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New Moves to Provide Regional Submarine Safety

By Sam Bateman

Synopsis

Malaysia and Singapore have recently introduced new measures for submarine safety while China is reportedly contemplating restrictions on submarines operating in its waters. However, these measures are not without problems.

Commentary

THE MALAYSIAN government has recently established three Permanent Submarine Exercise Areas off the coasts of Peninsula Malaysia and East Malaysia. These are aimed at providing a safe area for Malaysian submarines to conduct their operations.

To facilitate the safety of these operations, Malaysia requires certain activities in these areas, such as weapon firings, diving operations and surveying, be notified to Malaysian authorities. Failure to provide this notification means that the Malaysian government is not responsible for any damage or loss of ships, equipment, and life, caused as a result of an accident involving a Malaysian submarine.

Submarine Safety

Meanwhile, the Republic of Singapore Navy (RSN) has launched the world's first Submarine Safety Information Portal (SSIP). This is intended to give all submarines, not just Singapore's own submarines, real-time information about potential hazards, such as deep-sea oil rigs, vessels with deeper draughts, and larger trawlers actively fishing.

The portal will be housed at the Information Fusion Centre (IFC) at Changi Naval Base, and will build on existing databases at that centre. Feedback about the portal will be collected over the next year with a view to launching a final version of the

SSIP in 2019. Other countries will be invited to contribute relevant information to the portal.

Reports earlier this year indicated that China was in the process of reviewing its 1984 Marine Traffic Safety Law. It was suggested that this review might lead to China introducing new regulations requiring foreign submarines operating in specific areas of China's adjacent waters to travel on the surface, display their national flags and report to Chinese authorities when they were passing through the designated areas. However, the location of these areas was not clear.

These developments reflect the reality that submarines are inherently dangerous – both to themselves and to other vessels. Even a relatively minor accident onboard a submarine can have catastrophic consequences. Then there are navigational risks associated with having more submarines operating in relatively confined waters with a high level of fishing activity and dense shipping traffic. Regional submarines also operate in areas, such as parts of the South China Sea, which are poorly charted with a high possibility of uncharted features that, while not dangerous to surface navigation, are dangerous to submerged navigation.

Problem Areas

Even the most proficient operators of submarines, including the US Navy and the Indian Navy, suffer submarine accidents with depressing regularity. The US Navy has experienced several accidents over the years when submerged submarines have collided with deep draught surface vessels, while several years ago a British nuclear submarine had an underwater collision with a French nuclear submarine in the North Atlantic fortunately without serious damage to either vessel.

Fishing vessels are a particular problem that require vigilance by submarines. Several incidents have occurred in both Japanese and United Kingdom waters when submerged submarines have caught the nets of fishing vessels and dragged them under - in some cases with loss of life.

While Singapore's SSIP is a commendable idea, it's not clear how its data will be collected and what areas will be covered by it. Any obligation on ship operators to report activities to the portal outside of Singapore's territorial sea would run into legal difficulties. Neighbouring countries will also be sensitive to Singapore collecting data on activities in their claimed waters, particularly those related to resource exploration and exploitation.

As most of the waters to which the portal could apply are the exclusive economic zones (EEZs), archipelagic waters or territorial sea of other countries, this could be a significant limitation on the portal's effectiveness. Even making the provision of information to the portal voluntary may not overcome this sensitivity. No doubt these issues will be evaluated over the portal's trial period.

Looking to the Future

Permanently established submarine exercise areas, such as those recently announced by Malaysia, are not unusual. Other submarine operating countries have

similar arrangements. Australia, for example, has established the whole of its EEZ as a permanently established submarine exercise area. However, other countries do not go as far as Malaysia has by requiring prior notification of particular activities. This will be seen as Malaysia going beyond its legitimate rights in waters beyond its territorial sea.

The main problem with China's possible new legislation is whether the restrictions on submarine activities apply outside of its territorial sea. Under the UN Convention on the Law of the Sea (UNCLOS), submarines exercising the right of innocent passage in another country's territorial sea are required to travel on the surface and show their flag. However any move by China to formally require prior notification of a submarine transiting its territorial sea, or to extend the requirement beyond its territorial sea would be regarded by the United States and others as beyond its legitimate rights.

As more and more submarines enter service in regional navies, countries may be expected to become increasingly concerned about the safety of their own submarines, as well as about the operations of foreign submarines in their adjacent waters. Arrangements similar to those announced by China, Malaysia and Singapore could become more common in the region in the future.

While Singapore's SSIP is the most constructive of the recent measures with its clear focus on cooperative submarine safety arrangements, and not just on national interests, wider regional dialogue and cooperation is still required to reduce the risks of incidents involving submarines.

However, the sensitivity countries attach to their submarine operations is likely to continue to inhibit real progress with truly effective measures for greater submarine safety and to manage the consequences of incidents involving submarines.

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