

# **Maritime Security Concerns and the Future Role of the Sri Lanka Coast Guard**

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## **Introduction**

We as a nation made history following the defeat of terrorism in year 2009. The victory not only marked a military success but paved way for laying a strong foundation for the future of the country. Achieving much needed development goals topped the agenda apart from many other concerns. The rapid development and projects that are ongoing at present is a direct result of the peaceful environment that has been prevailing in the past three years.

Our history bears evidence for the rich maritime heritage and the strong naval capabilities that we had. Invasion of Burma by King Parakramabahu-1 in the 12<sup>th</sup> Century is a classic example to prove this fact. Throughout its history we have been strongly linked to seas around us for security, commerce and resources. To sustain what we have achieved in the aftermath of 2009, protecting our maritime domain from unlawful intrusions and safeguarding the sovereignty remain crucial in the road towards achieving sustainable development.

Our assurance to protect the safe passage of cargo and personnel on our waters and assist those in distress can be sighted as our basic responsibility. Apart from this, protecting our maritime resources and preventing unlawful elements use our oceans in the present scenario will have a significant impact on the future generation too.

In this context, the recently established Sri Lanka Coast Guard (SLCG) can be of great support with the expected future expansions of the organization to execute its duties as a leading Maritime Law Enforcement (MLE) organization. With the eradication of terrorism, we have started to witness new trends and emerging new challenges in our maritime environment which require a different approach that aim at sustainable governance of maritime resources. Being a non-military entity, SLCG like any other Coast Guard in the world can play a huge role in time to come with the close coordination of various entities that are knitted with maritime concerns.

Very much similar to the task that the Police perform, SLCG has been vested with many powers through its Act No. 41 of 2009 to effect MLE role in our seas. The lifting of *Emergency Law* in August last year and relaxation of certain regulations for fishing opened up avenues for broader law enforcement on land as well as out at sea. In a context of this nature, SLCG as a MLE agency will remain as a vital link. Even though the SLCG is yet in the growing stage, it aims at developing into a formidable body which is capable of contributing to the protection of the maritime security, maritime safety, marine resources and much importantly towards protecting national interests.

## The Importance of Maritime Security

‘Maritime Security’ concerns marine assets, various maritime practices that are involved, territorial integrity and law and order in the maritime domain. In general, many countries view ‘maritime security’ as a defence concept. Apart from viewing this as a defence concept only, there is a much needed requirement to combine this with the concept of effective management of ocean’s environment and resources using the capabilities that are used for the defence of the country.

‘Maritime Security’ plays a key role mainly because it remains as a key component of the national security at large. Maritime security assists in providing a stable and a peaceful socio-political and administrative background in the country to foster sustained profitability and growth for maritime industries. It also covers the aspects of protecting and defending the integrity of the country’s marine resources and also ensures preparedness for an effective response to natural disasters as well as man-made disasters.

The UN Convention on the Law of the Sea (UNCLOS) highlights the following salient aspects related to maritime security:

- a. Military Dimension
- b. Environmental Dimension
- c. Food Dimension

The military dimension of maritime security component is specifically designed to enhance, conserve and protect territorial integrity and coastal peace and order. Basic components of maritime security which are covered both by UNCLOS and various other International Agreements pay special attention to the following aspects:

- a. Monitoring innocent passages through our waters.
- b. Activities in our EEZ.
- c. Monitoring and enforcement of environmental laws, rules and regulations.
- d. Concern on food security laws, rules and regulations along with fishing incursions by foreign ships in EEZ.

Apart from this, the *environmental dimension* covers the policies on the preservation and protection of the marine environment so as to protect, conserve and enhance the country’s marine assets and the *food dimension* on maritime security refers to those policies which serve to protect, conserve and enhance the country’s marine assets.

The oceans much of which are global commons under no State's jurisdiction, offer all nations even landlocked States a network of sea-lanes or highways that is of enormous importance to their security and prosperity. They are likewise a source of food, mineral resources and recreation, and they support commerce among nations. They also act as both a barrier to and a conduit for threats to the security of people everywhere. Like all other countries, Sri Lanka is highly dependent on the oceans for its security and the economic prosperity.

