

# Chapter 6

## Capacity to police borders

6.1 Because PNG is the only state to share a land border with a neighbouring country, border security across the Pacific is very much linked to maintaining the integrity of oceanic borders. The vast maritime waters of the Pacific are difficult and costly to police and states are vulnerable to the undetected movement of sea craft, people and goods. This geography, coupled with limited government capacity, also makes Pacific states vulnerable to transnational criminal activity.<sup>1</sup> In this chapter, the committee explores how the threat of transnational crime, in particular unauthorised fishing and smuggling, is complicated by the region's vast maritime boundaries. The committee examines the capacity of states to manage and protect themselves against these forms of criminal activity and then considers regional efforts to improve this capacity. In so doing, the committee gives detailed consideration to Australia's Defence Cooperation Program and the Pacific Patrol Boat Program.

### Border management capability

6.2 In Australia, national security is the domain of the Federal Government which remains responsible for matters of defence, security and border management. Matters of community safety and local law and order are largely the domain of state and territory governments. By contrast, across the Pacific, both national and internal security is typically the responsibility of central government. Principally because of their size, many states do not have a dedicated military organisation.<sup>2</sup> As a result, those activities that would ordinarily be undertaken by national security and law enforcement agencies (for example maintaining territorial and border integrity and the development of military statecraft) often become the responsibility of agencies that are also responsible for community policing and domestic law and order.<sup>3</sup>

6.3 Papua New Guinea, Fiji and Tonga are the only Pacific island states with dedicated military organisations. The PNG Defence Force comprises about 2,500 personnel. Headquartered in Port Moresby, it has an infantry battalion in Port Moresby and one in Wewak and an engineer battalion at Lae. The PNG Navy is made up of around 400 people.

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1 The Department of Defence advised: 'A key economic and security challenge for many island states is managing their large economic exclusion zones or EEZs. All of these states lack the capacity to effectively protect their EEZ resources from illegal fishing and to monitor their maritime boundaries against threats like smuggling without substantial help from outside', *Committee Hansard*, 21 November 2008, p. 86.

2 AFP, *Submission 62*, p. 6.

3 Assistant Commissioner Prendergast, AFP, suggested that some law enforcement agencies have dual roles of police and military: 'small states have police forces that are also responsible for aspects of national security and undertake policing at both the local and national level', *Committee Hansard*, 21 November 2008, p. 73.

6.4 The Republic of Fiji Military Forces has 3,500 personnel plus reserves. It comprises two regular and three reserve infantry battalions, an engineer regiment, logistics battalion and a navy of around 300 people with several patrol boats (including three Australian Pacific Patrol Boats, under the PPBP, that are currently suspended).

6.5 The Tonga Defence Force has an authorised strength of 1,500, but active force numbers of 450. It includes an infantry battalion, a navy of around 115 and three Australian supplied Pacific Patrol Boats, a tanker, a landing craft and an airwing of two light aircraft.<sup>4</sup>

6.6 The Vanuatu Mobile Force, which became the paramilitary arm of the Vanuatu Police Force in the late 1990s, is a light infantry force of about 200 men. They have a small maritime wing comprised of 29 people and one Australian Pacific Patrol Boat.<sup>5</sup> It is used to patrol in remote areas, frequently for long periods of time, across the archipelago.<sup>6</sup>

6.7 Many agencies responsible for border management across the Pacific encounter major capacity constraints. Policing borders and regulating the movement of vessels throughout the region is made more difficult by the fact that most Pacific island states have a limited ocean-going naval or policing capacity. The Attorney-General's Department suggested:

Systems to monitor vessels' compliance are very limited in the Pacific. As a consequence there is little control over what enters or leaves many of these countries...<sup>7</sup>

6.8 This has serious implications for the sovereignty of states. One witness suggested: 'a capacity to manage the maritime domain better is about an assertion of national sovereignty'.<sup>8</sup>

6.9 In February 2009 a publication by the Jane's Information Group offered the following assessment of the effectiveness of the PNG Navy:

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4 The TDF has maintained about 200 personnel in RAMSI since 2003, paid for by Australia and New Zealand.

5 Naval figures are taken from *Jane's Sentinel Country Risk Assessments—Oceania*, Issue 13, 2008, Jane's Information Group Ltd., UK, p. xii. Other figures are taken from 'Australia and the South Pacific: Rising to the challenge', Australian Strategic Policy Institute, pp. 37–39. The defence budget of these states with dedicated military organisations are: PNG (2009) 108.67 million Kina, which is 1.67 per cent of the national budget; Fiji's (2008–2009) is 1.5 per cent of the national budget; Tonga's (2008–2009) is 3.4 per cent of the national budget. Department of Defence, answers to questions taken on notice 2, 21 November 2008.

6 Air Commodore Jones, *Committee Hansard*, 19 June 2009, p, 27.

7 *Submission 40*, p. 9.

8 Mr Andrew Tongue, Department of Infrastructure, Transport, Regional Development and Local Government, *Committee Hansard*, 20 November 2008, p. 80.

