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MDS RESEARCH PROJECT

**A Novel Naval Approach:  
The U.S. Maritime Strategy of State Building**

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## ABSTRACT

*The United States published the National Strategy for Maritime Security in 2005 which initiated a new concept for security at sea. The importance of security at sea changed with the emergence of the global economy and terrorism as main American interests. The U.S. Navy is unchallenged in the open oceans; however, it is challenged to secure the globe's littoral seas which have become vital to maintaining shipping lane's freedom of movement and deterring piracy and maritime crime there. The Maritime Security strategy attempts to facilitate trade, protect against these crimes, and protect the ocean environment. With a peer adversary gone, the U.S. can no longer afford to build a sufficient fleet to patrol all the world's oceans. Instead, the U.S. will rely on partnerships and cooperatives to cover the world's oceans and achieve the strategy objectives. The Maritime Security strategy can achieve its objectives only if local states are capable of securing their seas. The strategy can achieve its goals by developing foreign states maritime forces using a nation building approach. Developing foreign states will also enhance global security, protect maritime shipping and the global economy, and conserve the maritime environment.*

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## CHAPTER 1 - INTRODUCTION

“The U.S., its allies, and partners must remain vigilant to those states that lack the capacity to govern actively within their borders.”<sup>1</sup>

In 2004, the U.S. initiated a new National Strategy for Maritime Security to secure its safety and economy. This new strategy integrates and synchronizes efforts previously conducted by Defense and State departments separately. The U.S. Navy remains unchallenged, and the high seas remain stable. The Navy will continue with this traditional function; however, security among the littorals and coastal states has become increasingly important to American security and its economy. Nearly 90% of all trade affecting the global market is conducted by sea.<sup>2</sup> Additionally, 2.2 billion people live within 100 kilometres of the coast<sup>3</sup> and draw resources from the sea valuable to their economies and their existence. Maritime trade not only benefits all coastal states but also landlocked ones as well as goods are either shipped inland and exports sent overseas. The U.S. can no longer ignore the impact the sea has on local populations as it affects the global market and also local, regional and global security. The new strategy focuses on achieving and maintaining maritime security not solely on the high seas but among the littorals to achieve this goal.

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<sup>1</sup> United States. Executive Office of the President of the United States, *The National Security Strategy of the United States of America* (Washington D.C.: U.S. Government Printing Office, March 2006), 1; <http://www.whitehouse.gov/nsc/nss/2006/>; Internet; accessed 5 February 2008.

<sup>2</sup> United States. Executive Office of the President of the United States, *The National Strategy for Maritime Security* (Washington D.C.: U.S. Government Printing Office, September 2005), 1; <http://www.whitehouse.gov/homeland/maritime-security.html>; Internet; accessed 5 February 2008.

<sup>3</sup> Charles W. Martoglio and John G. Morgan, Jr., “The 1,000 Ship Navy: Global Maritime Network,” *U.S. Naval Institute Proceedings* 131, no. 11 (November 2005): 15.



The U.S. has taken both a direct and indirect approach in achieving maritime security by using its own naval forces as well as relying on cooperative partnerships with local states and regional partners. Its own forces directly patrol and ensure security among the high seas and in certain areas of importance defined by either national interest or global trade. Since the U.S. does not possess sufficient forces to patrol all the vast oceans, America must cooperate with the international community to achieve this objective. The strategy's supporting plans have been created to synchronize different governmental and private agencies supporting maritime security development. The strategy lists two objectives, to facilitate trade and to protect against ocean-related crime, terrorism, hostile and dangerous acts, and it implies one objective, to protect the ocean resources. It is in U.S. interests to build a network of cooperative states to protect the global economy and also reduce potential threats to American soil.

The strategy desires to promote stability and security as a means to reduce local and regional conflict by assisting partner nations to facilitate this desired stability. But what can the U.S. do if regional states have insufficient capability or desire to secure their seas? The concepts of promoting stability and security provide an excellent opportunity to apply a nation building approach to the new strategy. This paper will argue that the National Strategy for Maritime Security can achieve global maritime security in the littorals by developing local states to secure their seas by using a nation building approach. It will define nation building in the maritime environment and develop key nation building tasks that support it. The new strategy will be reviewed to identify the desired effects and objectives. Finally, this paper will review the strategy's three objectives using those nation building tasks identified.

Nations with established economies and good governance only require minimal assistance in increasing their ability to develop their naval forces, secure their seas, or achieve stability that nation building attempts to provide. Developing and struggling nations require considerable assistance as modern navies traditionally are developed behind armies and air forces.<sup>4</sup> The only exceptions are those states that possess a long maritime history and place importance on maintaining their maritime interests. The majority of nation building efforts should focus on developing nations as they can return the most stability for investment.

The National Security Strategy's ultimate objectives of American physical and economic security can be achieved through assisting in local and regional stability. Local and regional stability provides the first line of defence abroad by enabling partner nations to counter terrorism and secure trade. Additionally, states that can secure their seas have the men, equipment, and, most importantly, the determination to secure their land. The cumulative effect of local state stability furnishes the U.S. with an increasingly stable maritime environment for global trade and reduces threats to U.S. soil. This bottom-up approach is in the vital interests of the United States and is due further attention.

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<sup>4</sup> Ken Booth, *Navies and Foreign Policy* (New York: Holmes and Meier Publishers Inc., 1979), 240.

## CHAPTER 2 – NATION BUILDING FOR THE MARITIME ENVIRONMENT

“You must know about strategy and tactics...,  
but also economics and politics and diplomacy and history.”<sup>5</sup>

The term nation building has been used to broadly cover numerous situations. Before analysing the maritime strategy in a nation building framework, one must first provide a definition of where the strategy falls in regards to nation building. For this reason, all aspects of nation building will not be addressed as the term covers a wide range of activities and policies for building nations. Additionally, the strategy does not attempt to influence areas outside the maritime environment or associated domains. Those nation building objectives applicable to the maritime environment will furnish an understanding of the intent of nation building in a maritime context. A general review of maritime forces is necessary to determine what functions it can perform to support nation building. This chapter will define the area the strategy falls within, identify applicable nation building objectives, and mark the functions maritime forces conduct to support this strategy in order to apply them to the new strategy described in subsequent chapters.

### **Nation Building**

Nation building has been often misused to denote government operations supporting a foreign state’s development and will require some refinement. Nation building is “the use of armed forces as part of a broader effort to promote political and

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<sup>5</sup> John F. Kennedy, “Remarks to the Graduating Class” (Graduation address, United States Naval Academy graduation, Annapolis, MD, June 7, 1961); [http://www.jfklink.com/speeches/jfk/publicpapers/1961/jfk232\\_61.html](http://www.jfklink.com/speeches/jfk/publicpapers/1961/jfk232_61.html); Internet; accessed 24 March 2008.

economic reforms with the objective of transforming a society emerging from conflict into one at peace with itself and its neighbours.”<sup>6</sup> Recently, the subject of nation building has been extensively written on as a result of military operations in Afghanistan in 2001 and Iraq in 2003. These writings focus on post-conflict operations where nations must be reconstructed. Since the situation this strategy discusses would not be conducted towards a society emerging from conflict, a discussion on reconstruction would be beyond the scope of this paper. Peacekeeping has also been associated with nation building as “international military interventions have proved the best reliable means of preventing societies from slipping back into conflict”.<sup>7</sup> Peacekeeping historically has been launched for some immediate and usually negative situation such as to combat famine, to halt civil or interstate war, or to prevent genocide. Although the strategy will attempt to assist nations to continue their positive developmental trend, it would not respond to a critical crisis. Since the strategy takes a proactive and preventative approach, peacekeeping would also be beyond the scope of discussion.

State building is “the creation of new government institutions and the strengthening of existing ones”<sup>8</sup> so that a self-sustaining government is created. States provide order, security, laws and property rights which are essential to achieve national interests such as a stable economy. A strong and effective state provides stability for its people and its region. Weak or failing states commit human rights abuses, are inflicted

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<sup>6</sup> James Dobbins, et al, *The Beginner's Guide to Nation-Building* (Santa Monica, CA: RAND Corporation - National Security Research Division, 2007), xvii; [www.rand.org/pubs/monographs/MG557/](http://www.rand.org/pubs/monographs/MG557/); Internet; accessed 02 October 2007.

<sup>7</sup> *Ibid.*, xviii.

<sup>8</sup> Francis Fukuyama, *State-Building: Governance and World Order in the 21st Century* (Ithaca, NY: Cornell University Press, 2004), ix.

with humanitarian disasters, drive massive immigration waves, attack their neighbours, and shelter international terrorists,<sup>9</sup> actions that do not provide state or regional stability. Being outside conflict intervention and intending to assist in state stability, state building is the best categorical fit to the new maritime strategy.

A look into recent American governmental restructuring will provide a more accurate description of the strategy. In November 2005, the U.S. Department of Defense (DoD) promulgated a new directive on Military Support for Stability, Security, Transition and Reconstruction (SSTR) Operations. This directive defines stability operations as “military and civilian activities conducted across the spectrum from peace to conflict to establish or maintain order in States and regions”<sup>10</sup>. Although it notes that the actions take place during and following conflict, it also includes those activities directed toward states that would fall into struggling and developing categories. The directive further amplifies stability operations with a long-term goal to “help secure a lasting peace”<sup>11</sup>. Nation building to support struggling or developing coastal states can be categorized as stability operations supporting state building.

With the nation building category defined, further description of the strategy’s intent must be made prior to selecting key nation building tasks. The problem of weak states provides many challenges for the world. Since the end of the Cold War, weak or failing states have become the single most important problem for the international community. Somalia, Haiti, Cambodia, Bosnia, Kosovo, Rwanda, Liberia, Sierra Leone,

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<sup>9</sup> *Ibid.*, 92-93.

<sup>10</sup> United States. Department of Defense. Directive 3000.05 Military Support for Stability, Security, Transition and Reconstruction (SSTR) Operations (Washington D.C.: November 28, 2005): 2; <http://www.dtic.mil/whs/directives/corres/pdf/300005p.pdf>; Internet; accessed 14 February 2008.

<sup>11</sup> *Ibid.*, 2.

Congo, East Timor all are examples of failing or weak states that demanded international attention since 1989.<sup>12</sup> “The absence of effective governance in many parts of the world creates sanctuaries for terrorists, criminals and insurgents.”<sup>13</sup> These groups threaten good local and regional order or impede the transition to it. Well-governed states are stable; not all stable states are well-governed.<sup>14</sup> “Weak and failing states pose as great a danger to the American people and international stability as do potential conflicts among the great powers.”<sup>15</sup> Depending on how they are measured, there are perhaps two dozen failed states<sup>16</sup> presenting the United States with a difficult task of choosing which regions and states to influence since it does not possess the resources to assist them all simultaneously. The demand on forces will be addressed later, but the need to address those weak and failing states is emphasized.

Collectively, a group of well-governed states provides a stable region that is vital to the international economic market. Governance applies to the activities of the government, and one central tenant is “the capacity to provide citizens with the necessities of life – protection from foreign powers, security, food and drink, a legal

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<sup>12</sup> Francis Fukuyama, *State-Building: Governance and World Order in the 21st Century ...*, 92-93.

<sup>13</sup> United States. Executive Office of the President of the United States, *The National Security Strategy of the United States of America ...*, 3.

<sup>14</sup> Fukuyama delivers an extensive discussion on balancing government’s institutional capacity with its economic capacity strength. Francis Fukuyama, *State-Building: Governance and World Order in the 21st Century ...*, 6-21.

<sup>15</sup> Ted Galen Carpenter, "The Imperial Lure: Nation Building as a US Response to Terrorism," *Mediterranean Quarterly* 17, no. 1 (Winter 2006): 38.

<sup>16</sup> *Ibid.*, 46.

system, health care, education and other basic services”<sup>17</sup>. There is a correlation between poverty and societal conflict<sup>18</sup> which makes economic growth critical to state building. Good governance creates stable governments, and the stability created must continue out to sea so that the maritime environment may remain secure. Tremendous effort and resources go into building a state, but once built, operations must provide the capability for self-sustaining development. The key word is self-sustaining because American efforts must leave behind stable, legitimate state institutions.<sup>19</sup> Without them, the U.S. would be tied to supporting that state indefinitely.

The strategy’s aim can now be refined as supporting stability operations for state building with the objective of self-sustaining good governance and economic growth. Instead of referring to the strategy supporting nation building, the new strategy’s approach will be referred to as supporting state building for the remainder of this paper, or succinctly maritime state building.

### **Key Tasks**

Since state building will only be applied to the maritime domain, the tasks to accomplish maritime state building must also be refined. We must borrow them from nation building writings as there is little to differentiate between it and state building in

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<sup>17</sup> Kate Jenkins and William Plowden, *Governance and Nationbuilding: The Failure of International Intervention* (Northampton, MA: Edward Elgar, 2006), 8.

<sup>18</sup> James Dobbins, et al, *The Beginner's Guide to Nation-Building* ..., 13.

<sup>19</sup> Francis Fukuyama, *State-Building: Governance and World Order in the 21st Century* ..., 2.

tasks. Both attempt to achieve the same goals to promote the establishment of good governance and subsequent potential for economic investment.

Key state building tasks include security, humanitarian assistance, governance, economic stability, democratization, and development.<sup>20</sup> Military forces could conduct humanitarian assistance operations, and this support to the people would be vital to supplying them with their basic needs during crisis. But this situation has been already dismissed as the strategy would be proactive and preventative. Undoubtedly, conducting humanitarian assistance would be extremely beneficial to developing a state's stability, and maritime forces should support them as they arise. They will be considered as separate operations supporting land forces and independent of maritime state building. Democratization involves the shift of a governing institution towards a representative system which comes "in many shapes and sizes"<sup>21</sup>. Again, these events occur solely on land and would be beyond the expectation of maritime forces influence. Military forces would be involved with security, governance, and development; furthermore, maritime forces can also assist in developing economic stability.

## Security

Public security is the first-order priority to meet the public's basic needs before governmental or economic development. The security tasks can be further broken into peacekeeping, law enforcement, and the rule of law.<sup>22</sup> Military forces play a key role but

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<sup>20</sup> James Dobbins, et al, *The Beginner's Guide to Nation-Building ...*, xviii.

<sup>21</sup> *Ibid.*, xxxiv.