In today's economy, the oceans have increased importance allowing all countries to participate in the global marketplace. More than 80 percent of the world's trade travels by water and forges a global maritime link. About half the world's trade by value and 90 percent of the general cargo are transported in containers. Shipping is the heart of the global economy, but it is vulnerable to threats of various magnitudes and shapes.

Spread across Asia, North America, and Europe are 30 mega ports/cities that constitute the world's primary interdependent trading web. Through a handful of international straits and canals pass 75% of the world's maritime trade and half its daily oil consumption. International commerce is at risk in the major trading hubs as well as at a handful of strategic chokepoints.

The importance of having a safer maritime environment is crucial to an Island nation like Sri Lanka. When our seas were threatened by maritime terrorism, we experienced unprecedented number of challenges in the maritime environment. Apart from Sri Lanka Navy's successful operations, the dynamic changing nature of the maritime warfare led to the questioning of the security of Indian Ocean region. Confrontations out at sea with LTTE made our economic hubs vulnerable and in this setting, safeguarding the ports emerged as a top priority.

SLN played a pivotal role in protecting vital harbours and keeping the Sea Lines of Communication (SLOC) intact. Concerns of the International Community as well as many shipping agents were high regarding the security aspects of the ports as well as the seas around the country. As a result of this development, a war risk-related insurance premium was introduced.

## **The Changing Nature of Maritime Security and SLCG**

Not having a visible enemy out at sea does not in any way mean our seas are safe. Even though we have no enemy out at sea to challenge the territorial integrity and sovereignty, we should never confine ourselves to a mindset that maritime terrorism as the only major threat when we discuss maritime security. In the present context, we need to look beyond terrorism, armed robbery or even piracy. In this background, certain issues that are either less visible or less important in the maritime domain has a higher probability of evolving into a greater maritime threat/disaster. An oil spill from a ship that's closer to our shores can create a huge security impact if not contained professionally and timely.

On the same note, a ship that has already entered into our ports/maritime zones can be practicing various illegal activities endangering our marine environment. Even though we paid less attention to events of above nature during the time of conflict, they are fast taking different shapes and emerging as challenges/threats. Impact of such events can have devastating impacts both long term and short term.

Such threats or challenges take various forms and need to be handled effectively if we are to avoid further propagation which can lead to a dangerous situation. In a rapidly changing scenario, the following areas can be identified as threats/challenges that we face today in our maritime domain:

- a. Human smuggling.
- b. Poaching in Sri Lankan waters.
- c. Marine pollution.
- d. Drug trafficking.
- e. Protection of marine species and environment.
- f. Safety considerations of marine transportation (local as well as international vessels).
- g. Search and Rescue missions.
- h. Law enforcement out at sea.
- j. Oil/chemical spills.

Geopolitical realities, economic globalization, shifting demographics, technological changes, finite resources and fragile environments are dramatically affecting maritime interests. Oceans and waterways, in addition to carrying trade vital for the economy, will continue to act as conduits for transnational issues such as pollution, overfishing, illegal immigration, drug smuggling, terrorism, and proliferation. Moreover, growing foreign economic links will further increase the volume and value of waterborne trade as well as challenges to maritime security.

The maritime domain today is shaped by changes that are powering its yield and usefulness but also increasing its complication and susceptibility. The challenges and threats that we see in the maritime domain due to the changing nature have increased the complexity and vulnerability on the other hand. While many factors influence Sri Lanka's maritime interests, those challenges which are shaping the strategic direction of the SLCG as well as that of our country can be summarized as follows;

#### ***Use of the Sri Lankan Exclusive Economic Zone (EEZ)***

The area enclosed by the EEZ is reported as 517,400 sq. km, which is 7.8 times the land area and is more than Japan (480 500 km<sup>2</sup>), Malaysia(475 600 km<sup>2</sup>), Myanmar (509 000 km<sup>2</sup>) or Namibia (500 000 km<sup>2</sup>).The EEZ is likely to expand further with the delimitation of the outer edge of the continental margin of the country, which would permit Sri Lanka to own an EEZ equivalent to 23 times (approximately 1,400,000 square km) the land mass.