The Papua New Guinea (PNG) Navy is scarcely able to carry out its tasks and operations are routinely delayed or cancelled. As with the other services the navy is underfunded and much of its equipment needs maintenance. The navy's four patrol craft provided under the Australian Pacific Patrol Boat programme are barely effective; fuel costs and maintenance problems mean that often only one boat is available for sea duty at any time. The heavy landing craft have high upkeep costs and are near or at the end of their effective life. They may be disposed of in the near future. Although the patrol boats may be at times serviceable, the size of the task of patrolling an Exclusive Economic Zone (EEZ) with three sea borders is too great for the navy. According to the Chief of Staff, Captain Aloysius Tom Ur, the navy is heavily reliant for information about the presence of foreign ships in PNG's 200-mile EEZ on daily reports supplied by US satellite surveillance cover.<sup>9</sup>

6.10 Added to this capacity challenge is the number of sea craft that move through the area on any given day. Associate Professor Andreas Schoenhardt claims:

There are about 5,000 vessels transiting the Pacific on any given day. Large shipments may be unloaded from a mother ship into a smaller vessel, and can subsequently go in hiding at the many small, uninhabited islets and atolls, waiting for the next step. Rapidly expanding regional transportation links to Asia, North and South America is also a factor and is likely to increase the use of islands as a transit area.<sup>10</sup>

6.11 Identifying the vulnerability of Pacific island states to criminal activity, Associate Professor Schoenhardt has also argued:

...archipelagic coastlines, sea borders, and vast areas of ocean are difficult, if not impossible, to patrol, especially for countries with limited financial, technical, and human resources. This makes it easy, especially for small vessels to remain undetected and cross international borders clandestinely.<sup>11</sup>

6.12 These capacity constraints reduce the ability of states to deal with the movement of people and goods, illegal fishing, customs surveillance and quarantine.

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9 Jane's Sentinel Security Assessment—Oceania (Papua New Guinea), Navy, <http://www.janes.com/articles/Janes-Sentinel-Security-Assessment-Oceania/Navy-Papua-New-Guinea.html> (accessed 6 November 2009).

10 Andreas Schoenhardt, citing a report from the United Nations Office on Drugs and Crime, as it appears in: *The Market for amphetamine-type stimulants and their precursors in Oceania*, Australian Institute of Criminology, Research and Public Policy series, no. 81, p. 56, <http://www.aic.gov.au/documents/7/F/8/{7F8A14E8-D893-4D3F-BFE0-DCAE3B2A035C}rpp81.pdf>.

11 Andreas Schoenhardt, *The Market for amphetamine-type stimulants and their precursors in Oceania*, Australian Institute of Criminology, Research and Public Policy series, no. 81, p. 56, <http://www.aic.gov.au/documents/7/F/8/{7F8A14E8-D893-4D3F-BFE0-DCAE3B2A035C}rpp81.pdf>.

6.13 Volume I of this report identified how ill-equipped bureaucracies struggle to deliver services that require both technical skills and advanced technology, while Chapter 3 of this volume drew attention to the limited policing capacity of states to deal with the demands of day-to-day policing. Chapter 3 also suggested that law and justice sectors struggle to effectively support law enforcement initiatives. Each of these factors has serious repercussions for the capacity of states to respond to transnational crime.

6.14 Reduced law enforcement capacity, or even the perception of immunity from law enforcement, will make states vulnerable to criminal activity and transnational crime. In recognition of this, the Pacific Islands Forum has sought to improve the capacity of the region's justice sector through developing model legislation addressing transnational organised crime, illicit drugs, weapons control and transport security. It has also been urging states to enact this legislation.<sup>12</sup> However, the Forum has acknowledged problems with implementation, stating that 'the enactment of the legislative commitments, particularly under the Nasonini Declaration, appear piecemeal and slow'.<sup>13</sup>

### **Regional efforts to enhance fisheries compliance**

6.15 As suggested in the previous chapter, many Pacific island states have limited success in monitoring the movement of vessels in their EEZs and struggle to detect illegal, unregulated and unreported fishing activity. DFAT, which described illegal fishing as 'the most pervasive Pacific wide security challenge', suggested that there were two major problems: first, that the size of the EEZs make them 'impossible to police effectively', and second, that Pacific island states struggle to prosecute the illegal, under-reported and concealed fishing which occurs in their EEZs.<sup>14</sup>

6.16 There are two central organisations responsible for facilitating greater cooperation and coordination among the Pacific island countries and with distant water fishing nations: the Pacific Islands Forum Fisheries Agency (FFA) and the Western and Central Pacific Fisheries Commission (WCPFC).

6.17 The FFA has a pivotal role in strengthening regional multilateral frameworks to permit the more effective exchange of information in relation to fisheries and maritime law enforcement.<sup>15</sup> These challenges are acknowledged in the Pacific Plan

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12 Pacific Islands Forum Secretariat, Thirty-fifth Pacific Islands Forum, *Forum Communiqué*, Item 27; Thirty-fourth Pacific Islands Forum, *Forum Communiqué*, Item 24, [http://www.forumsec.org/\\_resources/article/files/2003%20Communique.pdf](http://www.forumsec.org/_resources/article/files/2003%20Communique.pdf) (accessed 18 February 2008).

13 Opening address to the Forum Regional Security Committee Meeting, <http://www.forumsec.org.fj/pages.cfm/newsroom/speeches/2009-1/sg-tuiloma-neroni-slade-frsc-meeting-opening-address.html> (accessed 14 September 2009).

14 *Submission 68*, pp. 10, 15.

15 AusAID, *Valuing Pacific fish*, <http://www.ausaid.gov.au/publications/pdf/fisheries.pdf>, p. 10 (accessed 10 September).

which gives priority to developing and implementing strategies and associated legislation for maritime and aviation security and surveillance.<sup>16</sup> As suggested in the previous chapter, licensed distant fishing vessels must be registered with the FFA.

