

Photo by Peter Steeper see www.photoguid.ns.ca



The magnificent Canadian coastline at Cape Forchu near Yarmouth, Nova Scotia.

BEST PRACTICES FOR CANADIAN MARITIME SECURITY – A COMPARISON OF THREE NATIONAL APPROACHES

by Peter Avis

Introduction

Canadians have been forced to learn a great amount about national security in the five years since the 9/11 attacks. However, it is only since the London bombings in 2005 and the more recent capture of alleged, ‘homegrown’ Canadian terrorist conspirators in Brampton, Ontario, that we have collectively, and reluctantly, ventured into the macabre risk-management equation of security against strategic jihadist terrorism. Somehow, up until London, the terror was perceived by Canadians generally to be affecting people who lived oceans away and beyond Canadian concerns.

This article will compare different national approaches to maritime security in order to identify a methodology to find best practices suitable for consideration by the Canadian government in future maritime security policy development. Moreover, the resultant best practices help us understand what choices are available to the various western democracies in the new battlespace, which has changed with the advent of strategic jihadist terrorism. It would appear that countries that perceive a direct threat

to their homeland, particularly that of strategic jihadist terrorism, are likely to weigh their priorities in favour of cooperative and pro-active approaches in terms of national and maritime security. By enacting these preventive approaches, the nations so disposed seek to actively prevent major attacks on native soil, and to neutralize a threat, before it can actually take place, far beyond their borders.

“The collision of values runs through the war on terrorism.”¹ All democratic governments that are reacting to this call to collaborate for security will be faced with strident objections from those who are entrusted with protecting civil liberties. The ability to share information among federal departments and local responders to ‘close the seams’ that terrorists utilize

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inevitably comes at the price of some individual privacy to a nation's citizens. Countries that perceive a direct threat to their security are more likely to allow compromise to their nation's civil liberties. This is a debate that each country must complete in order to achieve a balance that is right for their particular cultural makeup. In response to the blurring of functional lines by the terrorist, the functional divisions of government are being altered and re-shaped to deal with the new realities. A synthesis of the comparative studies presents some interesting conclusions concerning the debate between national security and civil liberties.



Royal Australian Air Force

AP-3C *Orion* maritime patrol aircraft. The Royal Australian Air Force AP-3C *Orion* is an extremely versatile aircraft capable of maritime surveillance, anti-submarine and anti-ship warfare, naval fleet support, and search and survivor supply.

Methodology

National security is a state of being that is achieved through a national government's action that "deals with threats that have the potential to undermine security of the state or society."² As Admiral Gary Garnett has stated, it "represents the preservation of the nation's people, resources, and culture."³ As a subset of national security, *maritime security* is a nation's ability to address successfully the security challenges facing it that reside in the maritime environment.

Traditionally, governments have involved themselves with four major functional areas relating to national security: law enforcement, intelligence, infrastructure protection, and defence. The departments that have responsibility for these functional areas have legislated mandates that bestow a certain specific authority to carry out their tasks. In response to the blurring of functional lines by the advent of strategic terrorism, the divisions of government are being altered and re-shaped to deal with this new reality. Government response in the maritime context can be separated into four key general security activity categories:⁴

Domain awareness: The activity that enables a nation to comprehend what is happening, and who is present, in all areas of maritime responsibility. It is composed of surveillance and intelligence efforts, designed to collectively build a comprehensible picture of a nation's maritime zones and interests – both domestic and international;

Safeguarding: The activity that ensures the physical security of maritime infrastructure – ports and vessels, as well as

other critical infrastructure in or around areas of maritime responsibility, including offshore platforms. It also enhances personnel security by preventing threats from entering the national maritime system;

Responsiveness: The activity that executes the national will to enforce the law – or to take military action – to prevent imminent threats and to apprehend perpetrators. It includes the enforcement efforts of all relevant police forces, security agencies, and military units, in foreign and domestic fora, to intercept and capture threats; and

Collaboration: An activity that is somewhat qualitatively different from the previous three activities, in that it can be seen as an 'enabler' activity for all parts of maritime security. Collaboration includes elements of information sharing, coordination, cooperation, and unified action.

