime Strategy and Australia's Future in an Asia-Pacific Century', *United Service*, vol. 68, no. 1 (2017); Biddington, *Girt by Sea*.

48 Nick Bisley and Benjamin Schreer, 'Australia and the Rules-Based Order in Asia', *Asian Survey*, vol. 58, no. 2 (March/April 2018), pp. 302-19.

49 Rothwell and Moore, 'Australia's Traditional Maritime Security Concerns', p. 43.

50 Natalie Klein, 'Legal Limitations on Ensuring Australia's Maritime Security', *Melbourne Journal of International Law*, vol. 7 (2006), pp. 306-38.

51 Rothwell and Moore, 'Australia's Traditional Maritime Security Concerns', p. 45.

## Conclusion

In Australia, maritime security is typically enmeshed within broader conversations about defence and security interests. It is suggestive of the physical and geographical realities that as an island continent ‘girt by sea’, reliant on sea-borne trade and faraway great and powerful friends, the maritime cannot easily be bracketed out from broader defence interests and objectives. One interpretation for Australia’s approach to maritime strategic thinking is that the naval dominance of Britain and the United States in the nineteenth and twentieth centuries led to a “two century long adolescence in appreciating the significance of the ocean in strategy”.<sup>52</sup> Yet, an approach that privileges the continental over maritime defence diminishes the importance of developing a coherent strategy to protect against the broad range of maritime security challenges Australia, as a middle-sized Indo-Pacific country, faces.

Australia has a military strategy with maritime dimensions. In an age where great power rivalry, and challenges to regional stability and rules in the maritime domain are contributing to a rapidly transforming regional security order, it is time for Australia develop a standalone maritime strategy. A national maritime strategy requires not just defending territory, but recognising the broad sweep of Australia’s maritime security interests, and building on opportunities for regional partnerships and cooperation in the maritime domain. Further, it requires adopting a more flexible and independent stance that befits its status as a ‘regional power’. Currently, Australia’s ‘rules-based order’ rhetoric is more about power than rules, as it serves as a proxy for its desire to uphold the US-led ‘status quo’. However, there already is a new status quo in Asia, and it is defined by dynamism, uncertainty and revisionism, particularly in the maritime domain, and the decline of US power. This is not a security environment that is viewed as amenable to Australian interests, so it is understandable that policymakers remain bent on defending the dying vestiges of an outmoded order. Nevertheless, that the maritime domain is frontline of the revision of rules raises new dilemmas for regional states and presents new challenges for foreign and defence policy. How should Australia apply bigger questions about Asia’s power shift to the maritime domain? Should it, for example, double-down on the existing maritime ‘rules-based order’, or accommodate the great power prerogatives of rising powers in developing new norms, rules and patterns of behaviour? Given UNCLOS provides Australia such vast marine entitlements, maritime strategic thinking requires grappling with how regional, middle-sized states can employ all elements of statecraft to defend maritime order and the international law that supports it. Further, maritime strategy encompasses more than sea denial and continentalist thinking: it requires a systemic, whole of government approach to the full range of traditional and non-traditional security threats that emanate in and from the seas.

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<sup>52</sup> Evans, ‘Maritime Strategy and Australia’s Future’, p. 21.