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New Zealand's Involvement in Maritime Security in Southeast Asia and the Pacific, from 1982 Onwards

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By

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Abstract

Surrounded by water, hundreds of miles from its nearest neighbour, New Zealand is uniquely placed as a maritime nation. Therefore, maritime security is a highly important consideration for New Zealand. Despite this fact, New Zealand's focus on maritime security has not always been strong. This thesis examines New Zealand's involvement in maritime security in the three areas which its security policy focuses on: New Zealand territory, the Pacific, and Southeast Asia.

After negotiations for the *United Nations Convention on the Law of the Sea* (UNCLOS) were successfully completed in 1982, the global maritime situation changed dramatically. Vast areas of oceans which had once been outside any nations' jurisdiction were now the source of territorial disputes. UNCLOS left New Zealand responsible for the fifth largest exclusive economic zone in the world. During the years following World War Two, New Zealand's contribution to Pacific regional maritime security had focused on combating the possible threat from the Soviet Navy.

However, following UNCLOS, that focus changed. With its newly acquired fisheries resources, New Zealand began to focus on resource protection through developments such as the establishment of the quota management system and regional cooperation. A shift away from focusing on traditional western alliance obligations was compounded by a falling out with the United States over nuclear ship visits, the signing of the South Pacific Nuclear Free Zone treaty and the bombing of the *Rainbow Warrior* by the French Secret Service.

After the end of the Cold War, New Zealand focused on increasing its defence relations with other nations through a range of activities and organisations including Closer Defence Relations with Australia, the Five Power Defence Arrangements, the Mutual Assistance Programme and the Association of Southeast Asian Nations Regional Forum. New Zealand also carried out a series of defence policy reviews which greatly affected defence policy and force structure, resulting in New Zealand disbanding its

Air Combat Force and deciding to reduce the Navy's Combat Force to only two frigates by 2005. During this period, fisheries became a highly significant issue and New Zealand was heavily involved in establishing Pacific fisheries management regimes.

Following the terrorist attacks of 11 September 2001, New Zealand's primary focus on security turned to terrorism and other asymmetric threats. Existing regional organisations began to adjust to address asymmetric threats and, in Southeast Asia in particular, maritime security began to feature heavily on the agenda of these organisations. At this time, New Zealand's focus on maritime security was strengthening; this was seen through its purchase of seven new ships for the Navy and its increasing involvement in regional bodies dealing with maritime threats.

The future holds a wide range of maritime security challenges for New Zealand. New Zealand must prepare itself for a wide range of unexpected challenges as well as being ready to deal with the threats which have already been identified. New Zealand's current focus on maritime security is strong but it cannot afford to let this slip.

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List of Abbreviations

ALC – Automatic Location Communicator

AMDA – Anglo-Malaysian Defence Agreement

ANZAM – Australia, New Zealand, and Malayan Area

ANZUS – Australia, New Zealand and the United States Security Treaty

APEC – Asia-Pacific Economic Cooperation

ARF – ASEAN Regional Forum

ASEAN – Association of Southeast Asian Nations

ASW – Anti-submarine warfare

CBMs – Confidence-building measures

CCSBT – Convention for the Conservation of Southern Bluefin Tuna

CDR – Closer Defence Relations

DGSE – Direction Générale de la Sécurité Extérieure/General Directorate of External Security

DWFNs – Distant water fishing nations

EEZ – Exclusive Economic Zone

EFP – Experimental fishing program

EU – European Union

FDMM – FPDA Defence Ministers' Meeting

FFA – Forum Fisheries Agency

FMAs – Fisheries management areas

FPDA – Five Power Defence Arrangements

FRANZ – France, Australia, and New Zealand Agreement

HMNZS – Her Majesty's New Zealand Ship

IMB – International Maritime Bureau

IMO – International Maritime Organization

IPV – Inshore Patrol Vessel

ISPS Code – International Ship and Port Facility Security Code

ITLOS – International Tribunal for the Law of the Sea

ITQ – Individual transferable quota

IUU – Illegal, unreported and unregulated fishing

JI – Jemaah Islamiyah

MAP – Mutual Assistance Programme

MHLC – Multilateral High Level Conference on South Pacific Tuna Fisheries

MRV – Multi Role Vessel

NATO – North Atlantic Treaty Organization

nm – Nautical mile

NZDF – New Zealand Defence Force

OPV – Offshore Patrol Vessel

PSI – Proliferation Security Initiative

QMS – Quota Management System

RAAF – Royal Australian Air Force

RAN – Royal Australian Navy

RN – Royal Navy

RNZAF – Royal New Zealand Air Force

RNZN – Royal New Zealand Navy

SAR – Search and rescue

SAS – Special Air Service

SBT – Southern bluefin tuna

SEATO – South-East Asia Treaty Organization

SLOC – Sea lanes of communication

SOLAS – The International Convention for the Safety of Life at Sea

SPNFZ – South Pacific Nuclear Free Zone

SPRFMO – South Pacific Regional Fisheries Management Organisation

SRR – Search and rescue region

STAR – Secure Trade in the APEC Region

SUA – IMO Convention on the Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988

TAC – Total allowable catch

UN – United Nations

UNCLOS – United Nations Convention on the Law of the Sea

UNFSA – United Nations Fish Stocks Agreement

US – United States

USN – United States Navy

USS – United States Ship

USSR – Union of Soviet Socialist Republics

VMS – Vessel Monitoring System

WCPFC – Western and Central Pacific Fisheries Convention

WMDs – Weapons of mass destruction

WPNS – Western Pacific Naval Symposium

WWII – World War Two

Chapter One - Introduction

New Zealand is a maritime nation both in geographic location and from its historical experience. New Zealand's closest neighbours are hundreds of kilometres away, meaning that New Zealand possesses a considerable sea moat. Because of this, New Zealand's focus on maritime security should be strong. A range of definitions of maritime security have been suggested by academics and there is no definitive or obvious choice as to which is the best or most accurate. Early definitions of maritime security tended to have a narrow focus on state based threats. Traditionally, maritime security was considered a purely naval matter and involved protecting a state from sea-based attacks against its territory and interests. However, as the security situation has evolved, new challenges have emerged and as such new definitions have been created. Bateman and Bergin present a broader definition of maritime security:

> Comprehensive maritime security requires good order at sea; reduced illegal activity; maritime border protection; protection and preservation of the marine environment; and the conservation of marine living resources. As well as encompassing a range of non-traditional threats, maritime security is now more closely linked with maritime safety than in the past.[1]

This thesis will attempt to apply a comprehensive definition of maritime security rather than the traditionally narrow view. The contemporary definition offered by Bateman and Bergin acknowledges the wide range of threats society now faces and shows the many ways in which these can affect a country's maritime security.

Any direct military threat to New Zealand would have to come from under or over the sea and many of the other threats to New Zealand's interests will come from the sea as well. With the majority of New Zealand's trade

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[1] Sam Bateman and Anthony Bergin, *Sea Change: Advancing Australia's Ocean Interests* (Barton, ACT: Australian Strategic Policy Institute, 2009), pp. 51-52.

travelling by sea, New Zealand is also dependent on secure sea lanes around the world. New Zealand also has one of the world's largest Exclusive Economic Zones (EEZs), covering an area of approximately 1.3 million square nautical miles or 15 times New Zealand's landmass.

In the early years, New Zealand thrived on maritime trade and industries and this created a heavy dependence on the sea and its resources. However, with the increase in technology and the growth of agriculture as New Zealand's primary industry, the nation has turned its attention away from the sea somewhat. While individuals and families may have a close connection to the sea in recreational activities, many New Zealanders' concerns with regard to the maritime realm end at the horizon.

There have been times when maritime threats have been highlighted such as the threat of the Japanese Navy during World War II (WWII) and then concerns about the Soviet Navy during the Cold War. However, for many New Zealanders and consequently many governments, many of the threats identified by contemporary definitions of maritime security were not even considered. Threats to fisheries resources only became a significant concern after New Zealand claimed a 200 nautical mile (nm) EEZ in 1978. However, while the New Zealand Government wanted to protect this resource, it was not an economic priority, and therefore inadequate ships were purchased in the mid-1970s because they were cheaper. This demonstrated that economic interests trumped this type of security concern.

The New Zealand Government continued to focus on traditional maritime security throughout the Cold War period with concerns about the Soviet Union's Navy and the need to fulfil New Zealand's obligations to its western allies leading it to maintain a fleet of anti-submarine warfare (ASW) capable frigates. Other threats, however, were given a low priority. The signing of the *United Nations Convention on the Law of the Sea* (UNCLOS) increased the attention paid to other areas of maritime security, such as fisheries, as did the end of the United States–New Zealand leg of

the Australia, New Zealand and the United States Security Treaty (ANZUS) alliance. A series of decisions were made during the 1980s which distanced New Zealand from its traditional western allies. These were primarily based around New Zealand's anti-nuclear stance and its banning of nuclear-powered or armed vessels.

The end of the Cold War, and the collapse of the Soviet Union, removed what was seen as the primary naval threat to New Zealand. Because of this, New Zealand's focus shifted away from traditional maritime security and began to focus on other maritime threats. This led it to become involved in a range of multilateral efforts to address maritime security and in particular fisheries. New Zealand was also involved in building relationships with countries both in Southeast Asia and the Pacific which would become important in addressing issues of maritime security at a later date.

After the events of 11 September 2001, terrorism forced its way onto the global security agenda. While terrorist attacks had occurred before, the scale and sophistication of these attacks shocked the world. These attacks also had a significant impact on considerations of maritime security, particularly in Southeast Asia. Towards the end of the 1990s and the beginning of the 2000s, piracy also emerged as a threat in Southeast Asia.[2] The emergence of these two threats, coupled with the ever increasing focus on fisheries and other resource protection, led to non-traditional maritime security issues becoming the primary focus for New Zealand.

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[2] While definitions of piracy differ between including attacks in territorial waters, or purely on the high seas, in order to get a full understanding of the scope of the problem, it is important to examine both attacks on the high seas as well as armed robbery at sea within territorial waters. The International Maritime Bureau (IMB) definition of piracy includes both attacks on the high seas and within territorial waters, while the International Maritime Organization (IMO) definition, inline with UNCLOS, includes only those attacks on the high seas and thus outside of state territory. When examining figures from either organization it is therefore important to be aware of what type of attacks they are including and what type they are excluding. This thesis will look at both piracy on the high seas and armed robbery at sea under the title piracy in order to present a full picture of the threat to maritime security. John F. Bradford, 'Shifting the Tides Against Piracy in Southeast Asian Waters', *Asian Survey,* 48, no. 3 (2008), p. 476.

At the beginning of the new millennium, New Zealand's military ability to deal with maritime security was considerably diminished. This was due to the disbandment of the Royal New Zealand Air Force (RNZAF) Air Combat Force as well as the reduction in the Naval Combat Force to only two frigates. However, following the purchase of seven new ships under Project Protector the Royal New Zealand Navy (RNZN) increased its capacity to address issues of maritime security both in home waters and abroad, including the Southern Ocean and the Pacific. These purchases emphasise New Zealand's continuing commitment to maritime security and in particular its non-traditional elements.

Purpose of Thesis

The purpose of this thesis is to examine New Zealand's involvement in maritime security in the regions of Southeast Asia and the Pacific, as well as at home. These regions were selected because they are the two regions in which New Zealand has been most involved over the last 65 years, and they appear to be the most important as New Zealand looks to the future.

The thesis takes the view that the completion and signing of UNCLOS *was* a highly significant event in both regional and global maritime security and therefore makes a good starting point from which to address New Zealand's involvement in maritime security. While in some cases, such as the declarations of EEZs, the signing of the treaty lagged behind state practice, it was the process of negotiations for the Convention which often lead to these decisions by individual states. Not only did UNCLOS restate and codify principles which could be considered customary international law, but it also brought about new state practices which in turn became customary law themselves. It was also highly significant in creating new international standards and despite the fact that it did not receive the requisite number of ratifications until 1993 (only coming into force in 1994) many of the principles it contained had already become the accepted international norm and thus developed into customary international law.

1982 is thus an important date for maritime security and other maritime related matters.

The structure of this thesis then is based around a chronological breakdown, starting with the background to New Zealand's maritime security involvement before UNCLOS and continuing with other important dates and events which see the chapters divided into approximately decadal divisions. The nature of New Zealand's activities at home and its involvement in the two regions often differed and thus each chapter is broken into three major sections, namely: New Zealand, Southeast Asia, and the Pacific. Within each of these sections, many different issues or events are examined; where issues cross over between two or more regions that overlap is duly acknowledged.

Chapter Breakdown

The thesis is divided into seven chapters including this introduction and a conclusion. Chapter two gives a brief history of New Zealand's involvement in maritime security from the end of World War II through to the signing of UNCLOS in 1982. This chapter sets the scene for the rest of the thesis and provides a solid foundation for the discussion that follows. It also adds to the base of knowledge which will be used in the examination of future prospects and suggested actions. The period covered by chapter two was characterised by New Zealand seeking security through relations with important allies. In the early years, Britain was still New Zealand's primary guarantor of security and of maritime security in particular. However, as the consequences of WWII began to sink in, New Zealand transferred its dependence from Britain to the United States. This period, 1945 to 1982, was characterised by a building of new alliances and a modification of old agreements.

Chapter three examines the period between the signing of UNCLOS in 1982 and the end of the Cold War and breakup of the Soviet Union at the end of that decade. The significance of this event, or series of events, for international relations cannot be denied, and the area of maritime security

is no exception. Throughout the Cold War, and especially in its last ten years, one of New Zealand's primary naval contributions was that of its submarine detection and anti-submarine warfare capability. With the end of the Cold War, the threat of the Soviet Navy was no longer present and the strategic balance was furthered tipped in favour of the Western powers. The period between the signing of UNCLOS and the end of the Cold War was also highly significant because of developments such the removal of New Zealand from the ANZUS alliance and the establishment of a Quota Management System (QMS).

Chapter four examines the period between the end of the Cold War and the terrorist attacks of 11 September 2001. While these attacks themselves did not have a maritime connection, the effect they had on security worldwide was immense. During this period New Zealand made significant changes to its Naval Combat Force by decommissioning three frigates and commissioning another two. With this came a change in focus away from ASW and a marked shift in perspective away from the likelihood of interstate warfare towards a focus on stabilisation and peace keeping activities. During this period, international fisheries agreements were also an important area of development.

Chapter five assesses the impact that the events of 11 September 2001 and the following decade have had on maritime security and New Zealand's regional involvement. This chapter highlights the rising importance of piracy and terrorism in maritime security considerations as well as the range of international agreements and organisations which have been created or adapted to deal with maritime security issues. This period also saw a reduction in the naval combat force balanced by a considerable increase in the RNZN's patrol forces at the end of the decade.

Chapter six uses the knowledge and information gained through the previous chapters to make some predictions as to what the future may hold. It then suggests how New Zealand should react to such

developments and ways in which New Zealand could improve its ability to contribute to maritime security at home and in its wider region.

Methodology

This thesis is based on qualitative research using primary and secondary sources. These include government documents, legislation/legal documents, books, journal articles, reports, web pages and conference papers. This range of sources provides some first-hand information of events and policies as well as the opinions of academics and politicians on a range of issues which affect maritime security. The aim of this thesis is to bring together this wide range of information and present, in one document, a summary of major events regarding New Zealand's involvement in maritime security. The events and contributions covered in this thesis are not an exhaustive list of everything with a maritime security element. However, they are selected as the most significant and most useful for looking forward to the future and assessing the likelihood of future developments and preparing options for dealing with such developments.

Chapter Two - Pre-UNCLOS, *1945-1982*

Introduction

At the end of 1945, the strategic situation throughout the world had changed dramatically. Importantly for New Zealand, the situation in Asia and the Pacific was also very different. The region had been seriously impacted by Japan's actions during the war and any perceptions of security which may have been felt before it were now greatly diminished.

As the world emerged from WWII and began to come to grips with the new strategic situation, New Zealand was also forced to re-examine its security situation. Traditionally, the support of Great Britain had been central to New Zealand's defence planning. After the fall of Singapore to the Japanese, it became apparent that the Royal Navy (RN) was unable to come to the assistance of Pacific countries such as New Zealand.[1] New Zealand had faced a serious threat of attack on its territory, as well as its shipping, from the Japanese Navy and while New Zealand itself was not actually attacked, the memory of the threat they had faced was still present in people's minds. If the United States (US) had not become involved in WWII it is highly unlikely that the Western Allies would have been able to effectively come to the aid of New Zealand and Australia. The Pacific theatre of the war showed quite clearly that New Zealand was vulnerable to any threat from a significant naval power in the region. The 'tyranny of distance' meant that New Zealand and Australia were effectively outside the sphere of influence of all the western powers, with the exception of the US.

Soon after the war ended in 1945, the Cold War began and the world was once again required to adjust to a shift in the global competition for power. The new rivalry between the Union of Soviet Socialist Republics (USSR)

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[1] Thomas-Durell Young, *Australian, New Zealand, and United States Security Relations, 1951-1986* (Boulder, CO: Westview Press, 1992), p. 1.

and the US would have a very real impact on the regions in which New Zealand had traditionally been involved, such as Europe, the Middle East and the Pacific. Not only was the rivalry between these two world powers important, but so was the emerging conflict between communism and western capitalism. This conflict greatly affected the Asia region and the rivalry between the USSR and the US also spread into the Pacific, increasing the likelihood of nations like New Zealand being caught up in the conflict.

One of the key factors that influenced New Zealand's focus in the period after 1945 was Britain's desire for New Zealand and Australia to take a larger role in the region. After WWII, Britain was faced with the reality that they were no longer able to project their power globally; instead, they were forced to rely on other countries such as New Zealand and Australia to take on some of the responsibilities of the Commonwealth. This realisation led Britain to encourage New Zealand and Australia to focus on Southeast Asia and the Pacific rather than the Middle East or Europe.[2] The new emphasis was especially felt when, in the late 1960's, Britain decided to withdraw its forces east of the Suez Canal, a decision which received great opposition from Britain's allies in the region. However, the balance of power was changing and Britain was no longer able to project the power it once had; economic considerations forcing it to reduce its overseas deployments. Britain's decision led to the abandonment of the existing defence arrangement, the Anglo-Malayan Defence Agreement (AMDA) of 1957, and the creation of one of New Zealand's most significant defence arrangements. This was the Five Power Defence Arrangements (FPDA), which was negotiated and signed in 1971, by Britain, Australia, Malaysia, Singapore, and New Zealand. The FPDA became a significant means of connection to the Asian region for New Zealand.

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[2] Malcolm Templeton, *Ties of Blood and Empire: New Zealand's Involvement in Middle East Defence and the Suez Crisis 1947-57* (Auckland, New Zealand: Auckland University Press, 1994), p. 46.

Between 1945 and 1982, New Zealand was seeking to develop alliances which would eventually become the foundation of its security. Because of the small size of New Zealand's economy and population, it has never been capable of funding or equipping a defence force capable of defending its territory without outside help.[3] This made alliances such as ANZUS (1951), highly valuable to New Zealand because it ensured the help and protection of two larger allies, while New Zealand was committed to assisting them with what forces it had. During WWII, New Zealand had learnt that protection in the Pacific and of New Zealand itself was going to depend upon the involvement of the US and the US Navy (USN).[4] New Zealand's involvement in ANZUS, therefore, had local as well as regional implications. Other alliances and arrangements created during this period include: the Australia, New Zealand, and Malayan Area (ANZAM) which was established in 1948[5]; the AMDA of 1957; the South-East Asia Treaty Organization (SEATO) concluded in 1955[6]; and the FPDA.

New Zealand and Maritime Security

Naval Strength

The combat strength of the RNZN varied quite significantly in the decades following WWII. During the war, emphasis had been placed on heavily armed cruisers which could bring their guns to bear either in a naval bombardment of ground forces or against enemy ships. However, as submarine technology increased and enemy submarines began to take a heavy toll on allied shipping, the benefit, especially after the war, of having faster lighter armed ships which could escort convoys and fill an anti-submarine warfare role became clear. In line with this shift in focus, apart from the loan of the *HMNZS* (Her Majesty's New Zealand Ship) *Royalist*

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[3] James Rolfe, *The Armed Forces of New Zealand* (St Leonards, NSW: Allen & Unwin, 1999), p. 13.
[4] David McIntyre, *Background to the ANZUS Pact: Policy-Making, Strategy and Diplomacy, 1945-55* (London: Macmillan Press, 1995), p. 12.
[5] While ANZAM was officially established in 1948, New Zealand did not join until 1949.
[6] New Zealand referred to this agreement as SEATO from 1954. However, it did not officially take this title until 1955 when the US overcame its concern about the similarity of the title to the North Atlantic Treaty Organization (NATO).

from 1956 until 1966, the RNZN based its combat force around frigates with an ASW capability.[7] After 1946 the RNZN still had two *Improved Dido* Class cruisers which were supplemented in 1948 and 1949 with the purchase of six *Loch* Class frigates. During the period between 1948 and 1982, the RNZN maintained a force which usually consisted of either three or four frigates, except for a short period between 1965 and 1966 when the last *Loch* class frigate was paid off and the new *Whitby* class frigate *HMNZS Blackpool* was commissioned.[8]

While this decision to move from a cruiser centred force to a frigate centred force reduced the combat strength somewhat, it gave the navy the ability to carry out roles such as anti-submarine warfare and escort duty which had become highly important. Other options were considered to provide this capacity, including a fleet of six submarines; however, this was rejected based on the expected cost of two billion New Zealand dollars.[9] The RNZN fleet gave New Zealand the ability to have a naval presence both in New Zealand waters as well as abroad if it desired.

Naval Tasks

Protection of New Zealand's fisheries resources was not a high priority in the early post war years. This was influenced by the memory of the two world wars and the expectation that the USSR or a resurgent Japan would soon be posing a threat to the Pacific and Southeast Asia. During this time, therefore, the primary focus was on operating against other navies rather than fishing fleets. However, in 1975, after deciding that there was a need for a resource protection focus, New Zealand purchased four *Lake* Class fisheries protection patrol craft from Britain.[10] The decision on which

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[7] R. J. McDougall, *New Zealand Naval Vessels* (Wellington, New Zealand: G P Books, 1989), pp. 31-34.
[8] McDougall, pp. 37-48.
[9] Rolfe, *The Armed Forces of New Zealand*, pp. 91-92.
[10] McDougall, pp. 98-99. The Navy had wanted two new classes of vessels, one for patrolling waterways in Vietnam and another for fisheries protection. However, the government decided on a compromise choosing to combine the requirements into one class. This decision was followed by the decision to prioritise fisheries protection over the wider patrolling capability leading to the selection of vessels significantly less capable

vessels to purchase was based primarily on economic concerns and therefore the four vessels chosen were largely unsuited to their task.[11] The patrol craft were of a shorter length than was ideal for New Zealand waters and subsequently the navy found themselves operating in vessels which were inferior to those which they were supposed to be monitoring. Because of this, the vessels had a short period of service and the navy stopped operating them in the mid-1980's.[12] Despite the limitations of these vessels, fisheries protection suddenly took on a new dimension with the vast increase in the area under New Zealand's protection after it declared a 200nm EEZ in 1978.

The SOLAS Convention, 1974

In response to the Titanic disaster, the international community created the first Safety of Life at Sea (SOLAS) convention. This convention was created to regulate the safety of international shipping. There have been five versions of the SOLAS Convention, with the last being adopted in 1974.[13] The new version of the Convention was needed because amendments were taking too long to adopt. The 1974 Convention enabled changes to be made far more quickly and over the years it has been updated with many amendments. This version of the SOLAS Convention has become the most important international agreement dealing with the safety of international merchant shipping.[14]

UNCLOS Negotiations

During the negotiations for the Third United Nations (UN) Conference on the Law of the Sea between 1974 and 1982, it became clear that the

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than the Navy had originally requested. James Rolfe, *Defending New Zealand: A Study of Structures, Processes and Relationships* (Wellington, New Zealand: Institute of Policy Studies, 1993), pp. 143-145.

[11] Rolfe, *The Armed Forces of New Zealand*, p. 92.

[12] Rolfe, *The Armed Forces of New Zealand*, p. 92.

[13] International Maritime Organization, *International Convention for the Safety of Life at Sea (SOLAS), 1974* [online]. Updated 2009, <http://www.imo.org/Conventions/contents.asp?topic_id=257&doc_id=647#1> [accessed 29 January 2010]. The final two versions of the SOLAS Convention were created by the IMO, with the 1960 version being the IMO's first significant job following its creation.

[14] International Maritime Organization, *International Convention for the Safety of Life at Sea (SOLAS), 1974* [online]*.

principle of a 200nm EEZ was widely supported and almost certain to become part of the final convention.[15] In line with this, and the actions of several other nations throughout the world, New Zealand declared a 200nm EEZ in 1978.[16] This included an area almost 15 times the size of New Zealand's landmass and represented a highly significant increase in the area New Zealand had economic rights to, as well as having to police. Because of the highly significant implications of the negotiations taking place, New Zealand was very interested in the proceedings of the conference. For New Zealand, the focus was on gaining benefits for coastal states while ensuring freedom of navigation on the high seas and in others' EEZ's. The end result of the Third UN Conference on the Law of the Sea was the signing of UNCLOS in 1982.

