



Capacity Building for Maritime Security

The Western Indian Ocean Experience

Edited by Christian Bueger
Timothy Edmunds · Robert McCabe



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This book studies how countries from the Western Indian Ocean region have approached maritime security, have evaluated the importance of maritime space and are building capacity for protecting, securing and governing the domain. The volume is one of the outcomes of an 18-month research project funded under the British Academy's Sustainable Development Grant scheme [GF16007] titled 'Safe Seas. A Study of Maritime Capacity Building in the Western Indian Ocean' that was carried out between 2016 and 2017.

One of the goals of the book was to work closely with authors from the region. This was not only to acknowledge the importance of local understandings, access and expertise, but also an attempt to further strengthen the capacity in our case countries to conduct maritime security analysis, given that this is a relative novel field of scholarly work.

Ensuring consistency across contributions is a key challenge for any edited volume. We addressed this issue in four main ways, and with assistance of multiple colleagues. First, by ensuring that all authors worked to a common analytical framework, the Spaces, Problems, Institutions and Projects (SPIP) approach outlined in Chapter 1. This ensured that each chapter addressed similar issues and would be written in such a way as the reader could easily compare across cases. Second, drafts of all papers were reviewed at an author's workshop held in South Africa in November 2017. We are grateful to the Security Institute for Governance and Leadership in Africa (SIGLA) of the University of Stellenbosch for

generously hosting the workshop and to Carina Bruwer, Henry Fouche, Timothy Walker and Louise Wiuff Moe for commenting on the chapters. This provided an opportunity for the authors and editors to provide feedback on each other's work, to tease out common problem areas, and to encourage consistency across all contributions. Third, drafts of each of the chapters were reviewed externally by core experts on each of the countries concerned. We are grateful to Mark Duffield, Henri Fouché, Shaul Chorev, Lisa Otto, Richard Meissner, Tim Walker, Phil Holihead, John Aero Hansen, Joyce Awino, James Malcolm, Phillippe Michaud and Eric Herring for providing detailed reviews and comments on each of the chapters. Finally, we are grateful to the two anonymous reviewers of Palgrave Macmillan for their helpful comments and suggestions on the manuscript as a whole. We thank the authors of the chapters for their patience, hard work and openness.

Some of the ideas of this book were also presented at a panel on capacity building at the 2018 annual meeting of the European International Studies Association in Prague. We benefitted enormously from detailed comments by Ole Jacob Sending as well as suggestions from the audience. The studies carried out in this book would not be possible without the support of our various interlocutors, interview partners and other points of contact, the majority of which remains anonymous in this volume. We also like to thank a number of people who have commented on parts of the manuscript or have provided support in other ways: Jaques Belle, Alan Cole, Mina Housein Doualeh, Scott Edwards, Barry Faure, Frank Gadinger, Dennis Hardy, Said Nouh Hassan, Nancy Karigithu, Katja Lidskov Jacobsen, Raj Mohabeer, Issak Elmi Mohamed, David Natrass, Micheni Ntiba, Shanaka Jayasekara, Jan Stockbruegger, Peter Sutch and Paul Wambua.

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support of colleagues at the Centre for Trust, Peace and Social Relations (CTPSR) at Coventry University.

This book is accompanied and complemented by two further publications that emerged from the Safe Seas project. Firstly, a best practice toolkit for maritime security practitioners, produced by the Safe Seas team in 2018 entitled *Mastering Maritime Security: Reflexive Capacity Building and the Western Indian Ocean Experience*. This provides an accessible overview of the core lessons from the region on how to organise maritime security governance and conduct capacity building for practitioners. It is available at www.safeseas.net. Second, an article by the editors entitled 'Into the Sea: Capacity Building Innovations and the Maritime Security Challenge', published in issue 41(2) 2020 of the journal *Third World Quarterly*. This article documents the significance, extent and variety of capacity-building activities in the western Indian Ocean and examines the ways in which it has incorporated innovative characteristics.

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ABBREVIATIONS

| | |
|--------------|---|
| ANB | Anti-Narcotics Bureau of Seychelles |
| ATA | Anti-Terrorism Assistance program |
| BMP | Best Management Practice |
| CGPCS | Contact Group on Piracy off the Coast of Somalia |
| COMESA | Common Market for Eastern and Southern Africa |
| CPEC | China Pakistan Economic Corridor |
| DCoC | Djibouti Code of Conduct |
| DRTC | Djibouti Regional Training Centre |
| EEZ | Exclusive Economic Zone |
| EUCAP NESTOR | European Union Maritime Capacity Building Mission in the Horn of Africa |
| EUNAVFOR | European Union Naval Force |
| EUTM | European Union Training Mission in Somalia |
| FAO | Food and Agricultural Organisation |
| GMCP | Global Maritime Crime Programme |
| HLCP | High Level Committee on Piracy of Seychelles |
| HRA | High Risk Area |
| IGAD | Inter-Governmental Authority on Development |
| IMO | International Maritime Organization |
| IOC | Indian Ocean Commission |
| IOFMC | Indian Ocean Forum on Maritime Crime |
| IOTC | Indian Ocean Tuna Commission |
| ISPS | International Ship and Port Facility Security Code |
| ITCP | Integrated Technical Cooperation Programme of the IMO |
| IUU | Illegal, Unreported and Unregulated fishing |
| KCGS | Kenya Coast Guard Service |

| | |
|--------|---|
| KMA | Kenya Maritime Authority |
| MASE | Regional Maritime Security Programme |
| MDA | Maritime Domain Awareness |
| MPA | Marine Protected Areas |
| MSP | Marine Spatial Planning |
| MSSR | Maritime Security Sector Reform |
| NCMPR | National Centre for Maritime Policy and Research Pakistan |
| NDEA | National Drugs Enforcement Authority of Seychelles |
| NGO | Non-Governmental Organisation |
| NISCC | National Information Sharing and Coordination Centre of Seychelles |
| PCG | Pakistan Coast Guard |
| PMSA | Pakistan Maritime Security Agency |
| RCOC | Regional Centre for Operations Coordination |
| ReCAAP | Regional Co-operation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia |
| RMRCC | Regional Maritime Rescue Co-ordination Centre |
| SADC | Southern African Development Community |
| SAMSA | South African Maritime Safety Authority |
| SAPS | South African Police Service |
| SCG | Seychelles Coast Guard |
| SFA | Seychelles Fishing Authority |
| SHADE | Shared Awareness and De-confliction forum |
| SLOC | Sea Lines of Communication |
| SMRSS | Somali Maritime Resource and Security Strategy |
| SOLAS | International Convention for the Safety of Life at Sea |
| UN | United Nations |
| UNCLOS | UN Convention of the Law of the Sea |
| UNODC | UN Office on Drugs and Crime |
| VBSS | Visit, Board, Search and Seizure |
| VMS | Vessel Monitoring System |

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Map of Western Indian Ocean region (*Source* SafeSeas. 2018. *Mastering Maritime Security: Reflexive Capacity Building and the Western Indian Ocean Experience*. Cardiff: Cardiff University)

PART I

Introduction



CHAPTER 1

Maritime Security, Capacity Building, and the Western Indian Ocean

Christian Bueger, Timothy Edmunds, and Robert McCabe

INTRODUCTION

Maritime security has become one of the core concerns of the international community in recent years. Driving this interest has been the rise of a series of new or newly resurgent security challenges and forms of disorder at sea. These include the growth of piracy off the coast of Somalia and elsewhere, but also a series of other issues including the impact of illegal fishing activities, the trafficking of people, narcotics and weapons

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at sea, and the potential for maritime terrorism. In response, increasing attention has been paid to building capacity to provide maritime security in national waters as well as to protect the global commons. This book analyses and compares the different attempts of countries to develop responses to maritime security, as well as the work of the international community in assisting them in this process. The focus of analysis is the Western Indian Ocean region. This region presents a paradigmatic case of the contemporary maritime security environment. It has also become an international laboratory for testing ideas of how to organize responses to maritime security and how to provide international assistance through capacity building. Capacity building, while a contested term (Bueger and Tholens, this volume), concerns the building of new institutions, forms of coordination, writing of laws, creating of new forces, or training and enhancing existing ones, or the investment in new equipment, buildings, or vessels.

These maritime security activities represent a relatively novel field of national and international activity. Over the past two decades, countries have gradually recognized the importance of understanding the broader security challenges at sea and the potential instabilities they cause. However, even resource-rich western nations often struggle with how to organize their maritime security responses effectively. A recognition of these challenges is evidenced by the recent proliferation of maritime security strategies as a means to provide coherence and better organizational structures for such tasks. Countries like the United States (US), United Kingdom (UK), Spain, or France have developed such strategies, as has the European Union (EU).

The focus of this book is on the Western Indian Ocean region. In this region the majority of countries lack the resources available to the United States or European States, and often have less initial capacity to draw on in the first place. Coastal countries like Kenya or small island states, such as the Seychelles, face significant maritime security challenges, and also see new opportunities for economic development at sea. Yet, because for decades these countries have focused on security and development issues on land, their capacities to meet the challenges and exploit the opportunities presented by the maritime arena have been limited. Their maritime governance structures are often not well organized, while their capacities for enforcing maritime laws, deterring crime at sea and monitoring maritime activities remain limited. Against this background, this volume

addresses two core questions. First, how can maritime security be organized under such conditions? And, second, how can states be supported effectively through international assistance?

In this introduction, we set out the context and explore the character of maritime security. We discuss the novelty of the agenda, and the complexity of the various challenges it presents. We then set out the framework used in the succeeding chapters. We develop a layered analytical framework through which to study and compare maritime security capacity building experiences. These layers comprise: first, the problematization of maritime space, including how in each country the maritime has been turned into a problem requiring political action, such as the redesign of governance structures and the creation of new capacities for maritime security. Second, we investigate the institutional and maritime security governance structures each country has developed to deal with the identified problems. In a third layer, we study the projects, reform processes and capacity building initiatives through which the selected countries aim to improve their maritime security governance structures and practical responses. We continue by discussing why the Western Indian Ocean is a particularly interesting region in which to study these challenges, and briefly introduce the seven country cases that this book studies in detail. We end in an overview of the organization of the volume.

MARITIME SECURITY AND THE BLUE ECONOMY: COMPLEXITY AND CHALLENGES

Over the past two decades, some significant changes have occurred in thinking about the maritime space. The rise of a new maritime security discourse has drawn attention to the dangers posed by disorder at sea, while a thriving blue economy discourse points to the economic and developmental potential of the maritime arena, as well as the environmental and sustainability challenges it faces. In the following sections, we discuss the rise of the maritime security agenda and how it is linked to blue economy discussions. We go on to examine the complex security governance challenges that are presented by the contemporary maritime environment and their implications for capacity building.

Reproblematizing the Sea and the Rise of Maritime Security

Expanded notions of security in the maritime sphere began to gain substantive intellectual and policy traction around the turn of the millennium. Of particular significance was the 1998 report of the Independent World Commission on the Oceans (IWCO). Published to coincide with the UN's International Year of the Oceans, this considered a range of military and non-military threats to international order at sea, as well as the manner in which maritime security governance should be reconfigured to address them (IWCO 1998, 17).

This process gathered further momentum in the wake of the attack on the USS Cole in the port of Aden by an extremist group in 2000 and the rise of piracy off the coast of Somalia from the mid-2000s onwards. It led to a flurry of international interest and activity in these areas. This had two main aspects. The first was the development of a series of novel-counter piracy responses in the Western Indian Ocean region and elsewhere (see Bueger 2013, McCabe, this volume). These included multilateral naval missions, new governance and coordination mechanisms, the development of best practice guidelines and secured transit zones for shippers, the establishment of a new transnational legal system for the prosecution of suspected pirates, and an explosion of international maritime security capacity building efforts targeted at littoral states in the region (Bueger and Edmunds 2017; Bueger et al. 2020). These responses were distinguished by their novelty and multinational character, but also by the ways in which they endured after the decline of Somali piracy in 2012. They have broadened to include maritime security issues beyond piracy such as drug trafficking and have been reproduced in other maritime regions such as the Gulf of Guinea.

Second, these operational responses were accompanied by the development of maritime security strategies by states and international organizations with the purpose of delineating the maritime security challenge and identifying the ways and means to respond to it. They include documents from the US (2005), NATO (2011), Spain (2013), the UK (2014), the EU (2014), France (2015), the Group of Seven (G7) (2015), and the African Union (AU) (2014, 2016), among others. While such strategies problematize the maritime space in security and economic terms in different ways, the overall thrust of each of these approaches is essentially holistic. The EU Maritime Security Strategy (2014, 3) for example conceptualizes maritime security as 'a state of affairs of the

global maritime domain, in which international law and national law are enforced, freedom of navigation is guaranteed and citizens, infrastructure, transport, the environment and marine resources are protected'. The AU's 2050 AIM Strategy emphasizes the importance of maritime resources and trade to economic security and development in the continent, with a focus on capacity building in areas including coastguard capabilities and port facilities (African Union 2012, 8–10).

These approaches represent an attempt to understand and engage with the maritime arena as an interlinked complex, comprising multiple different though often related security challenges, and incorporating themes of law enforcement, criminal justice, economic (blue) development, and environmental protection as well as security issues more traditionally defined (Bueger 2015). Such challenges are transnational in that they take place across and between state boundaries or in areas—such as the high seas—where no one state exercises unilateral sovereignty. They entail opportunities as well threats, in that they are interlinked with the sustainable economic development of marine resources (European Union 2012). They implicate both land and sea, in that the causes and effects of maritime insecurities incorporate important land-based elements too—including ports, criminal organizational structures, or coastal communities. They are also often cross-jurisdictional, both because of their transnational characteristics which means states must cooperate with each other to address them effectively, but also because of the different policy domains, actors, and agencies that are involved in addressing them (Bowers and Koh 2019, 3–4).