By filtering national case studies on maritime security in Australia, the Netherlands, and Norway through these four essential activities, it is possible to compile a list of successful approaches by maritime nations to maritime security. And through comparative observations across these case studies, a list of some relevant *best practices* can be extracted or distilled.

For the purposes of this article, *best practices* are defined as processes or approaches that are a) successful over time, b) display recognized positive outcomes, and c) have local importance to Canada. To be a *best practice*, an approach must fulfill the requirements of *all three* criteria.

Australia's Approaches to Maritime Security

The first case study focuses on Australia. A key event that occurred in 1997 set things in motion. The Australian Senate Committee on the National Crime Authority took to heart the Head of Interpol's emphatic point that, "the key issue in the lead-up to the Olympics is *prevention*, and that every effort should be made to ensure that information of a preventive nature is freely distributed between relevant agencies, *even to the point of removing legislative barriers* to such free exchange."⁵

The ten-year evolution of Australia's integrated security system and the approaches that the Australian government has chosen to adopt for increased maritime security are a product of a continuous government vision that seeks to address the unique challenges of Australia's strategic situation. In what amounted to a fundamental change in defence policy in 2004, the government decided that the Australian Defence Force would take direct responsibility for offshore counter-terrorism. This decision led to three major initiatives that are currently being implemented:

- 1) The establishment of the military-led Joint Offshore Protection Command;
- 2) The implementation of the Australian Maritime Identification System; and
- 3) Augmented security patrols.⁷

The high importance placed upon collaboration and domain awareness, and the resulting shift in the security *versus* civil rights debate, stems from an early and comprehensive understanding of the new global threat, as well as from a profound appreciation for Australia's geographic and strategic position in the world.

With this prescient foundation to security policy, the Australians prioritized the four aforementioned key security activities in the following order: collaboration, domain awareness, safeguarding, and responsiveness. Ensuing research revealed 10 important Australian maritime security approaches.

Maritime Security Approaches in the Netherlands

The second case study involves Europe, and the complex, intertwined security reality of the Netherlands. Positioned as one of the major European transportation hubs, the Dutch strongly believe that the sea matters enormously to them. The Netherlands has been a country that founded its future prosperity on espousing the free

movement of goods and people across sovereign borders, and through parceled maritime zones. The 2004 murder of Dutch film personality Theo van Gogh, and the resulting social backlash from the Dutch public, underscored deepening concern over multi-culturalism and overcrowding in the Dutch cities. Legislation concerning civil rights has evolved in order to enhance Dutch domestic security capabilities.

The approaches that the Dutch government has adopted to enhance maritime security stem from the compromises that the Netherlands has had to embrace, given its strong support of multi-lateral institutions, and its key strategic position as a trade hub for an enlarged Europe. As such, the Dutch must often abide by decisions that are compromises from the larger community, and, occasionally, the *lack* of decisions by these bodies. With limitations on flexibility, due to the constraints from community memberships, the Netherlands opt to gain the maximum utility from relationships between countries, departments, and agencies at the various levels of Dutch government and society. With respect to maritime security, the Dutch give priority to collaboration, safeguarding, domain awareness,

and responsiveness, in that order.⁶ The prominence of safeguarding after collaboration is due to the complex, interdependent strategic situation in which the Netherlands finds itself, which leaves physical domain awareness less achievable, and to the high value placed on infrastructure of hub ports and maritime assets, which factor so strongly in the Dutch economy. Several maritime security approaches in each area were revealed through analysis.

Norwegian Maritime Security Approaches

The final case study involves Norway. Norwegian society does not, as yet, have overwhelming concerns with respect to the possibility of terrorism inside its national boundaries. Furthermore, the government's close relationship

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Royal Netherlands Navy

HNLMS *Dolfijn* is a diesel-electric submarine of the *Walrus* Class, and it has many sovereignty applications.

to NATO and the Norwegian perception of the threat, have shaped Norway's security policy, such that protecting Norwegian sovereignty 'takes a back seat' to preserving freedom of action, and contributing to international stability.⁸ Thus, its second national security aim, "to safeguard Norwegians' rights and interests and to preserve Norway's freedom of action in the face of political and military duress,"⁹ ranks above protecting sovereignty, and leads to a different set of priorities in its security approaches.

