

Detering New Zealand's Maritime Adversaries?

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As a recent example of New Zealand public policy, the *Maritime Security Strategy* did not surprise me on at least three counts. First up is the judgment that "New Zealand faces increasing pressures across its maritime domain."¹ These increasing challenges include growing challenges to the rules based order, new technologies which "enhance the ability of criminal groups to traverse the maritime domain," the growing impacts of climate change, and a "proliferation of actors in the Pacific", some of whom "may undermine" New Zealand's interests.²

The second non-surprise is the emphasis on government agencies working together to address these rising challenges. "The comprehensive multi-agency approach", we are told, is at the heart of an "efficient and effective maritime security system based on a common approach."³

A third is that this system needs to deliver on the basis of existing resources and emerging capabilities to which the government is already committed. Within the maritime security sector, this includes the current and forthcoming capabilities of the NZDF, including the P8 Poseidon maritime surveillance aircraft which Cabinet approved for purchase in 2018.

In short New Zealand needs to do more with current and projected resources by joining up more efficiently to respond to the increasing demands. Whatever else it is, the Maritime Security Strategy is *not* a vast shopping list for new capability. That's probably wise. The strategy asserts that the NZDF has been recognized as "the primary provider of maritime security (civil and military) air and surface assets." That's the same NZDF which is facing some leaner years ahead. There isn't going to be much new money around for extra capability for quite some time.

So much for the things that aren't surprising. But I did not expect the Maritime Security Strategy to put such a strong emphasis on *deterrence* in New Zealand's approach to these rising challenges. "Deterrence has a big part to play in preventing maritime security threats," we are told on the 22nd page of the new strategy. "This is done by convincing potential threat actors that the costs of conducting actions that impact on New Zealand's maritime security interest

¹ New Zealand Government, *Maritime Security Strategy*, (hereafter MSS), December 2020, p. 3.

² MSS, p. 10.

³ MSS, p. 17.

outweigh benefits. New Zealand generates deterrence by demonstrating operational and regulatory credibility and resolve.”⁴

So we are ushered into the language of threats here – and also of “threat actors”: those whose actions and decisions harm New Zealand’s interests. And the strategy goes further still with its vision of a “maritime security sector” that is “better able to deter *adversaries*.”⁵ To me, this represents a noticeable change in how the government talks about external actors. Deterrence, the Strategy argues, is about preventing harm from occurring. But *deterring adversaries* sounds like fighting talk.

The 2020 Maritime Security Strategy is not the first time for deterrence to feature in statements of New Zealand’s security policy. The 2010 Defence White Paper argued that “In the unlikely event of a direct threat to our territory by a hostile state, the NZDF...would be expected to provide at least a level of deterrence sufficient for New Zealand to be able to seek international assistance if required.”⁶ Note the context here: an unlikely future situation where a militarily powerful state is threatening New Zealand directly, and where deterrence buys New Zealand some time before partners come to help.

A similar logic continues in the 2016 Defence White Paper: “While there is presently no direct military threat to New Zealand, the Defence Force maintains a level of capability that allows it to deter threats, enlarge its forces at short notice, and provide sufficient time for additional help to be sought from its partners, should this be required.”⁷

But you can spot the difference if you look hard. In 2010 the Defence Force is expected to achieve this level of deterrence for a future contingency. In 2016, the government says that this capacity is already in place. More significantly still the Key government’s second White Paper also suggests that deterrence is operating in the country’s response to current non-military challenges posed by non-state actors: “In addition to helping fulfill New Zealand’s international Search and Rescue coordination obligations,” it argues, “the Defence Force conducts maritime aerial surveillance patrols each Antarctica summer to deter illegal, unregulated and unreported fishing.”⁸

Deterring illegal fishing is not deterrence for a rainy day in case the big threat starts to mount. It is deterrence here and now. Both versions are on display in the 2018 *Strategic Defence Policy Statement* which the Maritime Security Strategy calls “the main point of reference for matters relating to military maritime security and sovereign defence.”⁹ The Ardern government’s most

⁴ MSS, p. 22.

⁵ MSS, p. 5.

⁶ NZ Government, *Defence White Paper 2010*, p. 16.

⁷ NZ Government, *Defence White Paper 2016*, p. 19.

⁸ NZ Government, *Defence White Paper 2016*, pp. 38-9.

⁹ MSS, p. 3.

significant statement on defence policy suggests that New Zealand's confidence about meeting traditional deterrence requirements has grown further still:

"The Defence Force maintains a level of capability that allows it to detect deter and counter threats to New Zealand. It can enlarge its forces at short notice, and provide sufficient time for additional help to be sought from New Zealand's security partners, if called upon to execute this fundamental national security responsibility."¹⁰

But as for the here and now challenges, the 2018 lens seems more worried:

"Increasing resource competition and resource scarcity in the maritime domain will continue to challenge New Zealand and the Pacific. Ability to monitor, deter, and protect maritime interests will be challenged by a more complex and more competitive maritime domain, especially given the size of New Zealand's EEZ and the scope of current resources. This includes illegal, unregulated and unreported fisheries activity and whaling in the Southern Ocean."¹¹

The crucial phrase is the one referring to the "the scope of current resources." That's a comment about limited means. And by the time the 2018 Statement was released, the first of New Zealand's two frigates had already arrived in Canada for their mid-life upgrades. Once that process is completed the government will not have had two frigates available for use for a period of four years. And the first half of that phrase, "especially given the size of New Zealand's EEZ" reminds us of another challenge: the extent of the ends. When the means are limited, it makes sense to ensure that you are not trying to bite off more than you can chew. And so we should ask whether the deterrence expected in the Maritime Security Strategy doesn't try to promise too much.

