

# Coast Guards: New Forces For Regional Order and Security

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# AsiaPacific

## I S S U E S

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**SUMMARY** The 1982 UN Convention on the Law of the Sea (UNCLOS) created new maritime law and extended maritime jurisdiction that were expected to justify naval expansion. To some extent this has been so, but another trend is also apparent. Regional navies are concentrating on war-fighting capabilities while existing coast guards are being expanded and some countries are establishing coast guards for the first time. The protection of off-shore areas and resources is a central element of national security for most regional countries and an important consideration in nation building and governance. Coast Guards are emerging as important national institutions in Asia and the Pacific with the potential to make a major contribution to regional order and security. This development reflects a concern for cooperative and comprehensive security and will facilitate regional maritime cooperation and confidence building. It is a positive factor for regional order and security and may constitute a revolution in maritime strategic thinking.

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## Introduction

National coast guards for protecting national sovereignty in home waters are not new. The United States Coast Guard (USCG) in particular has a long history. What is new is that coast guards are being used more widely in the national interest, including as instruments of foreign policy in waters beyond the limits of national jurisdiction. Countries are preferring to deploy coast guard vessels and personnel in sensitive situations at sea rather than naval ships and personnel and to use coast guards for cooperative activities with other countries. Coast guards are thus emerging as more important national institutions with the potential to make a major contribution to regional order and security. These trends are particularly evident in the Asia Pacific region.

The Western Pacific, the seas of East Asia, and proximate areas of South Asia are now the setting for some of the world's most perplexing problems of maritime management and jurisdiction. This region has complex maritime geography with many islands and archipelagos, narrow straits and shipping channels with numerous overlapping claims to maritime jurisdiction, and few agreed maritime boundaries. Uses of the sea are particularly intense with high levels of shipping traffic and resource exploitation. Southeast Asia in particular has become notorious for piracy and other problems of law and order at sea, including drug trafficking, illegal fishing, and people smuggling. Willful acts of marine pollution and the destruction of marine habitats are common.

Concern exists about increased naval expenditure in the region and the possibility of a naval arms race increasing tension at sea unless there is a new focus on maritime confidence-building measures and other "building blocks" for regional stability. The challenge is to build a regional security environment in which countries do not feel the need for the types of naval capabilities currently being acquired. However, there are major stumbling blocks to the achievement of that environment.

Maritime regimes need to be developed to bring order to the oceans and seas of the region. Maritime

cooperation is a major component of the regime-building process and is essential for the effective management of regional seas, especially marine environmental protection, marine safety, resource management, and preventing illegal activity at sea. Coast guards may offer advantages over navies for cooperative activities. They might overcome sensitivities that inhibit naval cooperation and provide a means of conducting law enforcement in areas where the use of naval vessels may aggravate the situation.

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## The Rationale for a Coast Guard

The 1982 UN Convention on the Law of the Sea (UNCLOS) led to extended coastal state jurisdiction, particularly through the introduction of the 200-nautical mile exclusive economic zone (EEZ). Countries became more aware of the need to build institutions for the exercise of state power at sea, to establish national arrangements for managing offshore areas, and to acquire capabilities (ships, aircraft, and systems) for maritime surveillance and enforcement. Navies already had these capabilities. Thus the new law of the sea and the extension of maritime jurisdiction under UNCLOS were expected to provide additional justification for maintaining a navy, particularly for maritime policing. One observer spoke about "New Times for Old Navies" concluding that: "Turning warships into lawships is a rational way ahead for future international society in which the costs of war are dramatically increasing and the benefits clearly decreasing."<sup>1</sup>

While coastal states have greater rights in adjacent waters under UNCLOS, they also have increased responsibilities. They have to maintain safety in their waters, protect the marine environment, and generally maintain good order at sea. The prevention of marine pollution, illegal fishing, and criminal activity at sea (such as piracy and the various forms of smuggling) are now as much a part of national security as is defense against military threats. The ability to undertake these tasks is an important element of nation building and a large part of the rationale for establishing a coast guard.

*The maintenance of good order at sea is now as much a part of national security as is defense against military threats*

Extended maritime jurisdiction seemed likely to become the rationale for small navies. Many of the world's navies "are not blue-water, power-projection, sea-control navies—rather regional navies that also enforce laws, protect resources, conduct search and rescue, prevent environmental damage, and maintain aids to navigation."<sup>ii</sup> But some navies, particularly Southeast Asian ones, that previously were focused on constabulary tasks have shaken off those tasks and are concentrating on their war-fighting/national defense mission. Extended maritime jurisdiction has thus become more a rationale for coast guards than for navies.

