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This article is part of Conceptualization of "Maritime Security" in Southeast Asia (https://amti.csis.org/conceptualization-of-maritime-security-in-southeast-asia-convergence-and-divergence/)*, a series of analyses produced by experts convened by the S. Rajaratnam School of International Studies.*

"Maritime security" in Australia's national language

English is the national language of Australia.

Australia's definition of "maritime security"

A search of relevant government publications (see below) does not provide any evidence of an official definition for maritime security that has been adopted by the Australian Government. A range of government departments and authorities use the term, but invariably without any accompanying definition.

Extending the search for an "official definition" of maritime security by the Australian Government to official government websites is equally unrewarding. For example, although a web page titled "Maritime Security" is hosted by the Department of Home Affairs its focus is a narrow one.[1] The web page deals with steps taken to implement the obligations placed on Australia for mariner and port security under Chapter XI-2 of the *International Convention for the Safety of Life at Sea 1974* (SOLAS) and the *International Ship and Port Facility Security Code 2003* (ISPS).[2] Although the web page specifies actions that maritime industry participants are required to take to ensure that security arrangements for security regulated ships, ports, and offshore facilities, it does not define "maritime security".

A similar search on Australia's Department of Defence website produces multiple results for the term maritime security, but again there is no authoritative definition provided in any of the links.[3] The search results do show some of the steps taken by Australia's Defence Department to address maritime security across a range of geographical regions, but seemingly without any accompanying definition of the term.

Accordingly, it can be concluded that the concept of maritime security is widely used by Australian Government authorities but without an easily obtainable definition, and certainly without consensus across departments as to the definitional boundaries of the term. Instead, the way in which the term is used depends upon the lens through which the relevant department is viewing its responsibilities. In a broad sense, one way to describe Australia's use of the term maritime security is that it has two distinct limbs:

- a macro (largely external) component that is the primary focus of Australia's Department of Foreign Affairs and Trade along with the Department of Defence; and
- a micro (largely internal) component that has oversight through the Department of Home Affairs and the Australian Border Force with a large number of supporting agencies.

Australia's key documents for defining and understanding maritime security

There is no single, agreed, definition for maritime security used across the Australian Government. Several Australian Government documents use the term maritime security, but they use it in a variety of different ways. Key among these is the 2020 Guide to Australian Maritime Security Arrangements (GAMSA)[4]. At first glance, the title of the GAMSA would appear to denote a document that provides a comprehensive approach to maritime security but it does not actually define what that term means. The GAMSA uses the term "security threats" in many places in the Guide and the definition provided for that term is: "… an action that has potential to cause consequences adverse to Australia's interests."[5] The GAMSA describes a "… need for a guide to Australian civil maritime security arrangements …"[6] and then lists eight categories of maritime security threats: illegal activity in protected areas; illegal exploitation of natural resources; marine pollution; prohibited imports and exports; unauthorized maritime arrivals; compromise to biosecurity; piracy, robbery or violence at sea; maritime terrorism.

The use of the term "civil" immediately before "maritime security" in the GAMSA is noteworthy, as it indicates that in Australia's case there is a clear distinction between "civil" maritime security and "other" types of maritime security that are referenced in other government publications. The GAMSA specifically notes that "… response to conflict, or state-based security threats against Australia in its maritime jurisdiction, is the responsibility of the Australian Defence Force, and is not directly addressed in this document."[7]

Turning to two other key documents that are relevant, neither the most recent Foreign Policy White Paper[8] nor the most recent Defence Strategic Update[9] provide any definition of maritime security. The White Paper uses the term maritime security, without defining it, on eight occasions. The Strategic Update only uses the term twice and neither of these occasions provides any definitional assistance. Instead, the Strategic Update refers more broadly to "security" when providing that document's assessment of a variety of threats that are posed to Australia, including those that emanate from the maritime domain.

Finally, although it might be thought that maritime security would be specifically addressed in the Joint Leaders Statement on the formation of AUKUS released on 16 September 2021, the term is conspicuously absent despite the overwhelmingly maritime nature of that Statement.[10]

These documents suggest that Australia's approach to, and conceptualization of, maritime security is necessarily broad. Australia is a maritime nation surrounded by the Pacific, Indian, and Southern Oceans with Asian waters to the north. The maritime areas under some form of Australian jurisdiction are much greater than Australia's landmass (approx. 2:1 basis). Australia has also contributed regularly to maritime operations in areas that are quite distant from the Australian mainland on the basis that a stable global maritime environment is an essential part of Australia's national interest.