Capacity Building for Maritime Security

These characteristics pose at least three challenges for maritime security capacity builders (SafeSeas 2018). Firstly, maritime security is characterized by its complex and cross-cutting nature. It incorporates as multiplicity of security concerns, including traditional themes of geopolitics and naval competition; transnational challenges such as piracy, smuggling, people or narcotics trafficking, fisheries crimes, and issues relating to environmental protection and blue growth. These challenges often interact and influence each other. Moreover, a wide variety of different institutions are active in the maritime security sector. These include long-established agents of maritime security such as navies or coastguards, but also a wider range of public and private actors including port authorities, the judicial

and penal system, the shipping industry and artisanal fishing communities. The transnational nature of maritime security means that responses often need to take place across and outside the territorial boundaries of states, and work with others in order to do so. This complexity implies that narrow or isolated responses to maritime security, which for example address only one threat at time, are unlikely to succeed and may even prove counterproductive. At the same time, maritime security capacity builders face difficult challenges of priority, coordination, and resource allocation between different policy areas, agencies, and actors.

Secondly, maritime security issues differ across countries. Some maritime security problems transcend state boundaries and hence are internationally shared, as shown by the example of piracy. Other issues, such as port security are very similar in every country. Even so, the country contexts in which maritime security is situated can vary widely in nature, as can the level of priority attached to different maritime security issues (Bueger 2014). Western and other international actors may prioritize threats to global commerce such as piracy for example, while larger state powers might foreground geostrategic and deterrence concerns.¹ In contrast, poorer countries often emphasize challenges and opportunities relating to the blue growth agenda, such as the protection of artisanal fisheries, the safety of installations at sea, or safeguarding coastal populations from pollution (African Union 2012). These differences are also apparent in relation to issues of state capacity and economic development. Maritime security governance and capacity building pose a different order of challenge in a country with a history of maritime engagement, stable government, and strong institutions than in conflict-afflicted, fragmented, or weak state environments. Such considerations militate against universalized, one-size-fits-all approaches to maritime capacity building and call for detailed, context-specific prioritizations tailored to individual states or regions.

Finally, maritime security capacity builders can often face challenges of visibility and awareness. Historically, maritime security has been a relatively minor concern in many countries. In some cases, countries lack a strong maritime tradition or seagoing history; in others, security or economic development concerns have traditionally derived from land.

¹Compare, for example, the threat assessments conducted in recent maritime security strategies by the EU, France, the G7, Spain, and the UK.

Elsewhere, this is because the international maritime order has been relatively untroubled for much of the past few decades and has therefore demanded little in the way of political attention (Bueger and Edmunds 2017). Public awareness of maritime issues may also be limited, especially outside specific locations such as port cities or fishing communities. In these ways, the importance of the sea is often hidden from the public and policy agenda. As illustrated by Robert McCabe and Njoki Mboce in their chapter on Kenya (this volume), this is changing, both because of the rise of various ‘new’ security challenges at sea, and the increasing importance attached to the blue economy agenda. Even so, maritime issues can often be accorded lower political priority than other areas and existing institutional and human resources may be more limited in the maritime sector than elsewhere. These legacies mean that it can sometimes be an uphill struggle to gain political attention or resources for revising maritime security capacity building.

ANALYSING MARITIME SECURITY RESPONSES: BEYOND TECHNICAL APPROACHES

Investigating how countries address these challenges calls for an assessment technique that enables the evaluation of the specific circumstances, trajectories, and advancements of individual cases and also the identification of gaps and needs within them. Below we criticise the most commonly employed frameworks used for this purpose, the US Maritime Security Sector Reform guide. We then sketch out an alternative: the Spaces, Problems, Institutions, and Projects framework (SPIP). The SPIP framework structures and organizes the country case studies presented in this volume.

Recognizing that capacity building in the maritime security sector has tended to lack guidance and is too often conducted in an ad hoc manner, several US government agencies, including USAID and the US Department of State, formulated a Maritime Security Sector Reform (MSSR) Guide in 2010 (US Government 2010). The goal of the guide is to assist countries in assessing their maritime security sector and reforming them. According to Tom Kelly (2014), former assistant secretary with the US Department of State, the MSSR guide is intended to illuminate ‘the interdependency of the Maritime, Criminal Justice, Civil Justice and Commercial sectors and identify the functions that any government must perform in order to deliver what its citizens might recognize as maritime

security'. The guide specifies so called 'functions', that is groups of related activities that fall within the remit of maritime security sector reform. Six main functions are outlined (Governance, Civil and Criminal Authority, Defense, Safety, Response and Recovery, and Economy). These are then further divided into a series of 'sub-functions'.

The MSSR Guide provides a useful overview of the tasks that a maritime security sector needs to perform. It provides an important thinking tool in that it elucidates a list of activities that are implied in the provision of maritime security. The guide is however problematic in three senses. Firstly, the way that functions are categorized in different pillars is suggestive of an idealized governance structure that might not be appropriate in every political context. The guide's categories are technical in nature and do not acknowledge existing political situations, traditions, and political and strategic cultures as well as national priorities. Secondly, the guide recommends quantifying functions in order to assess maritime security sectors. This renders assessments to be a technical problem, rather than a matter of political decision-making. Thirdly, the guide does not directly suggest how the functional structure should be translated into actual reform projects. Yet, it is also prescriptive in nature and risks to be taken as a blueprint and idealized norm for how a maritime security sector should be structured.

In summary, the US MSSR guide provides important ideas of what practical functions to consider in a maritime security sector. However, as an assessment methodology it is overly rigorous, formalized, and inflexible, and pays too little attention to specific country circumstance and the often deeply politicized nature of maritime security policy and security sector reform (Sandoz 2012).

AN ANALYTICAL FRAMEWORK: SPACES, PROBLEMS, INSTITUTIONS, AND PROJECTS (SPIP)

Appropriate assessments of maritime security governance are a precondition for successful and sustainable reform and capacity building processes. Such assessments allow for the identification of the key actors concerned, as well as the areas in which capacity gaps and needs are apparent. They might also allow for a better coordination of international assistance and a focus on the actual needs and political priorities of a country. Through which framework can we best study maritime security capacity building in its complexity? A framework is required that is problem centred,

adaptable, and situated in character and apprehends the context-specific and political character of capacity building. Informed by other recent mapping proposals (including African Center for Strategy Studies 2016; US Government 2010; Sandoz 2012; Shemella 2016a, b), the SPIP framework is centred on a mapping of existing practices, conceptions, and concrete activities rather than a preconceived notion of idealized governance or institutional design.

Beginning with spaces, rather than ideals, institutions, or threats has multiple advantages. Spatial thinking encourages, as Ryan (2013) has argued, more deliberative and participatory processes of decision-making. In contrast, starting out with a list of conventional maritime threats—for example of piracy or terrorism—risks taking these phenomena for granted, without actually formulating their specific manifestation and implications for the country or region concerned. Similarly, the tendency to start out by mapping institutions can emphasize formal, or even rhetorical, structures over the actual—often informal—mechanisms and relationships through which governance often takes place. As such it risks producing a deceptive picture of maritime security governance structures, which may look good on paper, but bear little relation to the reality of practice. Accordingly, the SPIP framework is built around four layers of assessment: (1) Spaces, (2) Problems and problematizations, (2) Institutions and governance, and (3) Projects, reform processes, and practical innovations. Each of these layers is discussed in further detail below.

Layer 1: Spaces

SPIP starts by considering the maritime spaces of a country and the ways these have been rendered problematic. The aim is to investigate which regulatory and physical spaces a state has developed to govern the maritime. Such spaces include beaches and coastal zones, ports, anchoring zones, the territorial sea, the contiguous zone, the Exclusive Economic Zone (EEZ), Search and Rescue areas, fishing zones, patrol and surveillance zones, marine protected areas, resource extraction areas (including fossil resources, but also wind farms). Identifying these spaces gives a first impression of what kind of challenges a state faces and how maritime governance is organized.

Layer 2: Problems and Problematizations

However, to understand how these relate to maritime security and capacity building, it is also important to consider how these spaces have been rendered problematic in these terms. Initially, this entails conducting a mapping of the problems and challenges that a country or region considers to be political priorities. This can be based initially on known incidents and challenges, drawing on the data available concerning incidents of maritime crime, or environmental protection issues, and so on. However, it should also pay attention to the political discourse surrounding such problems, including the political priority that is ascribed to them, and the manner in which they are conceived to be problematic. For example, are they considered to be a problem for the economy, or do they require action because they are seen as a threat to national security? This latter process can be described as the ‘problematization’ of the sea.

Layer 3: Institutions and Governance

The goal of the second layer is to identify and describe the institutions that a country has developed to deal with its maritime security challenges. This step is not only revealing in terms of how past institutions and path dependency influence the way that a country is conducting capacity building, it also provides a means of identifying the practical procedures that are in place to deal with the core problems a country is facing. For example, what are the systems or processes in place to respond to an oil spill? What measures and capabilities have been established to respond to an incident of armed robbery at sea? How are fishing licenses controlled? If the first layer aims at identifying how the maritime is problematic for a country, this second layer is about how a country responds to these problems through institutions, practical activities, and procedures including its governance structures and legal texture. It considers which agencies respond and govern the countries problem spaces, problems, and institutions. The goal is also to identify lines of authority, responsibility, accountability, and oversight in order to spot contradictions and inefficiencies, as well as gaps which could provide hurdles for dealing with problems effectively.

Layer 3: Projects, Reform Processes, and Practical Innovations

The third layer complements the first two by asking what kinds of projects, reform and external capacity building processes are ongoing in a country, the specific implementation challenges they face, and the ways in which they might be productively developed in future. The aim is to map existing activities, draw lessons from their successes and failures, and to consider how—in dialogue with the analysis conducted at the other layers—they might be more effectively tailored to local circumstances, needs, and priorities.

Taken together SPIP provides an open framework through which to examine the maritime capacity building processes of different countries without drawing on an idealized notion of a maritime security governance system. It is open to political processes and does not render capacity building as a technical problem alone. By identifying the problems, strengths, gaps, and pinch points of individual cases, the framework avoids universalist best practice recommendations and instead aims to provide a context-specific assessment tool with relevance for academic analysis and maritime security practitioners alike.

CASES FROM THE WESTERN INDIAN OCEAN

The book employs the SPIP framework to analyse capacity building in seven countries which form part of the Western Indian Ocean region. The Western Indian Ocean can be defined as the region stretching from South Africa to India and Sri Lanka in the South, to the countries of the Red Sea and the Arabian Sea in the North. Regions, whether maritime or otherwise, are politically created entities; sustained and changed around the intersection of shared histories, interests, and activities, and the manner in which these coalesce in particular geographic spaces and flows. In this sense, they rarely have rigidly fixed borders: instead, they are constantly evolving and change over both time and space (Bentley 1999).

The Western Indian Ocean region shares a precolonial history as region of trade between the Arab world and Indian Subcontinent and beyond (Bose 2006; Kearney 2004; Pearson 2003). From the fifteenth century onwards, it was dominated by rivalries between European colonial powers, and, and latterly, the increasing consolidation of British power in the region. With the waning of the British Empire in the 1950s and the emergence of the Cold War, the strategic significance of the Western Indian

Ocean declined outside strategic hotspots such as the Persian Gulf, as attention was directed towards other arenas, notably the Mediterranean and Atlantic. However, the rise of new maritime security challenges since the early 2000s has brought it back to the forefront of international attention. Initial concerns centred on the potential for maritime terrorism in the region, particularly in the wake of the attack on the USS Cole in 2000 and the bombing of the MV Limburg off Yemen in 2002 (Sinai 2004, 50). These intensified with the rise of Somali-based piracy from 2008, which brought the region fully back onto the map of international security. The region is also artery of maritime trade between Europe and South and East Asia and has functioned as a crucible of experimentation for maritime capacity building efforts. It thus represents an emblematic case study of the maritime security agenda in practice and a laboratory for the range of international responses that have been developed to address this.

Country Cases

The Western Indian Ocean region comprises 25 littoral countries. Of these, we study a sample of seven countries: Djibouti, Israel, Kenya, Pakistan, Seychelles, Somalia, and South Africa. Each of these states has a coastline on the Western Indian Ocean or one of its inlets, and all, barring South Africa, are incorporated within the recommended Voluntary Reporting Area for shipping in the region, established in response to piracy off the coast of Somalia. Each has been impacted by contemporary maritime security challenges of various sorts, and all have embarked on substantial review and reform processes in their maritime security sectors. Our sample captures the range of maritime capacity building experiences that are visible in the region. Three of our case studies—Israel, Pakistan, and South Africa—are relatively resource rich and are undertaking capacity building largely independent of external assistance. They thus represent cases in which activities are primarily indigenously driven and offer examples of how regional states are developing and thinking through their own responses to the emergent maritime security agenda. On the other side of the spectrum, we present three cases—Djibouti, Kenya, and Seychelles—in which resources are more constrained, and in which external assistance has played an important role in shaping maritime security capacity building. Somalia sits on the extreme side of this spectrum, in that its dependence on external capacity building in the maritime

Table 1.1 Case study countries status and EEZ

| <i>Country</i> | <i>Maritime Space</i> | <i>Resources (±)</i> | <i>Importance of external assistance (±)</i> | <i>EEZ</i> |
|----------------|------------------------|----------------------|--|------------|
| Israel | Very small | +++ | -- | + |
| South Africa | Very large, land power | ++++ | + | +++ |
| Pakistan | Small, land power | ++ | -- | ++ |
| Kenya | Small, land power | ++ | ++ | + |
| Djibouti | Small | + | ++ | + |
| Seychelles | Very large | + | ++ | ++++ |
| Somalia | Large | + | +++ | +++ |

Source Authors

arena has been almost total. Table 1.1 lists the core features of each of the countries, concerning the size of their maritime domain, resources, and dependency on external assistance.

Our sample presents other varieties of context and experience in the region too, including factors such as relative landmass, the size of their respective maritime spaces, and their geopolitical situation. Israel, for example, is a resource-rich state with a small maritime space. Seychelles in contrast is a microstate with the second largest maritime space in Africa. In this way, the book explores how common challenges are experienced, prioritized, and conditioned across a wide variety of different country circumstances.

