

# 德國聯邦海巡制度之探討

## Research into the System of German Federal Coast Guard

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### 壹、前言

德國在第二次世界大戰後曾被分為西德和東德，當時的德意志聯邦共和國是指西德，1990年時兩德統一，稱為德意志聯邦共和國（簡稱德國；德文：Bundesrepublik Deutschland，簡稱Deutschland，縮寫BRD；英文縮寫FRG在國際間也通用），由16個邦組成，屬聯邦制國家亦是世界主要的工業化國家之一。地理位置在歐洲中部，北部是北海、丹麥和波羅的海，東部與波蘭和捷克接壤，南臨奧地利和瑞士，西面則臨法國、盧森堡、比利時以及荷蘭（行政區劃圖如圖一）。



圖一、行政區劃圖（圖片來源：作者提供）。

Figure 1: Map of Administrative Area (source: author).

### I. Preface

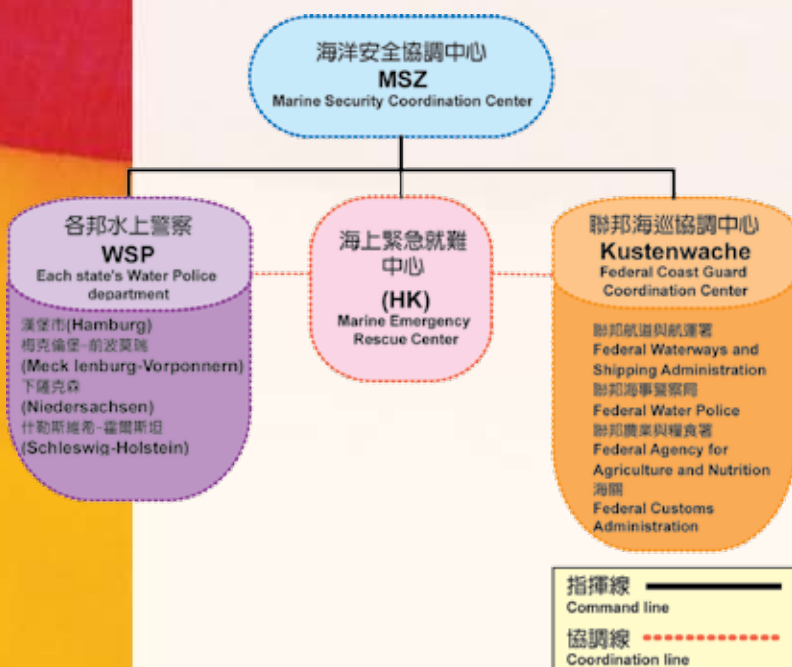
Germany was once divided into the West and the East Germany after World War II, the German Federal at that time referred to the West Germany. Thwe two sides united in 1990 and was called the Federal Republic of Germany (known as the Germany; Bundesrepublik Deutschland in German with abbreviation as BRD; FRG, the English abbreviation is also known among countries). It is composed of 16 states and one of the major industrialized countries in the world. It is located in the middle of Europe, with North Sea, Baltic Sea and Denmark in the north. The east neighbors with Poland and the Czech Republic; the south are Austria and Switzerland while the west faces France, Luxemburg, Belgium and Holland Netherland (the administrative map is shown in Figure 1).

### II. Brief Introduction of the System of German Federal Coast Guard

Global major marine countries have established special organizations to take care of marine affairs and expand coast patrol capabilities. These units also have to take care of maritime affairs and construct cooperative relations and channels with counterparts in other countries. To integrate maritime affairs, unify governing authority and consolidate marine strategies, the Federal Republic of Germany has formed Maritime Security Joint Coordination Center at Cuxhaven in 2000. It also set up the Federal Coast Guard Center, Federal Water Police Stations and Central Command for Maritime Emergencies (shown

