HOUSE OF LORDS

International Relations and Defence Committee

Corrected oral evidence: UNCLOS: fit for purpose in the 21st century?

Wednesday 17 November 2021

11.08 am

Watch the meeting

Members present: Baroness Anelay of St Johns (The Chair); Lord Alton of Liverpool; Lord Anderson of Swansea; Baroness Blackstone; Lord Boateng; Lord Campbell of Pittenweem; Baroness Fall; Baroness Rawlings; Lord Stirrup; Baroness Sugg; Lord Teverson.

Evidence Session No. 8 Heard in Public Questions 66 - 77

Witness

I: Admiral Sir Philip Jones, Former First Sea Lord (2016-19), Royal Navy.

USE OF THE TRANSCRIPT

1. This is a corrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.

Examination of witness

Admiral Sir Philip Jones.

Q66 **The Chair:** Good morning and welcome to this meeting of the International Relations and Defence Select Committee of the House of Lords. It is my pleasure to welcome today the Admiral Sir Philip Jones who was First Sea Lord from 2016 to 2019. Thank you very much, Admiral, for joining us today to contribute your expertise to our inquiry on the United Nations Convention on the Law of the Sea. We are posing the question, "Is it fit for purpose?"

At this stage, I always remind our witness—our guest—and our members that the session is broadcast, on the record and transcribed. I also remind my colleagues that, when they ask their questions, if they have a relevant interest, they should declare that at that moment. As always, I will start with a rather general wide question, and I will then turn to my colleagues for more focused questions. I anticipate that my colleagues may wish to ask supplementaries to those questions at that point. If there is any time left at the end of our period, I will then ensure I turn to colleagues to see if there are any further supplementaries, giving some precedence to those who have not yet had the chance to ask such a question.

If I may, I will start with the wider question. How does the Royal Navy help to ensure compliance with the international law of the sea, including navigational freedoms, and prevent threats to maritime security? Does the current law of the sea adequately address new and emerging threats, Admiral?

Admiral Sir Philip Jones: Thank you, Chair. The first thing you have to get right is to make sure that the Royal Navy understands the current law and can teach it, train it and practise it. I have been impressed throughout my 40-year naval career by how often and how widely we do that. There are complicating elements of that that need instilling into young officers as they keep watch at sea, particularly if their ship is operating in the proximity of the boundaries of international waters and, potentially, on transit rights, claiming innocent passage and understanding archipelagic seas. These are important issues for a mariner to get his head around, and the Navy trains that really well. We workshop it extensively at the Maritime Warfare School and, certainly by the time you arrive in command of a ship or in command of a task group, it is pretty well instilled into you.

Then you have to practise it in your home waters pretty effectively, and the Royal Navy is schooled on a near-constant basis in enforcing international maritime law in waters very close to the UK and in the need to understand precisely what vessels can and cannot do in the Dover Strait Traffic Separation Scheme, inside the UK's contiguous zone and inside the UK zone of exclusive economic rights. It is very important, particularly if you are going to serve on fishery protection vessels and on any vessel that will be involved in maritime security of UK waters, that you understand it and can enforce it because that is the bedrock of

knowledge and ability that you take out on to the international stage and understand how to do that further abroad.

Again, for much of the Navy, for much of my serving career, we were very practised in that in areas such as the Middle East, where we were providing very discreet escort and accompaniment to vessels passing through the Straits of Hormuz, and we needed to understand what we could and could not do as part of that accompanying procedure. You can take that bedrock of knowledge and ability to wherever you may be required to deploy it. Probably the most challenging zone for that at the moment is the South China Sea, but there is no difference to the way the rules are enforced there; there is just a greater need to understand local nation perspectives.

In terms of whether it is fit for purpose and can respond to new and emerging threats, that United Nations convention has stood the test of time. It is now very nearly 40 years old. The work was done to make sure it applied in pretty well every situation. It gets complicated where there is different interpretations of how to apply the rules, and that gets particularly complicated in archipelagic sea zones and where each nation's claimed waters butt onto those of another nation. There may be the need for arbitration to interpret how that should be applied, and that arbitration is not always accepted by all nations. That is where the need to test the law against current and future requirements is most significant.

Q67 **Lord Stirrup:** Good morning. I am going to ask a question that I suspect might be dear to your heart. In your opinion, does the Royal Navy have adequate resources to deal with the demands that are being placed upon it and the emerging challenges that you have just touched upon? Now, I would not expect any former head of an Armed Force to believe that his service was adequately resources, and perhaps I should declare an interest there myself.