Finally, and in contrast to other cases such as India or Sri Lanka (Ghosh 2014; Pant 2016; Smith 2011), all seven of our case studies represent countries whose maritime security responses have been only minimally studied to date, despite their significance to the practice and success of maritime security efforts in the region. The analysis presented in this volume therefore sheds new light on a series of previously under-researched exemplars.

We examine each of our case study countries through the SPIP framework outlined above. This allows to compare and contrast against a series of common criteria, themes, and issues. Our chapters draw on desk-based studies of official documents and media reports, as well as interviews with officials from maritime security agencies and other practitioners carried out in each country throughout 2017. Since maritime security capacity building develops with a high pace, an update of basic events and facts was conducted at the end of 2019.

A core principle underlying the book was that each of our case studies should be written by or co-written with authors from the countries they concern. This recognizes both the importance of the scholarly work and research that is conducted by colleagues outside the traditional European and Anglo-sphere disciplinary heartlands of international relations and security studies and also acknowledges the critical role of context and nuance in understanding capacity building processes as we discuss above.

OVERVIEW OF THE VOLUME

The volume is organized in four sections. The introductory section continues with Chapter 2, which discusses the intricacies of conceptualizing capacity building. It asks how capacity building can be contextualized in the study of international relations and world politics and how we might theorize it. Reviewing the spectrum of ways of theorizing capacity building, Bueger and Tholens argue that existing literatures risk ‘epistemic determinism’—that is, an assumption that knowledge is understood as an immaterial good; one that exists independent of the sociocultural environment in which it is generated and can be transferred easily between different social contexts (Cherlet 2014, 776). In contrast, the authors argue that capacity building knowledge is made and manufactured in context. Building on this assumption, the chapter proposes to conceive capacity building as problem-driven experimentation. In this sense the authors suggest that the knowledge required for maritime security is actively constructed and tested in context, and that it is through this process that the ordering of the maritime security domain takes place. This offers an important corrective vis a vis the technical understanding of capacity building as for instance expressed in the US MSSR guide.

Part II applies these ideas and the SPIP frameworks to our first set of countries—those which are both relatively resource rich and that have reformed their maritime security provision largely in the absence of external assistance. In the first case, Israel, Ehud Eiran documents a country in which maritime security concerns have been driven primarily by geopolitical concerns, with a focus on seapower and deterrence over wider issues of piracy or fishery crimes. Israel also presents an example in which maritime security sector reform has been dominated by a single lead agency—in this case the Israeli Navy. South Africa is a case in which issues of maritime governance and security have been primarily understood through an economic frame. As Francois Vreÿ et al. show, piracy has

influenced the debate, but the emphasis has largely been driven by developmental concerns such as fisheries management. South Africa's political history has also influenced its approach to maritime security sector reform, leading to a wariness towards employing the Navy as a lead actor in security governance due to the military's prominent role in the old Apartheid state. In consequence, and in contrast to the Israeli case, maritime security issues in South Africa are led primarily by the civil authorities, with the Navy in a supporting role. Finally, Pakistan presents a case in which several agencies stand in rivalry to each other. These include the Navy and affiliated Maritime Security Agency, and the Army which operates the coast guard. As Naghmana Zafar documents, the maritime security agenda in Pakistan is quite distinct from that of either Israel or South Africa, with a focus on transnational organized crime, in particular smuggling, but also challenges linked to the ongoing rivalry with India and the new strategic partnership with China.

Part III examines those cases in which capacity building has taken place in close relation to external assistance initiatives that were developed, in the first instance at least as a response to piracy off the coast of Somalia. An initial chapter sets out the context and asks what capacity building measures have been advanced at a regional level. The next chapter introduces the first country. Kenya is the case of a medium-sized regional power that has traditional deprioritized the maritime in favour of development and security concerns on land. Njoki Mboce and Robert McCabe demonstrate how, in part as a response to piracy and in part due to the promises of blue growth, the maritime security agenda has recently grown in political importance. Kenya is working to expand its maritime security capacities in consequence, and with assistance from external capacity builders. However, as with Pakistan, it is doing so in a complex institutional and bureaucratic space, incorporating a range of different organizations and actors who are sometimes in rivalry with each other. The following chapters on Seychelles and Djibouti both present examples of maritime capacity building success stories, albeit with provisos. Both have been able to fashion a unified sense of political purpose and priority in relation to the maritime arena. As Alvine Marie and Christian Bueger show, in the Seychelles case, this has been a consequence of the significance of the maritime sector to the country's core economic and security concerns. In the case of Djibouti, as Mowlid Aden and McCabe outline, it has been down to the opportunities presented by larger powers' maritime security activities and geopolitical manoeuvring in the region. In both

cases, the maritime security agenda has resulted in an influx of resources and attention to the countries' maritime sectors, and a strengthening of their own maritime security capacities.

The final case study is that of Somalia. It differs from the other cases. This is both because of its centrality to the problem of piracy in the region, but also because the collapse of the Somali state in the 1990s, and its ongoing contestation today, has meant that its maritime security capacities are being constructed from scratch. For these reasons, Somalia has been subject to a wide range of different international capacity building initiatives, from a variety of different actors, and therefore represents an exemplary case of capacity building as experimentation. Rupert Alcock examines the historical trajectory of capacity building in Somalia. He pays particular attention to the manner in which notions of best practice in capacity building were negotiated between international actors and local elites, as well as to how these were translated into specific projects, and how those projects were received, contested, or transformed during the process of implementation in Somalia itself.

Part IV of the book comprises the concluding chapter in which we revisit the general argument of the book and then explore what key insights can be synthesized from the different country experiences. Discussing the empirical results through the lenses of the SPIP framework the conclusion highlights the similarities and differences across cases. It also summarizes a series of observations that can be made with regard to how to carry out external capacity building.

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Theorizing Capacity Building

Christian Bueger and Simone Tholens

INTRODUCTION

Capacity building is not only a contemporary buzzword of international relations, it is also a foundational practice. Hardly any global policy today goes without emphasizing the importance of capacity building, whether that concerns development documents, such as on the implementation of the Sustainable Development Goals, the Paris agreements on climate change, cybersecurity, or the reconstruction of post-war societies. Substantial funds are invested in capacity building activities by international donors, including governments, international organisations and civil society. A significant number of experts, planners, specialist and

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professionals are active in building capacity across all issue domains of government and society. Capacity building appears to be the preferred framing of international–local interactions in the twenty-first century.

Capacity building as a concept is however anything but new. One of its roots can be found in the first generation of development assistance of the post-world war II area, when it was framed as technical assistance to newly independent post-colonial states. As Webster (2011, 250) suggests, technical assistance ‘seemed a fair and non-colonial way of development through skill sharing, promising continued links between North and South after the end of colonialism on the basis of cooperation rather than exploitation’. While technical assistance was meant to be short-lived and ease the process of de-colonization (Webster 2009, 2011), it became the main paradigm of development assistance. With the rise of the failed state discourse in the 1990s, and the subsequent interlinkage of security and development policies, it progressively seeped into the realm of international security (Hameiri 2009).

Capacity building, today, is presented as the core solution for solving global problems. The underlying vision as a global solution, the substantial acceleration of the use of the concept, and the proliferation of implemented projects are novel developments. Today, capacity building is conceived as an alternative to—while simultaneously building on—more traditional approaches, such as development assistance, statebuilding, peacebuilding or security sector reform. The proliferation of capacity building points on the one hand to a new humility of the international community in recognizing that the ambitious statebuilding agendas of the 1990s never lived up to its expectations. On the other hand, the concept shifts the emphasis towards more fluid approaches to solve societal problems, relying on technology, knowledge and expertise rather than clearly stated objectives, one-size-fits-all solutions, and top-down approaches.

In this chapter we argue, drawing on the case of maritime security, that more efforts are required by scholars to understand and theorize capacity building as an international practice. With few exceptions, primarily in development studies, capacity building as a core practice of contemporary world politics has hardly become the object of scholarly analysis.¹ This chapter presents a theoretical primer for analyzing capacity building as a practice. Theorizing capacity building is important, as it allows us to

¹Including Eade (2007), Hameiri (2009), Barakat and Chard (2002), Phillips and Ilcan (2004), and Jacobsen (2017).

formulate questions about global governance in practice, and provides us an understanding of what to pay attention to in the empirical analysis of maritime security. In the chapter we sketch out an understanding of capacity building as an experimental assemblage of doing and sayings, expertise and practical knowledge and material artefacts. The assemblage is characterized by distinct improvised relations between capacity builders and receivers, and it is situated in time and space.

To develop such an understanding of capacity building, we start out from a critique of two debates that provide avenues for theoretical understandings of capacity building from the perspective of international relations theory. Both of these theoretical perspectives have direct relevance for some of the practices that constitute capacity building as it is understood and rehearsed today. The first are norm constructivist studies, notably work on the way norms emerge and travel internationally (e.g. Finnemore and Sikkink 1998; Keck and Sikkink 1998; Cortell and Davies 2005; Wiener 2004; Acharya 2004). They understand capacity building as a phenomenon to be explained by normative expectations and suggest studying it as a process of the diffusion or translation of internationally agreed norms, or as a sanctioning mechanism for the violation of internationally agreed norms. The second major literature concerns interventions and the role of knowledge, hegemony and resistance in security governance (e.g. Richmond 2005; Duffield 2007; MacGinty 2011; Jarstad and Belloni 2012). Studies on peacebuilding, statebuilding, failed states and more recently on resilience and security governance are concerned with the power over outcomes in conflict-affected areas.

Both debates provide valuable insights for understanding capacity building. As we argue they share a significant and similar shortcoming: They tend to take the knowledge or the norms that inform capacity building as stable and fixed, and hence pay insufficient attention to the fact that knowledge and norms are often not only contested, but actually *invented* in the act of ‘doing’ capacity building. As we argue in this chapter, this implies to complement existing perspectives by paying much closer attention to capacity building as an everyday practice and to study how knowledge about the ‘capacity’ required to address problems is actually composed and negotiated as part of capacity building practices. The practicalities of designing and implementing capacity building and the practical situation in which they are embedded come to the fore.

The chapter aims at advancing a framework for understanding a contemporary core practice of international relations. The discussion will

be of interest to those concerned about capacity and statebuilding, in the maritime domain in particular, but also for those interested in the more general discussion on the practice turn in international relations. While for the first audience we offer a reflective tool of how to think and ask questions about capacity building, for the latter audience we provide a novel case of an international practice that is particular in the way that it is improvisatory and experimental.

The chapter is structured as follows: After a brief historical discussion, we investigate how International Relations literature has approached capacity building, paying particular attention to the work of norm constructivists as well as the critical peacebuilding literature. We argue that such studies require to be complemented since they miss out on the way that capacity building is improvisatory and experimental and actually productive of the knowledge and norms that constitute the capacity that is built. We briefly outline core dimensions that require more understanding. Section three then discusses these proposals in the light of the practice of maritime security capacity building.

As we argue, this case is of particular interest because it clearly shows how the object of capacity building (definitions of what maritime security is and the capacities it requires) is developed in the conduct of performing the practice of capacity building. Knowledge and definition of the object hence cannot be seen as exterior to the practice. Rather than focussing the analysis on the transmission of prior ideologies, and normative dispositions, the focus becomes on the performances of capacity building at concrete sites.

A BRIEF HISTORICAL RECONSTRUCTION OF THE CONCEPT OF CAPACITY BUILDING

Capacity building is the core term through which many global actors describe their international engagement today. While the concept is anything but new, the emphasis is novel, and indeed the concept is also a relative newcomer to certain discourses, such as the maritime security discourse. To understand the recent rise of the concept it is useful to briefly revisit its historical trajectory.

Origins in Development Discourse

Two origins are noteworthy, that is firstly the attempt to de-politicize the support of de-colonized states in a cold war context, and secondly the rise of non-governmental organizations as actors of international assistance. As shown in detail by historian David Webster, technical assistance became a major paradigm and a foundational issue of the United Nations, ‘providing a mission for the world body that promised more success than its faltering security function as the cold war set in’ (Webster 2011, 252). ‘In development, the world body found a new mission in a “non-political” field, where both cold war contenders shared ideas of progress even while differing on the end goal of that progress’ (Webster 2011, 258). For the UN (as well as its specialized agencies), technical assistance implied that teams of foreign experts were brought together that offered a form of help tailed to the needs of new states (Webster 2011, 259). ‘Experts could function as agents of the local government or as ‘catalytic agents to precipitate policy decisions or reconcile conflicting viewpoints’ (Webster 2011, 259).

In technical assistance, expertise was assembled by international organizations to build the capacity of states for economic planning and other forms of development. International organizations were tasked to organize the ‘flow of experts’. The emphasis of technical assistance was on learning, knowledge and people. It was ‘based upon the assumption that it is possible and practical to transfer knowledge and techniques from one area to another for the purpose of advancing the economic and social development of the people of the world’ (Webster 2011, 260).

A second development broadened this understanding of capacity building. It shifted the emphasis of capacity building as an activity in which multilateral organizations supported states through expertise, to an activity in which a broader range of actors matters, including NGOs, but also the people and civil society of a state. The new goal was to empower people and build capacity to represent and to participate. For development practitioner Deborah Eade (2007, 632), the ‘early origins’ of capacity building ‘lay in the belief that the role of an engaged outsider is to support the capacity of local people to determine their own values and priorities, to organise themselves to act upon and sustain these for the common good, and to shape the moral and physical universe that we all share’. Eade in consequence links the rise of the concept to the rise of non-governmental organizations on the one hand, and on the other, to

intellectual development in particular to thinkers such as Paulo Freire and his notion of empowerment; Amartya K. Sen's work on entitlements and capabilities; or UNDP's outline of human development.

Both of these discourses—capacity building as de-politicized transfer of governmental knowledge and as empowerment of people—increasingly merged in the 1990s under the rise of aid as partnership, governed by the principle of 'ownership' (Abrahamsen 2004; Donais 2009). Under this new agenda, often described as 'neo-liberal' the goal was to empower people and states to own their developmental process. As Venner (2015, 85) notes, 'capacity building has thus become something that any development assistance organization must do if it is conducting its programmes according to the current 'state of the art'.