6.18 Established in 2005, the WCPFC was initiated by members of the FFA and developed in association with distant water fishing nations.<sup>17</sup> The WCPFC provides for the establishment of monitoring, control and surveillance measures that enforce the application of conservation and management measures for fisheries in the region.<sup>18</sup> The WCPFC has had some success prosecuting the illegal and under-reported fishing which occurs in their EEZs.<sup>19</sup> Since 2007, the WCPFC has operated an Illegal, Unreported and Unregulated (IUU) Vessel List. This is the only publicly available information on unauthorised vessels fishing in the EEZs.<sup>20</sup>

6.19 The following table provides a record of unauthorised vessels identified in EEZs, 2007–2008.

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- 16 The Pacific Plan: For Strengthening Regional Cooperation and Integration, p. 7, [http://www.forumsec.org/UserFiles/File/Pacific\\_Plan\\_Nov\\_2007\\_version.pdf](http://www.forumsec.org/UserFiles/File/Pacific_Plan_Nov_2007_version.pdf) (accessed 13 July 2009). It is based in Honiara, and comprises 17 member governments. It was established in August 1979 to help countries manage their fishery resources that fall within their EEZs. The founding document of the Agency is the South Pacific Forum Fisheries Agency Convention. The Forum Fisheries Committee meets annually to consider regional policies and the budget and work program of the Agency. More information about the FAA is available at: <http://www.daff.gov.au/fisheries/international/multilateral/forum> (accessed 29 January 2009).
- 17 *Submission 42*, p. 12.
- 18 The WCPFC was established by the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC Convention) which entered into force in 2004. Members of the WCPFC include: Australia, China, Canada, Cook Islands, European Community, Federated States of Micronesia, Fiji, France, Japan, Kiribati, Korea, Republic of Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tonga, Tuvalu, United States of America and Vanuatu, see: [http://www.un.org/Depts/los/convention\\_agreements/reviewconf/wcpfc\\_reviewconference.pdf](http://www.un.org/Depts/los/convention_agreements/reviewconf/wcpfc_reviewconference.pdf) and the Department of Agriculture, Forestry and Fisheries <http://www.daff.gov.au/fisheries/international/wcpfc>, (accessed 29 January 2009).
- 19 DFAT, *Submission 68*, p. 10. The Secretariat of the Pacific Community (SPC) is another intergovernmental organisation that provides technical assistance, policy advice, training and research services which may relate to matters of border or maritime security. See Secretariat of the Pacific Community, <http://www.spc.int/corp/> (accessed 23 September 2009).
- 20 DAFF, answers to questions taken on notice 2, 20 November 2008.

**Table 6.1. Vessels nominated by Pacific island states for inclusion in the WCPFC's Illegal, Unreported and Unregulated Vessel List in 2007 and 2008<sup>21</sup>**

Vessel Name	Vessel Flag	Offence
Yin Chen No.1	Chinese Taipei	Fishing illegally inside Cook Islands' EEZ
Athena F	Venezuela	Suspected of fishing illegally inside Cook Islands' EEZ
Jinn Feng Tsair No. 1	Chinese Taipei	Breach of licensing condition inside Federated States of Micronesia
Daneila F	Venezuela	Fishing illegally inside French Polynesia's EEZ
Chu Huai No. 638	Chinese Taipei	Fishing illegally inside Tonga's EEZ
Ugavi	Ecuador	Fishing illegally inside Cook Islands' EEZ
Buena Suerte J-107, J-53, J-96, J-116, J-107c	PNG (Philippines nationality)	Breach of PNG fishing license conditions (5 vessels)

6.20 Recently there have also been examples of compensation being paid for EEZ violations. In December 2008, it was reported that the Taiwanese owners of a vessel, who were prosecuted for illegal fishing in Tongan waters in January 2008, paid 500,000 Tonga *Pa'anga* (approximately \$367,471) to the Tongan Government. Tonga's bid for compensation had been supported by the FFA.<sup>22</sup> In October 2008, it was reported that a Japanese vessel was fined Solomon Islands \$2.1million (approximately \$450,000) for breaching its fishing license conditions. The vessel was found to have transhipped at sea on two separate occasions and failed to supply fishing records to the Solomon Islands' Ministry of Fisheries and Marine Resources.<sup>23</sup>

### **Australia's efforts to enhance fisheries compliance**

6.21 AusAID explained to the committee that most of Australia's efforts to assist Pacific island states enhance fisheries compliance takes place through funding to the Secretariat of the Pacific Community (which has a maritime resources division), the FAA and the WCPFC.<sup>24</sup> Outside of these contributions to regional organisations, Australia also works with a number of national fishing authorities including Kiribati

21 DAFF, answers to questions taken on notice 2, 20 November 2008.

22 'Fishermen pay \$500,000 penalty for illegal fishing in Tongan waters', *Matangi Tonga*, 18 December 2008. Taiwan responded by suspending the fishing licence of the vessel for three months and the fishing licence of the captain for six months.

23 'Japan Fishing Boat Fined', *Solomon Times Online*, 3 October 2008, <http://www.solomontimes.com/news.aspx?nwID=2743> (accessed 4 February 2009).