The economy and the environment, which are linked to future economic strength, factor strongly in security concerns. Terrorism is seen as a crime, and one that is real, but primarily directed at *other* states and foreign ports. The immigrant population of Norway is small, and the government is progressive in facing the challenges of that community's integration into Norwegian society. Consequently, Norway prioritizes its national ability to react with strength and agility to modern threats as the most important security concern. Thus, with respect to maritime security, the Norwegians placed responsiveness first, domain awareness second, safeguarding third, and collaboration last.¹⁰ In order to be able to respond in a timely and accurate fashion, domain awareness is critical, and that is why it is placed second in importance. Furthermore, broad intelligence ties, mostly bi-lateral in nature, increase domain awareness potentially. Traditional information-sharing and collaboration practices appear to have sufficed, at least to date, for the Norwegians. Therefore, while there is ample friction between civil rights and national security concerns in the country, the aggressive change to appropriate legislation taken in other countries has not been as prominent in Norway.

Seven Best Practices

By comparing the 22 maritime security approaches culled from the three case studies, it was possible to identify seven *best practices*, according to the chosen criteria.

The success of the 'whole of government' approach was apparent in Australia's reaction to Bali, and to the war on terrorism. Through timely, wide-ranging legislation and steadfast government leadership, the Australian security structure was rebuilt, espousing a horizontal, cross-culture approach to information-sharing. Moreover, a simple yet powerful inter-governmental agreement on counter-terrorism paved the way to achieve strong vertical collaboration between *levels* of government. Aspects of this collaborative *best practice* approach, especially with respect to legislation on information-sharing, intelligence coordination with law enforcement, and inter-departmental linkages, would address the concerns of the Canadian Senate concerning flow between the federal government and 'first responders.' The Canadian National Security Policy strives for an integrated government. Adoption of this approach would bring us closer to that goal.

Australia's Common Risk Assessment Methodology (CRAM) is a tactical-level *best practice* of collaboration. Inputs from regional centres are collected three months prior to the period of interest, compared with inputs from other regions, assessed against intelligence for probability of occurrence, weighed for economic, social, and environmental severity, and then assigned



Norwegian Navy photo UIZ9102 by Arne Juvang

Norwegian mine sweeper and a Bell SP 412 helicopter during the Exercise *Mobil Innsats* in 2006.

a common risk score. From these reports, the central authority can mete out air and sea security resources according to the assessment priority. Australia has been able to increase the number of apprehensions of illegal migrants, from 42 in 1998/99, to 162 last year, by placing the right resources in the right area at the right time.¹¹ This process could be adopted by Canadian federal and regional agencies to coordinate surveillance resource management across Canada, including the areas of the Great Lakes and the Arctic coasts.

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The complex maritime security environment that the Netherlands finds itself in has spawned a powerful strategic *best practice* in the form of the International Deliberations over North Sea Governance (IDON). Freed from the rigours of Cabinet time constraints, this permanent committee combines decision-makers from across all relevant departments to debate maritime-related laws and policies, in which political issues of economy, environment, security, and society overlap. For 25 years, this group has ensured that a unified and prepared Dutch voice is heard in national, European Community, and international fora. Its ongoing success in winning Dutch interpretations of water boundaries and traffic routing is an indicator of this committee’s value.¹² Canada has an Oceans Act that is evolving to integrate the many issues involved in maritime security. A Canadian version of IDON would ensure a unified Canadian voice to work on governance issues between nations, particularly in the changing Arctic region of Canada.