I am thinking in particular of the statement or assertion in the defence Command Paper that growing maritime capabilities will enable the projection of power further afield and permit operations from a greater range. Is this actually feasible, particularly given the integrated review's tilt to the Asia-Pacific region? You know better than anyone that is an extremely large area with a lot of challenges. Will the Navy have sufficient resources to do what is being asked of it? In particular, will it have the resources and capability to meet the kinds of challenges that we already see being posed to the constraints of UNCLOS and the instruments that lie within its overarching framework?

Admiral Sir Philip Jones: I accept the declaration of an interest as a former fellow head of service. I have been studying that assertion in the Command Paper very carefully myself, because I made the claim frequently while serving that we needed greater capacity in order to be able to respond to those challenges. The Ministry of Defence and my successor as First Sea Lord—or successors, I should now say, given that I am not the most recent Sea Lord as of last week—are right to claim that

you have to look at this through the prism of availability and sustainability and not raw numbers.

We have been working for a number of years now to drive up the level of availability of the current surface fleet such that we could respond more effectively to the challenges that the Government have asked the Navy to meet. That has been a tough challenge for the last few years because, to take the destroyer frigate fleet, for example, the core number is 19 and it has been set at that since SDSR 2010. Within that 19, availability has been limited in some ways in the last few years due to the Type 23 frigates going through long and very intrusive capability extension periods and life-extension programmes. At the same time, work has been conducted to improve the availability of the newer Type 45 destroyers. They have needed some quite intrusive work to give them new propulsion and command systems, in some way.

That has driven down the level of availability of that 19-strong force, but that is now on an upswing. It is on an upswing to such a degree that my successor as First Sea Lord, Admiral Radakin, was comfortable to see, in the integrated review, the early retirement of two of the older unmodified Type 23 frigates while, at the same time, offering to drive up the levels of availability of the existing fleet. I know that is not a false promise because those Type 23s have now come through their refits and are in a better state to deploy.

The Navy is also taking advantage of the arrival in service of the five new Batch 2 river-class offshore patrol vessels. They come with a very high level of availability in any event. They are crewed in a way that enables them to be deployed for very long periods with crew rotation to keep them away. That, of course, has to be added to sustainability to make sure that we can keep them on operations away from the UK for, potentially, years on end. That has to come hand in hand with work with industry to make sure that it can sustain those vessels at long range. They provide the opportunity to put a much more persistent presence into regions where we were struggling to keep a persistent presence by using the destroyer frigate force.

If you look at their disposition now, there is one permanently deployed in the Caribbean, one is permanently based in Gibraltar and is currently in West Africa, one is down in the south Atlantic, and two are now in the Indo-Pacific region. They are in Hawaii as we speak, and they will stay there, forward deployed, for a number of years. That drives up a level of presence.

The First Sea Lord will be the first to admit that that, of itself, does not drive up a level of lethal capability presence in those small vessels. They can do a huge amount, but they cannot deter significant high-end threats, so we need the more capable elements of the Royal Navy also able to do that. That has been manifested this year through the Carrier Strike Group deployment, but the test will be whether we can keep doing that kind of thing. What kind of force can we project next year when that strike group has returned to the UK? How can we sustain that?

I know there are plans to forward deploy a littoral response group into the Indo-Pacific region continually. I believe those plans are credible and thought-through, and we can sustain that presence substantially through the use of allied support. It is a very careful balance not to overpromise availability and a presence that we cannot sustain, but I do not believe those are overpromised at the moment.

Lord Stirrup: Can I just ask you this then? You talked about the intensive training the Royal Navy undertakes in UNCLOS and then you talked about the difficulties of different interpretations of UNCLOS. I wonder if you could expand on that latter point a little more and say, from your own experience, where you have observed this and where it poses particular challenges.

I think, for example, of the anti-piracy mission of Somalia where the Chinese were actually co-operating. Were you aware of how they looked at UNCLOS and the subsidiary regulations when they were doing that? Did that present any particular issues because, clearly, China is one of those states that has some notions about UNCLOS and the subsidiary instruments that do not necessarily align with ours?

Admiral Sir Philip Jones: Yes, I had an interesting experience. You may remember this from your time as CDS. I was appointed as the first operational commander of the EU's counterpiracy taskforce, Operation Atalanta, and we established that operation very quickly due to the well-found nature of the training and availability and sustainability of the navies that committed to that operation. We did it alongside a NATO force and a force from the Combined Maritime Forces in Bahrain. For most of the time, the Royal Navy was contributing to all three of those operations as a sign of our multilateral work.