Capacity Building and the International Security Discourse

While international development was during the cold war often positioned at the de-politicized opposite end of the high politics of international security, the 1990s saw a merger of these agendas, initially driven by humanitarian concerns over civil wars and mass atrocities; the recognition of the transnational character of threats; and the 'failed states' discourse (Duffield 2007). The end of the cold war spurred an era of international intervention and direct engagement in conflict zones, which increasingly implied professionalized peacekeeping and new generations of peace enforcement, with ever more ambitious objectives and designs. With the prevailing failed state discourse, the agenda soon became more ambitious than keeping peace in the short run and was advanced into what is today known as liberal peacebuilding or statebuilding, including political, economic and social reform programmes (see Paris 2004). The objective was to build state structures through foreign intervention which could ensure stability, 'positive' peace and development in the long run. This agenda was re-enforced through concerns over the links between failed states and terrorism, and the massive international assistance to Bosnia, Kosovo, Afghanistan and Iraq became paradigmatic cases of that era (see Ignatieff 2003; Paris and Sisk 2009). Gradually, the distorted motivation and consequences of international intervention caused a shift in policy-makers thinking about their out of area engagements (see Chandler 2012 for the 'rise and fall' of peacebuilding).

The 2011 NATO-led intervention in Libya indicated a change in the practice of intervention, as it was notably not followed by boots

on the ground or indeed by any international engagement resembling peacebuilding or statebuilding. International inaction in the face of the war in Syria is another example of the reduced willingness to undertake large-scale interventions, and, as the war unfolded and external actors were drawn into the conflict, also of the less favourable international environment for UN action. Yet, as both Syria and Libya are examples of, international interventions seem not to have dissipated, but rather taken new forms. Wars, observers argue, are increasingly ‘shadowy’ (Niva 2013), ‘remote’ (Knowles and Watson 2018) ‘surrogate’ (Krieg and Rickli 2019) or ‘liquid’ (Demmers and Gould 2018), indicating that international actors no longer assume sovereignty and control territory, but are increasingly engaged through ‘light footprints’ interventions and arm and equip programmes; ad hoc and short-term commitments and matching objectives; and a fluid understanding of direction and partnership. This illustrates a larger shift in international engagement that the term capacity building stands for. Rather than providing assistance through direct military involvement, security actors now work with trainers and mentors to achieve strategic objectives that are less likely to be normatively driven. The U.S. withdrawal from Afghanistan followed by a training mission is paradigmatic in this regard, as is NATO’s new concept of Military Capacity Building in Iraq; EU capacity building of the Libyan coastguard; the massive G5 training and Counterterrorism in the Sahel; and a suite of other examples from across conflict-affected states.

Nowhere do we see international forces or civilian administration taking over the running of entire countries. Drivers of this shift include austerity and the pressure on public spending; the considerable human costs of interventions in Iraq and Afghanistan; and a change in the attention of the international security discourse from focusing on civil war and humanitarian concerns to defeating terrorist networks, cyber threats, trafficking or piracy. In its stead, the predominant form of intervention is through ‘ownership’, originally a concept from the development world has influenced security thinking considerably, the idea being that countries should steer and implement programmes themselves, with external actors only providing the knowledge, skills and resources to do so.

Definitions of Capacity Building

Concepts are not only descriptive of our activities, they are also prescriptive. They direct actions and provide a certain understanding of how

things should be done. They stand for distinct (political) projects. Existing definitions offered in the development studies literature and the policy discourse, do not provide a coherent picture. As Deborah Eade (2007, 631–632): suggests, ‘a glance through the development literature – from scholarly articles to agency PR – confirms the “buzzword” status of capacity building. Some dismiss it for this reason as a sloppy piece of aid jargon. For others, it is a synonym for institutional or organisational development. Often it is no more than a serious-sounding alternative to “training”’. Many observers have noted the considerably conceptual confusion around what the term might mean, while sceptics have argued that the term is little more than a recent fashion (Kühl 2009). In a literature review by the UK Government’s Overseas Development Institute (ODI) on Security Sector Reform (SSR) and Organizational Capacity Building, it was noted that the sector ‘is not consistent in its understanding of capacity or capacity building. Few papers unpacked these concepts, although a handful of studies defined what was meant by improved capacity. This is surprising given the massive investments in capacity building as part of SSR, as well as the dominant assumption underpinning much SSR that improved capacity will lead to better service delivery’ (Denney and Valters 2015, 4).

In security discourse, the concept partly competes, partly overlaps with others, in particular, the concept of security sector reform (SSR), or the broader concept of security assistance. In a US Congressional report on ‘Building partner capacity: key practices to effectively manage Department of Defense efforts to promote Security Assistance’, it is vaguely defined as activities aiming to ‘organize, train, equip, rebuild/build and advise foreign security forces and their supporting institutions from the tactical to ministerial levels’ (U.S. GAO 2013). In military language, capacity is often distinguished from capability, where the latter is defined as capacity sustained over time. Yet, as a U.S. State Department’s International Security Advisory Board (ISAB) evaluation pointed to in 2013, ‘The United States annually spends more than \$25 billion on what is broadly classified as “security assistance”, all of which is broadly aimed at improving the “security capacity” of the recipient states. There is, however, so far as this Board has been able to determine, no comprehensive definition of what “security capacity” means in this context, nor an overall strategy for determining how much to spend and how it should be allocated’ (ISAB 2013, 1–2).

In other words, capacity building is a broad term, no clear definition of the term has emerged and there is wide variety across agencies.

The objective of the next section is to deepen our understanding of capacity building processes. We investigate how capacity building can be theorized from the perspective of international relations theory.

OWNERSHIP AND NORMS: THEORIZING CAPACITY BUILDING

Two main strands of literature have particular relevance for theorizing capacity building as it is practised in the domain of security governance: norm research, and literature on intervention and state/peacebuilding. Both offer valuable insights, but also fail, we argue, to fully capture the fluid and continuously negotiated nature of current capacity building practice.

Capacity as Norms: Socialization, Sanctions, Diffusion and Translation

Norm-oriented constructivism is one of the mainstream theoretical perspectives in International Relations theory. Developed as a critique of rationalist theories, which posit that international actors primarily and predominately act on the basis of their self-interests, norm scholars argue that the international is organized through normative expectations. Actors agree on global norms, and international action can be explained on the basis of the appropriateness of certain norms (March and Olsen 1998). On the basis of this perspective, ‘capacity’ can be considered as a norm, or sets of them. Such an interpretation is of particular interest, since constructivists have paid quite some attention to how norms are diffused, transferred, translated and contested in specific contexts.²

Early work focussed on the actors that promote norms in such diffusion processes (Keck and Sikkink 1998; Price 1998), and on domestic salience of specific global norms (Cortell and Davis 2000, 2005). This emphasis was the outcome of a debate on whether strategic calculation or international socialization is the most influential mechanisms to socialize

²This is in contrast to earlier generations of norm research that was primarily concerned with demonstrating that global norms matter in international politics.

states, especially in European studies, where the prospects of successful Europeanization of Central and Eastern European states were thought to be the highest (Johnston 2005). While some argued that the rationalist ‘logic of consequentiality’ could explain why states would comply with EU/European rules and norms (Schimmelfennig and Sedelmeier 2005; Van Kersbergen and Verbeek 2007; Hooghe 2005), others found that socializing mechanisms were equally if not more important in determining states’ behaviour (Gheciu 2005a; Lewis 2005).

Work on norm diffusion has subsequently centred on how global norms are localized and adopted in contexts (e.g. Acharya 2004, 2009) and on how norms become contested and are continuously negotiated (Wiener 2004, 2007, 2014). The shift to localization and contestation practices challenged those Western-centric approaches, as it shifted the focus away from optimizing successful socialization techniques, to investigations of how global norms enter the local via more complex and non-linear processes. Contesting, localizing and translating externally derived norms, ideas and institutions is then seen as more than an act of opposing ‘good’ global norms, but as a way of giving them local legitimacy (Zwingel 2012; Zimmermann 2016; Tholens 2019). Localization may mean more than being ‘weakly’ diffused. As Lisbeth Zimmermann (2016) shows drawing on the case of Guatemala, human rights norms were neither rejected nor adopted, instead they were ‘embedded’: they entered into deep negotiations between different stakeholders, eventually producing a local version of them. Moreover, as Tholens (2019) shows in her study on small arms programmes in Kosovo and Cambodia, field practitioners and local securocratic elites contest and localize vaguely or even ill-defined international norms through very practical and ‘operational’ processes that work in the specific context. Translation of global norms through discourse, law and implementation becomes the most meaningful processes to understand the interactions and interlinkages between the international and the local.

The latter versions of norm diffusion studies do not treat norms as a stable object and hence have overcome the problem of norms as given and as a cause producing an effect (Laffey and Weldes 1997; Krook and True 2012), but the remaining challenge is yet to be resolved: it is rather often not norms that are at the centre of international interventions. This is particularly the case for security interventions, which are moving away from comprehensive statebuilding, or indeed any explicitly stated ‘reform’, and towards more targeted niche interventions seeking to

enhance capabilities in specific domains. Moreover, knowledge and norms are often not only contested and translated, but actually invented in the act of doing capacity building.

*Capacity as Discourse: Liberal Peacebuilding, Hegemony
and Resistance*

The second body of literature is concerned with interventions, power hierarchies, sovereignty and ownership. The starting point of the analysis is that the post-Cold War order is characterized by ‘liberal internationalism’ which paved the way for the prominent position that peacebuilding assumed during the 1990s and early 2000s. Peacebuilding practice embodied the new and liberal global order, and synthesized many of its key principles, not least the linking of security and development—or politics and economics, more broadly. ‘Post-conflict peacebuilding is arguably the clearest and most wide-reaching manifestation of global liberal governance today, and has grown into a major enterprise in global politics’, wrote critical peacebuilding scholars Lidén et al. (2009, 590), highlighting the extent to which interventions were justified and understood as an expression of the post-Cold War order.

These links between the global order and propagation of specific liberal-democratic governance models, however, came increasingly under scrutiny, especially as the gap between expectations and reality surfaced. It was critiqued by practitioners who saw the limits to this approach in their daily work, and by critical scholars who saw this practice as ultimately aiming to reproduce the Western liberal state (Ignatieff 2003; Richmond 2005; Chandler 2006). The normative underpinnings of what were promoted as universal values and good governance were thus exposed. Connecting with broader discussions on hegemony, and how the hegemon ‘imports normative principles about domestic and international political order, often embodying these principles in institutional structures and in constitutions or other written proclamations’ (Ikenberry and Kupchan 1990, 292), scholars demonstrated the neo-colonial elements of peacebuilding and that knowledge emerging from the Western experience had monopolized the understanding of how constituent parts of the international system should work (Darby 2009, 701).

This critique formed the basis for scholarship investigating the role of local actors and knowledge to understand the outcome of peacebuilding processes (MacGinty 2011) and to unpack how knowledge is diffused

through security governance interventions (Schroeder et al. 2014). Most significant perhaps, are efforts to understand the outcomes of international interventions as creating conditions for ‘hybrid peace’, in which liberal and illiberal norms, institutions, and actors exist in mixed systems (Jarstad and Belloni 2012; Richmond 2014), characterized by ‘friction’ between the ‘global’ and the ‘local’ (Björkdahl and Höglund 2013; Millar et al. 2013).

Yet, while important reflections of the general practice of liberal peacebuilding and subsequently on its ‘local turn’, such critical peace studies remain to some extent locked in a relationship of critique. This does not allow a break with the ontological assumptions of the peacebuilding practice, and work on ‘hybridity’ and ‘friction’ for instance, is still informed by assumptions that local and international are two distinct domains, which in their encounter, cause turbulence or amalgamation. Moreover, their focus on local power does rarely go beyond ‘resistance’ to global precepts, inasmuch as domestic actors are analyzed as responding to, contesting and negotiating international norms. This leaves much to be desired in terms of analyzing the significant power of domestic actors to shape the outcomes in their local context.

Insights

Two insights can be fruitfully derived from these two strands of literature. First, that an important consequence of the peacebuilding practice was the legitimacy of a direct channel between internationally generated standards and domestic governance. This assumption lives on today, and can be observed in the consensus that international agencies *should* engage with local (governmental and non-governmental) actors in order to assist in the building of more functioning governing structures domestically.

While the element of socialization in good or even ‘global’ norms has been toned down, there is still an emphasis on spreading knowledge generated in certain parts of the world to other, more disadvantageous countries. In recent years, this has increasingly come in the form of capacity building measures, whereby the problem of sustainability is more explicitly addressed by endowing local/domestic actors with the responsibility to ensure continuation and long-term ‘uptake’ of governance modalities that will render their societies secure and prosperous.

Second, the focus on ‘taking into account local context’ and ‘local ownership models’, intending the inclusion of local agents in the development and implementation of specific projects to ensure sustainable and self-reproducing local structures (Chesterman 2004; Narten 2009), points to processes that have been described as encapsulating a logic of governmentality. As demonstrated by Alexandra Gheciu (2005b) the logic of ‘local ownership’ is based on the idea that all individuals are liberal subjects that commit to discipline the ‘irrational’ sides of themselves, and to govern their lives in accordance with the universal moral precepts revealed by reason. Those who come to accept these new norms become the model that others within society must emulate; those failing to recognize the duty of liberal subjectivism are seen as failing (Ghecui 2005b). In this view, local ownership promotes international–local linkages that are based on the belief in mature and advanced knowledge, and in the self-policing strategies of teaching and training non-advanced individuals to reach these higher insights. In development studies capacity building has also been described as a technology of neo-liberal governance that is based on new rationalities of individual choice, responsibility and self-regulation through market-based relations (Phillips and Ilcan 2004). In more recent iterations, work on resilience as the new paradigm in both security and development discourses reflect a similar understanding of intervention as based on governmentality and self-policing (Chandler 2014).

These reflections on the legitimacy of knowledge diffusion, on the one hand, and on the individualization and self-policing modalities of current security interventions, on the other, are valuable starting points for investigating further what kind of relationships capacity building constitutes, and what capacity building means for the relations of global governance more broadly. Yet, these need to be complemented by attention to capacity building as an everyday practice and to study how knowledge about the ‘capacity’ required to address problems, such as maritime security, is actually composed and negotiated as part of capacity building practices. The practicalities of designing and implementing capacity building and the practical situation in which it is embedded need to come to the fore.

