A Comparative Study on Maritime Management Status in the Pre and Post-Launch of KOREA Coast Guard(KCG) in the Wake of Breakup of KOREA National Maritime POLICE Agency

Lee Hun-jae
Joongbu University, Geumsan, Republic of Korea

Abstract

This study was intended to examine the results achieved by the KOREA Coast Guard(KCG) which took over functions of the KOREA National Maritime POLICE Agency about 1 and a half years ago. Particularly, the study intended to analyze the status of management before and after government reshuffle based on statistical data in connection with maritime crime among various fields and to present related implications. By analyzing the status of maritime crime management, the study figured out maritime crime management status perceived by competent organizations regarding the status of occurrence as suggested by statistical data and then included the processed status to combine both statuses for explanation based on maritime crime management status. As the results of analysis suggest, adverse effects were found to arise from maritime crime management capability which is directly linked to public safety, security, and maintenance of order at sea.

The results of statistical analysis showed that 45,563 cases corresponded to crime perception ability in the presence of KOREA National Maritime POLICE Agency. However, the crime perception ability slid to 60% or 27,087 cases after the breakup of KOREA National Maritime POLICE Agency and launch of KOREA Coast Guard(KCG), implying that maritime security is confronted with challenge.

Regarding transfer of the functions of KOREA National Maritime POLICE Agency, negative aspects have been highlighted more than positive sides from the standpoint of maritime crime.

This suggests that such development has resulted from miscalculated reshuffle of police functions and crime investigation functions of KOREA National Maritime POLICE Agency, which aimed to cover up the inadequacy of the KOREA National Maritime POLICE Agency functions related to rescue and salvage. It should be known that crimes occurring at sea exhibit different characteristics as diverse as sea, compared to ordinary crimes.

Maritime crimes are characterized by large-scale and vast damage, difficulty with immediate site investigation, and slow progress in gathering evidences and securing witnesses. Considering that the KOREA National Maritime POLICE Agency under KOREA Coast Guard(KCG) still plays pivotal role in crime prevention and suppression at sea which has such characteristics, it would be necessary to recognize importance of the sea, strengthen functions of the curtailed KOREA National Maritime POLICE Agency and expand its maritime investigative roles consistent with its original functions so as to ensure effective response as many countries are recently building up their maritime capabilities.

Furthermore, it would be also necessary to establish identity and strengthen status through enactment of single law which is suited to the functions and status of the KOREA National Maritime POLICE Agency and vital for performance of functions, such as organization laws including Maritime Police Act, and Act on Performance of Duties of Maritime POLICE, considering that most organizations, including the National Intelligence Service, Prosecution and other special public servant organizations, which carry out special duties related to security, safety, public order maintenance, investigation, etc., have organization laws.

[Keywords] Policing, Maritime, KOREA National Maritime POLICE Agency, Ministry of Public Safety and Security(MPSS), KOREA Coast Guard(KCG)
1. Introduction

The Korea National Maritime Police Agency failed to perform its original duties in Sewolho ferry accident. (Omitted) I found that we could not prevent another large-scale accident without tackling this fundamental problem. So, I drew a conclusion after much consideration that the Korea National Maritime Police Agency should be dismissed[1].

Then, the Ministry of Public Safety and Security(MPSS) was launched. Most functions of Korea National Maritime Police Agency, excluding some investigative functions, were transferred to the MPSS.

Organizations are also actors and adopt different identity based on organization related-recognition of various stakeholders, namely, image, evaluation and reputation[2]. This reshuffle initiated by government also represents an attempt to adapt to the perception that has changed.

In the meantime, Balmer presented a theory of 5 identities related to the reputation of organization, which integrates the concepts of reputation and image with a focus on identity and consist of actual identity, communicated identity, conceived identity, ideal identity, and desired identity.

To maintain the reputation for organization management, he stated that those 5 identities need to be harmonious and consistent with one another and the difference should be narrowed when the elements of each identity were compared[3].

After all, the government failed to manage crisis properly which began when Sewolho accident occurred from the standpoint of identity, perception, and reputation. Thus, this represents an attempt to present desired identity newly and try based on ideal identity in order to overcome the crisis arising from weakened communicated identity and conceived identity.

As a result, the Korea National Maritime Police Agency was dismissed and integrated into the Ministry of Public Safety and Security(MPSS) in terms of its functions. This study aimed to determine the effects that those changes in situation would have on the maritime area, the sovereign territory of Korea.