The Maritime Security Strategy, however, often errs on the side of ambition. To be sure, there is evidence of a desire to prioritise deterrence relatively close to home. The Strategy seeks a maritime security sector which "prevents, detects, deters and mitigates illegal, unregulated, negligent, harmful (or potentially harmful) actions across New Zealand's maritime domain."¹² As the Strategy explains, that domain consists of New Zealand's territorial sea, contiguous zone, EEZ and continental shelf.¹³ This is no small footprint: the EEZ alone comes in at around 4 million square kilometres.¹⁴ But the Strategy also envisions New Zealand "deterring adversaries across our extensive maritime area of interest."¹⁵ Here there is a clear focus on the South Pacific and the Southern Ocean. But let's not underestimate what is involved even then. Included in that area of interest

¹⁰ New Zealand Government, *Strategic Defence Policy Statement*, Wellington: Ministry of Defence, 2018, p. 12.

¹¹ *Strategic Defence Policy Statement*, 2018, p. 24.

¹² MSS, p. 16.

¹³ MSS, p. 9.

¹⁴ MSS, p. 7.

¹⁵ MSS, p. 5.

are New Zealand's "maritime approaches, in particular the main shipping routes that cross the Tasman Sea and the Pacific to the north-east", and "The area in which we are responsible for coordinating maritime search and rescue, covering 30 million square kilometres."¹⁶

That is more than demanding enough. But the task is multiplied when we consider what deterrence requires. The Strategy suggests that the first deterrence requirement is presence, including in the South Pacific, which "is currently provided primarily through NZDF maritime surface and aerial patrol assets alongside the inshore patrol capabilities operated by NZ Customs and the NZ Police."¹⁷ Right now, you may ask, how much of that presence is ready and available? And how close are New Zealand's current capabilities to the response pillar requirement to "intercept non-compliant vessels at sea, and if necessary, board with multi-agency teams, disrupt with appropriate aerial assets and take swift diplomatic and law enforcement action?"¹⁸

The Strategy goes on to explain that "Presence only translates into meaningful deterrence if it comes with the imposition of significant costs for threat actors."¹⁹ The writer of this portion of the strategy knows their strategic concepts: deterrence relies on the target believing that costs will be imposed on them which outweigh the benefits of the action they are contemplating. But is the next step in the logic deterrence on the cheap? We learn that "The creation of a credible threat of the imposition of significant costs on malign actors occurs primarily through the demonstration of regulatory competence and resolve from law enforcement and maritime regulatory agencies."²⁰

Threat actors face the prospect of "effective sanctions that can impose financial or physical (through the loss of freedom) costs."²¹ To put it more directly, arrest, conviction, fines and/or imprisonment. This is not fighting talk. This is *we'll throw the book at you* talk. But one needs to ask what variety of threat actors does this apply to? Illegal fishers? Yes. Transnational criminal syndicates supplying drugs? Yes. Those found responsible for maritime pollution? Yes.

Even here things can be slippery because successful deterrence involves the avoidance of something harmful. You may be aware that a harmful thing has not occurred but it is not always clear that its avoidance is due to your deterrence efforts. But what about the full "range of maritime security threats stemming from malicious and negligent human maritime activity" which the maritime security sector "is responsible for mitigating?" These also include "security threats to ports and shipping", and "violence at sea"²² One is left wondering where New Zealand's deterrence is going to come from. In particular, how does

¹⁶ MSS, p. 9.

¹⁷ MSS, p. 22.

¹⁸ MSS, p. 24.

¹⁹ MSS, p. 22.

²⁰ MSS, p. 22.

²¹ MSS, p. 22.

²² MSS, p. 4.

New Zealand *deter* unwanted state-based adversaries? Is there a credible threat of costs that New Zealand can demonstrably impose?

That means a heavy reliance on what international *partners* might offer. This includes in the South Pacific where “Some actors may support or complement our interests, while others may undermine them.”²³ Presumably, “some actors” include the Pacific Quadrilateral Arrangements with the Australia, the US and France, which is mentioned briefly. I will leave it to the audience’s imagination who the “others” are.

And New Zealand’s reliance on others grows even taller the more we go into the wider region where there are actors who are seeking to “threaten the integrity of the maritime rules-based order.”²⁴ The MSS lists several of New Zealand’s international partners, including the Five Eyes grouping.²⁵ But a list of names does not tell us how much these international partnerships really matter to New Zealand’s maritime strategy. The focus in the document is on New Zealand’s own elements coordinated around a “single point of truth.”²⁶

A different point of truth (to adapt that slightly Orwellian terminology) is that deterring adversaries requires New Zealand to rely on other larger friendly powers. This is not the long-term deterrence version, where at some future point the NZDF may need to deter an aggressor long enough for help to arrive. Instead the deterrence to be provided by others is required much sooner, possibly right away.

Some help is at hand. I can think of at least two of New Zealand’s traditional security partners who are accustomed to taking adversarial world views and who wish to deter their main adversary by seeking to maintain a preponderance of maritime military power. But as the deterring adversaries language in the Maritime Security Strategy draws New Zealand into an *alliance* maritime military strategy, Wellington will be left with far less control over its choices than the 2020 Maritime Security Strategy confidently suggests.

²³ MSS, p. 20.

²⁴ MSS, p. 10.

²⁵ MSS, p. 21.

²⁶ MSS, p. 32.