Use of our EEZ is growing rapidly in areas such as maritime trade, tourism, fishing and energy development. Advances in technology and changing environmental conditions are expanding the use of the *Outer Continental Shelf* and other maritime regions to meet growing demands for commerce, energy, food, resources, and recreation. Growth in activity has increased risks to mariners, communities and ecosystems, and challenges traditional legal regimes and capabilities for governing the maritime domain. These activities have made our EEZ increasingly complex as well as vulnerable.

### ***Progression of the Global Maritime Logistic Network***

Globalization has transformed maritime trade into the key link in the global supply chain that connects a worldwide network of interdependent economies. But as maritime trade has grown in global importance, its system of sea routes and ports has become increasingly vulnerable to disruption.

Maritime transport handles over 80 per cent of the volume of global trade and accounts for over 70 per cent of its value. Since 1970, global seaborne trade has expanded on average by 3.1 per cent every year, reaching an estimated 8.4 billion tons in 2010. At this pace, and assuming no major upheaval in the world economy, global seaborne trade is expected to increase by 36 per cent in 2020 and to double by 2033.

As our ports are being visited by a large number of ships, their adherence to internationally accepted standards, practices, compliance to Sri Lankan regulations and standards need to be checked. Substandard ships can cause great deal of damage to the marine environment as well as can pave avenues to illegal activities.

### ***The Emergence of Transnational Threats***

Many global maritime threats are largely attributed to non-State actors. They do not adhere to the much respected borders or regulations and are not military in nature. This fact itself provides them an opportunity to mix into the normal activities that take place in the maritime domain. Criminals have evolved over the years due to their fast learning and capability to adopt taking the vastness of the ocean and less surveillance in certain weak coastal States.

Even though we do not have a threat of terrorism, piracy or armed robbery to deal with at present, the other actors who are engaged in trafficking of drugs, migrants, and contrabands are becoming sophisticated and organized. Transnational criminals, pirates, and terrorists seek to exploit the complexity of the maritime domain and the vulnerabilities of the global supply system. Contraband smuggling and small vessel threats present a considerable risk. The illegal exploitation of the maritime environment and its resources also challenges the health and sustainability of the oceans.

### ***The Possibility for Disastrous Events***

Coastal regions and ports have become heavily developed and densely populated. Catastrophic incidents, whether caused by nature or by any other means, will have enormous consequences in coastal areas and can disrupt regional and global commerce. The 2004 Tsunami demonstrated the scale of such disasters.

The growing sizes of various cruise liners, tankers, cargo carriers further exemplify the broader challenges created by these vessels in the maritime industry. Some of the ocean liners are 18 decks high, span well over three football fields and have the ability to carry nearly 6000 personnel. A disaster on a vessel of this nature in our maritime jurisdiction will create a major tragedy.

For an example, an oil spill in the form of *Exxon Valdez*(1989, due to grounding in Alaska: spilled between 260,000 barrels to 750,000 barrels over an area of 28,000 sq Km) will have an enormous impact on the country as a whole as there are no organizations in our country at present which are capable of handling a major oil spill.

### ***Limited Governance of the Maritime Domain***

Sri Lanka will have the possibility of exercising certain sovereign rights over an approximate ocean area of 1,400,000 sq.km in the future. This will be an enormous area of ocean for our country to effectively monitor the safety of its users, securing of maritime boarders and protection of natural resources. When we consider the global situation, we can easily identify millions of square kilometers of ocean left without any jurisdiction.

Even though the borders of land and sea areas are well defined and monitored, maritime borders are generally provides less restrictions allowing free access without an effective mechanism for surveillance and proper investigation/inquiry. Due to the vastness of our EEZ, many vessels that travel thorough are gone unnoticed or unmonitored. Even though there are advanced technologies that support detections of larger vessels at considerable distances, many smaller vessels including fishing vessels largely remain anonymous. Limitations in visibility in the maritime domain create a challenging situation. Strong regulations and effective monitoring is a key aspect in this regard.

