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Maritime Governance as an Instrument of National Security: A New Perspective for DHS and the U.S. Coast Guard

Peter J. Hatch

ABSTRACT “Whosoever commands the sea commands the trade; whosoever commands the trade of the world commands the riches of the world, and consequently the world itself.” Sir Walter Raleigh’s statement from 1616 still applies today. Ninety percent of global trade travels over the oceans, including two-thirds of the world’s oil. But “command of trade” is not accomplished solely through offensive operations to establish sea lines of communication and then defensive patrols to keep them open. Trade is lost to disaster, accident, negligence, and theft; trade rife with fraud and smuggling and trade impeded by unregulated activities disrupt prosperity as much as trade taken by an enemy, privateer, or pirate. Thus, to fully command trade, “whosoever” must also govern it. This article explores the balance between instruments of governance and defense and their roles in securing national objectives, and it then discusses a practical model for the Department of Homeland Security.

KEYWORDS Coast Guard; defense; freedom; governance; homeland; maritime; power; prosperity; security

Policymakers have struggled since the Al Qaeda terrorist attacks of 2001 to conceptually fit the square peg of homeland security into the round hole of the national security framework. Although the Department of Homeland Security (Homeland Security) was born from—and remains principally focused on—the goals of preparing for, preventing, and recovering from terrorism within the United States, its operations across a broadening range of domestic and international governance regimes significantly affect stability, order, safety, sovereignty, and the economy. This is nowhere more so than in the Coast Guard’s governance of the maritime domain.

The definitions of “governance” vary depending on perspective.¹ Etymologists trace the word to classical Latin and the ancient Greek word for the steering of boats and the manner of governing, guiding, or steering conduct.² Some sociologists construe the word to mean any mechanism for coordinating interdependent activities such as “the anarchy of exchange, organizational hierarchy, and self-organizing heterarchy”—especially those that

The views expressed herein are those of the author and are not to be construed as official or reflecting the views of the Commandant or the U.S. Coast Guard.

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involve “self-organized steering of multiple agencies, institutions, and systems which are operationally autonomous from one another yet structurally coupled due to their mutual interdependence.”³ Political scientists assert that governance “denotes the structures and processes which enable a set of public and private actors to coordinate their interdependent needs and interests through the making and implementation of binding policy decisions in the absence of a central political authority.”⁴ They describe governance “as systems of rules, as the purposive activities of any collectivity that sustain mechanisms designed to insure its safety, prosperity, coherence, stability, and continuance.”⁵ And economists refer to it as the “manner in which power is exercised in the management of a country’s social and economic resources for development.”⁶

Viewing these descriptions through the lens of today’s Department of Homeland Security, governance can be seen as the exercise of sovereign power by a legitimate, recognized authority for the benefit of a state, including the protection of its people, resources, economy, and the safeguarding of its security. That power is exercised through regulation and control of activities, enforcement of laws, protection of people and resources from threats, and a monopoly on the threat and use of force or violence short of war under recognized legal regimes to achieve government objectives.

Statesmen typically do not refer to governance as an instrument of national power. Instead, they use categories like diplomatic, information, military, and economic or descriptors such as hard and soft.⁷ Frequently overlooked is the daily churn of government “housework” that maintains order, safety, trust, justice, and opportunity—key requirements for securing a free and prosperous state. Even less considered is the use of these governance functions as an instrument of statecraft. Housework is not sexy, but it’s necessary and affects the neighbors.

These functions of governance are affirmed in the Constitution. The Preamble pronounces the intent to establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty. Thus, the government defends its people from enemies; provides for their safety, health, and welfare; maintains law, order, and justice; protects their resources; and attempts to improve their access to economic

opportunities.⁸ Doing so requires a wide variety of mundane “housework” such as developing and enforcing laws of property and conduct; determining contract rights between individuals; defining crime and administering justice; managing the sustainable use of natural resources; maintaining reliable transportation systems; effectively responding to emergencies and recovering from disasters; ensuring safe, orderly, and legal transit across borders; eliminating corruption; and regulating trade, industry, labor, sanitation, utilities, communication, health care, housing, education, and care of the poor. It also entails the continuous ability to threaten, and occasionally employ, force to preserve the state from external danger and advance its international interests.⁹ Doing it well, domestically and internationally, provides citizens with trust, confidence, stability, and security instead of fear, anxiety, and doubt.