24 *Committee Hansard*, 12 March 2009, p. 36. This includes \$9.7 million annual funding to the SPC and \$2.3 million to the FAA, AusAID, *Submission 65*, p. 21.

and Nauru. Some of this work focuses on the administration, application and collection of licences.<sup>25</sup>

6.22 ACIAR informed the committee of work it had been doing to increase Pacific capacity to engage in international fora. Funded by AusAID and the Foreign Fisheries Agency, ACIAR commissioned a study and discussed it with a range of parties, including DFAT, AusAID and the Forum Fisheries Agency. According to ACIAR:

We hired some experts in Pacific islands fisheries matters to consider the issue of capacity and what gaps existed that were inhibiting the ability of the Pacific island countries to engage effectively in international fora and to also manage their domestic fisheries, as well as manage fleets from other countries that engage in fishing activities within areas under their jurisdiction, specifically within their exclusive economic zones. That study identified a range of gaps that needed to be filled.<sup>26</sup>

6.23 The AFP also contributes to improving fisheries compliance in Solomon Islands through assisting Solomon Islands Police Force develop maritime capability through allowing them to use two small vessels, currently owned by the AFP.<sup>27</sup>

### **Defence Cooperation Program**

6.24 The Defence Cooperation Program (DCP) provides a range of capacity-building, training and infrastructure projects to assist Pacific island states improve their security. In the 2008–09 financial year, the DCP provided \$51.11 million in regional assistance. The bulk of this assistance was directed towards the Pacific Patrol Boat Program.<sup>28</sup>

6.25 As suggested in Volume I, the 21-year-old Pacific Patrol Boat Program (PPBP) forms an important part of Australia's endeavours to help Pacific island states improve their maritime security. The PPBP seeks to build capacity in quarantine enforcement, search and rescue, disaster relief, medical evacuation and general police work. It also provides Pacific island states with an independent capability to monitor and manage maritime resources. At the Pacific Islands Forum Plenary Opening Ceremony, in Cairns in August 2009, Prime Minister Rudd stated:

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25 *Committee Hansard*, 12 March 2009, p. 37.

26 *Committee Hansard*, 20 November 2008, p. 57.

27 *Committee Hansard*, 21 November 2008, p. 78.

28 The DCP engages 11 Pacific Islands Forum states: Papua New Guinea, Solomon Islands, Tonga, Samoa, Vanuatu, Palau, Republic of the Marshall Islands, Federated States of Micronesia, Tuvalu, Kiribati and the Cook Islands. Where nations do not have a dedicated military organisation, the DCP is directed towards their security and police forces. There are four priority states: PNG, Tonga, Solomon Islands and Vanuatu. Air Commodore Jones explained how Defence conducts annual talks to determine DCP priorities and partner countries' aspirations and expectations regarding the program, *Committee Hansard*, 19 June 2009, p. 24. PNG receives the largest share of DCP funds—\$13.4 million. Australia's DCP with Fiji was suspended following the 2006 coup.

Australia is committed to assisting Pacific island countries protect their fisheries—a vital resource for the region—combating transnational crime and strengthening their maritime security.

As part of Australia's ongoing commitment, Australia will provide continued support for the Pacific Patrol Boat Program and in consultation with our Pacific partners work towards a new maritime security program to follow it.<sup>29</sup>

6.26 As noted above, the PPBP represents a significant proportion of the DCP for Pacific island states. For seven of them—the Federated States of Micronesia, Republic of Marshall Islands, Palau, Kiribati, Samoa, Cook Islands and Tuvalu—the PPBP is Australia's only form of Defence engagement. The portion of the DCP spent in these countries is therefore 100 percent. For other Pacific Defence relationships, the PPBP is one part of a broader Defence cooperation program, with proportions as follows:

**Table 6. 2 PPBP as percentage of DCP<sup>30</sup>**

Nation	Percentage of the DCP that relates to the PPBP
Papua New Guinea	22 %
Solomon Islands	63 %
Vanuatu	50 %
Tonga	34 %
Fiji	Relationship currently suspended

6.27 DFAT described the PPBP as 'the centrepiece of Australia's Defence engagement with the Pacific'.<sup>31</sup> Such a claim is supported by statements made in the Defence White Paper which restated Australia's commitment 'to enhance the capacity of regional countries to enforce their sovereignty, protect their resources and counter transnational crime':

For over 20 years, the Pacific Patrol Boat Program, and other measures designed to assist in the development of maritime security capacity, have been a feature of our Defence cooperation in the Pacific. Our aim has been to assist our neighbours to develop the capacity to protect their maritime resources and enforce sovereignty. The Government has directed Defence, the Department of Foreign Affairs and Trade and other Australian Government agencies to develop an approach to regional maritime security

29 Prime Minister Kevin Rudd, 'Remarks at the Pacific Islands Forum Plenary Opening Ceremony', Cairns, <http://www.pm.gov.au/node/6091> (accessed 1 September 2009).

30 Department of Defence, 'Defence Cooperation and Patrol Boats', answers to questions taken on notice 3, 19 June 2009.

31 *Submission 68*, p. 27.



that reflects Australia's commitment to assisting our neighbours in these areas in future.<sup>32</sup>

6.28 Under the PPBP, Australia has donated 22 Pacific Class Patrol Boats to 12 Pacific island countries.<sup>33</sup>

6.29 In June 2009, Defence informed the committee that the program was now fully funded and had been allocated \$427 million to see it through to 2028 when the last boat would reach the end of its life.<sup>34</sup> In 2008–2009, the direct expenditure on the PPBP was expected to be \$28.5 million.<sup>35</sup> Defence has budgeted \$36.5 million for the PPBP in 2009–10. The \$36.5 million budgeted for 2009–10 is an increase of \$8 million from the previous year and largely due to the accelerated Life Extension Program (LEP) which is anticipated to be completed by 2011. The LEP will result in an almost doubling of the number of patrol boats undergoing major works this financial year. According to Brigadier Andrew Nikolić, the Pacific patrol boats are halfway through their life extension refits, with the first of the 22 boats not due to reach the end of its extended design life until 2017–2018.<sup>36</sup> Defence spending on the PPBP will be around \$40 million per annum in 2010–11 and 2011–12, as the LEP peaks. Spending from 2012–13 will reduce to around \$30 million, progressively decline over the remaining life of the program.<sup>37</sup>