The Chinese were exploring the option of coming to do counterpiracy operations at that time. As a sign of just how far they have moved and how quickly, they came to my headquarters at Northwood in 2009 to seek out how they would sustain their ships forward deployed on counterpiracy operations. They had, at that stage, not sustained a task group away from home waters over a long period, for a very long time. They were asking our advice about how to arrange logistics, sustainability and how to use local ports to provide logistics support. They learnt very quickly and sustained that operation continually through forward-deployed task groups for a number of years. That is a sign of how fast they were moving and of their determination to get the PLA Navy back on to the world stage and show that they wanted to take part.

In one of the conversations I had with a PLA Navy commander at the time, he made it clear to me that the Chinese absolutely support a rules-based international system; they just like to be involved when the rules are set, which I thought was a rather interesting response. They struggle with some of the interpretations of UNCLOS in relation to the waters of the South China Sea and the East China Sea, because they see it differently to us and they would wish to be involved in a revisit of that. I do not know whether that is going to happen at any time in the future or

whether the UN would wish to do that, but that is possibly a good example of what lies at the heart of the difference in interpretation.

The other one that is relevant is how to interpret fishing activity. In one of my visits as the Royal Navy's fleet commander to our ships enforcing maritime security in the Northern Gulf, I remember talking to the task group commander at the time about the complexities of the waters up there, as the waters of Iran, Iraq, Kuwait and Saudi Arabia are very close. There is not much international water there and, therefore, the need to police who is in whose waters at any one time is very important, and yet there is a vibrant and thriving fishing community that moves freely across those boundaries depending on where the fish are. They do not necessarily respect international boundaries and they move in and out of Iranian, Iraqi and Kuwaiti waters. To enforce that in a rigid and forceful way is not helpful to local community relations.

Translate that to the South China Sea and there are very large numbers of Chinese fishing vessels moving around in those waters too. Now, are they innocently fishing or are they being used in some form of state or semi-state action to assert rights? That is what complicates the interpretation of the rules and makes it so difficult there.

Q68 **Lord Boateng:** Thank you for your service, Sir Philip. I wonder if you could elaborate on international co-operation. You have given us a very good example with Operation Atalanta. How generally does the UK co-operate with international partners and allies on maritime security challenges?

Admiral Sir Philip Jones: As I indicated in my answer to Lord Stirrup, in many ways, we embody the multilateralism that is implicit in the way navies work together on the global stage. We have done so at the heart of NATO. We did do, as I indicated, with Operation Atalanta when the EU first started doing maritime operations. We have been a pivotal part of Combined Maritime Forces Bahrain for a very long period. It is in our instinct to work multilaterally in this area. That is helped enormously in the world of maritime security by a common interpretation among almost all our allies and partners about what the UN Convention on the Law of the Sea means and how to enforce it. That really helps in the way we do that.

What also helps is common training, so the Royal Navy is very proud of having hosted fleet operational sea training, originally at Portland and now at Devonport, where many of our partner navies come and do their training alongside us. In fact, many European navies have shut down their own sea training organisations in deference to the best in breed that FOST, fleet operational sea training, for the Royal Navy provides. That means there is an instinct in the way vessels of many different navies have been trained in maritime security, given testing scenarios under that training guise in order to make sure that they can interpret them to the best of their ability. That really helps us out on the seas.

Of course, we keep coming across areas of the world and nations we are seeking to co-operate with that we have not done that kind of work with before, so we are constantly looking to do capacity-building with those navies to help train up their own indigenous maritime security forces. A very good example of that is the recent work HMS "Trent", one of these Batch 2 river-class offshore patrol vessels, has been doing in the Gulf of Guinea working with the navies of Nigeria, Ghana, Togo and Côte d'Ivoire and all the way along that coast to help capacity-build their maritime police forces, coastguards and navies to do maritime security better.

Lord Boateng: The activities of HMS "Trent" in the Gulf have been widely welcomed, I know, by those Gulf states. With the Indo-Pacific tilt, there is now increasing attention paid to the east coast of Africa right the way down to Cape Town. Of course, in Cape Town, there are two Nelsons' birthdays celebrated to my certain knowledge, at Simon's Town—one is Mandela's and the other one is Horatio Nelson's—so that has been a long-standing partner of the UK. China now has a base; it has been a quick learner and it has a base in Djibouti. How are we finding our relationships in that part of Africa, and what more do we need to do?

Admiral Sir Philip Jones: The establishment of the Chinese bases abroad has been one of the most significant ways in which the Chinese have developed very rapidly, as I mentioned in answer to an earlier question. Djibouti is a very good example of that because, for example, when they came to visit my EU headquarters at Northwood in 2009, they saw from our work and what we showed them that we were using Djibouti as our principal logistic base for Somali counterpiracy for very obvious reasons of geography and it being a well-found base. It is perhaps no surprise that they have negotiated with the Government of Djibouti to have their own base there.