## 二、德國聯邦海巡制度簡介

國際各主要海洋國家為因應海洋事務發展，擴充海巡能量，無不成立專責機構，以綜理海洋相關事務，並建立與他國海洋事務專責機關之合作關係與管道。因此，德國聯邦政府為統合海洋事務、統一海洋事權，落實各項海洋政策，於2000年成立海洋安全協調中心（Gemeinsame Lagezentrum See Im Maritimen Sicherheitszentrumszentrum，MSZ），中心設置於Cuxhaven，以聯合編組方式納編聯邦海巡協調中心（Kustenwache）、地方各邦水上警察局（Wasserschutzpolizeikommissariat,WSP）及海上急救難中心（Havariekommando）（組織架構圖如圖二），分別執行相關任務，以提升執法效率。海洋安全協調中心編制約10至12人，由各單位派員進駐中心，各司其職，平時指揮中心未常設指揮官，惟在海難、人員傷亡、海洋污染等緊急事故發生時，於中心設置指揮官1人，指揮調度各單位人員，其聯合編組組織架構與任務分述如下：



圖二、海洋安全協調中心組織圖。(圖片來源：作者提供)

Figure 2 : Structure chart of Maritime Security Joint Coordination Center.  
(Source:author)

in Figure 2) to perform respective tasks for higher law enforcement efficiency. The Maritime Security Joint Coordination Center has ten to twelve personnel from each unit. Each person has his or her own job. During normal times, the center doesn't have a regular commander, but when marine emergencies, human casualties, marine pollution and other emergencies happen, the center will appoint one commander to dispatch the staffs of all units. The following description is its structure and job description:

### I.Federal Coast Guard Center (Kustenwache):

#### 1.Organization Structure

The Federal Coast Guard Center is formed on mission formation. It is integrated with the Federal Waterway and Shipping Administration, Northern Federal Water Police Station, the Federal Institute of Agriculture and Food and Federal Customs Service to reinforce and improve the capabilities in marine law enforcement and maritime services. Personnel stationed from each unit totals 200 people. The center is located at Kiel and has two subsidiary sections:

(1) North Sea Federal Coast Guard Coordination Center at Cuxhaven. It is in charge of affairs in the North Sea.

(2) Baltic Sea Federal Coast Guard Coordination Center at Neustadt near Berlin. It is in charge of affairs in the Baltic Sea.

#### 2.Job Description:

All the integrated units perform their owns jobs during normal times. When there is an emergency or accident occurred, they can ask for the support from the Center. Therefore, the Center monitors all the subsidiary vessels in duty and coordinates their actions. The following is a short description of its job:



## （一）聯邦海巡協調中心（Kustenwache）：

### 1.組織架構：

聯邦海巡協調中心（Kustenwache）係以任務編組方式成立，納編聯邦航道與航運署（The Federal Waterway and Shipping Administration）、北區聯邦警察總局海事警察局（Bundespolizeiamt See）、聯邦農業與糧食署（The Federal Institute of Agriculture and Food）、海關等單位，以強化及提昇海域執法與海事服務能量。各單位派駐人員共計200人，中心設於基爾（Kiel），下轄2個分部：

（1）北海（Nordsee）聯邦海巡協調中心，位於Cuxhaven，負責與北海有關之海巡業務。

（2）波羅的海（Ostsee）聯邦海巡協調中心，位於柏林附近之Neustadt，負責與波羅的海有關之海巡業務。

### 2.職掌：

各納編機關單位平時執行其法定執掌任務，惟若遇緊急危難或緊急突發狀況，可請求其他Kustenwache艦艇支援應變。因此，海洋安全協調中心全天候監視所有Kustenwache執勤在航艦艇，並協調處置作為，其任務概述如下：

#### （1）海洋環境保育與保護：

預防船舶所造成之海洋環境污染係為聯邦政府權責事務之一，為防止船舶污染物排放於海上與河道，一般所採取措施係由Kustenwache艦艇在其轄區海域執行例行性巡邏任務，並由海洋安全協調中心協調聯邦海軍支援空中偵巡任務。聯邦航道與航運署（The Federal Waterway and Shipping Administration）擁有4艘遠洋多功能艦艇，可裝載特殊海洋除污及消防裝備。上述裝備具有防毒氣與爆炸之設計，可部署於具爆裂或有毒環境中。北區聯邦警察總局海事警察局配有6艘艦艇及8架能執行海上任務之直昇機，海關配有11艘艦艇參與海上偵巡及環境污染船舶之取締事宜。