EPISTEMIC DETERMINISM AND THE PRACTICE PERSPECTIVE

Inherent in contemporary understandings of capacity building is the idea that if a country's government or community possesses the right knowledge, skills and technologies then it will be able to handle the challenges associated with the Sustainable Development Goals or other global priorities. In consequence, much emphasis of capacity building work is on transferring technology and knowledge to least developed countries. Often, little thought goes into the question what the 'right' or 'appropriate' knowledge might be. The assumption is that knowledge (such as what functions a maritime security sector has to perform) is universal and can be (easily) transferred.

Both norm constructivism and the neo-liberal hegemony claim assume that the knowledge on which capacity building is based is settled. For norm constructivists, capacity building is a practice through which agreed norms are diffused to local contexts. The norms and rules that constitute capacity are taken for granted to exist in a 'global' or 'international sphere'. In critical peacebuilding scholarship, a neo-liberal discourse prescribes the models and theories on which capacity building is based. Capacity is here seen as the subset of and product of a broader and global discursive structure of meaning. Whether 'capacity' is conceptualized as norms, or as the effect of a discursive structure, both theoretical perspectives assume that knowledge of capacity is available before the practice of capacity building.

Jan Cherlet (2014) describes such a way of thinking as 'epistemic determinism'. For Cherlet (2014, 776), 'epistemic determinism can be defined as the two-footed ideology that knowledge is an immaterial good whose production is independent of the social context, and that this immaterial good can be transferred, without much effort, to another social context where it will have meanings and effects similar to those in the original social context'. Cherlet provides a genealogy of that idea, tracing it throughout the history of development policy stretching from enlightenment, post-world war two discussions to contemporary thinking of the World Bank and other actors. As he shows, the core problem is that 'epistemic determinism does not recognize that all knowledge is socially and historically situated' (Cherlet 2014, 776). In other words, knowledge means different things to different people in different contexts and situations. It needs to be translated and re-produced in that particular

context. Knowledge is not an independent object which could travel freely. Instead, as in particular, sociologists of science have shown claims to the universality of knowledge tend to be particular political moves to side-line other forms of knowledge and to direct change in a particular direction.

Capacity Building as a Practice

A theoretical perspective that takes knowledge as performed in situated activities is provided by contemporary practice theory.³ The claim here is that knowledge cannot be separated from action, and that in consequence we should understand knowledge as continuously enacted and re-enacted in distinct sites. Practices can be understood as ‘regimes of a mediated object-oriented performance of organised sets of sayings and doings’ (Nicolini 2017, 21). In such performances relations between doings, saying, expertise, practical knowledge and material artefacts are built. In participating in a practice, also subject positions, that is, distinct types of agency, become formed. Understanding capacity building as a practice, then first of all invites us to study it as situated performance, as concrete activities in situations.

Secondly, the suggestion is to take the knowledge that is seen as the capacity required to be built, not as existing a priori of the practice, but as produced within it. Contrary to norm constructivism or critical peacebuilding research we need to grasp knowledge as contingent and dependent on action. This is not to argue that normative guidelines and rules (such as those inscribed in a multilateral treaty, best practices or instruments of soft law) or knowledge (such as facts constructed in scientific studies) that were developed prior to a process of capacity building do not matter. Rather is it to argue, that we need to investigate how knowledge is re-interpreted and activated in a given situation, without presuming that its meaning is stable and independent from a context of action.

A useful illustration for that theoretical position can be found in Tridib Banerjee’s (2009) historical case studies of the expedition of U.S. experts to India between the 1940s and 1970s. As he shows through three case studies, these initiatives should be understood as ‘stories of a transfer

³For another theoretical primer arguing for analyzing capacity building through the prism of interventions as a practice, see Olsson (2015).

process that began with planning ideologies in the U.S. and ended with innovations in the Indian context. The process was evolutionary, organic, and largely unscripted. It was also a product of contemporary events, especially in the host country' (Banerjee 2009, 194). As he concludes, 'in all instances the U.S. planners came with ideological predilections consistent with the contemporaneous regimes of planning thought in the United States. In all cases local expectations and knowledge, and in some cases resistance to the imported ideals, tempered and modified this initial position. Where collaboration with local planners was possible, innovations occurred. The broad innovations were spectacular and pioneering' (Banerjee 2009, 206). He further points to the experimental logic of the processes. Planners saw India frequently as a 'laboratory for testing Western ideas' (Banerjee 2009, 199).

Another useful illustration is Alex Jeffrey's (2012) *The Improvised State: Sovereignty, Performance and Agency in Dayton Bosnia*. The book is a study of the social production of Bosnian sovereignty. Starting out from an understanding of the state as a process, he shows how Bosnia can be read as an experimental setting in which international and local actors together attempt to perform a stable and coherent Bosnian state. Jeffrey adopts the concept of improvisation to demonstrate how international and domestic actors resource various repertoires of performing the state and engage in a process of probing and experimentation. Performing the state then requires the mastery of a set of skills.

Julien Jeandesboz (2015) studies a border assistance mission of the European Union. Arguing against discourse-oriented perspectives that only emphasize the programming of international interventions by analyzing policy documents and mandates, he shows the importance of studying the conduct of implementation. Adopting the concept of 'subversion' he documents in detail, how the design of a specific intervention is constantly subverted: "by struggles and contention among its programmers, by the actors in charge of its conduct (the actual interveners) and those targeted by it" (Jeandesboz 2015, 444).

Following those three illustrative cases, we need to understand the knowledge that constitutes the capacity in capacity building practices, as shifting and transforming, and not as pre-determined by a universalized (set of) norm(s), or a discursive formation. Capacity building can then be understood as an experimental practice in which new forms of knowledge about an inventory object, such as maritime security, become formed.

MARITIME SECURITY AS EXPERIMENTATION

While we argue that the practice theoretical perspective outlined above is productive to guide research for all kinds of capacity building, it is particularly revealing for the case of maritime security. As outlined in the introduction to this book, maritime security is a novel field of international activity that is, only to a limited degree constituted by settled definitions, norms, established knowledge, a bounded field of professionals, or an established body of scientific reasoning.

It is comprised of various, potentially contradicting norms, including the intricate relation between the norm of freedom of navigation, territorial sovereignty and the global commons, or the normative structure of the concept of ‘good order at sea’ (the maritime’s equivalent to good governance on land).⁴ It is also characterized by institutional and regime complexity in that it forms a part of ocean governance and a wide variety of international regimes potentially relevant to maritime security.⁵

A range of settled global rules and norms for maritime security was established through these regimes, however. These include the norms and rules agreed on and codified by the UN Convention of the Law of the Sea, the *International Convention for the Safety of Life at Sea* (SOLAS Convention) and *The International Ship and Port Facility Security Code* (ISPS Code) negotiated under the auspices of the International Maritime Organization, as well as the 2012 *Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977* (Cape Town Agreement), *Port State Measures Agreement to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing* (Port State Measures Agreement) negotiated by the Food and Agricultural Organization or the *United Nations Convention against Transnational Organized Crime*.

Several maritime international organizations which are the guardians of these conventions work towards the compliance with these norms. The IMO, for instance, introduced a mandatory audit scheme for member states in 2014 through which the IMO Secretariat monitors compliance

⁴For the most well-known formulation of the good order at sea paradigm, see Till (2004) and the contributions in Bekkevold and Till (2016). These clearly reflect a neo-liberal discourse, and hence a discourse analytical take will be more than welcome.

⁵See the overview in Kraska and Predrozo (2013).

and identifies capacity building needs. Much of the capacity building work of the IMO's Integrated Technical Cooperation Programme (ITCP) is hence concerned with diffusing the norms of SOLAS and ISPS in particular. Likewise, a major part of the maritime security work of UNODC and FAO, and other UN agencies in capacity building is concerned with norm compliance. In so far as, in this part of maritime security capacity building it is predominantly the diffusion of international standards and norms, it can be appropriately captured through a norm constructivist lens as well as made subject of critique concerning its neo-liberal content.

Such norms and technical standards, however, only are one part of the larger maritime security complex. Other parts, such as how to organize and govern maritime security on a national and regional level do not have codified standards and norms. However, in particular, the U.S. has been active in developing and proposing norms and guidelines for maritime security governance. These are predominately informal and take the character of guidelines, tool kits or best practice documents. For instance, in its proposal for a '1,000 ship navy' later reformulated in the US maritime security strategies as global maritime partnership, regional maritime information sharing on the basis of national maritime domain awareness centres is proposed as a standard for maritime security. The *US Maritime Security Sector Reform Guide* proposed technical standards for how countries should organize their maritime security governance and which services or 'functions' a country should provide in order to enhance maritime security (US Government 2010).

To organize and coordinate maritime security governance through dedicated national strategy documents has emerged incrementally as another implicit norm. In the past decade several countries including the UK, France and Spain have developed such strategies. A 2017 document by the US government affiliated think tank Africa Centre for Strategic Studies (2016), the *National Maritime Security Strategy Toolkit*, proposes that countries globally draft national maritime security strategies through a participative process. Standards for the organization of maritime security are also increasingly introduced and codified by regional agreements, including the inter-governmental Djibouti Code of Conduct or the African Union's Lome Charter. The standards and instruments proposed in these informal processes, however, remain often vague and underspecified or are essentially contested. Phrased otherwise the norms underpinning maritime security governance are unsettled

and no homogenous body of knowledge or a maritime security profession has emerged so far. Uncertainty of how to deal with and organize maritime security persists. In consequence, it remains contested what content maritime security capacity building is about to deliver.

To recognize these characteristics, it is useful to compare maritime security capacity building with an international practice that has been studied in greater detail, namely that of democracy assistance (Christensen 2017; Guilhot 2005). Democracy assistance has from the 1980s onwards become an established and bounded field of international activity (Guilhot 2005; Christensen 2017), it has clear elements of a profession with agencies specializing in the field (Christensen 2017), and the field is constituted by a settled body of scientific research that provides theories of democracy promotion as well as a range of established facts, such as about the benevolent character of democracy (Kurki 2016; Bueger and Villumsen 2007).

Compared to democracy assistance, in the case of maritime security capacity building there is no clearly established field or a body of knowledge which would reason what the object of that practice is or how it should be conducted. Obviously more general knowledge on governance, and the experience in Western countries of organizing maritime security influences maritime security capacity building and best practices and guidelines based on these have been proposed. Yet, how that knowledge should be arranged is open and dependent on the practice of capacity building. Studying how knowledge is arranged in particular situations includes, as emphasized by Jacobsen (2017), attention to how different aspects of maritime security capacity and its beneficiaries are prioritized.

CONCLUSION

In this chapter we argued that more efforts are required by scholars to understand and theorize capacity building as a practice. Capacity building as a core practice of contemporary world politics has hardly become the object of scholarly analysis. We presented a theoretical primer for analyzing capacity building. A theory of capacity building is important as it directs our empirical enquiry and allows us to ask distinct questions in the process of research. Our starting point was a critique of two discourses which lend itself to the analysis of capacity building and which have indeed partially analyzed some of the practices that constitute capacity building. The first was norm constructivist studies. They

argue to understand capacity building as a phenomenon to be explained by normative expectations and suggest to study it as a process of the diffusion or translation of international norms or as a sanctioning mechanism for the violation of internationally agreed norms. The second debate was the discussion on sovereignty and ownership. This discussion has mainly been interested in questions of the distribution of resources and political responsibilities. While policy-oriented researchers aim at optimizing distribution in order to achieve an efficient realization of goals such as peace, stability, development or good governance, critical researchers emphasize the power effects of interventions and policies. Both discourses provide valuable insights for understanding capacity building. As we argued they have however a significant shortcoming: They tend to take the knowledge or the norms that inform capacity building as stable and fixed, and hence pay insufficient attention to the fact that knowledge and norms are often not only contested, but actually invented in the act of doing capacity building.

The practice theoretical perspective instead directs our attention to those practical activities that are described as capacity building. In those tempo-spatially situated performances the object maritime security is produced as is the content of the capacity required to perform maritime security. The analytical focus turns to the study of actions and those situations in which international and domestic actors interact and perform the knowledge of maritime security.

As we have argued, such a perspective is of particular value for the case of maritime security. Diffusing settled global norms only form a small, although not insignificant part of maritime security capacity building. The body of knowledge underpinning maritime security and how the issue domain should be governed drawing on what kind of political and administrative structures is heterogenous and indeed contested. As the succeeding chapters demonstrate, countries in collaboration with international actors are experimenting with maritime security.

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PART II

Internally Driven Capacity Building



CHAPTER 3

Israel: Traditional Approaches to Securitizing the Maritime Domain

Ehud Eiran

INTRODUCTION

The following chapter investigates Israel's concept of maritime security and the institutional arrangements that flow from it. The chapter analyzes Israel's maritime threat perception, its responses, as well as the challenges that it faces in this realm. In the first section, the chapter reviews the significance of the maritime domain for Israel, and how it has changed over time. The section concludes that around the turn of the century, the maritime domain emerged (again) as an important domain in the eyes of Israeli strategists and security officials. The section further explores the two main drivers of this shift towards the maritime domain: Israeli concerns that Iran will acquire a militarized nuclear capability, and the discovery in 1999 of gas depots in Israel's Exclusive Economic Zone (EEZ) in the Mediterranean. In the following section, the chapter looks more specifically at the various maritime spaces that Israel operates in, in the context of maritime security, mostly the Mediterranean and the ports

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of Haifa and Ashdod, and to a lesser extent, the Red Sea and the port of Eilat.

The next section highlights Israeli priorities regarding maritime security. This section shows that unlike some of the other cases in this book, Israel focuses on traditional notions of security, and offers mostly a (rather effective) naval response to them. Capacity, therefore, is not lacking in material, or in terms of institutions. If at all, Israel has an overcapacity in one arena, traditional security, arguably at the expense of broader notions of maritime security. The next section reviews the institutions that are involved in responding to the security questions in Israel's maritime domain. With traditional security concerns topping Israel's priorities, it is no surprise that its armed forces, especially the navy, are the most significant institution that handles maritime security. Next, recent maritime security projects are explored, which revolve, as expected, around the navy. The chapter concludes with some reflections on the challenges and opportunities in a maritime security sector which is so heavily dominated by the navy.