They are doing that in a number of places, and it is not surprising that they are because they have this ambition to be forward deployed and to have a navy that is seen in more waters of the world. So far, all the interactions that western navies have had with them in the wider oceans have been very professional and straightforward. We have methods of communicating and understanding intent, some of which we built up during the counterpiracy operations, but it is impossible not to see a trend of enhancing that presence even further, and we will watch that very carefully and understand how they do it.

They have not yet demonstrated or given an indication of wanting to come all the way up to the Euro-Atlantic area, but I would not be at all surprised if they attempted that at some stage in the future, just as a counter to our tilt to the Indo-Pacific. They will say, "We are a global navy too. We can tilt towards you", so it will be interesting to watch if that happens.

Q69 **Baroness Blackstone:** In our earlier session today, we discussed climate change. I wonder if you could tell us which consequences of climate change are critical for the Royal Navy and for our maritime security.

Admiral Sir Philip Jones: That is a very good question, and it has many components to the answer to it as well, if I may. The first one is the impact it could have on the work the Royal Navy does around the world at the moment anyway. One of the principal areas of focus for what the Royal Navy does is the security of our overseas territories. Now, many of those overseas territories are in parts of the world that are vulnerable to sea-level change, extreme weather conditions and the impacts of hurricanes, earthquakes, typhoons and tsunamis. We already have experience in some of those parts of the world in south-east Asia and the Caribbean, for example, of assisting overseas territories in responding to those kinds of incidents.

There are others too. The receding Arctic ice is beginning to open up the very real potential of shipping lanes across both the north of Russia and the north of Canada becoming very credible commercial shipping routes, at least during the summer months, very soon. That will have an impact on the balance of global trade and potentially the number of ships that are passing through those routes, as opposed to some of the more traditional routes, which have a lot of choke points on them of course. From the straits of Malacca to the straits of Bab al-Mandab to the Suez Canal to the straits of Gibraltar, we are familiar with them all, but these will bring in new ones that may well have different maritime security challenges.

There is a third component as well, which I know the Navy is beginning to recognise, and other navies are too. That is the questions that are being asked of all global shipping, both military and civilian, about how their ships are powered and whether the fuels they burn are one of the most significant contributions to emissions and whether all our ships need to look at changing the way they are powered in order to drive down their level of emissions.

Now, I know from my own time serving that the United States Navy is a long way into this game and is investing substantially in how it converts its ships to operate on low-emission fuel. That is an enormous undertaking for all naval and commercial fleets around the world, but it is one that I know the Royal Navy is beginning to address, looking to learn the technology lessons that the United States Navy has already learnt here. They are many and varied, and I probably missed out a number just in that list, but it is an increasing focus of how we are looking to adapt what we do.

Baroness Blackstone: Can I ask you whether the outcomes of COP26 will have any effect on the Royal Navy in this area?

Admiral Sir Philip Jones: The first reason that navies like the Royal Navy look at COP26 with gratitude and pleasure is that it is carrying on the lessons of multilateral co-operation. We are serious protagonists of the values of that. We have spent a lot of time with our UNCLOS partners looking to make sure the rules-based international system is universal, international and respected by all. It is very good to see COP26 enhancing that perspective.

Time will tell whether the changes that have been imposed there are going to have an impact on climate change such that it lessens the impact of sea-level rise and extreme weather incidents, and whether it forces not just the UK's but the world's shipping community to look again at emissions from their platforms. I think it probably will, and I hope it does.

Q70 **Baroness Rawlings:** What you have just about the Navy burning fuel was fascinating because Professor Schofield, who gave us evidence just before, said that tankers and ships were absolutely burning fuel like crazy. I was wanting to ask, as you have just mentioned, whether they will be looking at going electric, like all our cars are meant to be, because what a car uses is tiny compared to the big ships.

What you said was really interesting, but I wanted to go in a totally different direction. I wondered what the current potential military equipment and capabilities of unmanned maritime technologies are and what types of unmanned technology are currently in use by the Royal Navy. I wondered whether, with the maritime autonomous surface ships, there had been many accidents.

Admiral Sir Philip Jones: That is such a good question. In answer to the final bit, not that I am aware of—not yet—but, in many ways, we are still in the early stages of evolving this technology. It has been one of the areas in which the Royal Navy has been moving fastest over the last few years. I would like to think I played some part in that, but my successor accelerated that direction of travel in a very welcome way. There is almost no area of what we do where it is not beginning to have a significant impact.

We already have, either in or very close to operational service, some unmanned rigid inflatable boats, which can be deployed from our frigates and destroyers and offshore patrol vessels for certain types of discreet tasks. We are well advanced in evolving unmanned mine countermeasures capability, which was one of the areas we wanted to move into rapidly and early because it is one of those pieces of technology where, if you could do it, why would you not. Why put a live human being into a minefield to hunt for and dispose of mines, which is a very dangerous activity, if you can do this remotely?