#### （2）航運安全：

聯邦航道與航運署代表聯邦交通、建設及都市發展部，負責維護海運航道安全，確保海運安全與

## （1）Marine environment protection and conservation

To prevent vessels from causing marine pollution is one of the major duties of the federal government. In order to prevent vessels from draining pollutants in the sea and rivers, the vessels of Kustenwache patrol their governing area and receive the air patrolling support from the Navy with the coordination of the Maritime Security Joint Coordination Center. The Federal Waterway and Shipping Administration has four high sea multi-function ships that can carry special pollution cleansing and fire-fighting equipment. These equipments also have designs to avert poisonous gas and explosion. They can be deployed in poisonous or explosive environments. The Northern Federal Water Police Station has six ships and eight helicopters to cope with maritime affairs. The Federal Customs Service has eleven ships that can join in the marine patrolling and seize polluting boats.

## （2）Shipping security

The Federal Waterways and Administration is the representative of Federal Ministry for Transport, Construction and Urban Development. It is in charge of providing safe shipping routes and ensuring the safety and ease of shipping. The Administration is in charge of water area in the north and the northwest regions, water shipping stations, waterways and shipping offices. The range of its jurisdiction is from the North Sea in German area and the coastal areas along the Baltic Sea. Its missions include the development and maintenance of Federal waterways, the installation and operation of navigational aids, eradication of water shipping obstacles, investigation of marine casualties, monitoring and servicing in governed waters and using the latest state-of-art technology to perform water traffic and information related

順暢。主管北部與西北部水域、海運局、各水道及海運辦公室，其管轄範圍含括德國北海及波羅的海沿岸地區，任務包括聯邦水道開發與維護，助航設施之安裝與操作、海運障礙之移除、海事調查、領水服務監督以及運用最新科技執行船舶交通與資訊服務。聯邦航道與航運署管轄範圍亦擴及德國專屬經濟海域（Exclusive Economic Zone, EEZ），其任務範圍包括依據交通法規監視海上活動，並與聯邦政府執法官員、海關及聯邦警察聯合調查。

### （3）海域邊境安全維護：

德國陸境邊境安全任務係由聯邦邊境警察執行，而海域邊境安全係由各邦水上警察局、聯邦海事警察局及北區聯邦警察空警隊共同維護。德國海域邊境安全之維護主要任務包括查緝海上非法入出國（偷渡）、走私犯罪偵查、海洋污染防治等。

### （4）漁業資源維護：

聯邦農業與糧食署隸屬於聯邦糧食、農業及消費者保護部，配有3艘艦艇執行漁業巡護監視任務，主要職掌係依據技術法規來檢查漁獲，保護魚種資源，尤其是有關漁網最小網目尺寸，漁具種類，魚種、甲殼類、軟體動物類等尺寸大小之檢視；另外檢查是否遵守漁業禁令與限制規定以及漁獲及漁業加工方面是否完稅。在行政組織架構上，海關及聯邦警察艦艇也可執行漁業巡護與監視任務。

### （5）安全檢查：

有關海域邊境安全任務亦由聯邦財政部海關負責，並由當地各邦財政局港口海關與海關辦公室執行之，配有登船檢查之高速海關船艇，檢查範圍橫跨歐盟諸國邊境之貨物動向，確保進出口貨物依規定完稅。此外，依據現有禁止與限制法令，針對貨物通關動向進行檢查，尤其是對貨櫃夾帶毒品、爆裂物及槍械等違禁品之檢查。

services. The Administration's governing range also includes the German exclusive economic zone. It has to monitor all water activities according to transport regulation and be responsible for the participation of joint investigation with the Federal law enforcement staffs, custom officers and Federal Police.