Southeast Asia and Maritime Security

ANZAM, AMDA and FPDA

After World War II, New Zealand maintained strong connections to Britain. In May 1948, Britain, Australia, and New Zealand formed ANZAM as a consultative arrangement for the defence of the south-west Pacific.[17] This agreement led to New Zealand and Australia being involved in the Malayan emergency between 1948 and 1960. Furthermore, when Malaya became independent in 1957, the AMDA was signed.[18] This agreement meant that Britain, New Zealand, and Australia, accepted the burden of responsibility for the defence of Malaya and later the Malaysian Federation. When Indonesia launched its policy of confrontation following the formation of the Malaysian Federation, the AMDA was activated and Britain maintained its commitment to defend Malaysia. However, it was under the auspices of ANZAM that New Zealand and Australia, through

[15] David Attard, *The Exclusive Economic Zone in International Law* (Oxford: Oxford University Press, 1987), p. 31.
[16] New Zealand Ministry of Fisheries, *EEZ* [online]. Updated 2009, <http://fs.fish.govt.nz/Page.aspx?pk=78&dk=1180> [accessed 25 July 2009].
[17] Andrew Tan, 'The Five Power Defence Arrangements: The Continuing Relevance', *Contemporary Security Policy,* 29, no. 2 (2008), p. 285.
[18] Tan, p. 285.

the avenue of the British-led Commonwealth Strategic Reserve, were involved in defending Malaysia against Indonesian aggression.[19]

After the end of confrontation in 1966, Britain began to rethink its military commitments. It informed New Zealand, Australia and their other allies that they were withdrawing their forces east of the Suez Canal. The decision to withdraw was forced by economic factors as well as by Britain's decline as a world power. As Britain accepted the reality that it could no longer maintain the global presence it had once had, it was forced to concentrate on those areas where it could still afford to be involved.[20] This meant its focus moved away from Southeast Asia and the Pacific to the NATO area and Europe.

Britain's decision was significant for New Zealand and Australia as they were now losing the support of their premier historical ally. It was even more significant for Malaysia and Singapore, who were potentially losing the guarantor of their security. In response to these concerns, Britain sought to reassure these allies and to provide some continuing support in the area of security. While Britain was willing to continue to assist in securing their allies in the region, they were no longer willing to carry the majority of the burden for this security. In response to this, in April 1971, representatives of the five nations (Britain, Australia, New Zealand, Malaysia, and Singapore) met in London to discuss a new security arrangement. The end result was the FPDA.[21]

The FPDA did not provide the same guarantee of security that had existed previously through AMDA. Instead, the FPDA was only a commitment to consult if one of the members was attacked or under threat of attack. After the FPDA was adopted, AMDA was abandoned, releasing Britain from its

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[19] Tan, p. 287.
[20] Tan, pp. 287-88.
[21] Tan, p. 288.

major security commitment.[22] As this change in focus by Britain continued, ANZAM's performance faded and it was eventually abandoned in 1974. This left the FPDA as the only significant remaining security arrangement between these five nations, and for New Zealand it was the only major avenue for involvement in the security of Malaysia and Singapore.[23] New Zealand had until this point relied on being involved with Britain rather than having an independent involvement. This slow easing away from security commitments was another event which further confirmed to both New Zealand and Australia that Britain was no longer the world power she once was and could not be relied upon to guarantee their security.[24] Joint exercises as part of the FPDA did not occur until 1981, when a minor maritime exercise took place with only eight ships involved. This exercise was widely seen as a failure and further undermined the value of the FPDA.[25]

SEATO

SEATO was formed in 1954 and was the culmination of different efforts by a number of its member nations to create an alliance which would ensure the security of South-East Asia and the Western Pacific. Eight nations were members of SEATO: the United States, Britain, France, Australia, New Zealand, Pakistan, Thailand, and the Philippines.[26] For New Zealand, it was an opportunity to strengthen the security guarantees provided through agreements such as ANZUS, but most importantly it brought together New Zealand's two most powerful allies - the United States and Britain. New Zealand had supported Britain's efforts to become involved with ANZUS for many years but the US had always declined.[27]

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[22] Tan, pp. 288-89.
[23] Tan, p. 289.
[24] Mark Pearson, *Paper Tiger: New Zealand's Part in SEATO 1955-1977* (Wellington, New Zealand: New Zealand Institute of International Affairs, 1989), pp. 2-3.
[25] Tan, p. 290.
[26] Pearson, p. iv.
[27] Pearson, p. 11.

This opportunity to be involved with a range of different, and in some cases powerful, militaries was highly valuable.[28] SEATO also ensured New Zealand's involvement in exercises which enabled the armed forces to improve their skills through training with their vastly experienced and well-equipped allies. Another benefit was the standardisation of equipment which would make any joint future involvement in conflict less difficult.

New Zealand affirmed its commitment to SEATO in 1962 by sending a frigate, along with other New Zealand forces, to Thailand in an effort by SEATO to show their determination to repel any attack across the Thai border.[29] However, as time progressed, it became clear that SEATO's primary focus in securing South-East Asia would be through attempts to counter subversion by communist forces. This did not require New Zealand's armed forces' involvement, particularly its navy, and thus New Zealand's enthusiasm for SEATO waned. While no military action involving New Zealand was undertaken under the auspices of SEATO, the organisation was valuable for the experience gained and the relationships strengthened. A different perspective, offered by Pearson, was that "SEATO, however, was the linchpin joining the ANZUS guarantees with the standing ANZAM military arrangements in a strategy of forward defence for New Zealand".[30] If that was indeed the case, then SEATO's benefits extended beyond the experience and skills gained through involvement with other militaries. SEATO also confirmed to New Zealand that its national interests could only be protected with the involvement of America and Britain.

Cold War Concerns

New Zealand's involvement in SEATO was representative of its wider opposition to the spread of communism. This included New Zealand involvement in the Korean War, sending troops to Vietnam and a general

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[28] Pearson, p. 73.
[29] Pearson, p. 93.
[30] Pearson, p. 43.

opposition, through organisations previously mentioned (such as SEATO), to the spread of communism in Southeast Asia. Although New Zealand was wary of the potential of China becoming heavily involved in the region, the bigger threat to New Zealand's security was likely to come from the USSR and its attempts to counter US naval dominance. While the US was obviously the dominant navy in the region, New Zealand played a role in the Western Alliance by maintaining a significant anti-submarine warfare capability in order to be able to monitor and, if necessary, sink Soviet submarines operating in the waters of the region.[31] This capability also gave the RNZN the option of escorting valuable shipping should there be a perceived risk of attack from Soviet submarines. Some of the lessons of WWII had been learned, and the risk of New Zealand's shipping being cut off was a fearful prospect for a nation that was so isolated.[32] The Soviet submarines appeared to become a primary concern when the decision was made to move from basing the naval combat force around cruisers, to that of several faster frigates, able to patrol large areas, escort shipping, and conduct ASW.

The Pacific and Maritime Security

NZ Territories

New Zealand was strongly connected to the Pacific between 1945 and 1982 because of its responsibility for the security of Niue, Tokelau, the Cook Islands and Western Samoa.[33] This responsibility meant that New Zealand needed to maintain at least a minor naval presence from time to time in order to protect these countries' interests. However, as with New Zealand's ability to defend its own territory, this presence alone would not have been sufficient to defeat a serious attack by any significant military

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[31] Rolfe, *The Armed Forces of New Zealand*, p. 91.
[32] Rolfe, *The Armed Forces of New Zealand*, p. 94.
[33] Richard W. Baker, 'Section II: The Pacific Islands: Introduction', in *The ANZUS States and Their Region: Regional Policies of Australia, New Zealand, and The United States*, ed. by Richard W. Baker (Westport, CT: Praeger Publishers, 1994), p. 73.

force.[34] The primary role New Zealand played in terms of maritime security was to protect and patrol the waters of these territories. This was primarily fisheries and resource protection, although it also included monitoring for other illegal activity.[35] In 1962, Western Samoa gained its independence and with it responsibility for its own security. However, New Zealand has remained involved at some level in the maritime security of Samoa.[36] The Cook Islands[37] and Niue[38] are self-governing states in free association with New Zealand, while Tokelau remains a dependent territory. New Zealand is still responsible for their defence and security.

ANZUS

Another highly significant involvement in regional maritime security was New Zealand's membership in the ANZUS alliance. This alliance was formed in 1951 in the aftermath of World War II. The US was looking for support for the Japanese peace treaty from New Zealand and Australia, who were particularly sceptical after the threat they faced from Japan during the war. New Zealand and Australia were looking to the US for a guarantee of intervention should any country, including Japan, seek to threaten their security in the future.[39] It has also been argued that the US wanted to link New Zealand and Australia to the defence of US troops in Asia should they be attacked. It has been suggested that New Zealand and Australia were in part responding to their disappointment at being excluded from the western alliance which at the time was seen as being

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[34] Rolfe, *The Armed Forces of New Zealand*, p. 94.
[35] Ron Crocombe, *Pacific Neighbours: New Zealand's Relations with Other Pacific Islands* (Suva, Fiji: MacMillan Brown Centre for Pacific Studies and the Institute of Pacific Studies, 1992), pp. 195-96.
[36] Baker, p. 73.
[37] In 1965, the Cook Islands when given the choice of future status opted to become a self-governing state in free association with New Zealand. New Zealand exercises defence and foreign affairs functions for the Cook Islands, however, the Cook Islands' Government consults with New Zealand and has the right to make policy decisions in these two areas.
[38] In 1974, Niue followed the Cook Islands' decision and also chose to become a self-governing state in free association. New Zealand exercising the same responsibilities for foreign affairs and defence as it did with the latter.
[39] McIntyre, p. 1.

embodied by NATO.[40] Thus, ANZUS was a means for both countries to connect themselves formally with the largest of the western powers. This alliance was also a further acknowledgement by New Zealand and Australia that their traditional ties with Britain were no longer sufficient to guarantee their security.[41] They acknowledged that America was now the major power in the Pacific and therefore they decided to align themselves strongly with America in return for a guarantee of their safety. The alliance progressed throughout the Cold War period, and pressure from the US resulted in New Zealand involvement in conflicts such as the Vietnam War and also in countering Soviet attempts to spread its influence into the region.[42] One of New Zealand's major contributions was maintaining a significant ASW capability with its frigates and P-3K *Orion* maritime patrol aircraft. Membership of ANZUS also provided an opportunity for New Zealand troops to exercise and train with their counterparts in both Australia and the US which was an important way for New Zealand's defence force to maintain high standards.[43] The opportunity for the RNZN to train with a navy with the size and sophistication of the US Navy was rare and was an excellent way to sharpen their skills. These exercises also meant that the two navies had experience working together and, should they be involved in a conflict situation, this experience would aid interoperability.

New Zealand Opposition to French Nuclear Testing in the Pacific

There was a certain level of public opposition within New Zealand from the very first announcement that France was moving its nuclear weapons testing from Africa to the Pacific. This objection to French testing became a significant issue for the Labour party in the mid-1960s.[44] Opposition to

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[40] Young, *Australian, New Zealand, and United States Security Relations, 1951-1986,* p.1.
[41] McIntyre, p. 54.
[42] Young, *Australian, New Zealand, and United States Security Relations, 1951-1986,* pp. 3-4.
[43] Rolfe, *The Armed Forces of New Zealand*, p. 74.
[44] Helen Clarke, 'New Zealand's Non-Nuclear Initiative', in *The Pacific: Peace, Security & The Nuclear Issue*, ed. by Ranganui Walker and William Sutherland (London: Zed Books, 1988), p. 177.

French nuclear testing in the Pacific grew to the point where, when the Labour party came to power in 1972, they combined with Australia to take the French to court. The two countries took France to the International Criminal Court and received an interim injunction against testing while the case was considered. France subsequently ignored the court ruling and continued to test on the grounds that matters of defence were outside the court's jurisdiction.[45] In response, New Zealand sent the frigate *HMNZS Otago* and a cabinet minister to Moruroa in protest of the continuing tests.[46] While tests continued despite the frigates' presence, in 1974 the French Government announced that subsequent tests at Moruroa would change from atmospheric to underground detonations.[47] This was small consolation for New Zealand and the Pacific nations in their fight to prevent France from polluting the Pacific and endangering lives.

Mutual Assistance Programme

In 1973 New Zealand established the Mutual Assistance Programme (MAP) of military cooperation with Pacific Island and Southeast Asian states.[48] It was first established with Fiji, Tonga, Papua New Guinea and the Association of Southeast Asian Nations (ASEAN) states and spread to other nations as well.[49] This programme saw New Zealand provide training and other assistance to the armed forces of selected Pacific nations in return for access to those states' territories for training purposes which gave New Zealand a tropical location to expand the range of conditions its

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[45] Bengt Danielsson, 'Under a Cloud of Secrecy: The French Nuclear Tests in the Southeastern Pacific', *Ambio,* 13, no. 5-6 (1984), p. 338.

[46] The HMNZS Otago was later replaced by the HMNZS Canterbury. The frigates were assisted by a Royal Australian Navy (RAN) supply ship throughout. French testing continued despite the warships presence and the two frigates witnessed two nuclear tests during their stay.

[47] Danielsson, pp. 338-339.

[48] New Zealand's activities with the Southeast Asian states through the MAP, in contrast with the Pacific Island states, had very little to do with maritime security. Activities with Southeast Asian states included contributions such as assisting Indonesia with its defence dentistry, hosting Singapore's armed forces at the Waiouru artillery range and numerous officers from other Southeast Asian nations attending training courses in New Zealand. Ian McGibbon, 'The Defence Dimension', in *Southeast Asia and New Zealand: A History of Regional and Bilateral Relations*, ed. by Anthony L. Smith (Wellington, New Zealand: New Zealand Institute of International Affairs in association with Victoria University Press, 2005), p. 27.

[49] Crocombe, p. 193.

troops had experience operating in.[50] This involvement provided valuable links with the armed forces of New Zealand's Pacific neighbours and also opportunities to contribute to the security of the wider region.

Pacific EEZ Patrols

One of the valuable ways in which New Zealand was able to contribute to Pacific Island nations' maritime security was through patrols of their EEZs. After it became apparent that the UN negotiations were likely to support the concept of a 200nm EEZ, many nations worldwide declared extended EEZs even before UNCLOS was signed. The decision by many Pacific Island governments to declare a 200nm EEZ meant that they then had vast areas of territory which they needed to manage and protect if they were to experience the full benefits.[51] Most island nations did not have the aircraft required to patrol this area and, as such, their small fleet of boats would often have little chance of catching anyone now fishing illegally in their waters. At the request of individual Pacific Island nations, New Zealand and Australia agreed to undertake maritime air patrols of those Islands' EEZs and report any suspicious activity they observed. These reports then enabled vessels to be sent from the Islands to investigate.[52] The surveillance efforts were primarily undertaken by the Royal Australian Air Force (RAAF) and RNZAF P-3K *Orion* maritime patrol aircraft, although RAN and RNZN vessels also took part occasionally.[53] This was a highly valued contribution to the maritime security of the Pacific and helped to build strong relations between New Zealand and the smaller Pacific Island nations.

The Forum Fisheries Agency

In August 1979, in an attempt to enhance their collective ability to manage and protect their valuable fish stocks, the members of the South Pacific

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[50] Rolfe, *The Armed Forces of New Zealand*, p. 86.
[51] Crocombe, pp. 195-96.
[52] Crocombe, p. 196.
[53] Crocombe, p. 198.

Forum established the Forum Fisheries Agency (FFA).[54] The members had recognised, along with many other countries around the world, some of the implications of the emerging trend towards declaring 200nm EEZs. The newly acquired resources which had come under the control of these nations needed to be managed, developed and protected. The dangers of the over-exploitation of these valuable fishing resources and especially the actions of distant water fishing nations created the need for a coordinated effort from the Pacific Island nations.[55] The most significant fish stock in the region was that of the highly migratory southern bluefin tuna (SBT) which had important commercial value. The Forum nations desired a coordinated approach to the issue of EEZs and the securing of the living resources contained within. High importance was placed on coordinating the approaches of all forum members in order to aid the collective management of fisheries resources.[56] Functions of the FFA include collecting and analysing data on fish stocks and publishing the results for the benefit of all members, sharing information on management procedures and relevant legislation and providing technical advice and assistance to any forum member who requests it.[57] The FFA also sought to establish good working relationships with local and international organisations to aid cooperation. From these relatively humble beginnings has grown a highly important organisation which has played an important role in the management of Pacific fisheries and has, over the years, implemented further initiatives which have contributed to the security of Pacific fisheries.

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[54] Michael Hyndman, *South Pacific Forum Fisheries Agency: Benefits and Costs* (Suva, Fiji: Pacific Islands Forum Secretariat, 2005), p. 2.
The South Pacific Forum was formed in 1971 and its member countries were Australia, Cook Islands, Fiji, Nauru, New Zealand, Tonga and Western Samoa. In 2000, the South Pacific Forum changed its name to the Pacific Islands Forum, its member countries currently are Australia, Cook Islands, Federated States of Micronesia, Fiji Islands, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu. Fiji was suspended in May 2009 following its failure to meet a deadline, decided by the Pacific Islands Forum members, of setting a date for democratic elections following the military coup in December 2006.
[55] Hyndman, p. 2.
[56] Hyndman, p. 2.
[57] Hyndman, p. 2.

Conclusion

During the period between the end of WWII and the signing of UNCLOS, New Zealand was faced with a changing international situation and the diminished importance of its once certain notions of Commonwealth defence. New Zealand was forced to shift its focus from events in Europe and the Middle East to events occurring closer to home. Southeast Asia and the Pacific became more important in New Zealand's security considerations. The focus of the RNZN shifted from maintaining a fleet based around heavily armed cruisers to a highly mobile fleet of anti-submarine warfare frigates capable of escorting shipping, monitoring submarines and patrolling the newly acquired EEZs of New Zealand and her territories.

New Zealand was also on the search for allies and outside assurances of its security. Faced with the fact that it could not realistically defend itself against attack, the government was compelled to seek undertakings from other stronger nations that they would provide the security which New Zealand could not provide itself. After World War II it became clear that Britain would no longer be able to project its power into Southeast Asia and down to the Pacific in defence of its former colonies. In the 1960's the shift in New Zealand's focus from Britain to the US was clear. New Zealand sought to be involved in a series of regional arrangements in order to fulfil its new found obligations as Britain sought to withdraw and also to increase its own security. It was acknowledged that any defence of New Zealand must begin offshore.

With the progress made in negotiations over UNCLOS it became clear that a 200nm EEZ was to become an internationally accepted principle. Along with many other nations, New Zealand declared its own EEZ, resulting in rights to, and responsibility for, a vast sea area which it also needed to protect. Early attempts at significant fisheries protection were hampered by economic decisions which resulted in the navy purchasing ships which

were unsuited to the New Zealand sea conditions. Fortunately, future measures to ensure fisheries protection were more appropriate.

New Zealand's involvement in maritime security in Southeast Asia was centred on alliances and multilateral agreements. These ranged from focused agreements such as ANZAM, AMDA and the FPDA, which dealt with the provision of security for a narrow geographic area, through to SEATO and general Cold War concerns, which saw New Zealand involved (at least in the planning sense) for the provision of security for a large region. All of these measures connected New Zealand to friendly states in a form of collective security which New Zealand had sought from the UN but had begun to realise was unlikely to materialise.

New Zealand had strong connections to the Pacific region both because of its presence in the region, and because of its obligations to its territories and smaller northern neighbours. New Zealand was responsible for the defence of Western Samoa up until 1962 and continues to be responsible for Niue, Tokelau and the Cook Islands. New Zealand was also strongly linked to the defence of the Pacific region through the trilateral ANZUS alliance with Australia and America. This alliance was the premier guarantee of maritime security within the Pacific region. The USN was preeminent in the region, and connection to the US Navy provided the RNZN with valuable training and experience, as well as the assurance of support should an attack occur. New Zealand was also involved in aiding its Pacific neighbours through initiatives such as the MAP which provided military training and assistance to regional militaries. As part of its efforts to contribute to the maritime security of the Pacific Region, New Zealand carried out EEZ patrols for many of the Pacific Islands who were not capable of adequately patrolling their newly acquired territory. This involved air patrols by Air Force *Orions* as well as the occasional patrol by various naval vessels. Finally, New Zealand was involved in the establishment and running of the FFA which sought to promote

cooperation and effective management and protection of Pacific Island Fisheries.

During this period New Zealand was forced to adapt to international events and shifts in power as they occurred or became clear. New Zealand was involved in a range of efforts to promote maritime security which ranged from traditional naval activities to fisheries management. With the signing of UNCLOS in 1982, the international maritime environment changed once again and the world would have to adapt to gain the full benefits. UNCLOS represented formal recognition of the emerging new ideas which would soon become accepted international norms. UNCLOS ensured a vast increase in rights to maritime resources from previous international norms and thus would change the way in which nations would interact. Countries who once had an area of jurisdiction which was hundreds of kilometres apart, now found themselves having to negotiate new delimitation agreements. The geopolitical landscape had changed dramatically and New Zealand, like the rest of the world, would have to adjust.

Chapter Three - From UNCLOS to the End of the Cold War, *1982-1990*

Introduction

In 1982, after decades of negotiations, the maritime legal landscape was changed forever. With the final signing of UNCLOS, a new and expansive legal regime was established with regard to the maritime realm. From 1982 to 1990[1] countries were seeking to adjust to this changed landscape. This nine year period was highly significant for New Zealand's maritime security.

As a result of UNCLOS and the need to protect the newly acquired maritime resources, New Zealand implemented a world leading fisheries protection regime in the form of the QMS.[2] Furthermore, tensions between the United States and New Zealand resulted in the US-New Zealand leg of ANZUS being declared inoperable.[3] New Zealand was also shocked into an awareness of maritime terrorism issues with the bombing of the Greenpeace vessel the *Rainbow Warrior.*[4] This period also saw the RNZN update its frigate fleet, as well as beginning a somewhat controversial joint project with Australia on the construction of a new class of frigate.

Wider developments during this period included the withdrawal of New Zealand forces from Singapore, the signing of the IMO *Convention on the Suppression of Unlawful Acts Against the Safety of Maritime Navigation* (SUA Convention), the establishment of the South Pacific Nuclear Free

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[1] While the exact end of the Cold War may be difficult to identify, the year 1990 is chosen here as the likely point where the changes within the Soviet Union and its satellite states were beginning to play a significant role in security considerations of states worldwide. While some identify the end of the Cold War as occurring with the fall of the Berlin Wall in 1989, others identify the Conventional Forces Europe Agreement in 1990 as being a defining moment. Still others put the end of the Cold War as the collapse of the Soviet Union in 1991.
[2] Boris Worm*, et al.*, 'Rebuilding Global Fisheries', *Science,* 325, no. 578 (2009), p. 583.
[3] Jim Rolfe, 'Let's Just be Friends: New Zealand and the United States', *Asian Affairs, an American Review,* 30, no. 2 (2003), p. 123.
[4] Michael King, *Death of the Rainbow Warrior* (Auckland, New Zealand: Penguin Books, 1986), (Author's Note).

Zone (SPNFZ) and New Zealand's accession to the 1979 *International Convention on Maritime Search and Rescue*. Other contributions to maritime security during this time included fisheries protection both in New Zealand waters as well as in the Pacific, New Zealand's continued involvement in the FPDA and associated exercises, the further development of the MAP, and military exercises with a wider range of partners.

New Zealand and Maritime Security

The years 1982 to 1990 were highly significant for New Zealand's maritime security. This period saw the completion and signing of UNCLOS which was responsible for a major increase in the maritime area that states were responsible for. New Zealand emerged with responsibility for one of the largest regions in the world. In 1986, New Zealand put into place a QMS to ensure the sustainable and profitable management of its fisheries stocks. The QMS was one of the most comprehensive fisheries systems in the world and it established a mechanism through which future management of this valuable resource could be achieved.

During the early part of this period, growing anti-nuclear sentiment in New Zealand led to increased tension between New Zealand and the US over the nuclear status (both powered and armed) of the USN's ships. The tension reached its peak in 1985 with the US-New Zealand leg of the ANZUS alliance being declared inoperable, ending New Zealand's premier security alliance and its most valuable guarantee of maritime security.

These three issues were each highly significant to New Zealand's maritime security and, as such, each in its own way changed the way New Zealand perceived its maritime environment.

UNCLOS

In 1982, after years of negotiations and three Law of the Sea conferences, the UN Convention on the Law of the Sea was finally finished and available for signature. New Zealand was one of many nations involved in

the negotiations and was highly interested in the outcome. The convention was a comprehensive legal document which established the accepted principles and laws which were to govern much of state behaviour in the maritime realm. As mentioned in the previous chapter, one of the most significant provisions of the treaty was the acceptance of the 200nm EEZ.[5] However, the treaty also included provisions dealing with the navigation and transit rights of ships travelling on the high seas as well as through EEZs and important straits. [6] UNCLOS dealt with jurisdiction over economic resources such as fisheries and minerals, and included controversial provisions with regard to mineral resources beneath the high seas.[7] Because of the nature of the new laws with regard to jurisdiction over areas which had previously been considered high seas, it was considered likely that conflicts would ensue. Because of this, provisions were also included on dispute settlement and the rights of states to restrict certain activities within their EEZ or territorial waters.[8]

Despite the large support the convention received during drafting and through the signing process, it did not receive the same support with regard to ratifications of signatures. The Convention would enter into law twelve months after it received the 60th ratification. This, however, did not occur until over a decade later, with the convention finally entering into force on 16 November 1994, almost 12 years after it was first opened for signature.[9] This long period between signature and ratification was largely due to disagreements, led by objections from the US, over provisions with regard to deep seabed mining. The US was unhappy with the restrictions which were placed on seabed mining and the fact that UNCLOS called for the establishment of an international body with control over the activity.[10]

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[5] Attard, p. 31.