EBB AND FLOW IN ISRAEL'S APPROACH TO THE MARITIME DOMAIN

Israel—and before it, the pre-state organized Jewish community in Palestine, the *Yeshuv*, transformed its approach to the maritime domain a number of times since the beginning of Zionist immigration in the late nineteenth century. These changes reflected the challenges of the top-down Zionist nation- (and later state-) building project, rather than commercial drivers as might have been the case in other states. The limited role of commercial considerations persists to date. For example, despite the popularity of the concept globally and particularly in small island states such as Seychelles, there is no serious discussion in Israel regarding the possibility of developing a “blue economy”, let alone integrating it into a security framework.

From the 1880s to the 1920s, the maritime domain was an insignificant element of the Zionist project (Cohen-Hattab 2014). Much of the focus was on the acquisition of land, and various models of settling it (Kimmerling 1983). Moreover, the central and east European Jews that comprised much of this wave of immigration did not come, generally, with a significant maritime tradition. German-born Israeli poet, Yehuda Amichai, captured this when he wrote in his poem *shutting down the*

Jaffa port: “my forefathers did not think about the sea and its ships” (Amichai 1982, 81). Among the Palestinians who resided in what is now Israel, the maritime domain played a somewhat more important role. The economy of the second biggest Palestinian city, Jaffa, depended on its port, which was the main gate to Palestine until the mid-1930. At its peak in 1935, about 1600 people, most of them Palestinians, worked in the Jaffa port and on its ships. Jaffa was home for 200 cargo ships. Following the violence in the region (1936–1939, 1947–1949) and the British-led development of the Haifa port, activity in the Jaffa port declined drastically (Goren 2014).

The 1930s marked the beginning of a new approach towards the maritime domain that lasted for about two decades. Maritime domain-related projects became a central pillar of the nation-building project that led to the creation of the state of Israel in 1948. During these two decades, the sea was integrated into the “Zionist geography of national revival” (Azaryahu 2008, 252). The rise in the significance of the maritime domain was a result of British limitations on Jewish immigration to Palestine beginning in the 1930s. This change in British policy prompted the semi-independent Jewish polity to develop a set of institutions that bought ships, mostly in Europe and North America, and used them to transfer Jews to Palestine (Azaryahu 2008, 262).

Between 1934 and 1948, some 100,000 Jews arrived to Palestine via these efforts. This out of 650,000-strong *Yeshuv* in 1948 (Naor 1988; The Navy Association 2018). The British tried to block these maritime-based immigration efforts (Stewart 2002), and detained some of the immigrants, both in and out of Palestine. Moreover, the leaders of the proto-state grew to see the maritime domain as an important aspect of their nation-building project (Azaryahu 2008). They believed that a strong maritime sector—ports, commercial fleet, a fishing industry including collective communities (Kibbutzim) that focused on fishing, as well as a strong navy—are crucial for the national security and economic development of the new state. This new approach was translated to institution building. In 1935, the Zionist Congress decided to create a maritime department in the Jewish Agency,¹ (Cohen-Hattab 2014, 53). Three years later the department played a crucial role in launching a high school that would train maritime professionals (Technion 2018). In 1936,

¹The executive body of the semi-autonomous Jewish entity in Palestine under the British.

the *Yeshuv* built the Tel Aviv port, in response to difficulties in using the Jaffa Port during the 1936–1939 clashes with the Palestinians (Schlor 2009). In 1945, the *Yeshuv* launched a national shipping company, Zim (Cohen-Hattab 2015). Indeed, the political leadership even set a national holiday called Yom Ha'Yam (the day of the Sea) in 1932 that was celebrated until the 1950s. David Ben Gurion, the state's founding father, declared in 1950 (two years after the *Yeshuv* transformed into an independent state) that “the significance of the sea is not only political and military; our economic future depends to a large extent on the sea” (Ben Gurion 1950, 7).

Beginning in the 1950s, however, the maritime domain lost its centrality in the Israeli psyche. The state's creation in 1948 meant that it—rather than a foreign power—controlled entry into the land via the sea. Therefore, there was no longer a need for a centralized maritime effort to bring immigrants illegally. Moreover, the long nation-building effort that started in the late nineteenth century, culminated now in a peak of sorts with the creation of the state in 1948. Therefore, nation-building endeavours that were not viable economically, such as a large commercial fleet, or collective fishing communities, lost centralized support and declined. The maritime high school was shut down in 1955 (Technion 2018), and the Day of the Sea events were discontinued. Reparation from Germany in the 1950s, did lead to an expansion of the commercial fleet, but it declined by the 1970s, in part, due to global trends in the industry (Polak 2015; Ministry of Transportation 2018a). In a 1970s Opus Magnus that summarized the rather short history of Israel's relations with the sea, Zvi Herman (1978, 420) lamented that: “It is a pity, a real pity, that there is no recognition for Zim [The national shipping company] and of shipping”.

In 1999, the Ofer Group, one of Israel's largest privately held group of companies, purchased control of the Israel Corporation, the major shareholder of Zim. In 2004, Zim was privatized with the selling of the government's remaining shares to the group (Lax 2004). Privatization, however, did not solve the company's difficulties. In 2009 and again in 2014 it was on the brink of insolvency and had to restructure its debt. By 2016, it carried a total debt of 1.8 Billion USD (Boxer 2016). By then, only 30% of the sailors and officers on Israeli ships were Israeli (Ministry of Transportation 2016).

The types of security challenges Israel faced, contributed to a similar decline of the maritime domain in the armed forces. Specifically, the navy

became the least significant arm of the Israeli military. In a 1979 article in the military journal *Ma'arachot*, two Navy Colonels explained that: "Since its early days, the Israeli navy was a low priority when it came to resource allocation. The main criteria for resource allocation was the potential contribution of a military branch to victory. Since everyone accepted that the ground forces, supported by the air force will determine the wars' outcomes, the navy was allocated the least" (Colonel D. et al. 1979, 64).

The navies of the countries and organizations Israel fought against in 1948–1949, 1956, 1967, 1973 and 1982 did not pose a significant threat to Israel's littoral and ports, and its rather small navy was sufficient to deal with the challenge. The major arena for all of Israel's wars was on land. Israel's growing reliance on air superiority further decreased the navy's role (Almog 1985). The navy's limited significance was highlighted as two of these wars—in 1956 and 1967—were launched, in part, in order to relieve a naval blockade on Israel Red Sea port and on Israeli shipping in the Suez Canal (Barak 2001). In both cases, Israel was unable to offer a lasting naval response that lifted the blockade and the matter was resolved only following a ground war against Egypt. In a 1998 article, a former commander of the navy, Admiral Bini Telem, wrote that in the early years, "most of the generals in the High Command saw the navy as an unnecessary organ in the Israel Defense Force, a strange and useless fish, that should be restricted...if not outright terminated" (Telem 1998, 58).

From the 1950s to the late 1990s, Israel invested limited material, regulatory and political resources in the maritime domain. In some areas, this limited investment remains the norm. A state comptroller report from 2011 showed that Israel had joined only 21 international treaties dealing with the maritime domains, out of 61. The report further showed that the leading state actors in the maritime sector: the ministry of transport and its administration of shipping and ports "did not push forward to join the treaties" (State Comptroller 2011, 967). Despite a renewed interest in the maritime domain since the late 1990s, some aspects remain underdeveloped. Well into the 2010s, Israel did not draw its own maritime maps and used old maps of the British admiralty for most maritime purposes (Ministry of Housing 2017). Similarly, until 2016, there was no legal framework for maritime surveys or even for the profession of a maritime surveyor (Survey Regulations 2016). In 1997 the government launched a modest plan to support the shipping sector. The focus of the effort

was to recruit and retain Israeli sailors and officers (Citizens Empowerment Center in Israel 2016). Yet, the numbers keep falling. In 2007 there were 542 Israeli sailors and officers (State Comptroller 2011), but decade later there were only 166 active Israeli sailors and officers (Ministry of Transportation 2016).

Israel's relationship with the maritime domain changed again in the 1990s. Two issues drove the renewed "turn to the sea" (Eiran and Zur 2013). First, Israeli security concerns began coalescing around the possible development of an Iranian military nuclear capability that was perceived in Israel as a future existential threat (Eiran and Malin 2013). Though Israel does not discuss these matters publicly, it seems that part of the Israeli response was to develop a submarine fleet that offered a second-strike capability (Beaumont and Urkuhart 2003). Beginning in the 1990s, Israel ordered nine submarines that are reported to have such capability. As a result, the navy became more dominant. For example, for the first time in Israeli history, Admirals were appointed to senior positions in the defence establishment outside the navy. These included the appointment of a former deputy commander of the Navy, Adm. (Ret.) Shaul Horev, as Head of the Atomic Energy Commission in 2007 (Ravid 2007); the appointment of the former Head of the Technology and Logistics of the Navy, Adm. (Ret.) Avriel Ben Joseph as Deputy National Security Advisor in 2009, and as National Security Advisor in early 2016² (Ravid 2016). In 2010, Adm. Ofir Shohm, a former senior Navy officer was appointed as Head of the military's Research and Development Branch (Harel 2010; Melman 2016).

The second development that affected a renewed interest in maritime security is the discovery of gas depots in Israel's exclusive economic zone. The massive depots were developed rather quickly. By 2017, some 70% of Israel electricity is produced by using natural gas from its EEZ. The figure is expected to rise to 80% by 2020 (Tashtiyot Staff 2017). This was a dramatic transformation in the Israeli energy resource market. In 2004—the first year gas was used for the production of electricity—only 9% of Israel's electricity was produced made using gas (Tashtiyot Staff

²Bar-Joseph never assumed the position. He retracted his appointment in July 2016, probably due to an investigation into corruption allegations against him (Ravid 2016).

2017).³ As all the gas is located at the EEZ, the Israeli government began considering more seriously its role in providing security there.

ISRAEL'S MARITIME SPACES

Israel has a Mediterranean shoreline of 197 km, and a total maritime space in the Mediterranean of some 26,000 km². The maritime space is therefore greater than Israel's 20,770 km² terrestrial space. Israel's territorial waters in the Mediterranean are about 4000 km². The rest of its Mediterranean maritime space is in its EEZ, which stretches 70–110 km west of the shoreline (Technion 2015, 6). Geographers and officials suggest that the shoreline itself stretches 2–2.5 km inland to a total of 460 km² (Almagor and Prat 2013, 13).

Israel has two main ports on its Mediterranean shores: in Ashdod and Haifa, as well as two smaller harbours that serve almost exclusively energy imports, in Ashkelon and Hadera. There are also ten other smaller harbours and marinas in the Mediterranean (Ministry of Transportation 2017a). On the Red Sea, Israel has a 13 km long shoreline, and one port, in Eilat (Reinstein 2017). In the Mediterranean, Israel has 9 protected maritime nature reserves, and 600 archaeological sites (Technion 2015, 7). Israeli authorities further operate a rescue coordination centre (RCC Haifa) that coordinates SAR activities “as the range of radio” in the region (Ministry of Transportation 2017c).

Israel has an agreed upon EEZ boundary only with Cyprus. Israel and Lebanon made conflicting claims about the demarcation of the maritime boundary, and indeed the United States is mediating between the parties in an effort to agree on a boundary (Eiran 2017). Similarly, Israel has no agreement regarding boundaries in its southern maritime region with Gaza and Egypt. In Gaza it simply uses its preponderance of power and regulates the maritime domain, whereas it is quietly trying to resolve the Egyptian boundary matter in direct talks with Cairo (Bar-Eli 2017a).

³Between 2008–2011 the gas came from wells in Egypt through an undersea pipe.

Natural Gas-Related Spaces

Israel's dependence on natural gas from the maritime domain makes some portion of its EEZ and territorial waters crucial for the Israeli economy.⁴ Areas of primary concern include Israel's offshore gas fields, mostly Tamar and Leviathan in the northern sector, the production facilities at sea, the pipe system that transfers the gas from the fields to the processing facility and from there to the shore, as well as the entry point into the shore. Israel's concerns over these regions of the maritime domains are amplified, as currently there is limited redundancy in core aspects of these systems. This was made clear when a crack in a ventilation pipe on the Tamar gas rig led to a complete halt in gas supply to Israel's electric company in September 2017 (Raviv 2017).

A second reason for Israeli concern is the proximity of the offshore facilities to the country's armed challengers. The Tamar gas field is close to Lebanon. Israel's main enemy there, Hezbollah, already threatened that Israeli gas facilities will be targeted by the organization in its next armed conflict with Israel. At least in part, Hezbollah's internal legitimacy in Lebanon is based on its stance regarding the Israeli–Lebanese dispute about the demarcation of their maritime border (Eiran 2017). The Tamar processing rigs as well as other facilities are close to the shores of Gaza, a southern region that is controlled by another non-state challenger of Israel, Hamas. The latter indeed targeted these rigs during the 2014 conflict with Israel (Azulai 2015). The threat posed by both organizations, led the Israeli government to decide in November 2013, that the Israel Defense Forces will be responsible for protecting the EEZ (State Comptroller 2014, 22). On-site protection on the facilities, such as the rigs, is handled by the private owners of the facilities (Bar-Eli 2014). Prior to 2013, the navy provided limited defence to the rigs. However, this was not formalized, and according to a 2014 state comptroller report, was inadequate (State Comptroller 2014, 32).

⁴Some 0.4% of gas used for electricity in 2016 did not originate in offshore Israel's fields, but rather from imported LNG (Liquefied Natural gas). However, this too, is dependent on the maritime domain as the gas is liquefied on a processing ship, leased by Israel electric and anchors of the coast of Hadera in the northern shore of Israel's central sector. See Bar-Eli (2017b).