### （3）Water frontier security maintenance

The border security on land is performed by the German Federal Border Guard while the security on water is kept by the Federal Police District Office Sea and the Federal Police Air Support Unit North, which are supervised by the Federal Police Regional Headquarters North. The protection of the German sea frontiers includes the interdiction of the illegal migrants at the sea and the combating of criminal organizations smuggling illegal aliens into the country and marine pollution prevention.

### （4）Fishery protection

The responsible authority in this sector is the Federal Institute of Agriculture and Food, which is supervised by the Federal Ministry of Food, Agriculture and Forestry. The Institute has three vessels performing fishery surveillance tasks. Its main tasks is to check compliance with technical regulations aimed at protecting fish stocks, especially with regard to minimum mesh sizes and type of fishing gear, minimum sizes of fish, crustaceans, mollusks, and to check the observance of fishing bans and restrictions imposed on certain harvesting and fish processing practices. Within the framework of an administrative arrangement the Customs and Federal Police vessels can also be used for fishery surveillance operations. In its administrative structure, the vessels of the Federal Customs Service can also perform fishery protection and monitor missions.

### （5）Security check



(二) 臨海各邦水上警察局 (Wasserschutzpolizei, W.S.P) :

1. 編制 :

德國臨海與河道安全檢查、轄區災害危害防止與排除及海洋維護, 係委由臨海下列各邦水上警察局執行, 各邦水上警察局依其所轄區域執行任務 :

- (1) 漢堡市邦 (Hamburg) - 駐地 : Hamburg。
- (2) 下薩克森邦 (Niedersachsen) - 駐地 : Hannover。
- (3) 梅克倫堡-前波莫瑞邦 (Mecklenburg-Vorpommern) - 駐地 : Rostock。
- (4) 什勒斯維希-霍爾斯坦邦 (Schleswig-Holstein) - 駐地 : Flensburg。

2. 以漢堡邦水上警察局第1分局為例 :

漢堡水上警察局成立於1778年, 為德國最大水上警察局, 其組織規模亦為歐洲之翹楚, 編制約550人 (含3個分局), 其中女性同仁13人 (因水上警察須具航海經驗與證照, 故女性同仁較少), 下轄3個分局, 各分局人員編制約百餘人, 24小時全天候輪值, 12小時一班, 漢堡水上警察與交通警察、刑事警察或其分局警察位階相等。

The Customs tasks relating to the sea frontiers come under the jurisdiction of the Federal Ministry of Finance and are performed by local principal customs authorities and customs offices, which are supervised by the regional financed offices. High speed customs cruisers carrying daughter boats check the movement of goods across the customs frontiers of the European Union and ensure that import and export duties are duly levied. In addition, compliance with existing bans and restrictions on goods movement is checked, especially with a view to drugs, explosives, and war weapons.

**II. Water Protection Police (Wasserschutzpolizei) in each marine state**

**1. Structure**

In Germany, the near-water and waterways security check, hazard prevention and elimination and marine maintenance are delegated for performance by the following Water Protection Police of each state. The police stations in each state perform their missions according to their respective governing areas:

- (1) Hamburg: Station at Hamburg
- (2) Niedersachsen: Station at Hannover
- (3) Mecklenburg-Vorpommern: Station at Rostock
- (4) Schleswig-Holstein: Station at Flensburg

**2. Exemplify in the First Branch of Water Protection Police in Hamburg state**

The Hamburg Water Protection Police was founded in 1778 and is the largest in Germany. Its scale is the best in Europe and has 550 personnel in three branches. Among them are 13 female police women (water police needs navigation experiences so female police are less). The station governs three branches and each has about one hundred people. The duty shift is performed 24 hours and each shift is 12 hours. The rank of





### 3. 船艇裝備：

漢堡邦水上警察局主要配置17艘巡邏艇（乘員5人），其中2艘屬大型艦艇可航行於北海，河道巡邏艇艇長29.8公尺、寬6.4公尺、吃水2公尺、船速22.5節、船員5人、配備1輕型救生艇（兼具登船檢查艇功能）、1挺7.62公厘機槍、3部德製MWM主機、可輸出2670馬力、燃油櫃9000公升、3具葉。