[6] United Nations, *United Nations Convention on the Law of the Sea* (1982), pp. 26-28.

[7] United Nations, *United Nations Convention on the Law of the Sea*, pp. 40, 42-46.

[8] United Nations, *United Nations Convention on the Law of the Sea*, pp. 127-135.

[9] Renate Platzöder, *The United Nations Convention on the Law of the Sea: Basic Documents with an Introduction* (Dordrecht, The Netherlands: Martinus Nijhoff Publishers, 1995), p. 1.

[10] James L. Malone, 'The United States and the Law of the Sea after UNCLOS III', *Law and Contemporary Problems,* 46, no. 2 (1983), p. 29.

UNCLOS would also have forced the US to share mining technology with other nations as well as the proceeds of their mining efforts. The US decided that, although it supported the majority of other areas covered within UNCLOS, the seabed mining issues went so strongly against their national interest they could not sign the treaty.[11] This left the rest of the world with a hard decision to make: would they continue with the convention without US involvement, or seek to make accommodations which would placate the US and entice them to sign the treaty? In the end a further annex (annex XI) was proposed with the hope of addressing the issues which the US had raised, but the US is still unwilling to sign UNCLOS. They have, however, claimed that the rest of the provisions of UNCLOS are consistent with customary international law and therefore the US enjoys the rights and benefits under other areas of UNCLOS through customary international law.[12]

New Zealand was one of the many nations who were quick to sign UNCLOS on its completion, but were very slow to ratify it. In fact, New Zealand did not ratify UNCLOS (and annex XI on deep seabed mining) until 19 July 1996. New Zealand's reasons for not ratifying the treaty earlier were, like many nations, because of concerns about the provisions in the treaty which addressed deep seabed mining and also the US unwillingness to sign because of these provisions.[13] New Zealand made the decision to ratify UNCLOS after matters were addressed through the creation of annex XI and its entry into force definitively in 1996.[14]

Although slow to ratify it, New Zealand actually stood to make huge gains through the provisions of UNCLOS despite many of these provisions already being claimed through the establishment of a 200nm EEZ in 1977.[15] With the entry into force of UNCLOS in 1994, all of these provisions were now set firmly in international law rather than up for

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[11] Malone, pp. 30-31.
[12] Malone, pp. 33-36.
[13] J. Scott Davidson, 'Current Legal Developments', *The International Journal of Marine and Coastal Law,* 12, no. 3 (1997), p. 404.
[14] Davidson, p. 404.
[15] Davidson, pp. 404-405.

debate as to their status as customary international law. New Zealand's rights had significantly increased, but along with this its responsibilities had also increased, particularly when its Pacific obligations to Niue, Tokelau and the Cook Islands were included.

Quota Management System

In 1986, New Zealand implemented a world-leading fisheries management program which brought New Zealand's fisheries under government control and allowed for greater emphasis on conservation.[16] The QMS's central feature was that the government set the total allowable catch (TAC) at the start of each year, thus limiting the quantity of fish which could be caught during that given year. The rights to catch these fish were then divided up into individual transferable quotas (ITQs) which were given to fishing vessel owners based on historic catch levels from 1982-1984.[17] In order to reduce the volume of fish caught from the historic level to the newly-set TAC, the government purchased the rights to the fish which made up the difference.[18] This process continued each year with the government adjusting the TAC and then purchasing the rights to the fish it wished to be left uncaught. This changed in 1990 when the government adjusted the ITQs to be a proportion of the TAC rather than a set volume of fish.[19]

There were several important benefits to the introduction of the QMS. Firstly, it ensured that there was no race to catch as many fish as possible during the season. Nor was there a need to try and race against other fishermen as the ITQs ensured that the holder was legally entitled to catch their allotted amount and thus they could take their time in doing so.[20] Another benefit of the QMS was that it allowed the government to adjust the TAC each year in order to control levels of certain species and to allow for the rebuilding of stocks that had been depleted. The QMS also set out

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[16] Worm, *et al.*, p. 583.
[17] Steven Webster, 'Maori Retribalization and Treaty Rights to the New Zealand Fisheries', *The Contemporary Pacific,* 14, no. 2 (2002), p. 344.
[18] Christopher M. Dewees, 'Effects of Individual Quota Systems on New Zealand and British Columbia Fisheries', *Ecological Applications,* 8, no. 1 (1998), p. S134.
[19] Dewees, p. S134.
[20] Dewees, p. S136.

different fisheries management areas (FMAs) within which fishing was to take place. The government had the ability to limit or halt fishing of certain species within these FMAs if a certain species was being overfished.[21] This system allowed not only country-wide conservation of commercial fish stocks but also management of local populations as well. Finally, in an attempt to protect certain areas, whether for their high ecological value or in order to rebuild fish stocks, certain areas could be closed to all fishing.[22]

These efforts not only ensured that New Zealand's fisheries resources were not overfished, but they also went a long way to ensuring a highly valuable, sustainable commercial fishing industry for New Zealand. Fisheries management was one element of maritime security where New Zealand was at the forefront in the late 1980s.

ANZUS

In the early 1980s, anti-nuclear feelings within New Zealand were growing.[23] The Labour party, acknowledging the opinions of both members of the public as well as party members, took up port visits by nuclear powered or armed ships as a campaign issue in the 1984 election. Upon winning the election, the government implemented a policy banning all ships that were either nuclear powered or carrying nuclear weapons.[24] This decision caused tension with New Zealand's primary ally, the United States. While much of the US fleet is not nuclear powered, US policy was to neither confirm nor deny whether any given vessel was nuclear armed. The US was unwilling to change this policy and believed that by refusing to accept port visits by US ships, New Zealand was defaulting on its obligations under ANZUS.[25] In an attempt to smooth things over and prove that the two allies could still work together, discussions were held and

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[21] New Zealand Ministry of Fisheries, *The State of our Fisheries 2008* (Wellington, New Zealand: Ministry of Fisheries, 2008), p. 7.

[22] New Zealand Ministry of Fisheries, *The State of our Fisheries 2008*, p. 7.

[23] Stuart McMillan, *Neither Confirm nor Deny: The Nuclear Ships Dispute Between New Zealand and the United States* (New York: Praeger Publishers, 1987), pp. 30-35.

[24] Rolfe, 'Let's Just be Friends: New Zealand and the United States', pp. 122-123.

[25] William T. Tow, 'The ANZUS Dispute: Testing U.S. Extended Deterrence in Alliance Politics', *Political Science Quarterly,* 104, no. 1 (1989), p. 120.

eventually the *USS* (United States Ship) *Buchanan* was selected to make a port visit to New Zealand. As an ageing, conventionally-powered frigate, the *USS Buchanan*, was accepted as not being nuclear powered. However, because it was technically nuclear weapons capable (it could carry nuclear depth charges) and the US Government refused to state whether or not it was carrying nuclear weapons, the decision was made by the New Zealand Government to refuse the arranged visit. [26] This surprising decision came after intense pressure from lobby groups within New Zealand. After all the effort that had been made to select an acceptable ship for the visit, the US took this as the final insult and ended all joint military training and exercise ties. One US official's comment clearly shows the feelings which surrounded the issue, particularly the American feeling of betrayal: "He [Lange] may not be able to imagine that (the United States would refuse to help New Zealand in an emergency), but it's hard for us to imagine that New Zealand would not allow our ships into its ports".[27]

The break between New Zealand and the US meant that New Zealand was no longer able to exercise with its largest ally. Despite assertions from the Labour Party that New Zealand had lost nothing, the loss of these training opportunities alone hampered New Zealand's armed forces and particularly its navy.[28] While ANZUS continues today, it is no longer a strictly trilateral security alliance with the US-New Zealand leg of ANZUS now defunct. The ending of this relationship had ramifications for New Zealand's involvement in maritime security not only in its own territory, but also throughout Southeast Asia and the Pacific. Because of this dispute New Zealand's status with the US was downgraded from that of an ally to a friendly nation, which was a clear sign of Washington's displeasure and it resulted in New Zealand losing special preference status when

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[26] Rolfe, *The Armed Forces of New Zealand*, p. 74.
[27] Tow, p. 132.
[28] Clarke, p. 175. Peter Jennings, *The Armed Forces of New Zealand and the ANZUS Split: Costs and Consequences* (Wellington, New Zealand: New Zealand Institute of International Affairs, 1988), p. 13.

purchasing arms from the US. [29] This had the effect of forcing New Zealand to look elsewhere for future arms purchases and thus New Zealand drifted further away from the premier western superpower only years before the end of the Cold War and America's ascension to the status of the world's sole superpower. Also, with the end of all joint military training and exercise ties, New Zealand was either excluded from many exercises that involved the US or the US refused to participate in them, which undermined the significance of these exercises and led New Zealand to look to other nations for training and exercise opportunities. [30] The result of this was that New Zealand was pushed closer to Australia and to its Southeast Asian FPDA associates.[31] New Zealand's Navy was particularly affected by the loss of the opportunity to exercise with the world's premier navy and the technology and expertise which this exposed them to.

The *Rainbow Warrior*

Public opinion continued to mount against French nuclear testing in the Pacific and protests against this continued to be led by Greenpeace. In July 1985, while Greenpeace was preparing another protest voyage to Moruroa, New Zealand experienced its very own maritime terrorist attack.[32] On 10 July, the Greenpeace vessel, the *Rainbow Warrior,* was bombed while tied up alongside Marsden Wharf in Auckland harbour, killing one crew member. Two mines were attached to its hull by divers who were working for the French secret service, the Direction Générale de la Sécurité Extérieure or General Directorate of External Security (DGSE).[33] The *Rainbow Warrior* and several other yachts were to have

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[29] Rolfe, *The Armed Forces of New Zealand*, p. 74.
Rolfe, 'Let's Just be Friends: New Zealand and the United States', p. 123.
[30] Jennings, p. 10.
[31] Jennings, pp. 10-12.
[32] This attack was, and still is, commonly referred to as an act of terrorism; however, there are still questions over whether it can be defined as terrorism or if it was purely an act of international sabotage.
[33] Richard Shears and Isobelle Gidley, *The Rainbow Warrior Affair* (Sydney, Australia: Unwin Paperbacks, 1985), pp. 1-12. There is still some debate as to whether the act was carried out by one or two divers. Investigations did identify at least one other French

been involved in a flotilla protesting against French nuclear testing at Moruroa Atoll in the South Pacific. New Zealand's Government declared the attack an act of state-sponsored terrorism, although the governments of France, Britain and the US were quick to deny that this was the case. However, they were reluctant to explain what it might have been instead. While those involved in the bombing who have spoken claim that there was no intention to kill anyone, this ignores the fact that the placing of the mines meant that it was only because several members of the crew were not on board that their lives were not lost.[34] The outrage over this attack was a strong motivation for New Zealand to be involved in the creation of the SPNFZ later that year, and the SUA Convention several years later.[35]

Naval Strength and Fisheries Protection

The period between 1982 and 1990 was significant for the RNZN in terms of new vessels acquired and old vessels decommissioned. During this time the two *Rothesay* class frigates were decommissioned with *HMNZS Taranaki* leaving service in June 1982 and *HMNZS Otago* in November 1983.[36] These were replaced with the final two *Leander* class frigates *HMNZS Wellington* in October 1982 and *HMNZS Southland* in December 1983.[37] Hence, the navy consisted of a combat fleet of four frigates for almost the entire period while only decreasing to three for short periods between the decommissioning of one frigate and the commissioning of its replacement. This kept the force strength high and within the desired limits to carry out the navy's expected role.

In the mid-to-late 1980s, New Zealand and Australia entered into negotiations over the construction of new frigates in Australia.[38] Two of the

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agent who was a highly qualified diver and present in New Zealand at the time of the bombing.
[34] Shears and Gidley, p. 216.
[35] Interestingly, this attack would not have been covered by the SUA convention as the *Rainbow Warrior* was not at sea at the time of the attack.
[36] McDougall, p. 41.
[37] McDougall, p. 45.
[38] Peter Greener, *Timing is Everything: The Politics and Processes of New Zealand Defence Acquisition Decision Making* (Canberra, Australia: ANU E Press, 2009), pp. 26-27.

initial frigates would be purchased by New Zealand and the rest would go to Australia with New Zealand having the option of purchasing two more at a later stage.[39] This project to build the *ANZAC* class frigates was met with strong opposition within New Zealand especially with regards to the cost and suitability of the frigate designs chosen. One of the objections was that New Zealand did not need frigates but, rather, patrol vessels which were capable of patrolling New Zealand's waters for fisheries protection and similar roles.[40] In the end, any objections were overcome and the Labour Government proceeded with the project, signing the contract on 10 November 1989. This project would see in excess of NZ$800 million of the cost being contracted to New Zealand firms.[41] Construction of the two frigates did not begin until well into the 1990s and their final delivery and commissioning did not take place until the late 1990s.[42]

Also during the mid-1980s, the navy was forced to retire the four *Lake* class patrol boats due to their inadequacy to meet their fisheries patrol requirements.[43] As mentioned in the previous chapter, these vessels were chosen primarily on economic grounds and were not suited to the conditions in New Zealand, leaving them less capable than many of the ships they were intended to monitor. Between 1983 and 1985 four *Weka* class Inshore Patrol Craft were purchased and used by the RNZN volunteer reserve for training purposes and some fisheries patrols.[44] This, however, did not replace the loss of capability with regard to fisheries patrol, particularly after the *Lake* class patrol boats were removed from active service.[45] Considering New Zealand's EEZ was now 200nm from its coast and one of the largest in the world, the navy was stretched to patrol

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[39] Greener, p. 43.
[40] Greener, p. 32.
[41] Greener, pp. 43-44.
[42] Greener, p. 46.
[43] Rolfe, *The Armed Forces of New Zealand*, p. 92.
[44] McDougall, pp. 100-101.
[45] While the *Lake* class patrol boats were not designed for New Zealand conditions, they were used in a wider range of situations than the new *Weka* class patrol craft were capable of operating in.

this area with only the four *Leander* class frigates effectively able to patrol out to the 200nm limit.[46]

Southeast Asia and Maritime Security

During the period between the signing of UNCLOS in 1982 and the end of the Cold War in 1990, New Zealand was not heavily involved in Southeast Asian maritime security in any immediate way. New Zealand's involvement primarily consisted of participation in the FPDA and associated exercises as well being a part of international agreements and treaties which were signed and had ramifications for the region as well as the rest of the world. As well as the implications of UNCLOS which have been discussed earlier, the signing of the SUA convention had a significant impact on maritime security both in Southeast Asia and around the globe.

FPDA

Although between 1982 and 1990 the FPDA continued to be in operation, in reality little was achieved. Mutual suspicions between Singapore and Malaysia made organising exercises difficult and all three non-Southeast Asian nations were looking to remove their forces from the region following the Vietnam War. New Zealand withdrew its sole infantry battalion in 1989.[47] It was not until 1989 that tension and suspicion between these two nations was able to be overcome and bilateral land exercises were held in East Malaysia.[48] This existing tension, as well as the lack of a real threat to the security of these two nations, meant that the FPDA was not considered an important contribution to security in Southeast Asia and

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[46] Greener, p. 32.

[47] Tan, p. 290. The majority of New Zealand forces left Singapore in 1990. Apart from a small support unit, its military contribution was predominantly confined to annual FPDA exercises. While these forces had contributed little to the maritime security of the region, they did in a small way contribute to the general security of the region as well as being New Zealand's only permanent stationing of troops in the region. Thus their withdrawal deserves a mention. Damon Bristow, 'The Five Power Defence Arrangements: Southeast Asia's Unknown Regional Security Organization', *Contemporary Southeast Asia,* 27, no. 1 (2005), p. 13.

[48] Tan, p. 291.

therefore was not progressed. There were thus few opportunities for New Zealand to be involved in the maritime security of Southeast Asia.

The IMO *Convention on the Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988*

In October 1985, the *Achille Lauro*, an Italian cruise liner sailing in the Mediterranean Sea off the coast of Egypt, was hijacked by four men who claimed to be part of the Palestinian Liberation Organisation. During the standoff, the men shot an American passenger and threw his body overboard. After a period of several days, they surrendered to Egyptian officials on the understanding they would be able to return to the Palestinian territories. On leaving Egypt their plane was intercepted and forced to land in Sicily by the US Air Force. The men were arrested by Italian officials and charged over the attack on the *Achille Lauro*. Italy, however, declined US requests for extradition. This incident highlighted the lack of specific international law regarding terrorist attacks at sea and especially any understanding of who would have jurisdiction should the terrorists be caught.[49]

Following the events onboard the *Achille Lauro,* the international community sought to establish a convention to address terrorist attacks at sea. After the attack was heavily condemned within the UN General Assembly, it was decided to turn the drafting of a convention to deal with such events over to the IMO.[50] The negotiations involved 79 countries from around the world, with varying opinions on many different parts of the agreement. The resulting agreement not only covered terrorism at sea but also the use of violence by any party which endangered the life of any individual or the safety of the ship itself. This convention also carried the obligation for all states to address the act if it occurred under their jurisdiction. Furthermore, it set out procedures and requirements for

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[49] Glen Plant, 'The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation', *The International and Comparative Law Quarterly,* 39, no. 1 (1990), p. 27.
[50] Plant, pp. 27-28.

extradition should the accused be arrested in a state which does not have jurisdiction or wishes to defer to another state that has jurisdiction and wishes to prosecute.

New Zealand was actively involved in the negotiations, and one of its suggestions was included when it was made a primary offence to damage navigational facilities or interfere with their operation such that it endangers a ship or ships.[51] Despite New Zealand's active involvement in the negotiations, they were not one of the 23 countries who signed at the conference in March 1988, instead waiting until December 1988.[52] The convention came into effect in March 1992 after receiving the required 15 ratifications. The SUA convention did not come into effect for New Zealand until 1999, when the New Zealand Parliament passed legislation which made the provisions of the convention part of New Zealand law.[53]

The Pacific and Maritime Security

The South Pacific Nuclear Free Zone

In August 1985, after years of suggestions and discussion over the idea of a nuclear free zone for the South Pacific, eight nations of the South Pacific Forum signed the SPNFZ Treaty, also known as the Rarotonga Treaty. This treaty was finally completed after the Australian Labour Government took the initiative. New Zealand and other Pacific countries had proposed a similar idea in previous years, but without Australia's support they had made little headway.[54] New Zealand and seven other Pacific nations signed the treaty on 6 August 1985 and it came into force on 11 December 1986.[55]

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[51] Plant, p. 42. This clause was included despite the opposition of countries such as France.
[52] Plant, p. 30.
[53] New Zealand Government, *Maritime Crimes Act 1999* (1999), p. 1.
[54] Paul F. Power, 'The South Pacific Nuclear-Weapon-Free Zone', *Pacific Affairs,* 59, no. 3 (1986), pp. 463-464.
[55] The seven other nations were: Australia, the Cook Islands, Fiji, Kiribati, Niue, Tuvalu, and Western Samoa.

The Rarotonga Treaty banned the manufacture, acquisition, possession, testing, control or deployment of nuclear weapons by any state who was a signatory. It also prohibited the permanent stationing of nuclear weapons by the nuclear powers within the territory of any of the parties to the treaty.[56] Further prohibitions under the treaty were: the use or threat of use of nuclear weapons by the nuclear powers against the zone, peaceful nuclear explosions, and the disposal of nuclear waste within the territorial sea or high seas. This treaty did not restrict the transit of nuclear-powered or nuclear-armed vessels through the region, nor did it restrict port calls or landings. [57] Protocol I of the treaty encouraged France, Britain and the US to apply these restrictions to their territories within the region and Protocol III was aimed at gaining the agreement of all the nuclear powers not to test nuclear weapons within the region.[58] France was the only state carrying out tests at this point and was clearly the intended subject of this protocol.

The area this treaty covers extends from the equator south to the northern boundary of the Antarctic Treaty zone, east to the western boundary of the Tlatelolco Treaty zone, and west to the western boundary of Australian continental territory (Australia's territories in the Indian Ocean are included until such time as an Indian Ocean Nuclear-Free Zone Treaty is established).[59] One thing to note about the geographic area of this treaty is that it does not include all members of the South Pacific Commission, as some members such as Belau, the Federated States of Micronesia, Marshall Islands, Northern Marianas, and Guam are all north of the equator.[60] This was done in order to increase the likelihood of support from the US, who subsequently only has its territory of American Samoa within the treaty area.

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[56] Michael Hamel-Green, 'The Rarotonga South Pacific Nuclear-Free Zone Treaty', in *The Pacific: Peace, Security & the Nuclear Issue*, ed. by Ranganui Walker & William Sutherland (London: Zed Books, 1988), p. 97.
[57] Hamel-Green, pp. 94-97.
[58] Hamel-Green, p. 98.
[59] Power, p. 456.
[60] Power, p. 108.

The biggest gains of this treaty were dependent on the attitudes taken by the nuclear powers. If the treaty was accepted by all the nuclear powers then it would have increased the security of the region. However, their lack of support for the treaty (particularly that of the United States, Britain and France) meant that it merely affected the actions of those nations within the region who were less likely to have endangered their own region's security in the first place.[61]

One of the important restrictions of this treaty for the immediate maritime environment was banning the dumping of nuclear waste at sea. While this was significant with regard to the territorial sea of the signatories, the treaty did not include anything which would prevent non-signatories from dumping nuclear waste on the high seas within the treaty zone. This undermined the significance of this prohibition, given that the states who were party to this treaty did not generate large amounts of waste which needed disposing of.[62] As mentioned previously, there were no restrictions placed on the transport of nuclear material on the high seas or territorial waters and, as such, no security gains were made in this area.[63] Finally, another aspect which may be seen to have enhanced maritime security is the fact that nuclear armed vessels could not be permanently based within the region, thus reducing the likelihood of their being targets if conflict did break out.[64] Even if ships were still able to visit they would be less likely to be targeted than a permanent base.

NZ Territories

From 1982 to 1990, Niue, Tokelau and the Cook Islands remained territories of New Zealand and as such the responsibility for their protection and security continued to lie with New Zealand.[65] The

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[61] Thomas-Durell Young, 'U.S. Policy and the South and Southwest Pacific', *Asian Survey,* 28, no. 7 (1988), p. 787.
[62] Hamel-Green, p. 106.
[63] Hamel-Green, pp. 95-96.
[64] Hamel-Green, p. 95.
[65] Rolfe, *The Armed Forces of New Zealand*, p. 94.

responsibility for their maritime security was fulfilled through occasional naval patrols.[66]

Mutual Assistance Programme

The Mutual Assistance Programme continued throughout the 1980s and grew in size. As mentioned in the previous chapter, this program had been created to give military assistance to the ASEAN states, Fiji, Tonga and Papua New Guinea. However, it was expanded in the South Pacific so that by 1988 it also encompassed Western Samoa, Vanuatu, the Cook Islands and the Solomon Islands. This program continued to provide not only military training but also aid projects within the member countries. This training enhanced the security of these states by strengthening their military and police forces, as well as improving the economic and social situation.

Pacific EEZ Patrols

Throughout this period the RNZN continued to contribute to the maritime security of its Pacific Island neighbours through EEZ patrols. These patrols, which were often undertaken during transit from New Zealand to deployments around the globe, were valuable to the Pacific Island nations as they often lacked the capability themselves to undertake such efforts.[67] These were also supplemented by RNZAF patrols using its *Orion* maritime patrol aircraft. While these patrols only happened a few times a year, they were also a valuable means of enhancing ties with New Zealand's neighbours.[68] Thus, they not only enhanced maritime security in the region but also strengthened relations.