These governance functions are divided across various national government departments. For example, the Department of Defense (Defense) fights America’s enemies, deters aggression, and takes decisive actions to protect Americans.¹⁰ Homeland Security prevents and responds to acts that threaten the safety, order, and confidence of civil society.¹¹ Although one defends and the other governs (steers, regulates, and enforces), each maintains global stability, and both secure American freedom and prosperity. The Founding Fathers apparently understood the value of this balance. In their first session, the First United States Congress established the Department of Foreign Affairs (State), Department of War (Defense since 1949), Department of Treasury (provenance of the Coast Guard, Customs and Border Protection, and Immigration and Customs Enforcement), and the Supreme Court. By the end of their second session, they had set requirements and regulations for import duties, a duty collection system (that included customs officers and revenue cutters), lighthouses, coastal trade, merchant seaman, patents and copyrights, military pensions, militias, a temporary post office, punishments for crimes, and introduced legislation to add the Bill of Rights to the Constitution.¹²

The purpose of these governance functions is proclaimed in the Declaration of Independence, which attests that governments are instituted to *secure* the unalienable rights of people, including life, liberty, the pursuit of happiness, and equality (herein

presented as *freedom* and *prosperity*). In this construct, freedom and prosperity are the desired end state. Security is the way to attain it: “Now, without security, it is impossible for man either to develop his powers, or to enjoy the fruits of his exertion; for without security, there can be no freedom.”¹³ And, strong defense and good governance are the means to secure it.

Prosperity is crucial. The 2010 National Security Strategy states, “Our prosperity serves as a wellspring for our power. It pays for our military, underwrites our diplomacy and development efforts, and serves as a leading source of our influence in the world. Moreover, our trade and investment supports millions of American jobs, forges links among countries, spurs global development, and contributes to a stable and peaceful political and economic environment.”¹⁴ Put another way, without prosperity, there is sequestration.

Therefore, working with partners to enable and enhance this trade and investment, while securing it from enemies, adversaries, instability, and corruption, is a key objective. Current and projected trends suggest that new opportunities and constraints are ahead. Globalization raised the willingness of many governments to cooperate to achieve mutually beneficial objectives, such as obtaining resources, products, and consumers. It also heightened awareness of risks from illicit trade, corruption, proliferation of weapons, smuggling, human trafficking, international crime, and terrorism. At the same time, concerns over the high cost and questionable effectiveness of using military force to resolve global problems caused some governments to cut defense budgets.¹⁵ As a result, other instruments of influence are needed to attain support from foreign leaders, form coalitions to counter threats, realize desired outcomes in foreign elections, promote democratic institutions, create favorable trade conditions and economic partnerships, shape global perceptions, foment resistance to radical and extremist actors, or disrupt adversaries.¹⁶

Consequently, the United States must increasingly leverage the distinctive governance functions of Homeland Security beyond U.S. territory to achieve national security objectives. In turn, Homeland Security should augment its components’ capabilities and further the application of their authorities. Doing so, and promoting the current skills, functions, and prestige of their components,

the Department could provide U.S. policymakers and diplomats with practical instruments for expanding international access, improving global stability, strengthening economic ties, and raising the flow of information and ideas. Added to the range of military, diplomatic, and foreign assistance options the departments of Defense and State already provide, these governance instruments will give policymakers a wider selection of tools to ensure national security.