However, external security concerns are not the only maritime security issues that Australia has to deal with. Equally important are the threats that can arise from the eight maritime security categories listed in the GAMSA, and the Department of Home Affairs in a recent submission to a parliamentary committee noted that "… safeguarding maritime transport against unlawful interference is a policy priority for Home Affairs …"[11] In that same submission, the Department of Home Affairs stated that addressing maritime security concerns is a collaboration where "… government agencies and industry work together and have a robust, layered approach to maritime security with several agencies contributing to security outcomes."[12]

Elements of Australia's approach to maritime security. Environmental protection, mariner safety, fisheries management, resource management (other than fisheries), counter-terrorism, law enforcement, naval operations, deterrence?

The Australian government considers that all of these issues are elements of maritime security.

Evolution in Australia's usage of the term "maritime security"

Australia has responded to maritime security concerns in many distinct ways over the past 20 years. At the macro level, examples include the provision of naval vessels and personnel to maritime security tasks and patrols in selected geographical areas, exercises and operations with regional naval and law enforcement agencies, and participation in a wide range of maritime security conferences, training, and support activities. At the micro level, the production of the GAMSA in 2009 with subsequent updates in 2013 and 2020, has been one of the key maritime security documents, and this product will be further revised and updated once the National Civil Maritime Security Strategy 2020 implementation plan is launched. Accompanying changes to maritime enforcement legislation, including the introduction of the *Maritime Powers Act 2013*, have strengthened the legal response to maritime security issues from enforcement agencies.

Additional context for Australia

The lack of a common, all-encompassing definition for maritime security has been a feature of academic writing on the topic for many years.[13] Accordingly, the lack of a clear definition of the term from the Australian Government is somewhat unremarkable and in fact, may be helpful on occasion when definitional vagueness can assist wider government security objectives.

[1] Australian Government, Department of Home Affairs, Transport Security, Maritime Security, Regulation of Maritime Security in Australia: https://www.homeaffairs.gov.au/about-us/our-portfolios/transport-security/maritime-security# (https://www.homeaffairs.gov.au/about-us/our-portfolios/transport-security/maritime-security)

[2] These obligations set out a regulatory framework that requires maritime industry participants to assess their operations for security risks and prepare a security plan that establishes measures to counter these risks.

[3] https://www1.defence.gov.au/search?#stq=maritime%20security&cat=all (https://www1.defence.gov.au/search?#stq=maritime%20security&cat=all)

[4] Commonwealth of Australia, Guide to Australian Maritime Security Arrangements (GAMSA) 2020, available at https://www.abf.gov.au/what-we-do-subsite/files/gamsa-2020.pdf (https://www.abf.gov.au/what-we-do-subsite/files/gamsa-2020.pdf)

[5] GAMSA 2020, pg 9

[6] GAMSA 2020, pg 3

[7] GAMSA, 2020, pg 9

[8] Commonwealth of Australia, 2017 Foreign Policy White Paper, available at https://www.dfat.gov.au/publications/minisite/2017-foreign-policy-white-paper/fpwhitepaper/index.html (https://www.dfat.gov.au/publications/minisite/2017-foreign-policy-white-paper/fpwhitepaper/index.html)

[9] Commonwealth of Australia, 2020 Defence Strategic Update, available at https://www1.defence.gov.au/about/publications/2020-defence-strategic-update (https://www1.defence.gov.au/about/publications/2020-defence-strategic-update)

[10] Joint Leaders Statement on AUKUS, available at https://www.pm.gov.au/media/joint-leaders-statement-aukus (https://www.pm.gov.au/media/joint-leaders-statement-aukus)

[11] Department of Home Affairs, *Submission to the Inquiry into the policy, regulatory, taxation, administrative and funding priorities for Australian shipping*, para 4.2, available at https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/Shipping_2018/Submissions (https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/Shipping_2018/Submissions)

[12] Ibid, para 4.2.1

[13] See examples cited in D. Letts, 'Maritime Security in South East Asia', in D. Rothwell and D. Letts, *Law of the Sea in South East Asia: Environmental, Navigational and Security Concerns*, Routledge (2020), pg 66, footnotes 10-13

About David Letts

David Letts holds academic appointments at the Australian National University, Canberra and the Australian National Centre for Ocean Resources and Security, University of Wollongong. Prior to pursuing his academic career, David enjoyed more than thirty years of full-time service in the Royal Australian Navy. He regularly teaches and writes on the law of the sea and maritime security topics, as well as assisting a number of United Nations and non-governmental agencies with law of the sea dissemination activities.

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