There are several reasons for establishing a separate coast guard. Legal considerations are important. A coast guard should be a paramilitary organization. Its officers must have the ability to enforce national maritime laws with wide powers of arrest over both foreigners and national citizens. In many countries, however, there are constitutional and political reasons why military forces should not be involved in policing duties against national citizens. In the United States, for example, the military is constrained by the *Posse Comitatus Act*, which embodies the traditional American principle of separating civilian and military authority and prohibits the use of the military in civilian law enforcement.

Coast guard units are more suitable than warships for employment in sensitive areas where there are conflicting claims to maritime jurisdiction and/or political tensions between parties. In such situations, the arrest of a foreign vessel by a warship may be highly provocative whereas arrest by a coast guard vessel may be accepted as legitimate law enforcement and signal that the arresting party views the incident as relatively minor. A clash also exists between the military ethos of applying maximum available force and that of law enforcement, which is more circumspect and ideally involves minimum force. Lastly there is the issue of costs, with coast guard vessels and aircraft generally being less expensive than naval units. Furthermore, in developing countries the civil nature of the coast guard's role may support access to funding from international aid agencies to acquire new vessels.

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### The Emergence of Coast Guards

The last 10 years or so have seen major developments with the emergence, evolution, and employment of coast guards in the region. These developments have been particularly rapid since about 1998. Bangladesh, the Philippines, and Vietnam have all established coast guards and now, according to recent reports, Malaysia is also establishing a coast guard with the renaming of the Marine Police and the reallocation of some functions between the Navy and other organizations.<sup>iii</sup> Japan and Taiwan have both recently changed an existing service into a coast guard.

The Japanese Maritime Safety Agency (JMSA) was renamed the Japan Coast Guard (JCG) on April 1, 2000, although it remains the JMSA in the Japanese language. The JCG is an excellent example of a paramilitary marine constabulary force established by a major power with extensive maritime interests and a reluctance to involve conventional military forces in routine maritime enforcement activities. It is a very considerable organization with a fleet of over 400 patrol vessels, patrol craft, surveying ships, navigational aid tenders, and special service craft.

Since 2000 Japan has been actively using the JCG as a "foot in the water" in Southeast Asian waters, ostensibly to combat piracy.<sup>iv</sup> In an initial deployment, a JCG vessel visited Southeast and South Asia in November 2000 for exercises with the Indian Coast Guard and Malaysian authorities. The use of the Japanese Maritime Self-Defense Force (JMSDF) would be unacceptable for this activity both for Japan constitutionally and to regional countries—with some even opposing the JCG presence, at least initially. However, Japan has persisted and JCG vessels and aircraft are now regularly visiting Southeast Asia for exercises with their regional counterparts and for anti-piracy patrols. Students from Asian countries have also been enrolled in the JCG Academy as a contribution to fighting piracy. In a further diplomatic initiative, the JCG sponsored the Indian Ocean (Bangladesh, India, Pakistan, and Sri Lanka) Maritime Safety Practitioners' Conference in Tokyo in November 2001.

In Taiwan, the Coast Guard Administration (CGA) was formerly the Maritime Security Police until renamed in January 2000. The service has several large patrol craft and, in a rationalization of roles, the larger vessels of the Customs fleet were transferred to the CGA in 2000. The CGA is responsible for maritime law enforcement and the security of fishing vessels within the EEZ. Its operations extend to the Pratas and Spratly Islands in the South China Sea where CGA personnel, rather than the military, now garrison islands. Recent press reports point to further expansion of the functions and influence of the CGA, including a lead role in the formation of maritime policy.

In China, four main paramilitary forces can be identified with functions akin to those of a national coast guard. These are the Customs Service (*Hai Guan*), the Maritime Section of the Public Security Bureau (*Hai Gong*), the Maritime Command of the Border Security Force (*Gong Bian*) and Border Defense (*Bian Jian*). All these forces operate patrol craft of various types and sizes. The *Hai Guan* tends to operate larger and newer vessels and appears to have the main responsibility for EEZ patrols. It was reported in September 2001 that China was “discreetly” expanding its naval patrols in the South China Sea with the commissioning of 20-24 Qui-M-class patrol craft.<sup>5</sup> These vessels are about 100 m long and fitted with a twin main gun of around 30 mm. They have a uniformed crew and the markings of the Customs Service (*Hai Guan*) although the crews are believed to be People’s Liberation Army/Navy regulars.