Now, I have many mine warfare and clearance divers as friends, and they say the robotic systems will never be as good as the trained mine warfare clearance diver. They would say that, would they not? There is certainly a role for shared mine countermeasures operations between manned and unmanned for a while yet, but if the unmanned can do the more dangerous bits then why not?

Unmanned rotorcraft are heading rapidly towards operational service. They are not yet deployed in the Royal Navy, but I know they are close to it, and I saw the enormous potential for this when we had a hybrid system that we bought from the Americans for a few years called ScanEagle, which we deployed onboard our frigates deployed to the

Middle East. The great thing about this capability was that it is complementary to the helicopter. We are trying to come up with an unmanned rotorcraft that does not necessarily have to replace the Wildcat helicopter that is embarked in the frigates. If you have both then you can optimise. One is always going to have the capacity to apply human judgment to whether you do or do not fire on a particular contact or what it is that you are seeing and reporting back, but they do have problems of longevity on patrol. These unmanned rotorcraft do not; they can stay up for hours on end and help you build a background surface picture of activity that may be illegal or suspect, and then launch the manned helicopter to go and investigate. That has enormous potential.

The area that is becoming increasingly important—again, the US Navy is leading here and this, in some ways, is one of the most controversial—is whether we will start deploying unmanned support vessels backing up a high-end warship to improve its lethality. This is a maritime version of what the Air Force calls the loyal wingman concept. In a sense, you have higher levels of lethality because some of your missiles and strike power is deployed on unmanned platforms, which both gives you greater hitting power but also confuses the picture that the enemy is trying to build about where you are and what you are doing. It also means that the unmanned strike platforms can go further up-threat than you might necessarily want the manned platform to go.

That is still in its infancy because there are, quite rightly, enormous questions of command and control, and application of rules of engagement, to that kind of strike capability. The US Navy is well down that route, but we are exploring it and looking at how we might be able to use it in our own way.

Q71 **Lord Alton of Liverpool:** Sir Philip, thank you for the evidence you have given us today. Can I take you back to the issue of maritime security? If you were asked to advise the UK Government on areas of maritime security in which the UK should be more active and engaged, I wonder what you might suggest. What would be your priorities? Given your considerable experience, how might the law of the sea be improved in areas relating to maritime security?

Admiral Sir Philip Jones: It is a very good question, and one I often thought about during my time serving. The first thing is to carry on putting pressure on the nations that have not yet signed the UN Convention on the Law of the Sea, and there are a number of fairly conspicuous ones that have not done that. The more universal the adherence to those rules, the more effectively they can be policed and administered by those who do respond to them.

The other very good thing to do would be to toughen up the scheme of arbitration that enforces them, so one of the things that significantly affected my time towards the top of the Navy was the Permanent Court of Arbitration in the Hague, which upheld, right at the start of my time as First Sea Lord in 2016, the claim that the Philippines had against the Chinese interpretation of whose waters were whose in the South China

Sea. It effectively said that the Chinese nine-dash line, as it is famously known, was not a correct interpretation of the law of the sea.

Now, that was a very powerful piece of UN arbitration, which it was not able to enforce, and I witnessed, both in word and in deed, the PLA Navy effectively ignoring that and just carrying on, in fact even strengthening, its aspiration to try to make sure that all navies saw the South China Sea through its eyes, not through the eyes of standard UNCLOS interpretation. It is important to find mechanisms to stiffen the powers of arbitration and then mechanisms to enable parties that have differing interpretations to get together and try to work a way through this. It has happened in a number of parts of the world to the benefit of local nations, such as arbitration over boundary lines, contiguous zones and exclusive economic zones between, for example, Russia and Canada, and Russia and Norway, to give some examples in the Arctic. If that could be more widely interpreted, it would be really useful.

As I mentioned earlier, it is a very good set of rules. I applaud all those who worked hard to bring in that convention, in 1982, and I have not yet seen any obvious loopholes or areas where it needs significant revision. It is the local interpretation, more nations signing it and then the power of arbitration to enforce rules.

Lord Alton of Liverpool: You just mentioned 1982, and that brings back something else from that period. You mentioned in reply to Lord Stirrup earlier the danger of high-end threats. I am thinking of the south Atlantic, the Falkland Islands, the unexpected, undeclared war that we entered in 1982, and the overseas territories we have from Tristan da Cunha to the Falkland Islands. I wonder if you could say a little more about what we are doing to ensure that history does not repeat itself in those circumstances.