The emphasis on civil air surveillance is a strategic *best practice* that has allowed the Australian Customs Coastwatch to improve dramatically its domain awareness. In order to achieve an impressive 90 percent surveillance coverage rate in the most vulnerable areas of the north and northwest, Coastwatch utilizes 83 staff members and 17 aircraft, flying 4500 surveillance missions. With an overall cost of \$A70 million for contracts each year, Coastwatch has succeeded in satisfying its clients. Illegal arrivals by sea plummeted from the 3000 to 4000 range in 1999, to fewer than 10 in both 2002 and 2003.¹³ Canadian surveillance of this variety, provided to the coasts and in the Arctic, are miniscule by comparison. Concentrated civil air surveillance is a strategic *best practice* that could improve Canada’s maritime domain awareness to desired levels in all zones for an interim period, until other, more sophisticated and capable technologies come on-line.

The other side of domain awareness is intelligence. The Australian Secret Intelligence Service (ASIS) adds the foreign human intelligence that is crucially important for identifying terrorist or criminal suspects

before they arrive in Australia. Some of this information is fed into the tightly controlled travel entry/exit database that is maintained by customs and immigration. While the Canadian Secret Intelligence Service (CSIS) has a small but growing capability in human security intelligence outside Canada, the nation has no dedicated foreign espionage agency. It has been stated by top Canadian government officials that Canada would be well served by a foreign intelligence agency.¹⁴ The ASIS model for foreign intelligence could be transportable to Canada – although it is likely not compatible with the present CSIS arrangement.

The *best practice* for safeguarding activities appears to be a specialized federal police force that is used specifically in the Dutch municipal jurisdiction of Rotterdam. Tasked with border enforcement and security within the harbour limits, the Rotterdam-Rijnmond Seaport Police share information, and cooperate with federal intelligence and law enforcement agencies in the world’s largest container port. This relationship has existed for 10 years. Recent arrests and prosecutions of terrorist suspects in Rotterdam attest to the deterrent and preventive value of this force.¹⁵ While there have been efforts to include federal enforcement personnel in Canada’s major ports, there is not enough police presence and capability in many active ports.¹⁶ The federally-run, port police approach is worth considering for major ports in Canada. There also may be value in such a force to safeguard the various seaways, dams, and canal systems.

Only Norway chose responsiveness as its highest-ranked key security activity. As such, the widespread use of elite police response units factors as a *best practice*. The combination of the federally controlled Delta Force, with specially trained police officers in all regions, provides a ‘round the clock’ capability to carry out counter-terrorism tactics in all maritime venues. Furthermore, cross-training with the military special forces (FSK) ensures that tactical handoffs to skilled operatives work smoothly. Recent successes in the war on terrorism are indicators that the capability is strong, and is oriented directly towards maritime challenges.¹⁷

Canada has Joint Task Force Two (JTF-2), which has a small maritime special force component. Law enforcement agencies do not have specific maritime counter-terrorism forces, although the RCMP has armed ship-boarding teams that can board and seize a vessel. The cross-country training of port city police forces, specialist police maritime counter-terrorism forces, and cooperative mandates with military special forces would markedly improve Canada’s ability to react in this area.

“The federally-run, port police approach is worth considering for major ports in Canada.”

General Comparison of Country Characteristics				
Country	Australia	Netherlands	Norway	Canada
Relative Importance of Maritime Interests to Economy	High	High	High	Medium
Merchant Navy Size	Small	Large	Large	Small
Offshore Petroleum	Small	Medium	Large	Medium
Perception Of Threat	Direct	Indirect To Direct	Indirect	Indirect
Immigration - Percentage Non-Western - Control	- 20% - Via Sea - tight control	- 10% - Via Land - Open – changing to tight	- 5% - Via Air - Tight control	- 17% - Via Air - Open
State Isolation Or Independence	High	Low	High	Medium
National Security Legislation	Aggressive	Aggressive (Recent)	Traditional	Aggressive
Priority Of Key Activities	C,DA,S,R	C,S,R,DA	R,DA,S,C	C,DA,S,R
Best Practices	2C, 2DA	1C, 1S	1R	—
Proactive Or Reactive	Proactive	Proactive	Reactive	Reactive

Table 1

Synthesis and Conclusions

It is evident from the groupings of priorities in the three case studies that *best practices* reveal a relationship that exists *between national perception of threat* and *national response* through maritime security activities. Countries such as Australia that feel a threat directly, particularly that of strategic terrorism, are likely to weigh heavily their priorities in favour of cooperative and pro-active approaches in the key activity areas of collaboration and domain awareness. By enacting these preventive approaches, nations so disposed seek to actively prevent major attacks on native soil, and to neutralize the threat far beyond their borders before it can take action.