Countries in the region are approaching the allocation of responsibility for maritime policing tasks between navies and separate “coast guards” in different ways, as summarized in Table 1. Most countries in this survey are opting for a paramilitary service to undertake maritime surveillance and enforcement rather than the navy. Generally only the smaller countries have not established a separate service. Some countries have a navy but no coast guard (e.g. Cambodia, New Zealand, and Sri Lanka) while others have patrol boats, and perhaps aircraft as well, for maritime policing duties operated by the Defense Force (e.g. Papua New Guinea) or a maritime wing of the

national police force (e.g. Vanuatu, Kiribati, and the Solomon Islands). Some small countries (e.g. the Maldives and the Marshall Islands) have a coast guard but no navy.

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### Regional Maritime Cooperation

The importance of regional maritime cooperation flows from the complexity of the maritime environment in the region, overlapping maritime jurisdiction and the risks of tensions and disputes at sea. As well as being essential for the effective management of regional seas, maritime cooperation is an important maritime confidence- and security-building measure (MCSBM) and a recognized building block for greater regional stability. *Maritime cooperation* encompasses any cooperative activity associated with an interest in the sea, the protection of the marine environment, or a use of the sea or its resources. *Naval cooperation* between regional navies is a subset of the broader concept of *maritime cooperation* and an important MCSBM in its own right.

Prospective limitations on regional naval cooperation are evident both at a political level and a practical one. Warships from major powers may overwhelm small navies by their sheer size, technology, and firepower. Navies may be uncomfortable about discussing operational and doctrinal issues and prefer to keep dialogue, at least initially, to issues on the small “s” side of the security spectrum. These include fisheries protection, safety, and pollution prevention—all more in line with the responsibilities of coast guards. It is not hard to find problems with strengthening naval cooperation. Tensions are evident with regard to the latent, and from time-to-time not so latent, suspicions held by some countries about the capabilities and intentions of their neighbors. Naval cooperation may be used to gain intelligence on a potential adversary. Even innocuous naval port visits provide an opportunity to gather intelligence both by the host nation about visiting ships and by visiting ships about the host nation. Expert intelligence collectors can obtain much vital information about another navy, particularly data on weapons, sensors, and communications systems, during operations with its ships.

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**Table 1. Regional Approaches to Paramilitary Maritime Tasks**

Country	Navy or Defense Force	Paramilitary Service(s)	Name of Service(s)
Australia	Yes	Yes	Australian Customs Service
Bangladesh	Yes	Yes	Coast Guard
Brunei	Yes	Yes	Inshore Royal Brunei Police Force
Cambodia	Yes	No	
China	Yes	Yes	Customs & Public Security Bureau & Border Defense
Federated States of Micronesia	No	Yes	Police
India	Yes	Yes	Coast Guard
Indonesia	Yes	Yes	Marine Police & Customs Sea Communications Agency
Japan	Yes	Yes	Japan Coast Guard
Kiribati	No	Yes	Police
Malaysia	Yes	Yes	Marine Police & Customs Service
Maldives	No	Yes	Coast Guard
Marshall Islands	No	Yes	Coast Guard (Sea Patrol)
Myanmar	Yes	No	
New Zealand	Yes	No	
North Korea	Yes	Yes	Inshore Coastal & Port Security Police Force
Palau	No	Yes	Police
Papua New Guinea	Yes	No	
Philippines	Yes	Yes	Coast Guard
Singapore	Yes	Yes	Police Coast Guard
Solomon Islands	No	Yes	Police
South Korea	Yes	Yes	National Maritime Police Agency
Sri Lanka	Yes	No	
Taiwan	Yes	Yes	Coast Guard Administration
Thailand	Yes	Yes	Marine Police
Vanuatu	No	Yes	Police
Vietnam	Yes	Yes	Coast Guard

Source: The information in Table 1 is from Commodore Stephen Saunders RN (ed.), *Jane's Fighting Ships 2001–2002*. Coulsdon: Jane's Information Group, 2001; International Institute for Strategic Studies (IISS), *The Military Balance 2001–2002*. London: Oxford University Press, 2001.

***While U.S. Navy –Mexican Navy exercises provoked controversy, cooperation between the U.S. Coast Guard and Mexican Navy did not***

It is little wonder that, in the current environment, regional navies are cautious about going too far with joint exercises and other activities.