<sup>22</sup> Hans Binnendijk and Stuart E. Johnson, *Transformation for Stabilization and Reconstruction Operations* (Washington, D.C.: National Defense University Press, 2004), 8-9, 27.



do not rely on their war fighting capabilities to promote security. Instead, their capacity to conduct constabulary functions is more important than war fighting to state building, and generally this capability will be utilized along with war fighting forces to promote security. Law enforcement and the rule of law are vital tasks to state building as they reinforce the government and are critical to maritime state building.

Military forces are well suited for state security against external state hostilities but have little capacity for providing security against internal disorder. Neighbouring states can interfere and must be minimized using the forces' capacity to maintain border integrity. The real public threats during state building are criminal, and police forces provide the best means for public security. Military police or, to be more general, military constabulary forces are specifically trained and outfitted for those tasks essential to law enforcement and can play a significant role in this task. Ideally, gendarmerie-type units are the military police forces of choice,<sup>23</sup> but unfortunately the United States does not possess this capability. Police forces need to provide the public general protection against crime and also the ability to enforce laws effectively. The military's role here would be to assist indigenous police forces in establishing and maintaining good, lasting public order. Police forces may require training, mentoring, supervision, and equipping to conduct this task. Their aim is to get the population to feel safer. This is an essential precondition for further tasks, as without it, economic and governmental improvements will not be effective. However, self-sustainment must be added to this task.<sup>24</sup> If the external forces were continuously required to maintain order, the state would not have the

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<sup>23</sup> James Dobbins, et al, *The Beginner's Guide to Nation-Building* ..., xxvii.

<sup>24</sup> *Ibid.*, 36.

capacity to secure itself and consequently not have the capacity to govern itself. Therefore, the goal is to create a self-sustaining indigenous police force capable of providing law enforcement for the public. External forces must at first assist, then supplement local police while developing a continuum for consistent long-term law enforcement and promoting a willingness of the population to cooperate. Essential is the state's ability to impose the laws themselves instead of individuals or non-state groups instituting their own form of law.

Military forces may conduct many functions to support this law enforcement task. After assessment, local police forces may only need additional training or equipment to establish themselves. Criminal organisations present complex situations, and the police forces may require additional mentoring or guidance to prosecute them. Other times, they may require assistance investigating and prosecuting them. However, the need for a well defined legal framework is essential prior to conducting any policing activity.

“Police cannot perform effectively without courts in which to try criminals and prisons in which to keep them.”<sup>25</sup> The rule of law should be given as much weight as law enforcement when considering public security. Good policing is irrelevant if the judicial system is incompetent or corrupt, sentencing arbitrary or politicized, or prison conditions inhumane, just as the rule of law would be with a similarly ineffective law enforcement situation. The rule of law provides a fair, equitable, and written set of rules administered by courts, ministers, penal systems, and regulations. A well-coordinated legal system is vital to successfully promoting the rule of law that both protects private property and enforces contracts which are critical to market economies and is essential for the state to

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<sup>25</sup> *Ibid.*, 16.

govern itself. In most weak and failing states, the rule of law by definition will be absent.<sup>26</sup>

Courts provide more than a location to enforce legal statutes and arbitrate contracts; courts provide the important judicial system. They foster society's appreciation for the rule of the law, and they benefit from a culture of law. Courts furnish a non-violent means to resolve personal and public conflicts which gives the impression of an independent, fair, and impartial government. When building courts, legal advisers are essential to guide and train the court system in order to develop public confidence in the rule of law. Although drawing legal advisers from the private sector would provide the best capability to conduct this task, universities, Non-Governmental Organizations (NGOs) and international organizations may not be able to respond in sufficient time or with adequate personnel. The U.S. must not rely on private organizations since it cannot expect complete cooperation in conducting a coordinated effort when aiding a specific state. The US DoD has specialists who are trained in court operations from the military court system; the U.S. Agency for International Development (USAID) can also furnish legal advisers to aide foreign states' legal framework. Additionally, legal advisers specializing in maritime law are readily available from the U.S. government and are well versed in conventional and customary maritime law. Also, judge advocates are trained and experienced in the administration of courts through the military legal system.

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<sup>26</sup> Michael Kelly, "Military Force and Justice," in *From Civil Strife to Civil Society: Civil and Military Responsibilities in Disrupted States*, ed William Maley, Charles Sampford and Ramesh Thakur, (New York: United Nations University Press, 2003): 230.

Detention and correctional systems will most likely require a focused attention as the facilities will be in poor condition along with public perception of the penal system. If a penal system has conducted significant human rights violations in the past, little can be physically done to overcome this reputation. Total assistance from external states may be required to reassure the public over concerns of mistreatment.<sup>27</sup>

Security supplies the necessary conditions for further maritime state building as well as confidence of the population to participate in state governance. Constabulary forces are irrelevant without a coherent judicial and penal system; consequently, both must be developed and established to achieve and maintain an effective and secure environment.

## Governance

Governance is the capability and capacity for a government to provide its citizens with nourishment, health care, education, and other basic services. Public services in poor states should be expected to be poor and their introduction can be viewed publicly as a signal of change. Establishing public health care, education and utilities are key steps toward good governance. External states should avoid leading the creation of these institutions but should take a facilitating role in their establishment. If host nations do take responsibility for these services, they are most likely to return to previous levels which did not support good governance in the beginning. Non-governmental influences, such as warlords, are most likely to be established in some local areas and require attention to facilitate movement towards good governance. Their leaders and militias

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<sup>27</sup> James Dobbins, et al, *The Beginner's Guide to Nation-Building* ..., 76.

must be integrated into government, or their influence over government must be marginalised or eliminated.<sup>28</sup> U.S. capability exists to aid in training and equipping hospitals, and this function should not be dismissed outright. But this task may not influence the maritime domain which is not directly supporting maritime state building.

Electricity, water, sewage, waste removal, and public transportation are the essential utilities required for good governance; however, they tend to demand significant capital investment. Intermediate solutions may be required to commence these services,<sup>29</sup> and once established, states can determine which services to charge for and set up billing and collection services. Reasonable rates must be applied and care must be taken to ensure their services are maintained to facilitate growth. Consistent supply and reasonable charges create reliable conditions for business development. Sporadic electrical or water supply would not be conducive to providing the right conditions to conduct business, such as manufacturing or reliable refrigeration of perishable foods. The ability to provide, charge for, and terminate for non-payment of services is a key task of governance. State building needs to assist in developing critical infrastructures in order to provide utilities essential for economic development. Without functioning, consistent power and water services, businesses cannot predict a work schedule which hinders economic success.

Public employees are paid government wages and create an influx of cash into the local economy that pays for essential goods and services. These employees should also

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<sup>28</sup> The World Bank Institute, *A Decade of Measuring the Quality of Governance: Governance Matters 2007, Annual Indicators and Underlying Data* (Washington D.C.: The World Bank, 2007), 2-3; [http://info.worldbank.org/governance/wgi2007/pdf/booklet\\_decade\\_of\\_measuring\\_governance.pdf](http://info.worldbank.org/governance/wgi2007/pdf/booklet_decade_of_measuring_governance.pdf); Internet; accessed 20 April 2008.

<sup>29</sup> Hans Binnendijk and Stuart E. Johnson, *Transformation for Stabilization ...*, 23.

be respected local leaders to favour public perception of the government. The key locale for this function is the local level since the state is more visible there. Developing those local governments is important for local officials to gain “experience in budgeting, contracting, and overseeing projects”<sup>30</sup>. State builders can provide mentoring to the host government as utilities and other government services are established. The process will often take longer than expected, but the experience the officials will gain is invaluable to self-sustaining good governance.

## Development

Development can be defined as creating “the conditions conducive to business and economic growth, improving human capital, providing government services cost-effectively, and creating the conditions for the provision of utilities”<sup>31</sup>. Establishing and enforcing those structures and policies are essential to state building and are conducted mostly by the federal government. Development is more than infrastructure.

Development also embraces those areas that are integral to economic development, such as banking and finance systems, establishing and enforcing taxation of goods and services, and drafting and enforcing regulations.

Infrastructure investment will be required to provide the services for economic growth with utilities being just one aspect. Specific to maritime nation building is the development of ports to provide the node for trade, and a well-managed and efficient port will allow the government to establish itself. If ports are secure and efficient, the government can win back business from smugglers and negate their influence on society

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<sup>30</sup> James Dobbins, et al, *The Beginner's Guide to Nation-Building ...*, 153.

<sup>31</sup> *Ibid.*, 213.

creating a more stable state. Additionally, encouraging the use of ports will afford the government the opportunity to establish taxes on imports and exports which generates revenues to support other governmental services. The system must be simple, fair, and tied into the transport system to maintain the efficiencies of port operations to continue to dissuade smugglers.<sup>32</sup> Ports also provide the location to conduct inspections required for the enforcement of regulations. Their fair enforcement conducted with the proper supervision will dissuade corruption as the rule of law is established and criminal activity is reduced. “One measure of a state’s strength is its ability to create and enforce policies.”<sup>33</sup> Efficient, secure port policies provide the government the opportunity to impose tariffs, win back business, thwart crime, establish regulations, enforce laws, and fight corruption which empowers the government to continue policy enforcement to other areas and benefits of public life.

### Economic Stability

Governments must create the environment in which individuals can safely and profitably engage in economic activity. Economic development and stability are key objectives of state building and desire to stabilize the currency, generate governmental revenues, build capacity, establish accountability, and combat corruption. Stabilizing the currency is beyond the capacity of maritime state building and will not be discussed.<sup>34</sup>

Taxation of imports and exports was mentioned as one avenue to generate government revenues, but the government can also generate revenues by exploiting its

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<sup>32</sup> *Ibid.*, 220-221.

<sup>33</sup> Francis Fukuyama, *State-Building: Governance and World Order in the 21st Century* ..., 7.

<sup>34</sup> James Dobbins, et al, *The Beginner's Guide to Nation-Building* ..., 161-163.

natural resources. Before it can exploit them, the state must identify and secure the natural resources along with associated transportation systems. Government policies must be made on which resources to exploit and in what manner to exploit them to create a sustained management system. Without the security of the resources, the host nation will not reap the benefits of their exploitation since corporations will conduct operations under the protection of non-state actors for the security of their personnel, equipment and exports.<sup>35</sup> State building can assist with security forces for natural resource areas and transportation structures.

Government positions may be perceived as spoils of power and may be used as positions to permit the demand of bribes and facilitation of criminal activity for their own gain.<sup>36</sup> Consequently, corruption in government does not promote good governance or economic stability because it is inefficient when employees act only when it suites them financially. An effective civil service will combat corruption and in turn provide good governance and economic stability. To become effective, it must become responsible to the population it serves and accountable to the government it represents. State building can develop accountability and responsibility as military forces hold them in high regard.

Key military state building tasks have been defined as security, governance, economic stability, and development with security and economic stability as critical tasks. Applicable security tasks have been identified as law enforcement and the rule of law to include police forces, courts, and penal systems. Economic stability sets the conditions for economic development as they generate governmental revenues, build

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<sup>35</sup> Scott Pegg, "Globalization and Natural-Resource Conflicts," *Naval War College Review* 61, no. 4 (Autumn 2003): 89-90.

<sup>36</sup> James Dobbins, et al, *The Beginner's Guide to Nation-Building* ..., 172.



capacity, establish accountability, combat corruption, and develop infrastructure. Good governance is the ultimate goal. Military forces can assist developing good governance by helping establish public health care, education, utilities, and wages while minimizing non-state actors influence.

### **Why have a Navy?**

With key state building tasks defined, a review of maritime forces functions is required prior to merging the two into the manner maritime forces can support state building. Akin to land forces, the full spectrum of maritime forces capabilities and functions would not all be directed towards state building. Therefore, those functions and tasks that would be conducted during state building or stabilization operations will be focused on. Additionally, the overall structure of maritime forces requires review to identify the comprehensive needs of maritime forces.

The term maritime forces has been used instead of naval forces to emphasize the need of these forces to conduct more than just warfare and the ships that carry it out. The use of the term maritime forces can be better clarified by answering the questions: Why do we need a navy and what should it do? And the answers to both these questions lie in the specific state's use of the sea. States are interested in the use of the sea for "passage of goods and people, passage of military force for diplomatic purposes, and exploitation of resources in or under the sea"<sup>37</sup>. States develop maritime policies to define their "use of the sea for their respective purposes while preventing its use in ways which are to

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<sup>37</sup> Ken Booth, *Navies and Foreign Policy* ..., 15.

one's disadvantage"<sup>38</sup>. Without maritime forces, developing states adjacent to the sea would not have control over their seas, its resources, or the movement over it as well as their ability to influence the sea environment to their advantage.

### Functions of Maritime Forces

Maritime forces are mainly concerned with “extending state’s sovereignty over the states own maritime frontiers”<sup>39</sup>. They have three roles they perform in attaining and maintaining this sovereignty: “Military, diplomatic and policing”<sup>40</sup>. Each role is depicted as a side of a triangle surrounding a state’s use of the sea (figure 1).

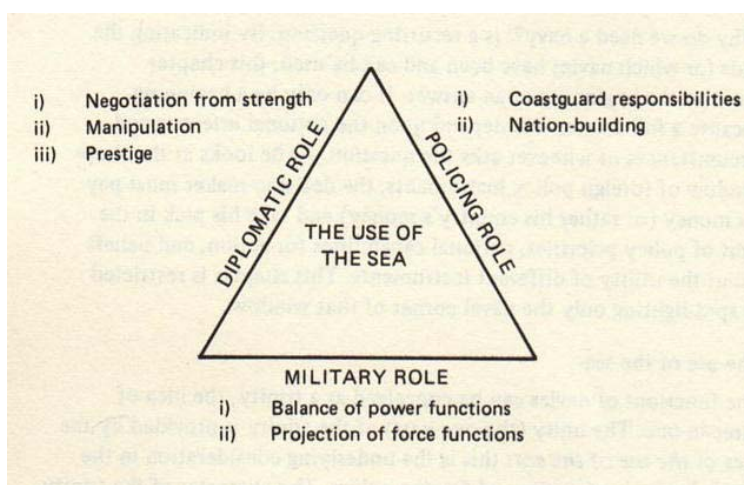


Figure 2.1 – Booth’s Triangle  
Source: Booth, *Navies and Foreign Policy*, 16.

The length of each side of this triangle will not be identical for every state as the importance of each function to their maritime policy and national interests differ. These roles will be expanded to apply state building objectives of good governance and

<sup>38</sup> *Ibid.*, 15-16.