Please could you also comment on the issue of unexploded ordnance around our own coasts? There was a report yesterday about the problems we face in creating wind farms, for instance, because of unexploded ordnance and the damage it does to the seabed and marine life. Was that something you were able to give any time, attention and interest to?

Admiral Sir Philip Jones: Yes. On 1982 first, there are two interpretations of that; there is the specific and the more general. The specific, which is a question that I and my fellow service chiefs were often asked, was whether we could fight and win that campaign again. I genuinely believe the correct answer is that we will probably never have to fight a campaign exactly like that again. The south Atlantic in 2021 is not as it was in 1982, not least because we have invested significant effort to bolster the inherent defences of our south Atlantic territories and the capacity to reinforce them rapidly, such that a 1982 incident could not happen again because of the existence of RAF Mount Pleasant and East Cove military port.

The generic lesson of never quite knowing where the next conflict is coming from is extremely relevant. I have recently written the foreword

to an anthology written by the ship's company of HMS "Fearless", the amphibious assault ship that commanded the landings that I was serving in as a young acting sublieutenant in 1982. I reflected on that time and said the key thing is that we were not ready for that operation. We did not see it coming, which confirms that, as with so much that our Armed Forces have been involved in subsequently, they tend to be a come-as-you-are party. You do not have time to reset with the right equipment, capability, training or preparations for the next conflict, so you have to be ready to go with what you have. This is why your training, sustainability and availability have to be as good as they can be.

That is not to say that we were training for the wrong war. The height of the Cold War was in 1982. The focus of all our Armed Forces was on the defence of NATO on the North German Plain, in the air over that, in the waters of the north Atlantic and the in the air over that. That was our principal effort and we were not wrong to do that. In the Royal Navy, we had also just started what we then called the Armilla Patrol, the continuous presence of ships in the Middle East to assure shipping through the Straits of Hormuz. It is not as though those were the wrong things to be doing and we should have been training to fight the Argentines. You just have to be ready to take your high-end capability that you have honed in one area and adapt it very quickly for another.

On explosive ordnance disposal, you are absolutely right, my Lord: there is a drip-drip in which we keep finding these things all around our shores. The Royal Navy maintains a number of explosive ordnance disposal teams at high readiness to move to wherever they are needed to dispose of these. We own the high-water mark to seaward and the Army owns the high-water mark to landward but, very often, we will work together where it is right on that dividing line.

We retain the capability to respond to those, but I suspect we will keep finding them. There is a huge amount left over from the Second World War in particular that only comes to light when trawled up or, occasionally, very worryingly, when found by members of the public. It is quite difficult to think of any other way of disposing of them because to go and do a major trawl below the waterline of our entire coastline would be incredibly time-consuming and effort-consuming. That is a difficult challenge.

Of course, it is not just there; it is in other parts of the world too. The Falkland Islands needed very significant explosive ordnance disposal work to render them safe. Only recently have some major areas of very valuable and attractive coastline around Stanley been declared free and available for civilian use again, so it is a constant challenge.

Q72 **Lord Campbell of Pittenweem:** Admiral, thank you very much for your evidence. I was struck, as Lord Alton was, by the restoration of the south Atlantic frigate and, of course, you put back what used to be called the WIGS, the West Indies Guard Ship. Am I right that it played a very considerable role in helping to deal with the problem of drugs, often in co-operation with the United States?

That brings me on to the fact that, of course, the United States is not a signatory of UNCLOS and does not look very likely to become a signatory, yet it is perhaps the closest of our allies at sea. Does the absence of its signature of UNCLOS have any impact upon the nature of the co-operation that we enjoy with the United States, bearing in mind that we have a very considerable presence at Norfolk, Virginia?

Admiral Sir Philip Jones: That is a very good question, and it has made me think of any ways in which it inhibits our work with the United States Navy across a whole range of areas and in so many parts of the world, where the interpretation of the UNCLOS rules is so important to the enforcement of the rules-based international system at sea. I cannot think of any, which might sound a surprising answer, but we tried in the Navy never to be too involved in the politics of that. Why had they not signed? What were the implications of them not signing? Was there a chance that they would sign? We did not bother with that.

What I tended to find in the US Navy with its local commanders, and indeed right up to its leadership, is that they knew the rules, had been schooled in the interpretation of them, as we had been, and they were as adept at effectively abiding by them as any navy of a nation that had signed them. It was at the heart of NATO and the interpretation of those rules in the Euro-Atlantic area. It leads Combined Maritime Forces Bahrain and the interpretation of those rules in relation to that Straits of Hormuz. Of course, it is a pivotal player in the Indo-Pacific region with Seventh Fleet being alongside the navies of the likes of Japan, South Korea and Australia, as a key adherent to the rules-based system in that region.

