

## **SPEECH COVER SHEET**

**Rear Admiral Peter Laver**

**Commander Maritime Border Command**

**Event:** International Maritime Conference Galle Dialogue 2016:  
*Maritime partnerships and the critical importance of developing interoperability*

**Date:** 29 November 2016

**Location:** Galle Face Hotel, Colombo, Sri Lanka

[slide 1]

**Maritime partnerships and the critical importance of developing interoperability,  
RADM Peter Laver, RAN (COMMBC)**

**[slide 2] Australia's strategic context**

Australia is the largest island nation, with a coastline of more than 32,000 nautical miles. Our maritime tradition is evident in the nature of our trade, our livelihood and in the way we communicate with the world.

- Ten per cent of the world's sea trade passes through Australian ports; indeed, our shipping task is the fifth largest in the world.
- We rely on the sea for 99 per cent of our exports—and for a substantial proportion of our domestic freight.
- And 95 per cent of our communication comes by undersea cable—not by satellite.

While it may be difficult to fathom how a relatively small nation such Australia could play such a significant role in global shipping, it is put in context somewhat when you consider our significant raw commodities, major offshore oil and gas industries and lengthy coast line.

**[slide 3]**

Australia also has maritime responsibility for an area of the world's oceans twice the size of our vast landmass. I assure you that no-one is more acutely aware of this than I am, as the Commander of Australia's lead civil maritime security authority!

But we understand that this environment is shared—a global common where we all share responsibilities. And that is why cooperation in this environment is essential.

**[slide 4]****Maritime security in the Indo Pacific**

More than ever, the maritime security situation in our own Indo Pacific region is drawing global attention—for a few reasons.

Firstly, hijackings and maritime robbery in South East Asia remain a growing problem— with a trend toward armed attacks and the hijacking of small coastal tankers. Piracy and sea robbery continue to pose serious challenges for maritime law enforcement in the region. But the region's complex maritime boundaries and our shared interest in the safety of shipping ultimately point to cooperation as the key enabler in our fight against maritime crime. Trade is the basis for global prosperity and it is in our shared interests to protect its unhindered passage.

Secondly, the region is drawing greater global attention for its growing potential for miscalculation. While Australia does not take sides on competing territorial claims in the South China Sea, we *do* have a vested interest in regional peace and stability, respect for international law, unimpeded trade, and freedom of navigation and overflight in the South China Sea.

Indeed, part of Australia's longstanding contribution to regional security has included a robust program of international engagement with countries in and around the South China Sea. The Royal Australian Navy is therefore heavily engaged in regional bilateral and multilateral military exercises, port visits, maritime surveillance operations and ship transits in support of furthering regional stability.

Thirdly, at the same time as the legitimate use of the maritime domain grows, so does its illegitimate or illegal use. Australia's security and border control mechanisms are being challenged at present by the flow of narcotics and chemical precursors into and out of our east and west coast using the same

shipping channels as legitimate trade movements. In a similar vein, the illegal movement of people that exists under the various labels of people smuggling, human trafficking, indentured servitude and irregular migration is an activity that devalues human life in the search for criminal profits.

Transnational criminal syndicates transcend national boundaries to exploit poor governance in a search for profit. In seeking to differentiate the illegal from the legitimate, we are reliant upon international cooperation. Bi-lateral and multi-lateral arrangements must be established, or strengthened where it already exists, if we are to harness our collective resources in addressing these threats.

The final security concern I will highlight today is that of shared environmental security challenges. Some of these include resources security, rising sea levels – specially the potential displacement of affected populations – and of course the environmental impacts on shipping. Illegal, unreported and unregulated fishing in the Pacific, Indian and Southern Oceans has become an extension of the globalisation of markets, but compromises the long term sustainability of fish stocks that many people and countries in our region rely upon for their individual and collective livelihood and economic survival. As with transnational crime, our response to these challenges must be cooperative and collaborative. There is no other way to effectively deal with these shared challenges.

Each of these security challenges is relevant in the context of my presentation today, because they each underscore the *shared* nature of maritime security. No single state is responsible for the security of our maritime commons, and a deteriorating maritime security environment is very clearly a collective concern.