On the other hand, countries like Norway that perceive the threat to be largely indirect – that is, they concede that the threat exists, but believe it to be directed towards other nations – are more inclined to prioritize reactive activities the highest. In doing so, they preserve their independence of policy selection, and they provide insurance for what they already possess. The Netherlands, a deeply multi-cultural country that has experienced a recent spiraling unease about the internal threat, and which is permanently linked to the European Union, places high value on collaboration to survive in the regional community. However, it also prioritizes safeguarding highly, due to its importance as a major maritime trading hub. Table 1 synthesizes these findings.

These findings make it clear that if one desires to increase the preventive nature of national response, it follows that one would likely have to increase the national perception of direct threat on a nation's interests and values.

A theme of friction between *national security* and *civil liberties* was apparent in all cases studied. To enable a government to allow the sharing of information and intelligence, both vertically and horizontally, laws are often enacted that force compromise on hard-fought civil liberty and privacy laws. The ability to share information between federal departments and local responders, to 'close the seams' that terrorists utilize, inevitably comes at the price of some individual privacy for citizens. Countries that perceive a direct threat to their security are more likely to allow compromise to their nation's civil liberties. The work of the Senate and the House of Commons Committees on their review of the Anti-Terrorism Act shows promise for a scope wide enough to include policy discussions on information-sharing and interoperability.

While a substantial amount of progress has been made in maritime security, the perception of threats to Canada remains indirect in the vast majority of Canadian minds. Even after the capture of alleged Canadian 'homegrown terrorists' in Brampton, Canadians continue to show great reluctance to join in the security *versus* privacy and civil rights debate. If a more preventive approach is indeed required in Canada's situation, the widespread education of Canadians, and, more specifically, Canadian politicians, with respect to strategic terrorism and its relationship to Canada and Canadian maritime interests, must take place. Since the London bombings, both Canadian governments in power have commenced this process. Moreover, Canadians must understand that the threat to Canada can also take the form of a conduit for direct threats to the United States. Government organizations that deal with information concerning interactions with terrorists in Canada should consider

declaring their successes and defeats publicly when national security considerations so permit. Canadians have to know that the terrorist battlespace exists inside Canada. In order to adopt a culture of prevention and integrated government, in any form, Canadians must feel the need – they must perceive a direct threat.

“While it is not always apparent to Canadians, the sea matters.”

Finally, now that Canada has a three-year-old national security policy, the time is right for a national security strategy that spawns a maritime security strategy – a document that will incorporate national policy direction from the maritime perspective. In such a strategy, the economic, social, security, environmental, and political pillars of society should be considered with respect to ocean governance. This policy development would have to correlate with ongoing work on the

Transportation Security Strategy, the Oceans Action Plan, and an Arctic strategy.

By using the four key government security activities – collaboration, domain awareness, safeguarding, and responsiveness – the maritime environment can be organized strategically. In the Canadian context, the methodology to find best practices used in this article could help to inform the developers of a Canadian maritime strategy. The time is right to develop such a strategy in Canada. While it is not always apparent to Canadians, the sea matters. By using the experience from other countries for whom the sea matters, Canada can adapt its approaches to maritime security to cope better with the changed battlespace of the post 9/11 era.