#### **Coast Guard Cooperation**

Cooperation between coast guards may offer benefits not available with naval cooperation. Coast guard vessels may appear less intimidating and in periods of tension may be less provocative than warships. They are “less threatening than larger, more heavily armed haze-gray warships”<sup>vi</sup> and able to conduct exercises

and training with other nations that might not be possible between navies. For example, while planned U.S. Navy-Mexican Navy exercises in 1996 met with controversy in Mexico, cooperation between the USCG and the Mexican Navy went ahead routinely and quietly.<sup>vii</sup>

Cooperation between regional coast guards is still rather embryonic. At a multilateral level there is the Northern Pacific Heads of Coast Guard Agencies forum. This North Pacific coast guard summit was launched in 2000 as an initiative of Japan. Participating countries are Canada, China, South Korea,

Russia, and the United States. Some working groups of APEC (e.g. on maritime transportation), as well as the Asia-Pacific Heads of Maritime Safety Agencies meetings, might facilitate cooperation between coast guards. Bilateral activities are becoming more common including between China and Vietnam, South Korea and China, and Russia and Japan. China and Japan have signed an agreement that calls for the two countries to promote information exchanges in the key areas of illegal immigrant smuggling, trading in drugs, and weapons and piracy. Both the Vietnamese Coast Guard and the South Korean National Maritime Police Agency include regional and international cooperation in their specific functions.

The USCG is playing an important role in promoting cooperation between regional coast guards. It attaches considerable importance to exporting Coast Guard expertise. The tasks involved are both operational and training. Operational activities include joint law enforcement activities (particularly against drug trafficking and people smuggling), the deployment of Port Security units (PSUs), disaster relief, and search and rescue exercises. Training activities are conducted under the International Military and Education Training Program (IMET) and include the use of Mobile Training Teams (MTTs) for technical training (such as firefighting, marine safety, and law enforcement) using host nation facilities. The resident training program involving foreign students training at USCG schools is the other half of IMET. Lastly, USCG vessels making port calls overseas conduct on-board training and familiarization on an *ad hoc* basis. However, the USCG lacks politico-military clout and, in undertaking cooperative activities, is dependent on funding from the Departments of Defense or State. This could restrict it from playing a more active role in regional cooperation.

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### Looking to the Future

The “war on terrorism” is having a significant impact on issues discussed in this paper. The main priority of the USCG is now Homeland Security and other coast guards may be similarly affected. The threat of maritime terrorism is a new focus for both naval and

coast guard cooperation with some escalation of naval activities in the region, including the Indian Navy joining with the U.S. Navy for anti-piracy patrols in the Malacca Strait and escorting merchant ships carrying high value military cargoes. However, this increased activity may be counterproductive for longer-term regional stability if it becomes a catalyst for naval expansion.

A larger gap is opening up between warships optimized for war-fighting and coast guard vessels designed for maritime policing. As Colin Gray has suggested, navies and coast guards are “driven by the beats of different drummers.”<sup>viii</sup> Navies are increasingly preoccupied with high technology weapon systems and concepts of network-centric warfare and the revolution in military affairs. They are attracted to larger vessels that carry more weapons and sensors and are less vulnerable. Even smaller navies such as those of Singapore, Malaysia, and Brunei are building larger vessels. Maritime strategists tell us that “big is beautiful” and smaller numbers of larger vessels have advantages over larger numbers of smaller vessels.<sup>ix</sup>

The skills of navies and coast guards are different. Coast guard personnel have to be “lifesavers, guardians, and warriors.” Greater use of the sea, increased illegal activity at sea and concern for the marine environment have increased the number and diversity of international regimes and made the business of maritime management and policing more complex. The tasks of coast guards are relatively certain. As Gray has described it, “The guesswork involved in naval planning is nearly absent from forecasts bearing upon the Coast Guard—because the primary focus of the service is not the national defense duties legally laid upon it but marine safety, maritime law enforcement, and marine environmental protection.”<sup>x</sup>

Part of this conundrum is associated with changing concepts of security. Navies and warships are designed to fight wars and combat military threats while coast guards and their patrol vessels are primarily concerned with social, resources, and environmental threats to national well-being and a comprehensive view of security. There is scope for an “Oceanguard” as an international maritime police

force to protect the oceans and their living resources from environmental stress and the loss of biodiversity.<sup>xi</sup>

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### Conclusions

Where will this all end? In theory coast guards should be “winners” with resource allocations. Coast guards are a growth industry and while the same might be said of regional navies, this trend towards larger navies must eventually be reversed. There has to be some ceiling to regional naval spending. As navies go on focusing on the war-fighting mission, they will eventually become targets for naval arms control measures. Further, to the extent that they are involved in processes of maritime confidence building, navies may eventually work themselves out of a job. This situation does not apply to coast guards.