Clearly, hostile or competitor states and transnational extremists continue to threaten U.S. interests with violence. And, because some aggressors will refuse to respond to diplomacy, compromise, politics, or other influences short of war, warfare will remain a necessary option in the face of unacceptable actions of states or other belligerents.¹⁷ Moreover, the power derived from a strong and capable military sets the foundation for all other forms of influence; for their agreement, according to Hobbes, “is Artificiall: and therefore it is no wonder if there be somewhat else required (besides Covenant) to make their Agreement constant and lasting; which is a Common Power, to keep them in awe, and to direct their actions to the Common Benefit.”¹⁸ Military power does not have to be used and often should not, but the threat of its employment, behind diplomatic, economic, governance, and other instruments, is strong and effective persuasion. “And Covenants, without the Sword, are but Words, and of no strength to secure a man at all.”¹⁹

In addition to armed aggressors, however, other threats exist that do not easily yield to hard power. This much broader range of human and natural adversaries also threatens to disrupt regional and global stability, partner nations’ economies, access to resources, and international trade—all vital elements of American prosperity. Consider the following headlines, all of which appeared around the end of 2012:

“Vietnam Steps Up Patrols in South China Sea as Tensions Climb” (Reuters, December 4, 2012)

“Seven Killed as Ferry Sinks off Southern Philippines” (gulfnews.com, September 20, 2012)

“Up to 30,000 More Asylum Seekers on the Way to Australia” (dailytelegraph.com, December 18, 2012)

“European Renewable Power Grid Rocked by Cyber-Attack” (euractiv.com, December 20, 2012)

“Drill Ship Runs Aground on Island off Alaska” (journalgazette.net, January 1, 2013)

“Coast Guard Makes High Seas Cocaine Seizure Worth \$100M” (miami.cbslocal.com, December 6, 2012)

“HSI Columbus Bulk Cash Smuggling Task Force Seizes Nearly \$2.4 Million in Illicit Proceeds” (politicalnews.me, December 11, 2012)

“Los Angeles Port Strike Endangers Entire Country’s Economic Engine, Janice Hahn Says” (huffingtonpost.com, December 4, 2012)

“Illegal Fishing Deterrents Could Save Tuna Industry USD 1 Billion” (fis.com, December 11, 2012)

“It’s Like Sailing on a Plague Ship . . .” (independent.co.uk, December 13, 2012)

“Hurricane Sandy Threatens \$20 Billion in Economic Damage” (bloomberg.com, October 30, 2012)

“Eight Dead, 20 Missing in Tanzania Ferry Disaster” (focus-fen.net, January 4, 2013)

“Corruption in India Is Masked by High Rate of Growth, Says Ratan Tata” (www.business-standard.com, January 9, 2013)

“Poison the Well: Chinese City Fails to Report Huge Toxic Leak . . .” (rt.com, January 6, 2013)

“Maritime Disputes Overshadow NE Asia Relations” (voanews.com, December 24, 2012)

“Nigeria Seen as New Center of Piracy” (upi.com, January 4, 2013)

None of these involved terrorists or enemy states. But, in creating instability, weakening economic production or consumption, and impeding international trade, each of these threats had the potential to impact American prosperity and thus degrade national security.

For more than a decade, however, defeating terrorists has been the primary objective of the U.S. security strategy and the nearly exclusive focus of the Department of Homeland Security. In many ways, this narrow but necessary focus reduced emphasis on other significant threats (the ones listed above, for example). It also created deficiencies in government roles and functions such as expanding legal regimes for regional and international governance, amplifying partners’ (public and private) awareness of all threats, and augmenting their operational capabilities to defend and govern sovereign territory. With recent successes against terrorists, troop drawdowns in Iraq and Afghanistan, and

declining regional economies, new approaches are needed to leverage the broad scope of governance functions required to sustain U.S. security.²⁰