6.30 The PPBP is supported by 30 RAN maritime surveillance and technical advisers who are currently working in-country.<sup>38</sup> Defence has an Australian Navy maritime surveillance adviser and one or two technical advisers in each country supported by the program.<sup>39</sup> Australia also provides logistic support, spare parts and expertise to repair the vessels and train for all patrol boat crews.<sup>40</sup>

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32 Australian Government, Department of Defence, *Defending Australia in the Asia Pacific Century: Force 2030*, pp. 98–99.

33 *Committee Hansard*, 21 November 2009, p. 92.

34 *Committee Hansard*, 19 June 2009, p. 20.

35 *Submission 18*, p. 2.

36 *Committee Hansard*, 19 June 2009, p. 21.

37 Department of Defence, 'Funding for PBPP', answers to questions taken on notice 1, 19 June 2009.

38 The committee notes that on 17 September 2008, Defence Minister Joel Fitzgibbon and his French counterpart, Mr Hervé Morin, announced that an agreement is being negotiated to increase Australia and France's defence ties in the South Pacific. Australia will have greater access to the French base in New Caledonia and the two countries will cooperate on training, joint exercises, maritime surveillance and in their support of regional defence and police forces.

39 *Committee Hansard*, 19 June 2009, p. 20.

40 *Committee Hansard*, 19 June 2009, p. 23.



*Solomon Islands police and Australian navy officer (image courtesy of Defence).*

6.31 In states without a dedicated military organisation, Defence interacts with local police forces. Air Commodore Anthony Jones explained:

The patrol boat program was initially provided to give these nations the ability to protect their exclusive economic zones. Prior to that date, most of them did not have any patrolling capacity or ability to get out to the 200-mile limit and actually patrol or protect their fisheries, in particular. Many of those nations, prior to that point, had no patrol boat capabilities, so they were learning their skills, if you like, on these boats from the ground up. The patrol boat program has provided training and support since its inception to increase the capabilities and skills of the maritime wings, involved in the patrol boat program, of both the military and police.<sup>41</sup>

6.32 Earlier in the chapter the committee noted comments by the Jane's Information Group on the limitations of the PPBP in PNG identifying the problems related to their cost, maintenance and reach. These comments were reinforced in a recent ASPI publication which noted that the program cannot operate without Australia's support and that the vessels are falling well short of their capacity for days at sea.<sup>42</sup> These shortcomings were reiterated by Defence. Brigadier Nikolić identified numerous factors that had contributed to reducing the effectiveness of the PPBP:

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41 *Committee Hansard*, 19 June 2009, p. 21.

42 'Australia and the Pacific: Rising to the challenge', Australian Strategic Policy Institute, March 2008, vol. 12, p. 62.

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Crewing, operating and maintaining the boats is a recipient nation responsibility that is difficult for most Pacific Island states to achieve, predominantly due to funding constraints. The rising cost of fuel, for example, varies greatly between the countries, and this has increased dependence on Australia for financial supplementation.<sup>43</sup>

6.33 Air Commodore Jones also raised concerns about the cost of fuel and the ability of recipient governments to support the program. He explained that the boats average around 36 days a year on patrol out of an average of 55 days a year at sea for the vessels. According to the Air Commodore, Defence would be looking for 'at least 100 days a year to effectively patrol the EEZs of these countries'.<sup>44</sup> Even so, he indicated one or two patrol boats 'is not really the most effective way of guarding against illegal fishing or illegal activities'.<sup>45</sup> The table on the following page summarises sea days for 2008 and the first half of 2009. It shows clearly that in many cases the number of days spent on patrol falls far short of expectations. There was no data available for Fiji following the suspension of the program.

6.34 The costs of running the program are significant and Defence advised that the rising cost of fuel throughout 2008 meant that each day at sea could cost up to \$10,000 per boat per sea day.<sup>46</sup> This was also identified in the Jane's security assessment for PNG noted above. Defence reviews the performance of the program in each nation annually and examines days at sea, training, maintenance and logistical support. Following these reviews Defence adjust their cooperation to assist where necessary.<sup>47</sup>

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43 *Committee Hansard*, 21 November 2008, p. 87.

44 *Committee Hansard*, 19 June 2009, p. 22.

45 *Committee Hansard*, 19 June 2009, p. 22.

46 *Submission 18*, p. 3.

47 *Committee Hansard*, 19 June 2009, p. 29.