If we do not provide security of the seas no one else can, or will, do so.

Our increasingly shared security concerns means no nation can expect nor afford to act alone in assuring security and stability. We must look to those things that unite us, rather than to those things that differentiate us, as we work together to advance good order and observance of legal norms at sea.

Together with bilateral exercises and operations, our maritime security architecture is shaped and reinforced by regional maritime forums which build cooperation and agreement, security and stability.

Each nation represented here today is demonstrating a commitment to *Fostering Strategic Maritime Partnerships*—and this in practice must lead to a greater commitment by each of us to seek and exploit opportunities to engage, to collaborate and to improve our ability to work together.

And this extends beyond our navies—it includes coastguards, civil maritime security agencies, law enforcement and information-sharing organisations to name but a few.

**[slide 5]**

**Common security interests and cooperation**

Australia recognises the *responsibility* we have to *contribute* to the global commons.

I know that the countries represented here today share common interests in the maintenance of an international system based on the rule of law, supported by dialogue and cooperation, and a transparent approach to strategic interests—particularly in the maritime domain.

With ever-increasing regional and global interdependence, no country can act alone to solve the challenges to security—either across each others regions or globally. The concept of working together to provide good order at sea and protection is not new. But cooperation increasingly is becoming our normal mode of operation.

It means that strategic dialogues—including the Western Pacific Naval Symposium, Indian Ocean Naval Symposium and the ASEAN Defence Ministers Meeting - Plus Experts' Working Group on Maritime Security are critical to ensuring we remain engaged and supportive in addressing our collective maritime security concerns.

**[slide 6]**

**Australia's Defence White Paper**

Australia's own commitment to promoting greater engagement and collaboration with our international partners is reflected in our most recent Defence White Paper, released by the Australian Government earlier this year.

The White Paper has set the basis for how the Australian Defence Force will develop, including the capacity to provide a greater Humanitarian Assistance / Disaster Relief capability to our region, to engage more frequently and on a larger scale in international military exercises, and to extend the range and frequency of our international engagement.

Australia's Defence international engagement is an important part of the Government's approach to building international partnerships, which also includes trade, diplomacy, foreign aid and economic capacity building in a range of government and non-government sectors. As part of this, the Australian Defence Force will increase investment in international engagement over the next 20 years to help reduce the risk of military confrontation, build interoperability with key partners and improve the coordination of responses to shared international challenges, including terrorism and humanitarian assistance and disaster relief.

This means that the Australian Defence Force will participate more regularly in multinational exercises—and will make more effective and meaningful military contributions to strengthen our regional and international partnerships, and to meet shared security challenges.

**[slide 7]**

### **Maritime security through partnership**

Maritime cooperation is indispensable. And it must be practiced frequently and routinely for it to be refined and enhanced. The habits of cooperation are developed over many years—it's time that builds relationships and trust, which in turn enables more rapid and effective cooperation.

Australia and our Navy is committed to these multinational maritime arrangements and to every other opportunity we have for cooperation. Our obligation is to ensure that we advance our work together to maintain good order and justice at sea.

Building mutual confidence through transparent and predictable maritime arrangements helps to overcome the risk of miscommunication and miscalculation.

The Australian Navy is committed in the years and decades ahead to working ever more closely with other navies as we collectively provide maritime security for the people of our region and the globe.

We will achieve this through our guardianship of our seas and their vital resources—and the protection of the mariners who use the global commons for lawful trade.

We have opportunities to build the habits of cooperation through routine activities, not just when emergencies occur.

This next decade presents us all with expanded opportunities for building capability in partnership with others. Technology enables us to be interoperable as never before.

In practical terms, we must seek every opportunity to exercise and work cooperatively at sea. We must take advantage of every chance to prepare collectively for the challenges that might confront us in the years and decades ahead.

The choice to cooperate and to collaborate - to collectively and consistently maintain good order at sea - is a choice to preserve and promote the security and prosperity of all nations.