I was never aware of it holding back. At the risk of speculation, I would not be surprised if China uses the lack of formal adherence by the United States to those rules as a way of holding back from itself, but I am straying beyond my remit here into politics and international relations.

Lord Campbell of Pittenweem: I have just one last question. Are all the navies that we principally co-operate with in NATO signatories of UNCLOS or have any of them not signed it?

Admiral Sir Philip Jones: I confess that I do not know the answer to that but, again, even if they have not signed it, they know it. They are all very keenly aware of the rules in relation to different types of zone and the rights that you can claim transiting through those zones. Those who pass through Devonport are, of course, all trained in that through fleet operational sea training. Again, I was never aware of that being an issue. Commanding both EU and NATO forces in my time, I was never aware of a navy that had to apply a national caveat to the way I was getting the group to interpret those rules through, for example, counterpiracy and maritime security in the Indian Ocean.

Q73 **Baroness Sugg:** Thank you for you evidence. You gave us a few examples earlier, but what more do you think the UK could do to improve international co-operation with our allies on the enforcement and

interpretation of UNCLOS?

Admiral Sir Philip Jones: Encouraging all those who feel strongly about the importance of those rules to get involved in the enforcement of them is important and it is a lesson that we have learnt ourselves in the UK. As we were planning and conceiving of our Indo-Pacific tilt, going back to about 2018, I was getting a lot of messages from naval commanders in the region to say, "This is really welcome because lots of people are reacting on the political stage and in their international commentary to Chinese interpretation of the rules in the South China Sea and its enforcement of the nine-dash line. But we do not see many of you coming here to show how strongly you feel about that and acknowledging how much of global maritime trade passes through that region, not just trade as it affects the nations in the region. We would have thought you would want to come and play your part here."

My Australian counterpart used the very catchy phrase, "You have to not just talk the talk, Phil; you have to walk the walk." That is a very good way of describing the physical manifestation of the Indo-Pacific tilt. The Carrier Strike Group has been walking the walk this year. The permanent forward-deployed presence of offshore patrol vessels will walk the walk in that space and encourage more nations to do that.

There has been quite an apparent and obvious, if smaller than ours, Indo-Pacific tilt by the French and German navies in the last couple of years as well, recognising that need to be present alongside the allies who are in the white heat of the enforcement of those rules. That is an important direction of travel.

Lord Teverson: Sir Philip, can I say congratulations on your Atalanta role? I think you came before a committee I chaired at that time when we had an inquiry on Atalanta.

Admiral Sir Philip Jones: Yes, my Lord, I did.

Q74 **Lord Teverson:** It was very successful, and the role that you and the UK played in that was pivotal. I want to come back to something rather more mundane. You mentioned us being present in West African waters. One of the big challenges of UNCLOS is enforcement of EEZs in developing countries and their resources. One of the things we want to have in this inquiry is recommendations of roles the UK can play in improving the enforcement of UNCLOS. From your experience, what would you say we could do to help developing nations protect those fisheries, resources and biodiversity in their waters? What lessons have we had and how could we help that in the future?

Admiral Sir Philip Jones: The work that HMS Trent has been doing has personified that, and I have seen vessels do that kind of work before moving through that region. We do not always have the capacity to be there on a more permanent basis. Persistent presence is what really helps drive significant change with allies and partners in all regions of the world and that one in particular.

We find that we have to encourage them to lift their eyes up beyond the immediate waters that are literally just off their coastline. Many of them do not have ocean-going navies, of course, but many of them struggle even to have beyond-horizon navies. They are just dealing with small coastal police forces or very small coastguards with vessels that lack the seaworthiness and sustainability to stay at sea for more than a couple of hours at a time. They struggle to achieve situational awareness and even build an accurate picture of what is happening around them or know precisely where they are if they move out of sight of land. You need that if you are going to do maritime security properly.

In many cases, we are trying to give them the techniques that enable them to build that picture, navigate effectively, and do board and search against fishing vessels and dhows that they might believe are operating suspiciously in a professional way that does not threaten the way people are operating perfectly legally and viably in those waters. The great danger is you give them too heavy a mailed fist that stops legal and authorised trade there. Ultimately, it is trying to encourage them to spend the money that, in the end, they will have to spend to build the kind of ships, to train the kind of navy or coastguard and to build an integrated network of picture compilation that will enable them to do that.

Now, we can do a lot of that for them in the early stages. A number of western navies have been selling or even gifting some of their older smaller offshore patrol vessels to those navies. They are also helping them build a situational awareness picture. The one we built off east Africa for Somali piracy has been replicated by the French and Spanish navies that have taken over Atalanta from us to do the same for west Africa. That is a great opportunity to show the kind of network you have to build but, in the end, it has to be a conviction by those Governments that their own maritime security is important and worth investing in. That is a constant drip-drip of partly military action and capacity-building with them, but partly political engagement too.