NOTES

1. Gregory Treverton, “Balancing Security and Liberty in the War on Terror.” Available from <<http://www.maxwell.syr.edu/campbell/Library%20Papers/Event%20papers/ISHS/Treverton.pdf>>, accessed 15 September 2004, p. 20.
2. Privy Council Office, *Securing an Open Society: Canada’s National Security Policy* (Ottawa: Privy Council Office, 2004), p. 3.
3. Vice-Admiral (ret’d) Gary Garnett, representing the Navy League of Canada. Opening statement for his interview with The Standing Senate Committee on National Security and Defence, Ottawa, 12 May 2003.
4. Department of Transport, *Enhancing the Security of Canada’s Marine Transportation System* (Ottawa: Interdepartmental Marine Security Working Group, 2004), p. 3.
5. Australia, Parliamentary Joint Committee on the National Crime Authority, *Hearings on National Crime Authority: Mr. Raymond Kendall, Secretary General of Interpol*. Canberra, 5 December 1996, p. 8. Available at: <http://www.aph.gov.au/senate/committee/acc_ctte/annual/1996/report2/contents.htm>. Author’s italics to highlight Kendall’s idea of altering legislation to enable increased information-sharing between the two security cultures.
6. Russ Crane, Commander of the Australian Joint Offshore Protection Command, an interview for *Defence Magazine*, May 2005. Available at: <<http://www.defence.gov.au/defencemagazine/editions/20050501/groups/cjo.htm>>, accessed 20 February 2006.
7. Captain (N) Dick Ooms, Director Command, Control, Communications, Computers and Intelligence (C4I), Netherlands Ministry of Defence Headquarters, telephone interview by author, Ottawa/Amsterdam, 5 August 2004.
8. “Norwegian Defence Facts and Figures 2003,” *Norwegian Department of Defence website* (July 2004). Available at <[http://odin.dep.no/fd/engelsk/publ/veiledninger/010011-120046/hov005-bn.html#hov.ing.6](http://odin.dep.no/fd/engelsk/publ/veiledninger/010011-120046/hov005-bn.html#hov.ing.6>)>, accessed 16 September 2004.
9. “Norwegian Defence Facts and Figures 2003.”
10. Commander Espen Sundal, former Operations Officer for NATO NORTHCOM Headquarters in Stavanger, Norway, telephone interview by author, Ottawa/Stavanger, 19 August 2004.
11. Australia, Official Coastwatch Presentation to the Canadian Navy, Canberra: National Surveillance Centre, 25 February 2004.
12. Michael Barry, Ina Elema, and Paul van der Molen, “Ocean Governance in the Netherlands North Sea,” in *FIG (Federation Internationales des Geometres) Working Week 2003* (Paris, 2003), 13. Available at: <http://www.fig.net/pub/fig_2003/TS_20/TS20_2_Barry_et_al.pdf>, accessed 16 September 2004.
13. Australia, Official Coastwatch Presentation to the Canadian Navy, Canberra: National Surveillance Centre, 25 February 2004.
14. David Pratt, “Foreign Intelligence in the New Security Environment,” in *Canadian Strategic Forecast 2004 – The ‘New Security Environment’: Is the Canadian Military up to the Challenge?*, David Rudd and David McDonough (eds.) (Toronto: The Canadian Institute of Strategic Studies, 2004), p. 10. Also, Ward Elcock, Director, Canadian Security Intelligence Service, “The John Tait Memorial Lecture” (presentation given by Mr. Elcock to the CASIS Conference in Vancouver, British Columbia., 17 October 2003). Available at: <http://www.csis-scrs.gc.ca/eng/miscdocs/director20031017_e.html>, accessed 17 September 2004.
15. “Rotterdam Seaport Police,” *Netherlands Immigration Department website* (2004). Available at: <http://www.dutch-immigration.nl/uk_info_rivpol.htm>, accessed 17 September 2004.
16. Senate of Canada, “Canadian Security and Military Preparedness,” in *The Report of the Standing Committee on National Security and Defence*, 37th Parliament, 2nd Session (February 2002), pp. 37-39.
17. Frode Nordseth, “Norwegian Forces practicing counter-terrorism,” *Norwegian Defence website* (16 January 2003), p. 2. Available at: <<http://www.mil.no/languages/english/start/article.jhtml?articleID=36541>>, accessed 16 September 2004.