<sup>39</sup> *Ibid.*, 16.

<sup>40</sup> *Ibid.*, 15.

economic stability as well as the key state building tasks of security, governance, economic stability, and development.

Prior to modern navies, control over the sea from the land only extended as far as the cannon could support. Thus a state's expectation of its maritime forces then was only to defend its land from seaborne attack and not to influence matters at sea. With the modern importance of global movement on the seas and the advances in natural resource exploitation, states must be able to not only secure their lands but must view their territorial oceans as an extension of their lands. Just as interests ashore require attention, the state's interests at sea are gaining importance and require attention also. This historical context provides the understanding of the maritime forces role of defence and deterrence. Now, modern navies can extend further from shore as well as across the globe to influence international order.

Security is vital to state building, and providing that security at sea is a key function of maritime forces. The traditional function of deterring intrusion minimizes the threat of other state's presence and influence within its maritime frontiers. Maritime forces can also protect national claims in contiguous seas and extend those claims as allowed by international law. The presence of maritime forces performing their functions can aid in developing security at sea so that trade can be conducted, natural resources can be exploited, and freedom of movement at sea can be maintained.

International order can be maintained through the use of maritime forces to attain a stable maritime domain. Stability at sea has been previously noted as a requirement for establishing sea lanes and their use in the global trade environment. Navies are costly to equip and maintain, and loss for any reason or any degradation in capacity would present

a substantial reduction in naval power and state treasures. When two states face conflict at sea, tensions tend to de-escalate and create a self-regulated peace at sea since potential losses on both sides would pose such significant portions of national treasure. Maritime forces have historically been the only expeditionary force in the international community as warships travel out to sea, interact with international shipping, and conduct port visits. Since their operations are conducted beyond the view of land and only are directed towards the small body of mariners, naval operations are not normally viewed as aggressive or belligerent.

Although the diplomatic role may be initially dismissed in state building, it can be relevant to stability operations. The possession of naval forces, such as warships, provides the state with a status of prestige among other nations. This prestige can also foster pride among the population as an internal stabilizing effect of psychological reassurances. Although the aspect of prestige is important, it is not merely achieved by possessing a fleet but is based in the manner the fleet is used over time. Poor use of the navy, warship losses, and over-commitment can disgrace or discredit a state's navy and in turn diminish that prestige internationally and stability internally. A cautious approach must be taken when developing a foreign navy to ensure an effective, professional force manning appropriate equipment. Otherwise, the result would be a display of an ineffective government that under-mans, ill equips, or misuses its fleet.<sup>41</sup>

The policing role pertains to maintaining sovereignty over the state's maritime frontiers, and as over one third of the worlds navies are designed solely for constabulary purposes, maritime state building should be addressed as the primary role. The maritime

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<sup>41</sup> *Ibid.*, 18-20, 59.

forces' policing role allows states to enforce laws at sea and is as to state building at sea, as law enforcement is ashore. Additionally, policing forces function as border guards and military aides to the civil authority. This role shall be expanded further discussion on the objectives of the new US Maritime Strategy in subsequent chapters.<sup>42</sup>

### Maritime Force Structures

Navies are normally built to support a maritime policy that integrates foreign policy and in the case of state building should include economic policies for natural resource exploitation. No two state maritime policies will be alike. As well, no two maritime forces will be alike as they will emphasise different functions and have different resources available. However, a review of how maritime forces are structured will provide insight into considerations for building a state's maritime forces.

Before building maritime capability, a state must determine what capacity those forces will serve. What importance does the state desire to put on the sea? What can the state draw from it? The environment and economic situation will influence that state's maritime policy as navies are developed to support a state's economic interests at sea. If there are no natural resources to exploit, they will not develop navies with that function and capability. Since all coastal states benefit from freedom of movement at sea, all navies must consider supporting local and regional security. States may be able to rely on other regional powers to provide this freedom of movement but will be denying themselves as well as the capability to ensure their own freedom of movement. Similarly, the state must provide the capacity to enforce regulations over the sea. If not,

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<sup>42</sup> *Ibid.*, 17-18.

then its maritime frontier will be lawless (further discussion on the importance of regulation at sea will be made in subsequent chapters). Drafting national policy is an important aspect of governance as it sets regulations, allocates resources, creates institutions, and hires civil employees who become societal leaders. Since developing and weak states may not consider all these aspects of policy, advisers may be required to assist in determining the best manner of developing it. This function creates or demands governments to engage issues and develop long-term solutions that can be leveraged to tackle other internal state issues.

Once policies have been determined, maritime forces can be built to support them. Maritime policies must be within the capability of their navies and, since navies are normally built by what the state can afford,<sup>43</sup> defining shortfalls of the current maritime capability will be required. In addition to the operating environment and geography, manning, training, and sustaining the forces needs to be considered to meet the required capabilities.

“Naval means warships. Maritime refers to units operating in the seas.”<sup>44</sup> The types of maritime forces developed will be influenced by the operating environment. Certain ships have specific aspects that promote them over another platform, and the procurement of one over another will be referred to as opportunity cost. Opportunity cost is “the benefits sacrificed by deliberately choosing one course of action over another”<sup>45</sup>.

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<sup>43</sup> *Ibid.*, 242.

<sup>44</sup> Michael Pugh, "Introduction," in *Maritime Security and Peacekeeping: A Framework for United Nations Operations* (New York: Manchester University Press, 1994), 4.

<sup>45</sup> Michael Lindberg and Daniel Todd, *Brown-, Green- and Blue-Water Fleets: The Influence of Geography on Naval Warfare, 1861 to the Present* (Westport, Connecticut: Praeger, 2002), 4.

Developing one type of ship will commit the state to the specific capabilities and associated functions that it delivers and forsake those capabilities and functions that it cannot perform. This may create shortfalls in the future if the state changes maritime policies that would not be supported by current maritime forces. Ships are a logical asset when building a maritime force as they are persistent, visible, and capable of watching over the sea. The geographic term relative distance is a “method of defining accessibility and accounts for the difficulties in closing the absolute distance”<sup>46</sup> and impacts a ship’s ability to patrol a set piece of sea. Distance to travel, sea conditions, required loiter, and area to patrol limit the net patrol length as the finite resources of fuel and food are expended for a given patrol. Since most coastal navies are required to conduct both military and policing functions, consideration should be given to threats for prosecution and geographic considerations such as water depth and ocean bottom when forming these navies as they have required capabilities. The expected roles, functions, and tasks need to be balanced against potential military threats and operating environment to build the correct maritime force for the drafted policy.

Maritime forces could also incorporate assets other than ships. Aircraft can complement the relative distance challenges and can integrate with the navy on basic patrol functions. They have the advantage of speed, range, and mobility, but aircraft may lack the required persistence and can be costly to procure, maintain, or operate. States should have an existing air force that may not be part of maritime policy. The expansion of the air force’s role to support maritime functions creates an opportunity to capitalize on existing structure and could reduce ship requirements.

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<sup>46</sup> *Ibid.*, 13.

Since “a navy mans equipment, not vice versa”<sup>47</sup>, personnel and their training must be included in maritime forces structure since ships and aircraft without competent people to operate them would be ineffective. Building maritime forces will require locating and training people, and state building can greatly influence this area. Advisers can assist the state in developing the capacity to recruit and train its personnel. Additionally, tactics and procedures must be developed to execute the state’s policies, and training people without them would be a waste of resources.

The new maritime strategy has been categorized as supporting stability operations in the conduct of state building. Additionally, the supporting objectives of state building were defined as good governance and economic stability with the key tasks of security, governance, economic stability and development. Security was further broadened to relay the importance of law enforcement and the rule of law. Governance embodies the importance of developing a state’s ability to provide for its people and the people’s confidence in their government through providing utilities, wages and experienced public employees. Development goes beyond infrastructure to include economic growth, while economic stability is desired to provide governmental revenues, build capacity, combat corruption, and establish accountability.

Maritime forces are greater than just navies. Taking the requirements of national interests, states develop maritime forces and define their diplomatic, military, and policing roles. With these guidelines, states can develop maritime forces, identify needed capabilities, and train personnel to implement the state’s use of the sea. Without all of

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<sup>47</sup> David R. Price, "Iraqi Navy: Have Sailors - Need Ships," *U.S. Naval Institute Proceedings* 133, no. 3 (March 2007): 35.



them working together, the state would have an ineffective plan to develop itself and take advantage of what the sea provides: movement, trade, and natural resources. A state's ability to effectively control its seas supports the new U.S. maritime strategy as it creates security in local and regional seas to reduce maritime threats to the global commons and protects U.S. trade and interlinked economy overseas.

## CHAPTER 3 – THE NATIONAL STRATEGY FOR MARITIME SECURITY

“Think globally, act locally”<sup>48</sup>

National Security Presidential Directive 41 (NSPD-41) set guidelines “to enhance U.S. national security and homeland security by protecting U.S. maritime interests”<sup>49</sup>. This approaches maritime domain security as a global issue and calls for a cooperative approach with its allies. The National Strategy for Maritime Security was drafted to support NSPD-41, providing a cornerstone element to its implementation. The strategy is designed to promote U.S. homeland security and protect the global economy through stability in the maritime domain. Weak and failing states provide opportunities for terrorists and criminals to conduct their operations which present a threat to the international trade supplies at sea; consequently, these threats present a challenge to U.S. economic interests. The strategy will be examined as it pertains to state building and stability operations.

### **The Strategy**

“The United States has a vital national interest in maritime security”<sup>50</sup> and the National Strategy for Maritime Security is designed to achieve that interest. The strategy

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<sup>48</sup> Charles W. Martoglio and John G. Morgan, Jr., “The 1,000 Ship Navy...”, 15.

<sup>49</sup> United States. Executive Office of the President of the United States, *National Security Presidential Directive NSPD-41/Homeland Security Presidential Directive HSPD-13* (December 21, 2004), 1; <http://www.fas.org/irp/offdocs/nspd/nspd41.pdf>; Internet; accessed 22 February 2008.

<sup>50</sup> United States. Executive Office of the President of the United States, *The National Strategy for Maritime Security* ...1.

is designed to prevent attacks from terrorist organizations and rogue states by extending layers of security out to sea. The strategy also addresses the importance of maintaining good order of the seas as the global market is reliant on its access for movement. Additionally, competition over ocean resources provides wealth and sustenance and is increasing. The new maritime strategy takes a proactive effort to neutralize threats through its objectives.

### The Threats

The United States Navy (USN) remains unchallenged at sea from other state navies.<sup>51</sup> What does challenge the U.S. are terrorists, trans-national criminals, and pirates.<sup>52</sup> The sea provides these threats with the medium for movement as well as a rich target environment of global shipping. The strategy addresses those organizations that directly threaten the U.S. homeland and those indirectly that give safe haven to them. Weak and failing states provide bases of operations, and they need assistance in neutralizing these threats. The strategy also must assist in creating environments unsupportive to these threats in areas where they have not established themselves.

Terrorist attacks, criminal acts at sea, and piracy can cause significant disruption to regional economies. Terrorists have demonstrated that terror can be used at sea by attacking the *USS COLE* in 2000 and again two years later against the French Motor

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<sup>51</sup> Barry R. Posen, "Command of the Commons: The Military Foundation of U.S. Hegemony," *International Security* 28, no. 1 (Summer 2003): 20; <http://mitpress.mit.edu/journals>; Internet; accessed 17 April 2008.

<sup>52</sup> United States. Executive Office of the President of the United States, *The National Strategy for Maritime Security* ...3.

Vessel *Limburg*<sup>53</sup> proving that the freedom of movement the maritime domain affords is threatened and needs to be maintained.

Another threat to maritime security, criminal acts at sea and piracy have increased with the increases in commercial activity.<sup>54</sup> Criminal activity takes advantage of the movement the sea provides in smuggling people, goods, and contraband. The sea also furnishes pirates and maritime criminals with targets. These activities deliver vital revenues to criminal and terrorist groups and allow them to influence the population ashore, “especially where there is significant political and economic instability, or in regions with little or no maritime law enforcement capability”<sup>55</sup>. Not only must these threats be neutralized but also their safe havens to deter other nefarious organizations from replacing them.

### The Objectives

The strategy promotes the security of the maritime domain through the two stated objectives:

- Facilitate the vibrant maritime commerce that underpins economic security
- Protect against ocean-related terrorist, hostile, criminal, and dangerous acts

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<sup>53</sup> Michele Cosentino, "Defeating Terrorism from the Sea," *U.S. Naval Institute Proceedings* 130, no. 12 (December 2004): 54.

<sup>54</sup> United States. Executive Office of the President of the United States, *The National Strategy for Maritime Security* ...5.

<sup>55</sup> *Ibid.*, 5.

Additionally, the strategy implies an additional objective:

- Safeguard the ocean and its resources<sup>56</sup>

Maintaining the freedom of the seas is essential to the vital shipping that has emerged from corporate just-in-time delivery approaches.<sup>57</sup> The U.S. is a major trading nation, and the uninterrupted flow of goods is critical to maintaining its vibrant national economy. Conducting the first two objectives ensures shipping will move unhindered and is in the vital national interests of the United States.

The U.S. can patrol its oceans and manage its resources, but preserving the health and sustainable yields of local and regional seas is also vital to maintaining stability, one of the objectives to achieve maritime stability. Increased competition over fishing and non-living maritime resources causes friction<sup>58</sup> and leads to regional instability. Regional states, with U.S. aide to develop and maintain their maritime sovereignty, will be able to manage their oceans' fish stocks and natural resources and promote a stable maritime environment.

### The Supporting Actions

In order to achieve its objectives and counter threats, the new strategy will establish the layered security to domestic protection and far reaching security for

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<sup>56</sup> *Ibid.*, 2.

<sup>57</sup> United States. Executive Office of the President of the United States, *International Outreach and Coordination Strategy* (Washington D.C.: U.S. Government Printing Office, November 2005), i; [http://www.dhs.gov/xlibrary/assets/HSPD\\_IOCPlan.pdf](http://www.dhs.gov/xlibrary/assets/HSPD_IOCPlan.pdf); Internet; accessed 21 February 2008.