### [Slide 8]

#### **Southern Ocean Illegal Fishing**

As this presentation concludes I will briefly discuss an issue concerning Australian involvement in dealing with two regional civil maritime security incidents which highlight the importance of both inter-agency and regional cooperation in response to civil maritime security threats. This group of fishing vessels operated under the direction of a criminal syndicate in Europe to conduct illegal southern ocean fishing until last year. While their activities were known, interdiction while in Australian southern ocean waters had proved to be problematic because of the distances involved. MBC adopted a different strategy in response, in concert with AFMA and regional partners.

#### **KUNLUN**

- On 26 February 2015, the ABFC *Triton* boarded and searched the IUU fishing vessel *Kunlun* west of the Cocos (Keeling) Islands in order to verify the vessel's flag state. The *Kunlun* was boarded under section 21 of the *Maritime Powers Act* and consistent with Article 110 of the United Nations Convention on the Law of the Sea.
- Information gathered in the course of the boarding was used by AFMA to request RPOA countries inspect and investigate the *Kunlun* if it entered port.
- Following its arrival in March 2015, Thai officials in Phuket detained the *Kunlun* after it attempted to enter port under the name *Taishan*. The vessel was detained with 182 tons of fish cargo with an estimated worth of over AUD \$ 4 million dollars. Investigations were commenced at the time by Thai authorities.
- On 8 September 2015, the *Kunlun* departed the port of Phuket without authorisation of Thai authorities with 182 tonnes of toothfish on board.
- In January 2016 the *Kunlun* was located in Dakar, Senegal, and is currently under detention while local and international officials conduct

investigations into the vessel. The vessel has been renamed the *Asian Warrior* and is flagged to Saint Vincent and the Grenadines.

### **PERLON**

- On 22 April 2015, the Australian Border Force Cutter (ABFC) *Triton* boarded and searched the IUU fishing vessel *Perlon* 1900nm west of the Cocos (Keeling) Islands (2900nm from the Australian mainland) in order to verify the vessel's flag state. The *Perlon* was boarded under section 21 of the *Maritime Powers Act* and consistent with Article 110 of the United Nations Convention on the Law of the Sea.
- The information gathered in the course of the boarding was referred to AFMA for further investigation. This information was able to be shared with RPOA nations in an effort to deny port access to this vessel and where possible, detain and prosecute those involved in its operations.
- On 9 May 2015, the Malaysian Maritime Enforcement Agency (MMEA) detained the *Perlon* as it sought to offload its catch near Pulau Lima, in the south-east of the Malaysian peninsular. Officers from AFMA assisted Malaysian authorities in the investigation of the catch and documents found on the *Perlon*.
- On 5 August 2015, Malaysia confirmed that the prosecution of the IUU fishing vessel *Perlon* for offences under section 15 of the *Malaysian Fisheries Act* was successful. The Malaysian court fined the master and the crew approximately AUD \$600,000 and ordered forfeiture of the catch valued at approximately AUD \$1.8 million.

### **VIKING**

- The IUU vessel VIKING was boarded by the ABF on 25 September 2015 for the purposes of conducting a Flag State Verification. The vessel was detected as a result of its AIS transmissions, and was boarded 270nm north-west of Christmas Island.
- VIKING is also one of the six IUU vessels known to operate in the Southern Ocean areas to the south of Australia and the Indian Ocean and are listed on the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Non-Contracting Party IUU Vessel List. In April 2015, the master of the VIKING was found guilty of fisheries charges in Malaysia.
- VIKING was apprehended by Indonesia authorities and was sunk in March 2016.

### **Other vessels part of "Bandit Six" IUU Vessels:**

Thunder – Nigerian flagged – pursued by Sea Sheppard Conservation Society (SSCS) from Southern Ocean to West Africa – scuttled off the coast of Sao Tome and Principe

SONGHUA – Equatorial Guinea flagged – Sighted by SSCS in Cape Verde –  
Detained under INTERPOL Direction

YONGDING – Equatorial Guinea flagged – Sighted by SSCS in Cape Verde –  
Detained under INTERPOL Direction

The syndicate leaders have also been detained and are standing trial in Europe.

### **[Slide 9] – Interoperability**

Interoperability - A multi-faceted concept and one that can be implemented in a scalable fashion given the circumstances. Interoperability at any level is the essence of cooperation between partners to achieve common interests.

I will now show a video of the recent ADF Operation Fiji assist.