### **Future Role of SLCG**

As a recently formed Coast Guard, the future role in the maritime security aspect in the vast maritime domain can be seen as a subject area that is far from its reach. Yet, if we look at the multifaceted roles that are been performed by the Coast Guards around the world, it will be very clear that Coast Guards remain the leading MLE element which has been internationally accepted. The nature of the organization and its role in the form of constabulary nature further justify the very involvement of the Coast Guard element in the present maritime security concerns.

Towards becoming the leading MLE authority in the country, SLCG requires to study the developed Coast Guards in the region as well as around the world. Such studies have shown that the role played by these respective Coast Guards has rendered an enormous service in safe guarding the national interests in the face of rapidly changing maritime domain.

In this note, SLCG needs to be expanded to a formidable organization that has the capability to be a leading partner in the protection of our maritime environment. Apart from whatever the tasks that are being presently performed by the SLCG, the rapid changing nature of the maritime environment requires an organization such as the SLCG which is vested with a range of powers through its Act to look into the future. The future SLCG role can be narrowed down to the following main components apart from what SLCG performs at present:

### **Maritime Safety Role**

Protecting lives and safety of citizens remain the main concern of the SLCG. The future role of the SLCG will help the nation in minimizing damages to the property, maritime environment and importantly the economy of the country. Abiding by the Act, the following aspects remain crucial in the SLCG's move towards the future:

- Assist relevant authorities in ensuring safety of life and property at sea.
- Participate in search and rescue (SAR) operations in times of natural catastrophes and to assist in salvage operations in relation to vessels and other goods after such catastrophes and other accidents at sea.
- Disseminate information including warnings by radio or any other means in times of natural catastrophes.

### **Maritime Security Role**

Rendering assistance to maintain sovereign control over the sea is another important area of SLCG. As SLCG is not the only element in carrying out this task at present, effective future contribution will help safeguarding the much important national interests that are combined with our maritime domain. With the expected future expansion and capacity building efforts that are progressing now, SLCG will be able to effectively contribute in the following major security aspects:

- Prevent Illegal, Unreported and Unregulated fishing in the maritime zones and territorial waters of Sri Lanka.
- Protection of fishermen, including rendering assistance at sea.
- Assist Customs and other relevant authorities in combating anti-smuggling and anti-immigration operations.
- Initiate action to prevent and arrest piracy/armed robbery at sea.

- Co-operate with the law enforcement agencies and the armed forces by taking necessary actions for the suppression of destructive terrorist activities occurring in the maritime zones and the territorial waters of Sri Lanka.
- Prevent transboundary movement of narcotics, by sea.

### **Protection of Natural Resources**

Apart from many other aspects, one major component in achieving the sustainable development of our country will depend on the effective management of marine resources. The protection of maritime environment against pollution, environmental degradation, spread of various invasive species and illegal harvesting of marine resources will be some of the major roles that the SLCG will have to actively participate in the future.

The confirmation of the presence of hydrocarbon deposits in the Mannar basin and possible drilling of same in the future will add yet another component in this regard to SLCG's future role. The SLCG will require to carryout vigorous law enforcement against activities that are leading towards endangering ecosystems, marine species, over fishing, ocean pollution and the propagation of invasive species. The following are some of the main aspects in this regard:

- Assist in the preservation and protection of maritime and marine environment.
- Assist in the conservation of marine species.

### **Maritime Governance**

“Maritime Governance”(MG) is yet another important role the SLCG will have to perform in the future as a maritime law enforcement organization. MG involves the use of institutions, structures of authority, and sovereign capabilities to oversee maritime activities and safeguard national maritime interests. Maritime domain today has become more complex than ever before due to the interconnected interests and actions. Even though nations, industries, and various stakeholders work in coordination to ensure maritime safety and security, each coastal State requires addressing sovereign responsibilities under its own jurisdiction.

Recognizing evolving challenges and threats, SLCG requires shaping its future role with the aim of safeguarding the nation's interests. Effective positioning of MG will be one of the major future roles the SLCG needs to undertake along with other stakeholders. In this important future role, SLCG has to look into some of the key aspects of MG such as *maritime regimes, maritime domain awareness, and operational capabilities*.

*Regimes* are referred as certain systems of rules that are consistent with the established legal order. This includes international law, various agreements (regional, multinational, bilateral), domestic laws/regulations and standard practices/procedures. UNCLOS remain as



the foundation for these regimes while some regimes have evolved following a specific incident such as an oil spill. Some were created to guide the use of new technology.