<sup>58</sup> Arthur Westing, "Environmental Dimensions of Maritime Security," in *Maritime Security: The Building of Confidence* (Geneva: United Nations Institute for Disarmament Research, 1992), 97.

economic prosperity through five actions:

- Enhance International Cooperation
- Maximize Domain awareness
- Embed Security into Commercial Practices
- Deploy Layered Security
- Assure Continuity of the Marine Transportation System<sup>59</sup>

Awareness of the maritime domain enables the other activities. Conducting maritime state building supports enhancing international cooperation, maximizing domain awareness, and assuring continuity of the marine transportation system. Additionally, it also assists in deploying layered security. As more states take on the responsibilities of good governance, regional order is stabilized. Foreign states will be unintentionally supporting U.S. objectives of physical and economic security as common threats are reduced, and local and regional stability is achieved.

The U.S. must engage other nations to secure their seas, in turn protecting the shared commons. Additionally, global markets and national economies are becoming more integrated; local incidents not only impact local and regional markets but also influence the global economy. The strategy calls for new initiatives that blend public and private institutions to develop this cohesive maritime enforcement plan. There are many U.S., foreign, and private levels of interests, but all share the threats to the global economy present in the maritime domain.

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<sup>59</sup> United States. Executive Office of the President of the United States, *The National Strategy for Maritime Security* ...13.

### **A Need for a Novel Strategy**

The National Strategy for Maritime Security is not only one of the latest but is also the most novel of American security strategies. A cohesive and integrated national strategy that incorporates all aspects of government has not been addressed in prior security strategies. Public and private security activities together will support the strategy's objectives and uses a descriptor for these types of operations- JIMP. JIMP is an acronym for Joint, Interagency, Multinational, and Private. Joint refers to the use of two or more military services involved in a mission.<sup>60</sup> Interagency is defined as when two or more national departments and agencies are involved<sup>61</sup> while multinational involves more than one nation.<sup>62</sup> Those organizations not under governmental control would fall into the private segment. Traditionally, non-governmental organizations have become involved with nation building and peacekeeping, but this strategy also desires to engage private industry as it can provide functions during their respective operations or at the request of the government most notably to support economic development. Since nation building requires a JIMP approach to operations, one can make the parallel that maritime state building should apply itself in the same format. The new strategy

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<sup>60</sup> United States. Department of Defense. Office of the Joint Chiefs of Staff. *Joint Publication 1-02: Department of Defense Dictionary of Military and Associated Terms* (Washington D.C.: October 17, 2007): 283; [http://www.dtic.mil/doctrine/jel/new\\_pubs/jp1\\_02.pdf](http://www.dtic.mil/doctrine/jel/new_pubs/jp1_02.pdf); Internet; accessed 30 March 2008.

<sup>61</sup> *Ibid.*, 272.

<sup>62</sup> *Ibid.*, 359.

promotes this comprehensive approach,<sup>63</sup> and one must understand what the U.S. means by along the JIMP lines.

### The JIMP Structure

That the strategy calls for the use of maritime forces should not be new, but what is unconventional is the recent U.S. fleet strategy that supports this policy. The fleet strategy has bound the U.S. Navy (USN), the U.S. Marine Corps (USMC) and the U.S. Coast Guard (USCG) closer than in the past.<sup>64</sup> After reviewing Booth's study on Navies in the previous chapter, this alignment of forces should have been anticipated as it incorporates all the functions of maritime forces. For the U.S., the military and diplomatic functions are executed by the USN. The USCG normally functions under the Department of Homeland Security and is the sole agency responsible for constabulary functions at sea.<sup>65</sup> The U.S. law known as *posse comitatus* prevents U.S. military forces from enforcing American law.<sup>66</sup> The USN is not tasked to conduct law enforcement operations; as it is not equipped or trained to conduct such operations, the USN is not a good policy instrument for constabulary functions. Although historically a part of the

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<sup>63</sup> United States. Executive Office of the President of the United States, *The National Strategy for Maritime Security* ... ii.

<sup>64</sup> United States. Department of the Navy, United States. Department of the Coast Gaurd, and United States. Department of the Navy, United States Marine Corps, *A Cooperative Strategy for 21st Century Seapower* (October 2007), 1; <http://www.navy.mil/maritime/MaritimeStrategy.pdf>; Internet; accessed 17 October 2007.

<sup>65</sup> United States Coast Guard, "USCG Missions Website," <http://www.uscg.mil/top/missions/>; Internet; accessed 21 February 2008.

<sup>66</sup> Andrew Webb, "Posse Comitatus and the Military in Domestic Law Enforcement," *U.S. Naval Institute Proceedings* 130, no. 1 (January 2004): 44.



USN, the USMC should still be considered part of the U.S. maritime forces as it retains vital capability to support all three maritime functions. As discussed in state building functions, good governance relies on law enforcement and the rule of law, and the USCG is best suited to conduct this specific function.

Both maritime state building and the new maritime strategy envision the need for support beyond the military's capability. The military does not alone possess the capacity to develop an entire state's legal, governance, and economy. Yet naval functions and good governance working together can set the conditions for economic development. The Department of State is now responsible for leading all U.S. reconstruction and stability efforts<sup>67</sup> with the military in a supporting role. One could easily deduce that stability operations are mostly about governance and economic development and not entirely concerning physical security. Integral to this coordinated American effort are the Treasury Department to coordinate international financial support<sup>68</sup> and the U.S. Agency for International Development (USAID) to promote economic and humanitarian assistance worldwide<sup>69</sup>. Combined, these agencies and departments can effectively bring the entire American national power to assist in developing good governance and local economies.

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<sup>67</sup> United States. Executive Office of the President of the United States, *National Security Presidential Directive NSPD-44*, (December 14, 2004), 2; <http://www.fas.org/irp/offdocs/nspd/nspd41.pdf>; Internet; accessed 7 December 2007.

<sup>68</sup> *Ibid.*, 3.

<sup>69</sup> United States. United States Agency for International Development. *USAID Primer: What we do and how we do it* (Washington D.C.: U.S. Government Printing Office, January 2006): 2; [http://www.usaid.gov/about\\_usaid/PDACG100.pdf](http://www.usaid.gov/about_usaid/PDACG100.pdf); Internet; accessed 31 March 2008.

As previously stated, the U.S. alone cannot secure the seas and must rely on cooperation of partnership nations that share the common interest in securing the seas to take advantage of what it provides. By definition, developing a foreign state would make the stability operation multinational but would be a disservice to the strategy's intent. American allies have a symbiotic relationship with American hegemony. The strategy calls for an international cooperation of states to patrol the commons; however, this does not limit them to just the states being developed. America expects its allies to assist it in maritime state building. The U.S. ensures the maritime domain becomes secure for its own interests, and allied nations receive the same benefits of achieving U.S. interests since they are also aligned. Modest assistance to U.S. operations maintains good relations in an alliance and is returned by the status quo. Not allying with the strategy could jeopardize that state's protection in the global commons from the U.S. cooperative and may be detrimental to their global trade. That states may challenge this approach is debatable; that failing to support the strategy has potential repercussions.<sup>70</sup> The U.S. must call on other nations that possess needed capabilities to develop order and promote stability so that the maritime domain can be secure.

The Private sector has a large role in stability operations and to date has been neglected from discussions. Non-governmental actors and private industry are important to conduct state building. Non-governmental organizations (NGOs<sup>71</sup>) provide assistance to governments and can conduct their support without the need for inter-state coordination. Since economic development is vital to stability, private industry must be

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<sup>70</sup> Barry R. Posen, "Command of the Commons...", 42-46.

<sup>71</sup> United States. Department of Defense. Office of the Joint Chiefs of Staff. *Joint Publication 1-02...*, A-104.

engaged in order to achieve desired conditions effectively. As well, private industry can be utilized to equip, train, and consult. The private description is intended to be generic, as the developing state has specific challenges to be met through specific objectives, forces, personnel and equipment. These groups can be drawn on to assist when a shortfall in capability is predicted or when less U.S. government involvement is desired.

Maritime state building goes beyond the military forces and demands all aspects of government be incorporated. But, maritime forces, and not naval forces, are the correct term as it includes all naval functions with the USN and USCG now closely aligned in their new U.S. fleet policy. Additionally, U.S. agencies and departments need to be integrated as well as partner nations and private industry and organizations. During stability operations, all these organizations need to be coordinated in order to create an effective and efficient system of governmental approach. This strategy demands a JIMP approach to develop state good governance and economic stability that results in maritime domain security.

### **Supporting Plans**

The National Strategy for Maritime Security can be divided into specific supporting plans to apportion American governmental agencies tasks and resources. These supporting plans are integrated and mutually supportive of each other and the

parenting National Strategy for Maritime Security. The strategy has identified eight supporting plans to clarify tasking among national agencies:

- National Plan to Achieve Maritime Domain Awareness
- Global Maritime Intelligence Integration Plan
- Maritime Operational Threat Response Plan
- International Outreach and Coordination Strategy
- Maritime Infrastructure Recovery Plan
- Maritime Transportations System Security Plan
- Maritime Commerce Security Plan
- Domestic Outreach Plan<sup>72</sup>

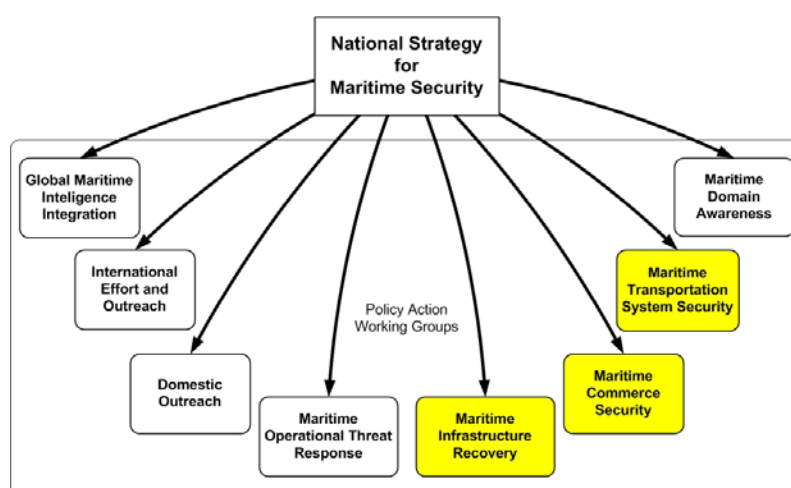


Figure 3.1 – National Strategy for Maritime Security Plans

Source: Maritime Infrastructure Recovery Plan, 1.

Of the eight plans, the National Plan to Achieve Maritime Domain Awareness (MDA) and the International Outreach and Coordination Strategy are relevant to maritime state building. They will be further defined to support an understanding of the strategy's details of maritime state building. The Maritime Operational Threat Response Plan is an interim strategy that is being developed further, and a general discussion of the strategy and its intent will be offered.

<sup>72</sup> United States. Executive Office of the President of the United States, *The National Strategy for Maritime Security* ... 27.

## The National Plan to Achieve Maritime Domain Awareness

The National Plan to Achieve MDA is designed to “lay the foundation for an effective understanding of anything associated with the Maritime Domain that could impact the security, safety, economy or environment of the United States and identifies threats as early and as distant from our shores as possible”<sup>73</sup>. The MDA plan is supported by the Global Maritime Intelligence Integration Plan and enables the Maritime Operational Threat Response Plan.<sup>74</sup>

Although not a pillar in the execution of operations, the MDA plan establishes the coordination and dissemination of information among partner nations and national agencies to provide a clear assessment of the maritime situation. This mechanism will identify areas that would benefit from maritime state building by addressing threats to local maritime security that endanger regional stability and global shipping freedom of movement. Without an awareness of where to conduct stability operations, they would be inefficient. Additionally, the MDA plan not only covers threats but identifies all aspects of the maritime environment to include vessels, cargo, crew, the environment, natural resources, infrastructure, and financial transactions to provide a complete maritime picture. This picture also includes all that occurs below the seas, on and above the surface, and ashore to aid in identifying current or potential threats from external,

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<sup>73</sup> United States. Executive Office of the President of the United States, *National Plan to Achieve Maritime Domain Awareness for the National Strategy for Maritime Security*, (Washington D.C.: U.S. Government Printing Office, October 2005), i; [http://www.dhs.gov/xlibrary/assets/HSPD\\_MDAPlan.pdf](http://www.dhs.gov/xlibrary/assets/HSPD_MDAPlan.pdf); Internet; accessed 21 February 2008.

<sup>74</sup> *Ibid.*, ii.

internal, inter-state, non-state, and criminal actors. The MDA plan provides the who and where for maritime state building.<sup>75</sup>

#### International Outreach and Coordination Strategy

The security and prosperity of the United States are best guaranteed when its international partners are also secure and prosperous. The International Outreach and Coordination Strategy plans to leverage its diplomatic and other governmental agencies resources and influence to enhance the close cooperation among nations, international and national organizations, and the private sector. This plan is being led by the State Department and not the Department of Defense.<sup>76</sup> As previously mentioned, maritime state building will require support from mostly outside the military department with the brunt of maritime forces supporting law enforcement development and rule of law objectives. In this spirit, the two strategic goals of the policy will be reviewed:

- *A coordinated policy* for U.S. government maritime security activities with foreign governments, international and regional organizations and the private sector
- *Enhanced outreach* to foreign governments, international and regional organizations, private sector partners, and the public abroad to solicit support improved global maritime security (*emphasis added*)<sup>77</sup>

The first objective of a *coordinated policy* can be best summarized as an efficient JIMP approach to the plan. This strategy will require a unity of effort, and a central lead organization has already been identified to conduct maritime stability operations outside

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<sup>75</sup> *Ibid.*, 4.

<sup>76</sup> *Ibid.*, ii.

<sup>77</sup> United States. Executive Office of the President of the United States, *International Outreach and Coordination Strategy* ..., 4.

conflict to maintain a unified and consistent approach to maritime security. The *coordinated policy* must also set policy to ensure international law is fully integrated as it relates to maritime security because the rule of law is vital to maritime state building. But defining the organization will not solely achieve the goals of maritime security. The outreach of this strategy will be enhanced because it will engage other maritime partners and reach to other regional and international organizations “to coordinate U.S. and international technical assistance to promote effective maritime security in developing nations and critical regions”<sup>78</sup>. Additionally, support will be built for the U.S. maritime security plan through initiatives with host governments, the private sector, and the general public.<sup>79</sup> In other words, the International Outreach and Cooperation Strategy will use a JIMP approach and answers the how of maritime state building.