Search and Rescue

In 1979, the International Convention on Maritime Search and Rescue (the SAR convention) was concluded. The convention came into force in 1985

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[66] Crocombe, p. 198.
[67] Rolfe, *The Armed Forces of New Zealand*, p. 100.
[68] Crocombe, p. 196.

after receiving the 15th ratification 12 months earlier.[69] Once this convention had been adopted, the United Nations IMO began the task of dividing the world into thirteen Search and Rescue (SAR) areas within which there were numerous SAR regions. Search and rescue plans were developed for each of these areas and were completed in September 1998.[70] A certain level of hesitancy by many countries to ratify this convention was due to the considerable obligations it placed on those who were a party to it. Establishing a Rescue Coordination Centre was an expensive undertaking and countries would often be given responsibility for a large area, testing their capabilities or at least requiring significant resources. New Zealand eventually acceded to the SAR convention in 1985.[71] This resulted in New Zealand taking responsibility for a large Search and Rescue Region (SRR), stretching from the Equator down to the Antarctic and from the middle of the Tasman Sea half way to South America. The total sea area covered is 30 million square kilometres and is one of the largest SRR's in the world.[72]

Fisheries

The FFA continued to be active after 1982 and was strengthened by a series of agreements which increased its role in contributing to the fisheries aspect of maritime security in the Pacific. In 1984, the FFA established the Regional Register of Foreign Fishing Vessels.[73] This was created in order to provide a single shared source of information for the registration of foreign fishing vessels. Initially it started out with only information from Papua New Guinea and the Solomon Islands. However, within five years it had grown to be a truly regional register with

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[69] United Nations, *International Convention on Maritime Search and Rescue, 1979* (1985), p. 119.
[70] International Maritime Organization, 'Search and Rescue (SAR)', *IMO News*, no. 1 (2008), p. 8.
[71] United Nations, *International Convention on Maritime Search and Rescue, 1979*, p.119.
[72] Rescue Coordination Centre New Zealand, *At the Heart of Sea, Air and Land Rescues 24/7* (2008), p. 2.
[73] Hyndman, p. 9.

information on all foreign vessels licensed to fish in the EEZs of all the member nations.[74]

On 15 June 1988, the US Multilateral Treaty on Fisheries came into force.[75] Over several years, the US Multilateral Treaty on Fisheries had been negotiated between the US and all members of the FFA in response to growing tension over what was seen as illegal fishing by US vessels in Pacific nations EEZs. Years of tension finally led to a clash in June 1984, when the Solomon Islands Government arrested a US purse seine vessel for illegally fishing in the Solomon Islands EEZ. This was the catalyst needed to begin negotiations over a treaty that would ensure access to the lucrative tuna fisheries of the region for the US purse seine fleet, while ensuring that the Pacific Island nations received some sort of payment for their valuable resource. [76]

The Multilateral Treaty on Fisheries not only guarantees payment for the fish taken, it also guarantees a minimum annual payment to all member countries. The treaty sets an annual payment which is then distributed amongst the FFA nations: 15% is split equally amongst all members and the remaining 85% is distributed according to the proportions of the total catch taken from each country's EEZ. [77] Starting in 1988, the annual payment for the first five years was US$12 million, then for ten years it was US$18 million, and finally US$21 million for a further ten years.[78] The US, in signing this treaty, accepted responsibility to ensure its vessels abided by the regulations of the treaty and also by the laws of each of the Pacific Island nations whose waters they were fishing in. They also allowed observers onboard the fishing vessels to monitor compliance. Another important result of this treaty was the de facto recognition by the US of states' rights to the resources within their EEZ.[79] This was an important

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[74] Hyndman, p. 9.
[75] Hyndman, p. 44.
[76] Hyndman, p. 44.
[77] Hyndman, p. 10.
[78] Hyndman, p. 10.
[79] Hyndman, p. 10.

point because the US had refused to sign UNCLOS which established these rights.

The Multilateral Treaty on Fisheries ensured that each Pacific Island nation was guaranteed a small annual income regardless of the volume of tuna caught within their waters. For countries like New Zealand and Australia this amount was insignificant, but for some of the smaller island nations this regular income was important. Not only did this treaty ensure economic security, but it also aided regulation of fishing practices which helped protect the valuable Pacific fisheries. Furthermore, it was also an example of what could be achieved if the Pacific Island nations worked together in their dealings with distant water fishing nations (DWFNs).

Military exercises

New Zealand's military has been involved in exercises in the Pacific since World War II. These exercises were mainly carried out in Fiji, however, they also took place in Tonga and Papua New Guinea at times. After the tensions with the US over the nuclear issue, New Zealand began to expand its exercise program into the Pacific.[80] In 1985, the New Zealand Defence Force (NZDF) held an exercise in Western Samoa and in the following year they held a larger one in the Cook Islands. This exercise was the largest New Zealand had ever held offshore and it was also the first time since WWII that all three services had been involved in a joint exercise.[81] The increase in frequency and size of exercises in the Pacific was likely linked with New Zealand's need to replace the exercise time and experience it lost after being excluded from all ANZUS exercises with the US.

Western Pacific Naval Symposium

The Western Pacific Naval Symposium (WPNS) was established in 1988 with the goal of bringing together the leaders of navies from around the region to discuss issues which affected them all. This was not only an

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[80] Jennings, pp. 10-14.
[81] Crocombe, p. 206.

opportunity to share ideas and common experiences, but also to develop relationships which would prove useful at a later stage. The WPNS avoided dealing with political issues or confidence-building measures (CBMs), which were the domain of track I and track II diplomacy. The initial members of the WPNS were Australia, Brunei, China, Japan, New Zealand, South Korea, Singapore, Thailand, the US, Indonesia, Malaysia and Papua New Guinea. Membership has grown over time and all new members need to be motivated to contribute to the WPNS, and also need to receive the support of all the current members.[82]

Conclusion

The period covered in this chapter was a significant one for New Zealand in terms of its maritime security and the contributions it made to the maritime security of the wider region. The signing of UNCLOS represented an important step forward for the international community. Not only had they finally reached an agreement after decades of negotiations, but they had also succeeded in enshrining in international law a series of important principles and rules, some of which had become considered international customary law and others which were entirely new and revolutionary. While some of these new ideas were highly controversial (in particular the provisions which dealt with seabed mining), there was a general feeling that this was one of the most significant pieces of maritime law.

This nine year period demonstrated two clear patterns for New Zealand with regard to maritime security matters. The first was tied strongly to developments relating to UNCLOS and the second was linked to ideological decisions and developments within New Zealand itself and their wider implications. After UNCLOS was signed, and despite the fact that it did not come into effect until the middle of the next decade, New Zealand began to implement measures which highlighted that they considered their new resources as highly valuable and the responsibility

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[82] Royal Australian Navy, *Publication: Semaphore - Issue 14, 2006* [online]. Updated 2006, <http://www.navy.gov.au/Publication:Semaphore_-_Issue_14,_2006> [accessed 4 February 2010].

which came with them as very important. This was strongly centred on the introduction of the quota management system in 1986. With the introduction of this system, New Zealand signalled that it was serious about preserving its fisheries resource and pursuing environmental conservation alongside an economically viable fisheries industry. This trend was also visible with New Zealand's involvement in the Pacific. Efforts to aid in Pacific EEZ patrols, as well as involvement in the FFA and negotiations for the US Multilateral Treaty on Fisheries, all indicate New Zealand taking an active role in promoting the protection and preservation of Pacific fisheries for the benefit of the Pacific people themselves. This was significant for the Pacific Island nations as they often had an extremely valuable fisheries resource as well as a high dependence on the revenue it could provide.

The second trend for New Zealand in maritime security matters was the move towards a less dependent, more self-help approach. This reinforced the first trend of seeking to capitalise on international legal developments, particularly concerning fisheries, and helping the Pacific nations to protect and preserve their fisheries resource. This independent stance can be seen in the ideological decisions made and the growth of anti-nuclear sentiment within the New Zealand public. New Zealand's anti-nuclear stance led to three significant events during the final Cold War years. The first event was the Labour Government's policy of banning visits by any nuclear powered or armed vessels into its ports, and its subsequent decision in January 1985 to refuse port access to the USN frigate the *USS Buchanan*. This decision led to the US Government declaring the US-New Zealand leg of ANZUS inoperable and ending all military exercise, and training ties with New Zealand. New Zealand's relationship status with the US was also downgraded (by the US) from ally to friend. This was a major blow and signalled a weakening of New Zealand's relations with its western allies.

Another impact of anti-nuclear sentiment within New Zealand was the French reaction to continuing protests, led by Greenpeace vessels,

against this testing. In 1985, French Secret Service agents bombed the Greenpeace flagship the *Rainbow Warrior* in Auckland harbour, killing one of the crew members onboard. This attack shocked the nation and even more so when it emerged that it was perpetrated by one of New Zealand's so called western allies. Tellingly, the US and British responses to this attack were muted and this only heightened the impression that New Zealand's anti-nuclear stance was pushing it away from its traditional western allies.

The final event which signalled a distancing from the western alliance was the signing of the Rarotonga Treaty and the establishment of the SPNFZ. This treaty sought to restrict the nuclear activities of anyone within the zone. The restrictions were seen to be primarily aimed at France, who continued to test nuclear weapons in the Pacific. However, it also sought to place restraints on all the nuclear powers. While this treaty was rather limited in its restrictions, largely due to Australia's wish to minimise the impact it would have on its relationship with the western powers, it did not do anything to promote New Zealand's standing with its nuclear arms possessing allies/friends.

The years 1982 to 1990 proved, therefore, to be a period of shifting priorities. They saw New Zealand shift its focus away from its traditional western allies and more traditional naval aspects of maritime security to focus on regional affairs and, in particular, fisheries protection and management which had come to the fore as a result of UNCLOS. Thus, as the Cold War came to an end, New Zealand was seemingly drifting away from its traditional allies towards a more locally focused defence policy. However, this would once again change with the resurgence in multilateralism which occurred after the end of the Cold War.

Chapter Four - The Post-Cold War Years, *1990-2001*

Introduction

The end of the Cold War had a significant impact on the global security situation. The balance of power which had existed between the USSR and the US for over four decades had ended and the threat of armed maritime conflict between these two great powers had virtually disappeared. While the likelihood of another World War had decreased, the restraint that the Cold War had placed on many regional disputes was no longer present. Because of this, the possibility of smaller-scale regional conflicts or internal state conflicts increased. However, for New Zealand, the maritime environment was largely benign. New Zealand's ocean moat distanced it from any small-scale conflicts which could emerge and, with the reduction in security obligations through the end of ANZUS, involvement in any conflicts would be largely voluntary.

The years between the end of the Cold War in 1990 and the terrorist attacks on 11 September 2001 were characterised by a strengthening of existing alliances and friendships. This was demonstrated through Closer Defence Relations (CDR) with Australia beginning in 1991; the development and improvement of the FPDA; New Zealand's membership in the ASEAN Regional Forum (ARF); and defence cooperation with Southeast Asian and Pacific states through the MAP.

This period was also significant for the number of influential reviews into New Zealand's defence. The three most significant reviews were the two defence white papers, the *Defence of New Zealand 1991: A Policy Paper* and *The Shape of New Zealand's Defence: A White Paper* (1997), as well as the report by the Foreign Affairs, Defence and Trade Select Committee entitled *Inquiry into Defence Beyond 2000*. These reports, and particularly *Inquiry into Defence Beyond 2000,* would shape the way New Zealand classified its defence priorities and structured its forces in the years to come. This would have dramatic implications for New Zealand's armed

forces and their ability to contribute to the maritime security of New Zealand and the wider region.

During the years following the Cold War, New Zealand continued to strengthen its Navy with the continuation of the *ANZAC* frigate program and in 1998 the government decided to upgrade the Air Combat Force of the RNZAF with the lease of 28 F-16 fighter jets from the US.[1] Both of these decisions (particularly if the option for a third and fourth *ANZAC* class frigate was pursued) would have represented a significant improvement in New Zealand's ability to contribute to maritime security in the Pacific region and further afield. However, by September 2001 the impact of financial restraints and a change in government had led to decisions to reduce the navy combat force to two frigates[2] and not only cancel the planned lease of the F-16s, but to disband the Air Combat Force entirely.[3] All three of these decisions led to a great loss to New Zealand's maritime security capabilities.

The final trend that emerged during this period was the creation and implementation of a wide range of international agreements which were intended to strengthen both global and regional maritime security. These included the entry into force of UNCLOS and New Zealand's subsequent ratification of it;[4] New Zealand's ratification of the SUA convention in September 1999[5] as well as the 1993 *Convention for the Conservation of Southern Bluefin Tuna* (CCSBT)[6]; the *Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of*

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[1] Greener, p. 95.
[2] Greener, p. 86.
[3] Greener, p. 103.
[4] New Zealand Ministry of Foreign Affairs and Trade, *United Nations Convention on the Law of the Sea* [online]. Updated 2009, <http://www.mfat.govt.nz/Treaties-and-International-Law/04-Law-of-the-Sea-and-Fisheries/index.php> [accessed 20 October 2009].
[5] New Zealand Government, *Maritime Crimes Act 1999*, p. 2.
[6] New Zealand Ministry of Foreign Affairs and Trade, *New Zealand Consolidated Treaty List: As at 31 December 1996* (Wellington, New Zealand: Ministry of Foreign Affairs and Trade, 1997), p. 357.

straddling fish stocks and highly migratory fish stocks (UNFSA);[7] and, finally, the *Western and Central Pacific Fisheries Convention* (WCPFC) which was opened for signature in September 2000.[8] All of these events and decisions made this period highly important for the maritime security of New Zealand and its wider region.

New Zealand and Maritime Security

Naval Strength

In the post-Cold War years, New Zealand continued to maintain a significant naval fleet, with four frigates throughout most of the decade. However, by the end of the decade, that tradition seemed unlikely to continue. *HMNZS Southland* was decommissioned in 1997 and replaced by *HMNZS Te Kaha* in the same year, with *HMNZS Waikato* being decommissioned in 1998 and replaced by *HMNZS Te Mana* a year later.[9] The beginning of the new millennium saw a new government and with it a new direction for the RNZN. In 2000, the *HMNZS Wellington* was decommissioned, leaving New Zealand with only three frigates and with no replacement in sight. This represented a significant change in policy. In the past, the Navy had sought to maintain four frigates at any one time as this was seen as the optimal number to be able to carry out government policy. In 1997, however, the decision was made that New Zealand would not pursue the option of purchasing a fourth *ANZAC* class frigate. From this point on, the RNZN was destined to be a three-frigate navy.[10] Furthermore, in 1998 the government decided not to purchase a third *ANZAC* class frigate and to delay any decision on a replacement for the *HMNZS Canterbury* until 2002 (any replacement was therefore unlikely to

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[7] Ronald Barston, 'The Law of the Sea and Regional Fisheries Organisations', *The International Journal of Marine and Coastal Law,* 14, no. 3 (1999), p. 334-335.
[8] Western and Central Pacific Fisheries Commission, *About WCPFC* [online]. Updated 2009, <http://www.wcpfc.int/about> [accessed 13 January 2010].
[9] Greener, p. 46.
[10] Greener, pp. 82-83.

be an *ANZAC* class frigate).[11] The reduction to three frigates in 2000 left the navy with what was considered the bare minimum needed to carry out policy.[12] Government policy was to be able to have one frigate deployed overseas all year round, with a second frigate undergoing maintenance and refit, while the third would be working up and training after such maintenance.[13] Reducing the Naval Combat Fleet to three frigates meant that if another situation arose elsewhere in the world - even in New Zealand's own region - where New Zealand wished to maintain a naval presence, the navy may be unable to send a warship. This would be a considerable restriction on New Zealand's maritime capabilities should it find itself involved in any significant overseas operations. The only mitigating factor, however, was that due to the fact that the *ANZAC* class frigates were new, they would be less likely to need as frequent maintenance and repairs.[14] Thus, the RNZN ended the period between the conclusion of the Cold War and 11 September 2001 with one less frigate and, as such, a slightly reduced capacity.

UNCLOS and the *Fisheries Act 1996*

1996 was a significant year for New Zealand in terms of new legislation regarding fisheries management and protection. Firstly, in July 1996, New Zealand ratified UNCLOS and secondly, also in 1996, the New Zealand government implemented a *Fisheries Act.* This act sought not only to protect individual fish stocks, as did the 1986 QMS, but also to protect all dependent species and the general maritime environment.[15] It also charged the fishing industry for research into the impacts of the fishing

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[11] Greener, p. 86. By this stage it would be too late to order another *ANZAC* class frigate as production of new vessels would have ceased and it would not be worth starting again for a single ship.

[12] Greener, p. 82. Peter Greener refers to the report written by Professor G A Vignaux, *The Navy Critical Mass Argument* (Wellington, New Zealand: Victoria University, 1997).

[13] The requirement was not for the same frigate to be deployed for the whole year but a rotation between the frigates, as they are required to return home for maintenance and crew rest.

[14] Rolfe, *The Armed Forces of New Zealand*, p. 97.

[15] Gerard Hutching and Carl Walrond, *Marine Conservation: Fisheries* [online]. Te Ara Encyclopedia of New Zealand, updated 2009, <http://www.teara.govt.nz/en/marine-conservation/5> [accessed 13 January 2010].

industry on protected marine wildlife. In addition, it made the UNFSA New Zealand law.[16] This Act was another step forward in strengthening the legal regime which governed New Zealand's fisheries resources and sought to bring New Zealand legislation in line with recent international agreements.

Closer Defence Relations

Since mid-1991, defence relations between New Zealand and Australia have been characterised by the term CDR. Under this heading, there have been a number of initiatives to strengthen links between the defence forces of the two countries.[17] These have included a series of committees and working groups which have been formed to provide opportunities for interaction between officials and platforms for increasing interoperability.[18] In relation to maritime security, the three most obvious and significant contributions New Zealand made to CDR was firstly the *ANZAC* frigate program, which continued throughout the decade and, for New Zealand, culminated in the delivery of two new frigates, in 1997 and in 1999 respectively.[19] The second major contribution was the basing of RNZAF A-4 *Skyhawks* at the RAN base in Nowra, New South Wales. These aircraft trained extensively with the RAN and allowed the RAN to practise their air defence skills against aircraft other than those of the RAAF.[20] The third maritime contribution New Zealand made to CDR was the use of the RNZN diving support ship, *HMNZS Manawanui*, as the safety vessel during sea trials as part of the Australian *Collins* class submarine program.[21] All three of these efforts were symptomatic of the increasing closeness between the two nations during the decade immediately following the Cold War. Moreover, these efforts increased the ability of

[16] New Zealand Government, *Fisheries Act 1996* (1996), pp. 491-537.
[17] James Rolfe, *Cutting Their Cloth: New Zealand's Defence Strategy* (Barton, ACT: Australian Strategic Policy Institute, 2007), p. 34.
[18] Rolfe, *Cutting Their Cloth: New Zealand's Defence Strategy*, p. 34.
[19] New Zealand Ministry of Defence, *The Shape of New Zealand's Defence: A White Paper* (1997), p. 19.
[20] New Zealand Ministry of Defence, *The Shape of New Zealand's Defence: A White Paper*, p. 19.
[21] New Zealand Ministry of Defence, *The Shape of New Zealand's Defence: A White Paper*, p. 19.

both New Zealand and Australia's armed forces to contribute to regional maritime security.

The *Defence of New Zealand 1991: A Policy Paper*

In the year in which CDR began, the New Zealand Government released *Defence of New Zealand 1991: A Policy Paper* which outlined important issues concerning New Zealand's defence. These issues included: New Zealand's strategic situation and its security interests; a defence strategy for New Zealand; the capabilities needed for New Zealand's defence; the present force structure, planning and funding, and the way ahead.[22] This policy paper was, and still is, a good source of information on how the Government and Ministry of Defence viewed the situation at the time and what they thought the future was likely to hold. It also provides an important insight into the mindset of those involved in making and implementing New Zealand's defence and foreign policy and, through that, how New Zealand would be involved in maritime security both in its immediate region and throughout the rest of the world.

The paper's discussion of New Zealand's strategic situation makes it clear that there was no perception of an external or internal threat to New Zealand's security.[23] Therefore, instead of having security *needs*, the policy paper instead identified a series of security *interests* which would govern New Zealand's behaviour in its interactions with the outside world. New Zealand's Government at the time viewed the South Pacific as part of its area of responsibility and an area which it took great interest in. However, this policy paper showed that it saw little threat and its involvement in maritime security would be limited to patrols of Pacific Island nations' EEZs for illegal fishing and other suspicious activity.[24]

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[22] New Zealand Ministry of Defence, *The Defence of New Zealand 1991: A Policy Paper* (1991), pp. 7-13.
[23] New Zealand Ministry of Defence, *The Defence of New Zealand 1991: A Policy Paper*, p. 18.
[24] New Zealand Ministry of Defence, *The Defence of New Zealand 1991: A Policy Paper*, p. 21.

While the Government viewed the Pacific as important, it believed that any threat would come from beyond the immediate region. New Zealand was conscious of the fact that from Southeast Asia down through Australia was the only real land bridge through which any nation could threaten New Zealand. [25] Southeast Asia was also considered important because shipping routes from New Zealand to Asia, Europe and the Middle East all pass through, or close to, Southeast Asia, and would therefore be vulnerable to any instability or conflict which could emerge from the region. Because of the importance of Southeast Asia, alliances such as the FPDA were emphasized as ways in which New Zealand was able to be involved in the region.[26]

The 1997 Defence White Paper

November 1997 saw the release of the latest Defence White Paper. This report, entitled *The Shape of New Zealand's Defence,* reaffirmed the findings of the *Defence of New Zealand 1991* policy paper with a few significant changes.[27] In reaffirming the 1991 policy paper, the new White Paper also acknowledged that there continued to be few plausible direct threats to New Zealand. The three key aspects of defence policy as stated in the 1997 Defence White Paper were:

- *defending New Zealand* against low-level threats such as incursions into our Exclusive Economic Zone (EEZ) and terrorism

- *contributing to regional security* which includes maintaining our key defence relationships with Australia and our Five Power Defence Arrangements (FPDA) partners – Australia, United Kingdom, Malaysia and Singapore

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[25] New Zealand Ministry of Defence, *The Defence of New Zealand 1991: A Policy Paper*, p. 21.
[26] New Zealand Ministry of Defence, *The Defence of New Zealand 1991: A Policy Paper*, p. 21.
[27] New Zealand Ministry of Defence, *The Shape of New Zealand's Defence: A White Paper*, p. 7.

- being a good international citizen by *playing our part in global collective security* efforts, particularly peacekeeping.[28]

These three priorities demonstrated the belief that New Zealand itself faced little threat and that the prevailing use of the NZDF would be in conjunction with other nations. This involvement outside New Zealand became one of the primary justifications for the continuation of the bulk of New Zealand's armed forces. Due to the lack of any real threats to New Zealand, some role other than the defence of New Zealand had to be promoted. The emphasis on being a "good international citizen" also reflected New Zealand's traditional attitude that all nations should play their part in the collective security of the world. The White Paper stated that the most likely deployment of New Zealand forces would be in a peacekeeping role, which New Zealand had increasingly been involved in since the end of the Cold War.[29]

One of the most significant changes in policy contained in the 1997 White Paper was the decision to reduce the naval combat fleet from four to three frigates which changed a force structure which had maintained a base of four frigates since the end of WWII.[30] This number had only ever been lowered between the decommissioning of one vessel and the commissioning of its replacement. This decision was also significant because, as mentioned earlier in the chapter, it meant that the RNZN was operating at what was considered the minimum level still able to carry out policy.

In the White Paper, ASEAN was credited with a role akin to that of a fourth regional power in Asia alongside the US, China and Japan.[31] The ARF was also highlighted as an important mechanism alongside security

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[28] New Zealand Ministry of Defence, *The Shape of New Zealand's Defence: A White Paper*, p. 7.
[29] New Zealand Ministry of Defence, *The Shape of New Zealand's Defence: A White Paper*, p. 13.
[30] New Zealand Ministry of Defence, *The Shape of New Zealand's Defence: A White Paper*, p. 8.
[31] New Zealand Ministry of Defence, *The Shape of New Zealand's Defence: A White Paper*, p. 14.

arrangements such as the FPDA and bilateral alliances between countries within the region and the US.[32] All of these organisations were also considered important because the stability of Southeast Asia was stated as the second most important security concern behind the collective security of Australia and New Zealand. The 1997 White Paper re-stated the idea that Southeast Asia through to Australia is the only land bridge through which New Zealand could be attacked.[33]

Interestingly, the White Paper also highlighted the military modernization of the Asia-Pacific armed forces at the same time as discussing intended reductions in New Zealand's naval capabilities. Trends in military modernization included acquisition of submarines, modern warships with helicopters, anti-ship missiles, maritime patrol aircraft, maritime attack-capable fighter aircraft and rapid response forces with amphibious capabilities.[34] All of these modernisations made the maritime environment far more dangerous should conflict erupt. It also seemed to bring into question the wisdom of the government's decision to reduce its own maritime forces.

CDR had played an important role in New Zealand–Australia relations since 1991 and the White Paper highlighted many of the activities which had taken or were to take place under CDR, including the *ANZAC* frigate program, the basing of RNZAF *Skyhawks* at Nowra, as well as less well-known contributions such as personnel exchanges, annual meetings and military exercises.[35]

New Zealand's security requirements for its own territory were stated as dealing with low-level contingencies, such as assisting civilian organisations in disaster or civil defence emergencies, and maintaining a

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[32] New Zealand Ministry of Defence, *The Shape of New Zealand's Defence: A White Paper*, p. 16.
[33] New Zealand Ministry of Defence, *The Shape of New Zealand's Defence: A White Paper*, p. 17.
[34] New Zealand Ministry of Defence, *The Shape of New Zealand's Defence: A White Paper*, p.15.
[35] New Zealand Ministry of Defence, *The Shape of New Zealand's Defence: A White Paper*, p. 19.

force capable of addressing any future threat with which New Zealand was faced. A military involvement in protecting New Zealand's Antarctic resources was also envisaged.[36]

The security requirements for the South Pacific revolved around maintaining stability, meeting obligations to New Zealand's island territories and giving assistance when requested by Pacific nations. With regard to the wider Pacific, the primary focus of the White Paper was the provision of military assistance in the case of terrorist threats, natural disasters, search and rescue, fisheries patrols and maritime surveillance.[37]

The *Inquiry into Defence Beyond 2000*

In 1997, the Foreign Affairs, Defence and Trade Select Committee began work on a report entitled *Inquiry into Defence Beyond 2000*. This report was a highly significant document and the process through which it was researched and compiled was wide-reaching and open to a variety of submissions. The composition of the committee was highly significant. Due to the nature of the newly established Mixed Member Proportional electoral system, the government was in a minority on the committee and therefore unable to control the outcome of the final report.[38]

This report sought to assess the available options to develop defence policy, capabilities and structure beyond the year 2000 with a special focus being given to five areas. These are listed in the *Inquiry into Defence Beyond 2000* as follows:

> (i) Defence strategy and defence policy goals
> (ii) Areas of defence activity requiring particular emphasis
> (iii) The range and nature of defence capabilities and equipment required

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[36] New Zealand Ministry of Defence, *The Shape of New Zealand's Defence: A White Paper*, pp. 22-23.
[37] New Zealand Ministry of Defence, *The Shape of New Zealand's Defence: A White Paper*, p. 21.
[38] Derek Quigley, *The War Against Defence Restructuring: A Case Study on Changes Leading to the Current Structure of New Zealand Defence* (Canberra, Australia: Strategic and Defence Studies Centre, 2006), p. 128.