Regimes have been mushrooming with almost every new component being introduced, and this particular ad hoc nature of regimes have led to failure of MG in the broader context. The SLCG requires ensuring that the existing regimes are strengthened and new aspects for required areas are formulated with the close coordination of other agencies and with other regional Coast Guards through an effective dialogue.

**Maritime Domain Awareness** is the understanding about the maritime sphere that could impact the security, safety, economy or marine environment of a country. SLCG requires having a broader awareness of the maritime domain in order to effectively participate in protecting the maritime interests. To improve awareness, development of present intelligence capabilities along with essences of integrated Command and Control components is necessary. In this aspect SLCG will work in close liaison with other partners including private stakeholders and regional Coast Guards. A fully-fledged Maritime Rescue Coordinating Centre (MRCC) remains an important element in this regard and SLCG is in the process of seeking assistance in this regard.

SLCG requires having **Operational Capabilities** to ensure the safety and security. With the expected future expansion of the organization in terms of Coast Guard bases and vessels, SLCG has the ability to create the much wanted presence in the maritime domain to deter illegal activities. With adequate acquisition of platforms in the future, SLCG will be able to expand its role not only in the littorals but also in the high seas.

## **SLCG's Strategic Way Forward**

This *Strategy* identifies five key components required for performing SLCG's future role. These strategic priorities will strengthen SLCG as a MLE authority along with flexible operational capabilities and presence with relevant expertise knowledge to achieve an integrated, systematic approach to MG. These strategic priorities are aimed at achieving a safer and secure maritime domain which will undoubtedly have a greater impact in achieving sustainable development.

### **Strengthening Regimes for Maritime Domain**

The SLCG needs a set of coordinated and knitted domestic and international regimes that increase transparency of activity, reduce risk, and balance competing uses within the maritime domain. Strengthened rules, authorities, and agreements also enable consistent, coordinated action on threats and provide an acceptable framework of standards that facilitate commerce and maritime use. The SLCG requires working closely with the SLN, other agencies and the international community to update and strengthen capabilities in order to address emerging challenges and threats.

### ***Regional Cooperation Aimed at Strengthening Our Maritime Regimes***

SLCG is in the process of seeking regional cooperation in seeking mutual benefits by identifying others' capabilities which in turn will help to improve the 'transparency' of vessels and 'reduce risk' while engaging in maritime activities in our EEZ. 'Improved transparency' will assist the SLCG to identify and categorize different users of our EEZ. This will be helpful when considering the numerous types of vessels that operate in our EEZ at present. The SLCG can play a vital role in this regard with its expected future expansion by assisting the leading organizations such as the SLN.

Risk is a common factor in the maritime environment and actions that require mitigating such threats, vulnerabilities or possible consequences, SLCG's required to concentrate on prevention and protection measures in the long run. Active collaboration between system and components in areas such as safety and security will assist in reducing risk. As large number of small boats are deployed in our maritime domain, we require to keep a close eye especially in areas where fishing activities are dense.

### ***Achieving Maritime Domain Awareness***

SLCG needs a greater awareness and effective understanding of those maritime activities that take place. This will require collection and sharing of data, as well as increased cooperation in blending, analyzing, and disseminating maritime information. The SLCG will work with other important organizations such as the SLN, Marine Environment Protection Authority (MEPA), Coastal Conservation Department (CCD), Petroleum Resources Development Secretariat (PRDS), National Dangerous Drugs Control Board (NDDCB), Disaster Management Centre (DMC) etc in this regard.

### ***Increase Detecting and Amassing of Maritime Data***

The SLCG can perform an important link in this regard by closely coordinating with relevant authorities to close crucial information gaps that limit awareness in the maritime domain. The expanded activities that take place in our EEZ will be too large to be monitored by a single organization. Establishment of a future Vessel Monitoring System along with effective vessel traffic system embedded with Automatic Identification System (AIS) will enhance capabilities of the SLCG to a greater extent.

Transparency of marine activities that range from the smallest boat to the largest ship that navigates in our waters remain vital for the maritime security. Close monitoring of such activities including that of the inland water component is of paramount importance as at present most such inland water activities remain isolated.