Although critical to national security, the strategy of employing overwhelming force to defeat terrorists far from U.S. shores has disrupted the balance between defense and governance. By primarily favoring Defense responses to all overseas threats,²¹ the calls for assets of other departments such as Homeland Security and Justice whose components have pertinent skills, experience, and authorities—but significantly fewer resources—have become less frequent. This inaccurate and unfortunate distinction between those who operate “overseas” and those who govern in “the homeland” has impeded the extra-territorial application of a wide variety of functions—including transportation security, port operations, customs enforcement, disaster and emergency response, resource management, formation of safety and occupational health regimes, anticorruption efforts, and protection of government facilities and personnel—many of which could have mitigated global impacts during the recent events cited above. In his introduction to the January 2012 strategic guidance for the Department of Defense, “Sustaining U.S. Global Leadership: Priorities for 21st Century Defense,” President Obama wrote, “We seek the security of our Nation, allies and partners. We seek the prosperity that flows from an open and free international economic system. And we seek a just and sustainable international order where the rights and responsibilities of nations and peoples are upheld, especially the fundamental rights of every human being.”²² Engaging and cooperating with international counterparts on various homeland issues, like the governance concerns listed above, improve their security, reinforce the rule of law, support regional and global stability, and open their economies. The result is increased global and U.S. prosperity.

Another by-product of this imbalance is a shift in the perception of U.S. international engagement. A reputation for swift and lethal military responses is both a value and a hindrance and therefore must be considered when determining the desired outcome of an engagement.²³ Appearances and symbols associated with various force packages, such as camouflaged riflemen compared with police with badges, take on greater meaning. In today’s

environment, the difference in implications of a gray Navy combatant versus a white Coast Guard cutter navigating the South China Sea, transiting the Arctic, or making a port call in Venezuela is significant.

This change in perception could have long-term implications. States only have a monopoly on the use of violence to achieve political or policy ends when it is based on legally recognized regimes.²⁴ Therefore, to gain this strategic legitimacy, they must advance and preserve the rule of law, domestically and internationally. Because governance involves implementing, enforcing, and upholding the rule of law, the deployment of personnel from law enforcement and regulatory agencies like the Coast Guard, Customs and Border Protection, Federal Bureau of Investigation, and Environmental Protection Agency (herein referred to as governance forces) can form a basis of legitimacy that might not be gained from the repeated use of military forces.

Fortunately, the components of Homeland Security are not only uniquely skilled and experienced to assist international partners with governance, they also are routinely perceived as less threatening and more approachable than their military comrades. And, they provide a foundation of legitimacy that influences international acceptance of U.S. policies and actions. This is especially true of the Coast Guard, the Department's maritime specialists, which has a long tradition of international engagement, a full spectrum of governance authorities, and an international reputation for humanitarian assistance, fair enforcement of laws and treaties, and productive cooperation.²⁵ When Russia invaded the Republic of Georgia in 2008, for example, President Bush ordered the Coast Guard to deliver humanitarian aid. While Russian troops occupied the main cargo port of Poti, the high endurance cutter *Dallas* moored in Batumi, less than 50 miles south, and off-loaded 34 tons of supplies.²⁶ This demonstrated U.S. support for Georgia without provoking a strong Russian response. Expanding the deployment of these types of governance forces could be a key part of a new national security strategy. Oftentimes, securing freedom and prosperity requires a needle to pierce malicious intent or stitch together partnerships, not a broadsword to hack apart resistance.

HISTORICAL CONTEXT

The ancient Italian city-state of Amalfi provides an early example of using nonmilitary forces and governance to attain security. One thousand years ago, Amalfi experienced the greatest period of relative prosperity, independence, and influence in its history. Its ships transported silks, jewelry, ivory, spices, and dyes to markets throughout the Mediterranean. As the city's wealth grew, it bought land near Salerno for vineyards, chestnut groves, and cash crops, which were traded in North Africa. It flourished despite having only a shallow and ill-protected harbor, a small force of arms, and no arable land or other natural resources. Instead, the citizens had the courage to cross a treacherous sea to engage with peoples of other cultures and religions and the foresight to use international trade to gain power. With this, they doggedly pursued economic advantage and influence. By 1012, Amalfi had trade representatives in Byzantine Constantinople, Arab Cordova, and Muslim Palestine, North Africa, and Cairo. Concerned that corruption and contractual disputes might disrupt commerce, the city's rulers developed governance regimes and industry standards that included the use of notaries, ashore and afloat observers, justices, advocates, and guarantors. The city fathers devised the Amalfi Table, a set of maritime regulations for safety, fairness, security, and stewardship that led, in part, to the maritime code used today. In addition, Amalfi inventors advanced designs for lateen-rigged sailing vessels and the compass.²⁷