#### Maritime Operational Threat Response Plan

The Maritime Operational Threat Response (MOTR) plan is designed “to achieve a coordinated U.S. Government response to threats against the United States and its interests in the maritime domain”<sup>80</sup>. The MOTR plan directs the coordination of existing national-level command centers in the response to a threat and directs efforts at the national, regional, and international level bringing to bear “military, law enforcement,

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<sup>78</sup> *Ibid.*, 7.

<sup>79</sup> *Ibid.*, 7.

<sup>80</sup> United States. Executive Office of the President of the United States, *Maritime Operational Threat Response Plan for the National Strategy for Maritime Security* (October 2005), 2; [http://www1.apan-info.net/DesktopModules/Bring2mind/DMX/Download.aspx?TabId=3374&DMXModule=12245&Command=Core\\_Download&EntryId=9807&PortalId=59](http://www1.apan-info.net/DesktopModules/Bring2mind/DMX/Download.aspx?TabId=3374&DMXModule=12245&Command=Core_Download&EntryId=9807&PortalId=59); Internet; accessed 7 April 2008.

investigative and other U.S. government agencies”<sup>81</sup>. The MOTR plan is designed to supplement the National Response Plan by expanding the response to the U.S. domestic maritime domain; however, the plan also allows the U.S. to engage threats that present themselves outside of American territorial seas. The MOTR plan could be used to neutralize threats in the support of stability operations and answers the what and when of maritime state building.<sup>82</sup>

### **The Desired Approach**

In determining the need for a new maritime strategy and its method of approach, the elements of maritime state building have been mentioned as furthering good governance and economic stability to provide the conditions for global security at sea. Applying this discussion of maritime state building to the maritime strategy, the strategy’s objectives and supporting strategic tasks will be expanded as they would be conducted during stability operations in support of maritime state building.

### **Comprehensive Approach and Unity of Effort**

The President of the United States set policy for the implementation of reconstruction and stability efforts. This policy places the Secretary of State as the leader of government efforts during these activities and demands all of the U.S. strengths support them. The Coordinator for Reconstruction and Stabilization (CRS) was created to fill this requirement and has been staffed to support it. Integral to this office is the

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<sup>81</sup> *Ibid.*, 3.

<sup>82</sup> *Ibid.*, 2-3.



requirement to provide military liaisons to the CRS for coordination as well as direction to include national, international and non-governmental organizations, and private parties.<sup>83</sup>

### Maritime Forces

To completely identify all U.S. governmental agencies that comprise maritime forces would require discussion beyond the scope of this paper; however, maritime forces, as they have been previously discussed, would include those forces that are designed to influence a states role over the sea in diplomatic, constabulary, and military functions. The general U.S. military forces involved in maritime state building needs to be studied to gain an appreciation of its maritime state building capabilities. The Department of the Navy has published its new cooperative strategy collectively with the USN, USMC, and USCG as they support all three functions of maritime forces. The USCG holds the broad role of law enforcement capabilities and will receive the greatest demand to support the new maritime strategy. But, operations at sea, port operations, port security, and maritime law are all within USN limits. The USMC may be called to fill roles not specifically linked to ships at sea; one example is port security. Expanding beyond traditional roles, other U.S. governmental agencies can assist a state's influence over the sea and can be classified as maritime forces. Diplomatic efforts by the Department of State, legal advice from the Justice Department, and resource management assistance by USAID as it pertains to the maritime domain could all be defined as

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<sup>83</sup> United States. Executive Office of the President of the United States, *National Security Presidential Directive NSPD-44...*, 1-5.

maritime functions. The coordinated effort of military forces, governmental agencies, and other actors to aid a state in influencing its role at sea is, by this definition, a JIMP approach to maritime state building, and collectively they can be called maritime forces.

### Maritime Forces Coordination

The DoD has a program known as Security Assistance to develop regional and internal security under the Defense Security Cooperative Agency.<sup>84</sup> “Security Assistance refers to a group of programs by which the United States provides defense articles, military training, and other defense-related services to foreign nations....”<sup>85</sup> Within an operational theater, combined commanders perform Security Assistance under the Theater Security Cooperative (TSC) with their assigned units.<sup>86</sup> Specific geographical and service commanders participate in these TSC initiatives as they support the theater commanders TSC Plan (TSCP). “TSC plans are integral tools of the combatant commanders used to coordinate Foreign Internal Defense activities”,<sup>87</sup> and maritime forces can use TSC as another avenue to conduct maritime state building functions.

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<sup>84</sup> United States. Department of Defense. *Department of Defense Directive Number 5105.65: Defense Security Cooperation Agency* (Washington D.C.: November 21, 2003): 1-2; <http://www.dtic.mil/whs/directives/corres/pdf/510565p.pdf>; Internet; accessed 14 February 2008.

<sup>85</sup> United States. Department of Defense. Office of the Joint Chiefs of Staff. *Joint Publication 3-0: Joint Operations* (Washington D.C.: February 13, 2008): VII-6; [http://www.dtic.mil/doctrine/jel/new\\_pubs/jp3\\_0.pdf](http://www.dtic.mil/doctrine/jel/new_pubs/jp3_0.pdf); Internet; accessed 30 March 2008.

<sup>86</sup> United States. Department of Defense. Office of the Chairman of the Joint Chiefs of Staff. *Chairman of the Joint Chiefs of Staff Instruction 3113.01A: Responsibilities for the Coordination and Review of Security Cooperation Strategies* (Washington D.C.: October 18, 2006): B-3; [http://www.dtic.mil/cjcs\\_directives/cdata/unlimit/3113\\_01.pdf](http://www.dtic.mil/cjcs_directives/cdata/unlimit/3113_01.pdf); Internet; accessed 14 February 2008.

<sup>87</sup> United States. Department of Defense. Office of the Joint Chiefs of Staff. *Joint Publication 3-07.1: Joint Tactics, Techniques and Procedures for Foreign Internal Defense* (Washington D.C.: April 30,

The USN and USCG have taken steps in supporting the new requirements laid down in the new strategy to develop security capabilities of foreign states. The USN has focused on security and the USCG on law enforcement. Both have recently established units and training programs to develop foreign state capability focusing on foreign military training. Under the USN, the Naval Expeditionary Combat Command (NECC) was stood up in January 2006 to provide adaptive maritime forces of expeditionary capabilities to the joint commanders.<sup>88</sup> The NECC has several subunits that support its mission and provide its required capabilities. One subunit is the Expeditionary Training Command (ETC) which supports “combatant commanders' Theater Security Cooperation efforts by delivering timely, focused, and customized training to designated host nations”<sup>89</sup>. Of note, the following description of the ETC function might have been taken directly from this paper’s discussion of maritime state building:

“ETC provides training in foreign locations and gives local nationals the expertise to govern and protect themselves and their areas of responsibility from enemies. ETC delivers maritime expeditionary core capability training and instruction in the areas of naval construction, maritime civil affairs, maritime expeditionary security, riverine, . . . naval coastal warfare, and skill sets external to NECC. The goal is to complement efforts of U.S. forces across the full spectrum of military operations.”<sup>90</sup>

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2004): 38; [http://www.dtic.mil/doctrine/jel/new\\_pubs/jp3\\_07\\_1print.pdf](http://www.dtic.mil/doctrine/jel/new_pubs/jp3_07_1print.pdf); Internet; accessed 30 March 2008.

<sup>88</sup> United States. Department of the Navy. Naval Expeditionary Combat Command, "Naval Expeditionary Combat Command," <http://www.necc.navy.mil/>; Internet; accessed 21 February 2008.

<sup>89</sup> *Ibid.*

<sup>90</sup> *Ibid.*

The USN has seen the importance of maritime state building to secure global trade and defend U.S. interests.

The USCG has taken both an expeditionary and a domestic approach to supporting the new strategy's goals. To coordinate international training, the USCG has established the International Affairs Training Division at the Training Center (TRACEN) in Yorktown, Virginia, to coordinate and deliver all USCG's efforts towards Security Assistance and Security Cooperation.<sup>91</sup> Domestically, the TRACEN hosts the International Maritime Officers Course for junior and mid-level officer to provide a professional military study of the functions of the USCG to include maritime law enforcement, maritime safety, command, operational planning, and the rule of law.<sup>92</sup> Additionally, TRACEN provides a Mobile and Educational Training Team (MET/MTT) to conduct training at the host country's request in the host nation and provides training in USCG functions tailored to the specific state.<sup>93</sup> Using both domestic and international training courses, the USCG is aiding the development of foreign state maritime forces so that states can provide needed security and law enforcement which is the methodology discussed in maritime state building.

A brief discussion on some USN and USCG units and their supporting tasks to TSC and the new strategy display the mindset shift within the U.S. maritime forces

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<sup>91</sup> United States. United States Coast Guard. *U.S. Coast Guard International Training Handbook* 1st ed. Vol. 11. (Washington D.C.: U.S. Government Printing Office): 1; <http://www.uscg.mil/hq/g-ci/affairs/handbook/ITH%2011.1%20CD.doc.pdf>; Internet; accessed 30 March 2008.

<sup>92</sup> *Ibid.*, 52.

<sup>93</sup> *Ibid.*, II-1.

concerning the use of development as a tool to promote stability. A complete discussion on all units with dedicated tasking to support this strategy would be beyond the scope of this paper and will be reserved for further research. However, an example of what TSCP is would be beneficial.

In 2006, the U.S. European combined commander was responsible for U.S. military operations in Europe and Africa and received congressional authority to expand his ability to develop foreign military forces. One of the TCSP initiatives that needed the expanded authority was the Gulf of Guinea Maritime Security Initiative. The Gulf of Guinea runs nearly 2,000 nautical miles from the coast of Liberia to Gabon. The region possessed great natural wealth but also carries the challenges of civil unrest, extreme poverty, political instability and corruption as depicted in Figure 3.<sup>94</sup>

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<sup>94</sup> Peirre Abramovici and Julie Stoker, "United States: The New Scramble for Africa," *Review of African Political Economy* 31, no. 102 (December 2004): 687; [www.jstor.org](http://www.jstor.org); Internet; accessed 20 April 2008.



Figure 3.2 – Sub-Saharan foreign investment and unstable zones  
 Source: “United States: the New Scramble for Africa”, 687.

With little maritime security offered by its coastal states, piracy and theft plague the coastal areas resulting in a lack of confidence in the security of shipping lanes, harbors, and oil production nodes. The commander also acknowledged that poor governance, legal infrastructure, rule of law, and rampant corruption must also be addressed through an international and interagency cooperative. The Gulf of Guinea Maritime Security Initiative is designed to provide security along the coast and littorals and contribute to stability that is needed for further economic and political development.<sup>95</sup>

<sup>95</sup> Gen James L. Jones, *A Commander's Perspective on Building the Capacity of Foreign Countries Military Forces* (The United States House Armed Services Committee. Washington D.C., 7

The U.S. Navy led several workshops and seminars in May 2006 on the topic of maritime safety and security, and the recommendations focusing on the Gulf of Guinea were presented at the Seapower for Africa Symposium that same month. The conference ended with an understanding among African navies for the need to establish cooperation with the world body and to embark on regular sub-regional training. Additionally, sub-African navies have requested assistance in developing maritime domain awareness, maritime infrastructure, maritime enforcement capability, legal and regulatory regimes, and mechanisms to improve sub-regional cooperation.<sup>96</sup> The U.S. Mediterranean Fleet Commander commands all naval operations in Africa and, with the European Command's authority for the initiative, assigned a TSCP to support developing those states' maritime forces. On March 21, 2007, the United States, France, and Cameroon provided a single warship apiece for a multilateral exercise of maritime security off the coast of Limbe, Cameroon. The exercise was only a single day long but built partnerships and improved maritime security.<sup>97</sup>

Since this was conducted at sea, the forces were able to exercise with minimal political impact of forces staging in foreign countries in less than a year from initiation. Additionally, France, a historical supporter of the region and U.S. ally, was able to participate in the exercise. The beginning of this specific partnership will demonstrate to

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April 2006), 4-5; [http://www.dod.mil/dodgc/olc/docs/TestJones\\_060407.pdf](http://www.dod.mil/dodgc/olc/docs/TestJones_060407.pdf); Internet; accessed 20 April 2008.

<sup>96</sup> "US Navy, 'we are Already in the Gulf of Guinea'," *New African* no. 469 (January 2008): 43-44; [www.ebscohost.com](http://www.ebscohost.com); Internet; accessed 20 April 2008.

<sup>97</sup> "Gulf of Guinea Multilateral Exercise Improves Maritime Security." *U.S. Department of Defense Information / FIND* (April 2, 2007); [www.proquest.com](http://www.proquest.com); Internet; accessed 20 April 2008.

other regional coastal states the desire to conduct future exercises planned for 2008 with the scheduled seven-month deployment of a U.S. Naval Task Group with planned stops in the region.<sup>98</sup> However, building states involves more than one exercise, and the need to continue supporting the tasks already conducted as well as the ones not developed requires a protracted application. The need for maritime state building for Gulf of Guinea states will benefit themselves and the U.S. as those states develop the capability to secure their seas from piracy and theft, increase law enforcement ability and rule of law perceptions, and improve regional states cooperation in the shared seas. The Gulf of Guinea Maritime Security Initiative is an outstanding example of developing a plan for maritime state building, and time will tell if the concept will be developed further into further support for the regional states.

The U.S. National Strategy for Maritime Security provides security through international stability and U.S. domestic physical security. In doing so the new strategy initiates several plans that address common threats to global trade and the ocean's natural resources. To accomplish its objectives, a comprehensive governmental, or JIMP, approach must be taken. Finally, the method that the U.S. maritime forces can take and are currently executing was made in their support of this new strategy's approach to achieve regional security for global trade and local stability for good governance and economic development.

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<sup>98</sup> Gerry J. Gilmore, "Navy to Lead Gulf of Guinea Maritime Security Initiative," *U.S. Department of Defense Information / FIND* (May 31, 2007); [www.proquest.com](http://www.proquest.com); Internet; accessed 20 April 2008.



## CHAPTER 4 – THE OBJECTIVE TO FACILITATE TRADE

Over time improvements on the coast  
extend themselves to inland parts of the country<sup>99</sup>

The new National Strategy for Maritime Security states its first objective: “to facilitate the vibrant maritime commerce that underpins economic security”<sup>100</sup>. This objective is critical in state building as it supports economic development as previously discussed. Of all trade, 90% is conducted via the sea.<sup>101</sup> Land-locked states are also dependent on movement of goods at sea as they travel inland. The use of the sea is important for states not only for export, but also to receive goods the state does not or cannot produce, with some being essential to basic life or economy. Setting the conditions for successful trade can advance stability and minimize regional frictions and conflict while maintaining economic stability. The importance of trade to maritime state building directly influences state stability. The conditions that maritime forces can affect will provide an understanding of the maritime forces’ role in state building.