Fisheries

The state of Israel performs limited surveillance of three maritime fishing spaces: In its territorial waters in the Mediterranean and the Red Sea as well as in Lake Kinneret. Although the latter is an enclosed body of water, fishing there is regulated, in most matters, by the same legal framework that governs the open sea, a statute from the 1930s (The Fishing Ordinance 1937). Section 3 (4) of the ordinance states that “It is prohibited for any person to fish in Israel, unless he has a license to fish in Israel, that was awarded according to the stipulations of this ordinance” (The Fishing Ordinance 1937). Similarly, the ordinance states in section 3A that “no Person shall use a boat to fish, without a license based on this section”.

However, fishing is a negligible economic sector in Israel. In 2011, Israelis consumed only 7.7 kg fish per capita yearly, compared to a global average of 17 kg (Ahituv 2012). Moreover, most of this quantity is imported, and the rest is mostly produced in inland fishponds. Open sea and lake fishing are therefore the smallest contributor to Israel’s fish consumption.⁵ In 2009, only 3% of fish consumption came from fishing in the Mediterranean (Rothschild et al. 2014). In 2016 there were only 2000 licensed fisherman and some 360 licensed fishing boats in Israel (Ministry of Agriculture and Rural Development 2017a). As a result, surveillance is allocated only limited resources and is conducted only close to the shore in a very partial way. This, despite a rather detailed regulatory framework.

In the Israeli system, there is a gap between heavy regulations and limited enforcement. As noted, current regulations prohibit any commercial fishing without a licence, and requires a separate licence for every fishing vessel. There are also specific regulations, revamped most recently in 2016, that prohibit fishing in some areas and certain times in the year, the deployment of some equipment, and the fishing of some types of fish, or the capture of fish of some sizes (Ministry of Agriculture and Rural Development 2016). The Ministry of Agriculture and Rural Development was for decades the agency entrusted with enforcement of fisheries. Its little enforcement unit included only five supervisors. Following a scathing State Comptroller report on the matter in 2011,

⁵In 2016 Israeli bought 156,000 ton of fish. Out of these 135,000 tons were imported. Of the local fish, earlier data shows that only some 14% were fished in open water. See Foodis Staff (2017) and Ahituv (2012).

the unit was disbanded, and its authorities transferred to the much larger general enforcement unit of the Ministry of Agriculture and Rural Development. The general unit had 80 supervisors, but they handle all agriculture-related enforcement in Israel. Only two of its employees had prior maritime enforcement experience. The internal work plan of the unit allocated only six monthly enforcement tours in the Mediterranean and one in Lake Kinneret. A 2016 follow-up State Comptroller report revealed the sorry state of enforcement: For a number of years the ministry had one operating boat for inspection, and though the number rose to four by 2016 they were all underutilized and did not allow for deep water inspections.

In the first six months of 2015, for example, the boat was deployed only three times in the Mediterranean. Between 2010 and 2015 there were only 20 cases where fines were given to boats that fished without a licence. Moreover, there was limited communication between the two entities responsible for fisheries enforcement in the ministry. Indeed, for parts of 2015, the enforcement unit did not coordinate with, or report to the fishing branch, on its activities (The State Comptroller 2016, 435–461). The state comptroller concluded its 2016 report by stating that it “views with grave concern the fact the many of the deficiencies [identified in the 2011 report] were not fixed” (The State Comptroller 2016, 461). In 2016, the Ministry of Agriculture and Rural Development revised the fishing regulations, including total prohibition on fishing during the breeding season of some fish (The Fishing Regulations 1937, 2016). Perhaps because of the enforcement challenges, the ministry has begun offering financial incentives to operators of trawlers that will take their ships out of operation in the coming years (Ministry of Agriculture and Rural Development 2017b). Yet, civil society organizations argued that these efforts were insufficient, and had petitioned the Israeli Supreme Court, requesting that it intervenes and forces the ministry to take more aggressive action against fishing (Rinat 2017). In light of the weakness of the Ministry of Agriculture and Rural Development in enforcing the fisheries regulation and, following suggestions from civil society organizations (Rothschild and Yaiyon 2016), the Minister of Agriculture agreed to transfer enforcement to another government entity.

On 11 December 2017, the ministry announced that it signed an agreement with the Israel Nature and Parks Authority under which the latter will take responsibility by 1 January 2018, to for all enforcement of fisheries. Budgeting, enforcement policy and prosecution authority

will remain with the ministry. In separate agreement, the authority was further assigned to enforce the no fishing zones near the energy production facilities in the maritime domains (Ministry of Agriculture and Rural Development 2017c). In order to fulfil its new roles, the Israel Nature and Parks Authority had set up a small unit for this purpose with 12 inspectors for the Mediterranean arena, two for the Red Maritime domain and two for Lake Kinneret. The unit also has seven boats including one that can operate in deep water (Itiel 2017).

A TRADITIONAL APPROACH TO MARITIME SECURITY

While the set of Israeli security concerns on the maritime domain expanded in the last decade or so, the state's approach remains mostly within the boundaries of traditional security concerns. By traditional, I mean a focus on militarized threats to population centres on land, and the development and acquisition of 'weapons that could allow Israel's challengers to mitigate Israel's operational superiority' (Israel Defense Force Strategy 2015, 11–12). Even within the traditional confines, some aspects of maritime security such as keeping sea lines of communication (SLOCs) open, or protecting commercial shipping and other economic activities are not generally viewed as a serious threat.⁶ Broader issues that could constitute a maritime security outlook (Bueger 2015) such as illegal fishing, maritime crime and drug trafficking are considered insignificant. As a result, the institutions that are entrusted with providing these broader type of security are rather weak. Although there was a small number of pirate attacks on Israeli ships away from Israeli shores (Eichner 2014), piracy has not been a significant concern for the government of Israel and its security organs. This may be the result of the modest size of the country's commercial fleet, the fact that none of the few attacks succeeded, as well as the fact that very few members of Israel's commercial fleet are actually Israeli (Ministry of Transportation 2016). Similarly, there was no public, and probably no behind-the-scenes, conversation about possible deployment of Israeli navy vessels in the global naval effort to curtail piracy. This is not surprising; the Israeli navy, and more broadly, the Israel

⁶The navy's formal vision includes the defence of shipping, but the force structure does not support this task, nor was it deployed to perform this tasks in any meaningful ways in all of Israel's wars. One exception is the limited defence of SLOCs the navy provided to oil tankers that brought oil to the Eilat Terminal in the 1970s.

Defense Force, rarely deploys abroad, and generally does not participate in multinational forces.

Israel views the maritime domain as a source of four major vulnerabilities. First, Israel fears attacks on its littoral population centres, mostly by armed non-state actors. In the 1970s Israel suffered from a wave of attacks from the maritime domain on civilian targets that led to dozens of casualties (Almog 2011, 25). In the most serious attack in 11 March 1978, a team of eleven armed Palestinians that sailed from Lebanon, landed in Israel's central sector,⁷ near Ma'agan Michael, killed a hiker and abducted two civilian buses and a cab. In a fight that erupted between the Palestinians and Israeli security forces, 35 civilians were killed and 71 were wounded (Omer-Man 2011). Though the PLO was the organization that orchestrated the attacks in the 1970s, Israel currently perceives the Lebanese Hezbollah (Rotman 2017), and the Palestinian Hamas as a possible instigator of such attacks (Lorenz 2007).

The second sea-based threat Israel is concerned about is a possible attack on its gas installations in the maritime domain. As noted, its main fields are close to its maritime boundaries with Lebanon and Gaza. Israel is considering numerous threats: mostly rocket attacks, but also ships that would ram the installation, and underwater attacks (Ziton 2018). In 2013, the Israeli government ordered the military to take full responsibility for the defence of these facilities. The navy followed by purchasing four navy patrol boats (Lappin 2015) and by deploying anti-missile systems that can defend the rigs from navy platforms (Israel Defense Staff 2016; Lappin 2017). From an Israeli perspective, energy security falls clearly into traditional notions of the security. The country's past complete dependence on oil imports secured an elite, and probably public, legitimacy to the suggestions that the acquisition, transport and processing of energy are national interests of the first order, even though the facilities are privately owned.

Thirdly, Iran-related security concerns may expand beyond the nuclear issue, into traditional naval competition. As both nations do not share a land border and are separated by some 2000 km (between their respective capitals), the maritime domain is a likely arena of direct conflict between them. In 2011 and 2012 Iran dispatched warships to the eastern Mediterranean, at least in part, in order to signal to Israel that Iran can reach

⁷Two of the original assailants drowned on the way to Israel.

Israel's immediate environment through the maritime domain (Parry 2011, 101). In late 2016, the Chief of Staff of the Iranian armed forces suggested that his country may expand its naval footprint further away from Iranian shores, including the possibility of setting navy bases in Syria, Israel's northern neighbour, as well as in Yemen (Kam 2016). An Iranian naval base in Yemen will make it more difficult to prevent arms-smuggling from Iran to Lebanon and Gaza. In the last fifteen years Israeli navy ships interdicted a small number of ships that carried arms from Iran to organizations it supports in the region. These included the January 2002 capture of the *Karin-A*, that carried some 50 tons of weapons from Iran to the Palestinian Authority in Gaza (Ministry of Foreign Affairs 2002), and the 2014 capture of the *KLOS-C* that carried some 40 rockets, 180 mortars and some 400,000 bullets (Lappin 2014).

Fourth, Israeli security activity of the shores of Gaza is both a response to potential threats, but also an example of how Israel uses its naval domination to check and indeed punish its foes. In June 2006 Israel placed a naval blockade on Gaza.⁸ Israel prevents, in most cases, the entry or exit of vessels into and from Gaza. If further restricts Gazan fishing to six nautical miles from the shore.⁹ Israel does not hesitate to use force in order to maintain the blockade. In 2010, Israeli Navy forces took control of a Turkish Ship (outside of Israeli or Gazan territorial waters) that was en-route to bring aid to Gaza. In conflicts on board, nine activists were killed. Twenty other activists and nine soldiers were wounded (Migdalovitz 2010). The restrictions on fishing are also enforced rigorously, and over the years, a number of fishermen were shot to death after they broke the blockade or got too close to Israeli naval vessels (Cohen and Khouri 2017). Israel (as well as Egypt) also enforce a "no shipping zone" near its maritime boundary with Gaza (United Nations OCHA 2017). Other maritime domain-related security events included explosives that were floated, probably from Gaza, or from Gaza-based vessels, into Israel's territorial water, near the port of Ashdod and

⁸The Sandy stretch that lays between Israel's and Egypt's Mediterranean shores, is home to 1.8 million Palestinians and is controlled since 2006 by Hamas. A non-state Islamist Palestinian group.

⁹Between 2009 and 2012, the area was restricted to 3 nautical miles. Since 2012 it was expanded to 6 miles and during the peak of the Sardine fishing in the fall, the area is usually expanded to 9 nautical miles. See Cohen (2017) and United Nations OCHA (2017).

the marina in Ashkelon in 2010 (Ministry of Transportation 2010). A significant general concern among navy leaders is the possible use of anti-access/area denial munitions and tactics mostly by Hezbollah from Lebanon, but possibly in other arenas as well (Shafir 2013). A December 2017 article co-written by the commander of the navy, Adm. Eli Sharvit and two others (Dubi Raz and Merav Zur), suggested that the navy views the land-based anti-ship missile capability, mostly in Lebanon, as the main maritime threat it is facing (Sharvit et al. 2017). The naval response, code name “blue page”, focuses on intelligence collection, counter-fire capabilities as well as defensive measures on ships (Sharvit et al. 2017, 21).

Finally, and least discussed publicly, is the navy’s alleged emergence as an important player in Israel’s nuclear posture. The expansion of the Israeli submarine fleet is largely believed to provide Israel with a nuclear second-strike capability (Beaumont and Urkuhart 2003).

MARITIME SECURITY SECTOR INSTITUTIONS

The most significant actor in providing maritime security in Israel is the navy. The navy is entrusted with the protection of Israel’s territorial waters and its EEZ. It communicates with all vessels that want to enter Israeli territorial waters (Israeli Navy 2017b), protects the ports, and searches vessels upon entry to Israeli ports (Eliyahu 2016). The commander of the navy is further authorized to prevent entry into portions of Israeli territorial waters, and he signs the relevant NOTAMs.¹⁰ At the same time, the peripheral role of the navy over the years in Israel’s national security apparatus, as well as its relative independence, allowed it to go through a number of “dramatic conceptual turns” in terms of force structure (Ya’ari 2008). Since the late 1940s, the navy shifted its focus from frigates to fast patrol boats starting in the late 1960s, and then to a focus on a submarine force in the 1990s. By the late 2010s, it added a major effort to deal with the threat of anti-access/area denial capabilities (Sharvit et al. 2017; Almog 2018).

The navy’s declared tasks include: (i) Defending Israel’s maritime domain and the Israel Defense Forces areas of operations; (ii) Secure Israel’s crucial shipping; (iii) Be part of the Israel Defense Forces decisive

¹⁰ See, for example, Ministry of Transportation (2017b).

victory in war; (iv) Defending national infrastructure at maritime domain; (v) Develop an intelligence picture in the maritime domain, participate in creating the overall intelligence picture and in assessing it; (vi) Play a part in Israel's deterrent force; (vii) conduct maritime search and rescue operations; (viii) Build naval forces as part of the Israel Defense Force's force development programme (Israeli Navy 2017). The Israeli Navy is rather small compared to other regional navies, such as the Turkish and the Egyptian (Eiran and Rubin 2016, 73). The current emphasis is on a submarine force that includes five submarines and is expected to add another one in 2021. In 2017, Israel signed an MOU with Germany for the purchase of three more submarines. The deal came under public scrutiny due to allegations that Israeli officials were bribed to secure the deal (Bergman 2017). A second, more path defendant emphasis is on patrol boats. The Israeli navy operates 10 missile fast patrol boats, as well as 28 other large patrol craft. Israel also has three Corvettes and is expected to take delivery of four more in the coming years (Rubin et al. 2015, 23–24).