Boldness and maritime skill opened access to foreign goods. Shrewd commercial negotiations and disciplined governance brought mutually beneficial trade agreements and joint ventures. The result was stability, economic growth, and foreign dependence on Amalfi's commerce. From 840 to 1012, the city's growing prosperity, and the independence and influence that accompanied it, allowed citizens to mobilize forces and establish alliances needed to defeat northern invasions, repel Arab raids, outmaneuver emperors, resist foreign control, suppress pirates, and defy a papal order of excommunication. Prosperity and influence also enabled them to navigate a hazardous maritime domain to bring education, literacy, religious and cultural tolerance, and medicine

to southern Italy. For the next 120 years, Amalfi thrived until the weight of Norman expansion finally forced them to surrender in 1131 to Roger II, King of Sicily.²⁸

Ancient Amalfi is an example, albeit an extreme one, of deriving security and power from international engagement, governance, and prosperity. Without natural resources or a large military, the city resisted hard, soft, and even a “higher” power and influenced stronger states in the Mediterranean.

GOVERNANCE IN THE MARITIME DOMAIN TODAY

The maritime environment is no less complex, dangerous, and difficult to govern today than it was in the eleventh century. More than 90 percent of global trade is carried out by sea.²⁹ More than 55,000 merchant ships greater than 100GT carry more than 8.4 billion tons of goods each year. By 2060, one international shipping expert estimates, that figure will have grown to 23 billion tons.³⁰ In 2010, more than 1.3 million seafarers served on commercial vessels and more than two billion passengers boarded ferries or cruise ships.³¹ The number of acts of piracy or armed robbery rose from 254 in 2006 to 544 in 2011.³² The number of ships greater than 100GT lost because of safety shortfalls also increased, from 120 in 2006 to 172 in 2010.³³ And, undersea cables handle 95 percent of the world’s international voice and data traffic.³⁴ Dynamic geography, weather, and sea states present significant challenges to operations. Natural and man-made disasters like the Pacific tsunamis, Hurricanes Katrina and Sandy, and the Deepwater Horizon require immediate, coordinated, inherently complex, and sustained responses. Terrorists, state actors, drug networks, human traffickers, smugglers, poachers, criminals, and pirates all exploit the vastness, anonymity, resources, and limited governance of the global maritime domain.

Accordingly, effective governance of and in the maritime domain requires the persistent operational presence of capable assets and well-trained and equipped personnel. Persistent operational presence is critical, thus the instrument of the state must be physically present (in the maritime domain needing governance) to conduct activities that exercise sovereign power. The presence must be persistent because temporal endurance is not only essential

to deter or disrupt illicit activity, it is necessary to affirmatively and expeditiously act to carry out the functions of government. Finally, the presence of the state must be operational—meaning that the instrument must have the authority (delegated power) and capability to exercise power, and then it must do so in accordance with the legal regime of the state.³⁵

CHINA EXERTING INFLUENCE WITH MARITIME GOVERNANCE FORCES

China’s security strategy now includes the use of maritime governance forces to shape global perceptions and influence regional adversaries. In the last year, Beijing dispatched an icebreaker to the Arctic to assert its claims,³⁶ a hospital ship to the Caribbean to attain persistent operational presence during hurricane season,³⁷ and a cutter to Hawaii to participate in a rescue exercise.³⁸ During the recent Scarborough Shoals and Senkaku/Diaoyu Islands episodes,³⁹ China sortied maritime governance forces (the aptly named five dragons: Coast Guard, China Marine Surveillance, Maritime Safety Agency, Fisheries Law Enforcement Command, and Customs; all have white ships with bright stripes) while holding naval combatants in reserve.⁴⁰ Despite being only lightly armed, the number, capability, and tenacity of the five dragons operating at the point of conflict enabled Beijing to intimidate its neighbors by using agencies typically associated with soft power.⁴¹ By thus disguising hard power, Beijing adroitly forestalled the global outcry and international repercussions that probably would have resulted from the use of naval combatants and armed forces.