### The Importance of Trade

“Economic development has generally in the past gone hand in hand with sea

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<sup>99</sup> Adam Smith, "An Inquiry into the Nature And Causes of the Wealth of Nations." in *The Wealth of Nations Vol 1* (n.p, 1776); <http://adamsmith.org/smith/won-b1-c3.htm>; Internet; accessed 6 April 2008.

<sup>100</sup> United States. Executive Office of the President of the United States, *The National Strategy for Maritime Security ...*2.

<sup>101</sup> United States. Department of the Navy, United States. Department of the Coast Gaurd, and United States. Department of the Navy, United States Marine Corps, *A Cooperative Strategy for 21st Century Seapower ...*, 1.

trade.”<sup>102</sup> One hundred sixty seven countries trade by sea with developing countries accounting for roughly one-half of world seaborne exports in 1984.<sup>103</sup> Trade demands that states interact, negotiate agreements, and establish partnerships. These requirements force states to develop governmental policies and strategies as well as coordinate trade requirements to promote economic development. A functioning government in trade organizations is at the heart of the good government discussions.

States linked by trade have much to lose economically when conflict exists between them. One could believe economic interdependence among states creates incentives for cooperation, reduces misrepresentation, and fosters formal and informal mechanisms conducive to resolving conflicts that might arise.<sup>104</sup> This strategy may be detrimental to conducting state building as it relies on trade effects to reduce friction between states. Trade has been likened to marriage: the benefits of a close relationship can only be enjoyed at the cost of independence.<sup>105</sup> Dominance of one participant over the other has negative effects on both trade and marriage. Trade promotes negotiation which minimizes but does not eliminate the threat of conflict.<sup>106</sup> Hostilities may be temporarily suppressed when states see the benefits of preserving the trade relationships;<sup>107</sup> however, the alternative to a peaceful resolution resembles a

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<sup>102</sup> Martin Stopford, *Maritime Economics* (London: Unwin Hyman, 1988), 3.

<sup>103</sup> *Ibid.*, 139.

<sup>104</sup> Katherine Barbieri, *The Liberal Illusion: Does Trade Promote Peace?* (Ann Arbor: University of Michigan Press, 2002), 2.

<sup>105</sup> *Ibid.*, 32.

<sup>106</sup> *Ibid.*, 121.

<sup>107</sup> *Ibid.*, 33.

dysfunctional marriage with the potential for hostilities to escalate even over minor, irrelevant matters. Balanced trade promotes economic development and reduces friction among regional states.

Trade symmetry<sup>108</sup> is the measure of the trade dependence between individual states and is calculated by comparing the difference in dependency between the states based on import and export ratios. Dependence is determined by a state's percentage of Gross Domestic Product (GDP) from import and export with that particular state.

$$\text{Dependence} = \frac{\text{Imports} + \text{Exports (with a state)}}{\text{GDP}}$$

The higher the percentage GDP, the more that state depends on revenues from trade with that state. Symmetry denotes a balance between states so one is not reliant on the other for revenues; asymmetry indicates one state is reliant on the other. Asymmetric trade can be either from dependence on imports from a state or dependence on exports to it.

Asymmetric trade is costly economically, socially or politically because one state holds power over the economy of the other and should normally be avoided to prevent tension between states. Asymmetric trade may be conducted if there is a net benefit to the power-holding state. The U.S. might establish asymmetric trade as the majority importer of the state being built to spur their economic development, but the U.S. must be cautious not to establish long-term dependence in the developing state. Obviously, symmetry is desired in trade between states and should be the objective of maritime state building when promoting economic development.

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<sup>108</sup> For a comprehensive description of trade symmetry, see Katherine Barbieri, *The Liberal Illusion...*, 57-62.

### **Maritime Forces Effects**

Maritime forces provide certain prerequisites for trade, and the principle one is maritime security since “a need for regional stability and security is key ... to ensure access to and the free flow of these resources”<sup>109</sup>. The same argument can be made for all trade as maritime security assists and supports it through good governance and economic development. For maritime trade, maritime forces need to ensure certain conditions are maintained ashore for free movement at sea.

### **Maritime Security for Trade**

Security is not required for the development of export items. Private industries will deal with ‘the regime in place’<sup>110</sup> to secure their operations be they local warlords or criminal organizations who can guarantee physical protection. As mentioned in state building, security is the required task of law enforcement, and the maritime forces can assist in providing the necessary security to promote development. In doing this, the maritime forces will also deny funding to those nefarious actors who could in turn influence the population, government, and economic development. Secure conditions also enable the government to regulate and impose tariffs on trade. By providing a secure maritime environment, honest and fruitful trade can be conducted enabling good governance and economic development.

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<sup>109</sup> Michael T. Klare, "The New Geography of Conflict," *Foreign Affairs* 80, no. 3 (May/June 2001): 50.

<sup>110</sup> Scott Pegg, "Globalization and Natural-Resource ...", 89.

## Sea Lane Security

Secure sea lanes are integral to trade as goods require movement from port to port. The environment external to port and the influence of criminal activities at sea needs to be discussed in maritime security requirements. The threats from pirates, terrorists, and criminals endanger free movement on the sea lanes. Although each possesses different means and intent, they are all detrimental to the freedom of movement at sea and should be neutralized to render security to shipping. The concept that all coastal nations have a responsibility to secure the maritime domain has been already made. Partnerships and agreements may be sought to coordinate efficient policing of the maritime domain, and the National Strategy for Maritime Security intends to leverage local support of the global maritime commons. In supporting this objective, maritime forces can assist in developing host state capability and capacity to provide its own security and relieve U.S. demands to conduct it. Additional benefits to a secure maritime environment will be provided in addressing ocean-related crime in the following chapter.

Setting the conditions for prosperous trade encompasses the essential objectives of state building. The need for an effective government to develop international trade relationships assists in the development of good governance. Additionally, the fallacy of trade as a means to promote peace has been dismissed, and the tangible benefits of trade are in keeping with state building tenants of good governance and economic development. Developing maritime forces plays a significant role in setting the required security conditions for honest and fruitful trade benefiting the state. Finally, the new

strategy justifies its desire to promote global maritime security by partnering with other nations to secure the seas so that global trade may continue unabated.

## CHAPTER 5 – THE OBJECTIVE TO POLICE THE SEA

“The security of an individual nation is tied to global security”<sup>111</sup>

The new National Strategy for Maritime Security lists its second objective “to protect against ocean-related terrorist, hostile, criminal, and dangerous acts”<sup>112</sup>.

Developing foreign state’s capability to police their seas against these actors would alleviate the U.S. from securing those seas. But developing those maritime forces to achieve this objective would also create the opportunity to aid good governance and promote economic stability and is critical to maritime state building.

Maritime state building highlights the importance of the constabulary requirements. The rule of law is one element supporting the security task; additionally, security is provided by addressing threats and promotes economic development. Security can be described as the absence of threats to the population in a specific area.<sup>113</sup> Nefarious actors may be present, but their influence is neutralized and is no longer a threat. Once neutralized, these players can either increase their positions which will generate more state effort or dissolve away. The state’s ability to neutralize them sets the

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<sup>111</sup> Charles W. Martoglio and John G. Morgan, Jr., “The 1,000 Ship Navy...”, 14.

<sup>112</sup> United States. Executive Office of the President of the United States, *The National Strategy for Maritime Security* ...2.

<sup>113</sup> Lloyd Axworthy, "Introduction." in *Human Security and the New Diplomacy: Protecting People, Promoting Peace*, ed. Rob McRae and Don Hubert, (Kingston: McGill-Queen's University Press, 2001), 3-4.

stage for security to be developed as threats are eliminated through the legal process. Security is achieved through the policing of the seas with a reduction in crime.

### **The Maritime Policing Environment**

The maritime domain provides specific rewards to the maritime policing function. Constabulary requirements enforce laws, develop the rule of law, and promote private property. A comprehensive legal system in a maritime context is required to promote this objective. Additionally, state's jurisdiction should be not viewed as just the sea but instead as an extension of the land, which aides in developing good governance ashore while maintaining it at sea.

### **Law Enforcement**

To be effective, police forces need to furnish general security and enforcement of the law to the public. Identical policing requirements extend from ashore out to sea; however, the policing itself differs from land to sea. The USCG constabulary functions supply an understanding of the tasks for policing at sea. The USCG serves as America's principle law enforcement agency at sea: the police at sea. In this role, they combat illegal immigration, illegal drug trafficking, and crime at sea. Also, the USCG represents the U.S. at the United Nations' International Maritime Organization, coordinating international regulations for the use of the sea. Finally, the USCG conducts what one could call traffic control as they enforce safety regulations and manage waterways, ensure safe vessel operation, and enforce traffic regulations. Many of the world's



maritime forces conduct missions that resemble those of the USCG displaying the importance of this maritime forces function.<sup>114</sup>

### The Rule of Law

Law enforcement is worthless without an established rule of law, and the combination of the two provides the security framework for maritime state building. The use of policing forces at sea and the supporting legal system provide the basis to develop the rule of law in the maritime domain.

To make an effective court system, a state must have fair judges impartially imposing the law to make an effective court system. What law to impose is a critical question to address. States must have maritime regulations for maritime police to enforce and they must be in synch with maritime policy to maintain a unity of government. States can refer to the United Nations Convention on the Law of the Sea (UNCLOS) for maritime law standards because it is accepted as international convention.<sup>115</sup> UNCLOS demands states do all in their ability to enforce their regulations, to deter piracy and crime at sea, and to set standards to protect the maritime environment.<sup>116</sup> As well, courts are available to arbitrate contracts and private and civil issues. The establishment of private

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<sup>114</sup> United States. United States Coast Guard, "USCG Missions," <http://www.uscg.mil/top/missions/>; Internet; accessed 21 February 2008.

<sup>115</sup> United Nations. The Law of the Sea: Official Text of the United Nations Convention on the Law of the Sea with Annexes and Index; Final Act of the Third United Nations Conference on the Law of the Sea; Introductory Material on the Convention and the Conference. Translated by United Nations. (New York: United Nations, 1983), 1.

<sup>116</sup> United Nations. The Law of the Sea..., xxiv.

property rights and the ability to enforce them is critical to state building.<sup>117</sup> Property includes the ocean's natural resources and would equate to land rights and their use ashore. States must be able to fairly arbitrate claims resulting in peaceful dispute settlements. A more detailed examination of natural resource competition and its impact on maritime state building will be conducted in the following chapter.

By enforcing maritime law, an effective court system results in balanced and fair punishment. Excluding incarceration, punishment also includes imposing penalties for minor violations and demands further tasking of law enforcement to enforce judgment. Collecting fines and monitoring imposed restrictions are as important to the credibility of a legal system as the perceived or actual security it provides. The functioning penal system (discussed in previously chapters) also highlights the importance of a complete and comprehensive legal system to attract the public in supporting the rule of law.<sup>118</sup>

The maritime domain requires the same legal and policing requirements needed ashore. A credible and competent policing force is required to enforce laws and maintain security. Additionally, regulations must be drafted and courts must enforce them. Finally, those found to have violated the law must be held accountable in a fair and humane method. Working together, the establishment of the maritime policing function and the supporting legal system promote security and conduct one of the maritime state building tasks. UNCLOS requires international vessels to comply with the laws and

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<sup>117</sup> Mark T. Berger and Heloise Weber, "Beyond State-Building: Global Governance and the Crisis of the Nation-State System in the 21st Century," *Third World Quarterly* 21, no. 1 (2006): 206; [www.jstor.com](http://www.jstor.com); Internet; accessed 05 February 2008.

<sup>118</sup> James Dobbins, et al, *The Beginner's Guide to Nation-Building ...*, 73-85.

regulations adopted by the coastal state<sup>119</sup> and with its enforcement comes the potential for good governance and the security necessary for economic development.

#### A Different Environment

Man does not live on the sea; instead, he draws from it and returns ashore to live. A parallel approach should be made towards policing at sea. Criminal activity and a lack of respect for the law carry over from land to the sea as well as from the sea to land. The two associated legal systems should together provide security. The sea provides the same freedom of movement to criminal activity as it provides to vessels; however, the sea normally does not provide safe haven for the criminal element. Land provides them safe haven, but the sea provides them opportunity to conduct crimes, to target vessels, to move illegal drugs, and to traffic people. Policing action must be taken to ensure that these actors are denied the use of the sea for their activities as well as to maintain good order among those conducting honest operations. Policing action ashore can deny these actors safe havens; policing action at sea can deny them freedom of movement. Together, a state's policing can effectively neutralize the threats at sea and most importantly their influence on land.

How a country views the importance of maritime state building is dependent on how important they view their maritime forces. Maritime forces are often not perceived as critical to a state since they are developed last among military services. Additionally, they do not normally interact with the population in their duties since man does not live at sea because of the many benefits the development of the state maritime capabilities mentioned should have little government resistance. Once successful, the initiation can

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<sup>119</sup> United Nations. *The Law of the Sea...*, Article 118, pg 38.

stimulate other state building efforts ashore. Maritime forces conduct a majority of their actions away from shore and are not normally humanly destructive with only 5% of all abuses at sea done by the military.<sup>120</sup> With good advising, the state's maritime forces can be developed to conduct effective law enforcement at sea and set the conditions for follow-on land-based state building, good governance of the sea, and economic development of its resources.

### Luring Private Investment

The resulting absence of criminal activity develops security and moreover provides incentives to increase economic activity. In weak states, private industry will conduct operations by relying on warlords and organize criminals to furnish their needed security. Private industry will be more easily attracted when the state can guarantee sufficient security to conduct their operations. The resulting injection of private investment into the state will provide the economic development desired for state building, bring revenues to the state, and deny nefarious actors finances and influence.

### Maritime Force Effects

Neutralizing the maritime threats of smuggling, piracy, maritime crime, and human trafficking contributes to state security and results in a state enforcing laws which is a critical function of sovereignty. To address these threats, the maritime forces must perform policing and military functions which assert its sovereignty over its territorial

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<sup>120</sup> Arthur Westing, "Environmental Dimensions of ...", 92.

seas and sets conditions for trade, economic development, and fruitful natural resource exploitation. The maritime forces have to overcome the challenges of patrolling the seas as well as structural challenges to perform their constabulary function.