**Table 6.3 PBPP sea days for 2008 and first half of 2009**

Boat Name	Country	Patrol		SAR/Medivac		Gov/VIP		Other		Total	
		2009	2008	2009	2008	2009	2008	2009	2008	2009	2008
TE KUKUPA	Cook Islands	29	59	0	0	0	10	9	4	38	73
TEANOAI*	Kiribati	33	22	0	0	0	3	10	7	43	32
LOMOR*	Marshall Islands	23	21	0	13	7	22	0	0	30	56
REMELIIK*	Palau	8	45	0	0	0	3	2	1	10	49
NAFANUA*	Samoa	9	30	5	1	0	8	4	4	18	43
TE MATAILI	Tuvalu	31	28	1	4.5	11	5.5	0	0.5	43	38.5
TUKURO*	Vanuatu	8	31	0	3	24	19	2	0	34	53
AUKI	Solomon Islands	12	42	0	6	1	0	17	4	30	52
LATA	Solomon Islands	10	65	3	0	14	5	4	9	31	79
Solomon Islands Total		22	107	3	0	15	5	21	13	61	131
INDEPENDENCE	FSM	38	79	3	2	0	1	19	5	60	87
MICRONESIA	FSM	0	28	0	0	6	4	16	6	22	38
PALIKIR*	FSM	28	73	0	4	0	30	0	3	28	110
FSM Total		64	180	3	6	6	35	35	14	108	235
NEIAFU	Tonga	0	0	0	0	7	0	12	0	19	0
PANGAI	Tonga	0	34	0	0	0	20	0	1	0	55
SAVEA	Tonga	3	18	2	1	0	20	2	18	7	57
Tonga Total		3	52	2	1	7	40	14	19	26	112
MORESBY	PNG	23	16	0	3	0	0	9	28	32	47
DREGER	PNG	38	13	0	0	4	3	18	10	60	26
SEADLER	PNG	0	24	0	2	0	0	6	23	6	49
RABAU	PNG	0	0	0	0	0	0	6	1	6	1
PNG Total		61	53	0	5	4	3	39	62	104	123

**\*Notes:**

- Kiribati–RKS TEANOI underwent a LEP in mid 2008, reducing the number of sea days.
- Samoa–MV NAFANUA underwent biennial slipping in late 2008, reducing the number of sea days.
- Vanuatu–the Police Commissioner used RVS TUKURO for non patrol duties and did not replace the fuel used, resulting in DCP stopping provision of fuel for 6 months and affecting patrol days.
- RMI–LOMOR underwent a LEP in late 2008, and was unserviceable for two months in early 2009.
- FSM–MICRONESIA has been undergoing LEP since April 2009, and has not conducted patrols.
- Cook Islands–TE KUKUPA underwent biennial slipping in 2008, reducing the number of sea days.
- Tuvalu–HMTSS TE MATAILI underwent biennial slipping in late 2008, reducing its time at sea.
- Palau–Critical defect in REMELIIK has precluded normal operations since mid-March 09.
- The PBPP with Fiji has been suspended.

***Aerial surveillance***

6.35 Australia recently sought to improve the quality of information available on fishing activity and vehicle movements through an aerial surveillance pilot project.<sup>48</sup> This, in part, was to test the veracity of claims made by some distant fishing nations, that their fish catch is drawn from the high seas when it was suspected that it had been

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fished from within EEZs. Supplementary funding of \$500,000 was given to the FFA to develop a Regional Monitoring, Control and Surveillance Strategy. As part of this process, the FFA conducted a trial to assess the viability of using aerial surveillance resources and systems to enhance maritime surveillance activities in the southwest Pacific.

6.36 The FAA contracted aerial surveillance equipment and personnel from an Australian commercial surveillance provider, Surveillance Australia. The aircraft used for the trial was a Reims-Cessna F406 twin turboprop aircraft fitted with a range of surveillance equipment and it was operated from Rabaul, Papua New Guinea.

6.37 A recent audit and assessment process found:

- that the aircraft and systems were highly suitable;
- the aircraft and systems were interoperable with systems used by the Pacific Class Patrol Boats; and
- the pilot provided cost-effective surveillance.

6.38 The key drawback was the transit cost to more distant areas in the Pacific and that the Reims-Cessna F406 would be limited to mid-range distances. The recommendations that arose from the trial were that:

1. The concept of using commercial aircraft for maritime surveillance be accepted as a viable option of some areas in the southwest Pacific.
2. The Reims-Cessna F406 aircraft be considered suitable for inshore and mid-range surveillance operations in relatively close proximity to Australia (i.e. PNG, Solomon Islands, Vanuatu) due to potential transit costs.
3. A second, comprehensive trial be conducted in 2009 using aircraft more suitable for working over longer distances and in remote operating areas to further test the concept of commercial aerial surveillance for the region.

AusAID reported that the trial clearly supported the concept of using purpose-fitted commercial aircraft for maritime surveillance.<sup>49</sup>

### ***Committee view***

6.39 The committee is encouraged by the FFA's plan to develop a Regional Monitoring, Control and Surveillance Strategy and believes that such a strategy has the potential to provide a critical surveillance capability, particularly if it is interoperable with the PPBP vessels. The committee believes that this interoperability is essential.

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49 AusAID, answers to questions taken on notice 3(a), 12 March 2009.

6.40 The committee supports the PPBP and its intention to give Pacific island states a critical surveillance capability that would allow them to monitor independently and manage maritime resources. The committee recognises that the program also assists in areas such as disaster relief, quarantine, and search and rescue. While the committee considers that it is important that the PPBP continue, it is concerned with the number of days these vessels spend at sea. The committee is concerned with this underutilisation and believes that it demonstrates a significant capacity limitation. Even when states are provided with the vessels to improve their maritime and border security, they simply do not have the financial, technological and human capacity to use them to their potential. The committee is strongly of the view that other donors should be encouraged to support the program even to the extent of providing fuel and funding maintenance. Indeed, the committee can see great advantage in developing a regional approach to maintaining and developing this program further. The committee therefore encourages Defence to continue to work with bilateral partners to determine how the Pacific Patrol Boat Program can provide a more effective maritime surveillance capability.