THE COAST GUARD AS AN INSTRUMENT OF GOVERNANCE

For 223 years, the Coast Guard has been America’s primary instrument of maritime governance. It protects those on the sea, protects people from threats delivered by sea, and protects the sea itself. In inland, coastal, and international waters, it is responsible for safeguarding U.S. interests, screening the marine transportation system and global supply chains, and protecting critical infrastructure and key resources; essential activities that secure U.S.

freedom and prosperity. To do so, the Coast Guard has assembled an inimitable array of authorities and abilities—many of which trace back to the Revenue Marine, Revenue Cutter Service, Life-Saving Service, Bureau of Marine Inspection and Navigation, and the Lighthouse Service. They include enforcing the nation's exclusive rights out to, and well beyond, 200 nautical miles; conducting search and rescue in U.S. waters and partnering with the world's merchant fleet to rescue mariners in distress around the globe; developing and enforcing standards for vessel construction, mobile offshore drilling units, marine facilities, shipping, marine licenses, and navigation; managing efforts to preserve healthy stocks of fish and other living marine resources; protecting the nation's waters from the discharge of oil, hazardous substances, and nonindigenous invasive species; providing aids to navigation, vessel traffic services, support for mapping and charting, tide, current, and pilot information; icebreaking to enable commerce, international trade, and military sealift; maintaining the International Ice Patrol to protect ships transiting the North Atlantic; and operating the nation's only polar icebreakers to resupply U.S. Antarctic facilities, support the research requirements of the National Science Foundation, and advance U.S. interests in the polar regions.⁴²

This wide range of functions, derived from its disparate predecessors, makes the Coast Guard a microcosm of its department. And, like their counterparts in other Homeland Security components, Coast Guard men and women are at times compared to police, paramedics, sailors, warriors, humanitarians, regulators, investigators, stewards of the environment, customs officers, and diplomats.⁴³

This wide spectrum of authorities with capable assets, well-trained and equipped personnel, and a penchant for international and industry collaboration allows the Coast Guard to exercise power (exert influence) in the maritime domain—as its partner components are able to do in other domains. And, because of a 200-year heritage of humanitarian and constructive activities, it sustains an international reputation for cooperation, unpretentiousness, and impartiality. These attributes present innovative and practical soft power options for influencing partners and adversaries in current and future hotspots, for example:

- Ongoing incidents involving China and its neighbors in the South China Sea are disrupting the global supply chain and therefore could warrant a response. Tasking a Coast Guard cutter to monitor activities in the region would demonstrate American concerns; the presence of a white cutter with bright orange and blue stripes would be less threatening than that of a heavily armed naval combatant.
- Dispatching a Coast Guard icebreaker to transit the Northern Sea Route would publicize America's commitment to Arctic development and concerns over excessive claims, as well as reinforce freedom of navigation assertions. The proximity of a bright red cutter within 40 nautical miles of its territory is unlikely to provoke Russian nationalists.
- A port visit from America's tall ship, the Coast Guard barque *Eagle*, would be an unobtrusive first step to reengage with future Venezuelan or Cuban regimes.
- Visits from Coast Guard experts in port operations, maritime law enforcement, search and rescue, pollution response, and other governance functions—especially if done with their Border Protection and Immigration and Customs Enforcement peers—could improve regional stability in areas where the presence of military forces incites anti-American fervor.
- Even in Europe, collaboration among maritime, transportation, and border governance counterparts instead of armed forces would lessen the likelihood of an unwanted or unanticipated public response and could be more effective in reducing instability such as that caused by smuggling, illegal migration, corruption, and inefficiencies in the global supply chain.