(iv) Structural options, planning and organisation for an appropriate and effective defence establishment

(v) Resource needs and options available within defence for redirecting resources to enhance military capabilities.[39]

Inquiry into Defence Beyond 2000 contained several suggestions which could have had dramatic consequences for New Zealand's involvement in maritime security. Recommendations included that New Zealand should develop closer defence relations with Singapore, Malaysia[40], Fiji and France.[41] The report also suggested that the government review the existing policy of being able to sustain a deployment of one frigate/ship beyond the South Pacific for a period of up to one year.[42] This recommendation, if it was acted upon, would represent a significant change in government policy, and with that a reduced ability to contribute to the maritime security of the wider region and beyond. Another recommendation which could have had an impact on the NZDF's ability to contribute to maritime security on a regional and global scale was that of the sale of the *HMNZS Charles Upham* and the purchase of two more versatile logistic support ships.[43] The report then combined the consequences of these last two recommendations and proposed a naval fleet consisting of two *ANZAC* class frigates (with one potentially upgraded to similar requirements as the Australian *ANZACs)* as well as the two proposed logistic support ships.[44] This would represent a halving of the

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[39] Foreign Affairs, Defence and Trade Select Committee, *Inquiry into Defence Beyond 2000* (1999), p. 155.

[40] With regards to the relationship with Singapore and Malaysia this recommendation differed little from government policy which had been carried out through the FPDA for many years.

[41] Foreign Affairs, Defence and Trade Select Committee, pp. 22, 27.

[42] Foreign Affairs, Defence and Trade Select Committee, p. 88. This was expected to entail a rotation of RNZN vessels, not the same vessel for the entire year.

[43] Foreign Affairs, Defence and Trade Select Committee, p. 88. These ships were envisaged as possessing greater capabilities with regard to landing equipment (such as cranes and landing craft) than the roll-on/roll-off configuration of the *HMNZS Charles Upham* which would have limited utility in many environments in the Pacific where dock facilities may not be available.

[44] Foreign Affairs, Defence and Trade Select Committee, p. 88. This recommendation has now been realized with no replacement frigate being purchased when the *HMNZS Canterbury* was decommissioned in 2005.

naval combat force from the levels which had been maintained since 1966.[45]

There were also several significant recommendations made with regard to the air force, which could have had an impact on New Zealand's involvement in maritime security both at home and abroad. The first was an assessment of the nature and likelihood of the maritime strike role and a comparison between the use of an F-16 and a P-3K *Orion* for such a role, noting if and when an *Orion* would be insufficient for the task.[46] The report then recommended arming a limited number of *Orion* aircraft with a maritime strike capability and providing the Army with a limited number of attack helicopters to provide the desired close air support.[47] This would allow the removal of the Air Combat Force. The final recommendation regarding the air force was that the government should consider three options for the future of the Air Combat Force. The first was to disband it based on financial grounds and the savings which could be made. The second option was to reduce the force to a maximum of ten well-equipped aircraft. The third option was to replace the *Skyhawks* with more modern aircraft (while outlining why they are necessary for protecting New Zealand's national interests and how they rank in terms of other defence expenditure priorities).[48] All of these recommendations, if adopted, would have had a significant impact, some positive and some negative, on New Zealand's contribution to maritime security in the future.

Due to the nature of the divisions within the Select Committee and the fact that the government was not in a majority, aspects of the final report released in 1999 were strongly opposed by the National government of the time. The only recommendations of those mentioned above which the government agreed with in its minority report, were those which

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[45] The new structure, with two logistics ships, if adopted would be of significant benefit to the Army when deploying overseas, particularly in the Pacific.
[46] Foreign Affairs, Defence and Trade Select Committee, p. 97.
[47] Foreign Affairs, Defence and Trade Select Committee, p. 97.
[48] Foreign Affairs, Defence and Trade Select Committee, p. 99.

recommended the strengthening of defence relations with Fiji, France, Singapore, and Malaysia.[49]

In examining the reports presented, it appears that the majority report sought to redefine the way the NZDF was structured into a more focused force which was particularly trained and equipped for peace-keeping and peace-support operations. Financial concerns were evidently at the forefront of issues discussed when capabilities were considered for restructuring or disbandment. By contrast, the view presented in the government minority report seemed to first consider the capabilities needed in order to give the government a balanced force able to respond to a wide range of eventualities. Only after these capabilities were identified did the cost and choice of specific equipment become a consideration.[50] If a certain capability was important enough, funding would then need to be found to pay for it.

Air Force Cancellations, Removals and Disbandments

The RNZAF Air Combat Force was New Zealand's only force capable of providing maritime strike, close air support and training in operations with fast jet strike capabilities.[51] These roles were significant contributions to the provision of maritime security.[52] In the later years of the decade there was significant debate over the utility and worth of the RNZAF A-4 Skyhawks and the Air Combat Force overall.[53] This intensified after the

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[49] Foreign Affairs, Defence and Trade Select Committee, pp. 127-131.
[50] Foreign Affairs, Defence and Trade Select Committee, p. 113.
[51] Greener, p. 90.
[52] If a maritime threat was identified and the decision was made to eliminate/stop this threat through violent means, then a maritime air strike would often be the only viable option. It would often be impossible to divert a naval asset into position in time to intercept a given vessel. Close air support is very important to ground forces and navies alike. It reduces the risk to naval vessels when operating in a hostile environment by carrying out attacks on hostile vessels while allowing the more vulnerable naval vessels to remain at a safe distance. While the RNZN frigates have an anti-aircraft capability, they would be unlikely to survive a significant aerial attack unscathed. Also, should the need arise, they would be less proficient at using this anti-aircraft capability if they had not had sufficient opportunity to practise with fast jets in training. David Dickens, *Inquiry into Defence Beyond 2000: An Independent Review of the Foreign Affairs, Defence & Trade Parliamentary Select Committee's Interim Report* (Wellington, New Zealand: Centre for Strategic Studies, Victoria University of Wellington, 1999), p. 6.
[53] Greener, pp. 93, 102-103.

release of the Inquiry into Defence Beyond 2000, which considered the Air Combat Force to be of low value because the Skyhawks had never been deployed in combat. This ignored the reality that very few of the current RNZAF aircraft, across all types (not just the Skyhawks), had ever been deployed in combat; however, the other types of aircraft retained their value.[54]

When the Labour led government came to power in 1999, they commissioned a review of the decision to lease the F-16s.[55] Derek Quigley, the Chair of the Inquiry into Defence Beyond 2000 committee, was given the task of conducting the review. The review, titled *Review of the Lease of the F-16 Aircraft for the Royal New Zealand Air Force*, was published on 6 March 2000.[56] The report recommended that the government consider a renegotiation of the lease deal with the US for a smaller number of aircraft, thus reducing the costs while retaining an air combat capability.[57] On 20 March 2000, only two weeks after the release of the review into the lease of the F-16s, the government made the decision to cancel the lease. After further consideration by the government, Prime Minister Helen Clark confirmed on 8 May 2001 that the decision had been made to completely disband the Air Combat Force on 13 December 2001.[58]

The decision to not lease the F-16s from the US, and to remove the *Skyhawks* from service and disband the Air Combat Force, were very significant events affecting New Zealand's ability to contribute to maritime security, both at home and in its wider region. With the loss of a maritime

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[54] Dickens, *Inquiry into Defence Beyond 2000: An Independent Review of the Foreign Affairs, Defence & Trade Parliamentary Select Committee's Interim Report*, p. 12.
[55] The lease proposed by the US Government was to span over ten years, in two five year blocks, at an average annual cost for all aircraft of NZ$12.5 million, on top of an initial cost of NZ$204.5 million, to bring the aircraft back to operational status. The 28 *F-16* aircraft offered for lease were built in 1991 and 1992, but were near new with each having only flown for three or four hours. They were originally intended for delivery to Pakistan but were never delivered because of an embargo triggered by Pakistan's nuclear weapons program in 1990. The 28 planes offered included 13 single-seater planes and 15 two-seater planes. Greener, pp. 92-93.
[56] Greener, pp. 98-99.
[57] Greener, p. 101.
[58] Greener, p. 103.

air strike capability, several options were suggested including arming the P-3 *Orions* or the *Seasprites.* However, arming either of these aircraft would not provide a comparable option to the capabilities of a fast jet. The loss of the ability to train with RNZAF fast jet aircraft was also a significant blow to the RNZN who were forced to rely on opportunities to train with allies' air forces to retain the skills necessary for working with air support as well as combating air attack. With the disbanding of the Air Combat Force, New Zealand's contribution to exercises with regional partners such as Australia and the other FPDA members was significantly reduced. Finally, this decision also meant the end of an important case of trans-Tasman cooperation through the stationing of RNZAF *Skyhawks* in Nowra.

Southeast Asia and Maritime Security

Five Power Defence Arrangements (FPDA)

The decade following the end of the Cold War presented the FPDA as a vastly different and improved organisation from what was seen between 1982 and 1990. In the years between the end of the Cold War in 1990 and the events of 11 September 2001, the FPDA moved beyond being an organisation that was dominated by internal tensions and suspicions to being an organisation beneficial to all involved. Particularly in relation to the military exercise program, it showed a determination to adapt to changing circumstances. Exercises came to include all three services of the five member nations and dealt with non-traditional as well as traditional security issues. [59]

With the uncertainty which followed the end of the Cold War, the FPDA states, and Malaysia and Singapore in particular, sought to keep all their options open by strengthening relations with external allies while at the same time welcoming the economic benefits which the rise of China brought to the region. Nations in the region were still unsure of China's long-term intentions and, because ASEAN had proved inadequate at military cooperation, alternatives such as the FPDA were welcome

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[59] Tan, p. 285.

opportunities to gain experience and training while maintaining the link with external powers (in particular Australia and Britain) to the defence of Malaysia and Singapore.[60]

For New Zealand, the FPDA exercises provided their greatest opportunity to train with multiple skilled allies after the loss of exercise opportunities following the split with the US over nuclear ship visits in 1985. The FPDA exercises became highly complex and provided great opportunities for the development of all the members' armed forces. The FPDA also provided New Zealand's most important link to Southeast Asia: a link that it wished to maintain particularly due to the growing importance of Southeast Asia and with regard to its strategic location in relation to New Zealand's seaborne trade.[61]

With increasing emphasis being placed on the importance of the 200nm EEZ, and an increase in maritime threats, concern among all the members of the FPDA led to a mutual interest in addressing maritime issues. Security of coastal waters as well as sea lanes of communication (SLOC) became an important focus for Malaysia and Singapore with the threats posed by piracy, terrorism, illegal migration and smuggling. Sovereignty concerns continued with regard to their own territorial waters, however, due to their proximity to the Straits of Malacca they were both interested in its continuing security.[62]

This strengthening in relations also facilitated FPDA activities. From the late 1980's, when exercises were still being hampered by tensions, the FPDA developed to the point where, in 1997, its Air Defence Exercise (ADEX) and its Naval exercise (Ex-STARFISH) were combined to form Ex-FLYING FISH. This was the first time the FPDA had combined the two major exercises and it represented a significant increase in complexity and value. The first Ex-FLYING FISH in 1997 involved 39 ships, 164 aircraft and two submarines. The next year, Ex-FLYING FISH was held again and

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[60] Tan, p. 292.
[61] Tan, p. 293.
[62] Tan, pp. 293-4.

involved 35 ships, 140 aircraft and two submarines. A third Ex-FLYING FISH was held in 2000.[63]

It is clear that the FPDA adapted well to the changing security environment created with the end of the Cold War. The increase in the scale and complexity of military exercises demonstrated a desire to remain relevant in the changing world situation. The FPDA exercises, and in particular the steady development of naval and air exercises and their merging in 1997, constituted a significant way in which New Zealand was involved in maritime security in Southeast Asia.

The ASEAN Regional Forum

In 1994, the ARF was established in order to bring the ASEAN members together with nations from the wider region to work towards greater security and stability through effective cooperation. This Forum brings together the ten ASEAN members with 13 regional partners[64]. The ARF is an important forum for many of the member nations despite criticism by some that it is a talk-shop which delivers little action.[65] For New Zealand, it is a valuable opportunity to meet with regional and world foreign ministers and to be involved in discussions of regional security issues. The ARF achieved relatively little during this period with regard to maritime security initiatives; however, general cooperation in security issues can also contribute to a lessening of potential maritime threats. Also, regular meetings of the ARF may have acted as a CBM and contributed to a decreased incidence of conflict between member nations. [66] Therefore, New Zealand's involvement in the ARF is most significant for its value as a confidence-building measure.

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[63] Carlyle A. Thayer, 'The Five Power Defence Arrangements: The Quiet Achiever', *Security Challenges,* 3, no. 1 (2007), p. 87.
[64] The non-ASEAN members are: the US, China, Japan, Russia, the EU, India, Australia, Canada, New Zealand, South Korea, North Korea, Papua New Guinea, and Mongolia.
[65] Dominik Heller, 'The Relevance of the ASEAN Regional Forum (ARF) for Regional Security in the Asia-Pacific', *Contemporary Southeast Asia,* 27, no. 1 (2005), p. 124.
[66] Heller, p. 129.

The Pacific and Maritime Security

The *Convention for the Conservation of Southern Bluefin Tuna*

In May 1993, New Zealand, Australia and Japan signed the CCSBT.[67] These three nations were the primary nations involved in the SBT fishery. Due to drastically declining stocks, these countries agreed to implement a management regime which would manage and preserve the highly valuable SBT fishery.[68] Other nations involved in fishing for SBT were encouraged to join, in particular the Republic of Korea, Taiwan and Indonesia. Because these countries and their fleets were outside the CCSBT, their activities undermined the efforts made to regulate the SBT fishery.[69] Therefore, emphasis was placed on seeking to involve them, as well as other nations, in the Commission and its work.

The management of the SBT has not been without conflict. In 1999, New Zealand and Australia sued Japan over what they saw as Japan's breach of the TAC set by the commission.[70] Japan had sought to raise the countries' TACs in 1998 and establish a joint experimental fishing program (EFP), however, New Zealand and Australia refused. As a response, Japan implemented its own EFP which began to fish in excess of Japan's TAC.[71] The three nations sought to settle the dispute through negotiations, but, when these proved unsuccessful and Japan refused to halt its EFP, New Zealand and Australia took a case to the International Tribunal for the Law of the Sea (ITLOS). While a tribunal was organised to consider the matter, New Zealand and Australia sought interim measures to halt Japan's EFP. This was successful and Japan was forced to halt its EFP until the tribunal could hear the case.[72] However, once the tribunal

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[67] New Zealand Ministry of Foreign Affairs and Trade, *New Zealand Consolidated Treaty List: As at 31 December 1996*, p. 357.
[68] Commission for the Conservation of Southern Bluefin Tuna, *About the Commission* [online]. <http://www.ccsbt.org/docs/about.html> [accessed 13 January 2010].
[69] Commission for the Conservation of Southern Bluefin Tuna, *About the Commission* [online].
[70] Leah Sturtz, '*Southern Bluefin Tuna Case*: Australia and New Zealand v. Japan', *Ecology Law Quarterly,* 28, no. 455 (2001), p. 458.
[71] Sturtz, p. 469.
[72] Sturtz, pp. 469-473.

formed, they agreed with Japan's assertion that the ITLOS lacked jurisdiction and therefore they overturned the interim measures and dismissed the case.[73] New Zealand and Australia were unable to pursue the matter further because the SBT Convention stated that disputes could only be adjudicated with the consent of all parties, and of course Japan objected to the ITLOS adjudicating this dispute.[74] No further progress was made in this dispute before the end of 2001.

The United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks

In the early 1990s, conflicts around the world between DWFNs and coastal states were increasing as high fishing rates and an increase in technology began to put increasing pressure on highly migratory and straddling fish stocks.[75] This in turn led to decreasing fish stocks and the recognition by states that, unless something was done soon, the highly valuable stocks could be lost. A United Nations Conference on Environment and Development recommended that an international conference be convened to address the issue.[76]

The United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks was initiated in November 1992 and met in the UN headquarters in New York six times between April 1993 and August 1995.[77] Countries at the conference were effectively divided into three key groups. The first group was classified as the extreme coastal states (such as Chile, Colombia and Peru) joined with the activist coastal states (such as Canada, Argentina and Norway). This group advocated for the primacy of coastal state rights both inside and beyond their EEZ.[78] The second group was the distant water fishing nations (such as Japan, Korea and Poland). These nations were understandably in support of DWFN rights

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[73] Sturtz, p. 474.
[74] Commission for the Conservation of Southern Bluefin Tuna, *Convention for the Conservation of Southern Bluefin Tuna* (1993), Article 16 (2).
[75] Barston, p. 334.
[76] Barston, pp. 334-335.
[77] Barston, p. 335.
[78] Barston, p. 335.

and against special rights to coastal states outside their EEZs.[79] The third and final group was categorised as moderate reformist coastal states (such as Australia and New Zealand). These two nations were active in promoting the interests of their South Pacific neighbours as well as their own.[80] The US, Russia and the European Union (EU) occupied a position which sought to balance both coastal states and DWFN rights.

Several areas of tension emerged as the conference progressed over the years, and the final convention was a carefully balanced document which sought to give something to all parties involved.[81] The UNFSA was opened for signature on 4 December 1995. By 1999 it had been signed by 59 states with 18 states agreeing to it.[82]

New Zealand was one of the many states that signed the agreement. This agreement was important for New Zealand because of the benefits this would bring to the preservation of Pacific fisheries.

The *Western and Central Pacific Fisheries Convention*

Negotiations for the WCPFC began in 1994 and were concluded six years later.[83] The Convention was opened for signature from 5 September 2000 and it entered into force on 19 June 2004 (six months after the 13th ratification).[84] The WCPFC was one of the first regional fisheries organisations established since the 1995 UNFSA and it sought to draw on many of the provisions of the UNFSA but with consideration for the local

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[79] Barston, p. 335.
[80] Barston, p. 335.
[81] Barston, p. 336.
[82] Barston, p. 336.
[83] States that participated in the Multilateral High-Level Conference on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific, were: Australia, Canada, China, Cook Islands, Federated States of Micronesia, Fiji Islands, France, Indonesia, Japan, Republic of Kiribati, Republic of the Marshall Islands, Republic of Nauru, New Zealand, Niue, Republic of Palau, Independent State of Papua New Guinea, Republic of the Philippines, Republic of Korea, Independent State of Samoa, Solomon Islands, Kingdom of Tonga, Tuvalu, United Kingdom of Great Britain and Northern Ireland in respect of Pitcairn, Henderson, Ducie and Oeno Islands, the US and Republic of Vanuatu.
[84] Members as at November 2004 were Australia, China, Canada, Cook Islands, European Union, Federated States of Micronesia, Fiji, France, Japan, Kiribati, Korea, Republic of Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tonga, Tuvalu, the US, Vanuatu.

conditions.[85] The depository for the Convention is the Government of New Zealand. This agreement was an important contribution to maritime security in the Pacific and also much of Southeast Asia. While there was already at least one agreement whose area overlaps with the WCPFC, such as the CCSBT, the WCPFC was significant because it addressed all highly migratory fish stocks and involved both coastal states of the region and DWFNs.[86]

The Forum Fisheries Agency

During the years between the end of the Cold War and 2001, the FFA continued to contribute to Pacific maritime security and sought to provide member nations with more effective tools for monitoring and protecting their fisheries resources.[87]

In 1990 and 1993 the FFA revised the Regional Register of Foreign Fishing Vessels. Support from DWFNs was initially slow but increased towards the end of the decade.[88] In a significant development in July 1991, DWFNs agreed to cease operating driftnet fishing vessels. Sustained pressure from the FFA and the concerned Pacific nations resulted in a positive result for the preservation and management of the maritime environment in the Pacific.[89]

In 1992, after several years of negotiations, the FFA convinced Japan to comply with the basic principles of the minimum terms and conditions demanded in bilateral agreements with Australia, the Federated States of Micronesia, NZ and Palau. However, Japan refused to accept the regional register of vessels. This therefore represented a partial victory for the FFA and those four member states.[90]

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[85] Western and Central Pacific Fisheries Commission.
[86] William S. Richardson, 'The Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean: Can Tuna Promote Development of Pacific Island Nations?' *Asian-Pacific Law & Policy Journal,* 4, no. 1 (2003), p. 84.
[87] Richardson, p. 85.
[88] Hyndman, p. 9.
[89] Hyndman, p. 44.
[90] Hyndman, p. 44.

Another positive event for the FFA and its member nations was the renewal of the *US Multilateral Treaty on Fisheries* in 1993. This renewal also came with a rise in the annual payment from US$12 million to US$18 million for a further ten years.[91]

In December 1994, the first Multilateral High Level Conference on South Pacific Tuna Fisheries (MHLC) was organised by the FFA. This conference included both coastal states and DWFNs. The purpose of the conference was "to develop strategies for regulating fishing fleets operating in the Western Central Pacific".[92] Seven such conferences were convened between December 1994 and September 2000 when it was decided that a consensus on a convention would be impossible to achieve, and the convention was put to a vote with 19 for, two against and three abstentions.[93]

In 1998, after several years of development, the FFA launched its Vessel Monitoring System (VMS). The VMS was intended to give member nations accurate and up-to-date information on vessels fishing in their EEZ, this would enable them to monitor the activity and investigate or intervene if necessary. In order for this system to be effective, vessels needed to install an Automatic Location Communicator (ALC) which would transmit their location, speed and course to the FFA. Also, FFA member states needed to pass laws which made it compulsory for vessels fishing in their EEZ to install the ALCs, as well as having them turned on while fishing. The FFA keeps a record of all vessels who have installed an ALC and possess good standing in the FFA VMS Register. This system was initially undermined by objections from DWFNs which was highlighted by the fact that only two vessels were registered in the first year. However, by 2001, 671 vessels were registered with the FFA.[94]

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[91] Hyndman, p. 10.
[92] Hyndman, p. 45.
[93] Karin Von Strokirch, 'The Region in Review: International Issues and Events, 2000', *The Contemporary Pacific,* 13, no. 2 (2001), p. 510.
[94] Hyndman, pp. 14-15.

These initiatives emerging from the FFA contributed to the fisheries protection and therefore maritime security of the Pacific. New Zealand's continued involvement in the FFA also contributed to maritime security by the extra bargaining power that nations like New Zealand and Australia brought to international negotiations. If the smaller Pacific nations were forced to go into international conferences and make their case alone, they would be unlikely to have much influence. However, when New Zealand and Australia present a united front with other Pacific nations, they greatly increase the influence at international meetings and conferences and thus their ability to improve both global and regional maritime security.

The Mutual Assistance Programme

The MAP continued throughout the years 1991 to 2001, providing an opportunity for the NZDF to train with and support the defence forces of friendly nations. In 1991, New Zealand had mutual assistance programmes with five of the six ASEAN nations as well as the Cook Islands, Papua New Guinea, the Solomon Islands, Tokelau, Tonga, Vanuatu and Western Samoa. Main contributions were units of the Land Force (including infantry, engineers, medical and dental teams), transport aircraft, long-range maritime patrol aircraft, strike aircraft, frigates and survey ships.[95] By 1999, New Zealand had strong defence links with Malaysia and Singapore (through both the FPDA and to a lesser extent the MAP) and weaker links with Brunei, the Philippines, Thailand, Indonesia, Fiji, Papua New Guinea, Tonga, the Solomon Islands and Vanuatu.[96] The MAP continued to be a valuable means through which the NZDF was able to assist other nations in improving maritime security as well as other defence and civil related tasks. "During the 1999-2000 year, the Royal New Zealand Navy devoted 4149 man-days to Mutual

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[95] New Zealand Ministry of Defence, *The Defence of New Zealand 1991: A Policy Paper*, p. 78.
[96] Rolfe, *The Armed Forces of New Zealand*, p. 67. MAP activities continued with the Cook Islands and Tokelau through assistance to their police forces. However, they are less likely to be mentioned due to their status as dependent territories of New Zealand.