### 4. 地域管轄範圍：

包括內河航道及緊接於岸際各邦之領海內範圍。

### 5. 事務管轄範圍：

- (1) 內河航道安全檢查與維護事項。
- (2) 海上污染事件取締與移送。
- (3) 海上船舶安全檢查與維護事項。
- (4) 海上危險物品運送檢查事項。
- (5) 與各邦行政協定執行事項。

### (三) 海上緊急救難中心（Havariekommando，H.K）：

以任務編組方式成立，成員由相關業管機關指派適階人員參加，平時依各有關單位任務執行業務，船難發生時，由海洋安全協調中心依發生轄區成立緊急應變中心，並推派指揮官處理應變。

Hamburg Water Protection Police is the same as the traffic police, criminal police and other police.

### 3. Vessel equipment

The station has 17 patrol ships (complement: five staffs); two of them are larger ships that can sail in the North Sea. The waterways patrol boats are 29.8-meter long, 6.4-meter wide, 2-meter draught, speed, 22.5 knot, five staffs, one light rescue boat (with daughter boat inspection functions), one 7.62-mm machine gun, three MWM engines, 2670 horse power, 9000-liter fuel tank and three propellers.

### 4. Governing area range

Including all waterways and the range neighboring the coasts of each state.

### 5. Governing affair range

- (1) waterways security check and maintenance
- (2) Marine pollution seizure and transfer
- (3) Vessel security check and maintenance
- (4) Hazardous items transport check
- (5) Negotiated items to be performed with each state

### (III) Central Command for Maritime Emergencies (Havariekommando)

Formed on mission sensitive basis. Staffs are appointed by relating units. Each unit's personnel perform their jobs during normal times. When there is boat emergency happens, the Maritime Security Joint Coordination Center will set up response centers according to the governing areas and send commanders for immediate actions.

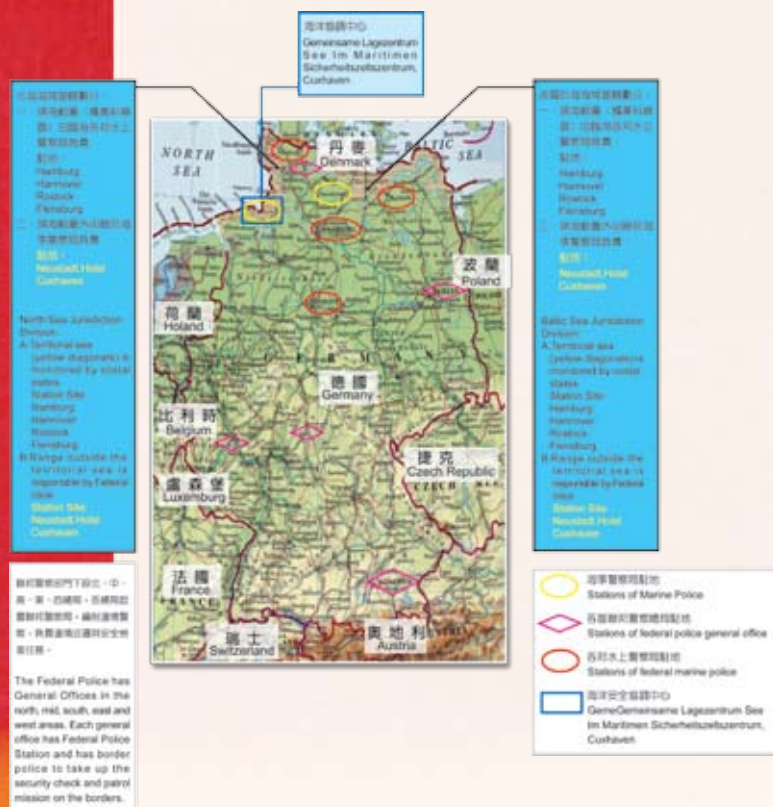
Figure 2: Structure chart of Maritime Security Joint Coordination Center