### **Recommendation 3**

**6.41 The committee notes that the *Defence White Paper 2009* indicates that Australian government departments are developing a framework for enhancing regional maritime security. The committee sees potential for other donors to make a valuable contribution in this area. It therefore recommends that, in developing this framework, these departments consider the advantages of elevating the Pacific Boat Patrol Program into a regional initiative, supported by the Pacific Islands Forum and other donors.**

### **Improving maritime surveillance**

6.42 Regulation and management of borders is limited by the fact that most states do not have a dedicated naval organisation. It is also constrained by the size of their regional maritime administrations. Across the Pacific, maritime administrations typically range in size from two to ten professionals. Australia, by comparison, has about 256 employees in its Maritime Safety Authority (with 202 Canberra based and 54 in regional offices).<sup>50</sup>

6.43 It would appear that any sustained improvements in the area of maritime surveillance will depend on data collection and analysis, information sharing and response coordination. The committee notes that in a recent ASPI report, Dr Sam Bateman and Dr Anthony Bergin suggested that there is insufficient information

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50 Commonwealth of Australia, *Pacific Economic Survey 2008: Connecting the region*, Canberra, 2008, p. 78; Australian Maritime Safety Authority, *Annual Report 2007–2008*, <http://www.amsa.gov.au/about%5Famsa/corporate%5Finformation/annual%5Freports/2007%2D2008/our%5Fpeople.pdf> (accessed 30 October 2009).

sharing and little integration of maritime security-related data in the region.<sup>51</sup> In that report, they recommended establishing a Regional Maritime Coordination Centre (RMCC):

A regional maritime surveillance and enforcement regime is required that reflects a whole of region and a whole of government surveillance concept to overcome the current segmented approach with regional maritime security spread between functions and agencies both regionally and nationally.<sup>52</sup>

6.44 The proposed RMCC would collect, fuse and analyse all sources of data; manage and schedule regional air and surface assets; receive bids for surveillance time from regional countries; provide recommendations for action to individual countries; coordinate response from regional or national assets; coordinate funding from aid donors plus national contributions; and liaise with national 'points of contact'. The proposed RMCC would have two branches: a centre that would support operations, including brokering information sharing and acting as the joint coordination centre for multilateral operations; and a management group that would develop strategy, provide training, maintain a register of qualified surveillance operators, and 'maintain reporting links to Forum Regional Security Committee'. It would also maintain treaties, agreements and meetings and analyse information.<sup>53</sup> Resources would be managed through a tiered approach, with some assets remaining under national control 'but air surveillance and offshore response capabilities should be provided regionally'. The RMCC would have both coastal (response) and ocean going (patrol) vessels.<sup>54</sup> Policy direction would come from the Forum Leaders through the Forum Secretariat and the Forum Regional Security Committee. The report suggests that this 'supra-national enforcement responsibility...is no doubt a big step for sovereignty-protective PICs [Pacific Island Countries]'.<sup>55</sup>

6.45 The committee sees merit in this suggestion and considers that the proposed centre could incorporate other capacities such as an Automatic Identification Systems (AIS). The Department of Infrastructure, Transport, Regional Development and Local Government explained to the committee how port security and maritime identification systems could be enhanced through an AIS:

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51 'Australia and the Pacific: Rising to the challenge', Australian Strategic Policy Institute, March 2008, vol. 12, p. 66.

52 'Australia and the Pacific: Rising to the challenge', Australian Strategic Policy Institute, March 2008, vol. 12, p. 67.

53 'Australia and the Pacific: Rising to the challenge', Australian Strategic Policy Institute, March 2008, vol. 12, p. 68.

54 'Australia and the Pacific: Rising to the challenge', Australian Strategic Policy Institute, March 2008, vol. 12, p. 70.

55 'Australia and the Pacific: Rising to the challenge', Australian Strategic Policy Institute, March 2008, vol. 12, p. 71. They also suggest, 'The legal frameworks for maritime law enforcement must be widened to include all possible crimes at seas and not just be focused on illegal fishing'.

One of the key directions at the moment in the maritime side is what they call AIS, automatic identification systems. I am aware that Border Protection Command, who is leading some of that effort in Australia, has had some initial conversations in the region about our capacity to share information about where ships are in the region. The value of that for us in Australia, of course, is that there are whole categories of vessels moving around the region and then onto the Australian coast that we would certainly like to be more aware of. In return, we can make the countries more aware of it. Having listened to queries about illegal forestry and those sorts of things—a lot of that is going out by ship—a capacity to manage the maritime domain better is about an assertion of national sovereignty. Certainly, automatic identification systems are one issue that is relevant in this context.<sup>56</sup>

6.46 DFAT has outlined the need for a 'new multilateral Pacific umbrella treaty-level agreement', patterned on the Niue Treaty Subsidiary Agreement model:

This mechanism to protect regional fisheries would provide for the exchange of law enforcement data, cross-vesting of law enforcement powers and the use of fisheries data for other law enforcement issues.<sup>57</sup>

6.47 In the following chapter, the committee also outlines the similarity between this proposal and the work being undertaken by the Pacific Transnational Crime Network (PTCN).

### **Efforts to combat smuggling**

6.48 As suggested above, archipelago states, spread over a vast area, can face significant obstacles when it comes to border security. These obstacles are often amplified by significant capacity constraints which limit the ability of states to police borders and regulate the movement of people and goods. States need to develop their capacities to regulate the movement of air and sea through developing effective customs and quarantine while simultaneously maintaining immigration and border management systems to assist with identity management and document and data analysis.