INTERNATIONAL GOVERNANCE REGIMES

International governance regimes are self-governing coalitions of state and non-state actors and institutions (or public and private entities) that share resources, skills, and information within an agreed-on system of norms and roles for specific and defined purposes.⁴⁴ In the maritime domain, the International Maritime Organization and United Nations Convention on the Law of the Sea have considerable influence over

international shipping, trade, and other maritime interactions. Within their cognizance are other regimes such as the International Ship and Port Facility Security Code, International Convention for the Prevention of Pollution from Ships, International Regulations for Preventing Collisions at Sea, and International Tribunal for the Law of the Sea. Other regimes that affect maritime activities are the World Trade Organization, World Customs Organization, International Court of Justice, International Labor Organization, Red Cross, Organization of the Petroleum Exporting Countries, Organization for Economic Cooperation and Development, European Union, Organization of American States, Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, and International Criminal Police Organization, as well as numerous free trade agreements, Coast Guard Forums, and fisheries commissions. The opportunities to participate, influence, and even lead international governance regimes appear limited only by available resources.⁴⁵

To assess the value of governance worldwide, the World Bank collected data related to six governance clusters that it labeled Voice and External Accountability; Political Stability and Lack of Violence, Crime, and Terrorism; Government Effectiveness; Lack of Regulatory Burden; Rule of Law; and Control of Corruption. The bank compared the data to indicators of economic development in more than 150 countries and to surveys asking executives of multinational companies to assess impediments to trade and investment. Their results revealed not only “large and highly significant positive effects of governance on per capita incomes” but that improved governance “has a strong negative impact on infant mortality” and “leads to significant increases in adult literacy.”⁴⁶ Further research indicated good governance led to faster economic growth and increased competitiveness and convinced World Bank analysts to conclude good governance provides the fundamental basis for economic development.⁴⁷ Analysis of the opinion surveys indicated executives cited corruption and bureaucracy “as one of the top three constraints by firms in 79 of the 104” sample countries. Analysts also found that reducing corruption had a significant positive effect on a country’s competitiveness. Perhaps most striking, however, was their

findings on terrorism, crime, and state capture (which they define as powerful elite firms dictating or influencing public policy, laws, or regulations through political funding or other means). The executives reported that in Latin America, South Asia, Eastern Europe, the former Soviet Union, and developing East Asia, the costs of state capture and organized crime were each higher than the costs of terrorism. Analysis of determinant factors associated with the data indicated the level of development and quality of domestic institutions, like legislative bodies, enforcement and regulatory agencies, and judicial systems, were weakly linked to the terrorism threat, but strongly linked to other security challenges such as corruption and organized crime.⁴⁸

CUSTOMS AND BORDER PROTECTION AND GOVERNANCE

In addition to the Coast Guard, other Homeland Security components are actively trying to leverage the value of international governance regimes to achieve national security objectives. Customs and Border Protection, for example, governs nearly 7,000 miles of land border with Canada and Mexico and more than 300 ports of entry. Its personnel are responsible for ensuring safe, orderly, and legal migration; enforcing U.S. trade, contraband, and other criminal and civil laws; protecting agricultural and economic interests from harmful pests and diseases; preventing thefts of intellectual property; collecting import duties; and regulating and facilitating international trade. It is heavily engaged with the World Customs Organization and World Trade Organization. Its officers are stationed in 58 foreign ports, including in China, Pakistan, Brazil, and Colombia, to work alongside international counterparts as part of the Container Security Initiative and Secure Freight Initiative. In the Customs-Trade Partnership Against Terrorism, Customs and Border Protection interacts with more than 98,000 companies to strengthen border security, sustain the integrity and reliability of the global supply chain, and facilitate legitimate and compliant trade. Its access, expertise, and public, private, and foreign engagement are extensive, and the governance functions it conducts help secure freedom and prosperity.⁴⁹

GOVERNANCE AND DEFENSE

Customs and Border Protection and the Coast Guard are just two examples of U.S. governance forces engaging internationally to improve security. Combined, they represent less than 2.5 percent of the federal workforce.⁵⁰

A more focused and supported effort would yield additional positive results, especially for the economic, transportation, stability, and international engagement objectives of the national security strategy. Moreover, a balanced application and appropriation of defense and governance would provide greater agility, flexibility, and readiness for countering the varied threats described by both the president and the secretary of defense in their strategic guidance to the Department of Defense.⁵¹ Using Homeland Security components also could alleviate some of the high costs of military options and lessen the demand and burden on military forces to perform often unfamiliar governance functions instead of meeting the defense responsibilities for which they are trained and funded.⁵² As foreign partners reduce military personnel, cut capabilities, and close operating bases, the ability to leverage governance partnerships will be extraordinarily useful. And, tailored force packages consisting of defense and governance personnel, appropriately selected for their authority, skills, and experience, could provide a new model for the practical application of national power.