### Part III. Comparison between CGA and German Federal Coast Guard

Germany is located at the center of the middle Europe. Its territory measures at 800 kilometers

### 三、海巡署與德國聯邦海巡制度之比較

德國位於歐洲中部心臟地帶，疆域南北長約800公里，東西寬約640公里，北鄰北海與波羅的海，周邊鄰國計有9國，是歐洲鄰國最多的國家，面積約為357,020.22平方公里，陸域面積廣大。茲就德國任務管轄範圍、人員編成及海巡協調勤務統合機制與我國海巡署之差異分述如下（管轄區域劃分圖如圖三）：



圖三、管轄區域劃分圖。

Figure 3: The Jurisdiction Zones Are Shown.

#### （一）就海域管轄範圍而言：

德國其領海範圍及河道係由臨海各邦水上警察局管轄，領海範圍外主要由內政部聯邦海事警察局管轄，另財政部海關、聯邦交通、建設及都市發展部、聯邦農業及糧食署亦有編制船艇執行其業管任務（例如航道安全、漁業監控等任務），而我國海巡署海域執法管轄範圍由海洋巡防總局負責，依轄區編制16個海巡隊、1個直屬船隊、4個機動海巡隊執行海巡任務。

long, 640 kilometers wide, with the North Sea and the Baltic Sea in the north. There are none countries neighbor Germany, which make it the country tat has the most neighboring countries in Europe. The total land area is 357,020.22 square kilometers. The following is a comparison between CGA and German Federal Coast Guard in mission ranges, personnel structure and service coordination mechanisms (the jurisdiction zones are shown in Figure 3):

#### (I) In governing area range:

The water areas and waterways of Germany are governed by the coastal water police station. Besides the territorial waters, it is mainly governed by Federal Water Police of Ministry of the Interior. Furthermore, the Federal Customs Service, Federal Ministry for Transport, Construction and Urban Development, Federal Ministry of Consumer Protection, Food and Agriculture has also performed their respective missions (such as navigation waterways safety, fishery monitor). Taiwan CGA's law enforcement is in charge by Marine Patrol Directorate General, which has 16 Offshore Flotillas, one special vessel team and four mobile patrol teams to perform coastal patrol missions.

#### (II) In frontier range on land:

Germany is one of the Schengen members. According to Schengen regulations, country borders should be opened and visa bearers can enter any member countries without inspection on the border. When a foreigner has a Schengen visa and enters a member land, he or she can move free at will and agrees to cooperate with police and the justices system. However, there are still emergencies that Schengen member countries can perform security check to visitors. Therefore, all Schengen countries, including Germany, still set up frontier police stations to perform security patrol and regular check missions. Taiwan is an

#### （二）就陸地邊境管轄範圍而言：

德國屬申根會員國，依據申根協定，會員國應相互開放邊境，包括在協定簽字國之間不再對公民進行邊境檢查；外國人一旦獲准進入申根領土內，即可在協定會員國領土上自由通行並設立警察合作與司法互助制度等，惟緊急狀況發生時申根國仍保有邊境安檢之權利，故德國與申根會員國邊境均設置邊境警察，主要負責邊境安全巡邏與一般檢查任務，我國因屬海島型國家，四周環海無與其他鄰國接壤，故邊境安全管理仍以維護海域、海岸安全、港口、機場安全檢查為主。

#### （三）人員組成：

德國就海域與陸域邊境安全管理與維護係由警察與文職人員擔任，與我國海巡署依岸、海管轄範圍不同分由海岸巡防總局（軍、文職）與海洋巡防總局（警、文職）任用，仍有人事任用上之差異。

#### （四）海巡組織協調統合機制：

德國為掌握國家海洋發展命脈，積極整合海洋事務發展，成立海洋安全協調中心，以任務編組方式納編聯邦海巡協調中心、海上緊急救難中心、各邦水上警察局，期能藉橫向跨部會事務整合，達成指揮、管制一元化目標。我國海巡相關事務分屬海岸、海洋巡防總局兩機關執行，為有效統合岸、海勤務，強化組織功能，提昇聯合勤務查緝效能，以任務編組方式於各地區巡防局下設巡防區勤務統合中心，以統合指揮岸、海勤務單位，另與各相關機關訂定「協調聯繫辦法」及跨部會之各項聯繫或專案會報推展多項工作。

#### 四、結論：

德國聯邦政府目前有關海巡制度仍面臨機關本位主義與預算、單行法規限制，影響海洋安全協調

island country and has no connections with any other countries, so the border check is mainly to maintain the security at water areas, coastal areas, ports and airports.