What do all these developments mean? At one level they may reflect nothing more than countries with wide maritime interests and jurisdiction establishing appropriate national arrangements for discharging their obligations and protecting their sovereignty at sea. A coast guard offers a cost-effective alternative to a navy. Navies with their drive to modernize and introduce the highest level of technology and capability that their budget can afford have in effect priced themselves out of maritime policing.

At another level, something more profound may be occurring. It may be, firstly, recognition that the seas and oceans need more effective management and enforcement arrangements than the *ad hoc* ones of the past. This would be in line with growing international concern for the health of the world’s oceans, the destruction of marine habitats, and unsustainable levels of fishing. Coast guards and cooperation

between them offer excellent potential to develop the types of regimes that the region so desperately needs.

Secondly, the developments demonstrate practical acceptance of the principles of comprehensive security. By establishing a coast guard, a country is building an institution to provide for human, resource, and environmental security at sea. In contrast, navies are optimized for war-fighting and conventional security. Regional navies are focused on “high-tech” weapons and sensors and reluctant to be too heavily involved in tasks that are really those of coast guards. Employing high-technology warships and maritime aircraft on these tasks is overkill and a misemployment of highly trained military personnel. They are better left to a separate coast guard, specially equipped and trained for maritime policing.

Lastly, the developments may constitute a revolution in maritime strategic thinking. A study of “the changing face” of maritime power in the late 1990s concluded that “the changes in the international scene have not propelled maritime thinking into innovative groundbreaking territory, but rather have led to a shift in the balance within quite traditional notions of maritime activity.”<sup>xii</sup> But the focus of the study was Europe. In the Asia Pacific region the developments with coast guards are evidence of major changes in maritime thinking and new awareness of and interest in good order at sea. This is a niche left by navies consumed with the complex and expensive business of modern naval warfare. While much of naval planning and thinking is a reaction to the past, the development of coast guards is in many ways a response to future needs. Most specifically these needs are the requirement of future generations for a healthy and well-managed marine environment.

*While much of naval planning is a reaction to the past, the development of coast guards responds to the future need for a healthy and well-managed marine environment*

## Notes

- <sup>i</sup> Booth, Ken. 1993. "The Role of Navies in Peacetime." In Hugh Smith and Anthony Bergin (eds.), *Naval Power in the Pacific: Toward the Year 2000*. Boulder: Lynne Reimer, p. 161.
- <sup>ii</sup> Loy, Vice Admiral James USCG and Captain Bruce Stubbs USCG. May 1997. "Exporting Coast Guard Expertise." *USN Institute Proceedings*, p. 56.
- <sup>iii</sup> Muda, Muhamad. 16 April 2002. "Coast guard to boost maritime surveillance." *New Straits Times* online; and Nazlina, Maizatul. 19 April 2002. "Coast guard to fight sea threats." *The Star* online.
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- <sup>vi</sup> Truver, Scott C. June 1998. "The World is Our Coastline." *USN Institute Proceedings*, p. 45.
- <sup>vii</sup> *Ibid.*, p. 46.
- <sup>viii</sup> Gray, Colin S. Summer 2001. "The Coast Guard and Navy – It's time for a "National Fleet." *Naval War College Review*, Vol. LIV, No. 3, p. 116.
- <sup>ix</sup> Friedman, Norman. 2001. *Seapower as Strategy – Navies and National Interests*. Annapolis: Naval Institute Press, p. 242.
- <sup>x</sup> Gray, *op. cit.*, p. 127.
- <sup>xi</sup> Prins, Gwyn. 2000. "Oceanguard: The Need, the Possibility, and the Concept." *Ocean Yearbook 14*. Chicago: Chicago University Press, pp. 398–419.
- <sup>xii</sup> Smith, Mike Lawrence and Mathew R.H. Uttley. 1999. "The Changing Face of Maritime Power." In Andrew Dorman, Mike Lawrence Smith, and Mathew R.H. Uttley, *The Changing Face of Maritime Power*. Basingstoke: Macmillan, p. 190.

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