Rather than presenting Gordian dilemmas over hard or soft power or offering idealistic provisos for governance without government, this practical model enables governance with government, reinforced with hard power. Buttressed by the threat, or use when necessary, of military power, governance forces could gain international access, build rapport, and obtain the information and gain the influence needed to enable diplomats and other government officials to shape regimes, institutions, and partnerships and advance U.S. interests.

U.S. antipiracy efforts over the last several years have demonstrated the efficacy of employing combined governance and defense instruments of influence to solve complex global problems. Thomas P. Kelly, the Principal Deputy Assistant Secretary of State for Political-Military Affairs, recently summarized U.S. actions and intentions at The American

Petroleum Institute's Biennial Tanker Conference in Orlando, Florida. The following is compiled from his remarks:

In 2007 and 2008, pirate attacks escalated. Motivated by million-dollar ransom payments and a lack of opportunities ashore, Somali men took to the sea. People around the world depend on secure and reliable shipping for food, medicine, energy, and consumer goods. By preying on commercial shipping lanes, these Somali pirates threaten a central artery of the global economy—and that means they threaten global security.

In response, the United States helped establish the "International Maritime Organization Contact Group on Piracy off the Coast of Somalia." From 29 initial participants, it now totals nearly 70. Working groups address key issues such as naval coordination, law and justice, and industry awareness.

To coordinate multinational naval patrols in an area of more than one million square miles, the United States established Combined Task Force 151. Along with NATO's Ocean Shield and the European Union's ATALANTA, up to 30 vessels from 20 nations, including China, India, and Russia, patrol the region. At times, lethal force is required. In 2009, U.S. Navy Seals successfully freed the captain of the *Maersk Alabama*.

Because navies can't be everywhere, Working Group 3 (co-chaired by officers from the U.S. Maritime Administration and U.S. Coast Guard) worked with industry to develop "best management practices." These self-protective measures include rigging razor wire barriers and mustering in a "citadel" when threatened. They proved to be some of the most effective protections against attacks. Group 3 also shaped industry's use of armed embarked security teams. Not a single ship with privately contracted armed security personnel aboard has been pirated.

The Contact Group enhanced state capacity. With a million dollars in British funding and support from the Serious Organized Crime Agency, the Seychelles established the Regional Anti-Piracy Prosecutions Intelligence Coordination Centre (RAPPICC). It also started the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia.

Today, we see clear progress. In January 2011, pirates held 31 ships. By May 2012, they held only 10. And, because pirates need bases, a new Working Group, under Italy's leadership, formed to disrupt pirate enterprises ashore.

But, the only long-term solution is stability, responsive law enforcement, and adequate governance in Somalia. This will require concentrated and coordinated assistance to states in the region and credible governing authorities in Somalia to handle social, legal, economic, and operational challenges.⁵³

Deploying governance forces independently, or with their defense counterparts, the United States can apply its full range of strengths and capabilities to overcome adversaries and threats, including combating violent extremism, stopping the spread of nuclear weapons and materials, achieving balanced and sustainable economic growth, and forging cooperative solutions to climate change, armed conflict, and pandemic disease.

CONCLUSION

Policymakers are facing difficult choices. The vast resources used to secure the United States since 2001 will not be available over the next decade. Yet, threats and instability appear to be growing. Devising an effective strategy within this new context will be critical for securing freedom and prosperity. History and the Founding Fathers indicate that security is attained through a balance of defense and governance. Shrinking budgets and shifting worldviews will limit military options. It's time to bring governance instruments to the forefront of national security.

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