Assistance Programme activities, including support of the Australian Pacific Patrol Boats operated by South Pacific states."[97]

Conclusion

The years between the end of the Cold War in 1990 and the events of 11 September 2001 generally represented an increase in New Zealand's involvement in maritime security. With the end of the conflict between the world's two superpowers, the world was suddenly presented with a new security environment which many were unsure of and found difficult to predict. This uncertainty led to the strengthening of security and defence cooperation through a range of relationships and organisations. Defence relations with Australia were characterised by the term CDR and this relationship continued to be New Zealand's closest defence relationship. CDR saw a range of opportunities for joint training and interaction between officials as well as direct technical cooperation and assistance from the RNZAF and RNZN, to the RAN. The continuing relationship with Southeast Asia was based on the FPDA and the ARF. The FPDA matured as an organisation leading to an increased exercise program and strengthening relationships. The FPDA also began to address non-traditional security issues and in particular maritime security. In 1994 New Zealand's security relations with Southeast Asia deepened with the establishment of the ARF. The ARF brought New Zealand together with all the ASEAN members as well as 12 other regional states. New Zealand's direct defence and security relations with the Pacific were driven by the MAP, which gave assistance to regional defence and police forces as well as giving New Zealand forces opportunities to train in a different environment. This cooperation was also mirrored in the diplomatic realm, with a range of agreements negotiated or entering into force throughout this period. During this period important international agreements such as UNCLOS and the SUA convention came into force after receiving the

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[97] Stephen Hoadley, 'New Zealand's Pacific Island Security Policies', in *Security in Oceania in the 21st Century*, ed. by Eric Shibuya (Honolulu, HI: Asia-Pacific Center for Security Studies, 2003), p. 5.

required international support (New Zealand ratified both these conventions during this period after they had come into effect internationally). New agreements were also negotiated with the focus being on fisheries management and conservation. These agreements included the CCSBT between Australia, Japan and New Zealand which sought to manage the highly valuable but under-threat SBT stocks. The UNFSA was another agreement which was significant and it was concluded in 1995. This agreement set the pattern for the management of all straddling highly migratory fish stocks worldwide. Finally, the WCPFC was concluded in 2000 and became one of the first regional fisheries management organisations to be established since the UNFSA. All of these agreements as well as enhanced regional security cooperation would aid in the global efforts to promote maritime security.

This period was also characterised by a series of defence reviews, all of which shaped New Zealand's defence policy as well as drove changes in the NZDF force structure. These reviews included the *Defence of New Zealand 1991: A Policy Paper*, *The Shape of New Zealand's Defence: A White Paper* and *Inquiry into Defence Beyond 2000*. The 1991 policy paper described a world in which New Zealand saw little or no direct threats. At the end of the Cold War New Zealand saw the Pacific as part of its area of responsibility. However, it also recognised that any new threat would come from outside the region and the only possible land route to attack New Zealand was through Southeast Asia and Australia. Therefore, Southeast Asia was seen as an important area for New Zealand to maintain defence relationships with. The 1997 defence white paper reaffirmed much of the 1991 policy paper with a few important additions. One of the differences was the emphasis placed on New Zealand playing the role of a good international citizen, primarily through participating in peacekeeping efforts. This change reflects the general trend of an increase in peacekeeping after the Cold War. The second significant difference was the decision to reduce the RNZN combat fleet from four to three frigates. Finally, the *Inquiry into Defence Beyond 2000* had the

greatest impact on New Zealand defence policy going into the new millennium. Several changes suggested would create a significantly different focus for the NZDF. These changes included reviewing the requirement to be able to deploy one frigate/ship overseas for up to one year, a further reduction in the number of frigates to two, and removing or reducing the Air Combat Force. With this came a change in focus in favour of the army and its likely role as a peacekeeping force. These changes would lead to a reduction in the abilities and roles of the RNZN and RNZAF.

The situation at the end of this period is in clear contradiction to the pattern which had emerged. Due to uncertainty about the new security environment, New Zealand had sought to reach out and become more heavily involved in maritime security in the Asia-Pacific. It is ironic then that by the end of this period the newly elected government was making decisions which would leave New Zealand with a reduced capacity for enforcing and influencing maritime security militarily. These decisions were made just as the world's strategic circumstances were to change dramatically once again with the attacks on the Twin Towers and the Pentagon on 11 September 2001.

Chapter Five - The Post-September 11 Search for Security, *2001-Present*

Introduction

On 11 September 2001, world governments were reminded of the threat which terrorism posed to their nations' security. The terrorist attacks against the World Trade Center and the Pentagon, and the world's response to them, heavily influenced the security environment for the rest of the decade.

Because of these attacks and others, terrorism forced its way onto the security agenda early in the new decade. Subsequent events in Southeast Asia, such as the Bali terrorist bombing on 12 October 2002 by members of Jemaah Islamiyah (JI), and the JI bombings of the Marriott Hotel in Jakarta on 6 August 2003, brought the threat closer to home for New Zealand and into its wider region.[1] These land-based attacks also triggered concerns about the possibility and potential impact of a maritime terrorist attack in Southeast Asia. During the 2001 – 2010 period, two significant maritime terrorist attacks occurred giving credibility to these fears. On 6 October 2002, the *MV Limburg,* a French flagged oil tanker, was attacked with a small, unmanned, explosive-filled craft off Yemen, killing one crew member and releasing 90,000 barrels of oil into the sea.[2] In February 2004, the terrorist group Abu Sayyaf bombed the *SuperFerry 14,* a passenger ferry in the Philippines, killing 116 people.[3] These attacks have greatly increased fears of further maritime terror attacks in the Southeast Asian region.

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[1] Peter Chalk and Carl Ungerer, *Neighbourhood Watch: The Evolving Terrorist Threat in Southeast Asia* (Barton, ACT: Australian Strategic Policy Institute, 2008), p. 14.
[2] This attack followed a suicide bombing of the *USS Cole* in October 2000, also off Yemen, which killed 17 crew members.
[3] Chalk and Ungerer, p. 14.

During this period, several initiatives have been launched to specifically address the threat of terrorism against shipping and trade. These include the Proliferation Security Initiative (PSI), the *International Ship and Port Facilities Security Code* (ISPS code) and the Secure Trade in the Asia-Pacific Economic Cooperation (APEC) Region (STAR) initiative. Terrorism, along with piracy, also moved onto the agenda of regional organisations such as the ARF and the FPDA.

Due to decisions made early in the decade, New Zealand's naval capabilities were reduced in 2005 when the *HMNZS Canterbury* was decommissioned. However, seven new ships have been purchased through Project Protector which has greatly increased the RNZN's ability to enhance maritime security in home waters and the Pacific region. This is particularly likely to occur through fisheries protection and EEZ patrols.

A significant process which began during this decade, and is still ongoing, is the 2009 Defence Review. The review will examine the shape of the NZDF and its priorities for the next 20 years. The review will be completed early in 2010 and will decide the future direction and capabilities of the NZDF. This will have an important impact on New Zealand's contribution to maritime security in Southeast Asia and the Pacific.

Fisheries protection and management continued to be a maritime security focus for New Zealand, with several important developments occurring in the Pacific, including the entry into force of the *Convention for Conservation and Management of Highly Migratory Fish Stocks of the Western and Central Pacific Ocean* and the development of the South Pacific Regional Fisheries Management Organisation (SPRFMO). Fisheries protection and management became established alongside other efforts as part of New Zealand's traditional contribution to maritime security.

Throughout this period, New Zealand's contributions to maritime security in the Pacific and Southeast Asia continued. Some of these contributions, such as participation in the FPDA, ARF, APEC and the WPNS, adapted to

include a stronger focus on maritime security and terrorism. Others, such as the MAP and SAR within the Pacific, continued as before.

New Zealand and Maritime Security

Proliferation Security Initiative

Following the terrorist attacks of 11 September 2001, the worst case scenario envisaged was the use of weapons of mass destruction (WMDs) by terrorist groups, or 'rogue states'. In 2003, in order to address concerns over the spread of WMDs, the United States launched the PSI.[4] The PSI is an attempt to create a global effort to prevent the proliferation of WMDs. This effort is aimed both at non-state actors such as terrorists, as well as states of concern who may be seeking to spread WMD technology. It encourages all participating nations to review their legislation and regulations with regard to export controls and to take steps to prevent the trafficking of WMDs.[5] Countries are expected to board and inspect vessels or aircraft which are suspected of carrying WMDs, whether they are registered in their country or another country who gives them permission. So far, over 90 countries have endorsed the principles of the PSI. New Zealand endorsed the principles in June 2004 and has since been involved in several multilateral exercises to test the capabilities of participating nations to carry out the aims of the PSI.[6] In September 2008 New Zealand hosted a PSI exercise (exercise Maru) in Auckland Harbour which involved countries from the Asia-Pacific region and beyond, both as participants and observers. This exercise was an important part of New Zealand's strong commitment to the PSI and to stopping the spread of WMDs. In contrast to other multilateral efforts concerning maritime

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[4] New Zealand Ministry of Foreign Affairs and Trade, *New Zealand Government's Proliferation Security Initiative* [online]. Updated 2008, <http://www.nzpsi.govt.nz/about/whatis.php> [accessed 29 January 2010].
[5] New Zealand Ministry of Foreign Affairs and Trade, *New Zealand Government's Proliferation Security Initiative* [online].
[6] New Zealand Ministry of Defence, *The Defence Portfolio: Briefing to the Incoming Government 2005* (2005), p.15.

security, the PSI is considered a series of activities rather than an agreement or institution.[7]

ISPS Code

An example of a more traditional international agreement is the SOLAS convention. Since its entry into force in 1974, it has undergone numerous amendments, the majority of which have dealt with issues of maritime safety. However, in 2002, a special conference was held which resulted in an amendment that added a new chapter to the convention.[8] This chapter (XI-2 Special measures to enhance maritime security) was focused on ensuring the security of both ships and port facilities. The most significant regulation in this new chapter concerned the adoption of the ISPS Code which eventually came into effect on 1 July 2004.[9]

The ISPS Code contains three main levels of responsibility and areas of security consideration. The first level is the government. Each contracting government must designate a body to set and continually update the current security level for all port facilities and ships.[10] This designated authority may choose between three security levels: level one is the minimal level of security requirements; level two requires additional measures due to heightened risk; and level three requires specific further measures when an incident is probable or imminent.[11] This body must also carry out port facility security assessments highlighting any areas of vulnerability and measures which could be taken to remedy them.

The second level of responsibility is that of the port facilities themselves. All port facilities must maintain a port security plan. This security plan must address any vulnerabilities identified by the port facility security

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[7] New Zealand Ministry of Foreign Affairs and Trade, *New Zealand Government's Proliferation Security Initiative* [online].
[8] International Maritime Organization, *International Convention for the Safety of Life at Sea (SOLAS), 1974* [online].
[9] International Maritime Organization, *International Convention for the Safety of Life at Sea (SOLAS), 1974* [online].
[10] International Maritime Organization, *International Convention for the Safety of Life at Sea (SOLAS), 1974* [online].
[11] New Zealand Government, *Maritime Security Act 2004* (2004), p. 9.

assessment.[12] It must also be continuously updated to address any new or emerging threats. A port facility security officer has the responsibility of enacting, and keeping current, the port facility security plan and liaising with the ship security officers.[13]

The third level of responsibility is that of the individual ships and their owners. Each ship must have a security assessment carried out by a qualified person which identifies any vulnerabilities that the ship possesses.[14] The owners of that ship must then develop a ship security plan based on the ship security assessment. Each ship must have on board an individual who is nominated as the ship security officer and is responsible for the up-keep and operation of the ship security plan, as well as liaising with the port facility security officer.[15]

New Zealand implemented legislation to bring the provisions of the ISPS Code into effect on 5 April 2004 through *The Maritime Security Act 2004*.[16] All New Zealand's ports were compliant with the ISPS code before the 1 July 2004 deadline.

New Zealand and other regional nations (e.g. Australia and the US) gave financial assistance to the Pacific Island nations in order to aid them in meeting their obligations by the July 2004 deadline.[17] All but one Pacific Islands Forum country met the deadline for all ports to have carried out assessments and implemented security plans.[18]

Another significant requirement which resulted from the amendments to SOLAS is that all ships are required to have a ship security alert system fitted. This can be activated from the bridge as well as at least one other location on board the ship if the ship comes under attack or its security is

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[12] New Zealand Government, *Maritime Security Act 2004*, pp. 32-33.
[13] New Zealand Government, *Maritime Security Act 2004*, p. 8.
[14] New Zealand Government, *Maritime Security Act 2004*, pp. 18-19.
[15] New Zealand Government, *Maritime Security Act 2004*, p. 10.
[16] New Zealand Government, *Maritime Security Act 2004*, p. 5.
[17] Maritime New Zealand, 'Pacific Islands Receive Security Support from NZ', *Safe Seas Clean Seas*, no. 14 (2005), p. 16.
[18] Asian Development Bank, *Oceanic Voyages: Shipping in the Pacific*, Pacific Studies Series (Philippines: Asian Development Bank, 2007), p. xvii.

compromised.[19] The system then sends an alert to the owner or a designated authority, giving the location of the vessel and informing them that the ship's security has been breached.[20] Hopefully, this information is then forwarded on to the relevant coastal state authorities who would be in a position to come to the aid of the ship. While this system appears to be an important contribution to enhancing the safety of shipping, implementation and use of the system has failed to meet expectations and modifications may need to be made in order for it to realise its full potential.[21] This system, as well as the implementation of the ISPS code, will greatly increase maritime security by making ships and ports harder to attack and ensuring people within the shipping industry are better prepared for any attack. New Zealand's support of this code and its implementation highlights New Zealand's commitment to increasing maritime security in its own territory and further abroad.

IMO Council

Another significant event for New Zealand in relation to the IMO was its election to the IMO council in 2007. This gave, and still gives, New Zealand greater influence in the IMO and means New Zealand is involved in ensuring the IMO's primary objectives are achieved.[22] It will also increase the voice of the Pacific region within the IMO. New Zealand will be able to advocate for initiatives which have direct relevance to the Pacific Island Nations.[23] This is a valuable opportunity for New Zealand to be involved in facilitating maritime security worldwide, as well as encouraging efforts particularly relevant to the Pacific region.

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[19] International Maritime Organization, *International Convention for the Safety of Life at Sea (SOLAS), 1974* [online].
[20] International Maritime Organization, *International Convention for the Safety of Life at Sea (SOLAS), 1974* [online].
[21] Thomas Timlen, *The Use of SOLAS Ship Security Alert Systems* (Singapore: S. Rajaratnam School of International Studies, 2008), p. 9.
[22] Maritime New Zealand, 'Maritime Timeline', *Safe Seas Clean Seas*, no. 25 (2008), p. 10.
[23] Maritime New Zealand, 'New Zealand Strengthens International Maritime Role', *Safe Seas Clean Seas*, no. 23 (2008), p. 9.

Naval Strength

The RNZN entered this period with a naval combat force of three frigates. In March 2005, however, the *HMNZS Canterbury* was decommissioned leaving the RNZN with only two frigates and no planned replacements.[24] This is the lowest number of combat vessels the RNZN has had since WWII. However, the Navy's capabilities have been subsequently enhanced through Project Protector by the purchase of seven new vessels.[25] The first to arrive was the new multi-role vessel (MRV) the *HMNZS Canterbury,* which was commissioned on 12 June 2007.[26] The MRV is able to carry out EEZ patrols, transport the Army and their equipment, as well as support disaster relief operations. The MRV can embark either two *Seasprite* helicopters or four of the NH90 Medium Utility Helicopters which the RNZAF is in the process of acquiring.[27] This will greatly aid in transferring supplies and equipment during disaster relief efforts.

Also acquired were four Inshore Patrols Vessels (IPVs). They are *HMNZS Rotoiti*, *HMNZS Hawea*, *HMNZS Pukaki*, and *HMNZS Taupo*. The four IPVs were commissioned between 17 April and 29 May 2009. These vessels will help to meet the need for EEZ and resource protection patrols,

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[24] Greener, p. 87.

[25] While the RNZNs capabilities have been greatly increased by the acquisition of seven new ships under Project Protector, this creates difficulties for the RNZN to overcome. With the increase in the number of active vessels, recruiting and maintaining crews for all seven new vessels will be a challenge. Since the RNZN reduced its combat fleet to only two frigates, personnel numbers have fallen. The seven new ships will need at least 200 crew members, which is more than the 178 crew members needed for each of the RNZN's frigates.

[26] Since its commissioning, the *HMNZS Canterbury* has experienced several problems, including poor sea keeping and damage to its sea boats. These problems stem from its design which, having been based on an Irish car ferry, is unsuited for the rough seas of the Pacific and Southern Oceans. The *Canterbury* was the subject of a large number of warranty claims due to its poor performance; however, the RNZN has been forced to accept a reduced operating capacity in certain sea states. Many of the problems concerning the *Canterbury* have been fixed and it remains a valuable addition to the RNZN fleet, albeit slightly reduced in capacity than first intended. Hank Schouten, 'HMNZS Canterbury was a Troubled Bargain', *Asia-Pacific Defence Reporter: Australian Defence in a Global Context,* 34, no. 7 (2008), p. 11.

[27] Royal New Zealand Navy, *Canterbury* [online]. Updated 2010, <http://www.navy.mil.nz/visit-the-fleet/cant/default.htm> [accessed 4 February 2010].

both in New Zealand waters and in the Pacific. [28] They will operate in New Zealand waters assisting other government agencies such as the Ministry of Fisheries, the New Zealand Customs Service, the Department of Conservation, the Police, and Maritime New Zealand. This ability was one of the key considerations when the decision was made on the specifications for the Project Protector vessels. [29]

The final purchase under Project Protector was that of two offshore patrol vessels (OPVs). The first, the *HMNZS Otago*, was accepted on 18 February 2010, and the second, the *HMNZS Wellington*, is expected to be accepted in April 2010.[30] This is despite initial expectations that the first would be delivered in mid-2006. [31] The OPVs, once commissioned, will further enhance New Zealand's patrol and surveillance capability. They are ice-strengthened, enabling them to undertake patrols into the Southern Ocean and Antarctic waters. [32] They will each carry one *Seasprite* helicopter, which will greatly increase their surveillance capabilities. All three classes of vessel are only lightly armed: the MRV and the OPVs are each fitted with a 25mm bushmaster naval gun as well as two 0.50 calibre machine guns, while the IPVs will each be armed with three 0.50 calibre machine guns.[33] Even though they are not suited to combat operations, they will be able to carry out EEZ patrols, disaster relief, search and rescue, and boarding and inspection of suspect vessels. The purchase of these ships has greatly increased New Zealand's ability to carry out a wide range of maritime security related operations.

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[28] Sam Bateman and Anthony Bergin, 'Maritime Security', in *Australia and the South Pacific: Rising to the Challenge*, ed. by Anthony Bergin (Barton, ACT: Australian Strategic Policy Institute, 2008), p. 63.
[29] New Zealand Ministry of Defence, *The Defence Portfolio: 2005*, p. 9.
[30] Royal New Zealand Navy, *February 18 2010 - Navy Takes Delivery of Offshore Patrol Vessel HMNZS Otago* [online]. Updated 2010, <http://www.navy.mil.nz/visit-the-fleet/otago/recent+activities/february-18-2010-navy-takes-delivery-of-offshore-patrol-vessel-hmnzs-otago.htm> [accessed 19 February 2010].
[31] New Zealand Ministry of Defence, *The Defence Portfolio: 2005*, pp. 26-27.
[32] Bateman and Bergin, 'Maritime Security', p. 63.
[33] Royal New Zealand Navy, *OTAGO Specifications* [online]. Updated 2010, <http://www.navy.mil.nz/visit-the-fleet/otago/default.htm> [accessed 4 February 2010], Royal New Zealand Navy, *Canterbury* [online].

Defence Review

In order to examine New Zealand's role and ability to contribute to regional and global security, the New Zealand Government and the Ministry of Defence launched a Defence Review in April 2009. The intention of this review is to:

> Undertake a fundamental assessment of the security environment in which we live, to consider the roles that our Defence Force is expected to fulfil now and in the future, and to examine how well it is currently meeting its obligations.[34]

This review process, which considers the role of the Defence Force for the next 20 years, has included public submissions as well as NZDF internal discussions, meetings with defence academics and contributions from the Royal New Zealand Returned and Services Association.[35] The review has the potential to drastically change the shape and focus of the NZDF or it could re-affirm the direction which it is already taking. This review was an election promise of the current National government and the aim is for it to be completed in March 2010.

Considering the recent major naval purchases it is unlikely that any significant change will be made in the force structure of the RNZN. The cost of re-acquiring an air combat force is prohibitive, reducing the likelihood that significant changes will be made with regards to the RNZAF, which has also spent considerable funds recently on the upgrade of the P-3 *Orions* and the purchase of new helicopters (eight NH90 Medium Utility Helicopters and five A109 Training/Light Utility Helicopters). Considering the current world financial situation, it is unlikely that any

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[34] New Zealand Ministry of Defence, *Defence Review 2009: Public Consultation Document* (Wellington, New Zealand: New Zealand Ministry of Defence, 2009), p. 3.
[35] The six main issues the review addresses which are most relevant to maritime security are: what should the role of the Defence Force be in responding to threats to New Zealand's security? How should the Defence Force prioritise its effort across each of the strategic environments? How should the Defence Force cooperate with other international security partners in each strategic environment? How should the Defence Force operate with other New Zealand government agencies in each strategic environment? What military capabilities does the Defence Force need to carry out its roles effectively, now and in the future? When and how should military capabilities be used for non-military purposes to support the work of other (civilian) government agencies? New Zealand Ministry of Defence, *Defence Review 2009: Public Consultation Document*, p. 5.

significant new platforms will be acquired for any of the three services. However, a new direction or focus may be adopted by the review which could then lead to major purchases being made in the future. One aspect of the current defence force structure which may be changed is the focus on peacekeeping and resource protection capabilities ahead of outright defence or combat capabilities. Because this review has the potential to shape the future direction of the NZDF, it will also have a great impact on New Zealand's ability to contribute to maritime security in Southeast Asia and the Pacific. This review may also be affected by recent developments in New Zealand's relations with the US.

US Exercise Ban Lifted

In 1985, New Zealand lost the opportunity to exercise with the world's premier military power when the US banned all exercises with the NZDF. Due to improving relations with the US, the New Zealand Government has confirmed the ban on military exercises will soon be lifted.[36] This indicates US recognition of New Zealand's contribution during recent conflicts, such as Afghanistan. It will also rectify the inconsistency between the practice of New Zealand troops fighting alongside US forces and the policy which prevented them from training and exercising together.[37] Exercising with the US armed forces will be a significant opportunity for New Zealand's forces to improve the level of their training and exercises.[38] This will be highly important if New Zealand wants to maintain parity with the armed

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[36] Derek Cheng, 'NZ-US Army Exercises to Resume After 23-Year Freeze: Improved Relationship Allows Allies to Work With Nuclear-Free Stance, Says Mapp', *The New Zealand Herald,* 8 March 2010, p. A4.
[37] However, this inconsistency was avoided somewhat by special presidential dispensation allowing exercises between US Special Forces and the New Zealand SAS before the latter's deployment to Afghanistan. New Zealand forces have also recently participated alongside US troops in a PSI exercise (this also required presidential dispensation).
[38] While New Zealand has managed to continue a good exercise program with Australia and the other FPDA states, the US is the greatest military power in the world and training with US forces will expose New Zealand forces to a higher level of military capabilities. This will also potentially have benefits for Australia, as they may be able to combine a number of bilateral exercises with both New Zealand and the US, thus reducing costs and improving interoperability.

forces of Southeast Asia, who are steadily improving the quality of their armed forces both in terms of personnel and equipment.

Southeast Asia and Maritime Security

Five Power Defence Arrangements

After 11 September 2001, the FPDA continued to adapt to retain its relevance. In seeking to adapt to the new security environment, the focus of FPDA discussions and exercises continued to emphasise a significant maritime focus.[39] Considering the potential cost of a maritime terrorist attack on the Malacca Strait, and the increase in the number of piracy attacks in Southeast Asia[40], an increasing maritime security focus was a logical conclusion and provided the catalyst for FPDA exercises to intensify the focus on maritime security related issues.[41]

In June 2003 the Defence Ministers of the five countries met for the annual FPDA Defence Ministers' Meeting (FDMM). At the meeting they reaffirmed their commitment to enhancing both their collective and individual defence capabilities and, as part of that, an increasing level of interoperability.[42] The Ministers also decided that the FPDA should focus on enhancing a capability to deal with "non-conventional challenges such as terrorism, piracy, protection of Exclusive Economic Zones, disaster relief and smuggling of illicit drugs".[43] Sovereignty concerns, particularly from Malaysia, had always restricted efforts to address issues within an individual state's territory, and it was agreed at the FDMM that this change of focus to asymmetric threats would only occur at a pace with which all nations were happy.[44] Also in 2003, the focus on asymmetric threats was

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[39] Bristow, p. 8.

[40] In the early part of the decade, piracy and armed robbery at sea numbers in Southeast Asia rose dramatically, particularly in Indonesian waters. This fuelled international concern. However, nations of the region initially denied the severity of the problem, before attempting to deal with the problem amongst themselves through coordinated efforts.

[41] Tan, p. 295.

[42] Thayer, p. 88.

[43] Thayer, p.88

[44] Thayer, p. 88.

reiterated when the FPDA Professional Forum agenda focused on how to bring such threats into the FPDA training and exercise programs.[45]

In 2004, the FPDA Defence Ministers met informally and discussed co-ordinated patrols, information sharing and improved communication between navies and coast guards. They also announced that additional exercises specifically focused on maritime security should be held and that civilian agencies should be slowly included in these.[46]

These new exercises started in 2004 with Ex-BERSAMA LIMA (meaning Five Together). This exercise involved 31 ships, 60 aircraft, 2 submarines and 3,500 support personnel, making it one of the FPDAs largest ever exercises.[47] The exercise included a simulated terrorist hijacking of a merchant ship with participants conducting a Maritime Interdiction Operation which involved tracking, stopping and boarding the suspect ship. This exercise was the first instance of civil-military coordination as well as the first time maritime terrorism was addressed in FPDA exercises.[48] Ex-BERSAMA LIMA was repeated in 2005. The integration of civilian participants and the focus on maritime security continued in 2006 with Ex-BERSAMA PADU.[49] This exercise sought to address possible maritime security threats as well as improving coordination in defending vital SLOCs. During the exercise, both piracy and terrorism were addressed. Two ships were stopped and boarded and then civilian agencies were brought in to inspect the ships and their cargoes.[50]

With the FPDA exercises increasing in complexity since 2001, New Zealand has been restricted in its ability to contribute due to the changes made in the NZDF force structure. The removal of the *Skyhawks* from service in December 2001 has prevented New Zealand from contributing an air combat capability. Also, with the RNZN reduced to a combat fleet of

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[45] Thayer, p. 88.
[46] Bristow, pp. 8-9.
[47] Tan, p. 295.
[48] Thayer, p. 90.
[49] Tan, p. 295.
[50] Thayer, p. 91.

only two frigates from 2005, New Zealand is not in a position to contribute more than one frigate, which is sometimes supported by the non-combat vessels of the RNZN.[51] This limited contribution again highlights that the FPDA provides more benefits to New Zealand than New Zealand gives back. Despite this, the FPDA has allowed New Zealand to build deep relationships with nations in Southeast Asia and, through this, contribute to the security of the region.