Particularly, this study was intended to analyze the maritime crime management status before and after government reshuffle based on statistical data and present related implications. By analyzing the status of maritime crime management, the study figured out maritime crime management status perceived by competent organizations regarding the status of occurrence as suggested by statistical data and then included the processed status to combine both statuses for explanation based on maritime crime management status.

Meanwhile, statistical data used in this study covered the period from November 2014, the month of KCG(Korea Coast Guard) launch, to December 31, 2015. There were limitations to the period of statistical data collection, considering that statistical data covering the post-reshuffle 1 year period were used.

2. Functions of Korea National Maritime Police Agency & Background for Its Dismissal

2.1. Functions of Korea national maritime police agency

The Korea National Maritime Police Agency was launched as Korea National Maritime Guard in Busan under the Security Department of National Security Bureau for protection of fishery resources, peaceful ships, and maintenance of maritime security in December 1953, the period of maritime insecurity after the nation’s liberation from Japanese colonial rule and Korean War[4].

Since launch, the Korea National Maritime Police Agency has been placed under different organizations. It began to take on full aspects of central administrative agency after being split as special operating agency under the Ministry of Oceans & Fisheries in August 1996, and was elevated to the status of central administrative agency supervised by Vice-Minister in July 2005[5].
The Korea National Maritime Police Agency was reshuffled as special operation agency under the Ministry of Land, Transport and Maritime Affairs in 2008. As the Ministry of Oceans & Fisheries (MOF) was revived by the incoming Park Geun-hye Administration, the Korea National Maritime Police Agency regained its status as special operating agency under the MOF before being dismissed with the amendment of Government Organization Act in November of 2014 in the wake of Sewolho ferry accident in 2014.

Fundamentally, the Korea National Maritime Police Agency performs the functions of order and compulsion based on general sovereign power to prevent threats to public security and order at sea[6].

However, the Korea National Maritime Police Agency carries out many different functions other than the functions based on sovereign power. As mentioned before, the Korea National Maritime Police Agency has been placed under various ministries since its launch and performed various key functions in the courses of aforesaid changes that it has undergone until its breakup.

At the launch, the Korea National Maritime Police Agency focused on protection of fishery resources, guard of territorial waters, and security and public order maintenance functions, and has taken on various functions that took special characteristics of maritime area into consideration. For example, the Korea National Maritime Police Agency constantly took on various roles such as maritime welfare functions in addition to its unique roles such as maritime contamination control, ship control, search and rescue, maritime transportation safety, maritime safety and public order maintenance functions[7].

The Korea National Maritime Police Agency is restrained significantly by natural conditions in its activities confined to the sea in connection with location. Hence, the Korea National Maritime Police Agency has high reliance on specific modes of transportation, such as ship, when performing its functions and carried out security functions in territorial waters and Exclusive Economic Zone (EEZ)[8].

Meanwhile, the functions of the Korea National Maritime Police Agency are divided into unique functions, quasi-universal functions, and additional functions, depending on operation maintenance period.

Unique functions, which have been performed by the Korea National Maritime Police Agency throughout its existence, refer to security function and policing function. Quasi-universal functions were added to unique functions, but have been recognized as essential functions of the Korea National Maritime Police Agency for a relatively long time, referring to maritime contamination management, ship entry/departure control, search and rescue functions. Additional functions, which were introduced newly, include guide ship-related operation, maritime transportation operation, water leisure safety functions, etc[9].

2.2. Background for breakup of Korea national maritime police agency

Among others, the dismissal of the Korea National Maritime Police Agency was directly attributable to the problems with rescue and salvage operations which were revealed in Sewolho ferry accident in April 2014.

At that time, the Korea National Maritime Police showed many problems in early response, and particularly, and failed to activate the functions of disaster control tower. Furthermore, there was a lack of collaboration and communication among government ministries, central government, local government, and between government and private sector.

In addition, the government came under fire for lack of professionalism in management of disaster safety as the integrated disaster information system built for rapid information sharing did not work. As time passed by, the helplessness of government came to the fore. Even worse, bureaucratic cartel was found to have been formed by the colluding government ministries, incumbent and former high-ranking officials of the Korea National Maritime Police, it affiliated organizations, and shipping industry. Consequently, the public lost confidence in the government and Korea National Maritime Police Agency.
As the President’s statement made clear, the Korea National Maritime Police Agency focused primarily on external growth while ignoring rescue and salvage functions. Despite gigantic structure, the Korea National Maritime Police Agency has been operating abnormally, even failing to secure budget for maritime security.

As this problem escalated and was revealed in Sewolho ferry accident, the Korea National Maritime Police Agency lost public confidence and was dismissed through amendment of Government Organization Act in November 2014.