Information collection on the activities that take place in our maritime domain is another area where the SLCG can play a huge role. In the present context collection of information in areas such as human smuggling and drug trafficking remains important.

### ***Improve Fusion and Analysis of Intelligence***

The SLCG while collecting information/intelligence through various means requires bonding such in order to assist in further analysis. In this aspect SLCG has to work with a wide range of organizations with the aim of improving key aspects of intelligence. As a Law Enforcement Authority, the SLCG has better opportunities to reach the community. Building interagency coordination and cooperation serves as a key strength in this regard.

### ***Sharing and Dissemination of Maritime Information***

Analyzing major terrorist attacks in the recent past shows that even though there was enough information available on such attacks, they were not shared among the key stakeholders. It will be of no use unless available information is shared timely to achieve results. Information sharing in the long run will provide a better situational awareness for SLCG as well as other segments so that decision making is improved and execution of mission is successful.

Developing a maritime data sharing especially among the regional Coast Guards remains important. This requires extensive partnership building among the regional partners, public, maritime community and defence establishments. The Heads of Asian Coast Guard Agencies Meeting (HACGAM) in this regard can be of great importance. Apart from this, the SLCG requires capacity building aimed at information sharing in the region which will assist the information sharing and unity of effort in the long run.

### **Enhancing Unity of Effort**

Increasing challenges and the rapid changing nature of the maritime domain require all stakeholders in the maritime domain to work in close coordination to achieve common interests and objectives through improved '*Unity of Effort*'. Case studies into many major disasters world around have highlighted the importance of interagency coordination in facing such disasters. In this context the SLCG will work towards enhancing Command and Control capabilities along with expansion of operational capabilities in order to improve readiness to handle events that affect the security and safety of the maritime domain.

The requirement of having '*Regional Command Centers*' with integrated capabilities of Command, Control and Communications (C3) will facilitate the coordination at the local level. The relevant agencies require participating in unified planning in order to meet emerging threats along with joint exercises followed by evaluation.

### **Coast Guard Capabilities for National Defense**

Law Enforcement tasks of the SLCG and military operations conducted by the SLN in the maritime domain are an integral part of the national security. SLCG in the long run will have the capabilities to be an essential part of the national defence by closely coordinating with the SLN. In the future, Sri Lanka will need capabilities of both SLN and SLCG to safeguard our coasts and the EEZ.

### **Regional Assistance to Improve Maritime Governance**

As the Asian region encounters similar challenges, the need to seek assistance from the regional Coast Guards remains important apart from assistance that is required from other Coast Guards around the world. Such regional assistance does not necessarily mean only seeking assistance for our own benefit but extending further towards building a strong relationship and coordination to shape and regulate an effective maritime governance in one's own waters as well as in the region as a whole.

Partnership building among the regional Coast Guards will enhance the much wanted domain awareness. SLCG will focus on a much broader regional maritime engagement strategy focusing on capability building through exchange of maritime expertise and training initiatives.

### **Conclusion**

In this context, the SLCG has a much greater role to play in both protecting maritime security concerns as well as gaining sustainable development. As the oceans around our country have been changed to a greater extent with the successful defeat of LTTE maritime terrorism, the need of the hour largely focuses on the threats that we paid less attention to prior to that the 2009.

Our huge EEZ and expected expansion in the EEZ in the coming future will add depth to the importance of close monitoring and surveillance of our seas if we are to ensure that our seas are used for legitimate purposes and we are capable of exploring the wealth of natural resources that are out in our legitimate sea area.

The importance of effective maritime governance serves as the key in this regard as we have plenty of areas which we could effectively participate/assist in both protecting and preserving the marine environment. With the lifting of many regulations that had been imposed during the conflict period, the requirement of monitoring our seas and its users has become much more important than ever.

With the powers vested on the SLCG through its Act, the much required maritime law enforcement can be effectively executed with the expected future expansion of the SLCG. The future role of the SLCG will focus on the effective positioning of the organization in the much broader context of maritime governance in order to perform other entrusted tasks with the close collaboration and coordination of relevant authorities.