### Constabulary function

Policing the sea has been described as an integral maritime force function that provides security in the maritime domain. The constabulary function of the maritime forces can be related to the cop on the street, maintaining order, enforcing code, providing the presence and perception of governmental control and good order. Without his physical presence, the cop is ineffective in conducting law enforcement and the public's perception is not influenced. The need for the cop to walk his beat at sea is critical in obtaining maritime domain security and providing the state a popular and visible signal that are in control.

The sea can present challenges to patrolling, and relative distance is one of them. Developing states need to identify their patrol requirements and provide the resources to achieve them. However, the ultimate patrolling goal is to minimize these threats at sea and spread their influence ashore. Patrolling was deducted to be best done with ships. But ships are expensive, and a state may be insufficiently resourced to meet patrolling demands. States may overcome these deficiencies with air patrols to monitor safety at sea, to refine ship patrol areas, and to be a visible sign of state sovereignty. Meanwhile, ships can search for illegal goods and contraband, conduct safety inspections, and ensure its regulations are followed<sup>121</sup>. An efficient and responsive policing force is necessary to

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<sup>121</sup> United Nations. *The Law of the Sea...*, Article 73, 26.

provide the safety and security to the population at sea which, in turn, will extend itself ashore.

#### Military function

The military function to protect against ocean related crime is similar to that of the policing function up to a certain level. If the maritime forces are spilt like the American structure, the military arm is limited in enforcing U.S. regulations in the U.S. territorial seas.<sup>122</sup> However, the military arm (the USN) can patrol the seas and monitor its activities in support of the appropriate legal authority. Additionally, warships are a visible government presence and can support law enforcement. Military forces can also stabilize situations as they arise at sea until the proper authorities are present or the situation is resolved among those involved. Since most states navies resemble the USCG,<sup>123</sup> this function may be germane as foreign navies would possess required legal authority. However, a state could decide to divide its maritime forces functionally creating limitations that need to be identified in patrol planning.

The ability for maritime forces to patrol, to neutralize, and to deter ocean-related terrorism, hostile, criminal, and dangerous acts at sea is critical to developing good governance and enhancing economic development. Stability at sea and confidence in the population neutralize nefarious actors' effects on the civil structure and over the government on land. Security is essential, and the ability of a state to have a coherent

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<sup>122</sup> Andrew Webb, "Posse Comitatus . . .", 44.

<sup>123</sup> United States. United States Coast Guard, "USCG Missions...

and comprehensive legal structure over its sea allows it to govern itself well. Achieving the new strategy's objective of protecting against ocean-related criminal and dangerous activities develops a state's security and provides conditions to promote economic development which are in tune with a maritime state building approach.

## CHAPTER 6 – THE OBJECTIVE TO PROTECT THE MARINE ENVIRONMENT

“The sea is a common heritage of mankind.”<sup>124</sup>

Discussion to this point has engaged maritime state building to support the two stated objectives of the U.S. National Strategy for Maritime Security. However, the new strategy implies the additional objective to safeguard the oceans and its resources. “The oceans are increasingly threatened by illegal exploitation of living marine resources and increased competition of nonliving marine resources.”<sup>125</sup> This implied objective may be the most important of the three, because, for specific states, the sea provides more than freedom of movement. For undeveloped states, the sea provides sustenance; for developing states, the sea provides resources to gain wealth. Man’s use of the sea to exploit its resources can provide both positive opportunities for a state to develop and also the possibility of incidents detrimental to local and regional stability.

The exploitation of the sea’s natural resources can provide a state with fisheries to feed itself and also industry with minerals and energy resources. However, these resources may be threatened domestically and externally. Internally, the resources require proper conservation to provide a well-managed resource that is intelligently exploited. Externally, regional and global states may attempt to exploit those same resources either without state approval or in a manner not beneficial to that state. To manage natural marine resources, one must also define the need to protect them.

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<sup>124</sup> United Nations. *The Law of the Sea* . . . , xxvi.

<sup>125</sup> United States. Executive Office of the President of the United States, *The National Strategy for Maritime Security* . . . 2.



Protection of the marine natural resources, as in state building, requires a comprehensive governmental approach.

### **Natural Resources**

Natural resources can be broken into two broad categories, living and non-living. Living resources refer to all marine flora and fauna and represent the majority of the harvestable resources the seas provide. Living natural resources are renewable, and harvesting plans need to ensure their proper conservation. Living resources can be either fixed or mobile with the most familiar mobile living resource being fish. Non-living natural resources consist of “the mineral and other non-living resources of the sea-bed and subsoil”<sup>126</sup>. Non-living resources are not renewable and are most commonly associated with mining. Operations to exploit both living and non-living resources require plans to provide optimum exploitation and prevent damage to the sea.<sup>127</sup>

### **Protecting Natural Resources**

A state protection of its marine natural resources requires more than ensuring their exclusive use. The state also has a responsibility to protect them from over-exploitation and from man’s harm. The importance of exploiting these two categories for food and wealth indicates their importance to maritime state building.

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<sup>126</sup> United Nations. *The Law of the Sea...*, Article 77, 28.

<sup>127</sup> United Nations. *The Law of the Sea...*, Article 56, 18.

## Living Resources

Living natural resources provide a food source and are vital to underdeveloped states where 40 of the 150 coastal states in 1990 relied heavily on fish protein in their diet.<sup>128</sup> The “protection of valuable...fisheries has become a matter of vital interest to poor countries that have few other sources of wealth”<sup>129</sup>. As depicted in figure 3, man has highly impacted over 41% of the world’s oceans<sup>130</sup> resulting in stressed ocean fisheries.

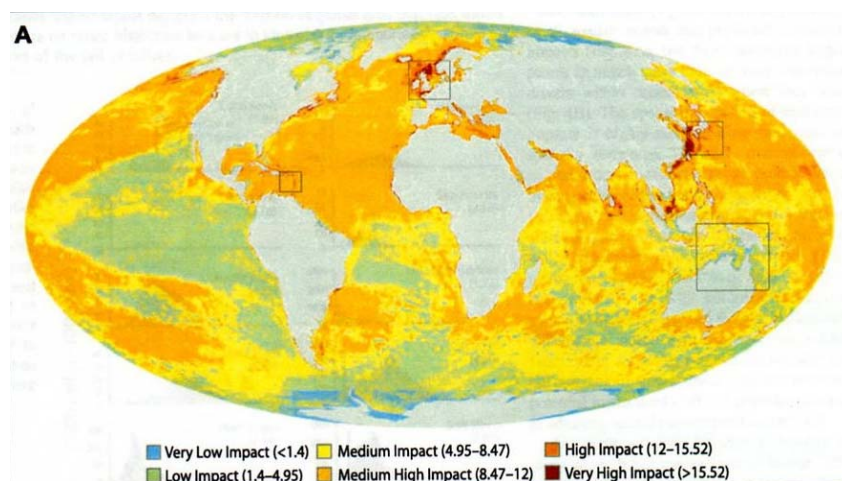


Figure 6.1 – Global map of cumulative human impact  
Source: A Global Map of Human Impact on Marine Ecosystems, 949

Management of these resources is critical in providing a consistent food source for developing states and also is equally important to maritime state building.

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<sup>128</sup> Michael Pugh, "Towards a maritime regime?," in *Maritime Security and Peacekeeping: A Framework for United Nations Operations* (New York: Manchester University Press, 1994), 217.

<sup>129</sup> Michael T. Klare, "The New Geography of Conflict," ..., 60.

<sup>130</sup> Micheli Fiorenza, Caterina D'Agrosa, John F. Bruno, et al, "A Global Map of Human Impact on Marine Ecosystems," *Science* 319, no. 5865 (February 15, 2008): 949.

UNCLOS was signed on 10 December, 1982<sup>131</sup> and became the dominant international maritime convention on man's use of the sea when 142 states signed that day.<sup>132</sup> UNCLOS attempts to regulate the exploitation of fishing and some specific terms require definition before discussing their regulation. Territorial seas are defined as those waters that extend out to 12 nautical miles from its baseline shore as measured by the convention,<sup>133</sup> and states exercise sovereignty over their territorial seas.<sup>134</sup> The Economic Exclusive Zone (EEZ) is "an area beyond and adjacent to the territorial sea, ..., under which the rights and jurisdiction of the coastal state and the rights and freedoms of other states are governed by relevant provisions of this Convention"<sup>135</sup>. The EEZ extends out no more than 200 nautical miles from the baseline shore that established the territorial seas.<sup>136</sup> In territorial seas, the state can promulgate exclusive regulations on fishing. In the EEZ, the coastal state has rights to explore, exploit, conserve, and manage the natural resources, whether living or non-living, of the waters to the sea-bed and maintains jurisdiction for research, protection, and preservation of the maritime environment.<sup>137</sup> Additionally, UNCLOS requires other states to comply with the laws and regulations of the governing coastal state when in their jurisdictional waters.<sup>138</sup>

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<sup>131</sup> United Nations. *The Law of the Sea...*, xix.

<sup>132</sup> United Nations. *The Law of the Sea...*, 190

<sup>133</sup> United Nations. *The Law of the Sea...*, Article 3, 3.

<sup>134</sup> United Nations. *The Law of the Sea...*, Article 2, 3.

<sup>135</sup> United Nations. *The Law of the Sea...*, Article 55, 18.

<sup>136</sup> United Nations. *The Law of the Sea...*, Article 57, 18.

<sup>137</sup> United Nations. *The Law of the Sea...*, Article 57, 18.

<sup>138</sup> United Nations. *The Law of the Sea...*, Article 58, 18.

Figure 4 provides a depiction of sea space with a coastal state having jurisdiction up to the 200 nautical miles EEZ to exploit resources and preserve the environment.

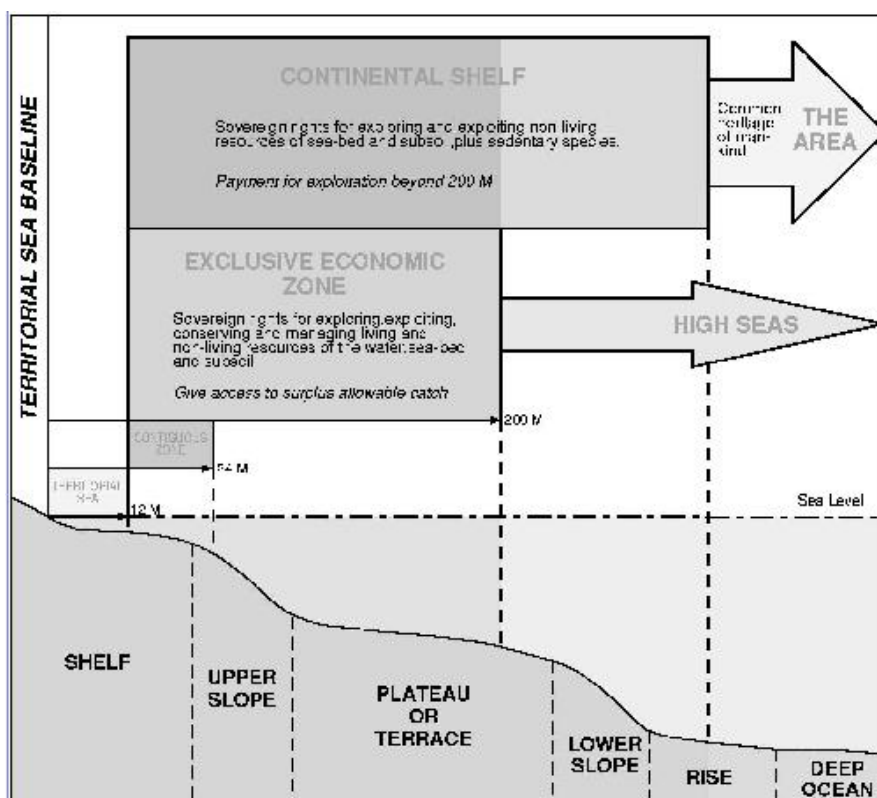


Figure 6.2 – UNCLOS Zones

Source: "Australia's Southern Ocean Jurisdiction and Opportunities Under the Law of the Sea."

EEZs cover one-third of the world's oceans<sup>139</sup> and yield 90% of all fish harvested making their protection a state vital interest.<sup>140</sup> A state should not exceed the maximum sustainable harvest known as optimum sustainable yield. Optimum sustainable yield balances the quantity of harvest with the ability of the resource to replenish itself. Influenced by life cycle, year cycle, environmental pressures, disease, food supply, and

<sup>139</sup> David L. Larson, *Security Issues and the Law of the Sea* (Lenham, MD: University Press of America, Inc., 1994), 3.

<sup>140</sup> Arthur Westing, "Environmental Dimensions of ...", 97.

predators, scientific research is required to determine optimum sustainable yield.<sup>141</sup> Since it has jurisdiction to manage the natural resources, the coastal state has the right and the responsibility to set the optimum sustainable yield and regulations to manage its resources. If a state is unable to fully exploit the sustainable harvest, the excess can be sold to other states<sup>142</sup> providing an additional source of revenue. Other states, as noted in the EEZ definition, must adhere to coastal state regulations on the management of the harvest and environmental protection to maintain a sustainable yield. With the estimated world population reaching 9 or 10 billion by 2050,<sup>143</sup> the prudent management of fisheries is required before they fall prey to over fishing.

#### Non-Living Resources

Like convention on living resources, UNCLOS also sets convention on the exploitation of non-living resources. Similar requirements for the exploitation of non-living resources are made except for defining yield.

In addition to previously definitions, UNCLOS adds areas to promote state's sovereignty over the ocean floor. Area is a term for "the sea-bed and ocean floor and subsoil thereof beyond the limits of national jurisdiction"<sup>144</sup> and is associated with the open oceans. The continental shelf "comprises the sea bed and subsoil of the sub areas that expand beyond its territorial sea throughout the natural prolongation of its land

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<sup>141</sup> Ronald P. Barston, *The Maritime Dimension* (London; Boston: Allen & Unwin, 1980), 36-37.

<sup>142</sup> United Nations. *The Law of the Sea...*, Article 62, 21.

<sup>143</sup> Michael T. Klare, "The New Geography of Conflict...", 61.