#### （C）Staff composition:

The marine and land frontier security maintenance and management in Germany are responsible by police and civil officers. In Taiwan, the CGA's Coastal Patrol Directorate General is composed of military men and civil officers while the Maritime Patrol Directorate General hires police members and civil officers. The two countries have differences in their human resource systems.

#### （D）Coast guard organizations' coordination and integration mechanisms:

In order to take hold of the development in seas, actively integrate marine affair development, Germany has set up Maritime Security Joint Coordination Center to integrate Federal Coast Guard Coordination centers, Central Command for Maritime Emergencies and water protection police in each state based on mission variances. It hopes to achieve command-and-control purpose with a cross-department cooperation. In Taiwan, the marine affairs are performed by Coastal Patrol and Marine Patrol Directorate Generals to efficiently integrate coastal and maritime duties, improve structure, and elevate joint seizure abilities. It also sets up regional service integration centers based on mission variances to command servicing units on coast and sea. It also stipulates a coordination and contact methods with other organizations and cross-department contacts or execute project promotions tasks.

#### D. Conclusion:

The German Federal Government's coast guard systems have faced localism, budgetary and single regulation restrictions that further influ-



中心功能。故德國聯邦內政部積極修改現行法規，規劃由現行海洋安全協調中心整合國家海洋事務事權與資源，朝向單一海洋事務專責機關發展，藉以解決因任務編組無法有效整合資源之窘境。我海洋事務發展因涉及其他各部會事務，雖與相關機關訂有協調聯繫辦法，惟常因主管機關與執行機關對問題認定不同、資源分配不均，執法權限競合等問題，影響海域執法、海事服務、海洋事務之推動與發展。因此，為有利海洋政策發展，在政府組織與改造完成之前，可透過海洋事務推動委員會平台，針對海洋事務做整合性規劃與協調，積極朝向單一海洋事務專責機關發展。現階段則基於「政府一體、資源共享」之原則，應與各有關機關保持密切聯繫，加強彼此橫向協調聯繫管道，相互支援，以現有機制強化平台功能，透過各機關提出窒礙與對策或創新與精進作為，有效處理現有事務。「他山之石，可以攻錯」，現階段德國聯邦內政部規劃整體海洋政策，其相關做法與配套措施可供海巡署規劃海洋事務專責機關設立之參考。🌐

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ence the functions of Maritime Security Joint Coordination Center. Therefore, the Federal Ministry of Interior has actively amended the current regulations. It plans to allow the current Center to integrate nationwide marine affairs and resource to become a special marine affair organization. This might solve the embarrassment of lack of integrated resource due to mission formations. The marine affairs in our country has involved with affairs from other departments. Though relating organizations have contact methods, the promotion and development of maritime law enforcement, marine affairs and maritime affairs have been influenced due to different recognition, imbalanced resource distribution and law enforcement jurisdictions. Therefore, in order to facilitate the development of marine strategies, we can use a marine affair promotion committee to conduct integration planning and coordination on marine affairs before the reformation of governmental organization reform to develop a special marine affair organization. The current status is based on 'one government, shared resource' principle to execute such affairs. Therefore it is necessary to keep close contact with relating units to improve horizontal coordination channels for mutual support. We should use the current mechanism to strengthen the platform and efficiently handle current affairs through the strategies and improvements proposed by various units to solve obstacles. Others' faults might be our advantages. The overall marine strategy planning by the German Federal Government and its cooperative measures can be served as a reference for CGA to organize the development of a marine affairs organization.

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