ASEAN Regional Forum

The ASEAN Regional Forum also continues to be an important mechanism for New Zealand to engage with the nations of Southeast Asia and the other members of the ARF. Since 11 September 2001, the ARF has widened its focus to include issues such as terrorism and maritime security, meaning that it continues to remain a relevant, although slow moving and restricted, organisation.[52] Like other Southeast Asian bodies, it is restricted by sovereignty concerns, and this will continue to limit the ARF's ability to address issues such as maritime security. Despite these restrictions, the ARF held its first ever maritime security exercises, albeit table-top exercises, in Singapore in January 2007.[53] This may be a significant first step towards increasing the ARFs contribution towards maritime security. New Zealand continues to play an active role in addressing maritime security through the ARF and will be hosting the ARF Inter-Sessional Meeting on Maritime Security in March 2010. New Zealand has placed a high value on these meetings and is a very active member in this regional effort.

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[51] Bristow, p. 11.
[52] Australian Department of Foreign Affairs and Trade, *ASEAN Regional Forum (ARF)* [online]. Updated 2009, <http://www.dfat.gov.au/arf/> [accessed 8 February 2010].
[53] Kyodo News International, *ARF Members Hold 1st Maritime Security Drill* [online]. Updated 2007,
<http://findarticles.com/p/articles/mi_m0WDQ/is_2007_Jan_29/ai_n17156505/> [accessed 8 February 2010]. The exercises were attended by 21 of the 26 ARF members and involved activities such as locating a ship reported missing at sea. Singapore had initially suggested exercises in the Malacca Strait, but this was heavily opposed by Malaysia and Indonesia.

APEC STAR Initiative

In 2002, APEC, another important regional organisation, launched the STAR initiative which aimed to enhance port and shipping security throughout the Asia-Pacific. The APEC leaders also reaffirmed APEC's commitment to meeting the necessary standards of the IMO ISPS code by July 2004.[54]

The STAR initiative was intended to improve member nations' capabilities for protecting their trade against terrorist attacks as well as building efficient and secure trade throughout the region. The APEC leaders agreed to enhance their own capabilities and assist others. Terrorism was emphasized as the biggest threat to secure trade and as such the primary focus of efforts under the initiative.[55]

One of the ways in which the STAR initiative sought to secure trade was by developing and instituting an effective container security regime. The aim was to guarantee that containers would remain secure during transit and to single out high-risk containers and inspect them before transit. Cargo information would also be provided to the recipient state as early as possible.[56] All of these were to be achieved while promoting and enhancing efficient legitimate trade. The initiative also sought to enhance the protection given to ships by promoting the ISPS code and its requirement for security plans for both ships and port facilities.

APEC also encouraged nations to promote the fitting of Automatic Identification Systems to ships as required by the modification to the SOLAS convention.[57] In seeking to increase its effectiveness in dealing with maritime security issues, APEC encouraged cooperation between its

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[54] Ian W Porter, 'Proceedings of the Symposium of Maritime Experts to Assist in Implementation of the Secure Trade in the APEC Region (STAR) Initiative' at *The Symposium of Maritime Experts to Assist in Implementation of the Secure Trade in the APEC Region (STAR) Initiative* (2003), p. 5.
[55] APEC Counter-Terrorism Task Force, *APEC Counter-Terrorism Review 2001-2006: For Those Who Counter Terrorism in the Trade Dimension* (Pasay City, Philippines: The Office of the Ambassador-at-Large for Counter-Terrorism and Chairman, APEC Counter-Terrorism Task Force, 2006), p. 26.
[56] APEC Counter-Terrorism Task Force, p. 26.
[57] APEC Counter-Terrorism Task Force, p. 27.

organisations, members and international bodies such as the IMO and the IMB and their Piracy Reporting Centre.[58]

The increasing attention given to maritime security, and particularly to secure trade, was one way in which APEC allowed New Zealand to contribute to maritime security in the region. In particular, the STAR initiative was a valuable contribution as it sought to increase regional trade security simultaneously rather than just one country at a time. By seeking to move the entire region forward together, gains made would be less likely to be undermined by a lack of security in a neighbouring or regional state.

The Pacific and Maritime Security

New Zealand's role in providing maritime security assistance to the Pacific Island nations has increased since 11 September 2001. Due to Australia's heavy involvement in military operations in Iraq and Afghanistan, their ability to provide assistance to the Pacific region has been diminished. [59] As a consequence New Zealand, through its RNZAF *Orions,* is currently the primary provider of maritime surveillance for the Pacific Island nations. New Zealand's support for the Pacific Islands has now spread from the Polynesian region, where New Zealand has traditionally had stronger ties, to include assistance to the Melanesian region as well. [60] While New Zealand remains second to Australia in terms of the level of contribution to regional maritime security, it currently provides more surveillance assistance than Australia. New Zealand is also seen as easier to approach and more likely to respond positively to requests for assistance.[61] The level of contribution New Zealand makes to regional maritime security is likely to increase further with the use of the OPVs, which are currently being prepared for entry into service in the RNZN in 2010. These vessels will increase the Navy's capability to patrol the Pacific Ocean and

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[58] APEC Counter-Terrorism Task Force, pp. 26-27.
[59] New Zealand Ministry of Defence, *The Defence Portfolio: Briefing to the Incoming Government 2002* (2002), p. 6.
[60] Bateman and Bergin, 'Maritime Security', p. 63.
[61] Bateman and Bergin, 'Maritime Security', p. 63.

therefore provide the RNZN with more options when it comes to providing regional assistance with activities such as fisheries protection and SAR.[62]

Fisheries

New Zealand continued to maintain an interest in developments concerning Pacific fisheries after 2001. Through membership in the FFA, New Zealand has consistently contributed to fisheries protection and management in the Pacific. Since 11 September 2001, the FFA has seen several significant events occur. In 2002 the second 10 year extension of the *US Multilateral Fisheries Treaty* was agreed upon between the US and the FFA member states. This extension came into effect in June 2003 and with it an increase in the annual payment from US$18 million to US$21 million.[63] In 2003 the *Convention for Conservation and Management of Highly Migratory Fish Stocks of the Western and Central Pacific Ocean* was ratified by the 13th state which set in motion its entry into force six months later. The Convention came into force on 19 June 2004.[64]

In its role as a larger partner in the FFA, New Zealand has maintained a responsibility for assisting the Pacific Islands in the surveillance and protection of their fisheries resources within their EEZs.[65] New Zealand, with a large EEZ, a strong fishing industry and a concern for its Pacific neighbours, plays an active role in protecting and managing regional fisheries.[66] This is demonstrated by New Zealand's active role in organisations such as the FFA and the South Pacific Regional Fisheries Management Organisation, as well as being a signatory of agreements such as the *Convention for the Conservation of Southern Bluefin Tuna,* the *United Nations Fish Stocks Agreement* and the *Western and Central Pacific Fisheries Convention*.

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[62] Bateman and Bergin, 'Maritime Security', p. 63.
[63] Hyndman, p. 47.
[64] Hyndman, p. 47.
[65] New Zealand Ministry of Defence, *The Defence Portfolio: Briefing to the Incoming Government 2002*, p. 6.
[66] New Zealand Ministry of Foreign Affairs and Trade, *Pacific: Fisheries* [online]. Updated 2009, <http://www.mfat.govt.nz/Foreign-Relations/Pacific/Fisheries/index.php> [accessed 12 January 2010].

South Pacific Regional Fisheries Management Organisation

In 2006, New Zealand, Australia and Chile proposed a series of international meetings in order to address the need to manage the non-highly migratory fish stocks of the South Pacific region.[67] These meetings (International Consultations on the Establishment of the Proposed South Pacific Regional Fisheries Management Organisation) were attended by a range of nations either present in the area or with fisheries interests in the region, and resulted in the establishment of the SPRFMO.[68] The purpose of this organisation is to aid in the management and protection of non-highly migratory fish stocks (as highly-migratory fish stocks were already being covered by the UNFSA). Eight meetings were held between February 2006 and November 2009. At the eighth and final meeting in December 2009, the parties adopted the *Convention on the Conservation and Management of High Seas Fishery Resources in the Southern Pacific Ocean* which was opened for signature from 1 February 2010.[69] New Zealand was not only an active participant in the meetings, but it also hosted the interim secretariat and contributed the majority of the funding for its operation. This involvement is indicative of New Zealand's desire to be involved in the provision of maritime security in the Pacific.

Mutual Assistance Programme

New Zealand continues to fulfil its defence and security obligations to the Cook Islands, Niue, and Tokelau, through EEZ patrols, resource protection and assistance to the Police forces of the Cook Islands and Niue. The relationship between New Zealand and Samoa continues to be strong and New Zealand has an obligation to sympathetically consider requests for

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[67] Author Unknown, *Final Act of the International Consultations on the Establishment of the Proposed South Pacific Regional Fisheries Management Organisation* (2009), p. 1.
[68] Participants were Australia, Belize, Canada, Chile, Colombia, the Cook Islands, Cuba, Ecuador, the European Union, the Federated States of Micronesia, Fiji, France, Japan, the Kingdom of Denmark in respect of the Faroe Islands, Kiribati, Korea, the Marshall Islands, New Zealand, Niue, Palau, Panama, Papua New Guinea, Peru, the Russian Federation, Samoa, the Solomon Islands, Tonga, Ukraine, the US, Vanuatu, and Venezuela.
[69] Unknown, *Final Act of the International Consultations on the Establishment of the Proposed South Pacific Regional Fisheries Management Organisation*, p. 4.

defence assistance.[70] The MAP has endured to the present and now includes assistance programmes to Singapore, Malaysia, the Philippines, Thailand, Brunei, Tonga, Papua New Guinea, Western Samoa, Cook Islands, Solomon Islands, Vanuatu and Niue. Other MAP activities with individual Pacific Island nations are conducted on a case by case basis.[71]

Search and Rescue

A further ongoing contribution by New Zealand is its responsibility for an extensive SRR as well as assistance to Fiji in meeting its SAR obligations. The RNZAF maintains a P-3 *Orion* on 24 hour call-out, ready to conduct SAR operations within two hours of receiving a request. Recent high profile operations have also included the RNZN assistance in the search for the wreckage of the Tongan ferry, the *Princess Ashika,* which sunk in August 2009. The RNZAF assisted in SAR patrols looking for survivors and the RNZN sent a team to Tonga, who were able to locate the wreckage, confirm the identity of the vessel and provide assistance to investigators seeking to determine the cause of the sinking.

New Zealand is also involved in the France, Australia, and New Zealand (FRANZ) agreement, which is intended to address cooperation in disaster relief, search and rescue and maritime surveillance.[72] There are also bi-annual exercises held in New Caledonia under this agreement. These exercises, codenamed Southern Cross, involve New Zealand, Australia and France as well as other regional states.

Western Pacific Naval Symposium

The cooperative efforts of regional navies have provided an important means through which maritime security has been advanced. Since its creation in 1988, the WPNS[73] has developed from just meetings to the

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[70] New Zealand Ministry of Defence, *The Defence Portfolio: 2005*, p. 11.
[71] New Zealand Defence Force, *Strategic Commitments and Intelligence Branch* [online]. <http://www.nzdf.mil.nz/corporate/hqnzdf/strategic-commitments-intelligence-branch/default.htm> [accessed 13 January 2010].
[72] New Zealand Ministry of Defence, *The Defence Portfolio: 2005*, p. 12.
[73] Current members are: Australia, Bangladesh, Brunei, Cambodia, Chile, China, France, India, Indonesia, Japan, Malaysia, Mexico, New Zealand, Papua New Guinea, Peru,

publication of procedures or handbooks and multilateral exercises. [74] These handbooks developed by individual nations, focus on certain aspects of naval operations or interactions and have been presented to the WPNS before their recommendation for adoption. Mine Counter Measures is one area in which the WPNS has worked to build individual and collective capabilities since 1997, with several exercises being held since 2001. [75]

The key benefit of the WPNS is enhancing naval cooperation through bringing personnel together and forming relationships and understanding of how each other operates in order to build trust and understanding. [76] New Zealand's membership and involvement in the WPNS is yet another demonstration of its desire to contribute to the maritime security of the Pacific region in a meaningful way.

Conclusion

After the tragic events of 11 September 2001, the world was reminded of its vulnerability to such attacks and concern about terrorism began to feature prominently on regional security agendas. The impact this had on the Asia-Pacific region was reinforced by terrorist attacks in Indonesia and the Philippines. The proof that terrorism was present in the region, as well as recognition that an attack on the busy waters of the Malacca strait would have a considerable impact on the world's shipping, meant that maritime security and terrorism had to be considered. This resulted in maritime security being the focus of a series of initiatives including the ISPS Code, the PSI and the APEC STAR initiative.

New Zealand's ability to contribute to maritime security both at home and throughout its wider region was considerably enhanced by the purchases of new ships for the RNZN through Project Protector. These ships

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Republic of the Philippines, Republic of Korea, Russia, Singapore, Thailand, Tonga, the United States, and Vietnam.
[74] Royal Australian Navy.
[75] Royal Australian Navy.
[76] Royal Australian Navy.

included one MRV, four IPVs and two OPVs. The OPV's will enable the RNZN to patrol down into the Southern Ocean or up into the Pacific, and the MRV will greatly contribute to relief efforts in any Pacific or Southeast Asian humanitarian crises/natural disasters.

Traditional institutions continued to grow during this period, with the FPDA strengthening and expanding its exercise program to include valuable combined land, air and sea exercises with a specific focus on maritime security. The ARF also moved to address maritime security issues; however, as usual, progress through that avenue was slow. New Zealand also maintained its traditional commitment to providing SAR within its considerable SRR, as well as assisting other nations in the Pacific.

Fisheries is another area in which New Zealand has contributed to regional maritime security. A proposal by New Zealand, Australia and Chile to establish a South Pacific Regional Fisheries Management Organisation resulted in the signing of the *Convention on the Conservation and Management of High Seas Fishery Resources in the Southern Pacific Ocean.* New Zealand is also the host nation for the secretariat established to administer this convention. The FFA continued to be an important organisation and New Zealand's involvement saw it providing fisheries and EEZ patrols to fellow members of the FFA.

In 2009, a defence review was launched with the intention to examine the future structure and roles of the NZDF. This review has the potential to significantly affect New Zealand's future ability to contribute to maritime security. Finally, in 2010, New Zealand's warming defence relationship with the US has led to the announcement of the imminent lifting of the exercise ban between the two countries' forces.

Chapter Six - Future Directions

Introduction

Dramatic events at the beginning of each of the past two decades have changed the worldwide security situation and shaped the way in which countries have approached international relations. The end of the Cold War and 11 September 2001 were completely unexpected. It is possible that such an event will occur again at any time, changing the direction of security efforts once more. However, it is almost impossible to prepare for such an event other than to maintain a range of security capabilities, both military and civilian, which are able to deal with any events that may unfold. Because it is impossible to predict the future, we must instead turn to the past for indications of what may lie ahead. Throughout this thesis, New Zealand's involvement in maritime security in Southeast Asia and the Pacific has been traced. This thesis has attempted to identify relevant trends and these will be used to provide a means for not only mapping the past but also predicting the future.

This chapter seeks to build upon previous chapters and use them as an indicator of possible future outcomes. Some of the predictions made are based upon the continuation of long-standing institutions and agreements, and others are based upon the expectation of a continuation of current trends in international events. These, of course, are vulnerable to sudden international change, just as predictions made in the late 1980s or 1990s were.

This chapter also seeks to couple predictions of future developments with suggestions of actions which could be taken both to respond to these developments, and to be better prepared for a range of potential future scenarios. These suggestions are based upon knowledge gained through an analysis of recent history as well as drawing on the ideas of the many published authors who are experts in their various fields.

The three core themes which will be presented within this chapter are the expectation that asymmetric and non-traditional threats will continue as one of the core threats to maritime security; that traditional involvements in maritime security will continue, and that organisations will adapt to meet the needs of the situation; and the increasing modernization and, in some cases, expansion of regional and extra-regional armed forces.

New Zealand and the Future

Naval Capacity

The key trend that has emerged in the last decade is the rise in asymmetric threats. Whether it is terrorism, piracy or regional instability due to insurgent movements, the likelihood is that many of the future conflicts will not involve inter-state conflict. The New Zealand Defence Force needs to be equipped to face these threats wherever it might meet them. Our army needs to be able to respond quickly and effectively to land-based threats within our territory and our wider region. The RNZN needs to be able to control our territorial waters and EEZ and be an effective force against a wide range of threats which it may face. It must also give the NZDF the ability to be involved in military operations outside New Zealand's region and be able to support the Army, particularly in the Pacific region.

The purchase of the new Project Protector ships reflects this move away from a high-end combat capability to a wider range of capabilities, albeit at a lower level of intensity. The Navy, however, cannot afford to completely ignore the high-end combat capability and, as such, the *ANZAC* frigates should continue to be upgraded throughout their lifespan and be replaced with combat capable ships when they are eventually decommissioned. It needs to be recognised that, in multilateral efforts, the RNZN can do more than just transport the Army. Naval power can be directly involved in combat operations, such as shore bombardment, or by patrolling coastal regions to intercept shipments of arms or supplies, preventing them from reaching the enemy.

Naval vessels are also a good way of 'showing the flag', or sending a message, through their presence in a region. Having army units in or near a country of interest during a period of conflict can be perceived as a serious and aggressive stance. Naval units, however, are able to loiter in the region, either out of sight or over the horizon, demonstrating a presence without the same level of aggression. They are also able to be withdrawn by the government without the same appearance of capitulation. If a conflict was brewing in the Pacific and the New Zealand Government either wanted to show support for a government or send a message of restraint, a naval vessel could be deployed to the region, staying in international waters without violating anyone's sovereignty. However, troops would not be able to be sent without the express permission of a host government. New Zealand should be very careful how it deploys its warships, because claims of intimidation or manipulation would greatly damage its credibility with the Pacific Island nations.

Maritime Surveillance Aircraft

New Zealand should maintain its maritime patrol aircraft capability into the future. The *Orion* maritime patrol aircraft are important to both New Zealand and the wider region. New Zealand and Australia possess some of the best maritime surveillance capabilities in the Asia-Pacific region and it will be important to maintain these. These aircraft are highly valuable in roles ranging from search and rescue and fisheries protection, to EEZ patrols for illegal or suspicious activity.[1] They are also effective in a combat situation for monitoring either New Zealand's approaches or a chosen operational environment.[2]

When considering an aircraft to replace the *Beech King Air B200* in the Advanced Pilot Training role, the NZDF and the New Zealand Government should choose an aircraft which gives an additional maritime surveillance

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[1] Greener, p. 119.
[2] It should be noted that their sub-surface capabilities are considerably reduced with the decision to proceed with a limited sensor upgrade and the removal of sonobuoys from the *Orions*.

capability at a lower level to the *Orions*.[3] New Zealand should consider aircraft such as the RAAF *Super King Air 350*. The RAAF pilot training using these aircraft includes maritime surveillance operations and maritime training flights. [4] These aircraft would be able to patrol within New Zealand's EEZ and carry out many of the same functions as the *Orions,* albeit without the *Orions'* combat systems. These aircraft would complement New Zealand's SAR capabilities and could work jointly with the newly acquired Inshore and Offshore Patrol Vessels. Using these smaller aircraft for maritime surveillance and training would release the *Orions* for operations further afield and enhance the range of skills pilots could develop during training. New Zealand's maritime patrol capability plays a vital role in New Zealand's contribution to maritime security both at home and abroad and, as such, it should be maintained.

Maritime Special Forces

Another option for dealing with the rise in maritime asymmetric threats throughout the region is emphasising the utility of Special Forces. Consideration should be made of whether the Special Air Service (SAS) should work increasingly alongside the navy or if a small naval Special Forces unit should be established to deal with high intensity maritime asymmetric threats. In a case of a possible maritime terrorist attack, a pirate attack or a hijacking, New Zealand needs to have a capacity to respond.[5] While these possible incidents are rare or nonexistent in New Zealand, given the rise in fears of all three possibilities, particularly in Southeast Asia, New Zealand should be equipped to deal with such a scenario if it should occur within its region. Closer defence relations with

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[3] New Zealand Ministry of Defence, *LTDP 2008 – Projects Approved in Principle by Government* [online]. Updated 2008, <http://www.defence.govt.nz/reports-publications/ltdp-2008/prj-appvd-prin.html> [accessed 26 February 2010].
[4] Royal Australian Air Force, *King Air 350 Aircraft: Royal Australian Air Force* [online]. Updated 2009, <http://www.airforce.gov.au/aircraft/kingair.aspx> [accessed 26 February 2010].
[5] New Zealand Defence Force, *Royal New Zealand Navy* [online]. <http://www.nzdf.mil.nz/public-documents/annual-report/2007/section-2/rnzn.htm> [accessed 8 February 2010].

the US, and in particular its Special Forces, would also provide an opportunity to develop the skills necessary to establish this capability.

Submarine Proliferation

There are an ever-increasing number of nations throughout the world, and particularly in Southeast Asia, who are purchasing submarines as part of the modernization of their navies.[6] This development will lead to a significant number of submarines navigating in the already crowded waters of Southeast Asia, thus increasing the likelihood of an accident or incident. Due to the strength of sovereignty concerns within Southeast Asia, the potential for any intrusion by a foreign submarine into another nation's territorial waters would likely be viewed as hostile.[7]

Not only do these vessels pose a risk during peace time, but they also have obvious offensive capabilities during a period of conflict. If conflict occurred, either between two Southeast Asian states, or between one of them and a state from outside the region, then the risk posed to shipping in Southeast Asia could be significant. New Zealand needs to be aware that if it were to be directly or indirectly involved in a conflict in the region, then not only could its naval vessels be at risk, but also its seaborne trade. The NZDF's limited anti-submarine capabilities[8] mean that its vessels would be at greater risk if operating with a hostile submarine present and they are therefore limited in the protection they are able to provide to New Zealand's shipping.[9] Improvement of this capability may be considered by the current Defence Review.

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[6] Andrew Davies, *The Enemy Below: Anti-Submarine Warfare in the ADF* (Barton, ACT: Australian Strategic Policy Institute, 2007), p. 2.

[7] Davies, p. 7.

[8] The RNZAF *Orions* are undergoing a sensor upgrade which will bring the *Orions* up to a high standard. However, the ASW capability originally envisaged has been abandoned, limiting their ability to detect submarines. They have also ceased to operate with sonobouys, which are an important means of locating submarines. These limitations, combined with the *ANZAC* frigates limited submarine-detection capabilities (their hull mounted sonar is minimally effective for submarine detection and they are only sometimes equipped with the more effective towed sonar array), and the fact that the NZDF's torpedoes are ageing and nearing obsolescence, leaves New Zealand with a severely limited ASW capability.

[9] During WWII, protecting shipping was a role which navies undertook regularly. The limited anti-submarine capability of the RNZN's frigates also means that they would be

The Defence Review

The Defence Review launched in 2009 has the potential to vastly change the shape and focus of New Zealand's defence forces. However, given the current economic situation and the recent purchases by the NZDF, drastic change is unlikely. With the RNZN receiving seven new ships in recent years through Project Protector, the shape and direction of the RNZN is to a certain degree set, at least for the near future.[10] The RNZAF is also in a similar position, with considerable funds having been spent upgrading both the *Hercules* and *Orion* aircraft and with the purchase of the Boeing 757-200 aircraft for strategic airlift. 13 new helicopters have also been purchased to replace the *Iroquois* and *Sioux* helicopters currently in service.[11] Given the cost of acquiring new capabilities or reacquiring lost capabilities, it is unlikely that the government will opt for a new direction or role for the RNZAF.

One of the possible changes with an impact on New Zealand's ability to contribute to maritime security is a shift away from the focus on peacekeeping as the primary role of the NZDF. In the past decade, the Labour-led government consistently emphasised that New Zealand's primary contribution to multilateral military efforts would be through Army involvement in UN peacekeeping.[12] It is possible that as a result of the Defence Review the National-led government will decide to adjust to a wider focus involving all three services in an active role, with each service making an important contribution beyond supporting the Army.

It is likely that the Defence Review will support an increase in cooperation between the NZDF and New Zealand's other government agencies. The IPVs provide a good means through which the RNZN is able to assist

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able to offer little sub-surface protection to the other RNZN ships in the region. This would be particularly relevant if the *HMNZS Canterbury* was transporting troops or equipment to be deployed during a conflict.

[10] New Zealand Ministry of Defence, *Defence Review 2009: Public Consultation Document*, p. 22.

[11] New Zealand Ministry of Defence, *Defence Review 2009: Public Consultation Document*, p. 24.