3. Launch & Functions of Korea Coast Guard(KCG)

3.1. Launch of Korea coast guard(KCG)

The government made a decision to dismiss the Korea National Maritime Police Agency through amendment of Government Organization Act in November 2014 and place the Korea Coast Guard(KCG) under the Ministry of Public Safety and Security(MPSS) organized newly in an attempt to restore national disaster control system in the wake of Sewolho ferry accident.

Paragraph 2, Article 43 of the Government Organization Act, which requires the Korea National Maritime Police Agency to be placed under the Minister of Oceans and Fisheries for handling works pertaining to maritime police duties and contamination prevention, was removed.

Moreover, Sub-paragraph 1, Paragraph 2, Article 22 of same Act prescribes that the Ministry of Public Safety and Security(MPSS) shall be organized and placed under Prime Minister for taking charge of affairs related to establishment/enactment of policies pertaining to safety and disaster, overall management, coordination, preparation for emergency, civil defense, disaster prevention, firefighting, maritime security, safety, contamination prevention, investigation into cases occurring at sea. Paragraph 3 of same Article specifies that managing director shall be appointed to take charge of security, safety, contamination prevention, and investigation into cases occurring at sea in the capacity of police officer, requiring the Korea Coast Guard(KCG) to be organized.

Strictly speaking, this reshuffle is considered abnormal as undersecretary level official, not the first-ranking official, was named as chief of the Korea Coast Guard(KCG) and independence of organization management is guaranteed as much as possible, such as personnel management and budget, thus appeasing internal critics, while removing the post of undersecretary level chief at the helm of the Korea National Maritime Police Agency.

After all, the functions of the Korea National Maritime Police Agency were transferred to the Korea Coast Guard(KCG) under the Ministry of Public Safety and Security(MPSS). Other functions were transferred exactly as they were. However, the investigative function was limited to investigation of criminal cases occurring at sea. Organization of office was reduced from bureau-based division to department-based division. Workforce was also slashed.

3.2. Functions of Korea coast guard(KCG)

The functions of Korea Coast Guard(KCG) under Paragraph 2, Article 22 of Government Organization Act, is related to management of maritime security, safety, contamination prevention, and investigation of criminal cases occurring at sea.

Meanwhile, specific related duties are specified in Article 21, 22, 23 of Government Organization Act related to the Ministry of Public Safety and Security(MPSS) and its affiliated organizations and Enforcement Rule of same Act. Major duties are as follows:

First, it is the duties of Maritime Guard & Safety Bureau. This includes performance of maritime guard, maritime safety, maritime search and rescue, maritime leisure, maritime investigation and information functions.

Second, it is the duties of the Maritime Contamination Response Bureau. This includes disaster prevention planning, rapid disaster prevention, and maritime contamination prevention functions in connection
with the measures for maritime contamination prevention.

Third, it is the duties of Maritime Equipment Technology Bureau. This includes improvement or procurement of safety equipment for warship, aircraft, vehicle, weapon, etc., maritime information communication and maritime transportation disaster prevention functions.

Fourth, it carries out functions related to international exchange and cooperation in each field.

4. Management of Maritime Crime Before and after the Launch of Korea Coast Guard(KCG)

4.1. Meaning of maritime crime

The concept of maritime crime, which constitutes a breach of law and order related to the sea, is a crime which, firstly, occurs at sea geographically, and secondly, occurs at sea and leads to onshore crime or occurs at onshore location and leads to maritime crime, and thirdly, affects the sea based on the location of occurrence in consideration of physical and special characteristics of the sea, although the concept of maritime crime is not a legal and academic concept, unlike ordinary crimes or onshore crimes. Definition of maritime crime encompasses all those 3 categories[10].

4.2. Perception towards maritime crime & processed status before and after the launch of Korea coast guard(KCG)

For statistics on maritime crime, the number of cases involving maritime crime and processed status, as suggested in the year 2011 White Paper published by the Korea National Maritime Police Agency and 2015 statistics annual report of Ministry of Public Safety and Security(MPSS), were used, along with the data from government 3.0 public data portal. <Table 1> is a graphical representation of number of cases involving maritime crime and processed status by year.

Here, the management status in this study is defined as recognition and processing status. Thus, it is difficult to conclude that maritime crimes decreased actually by more than 73% in 2014 from 2013. Therefore, the cases of maritime crime perception would be used, rather than the number of cases occurred actually. So, the number of cases will be figured out by considering the perception status as arrest status.