Q75 **Lord Anderson of Swansea:** Our Royal Navy is a centre of excellence. Do you find that the Navy is sufficiently integrated into our aid and development policies?

Admiral Sir Philip Jones: We are because, in many cases, we see the manifestation of that activity in the way that we are forward deployed. I can remember my time in command of a frigate deployed in the Caribbean, working very closely with UK aid experts and authorities on, for example, the preparation for the potential for hurricane relief in our overseas territories, and the way that we would support fragile and developing nations and look to help UK policy.

All ships that are deploying will receive a package of briefing and preparation for what is happening in the regions they are going to, which includes an element of the aid and development policies for that particular region. They will work closely with the high commissioners, ambassadors and their staffs in the region they are in in order to

interpret that as best they can. We cannot do that at the scale that we might wish to in most places and cannot always do it on as persistent a basis as we would wish to, but I believe we are very well connected to how that work is being done in the areas that we deploy to.

Q76 **Baroness Fall:** Back to the political will that you mentioned before when you were talking about piracy, what about that in relation to refugees? You are right at the centre of our own problem, but it seems, with rising sea levels, we are going to have a lot more of that. What needs to happen to make it humanitarian?

Admiral Sir Philip Jones: That is a very good question. That is probably the one significant component of the impact of climate change on navies that I did not touch on in my answer to the earlier question, but I am very keenly aware of what a significant challenge it is. The Royal Navy has, on occasions, been quite significantly involved in wider efforts to deal with the very high levels of migration crossing the Mediterranean, for example, in the last 10 years as Libya collapsed into a fragile state.

As much as anything, that was a demonstration of political will. I think that our Government wanted to help partner navies in that region, but it was also a demonstration of the enormous scale of that challenge. It was overwhelming local forces, particularly coastguards and local police forces. They needed navies to come to help them and bring the expertise, persistence and size of ship that they needed to move people. That has abated at the moment, because the sheer scale of those numbers crossing the Mediterranean has reduced in the last couple of years. Of course, it is a persistent question in the English Channel and the Dover Strait. Where is the Navy? Should we be involved in that work?

It is appropriate that we are not there all the time and at a higher scale, because that is what the Border Force does. We would have to answer the question of what the Navy is being brought in to do, if we just need a higher scale of activity but operate only as a way of saving life at sea in ways in which, for example, the RNLI has been brought in to assist the Border Force. That is a credible use, but, if you make the Royal Navy a honeypot in the Dover Strait against migrants, there will be a lot of places where it will not be doing wider maritime security roles around the UK coast.

One of the likely impacts of climate change is higher levels of migration moving with potentially enormous scale from areas where the climate is beginning to make the country untenable. As those forces come into the maritime space, I think there is going to be an increasing number of questions put by the Government as to the role that navies need to play, but I think the key will be "to do what?" You cannot just say, "Stop it." They cannot stop it other than in a way that would be totally inappropriate as a humanitarian response. Therefore, what would you want navies to do? That is a question that chiefs of navy would rightly ask of their Governments when they are brought in to do that sort of role.

Q77 **Baroness Rawlings:** This is just a supplementary to my first question, going back to the safe running of autonomous and remotely operated vessels. Based on current workloads, to regulate safety, the Maritime Safety Committee of the IMO indicated that a new instrument could be developed but not before 2028. I wondered what your view was.

Admiral Sir Philip Jones: I was not aware of that, but I can understand that it wants to take time to get that right because the technology is moving so rapidly at the moment. A lot of people would perhaps want to have that regulation sooner than that, because much of the technology will already be in place being used long before then.

I know one of the areas they are looking at is the difference between remote and yet still controlled unmanned vehicles, and totally independent vehicles, which are effectively given a mission and a patrol area and just sent off, so you cannot control them. It is getting that differential right. The latter will be appropriate for picture building and intelligence gathering, but the idea that you could ever have totally remote operation for any kind of war-fighting task is something that will need very serious thought and proper regulation. My instinct is that it would be good to have it sooner than that, but I understand why the IMO wants to take its time there.

The Chair: Admiral, thank you very much indeed for giving your answers today. Of course, we always have a high respect for our Armed Forces and, at this time of year, we reflect on that even more than at other times. I was stuck particularly by your comments about the way in which the Royal Navy tries to achieve a state of preparedness for the unexpected. Sadly, the unexpected is often contributed to by political action. We will see what we can do to try to put that right. Thank you very much indeed.