6.49 Evidence contained in the previous chapter suggested that the Pacific Ocean is used for the transshipment of illicit drugs and weapons, and that states are vulnerable to such activity because they frequently have weak surveillance capacity, limited border management at ports and airports and underdeveloped legislative and/or law enforcement systems.<sup>58</sup> The Pacific Islands Forum Secretariat informed the committee that customs and border agencies across the Pacific could be improved to tackle

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56 *Committee Hansard*, 20 November 2008, p. 80.

57 *Submission 68*, p. 29.

58 For comments on port security see the Department of Infrastructure, Transport, Regional Development and Local Government, *Committee Hansard*, 20 November 2008, p. 81; DFAT, *Submission 68*, p. 15.



malpractice and corrupt behaviour.<sup>59</sup> DFAT also suggested that 'The success of border management systems at ports and airports remains patchy'.<sup>60</sup>

6.50 The Pacific Islands Forum Secretariat has identified the need for the region to work together to deal with smuggling:

Maritime security not only for fisheries purposes but also for the interdiction of contraband and the protection of borders is a key priority in a region where the ocean is basically one of our interlocking and most compelling avenues for partnership between the countries. We are an island area and, basically, the seas of the Pacific are where a lot of our trade and interaction take place.<sup>61</sup>

### *Customs*

6.51 In order to assist with the administration of customs throughout the region, and strengthen the integrity and accountability of customs institutions, the Pacific Islands Forum has established the Oceania Customs Organisation (OCO). The OCO brings together 23 customs administrations of Oceania (Australasia, Melanesia, Micronesia and Polynesia) and seeks to improve the efficiency and effectiveness of their customs administrations.<sup>62</sup> The OCO is currently completing a regional legislative template for customs administrations. In June 2009, Secretary General Slade stated:

The next step is for the Secretariat and the Oceania Customs Organisation to work together with national Customs Administrations and Attorneys-General in adapting this Model Law. It is hoped that through this exercise the adapted customs legislative framework will suit the national legal infrastructure and take into account resource implications.<sup>63</sup>

6.52 While Australia contributes to improving the capacity of customs activities across the Pacific through its participation in the OCO, Australia's work is focused on PNG and Solomon Islands, countries that are deemed to have a 'shared border' with Australia. Activities focus on managing risks to Australia and building the capacity of partner countries' customs service.<sup>64</sup> Customs is involved in numerous border security programs with PNG, these include:

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59 *Committee Hansard*, 19 June 2009, p. 11.

60 DFAT, *Submission 68*, p. 15.

61 *Committee Hansard*, 19 June 2009, p. 8.

62 Oceania Customs Organisation, <http://www.ocosec.org/index.html> (accessed 9 April 2009).

63 Secretary General Tuiloma Neroni Slade, Forum Regional Security Committee Meeting, 4–5 June 2009, <http://www.forumsec.org.fj/pages.cfm/newsroom/speeches/2009-1/sg-tuiloma-neroni-slade-frsc-meeting-opening-address.html> (accessed 23 September 2009).

64 *Committee Hansard*, 21 November 2008, p. 56.

- PNG–Australian Customs Border Security Project (BSP), a Customs-to-Customs partnership aimed at improving PNG Customs border management and enforcement capabilities;
- PNG and Australian Customs Twinning Scheme (PACTS), an AusAID-funded project of reciprocal officer placement;
- Re-establishing the Australia–PNG Joint Cross Border Patrols.<sup>65</sup>

6.53 In 2007, the Attorney-General's Department established the South Pacific Precursor Control Forum (SPPCF) to help build the capacity of the legal and policy sector in Pacific island states to deal with drug-related security challenges, in particular, the manufacture and transshipment of amphetamine-type stimulants and their precursor chemicals. In September 2008, ten member countries agreed to four priority areas for future work: awareness raising, information sharing, legislative reform and provision of technical assistance. The Attorney General's Department has also recently assisted the Pacific Islands Forum Secretariat in the development of its Model Illicit Drug Control Bill.<sup>66</sup>

#### *Committee view*

6.54 The committee can see virtue in the creation of a Regional Maritime Coordination Centre (RMCC) but it is concerned about the capacity of Pacific island states to maintain such a centre. It is also concerned with the potential for duplication of surveillance initiatives. In the following chapter, the committee considers the work done by the Pacific Transnational Crime Network (PTCN) and acknowledges comments by the AFP that suggest that they are exploring interoperability between the PTCN and the Pacific Patrol Boat Program. The committee believes that it is possible that the surveillance, analysis and coordination function that is proposed for the RMCC could potentially be undertaken by the PTCN.

#### **Recommendation 4**

**6.55 The committee has noted the limited maritime surveillance capability of Pacific island states. It therefore recommends that the Australian Government give specific attention to the way the region could improve information sharing and develop a 'supra-national' enforcement capability through, for example, the proposal for a Regional Maritime Coordination Centre. In so doing, the committee suggests that the government give particular attention to the ability of states to maintain and contribute to such a facility, as well as the importance of avoiding duplication in Australia's security assistance initiatives.**

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65 *Submission 40*, p. 10.

66 *Submission 40*, p. 7 and the Pacific Islands Law Officers' Network, [http://www.pilonsec.org/www/pilon/pilon.nsf/Page/PacificLawandJusticeNews\\_June-November2008News](http://www.pilonsec.org/www/pilon/pilon.nsf/Page/PacificLawandJusticeNews_June-November2008News) (accessed 11 March 2009).