Specifically, the maritime crime management status in <Table 1>, the perception rate of maritime crime reached the peak in 2013 while arrest rate was the highest in 2009, regarding maritime crime management status.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of cases (case)</th>
<th>Number of cases (case)</th>
<th>Number of persons (person)</th>
<th>Arrest rate (%)</th>
<th>Indicted with detention</th>
<th>Indicted without detention</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>49,882</td>
<td>50,056</td>
<td>11,733</td>
<td>100.3</td>
<td>350</td>
<td>11,383</td>
</tr>
<tr>
<td>2010</td>
<td>48,594</td>
<td>48,424</td>
<td>12,416</td>
<td>99.7</td>
<td>242</td>
<td>12,174</td>
</tr>
<tr>
<td>2011</td>
<td>47,075</td>
<td>46,491</td>
<td>12,569</td>
<td>98.8</td>
<td>285</td>
<td>12,284</td>
</tr>
<tr>
<td>2012</td>
<td>45,822</td>
<td>45,277</td>
<td>12,934</td>
<td>98.8</td>
<td>360</td>
<td>12,574</td>
</tr>
<tr>
<td>2013</td>
<td>51,441</td>
<td>50,718</td>
<td>12,811</td>
<td>98.6</td>
<td>382</td>
<td>12,429</td>
</tr>
<tr>
<td>2014</td>
<td>13,408</td>
<td>12,535</td>
<td>7,814</td>
<td>93.5</td>
<td>197</td>
<td>7,617</td>
</tr>
</tbody>
</table>

Table 1. Number of cases involving maritime crime and processed status by year(2009~2015)[11][12][13].
To compare the maritime crime management status before after the launch of Korea Coast Guard (KCG) based on the data presented in <Table 1>, the 5-year average for the period between 2009 and 2013 and 1-year period of 2015 which is the post-launch period, were presented, excluding the data of year 2014 because Korea Coast Guard (KCG) was launched in 2014.

The results of analysis suggested that the perception status decreased by about 60% from 45,563 cases in pre-launch period to 27,087 cases in post-launch period while arrest rate edged up by about 0.6% from 99.2% to 99.8%.

### Table 2. Number of cases involving maritime crime and processed status before and after the launch of Korea coast guard (KCG).

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of cases (case)</th>
<th>Arrest</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of cases (case)</td>
<td></td>
<td>Indicted with detention</td>
</tr>
<tr>
<td>5-year average (2009-2013)</td>
<td>45,563</td>
<td>48,193</td>
<td>324</td>
</tr>
<tr>
<td>2015</td>
<td>27,087</td>
<td>27,031</td>
<td>5,866</td>
</tr>
</tbody>
</table>

Note: Arrest rate exceeding 100% includes the arrest of crimes which occurred in the previous year and for which apprehension was made in the same year.

### 5. Discussion & Conclusion

We are facing an era which calls for establishment of new maritime order, which suggests that it would be necessary to respond actively to establish national security and maritime public order by building up maritime safety capabilities related to various maritime disasters and take upon the challenge of the times[14].

Under those circumstances, curtailment of domestic related to maritime field is going against the trends of the world which has seen a new and heated competition for power with a focus on the sea, ultimately leading to serious imbalance and disruption to national safety and public security[15].

As the results of analysis suggest, adverse effects were found to arise from maritime crime management capability which is directly linked to public safety, security, and maintenance of order at sea.

As shown in <Table 2>, the results of statistical analysis showed that 45,563 cases corresponded to crime perception ability in the presence of Korea National Maritime Police Agency. However, crime perception ability decreased to 60% or 27,087 cases after the breakup of Korea National Maritime Police Agency and launch of Korea Coast Guard (KCG), implying that maritime security is confronted with challenge.

 Regarding transfer of the functions of Korea National Maritime Police Agency, negative aspects have been highlighted more than positive sides from the standpoint of maritime crime. This suggest that such phenomenon has resulted from miscalculated reshuffle of police functions and crime investigation functions of Korea National Maritime Police Agency, which aimed to cover up inadequacy of the Korea National Maritime Police Agency functions related to rescue and salvage.
6. References

6.1. Journal articles


6.2. Thesis degree


6.3. Conference proceedings


6.4. Additional references


Author
Lee Hun-jae / Joongbu University Assistant Professor
B.A. Wonkwang University
M.A. Wonkwang University
Ph.D. Wonkwang University

Research field

Major career
- 2013~2016. Chonnam National University, Lecture
- 2015~2016. Joongbu University, Assistant Professor