[12] New Zealand Ministry of Defence, *Defence Review 2009: Public Consultation Document*, p. 9.

other agencies and this will continue to be an important role for them in the future. The RNZAF continues to assist Maritime New Zealand and their Rescue Coordination Centre with the provision of SAR assistance with both the *Orion* and *Hercules* aircraft.[13] The role the Army can play in assisting other government agencies is likely to be increased, particularly in situations where the police or other agencies could be greatly assisted by the use of Army equipment and resources.

New Zealand will always rely on working with other like-minded nations when it deploys troops beyond the Pacific. This means that New Zealand will need to maintain strong defence relationships with other countries, particularly in light of the changing nature of recent conflicts. During the decade following the Cold War, there was a significant increase in UN peacekeeping missions.[14] However, since September 2001, international interventions have been 'coalitions of the willing' rather than UN operations. If this trend continues, New Zealand cannot rely on working through the UN. Instead, involvement will come through relationships with other countries.

Fisheries

Relationships with other nations will also be a valuable means of promoting issues which are of a particular interest to New Zealand. With its strong history of fisheries management, New Zealand should try to play a prominent role in implementing good fisheries practices throughout its wider region. If successful, it will benefit from stable and sustainable fisheries throughout Southeast Asia and the Pacific. This will also hopefully reduce illegal, unreported and unregulated fishing (IUU) fishing in the region and in Antarctica. In order to increase its chances of success, New Zealand should cooperate and work with Australia and other nations

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[13] Royal New Zealand Air Force, *Air Force Media Release* [online]. Updated 2010, <http://www.airforce.mil.nz/operations/media-releases/media-release.htm@guid=%7B0fd7b10a-de66-438b-aa94-bdf7b4eb7e17%7D.htm> [accessed 4 February 2010].
[14] New Zealand Ministry of Defence, *Defence Review 2009: Public Consultation Document*, p. 9.

in the region who share this goal and possess relevant expertise. Bodies such as the FFA, the WCPFC and the developing SPRFMO should all be supported and encouraged to also play a role in stopping IUU fishing.

If IUU fishing continues, then New Zealand will need to enhance its protection of its EEZ and that of its Pacific neighbours who are unable to do so adequately themselves. Loss of fisheries revenue due to illegal fishing may threaten the economic and wider security of Pacific Island nations.

Southeast Asia and the Future

Terrorist Attacks

In the last decade, terrorism has emerged as a very real risk, particularly in Southeast Asia. The effects of a terrorist attack in either the Malacca Strait or one of the major ports within the region, especially Singapore, would be catastrophic. [15] If terrorists succeeded in sinking a large ship in the narrowest part of the Malacca Strait, then there would be the possibility of the Strait's temporary closure and shipping companies being forced to send their ships through another, more expensive, route.[16] International shipping would also be operating under conditions of heightened fear and those nations heavily dependent on seaborne trade, such as New Zealand, may find their economic security at risk. An attack on a port such as Singapore using a ship carrying an explosive cargo, such as a Liquid Petroleum Gas carrier, would be even more dramatic. Such an act would potentially kill thousands of people and damage one of the world's busiest

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[15] Sam Bateman, Catherine Zara Raymond and Joshua Ho, *Safety and Security in the Malacca and Singapore Straits: An Agenda for Action* (Singapore: Institute of Defence and Strategic Studies, 2006), p. 23.

[16] J Ashley Roach, 'Enhancing Maritime Security in the Straits of Malacca and Singapore', *Journal of International Affairs,* 59, no. 1 (2005), p.97.
The risk of an attack was highlighted recently with the Singapore Shipping Association announcing it received a warning from the Singapore Navy Information Fusion Centre that a terrorist group is intending to attack oil tankers in the Malacca Strait. AFP, *Singapore Says Terror Attacks Planned on Oil Tankers* [online]. Updated 2010, <http://www.channelnewsasia.com/stories/afp_singapore/view/1041481/1/.html> [accessed 5 March 2010].

ports.[17] Because of concern that the same methods may be used by terrorists to hijack a ship as would be used by pirates, there is a need for increased emphasis on dealing with piracy. In order to lessen the risk of maritime terrorism, New Zealand should promote international initiatives which seek to minimise the risk of an attack. New Zealand should encourage regional nations to participate in efforts such as the PSI and APEC STAR initiative, as well as complying with the ISPS code. Organisations such as the ARF and FPDA should also be encouraged to include a robust maritime terrorism aspect to their programs, whether it is through exercises or discussions. Finally, New Zealand should promote the regional adherence to the principles of the Container Security Initiative, even though it is not a member, and continue to adjust its own systems to align with this initiative. These measures will allow New Zealand to be involved in the strengthening of regional defences against the threat of maritime terrorism.

Piracy

Piracy is an issue which has in the past plagued Southeast Asia, and in particular Indonesia and Malaysia.[18] While piracy figures in the Malacca Straits have decreased since 2005[19], attacks in the Singapore Straits and the South China Sea have increased.[20] Some people have concerns that the global financial crisis will cause piracy to rise once again. If piracy were to increase again in Southeast Asia, then it would have the potential to impact on New Zealand's trade, much of which relies on safe passage

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[17] Joshua H. Ho, 'The Security of Sea Lanes in Southeast Asia', *Asian Survey,* 46, no. 4 (2006), p. 563.

[18] Bradford, p. 474.

[19] This decrease has largely been credited to efforts by Indonesia, Malaysia, Singapore and Thailand. These include the 'eye in the sky' patrols, which conduct aerial surveillance over the strait. Aircraft only cross into each member nation's territory under strict controls, with members of all nations being present onboard the aircraft and taking responsibility for patrols within their territory. Sea patrols by Indonesia, Malaysia and Singapore have also been important although these are limited to coordinated efforts. Each nation shares information on patrols and attempts to hand-over pursuit of suspect vessels if they reach another countries territorial boundaries.

[20] ICC International Maritime Bureau, *Piracy and Armed Robbery Against Ships: Annual Report 1 January – 31 December 2009* (London: ICC International Maritime Bureau, 2010), p. 5.

through Southeast Asia and in particular the Malacca Strait. Another possible consequence of an increase in piracy is that if the littoral states appear to be unable to control the situation themselves, then outside states may intervene. Those states who rely heavily on the security of seaborne trade, and in particular its passage through Southeast Asian waters, may decide that the model established for intervention in Somalia could also work in Southeast Asia.[21]

This model would be considered by Indonesia and Malaysia, in particular, as an extreme violation of their sovereignty, and would have the potential to cause tension, and maybe even conflict, between those nations and any nation seeking to use force within their territory. New Zealand should encourage the Southeast Asian nations to work hard to control piracy and assist them in any way it can. These nations have been open to assistance by foreign nations in the past, as long as it is on their terms and does not involve the use of force.[22] Therefore, New Zealand, as a non-threatening nation, should play an active role in promoting cooperation and assistance to address the root causes, as well as the symptoms, of piracy. By enhancing the maritime security of Southeast Asian waters, New Zealand would also be helping secure safe passage for its trade and shipping, on which it heavily relies.

The Five Power Defence Arrangements

Given the resilience shown by the FPDA in the past, the signs are positive for it to continue to function as a valuable contribution to security in Southeast Asia. However, in order for it to do so, it must overcome several hurdles. The first challenge is due to the rising costs for all parties in participating in the FPDA exercises. This is particularly expensive for New Zealand, Australia and Great Britain, who have to send their forces a considerable distance in order to take part. Unless the FPDA exercises

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[21] Mark J. Valencia and Nazery Khalid, 'The Somalia Multilateral Anti-Piracy Approach: Caveats on Vigilantism' at *Austral Policy Forum 09-4A* (2009), p. 4.
[22] Valencia and Khalid, p. 5.

continue to remain relevant and valuable, the three external members may be forced to reconsider their level of participation.[23]

The second problem the FPDA faces is the high level of operational commitments that Australia and Great Britain are currently maintaining due to their commitments in Iraq and Afghanistan. With Australia and Great Britain committed elsewhere, Malaysia and Singapore may expect to take a greater role in the management of FPDA bodies such as the headquarters Integrated Area Defence System, and if this occurs Australia and Great Britain may be less interested in maintaining their commitment.[24]

A third difficulty that the FPDA faces is that, as Australia and Great Britain seek to remain interoperable with US forces, they may move away from capabilities which are relevant to the FPDA. Also, if they move at a pace in acquiring new technologies which the other partners are unable to maintain, interoperability within the FPDA may be significantly compromised.[25]

While these issues definitely present challenges which the FPDA member nations will need to overcome, the organization has proved resilient in the past and it has changed to become a relevant organisation which is directly addressing current security issues in the region. Considering the development seen in the FPDA since its creation in 1971, it would be unfortunate for it to fail to overcome these new challenges. New Zealand is a great supporter of the FPDA, and in order to ensure it continues and remains relevant, it should make every effort to overcome these challenges.

The ASEAN Regional Forum

New Zealand's membership of the ARF will enable it to contribute to discussions on regional responses and actions regarding issues such as maritime security. New Zealand is unlikely to be viewed suspiciously or

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[23] Thayer, p. 95.
[24] Thayer, p. 95.
[25] Thayer, p. 95.

with hostility within the ARF, and thus it may be well placed to make suggestions and contributions in the area of maritime security. Maritime security in Southeast Asia has often been hampered by sovereignty concerns, especially when extra-regional powers attempt to make suggestions on how the Southeast Asian region should handle the issue. These suggestions are often seen as outside states attempting to infringe on the littoral states' sovereignty. Southeast Asia's acceptance of New Zealand as a significant participant in maritime security discussions can be seen by New Zealand's hosting of the 2nd ARF Inter-Sessional Meeting on Maritime Security on 29 and 30 March 2010.[26] New Zealand is likely to continue to be active within this forum and can potentially play a significant role in enhancing maritime security in Southeast Asia through this involvement.

The Pacific and the Future

Traditions Continued

There has been a strong tradition of New Zealand involvement in maritime security in the Pacific and this is likely to continue. As one of the larger regional states, New Zealand maintains a strong obligation to assist its neighbours in ensuring their security. New Zealand also benefits from this arrangement as any instability or insecurity in the region has the potential to affect New Zealand as well.

New Zealand's defence obligations to its island territories will continue for the foreseeable future. These territories are so small that they would have very little likelihood of surviving economically if they were to remove themselves from their special relationship with New Zealand. The MAP will also likely continue into the future, with New Zealand aiding Pacific Islands defence and police forces to meet the various challenges they face in attempting to enforce their control over their often vast areas of jurisdiction. Additionally, New Zealand will continue, and likely have an

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[26] ASEAN Regional Forum, *Calendar* [online]. Updated 2010, <http://www.aseanregionalforum.org/Calendar/tabid/172/Default.aspx> [accessed 18 February 2010].

increasing role, in fisheries protection in the Pacific, particularly through EEZ patrols. The OPVs will be well suited for this and will garner goodwill from Pacific Governments. New Zealand will be particularly relied upon if Australia continues to maintain a high level of involvement in overseas conflicts, such as Iraq and Afghanistan.[27] Currently these efforts absorb much of Australia's resources, and therefore they are unable to provide the same level of assistance to the Pacific island nations.

The FFA will continue to be an important means through which Pacific Island nations are able to gain assistance for the management and protection of their fish stocks. New Zealand, through its membership in the FFA, will continue to assist the other members. This will take the form of technical assistance and advice, as well as practical measures such as EEZ patrols and maritime surveillance. The FFA provides a wide range of fisheries management tools, but without the means of monitoring and enforcing them, the Pacific island nations would be unable to gain their full benefit. New Zealand is able to provide the practical means, as well as the diplomatic influence, to monitor and enforce these regulations. New Zealand is likely to continue to advocate for the Pacific Islands in international forums, when their interests coincide. This is often the case with maritime security issues.

China's Growing Influence in the Pacific

Because of the growth of China's armed forces, people in China's region are wary of its future intentions. China is a growing world power and it wants to be able to have the influence that it sees as commensurate with such a position.[28] One of the reasons given to explain China's naval build-up is to be able to ensure that no outside state could interfere in any confrontation with Taiwan, which China sees as an internal matter.

China also has territorial disputes with its Southeast Asian neighbours. China claims the South China Sea and its islands as part of Chinese

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[27] Bateman and Bergin, 'Maritime Security', p. 56.
[28] Jae-Hyung Lee, 'China's Expanding Maritime Ambitions in the Western Pacific and the Indian Ocean', *Contemporary Southeast Asia,* 24, no. 3 (2002), p. 550.

territory and disputes ownership claims by at least four of the Southeast Asian states.[29] This has in the past caused huge tension and even direct military conflict. While in recent years China has agreed to settle all South China Sea disputes without using violence, its past actions leave many in the region sceptical.[30] China's claims, as those of the other claimant nations, appear to be driven by the desire to claim exclusive rights to the vast oil and gas resources believed to be present under the sea floor of the South China Sea.[31]

If China were to return to violence to resolve these territorial disputes, it would not only have an impact on the nations in the region, but also outside nations such as New Zealand who rely on safety and stability in the region for uninterrupted trade.[32] If China was to have a direct conflict with Malaysia, New Zealand would also be faced with the dilemma of how to react, given its membership of the FPDA and the obligation this brings to consult if Malaysia or Singapore is threatened or attacked.[33] While this is an unlikely scenario, New Zealand must be wary of the military and particularly naval rise of China.

If China seeks to challenge the US Navy's dominance of the Pacific, then the consequences could be significant for the Asia-Pacific region as a whole.[34] China has already stated a desire to increase its naval influence out into the Pacific and the US is unlikely to give up its influence willingly.

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[29] Joshua P. Rowan, 'The U.S.-Japan Security Alliance, ASEAN, and the South China Sea Dispute', *Asian Survey,* 45, no. 3 (2005), p. 426.
[30] Rowan, p. 434.
[31] Rowan, p. 426. These countries seek to claim legal ownership of the Spratly Islands in order to claim a 12nm territorial sea around them as well as a 200nm EEZ. However, not all the features of the Spratly Islands would generate territorial seas or EEZs as they do not meet the requirements of UNCLOS. UNCLOS requires any islands to be naturally formed and above water at high tide in order for them to generate a territorial sea or EEZ. Many of the reefs and rocky outcrops in the Spratly Islands do not sit above water at high tide and others have been artificially modified so that they do. This then defaults on the naturally formed criteria. Ian Townsend-Gault, 'Preventive Diplomacy and Pro-Activity in the South China Sea', *Contemporary Southeast Asia,* 20, no. 2 (1998), pp. 177-178.
[32] David Dickens, *The Revolution in Military Affairs: A New Zealand View Part I* (Wellington, New Zealand: Centre for Strategic Studies, Victoria University of Wellington, 1999), p. 15.
[33] Thayer, p. 81.
[34] Ian James Storey, 'Creeping Assertiveness: China, the Philippines and the South China Sea Dispute', *Contemporary Southeast Asia,* 21, no. 1 (1999), p. 99.

China is also trying to spread its influence in the Pacific through diplomatic and financial means.[35] If successful, this would see a decrease in New Zealand's influence in the region. Of particular concern is China's attempt to gain influence in post-coup Fiji. Fijian military officers are now replacing lost training opportunities with New Zealand and Australia, with training in China and India. Of particular concern is China gaining access to Fiji's deep-water port and airport, which if available for use by China's military, would give it a base from which it could project power throughout a wide region of the Pacific.

Conclusion

As New Zealand looks to the future, it needs to take account of the asymmetric threats which have emerged as a pressing threat to world security. Thus, New Zealand has to adapt and develop new capabilities and relationships able to effectively deal with these threats. New Zealand is also faced with the reality that countries surrounding it are modernizing and strengthening their armed forces, particularly their navies. This raises the potential intensity of hostilities which would ensue if conflicts were to break out, and New Zealand needs to be conscious of what these new acquisitions mean for its ability to ensure its own maritime security and wider interests. In order to respond to these challenges, New Zealand will continue its traditional contributions as well as building on new capabilities and an increasing role in regional organisations which enable it to participate heavily in maritime security in the region.

The primary maritime security threats to New Zealand's territory include IUU fishing, and other illegal activities within New Zealand's EEZ and territorial waters. New Zealand also faces possible threats from the increasing number of submarines being acquired by Southeast Asian navies. While the RNZN's capabilities have been enhanced, more can be done. In 2009, New Zealand launched a Defence Review which will shape the future of the NZDF and the role it plays in regional and global security.

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[35] Tamara Renee Shie, 'Rising Chinese Influence in the South Pacific: Beijing's "Island Fever"', *Asian Survey,* 47, no. 2 (2007), p. 315.

In Southeast Asia, terrorist attacks and piracy remain significant threats which could affect New Zealand's security. There is also a continuing trend within regional security organisations to focus on maritime security and New Zealand has sought to play a prominent role in these discussions.

Within the Pacific, New Zealand is likely to continue with its traditional involvements in the region. New Zealand will maintain its defence obligations to its island territories, and continue to assist its smaller northern neighbours through EEZ patrols. The MAP is likely to remain an important means for New Zealand to assist regional police and defence forces. It will also maintain its SAR commitments to the region. Furthermore, the FFA will remain a highly important organisation for the Pacific nations and New Zealand. Additionally, New Zealand should be wary of China's growing influence within the region. China is potentially looking to challenge US dominance in the Pacific, and this could have a negative impact on security throughout the Pacific.

Finally, as we look towards the future it seems that New Zealand is finally coming to terms with the reality of its maritime environment and the security implications which come with it. New Zealand has significantly increased the navy's capabilities and is beginning to take an increasingly active role in international organisations dealing with maritime security. This all bodes well for New Zealand's future involvement in maritime security in Southeast Asia and the Pacific.

Chapter Seven - Conclusion

Throughout the period covered in this thesis, the way in which New Zealand has sought to be involved in maritime security has evolved. In the early post-WWII years, New Zealand's primary focus was on the threat posed by the Soviet Navy and therefore it established a navy based around fast ASW capable frigates and an air force capable of tracking and attacking enemy submarines. New Zealand's view of maritime security focused on naval threats from other countries and as such it was the domain of the armed forces.

As negotiations for UNCLOS progressed it became clear that the idea of a 200nm EEZ was likely to be accepted and made international law. Because of this, many nations, including New Zealand, declared 200nm EEZs and suddenly found themselves with rights and responsibilities for large maritime areas. This led to an increased emphasis being placed on fisheries and resource protection as part of maritime security. However, this remained the realm of the RNZN, who were responsible for patrolling the EEZs of New Zealand and its Pacific neighbours.

The mid-1980s saw New Zealand adopting a more independent stance and falling out with the US over nuclear ship visits. This resulted in New Zealand focusing on its own maritime security issues such as fisheries management. New Zealand also sought to increase its involvement in the provision of maritime security for its Pacific neighbours. This was achieved through objections to French nuclear testing, the creation of the SPNFZ and increasing military exercises with local defence forces

With the end of the Cold War, New Zealand, along with many other nations, sought to adjust to the altered security environment. New Zealand increased its involvement with its remaining allies and built deeper relationships with regional (Southeast Asia and the Pacific) neighbours. Fisheries protection and management also emerged as an important focus for maritime security with the decrease in perceived threats that came with the end of the superpower rivalry. Another result was the re-examination

of defence priorities in order to adjust to the new strategic environment. A consequence of this was a reduction in the combat capabilities of the NZDF as no direct threat was seen.

With the terrorist attacks of 11 September 2001, the global security environment once again altered significantly. New Zealand, like most of the world, sought to support the US-led efforts to combat terrorism. Initially this did not have a strong maritime dimension. However, as the implications of a maritime terrorist attack on international shipping or a busy port in Southeast Asia were realised, maritime terrorism became an important focus as well. This focus was reinforced by terrorist attacks in Southeast Asia including the bombing of a ferry in the Philippines. Piracy had also grown as a security issue in Southeast Asia and forced its way onto the maritime security agenda of states involved in the region and regional organisations. New Zealand has been involved in these issues through the FPDA and the ARF. These events saw New Zealand's focus on maritime security move even further away from state-based threats to include asymmetric threats as well as fisheries.

As we look to the future, many of New Zealand's traditional involvements in maritime security in the Pacific will continue. Involvement in Southeast Asia will likely continue through New Zealand's membership of regional organisations and security relationships. Asymmetric threats and IUU fishing appear to be the most likely maritime security threats. New Zealand needs to develop its approach to maritime security if it is to successfully combat these threats. However, New Zealand also needs to be wary of the increasing number of submarines being acquired by regional armed forces and the potential threats these may pose. China's growth as a world power and its naval expansion have the potential to upset the regional balance of power and possibly create a threat to regional maritime security. New Zealand needs to maintain a balanced approach to maritime security by being prepared to address a range of threats. This includes maintaining a high level maritime combat capability as a precaution against the possibility of facing such a threat.

The period of time covered in this thesis has seen New Zealand's involvement in maritime security move full spectrum from the traditional idea of maritime security to a far more modern and comprehensive view. This has involved a transition from the navy focusing on threats from other states to the navy, in concert with organisations such as the Ministry of Fisheries, addressing non-traditional issues such as fisheries protection. From there, the focus has moved completely away from traditional state-based threats to asymmetric threats involving non-state actors such as pirates and terrorists. The navy is still the primary mechanism for dealing directly with these threats. However, organisations such as Customs and the Ministry of Foreign Affairs and Trade have also taken part in developing systems for dealing with such threats. The changing security environment has also seen an increase in diplomatic efforts to address maritime security issues and this has been evidenced in the range of international agreements negotiated. New Zealand is now faced with the challenge of combining the past approach of dealing with naval threats with the current approach of dealing with asymmetric threats in order to be prepared for an uncertain future.

While New Zealand has been successfully involved in a wide range of efforts to increase maritime security, there have been several areas of concern and also potential problems for the future. Throughout the years covered in this thesis New Zealand has at times demonstrated a concerning pattern of being slow to sign, and especially ratify, important international agreements. This has certainly been the case in regards to important agreements such as UNCLOS, SUA and the IMO SAR convention. If New Zealand is to present itself as a nation wishing to promote maritime security, it needs to be willing to follow through and sign and ratify international agreements in a timely manner. In the case of the SUA convention, New Zealand did not make the provisions of the convention New Zealand law until seven years after the convention came into effect internationally. For a convention which New Zealand was involved in negotiations for, and which it signed, the delay is concerning.

In regards to New Zealand's reluctance to ratify UNCLOS, it is somewhat ironic that one of the primary concerns was the US stance on UNCLOS when, only years after UNCLOS was signed, New Zealand ignored US opinion when banning visits by nuclear vessels to New Zealand.

The consequences of the decision to ban nuclear ships are another area where the New Zealand Government appeared to relegate maritime security concerns behind other agendas. The loss of the defence relationship with the US brought with it a considerable decline in New Zealand's maritime security. Not only did New Zealand lose the guarantee of US support if attacked, but New Zealand's armed forces also lost valuable training opportunities and access to equipment and intelligence. Thus, while the decision to ban nuclear powered ships may have been defended as increasing New Zealand's security by reducing the chance of attack, it had an even greater negative effect on New Zealand's maritime security.

This stance regarding the danger of nuclear weapons was also seen with New Zealand's objections to French nuclear testing in the Pacific. For years New Zealand attempted to bring about an end to French testing on environmental grounds and the dangers it posed to the Pacific maritime environment. These efforts were largely unsuccessful and opposition to French nuclear testing brought about a violent response from France. In 1985, in an attempt to stop Greenpeace protests at Moruroa atoll, the French secret service bombed the Greenpeace flagship the *Rainbow Warrior* causing irreparable damage and killing one crew member. Despite New Zealand's strong reaction to the attack, they were unable to bring the majority of those involved to justice. The inability to bring the perpetrators to justice was a disappointing end to a shocking attack carried out in New Zealand.

Another poor decision by the New Zealand Government, which decreased its ability to be involved in the provision of maritime security (and security in general), was the cancelling of F-16 lease and disbandment of the Air

Combat Force. As mentioned earlier in this thesis, the RNZAF Air Combat Force would have been one of the NZDFs best assets when a quick response was needed for dealing with a high risk maritime threat. This decision, coupled with the same government's decision to reduce the RNZN Combat Force to two frigates, indicates a distaste for dealing with the high intensity end of the maritime security spectrum. This is disappointing because for a nation to be truly secure and prepared for future threats it needs to be willing to address all levels of maritime security.

Following the decision by the government to cancel the planned upgrade of the *Orions'* mission systems, they eventually adopted a similar upgrade without the ASW capability. Helen Clark, the Prime Minister at the time, argued that there were no hostile submarines in the region nor had the *Orions* ever found any, therefore maintaining a submarine detection capability was unnecessary. This may yet prove to be a very short-sighted view, with many nations in Southeast Asia now acquiring a submarine capability. This decision has seen New Zealand move away from an important part of its traditional approach to maritime security and may prove costly in the future. It also limits New Zealand's ability to contribute to certain aspects of any future multilateral operations given their inability to detect, track or attack hostile submarines.[1]

New Zealand has for many years enjoyed the luxury of being geographically removed from any major threats to its security. However, as the global security environment has changed New Zealand has had to face the reality that its interests may soon come under threat. The future is uncertain, but New Zealand must acknowledge its maritime nature and be better prepared to face whatever maritime security threats should emerge.

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[1] The *Orions* can carry depth bombs (aerially dropped depth charges). However, if the *Orions* are unable to locate submarines (which is highly likely), they would also be unable to attack them.

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