<sup>144</sup> United Nations. *The Law of the Sea...*, Article 1, 2.

territory to the outer edge of the continental margin”<sup>145</sup>. The continental shelf is defined by the ocean floor topography and normally does not extend past the 200 nautical miles EEZ. However, under certain geological conditions it may extend to 350 nautical miles.<sup>146</sup> A coastal state has the sovereign rights to explore its continental shelf and exploit the non-living natural resources contained at the sea bed and under it.<sup>147</sup> Additionally, coastal states have the exclusive right to authorize and regulate drilling there<sup>148</sup>. Since coastal states must regulate the protection of the marine environment, additional regulations have to be made to exploit the natural resources in a manner minimizing environmental impact. Encompassing at least the same area as the EEZ, convention regarding the exploitation of non-living resources grants states sovereign rights in their exploitation and also demands responsibility to protect the marine environment surrounding it.

Natural resources can significantly define state security requirements in achieving stability. Even on land, the statistics on conflict over natural resources is misleading because deaths in these conflicts are not normally reported since they do not meet the definition of battle-related. However, as demand outpaces supply, pressure for access to natural resources will cause competition for resources. Since most ethnic conflicts are rooted economically, contests over economically suited non-living marine resources could escalate into regional conflict. Offshore resources in the Caspian and South China Seas have multiple states claiming ownership of oil and natural gas resources which has

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<sup>145</sup> United Nations. *The Law of the Sea...*, Article 76, 27.

<sup>146</sup> United Nations. *The Law of the Sea...*, Article 76, 27.

<sup>147</sup> United Nations. *The Law of the Sea...*, Article 77, 28.

<sup>148</sup> United Nations. *The Law of the Sea...*, Article 81, 29.

the potential to deteriorate regional stability if claims are aggressively asserted.<sup>149</sup> “Even when ownership is not in dispute, stability is needed to ensure output.”<sup>150</sup> Stability is required because it ensures unhindered access to exploit the resources and enables their free transportation. Even with a secure environment, a state cannot rest while it reaps the rewards of non-living natural resources. It must regulate the exploitation and provide security to ensure that its sovereign rights are maintained and to avoid potential competition over those natural resources.

### **Maritime Forces**

“States are interested in use of the sea for ... exploitation of resources in or under the sea”<sup>151</sup> this defines man’s relationship with the sea. That relationship needs to be a relationship the must be protected from him by him and for him. In doing both, states can guard their interests in the sea while developing good governance and conditions for sustainable economic development. A state’s responsibility as specified in UNCLOS will lay additional state requirements to govern and regulate the sea.

### UNCLOS Requirements

UNCLOS provides state’s rights “for economic advantage, notably...over fishing and exploitation of natural resources, as well as concomitant limited jurisdiction in order

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<sup>149</sup> Michael T. Klare, "The New Geography of Conflict...", 53-58.

<sup>150</sup> *Ibid.*, 58.

<sup>151</sup> Ken Booth, *Navies and Foreign Policy ...*, 15.

to realize those rights”<sup>152</sup>. Coastal states also have the responsibility to protect and preserve the marine environment<sup>153</sup> and to ensure the safe conduct of man at sea.<sup>154</sup> To conserve their seas, states must enforce regulation to prevent pollution and environmental damage<sup>155</sup> and to exploit the natural resources responsibly. Ships are responsible for obeying coastal state regulations within its territorial seas and EEZ;<sup>156</sup> however, states must also enforce their regulations.<sup>157</sup> Coastal states must develop and enforce regulation to prevent pollution, preserve the environment, and manage natural resources. These demands support the state building requirement of good governance.

UNCLOS also provides convention on the safe operation at sea. Safe operations can be clarified further as safety at sea and safety from man. For man to operate safely at sea, the coastal state must make their waters safe for navigation.<sup>158</sup> In their regulation, sea-worthiness requirements, navigation rules, and operating procedures must be established. But, one of the most important UNCLOS conventions for state building is for states to protect human life<sup>159</sup> and necessitates the capability to assist and rescue at sea as well as uphold safe navigation. Safety from man involves protection from human threats, and all states shall cooperate to the fullest possible extent in the repression of

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<sup>152</sup> United Nations. *The Law of the Sea...*, xxv.

<sup>153</sup> United Nations. *The Law of the Sea...*, xxiv.

<sup>154</sup> United Nations. *The Law of the Sea...*, Article 146, 45.

<sup>155</sup> United Nations. *The Law of the Sea...*, Article 145, 45.

<sup>156</sup> United Nations. *The Law of the Sea...*, Article 58, 19.

<sup>157</sup> United Nations. *The Law of the Sea...*, xxv.

<sup>158</sup> United Nations. *The Law of the Sea...*, Article 60, 19-20.

<sup>159</sup> United Nations. *The Law of the Sea...*, Article 146, 45.



piracy,<sup>160</sup> suppression of illicit traffic in narcotic drugs<sup>161</sup> in the goal to create an “overall equitable order”<sup>162</sup> at sea. Although it may seem obvious, state laws are required in order to prosecute these threats. In the prosecution of piracy, slave trade, or suspicious vessel nationality, a state may board and search with the intent to verify its suspicions,<sup>163</sup> and UNCLOS limits vessel seizures to be carried out only “by warships or other ships clearly marked ... as being on government service and authorized to that effect”<sup>164</sup>. Coastal states must safely and effectively govern their sovereign seas delivering a solid foundation for maritime state building.

### Constabulary Function

Governments must establish regulations to protect the marine environment, to safely operate at sea, and to criminalize certain acts. Living natural resources require study to determine optimum sustainable yield; state regulators must study the resource, develop the harvest plan, and enact it. For non-living natural resources, coastal states require oversight in the exploration for, extraction and transportation of natural resources from the sea floor. In doing so, coastal states must ensure the marine environment is not damaged by man’s actions during natural resource exploitation. Coastal states also must draft safety procedures to protect man at sea and criminal statutes to protect man from crimes at sea. Again, coastal states may require assistance in drafting regulations, and

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<sup>160</sup> United Nations. *The Law of the Sea...*, Article 100, 33.

<sup>161</sup> United Nations. *The Law of the Sea...*, Article 108, 35.

<sup>162</sup> United Nations. *The Law of the Sea...*, xxiv.

<sup>163</sup> United Nations. *The Law of the Sea...*, Article 110, 35.

<sup>164</sup> United Nations. *The Law of the Sea...*, Article 107, 35.

this aspect maritime state building can assist developing governments to promote security at sea and set conditions for natural resource exploitation that not only provides nourishment but also generates revenues.

The state must govern at sea through the enforcement of regulations by maritime forces at sea. These forces are charged with law enforcement at sea and in the U.S. context would be done by the USCG. In enforcing living natural resource regulation, maritime forces must set methods to monitor the catch as well as possess the ability to monitor fishing grounds to ensure vessels are harvesting accordingly. If foreign states have been given rights to the harvest excess, maritime forces must be able to prevent over fishing to guarantee a sustainable harvest for its population's needs. Additionally, maritime forces must enforce other maritime regulations to foreign vessels when in their jurisdiction. Also, law enforcement must prevent piracy, maritime crime, illegal trade, and other criminal activities. Seizure of pirate vessels can only be conducted with government sanctioned forces, and maritime police can be granted such authority. Additionally, states must protect human life, and the role of the policeman is required here to monitor conduct at sea and respond to those in need. Many coastal states foresaw the requirement to patrol their seas with over 140 Offshore Patrol Vessels built within 10 years of UNCLOS signing.<sup>165</sup> The role of law enforcement demands that coastal states have maritime forces ready to conduct effective policing in the maritime domain to ensure security, promote good governance, and set conditions for economic activity.

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<sup>165</sup> David L. Larson, *Security Issues and ...*, App 1.

## Military Function

Developing states do not have to structure their military maritime forces in the image of the United States. Most navies resemble that of the USCG in equipment and function, but if structured as the U.S., the military function can also assist in the execution of law enforcement as the USN does. The USN is a presence force domestically and supports law enforcement. The military arm can monitor and patrol fishing grounds and track suspect vessels until appropriate law enforcement is available to prosecute. Not requiring special law enforcement authority, the military arm can monitor safe operations at sea, assist distressed vessels, and prosecute piracy. The military function, although not specifically authorized to directly enforce laws, can be valuable in enabling the law enforcement function as well as dealing with certain threats directly.

“Many important sources of vital materials are located in contested or chronically unstable areas.”<sup>166</sup> The mere presence of abundant natural resources does not mean inevitable conflict, just potential.<sup>167</sup> Natural resources disturbances are often tied into other problems such as environmental degradation, economic disorder, population growth and trans-national crime.<sup>168</sup> Although conflict is not an indicator of instability, the potential for conflict indicates a region’s inability to maintain a stable environment especially during competition for resources. Developing regulations and then capability to enforce them are key tasks that maritime state building can assist. Effective

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<sup>166</sup> Michael T. Klare, "The New Geography of Conflict...", 57.

<sup>167</sup> *Ibid.*, 54-56.

<sup>168</sup> *Ibid.*, 60.

establishment of governance over the sea reduces these risks for conflict, promotes stability and security, sets conditions to exploit natural resources and to develop their economy, and achieves the new strategy's implied objective to safeguard the ocean and its resources.

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## CONCLUSION

“Other nations have been strong, other nations have piled wealth as high as the sky, but they have come into disgrace because they used their force and wealth for the oppression of mankind and their own aggrandizement; and America will not bring glory to herself, but disgrace, by following the beaten paths of history.”<sup>169</sup>

Conducting maritime state building provides the U.S. with one approach to achieve the objectives of the National Strategy for Maritime Security. Developing a state’s abilities to secure its seas delivers freedom of movement for trade shipping. Policing its territorial seas, a local state can neutralize the common threats to the maritime domain while promoting the good use of the sea. Conducting state building specifically in the maritime domain also holds many advantages and has tremendous potential for the United States. Additionally, the international community benefits from maritime state building.

Locally, when the U.S. assists a coastal state to develop its maritime capability, the state displays the most visible benefits of maritime state building. Since coastal navies in weak states are underdeveloped, a capable maritime force can sail on the world stage as it enforces its national interests. An effective government capable of developing laws, strategies, and plans to overcome specific challenges to their people is advanced. With these policies, a state can expand its programs internationally to promote diplomacy and seek peaceful solutions to inter-state issues. Local security is improved, and the respective local economy is developed. When a coastal state advances its security and

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<sup>169</sup> Woodrow Wilson, “Annapolis Commissioning Address” (Graduation address, United States Naval Academy graduation, Annapolis, MD, June 5, 1914); <http://www.presidency.ucsb.edu/ws/index.php?pid=65380>; Internet; accessed 23 April 2008.

good governance, a new maritime security capability is added to the global maritime forces to protect the global commons, and access to a new economic market is opened to world trade.

When a coastal state's maritime capacity is developed, the international community receives benefits even without any action on its part. UNCLOS is promoted, and the potential for good order at sea is increased as another enforcer is added. Global market security is increased when the local maritime capability can increase security of local and global shipping lanes. The multinational approach appeases U.S. allies that detest unilateral operations and prefer multinational approaches.<sup>170</sup> But what maritime state building does best for the international community is proactively preventing humanitarian crisis. By developing the ability to govern itself and extend safety and security, a state can provide for its people and make a stable nation that can minimize humanitarian issues. The numbers of potential humanitarian crises are reduced along with the international community's requirements to engage them which make more forces available to engage the ones ongoing.

With the expense of so many resources, what benefits does the U.S. receive for its efforts? The economic and security parts to the answer are obvious; the remaining parts may surprise many. The U.S. economy is dependent on global trade, and any disruption to it would cause economic hardships for Americans. Additionally, the ability for a foreign state to secure its seas and neutralize crime adds a additional layer of physical security to the U.S. homeland. This added local capability also reduces safe havens and funding for terrorists and adds another dimension to U.S. homeland security. However, the U.S. gains tremendous benefits with its use of soft power.

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<sup>170</sup> Francis Fukuyama, *State-Building: Governance and World Order in the 21st Century* ..., 105.

The U.S. developing local states also builds U.S. influence. Influence within the state being developed is certain as it sees American efforts to improve life for its people and wins their hearts and minds; another ally is aligned with U.S. Also, maritime state building efforts influence other American allies as well as the international community. The ability for the U.S. to influence allies to assist in maritime state building is essential to maintaining those relationships. The U.S. gains international credibility by promoting peaceful solutions to problems and averting humanitarian crises. Since maritime state building is multinational, allies are appeased by the use of multinational peace operations and not unilateral potentially-hostile confrontations.<sup>171</sup>

The concern that multilateral operations will dilute U.S. power is slight. American status as the premier nation can be maintained by viewing the influences of state building actions and outcomes. With an increased presence in the region, the U.S. will gain influence at sea. Done proactively, the U.S. and its allies can deflect competition from other states attempting to gain regional influence. Since operations will be peaceful, friction can be averted through the local third party's implementation of local regulations and policies. Routine U.S. presence affords a foothold in the region for future basing requirements if regional operations are to be conducted. With the local capability to secure its seas, the U.S. maritime forces would be then freed to conduct other operations elsewhere, maximizing U.S. force availability. Finally, local and regional economies will be made available to the U.S. industry to trade, exploit natural resources, or conduct business.

Maritime state building is conducive to local, to regional, to international, and most importantly to U.S. security and economic interests. By developing states in a

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<sup>171</sup> *Ibid.*, 105.

maritime context, the U.S. can leverage its position and influence to develop weak states on land. The benefits of conducting maritime state building are more than worth the required resources and should be highly considered as an additional approach to achieve the objectives of the National Strategy for Maritime Security.



**APPENDIX 1 – GLOSSARY OF ACRONYMS**

CRS	Coordinator for Reconstruction and Stabilization
DoD	Department of Defense (U.S.)
EEZ	Economic Exclusive Zone
ETC	Expeditionary Training Command
GDP	Gross Domestic Product
JIMP	Joint, Interagency, Multinational, Private
MDA	Maritime Domain Awareness
MET/MTT	Mobile and Educational Training Team
MOTR	Maritime Operational Threat Response
NECC	Naval Expeditionary Combat Command
NGO	Non-Governmental Organization
NSPD	National Security Presidential Directive
SSTR	Stability, Security, Transition, and Reconstruction
TRACEN	Training Center
TSC	Theater Security Cooperative
TSCP	Theater Security Cooperative Plan
UNCLOS	United Nations Convention on the Law Of the Sea
USAID	United States Agency for International Development
USCG	United States Coast Guard
USMC	United States Marine Corps
USN	United States Navy

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