Israel has a tiny maritime police force. It deals with safety on the beaches, and in their immediate environment. The police devotes limited resources for this task. A report from 2010, showed that the unit responsible for Israel's central region (its most populated sector), had 14 police officers in total (Cohen 2010). In 2013, the total force of the maritime police included six small boats, six dinghies and 10 jet skis (Itiel 2013). Until 1977, the police's maritime presence included larger boats and was indeed called coast guard, though it was not a separate service. However, following the terror attacks from the sea in the 1970s, all authority for maritime security was handed to the military. To the best of our understanding all actors accept this division of labour. At least in part, because of the high public prestige of the military and the low public prestige of the police. A 2016 study by the Israeli Democracy Institute, found that the Israel Defense Force was the most trusted public institution in Israel (among Israeli Jews), with 90% public approval. The Police enjoyed the trust of only 40% of Israeli Jews. Among Israel's Arab citizens the level of trust in both the police and the military was much lower, but even they trusted the military more than the police (Israel Democracy Institute 2016). Maritime safety in ports and marinas is handled by the Administration of Ports and Shipping. The administration performs mostly inspections on ships once they arrive in Israel to make sure they

comply with regulations regarding issues such as structure and cargo (Ministry of Transportation 2018b).

MARITIME SECURITY PROJECTS

The last decade saw two major changes. As noted, in 2013, the Israeli government decided to make the military (in effect, the navy) responsible for defending Israel's exclusive economic zone. The context, of course, is the centrality of the sea-based gas to the production of electricity in Israel. The proximity of the gas fields to the Lebanese maritime boundary, and of the processing facility to the border in Gaza, were perceived by the Israeli government as a major vulnerability that places Israeli energy supplies under threat. As a result, the navy secured a substantial expansion of its patrol fleet, with the purchase of four new Corvettes from Germany. However, both the decision and the purchase came with a hefty political price tag. As the installations that the navy will protect are privately owned, the state, and the navy, were blamed by activists that they are serving private economic interests (Stren 2012). Moreover, in 2017 the Israeli police opened an investigation into the purchase of vessels for the navy (including the patrol boats), when it emerged that former senior officials (including the commander of the navy at the time) received payments from the Israeli agent representing the shipyards that built the vessels. Although these may be matters of administrative incompetence (a lack of coherent procedures in the Ministry of Defense' acquisition and procurement process), and despite the fact that the payments were made after the commander retired, it seems that there were bribes to secure the deal (Doron 2017). In 2019, the state prosecution filed charges (pending a final hearing) against a number of former officials in relation to this matter (Kurtz 2019).

The second change occurred with regard to fisheries protection. As discussed above, following scathing State Comptroller reports in 2011 and 2016, all enforcement activities regarding fisheries were transferred by agreement from the Ministry of Agriculture to the Nature and Parks Authority, effective on 1 January 2018. In parallel, the Ministry of Energy gave up its authority to supervise fishing within a radius of 250 metres from the rig and transferred it to the Nature and Parks Authority (Ministry of Agriculture and Rural Development 2017c).

These changes were driven completely by internal actors in response to what was perceived as Israeli challenges, rather than by the global nature

of maritime security challenges, that played an important role in other cases (Safeseas 2018, vi). Moreover, these changes do not fall into the set of cases where security sector reform in the maritime domain, came in the context of support from donor states to receiving states (Bueger and Edmunds 2017; Safeseas 2018, vii). The changes further highlight that the Israeli Nature and Parks Authority emerges as the major enforcement agency in term of fisheries. Two ministries handed their enforcement powers of the Authority, which already has an enforcement focus on land. This creates the potential for the development of the agency as a major security provider (alongside the navy) in the maritime domain, in light of the weakness of all other agencies such as the Police. Finally, the determination that the navy will be responsible for the gas assets in the Mediterranean Sea will secure and buttress that navy's status as the leading security agency in that domain. It is expected to support the navy's new national status, now that it had finally identified a task that is generally perceived to support core Israeli national security interests.

CONCLUSION

Israel's greater emphasis on maritime security is mostly a result of regional developments: the militarized Iranian nuclear project and the discovery of gas depots in the Eastern Mediterranean. After all, Israel was not exposed in any serious way to the global developments that led other countries to turn their attention to the maritime domain such as the threat of piracy, human trafficking and a reliance on the blue economy (Bueger and Edmunds 2017). Israel further continues to defend its maritime domain from possible attacks on its population in the littoral, a threat that was shaped in the bloody decade of the 1970s, in which attacks by armed Palestinians that arrived via the maritime domain, led to the deaths of dozens of Israeli civilians.

Concerns about gas infrastructure that is located in the maritime domain, emerged in the last decade or so, as Israel grew more reliant on gas mined in its EEZ. Other elements of traditional maritime threats, such as the defence of SLOCs are generally absent from the Israeli threat perception. Arab countries, and Israel's current non-state challengers, were (and are) generally unable to hinder Israeli shipping in the Mediterranean to the nation's main ports during wars through their naval capabilities. A possible future significant Iranian naval presence in Syria and in Yemen may change this state of affairs and force Israel to develop

capabilities to defend shipping both in the Mediterranean and in the Red Sea. The only significant threat to the ports in terrestrial, i.e. rockets that might be fired from Gaza or Lebanon. Moreover, the traditional Israeli military doctrine stresses the significance of short wars (in part due to Israel's reliance on a reserve force), short enough for Israel to use existing supplies even if SLOCs are attacked. Absent are also broader notions of what constitutes maritime security such as fisheries and environmental risks. Though there are gaps in the area of fisheries, the sector's small size leaves it as a low priority item. Because of the centrality of traditional security, the navy has close to a monopoly in both shaping the Israeli maritime threat perception, and in developing the response to it. Even among the security establishment, the navy's near monopoly is evident. Israel has no separate coast guard and only a tiny and ill-equipped maritime police unit within the broader police force. Similarly, fisheries protection is allocated minuscule resources, though it was recently transferred to another agency. This state of affairs, which is not contested in any serious way, limits Israel's perspective regarding the threats (and indeed, to some extent, the opportunities) that the maritime domain holds. For example, the mostly militarized approach leaves little space for environmental concerns such as the expected rise of the seas, and the environmental damage to fisheries. On the other hand, the centralized nature of the navy, and its dominance, means that if the government would choose the change the focus and pursue other objectives, it has at its disposal an effective and ready force.

More broadly, the Israeli case is a reminder that even with our emphasis on the socially constructed aspects of maritime security, such concerns are ultimately (at least in this case) driven by physical and material changes. Israel's first wave (an appropriate metaphor!) of capacity building was a response to the need to bring Jewish immigrants via the sea. Its 1950s wave of capacity building in the merchant marine fleet was driven by the material opportunities that were created by German reparations. The last turn to the sea, the one we are experiencing these days, is mostly driven by the discovery of natural gas in Israel's EEZ. At the same time, Social constructs do play a role. In the 1930s the Yeshuv's political and cultural elites instituted a special holiday dedicated to the sea, to both signify and promote, the centrality of the sea to the Zionist nation-building project. Yet, with the decline of the material needed to develop maritime capacity in the 1950s, so did the "Day of Sea" fade away. In the reality of the 2010s and onwards, it is an international social construct, the EEZ,

that provides the legal framework that allows for the exploration and extraction of gas from the sea. Yet, Israel's expansion of the navy, with the stated goal of defending the gas fields, signals its belief that even a most accepted international social construct—rights awarded under the United National Convention on the Law of the Sea—should be backed by material capacity.

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Building Maritime Security in Pakistan—The Navy Vanguard

Naghmana Zafar

INTRODUCTION

Within the paradigm of national security, maritime security is vital for Pakistan considering 95% of its national trade by volume and 80% by value is transported by sea (Humayun and Zafar 2014). However, the story of Pakistan's relationship with the sea is a classic case of a maritime nation suffering from seablindness. The Pakistan Navy, being the custodian of maritime practice in the country, has traditionally been at the forefront of developing and promoting the concept of a secure maritime domain. However, continental inclinations have dominated the political agenda with more traditional land-based threats (emanating from the borders) remaining the leading notion until recent years (Khan 2017).

Pakistan is a maritime state, but Karachi is the only large coastal city along its 1001 km coastline (Arshad 2016). In terms of coastline ratio, the country is ranked 74th in the world (Humayun and Zafar 2014). However, in terms of the size of its Exclusive Economic Zone (EEZ), Pakistan stands at 64th worldwide (Zakaullah 2016, 9–10). The maritime sector is the bedrock of Pakistan's national economy, particularly for

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energy security with 80,850 tonnes of oil imported daily. National carriers meet around 9.38% of total national cargo, which includes 2.391 million tonnes of dry cargo and 7.992 million tonnes of liquid bulk. The two co-located ports at Karachi (Bin Qasim and Karachi Port) handle the vast majority of this marine trade, which is expected to exceed 100 billion tonnes by 2020 (Ghazi 2014). Pakistan's LNG imports are meanwhile projected to increase more than fivefold or over 30 million tonnes by 2022 (Farooq 2017).

Gwadar deep-sea port is a relatively new addition to Pakistan's maritime infrastructure. The port was inaugurated and handed over to Port of Singapore Authority International (PSAI) in 2007 for infrastructure development on Build–Operator–Transfer (BOT) basis. Due to inability of PSAI to fulfil development projects as per agreement, it was later transferred to the present operator, namely, China Overseas Ports Holding Company (COPHC) in 2013. The port has emerged as a coastal nexus in China's 'Belt and Road Initiative' through the China–Pakistan Economic Corridor (CPEC), providing an outlet for the Western Chinese and Central Asian region to the Arabian Sea. As an industrial and service port, it will provide an integrated platform for over three billion people in Asia, the Middle East and Africa. Besides bolstering the country's maritime prospects, the development of Gwadar and the Makran coast is expected to afford greater operational flexibility to the Navy through westward naval and air bases (Ahmed 2017; Humayun 2016).

The fishing and seafood industry is worth roughly US\$1.2 billion, which accounts for just 0.1% of GDP and provides direct and indirect employment to some 1.5 million people. The public sector shipping fleet consists of just 12 ships accounting for 9.38% of total national trade. Another maritime activity that makes a significant contribution to the national economy is shipbreaking or ship recycling. In the 1980s, Pakistan was the largest global ship breaking yard. Pakistan is ranked as the 5th major destination for recycled ships, with the Gadani shipbreaking yard making a significant contribution to the local steel industry (Heidegger et al. 2017).

Despite its natural maritime geography and dependence on the ocean economy, Pakistan has largely remained ambivalent to the importance of the sea in the context of national security, blue growth and maritime development. There is a tendency for the maritime sector to be viewed as simply consisting of the shipping industry and ports. This seablindness has contributed to a lack of a national maritime tradition or a strategic

vision for its development. This is evidenced by the fact that none of the mainstream political parties have ever included explicit maritime-oriented policies in their manifestos. The Pakistan Navy has been the exception and has consistently campaigned for appropriate recognition and development of the maritime sector.

This chapter will explore this struggle for recognition of the sea as both a source of opportunity and risk, and explore the efforts to reform the maritime sector in Pakistan. In addition, it will discuss how the concept of maritime security has evolved in Pakistan in both policy and practice. In the second part of the chapter, a description of Pakistan's maritime spaces, interests and maritime-related problems is undertaken. This is followed by an analysis of the key maritime institutions involved in the management of Pakistan's maritime domain. Finally, this chapter addresses contemporary perceptions of maritime security and capacity building in the country and discusses future aspirations.

MARITIME DEVELOPMENT IN A NATIONAL CONTEXT

The struggle for recognition of a maritime philosophy exists against the backdrop of entrenched continental thinking, which has its roots in the era of the British Raj. Indeed, it was the Mughal's rule in India and preoccupation with developing large armies while neglecting naval security that enabled the British East India Company to make gradual inroads and ultimately colonise India. In 1947, when Pakistan became a state, the division of naval assets to the country was limited with much of the maritime infrastructure including shipyards, technical facilities and ports going to India (Khan 2017). The Royal Pakistan Navy, being the prime custodian of the maritime sector in the country, pursued the fledging government to utilise the national maritime potential and develop a conventional naval force. This force would perform the classical role of navy, while also ensuring access to strategic Sea Lines of Communication (SLOC) in the event of potential conflict. It was envisioned that in the event of a regional or international crisis, a cooperative strategy would be used to ensure unrestricted use of the sea (Khan 2017; Story of the Pakistan Navy 1991). The Kashmir War of 1948 combined with the country's first military coup in 1958, compounded national attitudes towards the sea and maritime affairs. The emergent threat perception to national security was confined to foreign aggression emanating from land borders and maritime security remained a dormant thought.

Despite compelling evidence and arguments for the requirement of a robust maritime sector and a strong navy to protect the country, the politico-military leadership could not be convinced. At least one Pakistan Navy Chief stepped down in protest when his pleas for an increased budget were ignored (Choudri 1959). In the absence of any comprehensive maritime vision, national maritime policy, shipping policy or notable maritime Research and Development, the sector remained mostly quiescent (Khan 2017; Zafar 2015).

The domestic political instability during the 1950s and 1960s and increased involvement of army in national affairs, further substantiated the assumptions that future wars would be fought on land borders. The conceptualisation of maritime security as key component in nation security arrangements did not gain much recognition despite the success of Operation Dwarka during the 1965 war with India (Unnithan 2015; Nation 2011). Naval attacks by India on Karachi and the resultant damage during the 1971 war in the North Arabian Sea resulted in a recognition of the need to strengthen the maritime sector in Pakistan (Shariff 2010). The 1970s can, therefore, be marked as a watershed in the maritime history of the country in terms of the relationship between the state and the sea. New maritime regulations were formulated and significant steps were taken towards building a self-reliant and indigenous naval capacity including improved integration with other services.

The most significant advancement during this period was the adoption of the Territorial Waters and Maritime Zones Act in 1976, which defined the boundaries of maritime zones and established the sovereignty of Pakistan in these maritime spaces. In addition, maritime law and hydrography experts from the Pakistan Navy also actively participated in the formulation of the UN Convention on the Law of the Sea (Humayun and Nisar 2014, 7; Humayun 2013).

In the early 1980s, a National Maritime Coordination Committee under the aegis of the Ministry of Defence recommended the establishment of an exclusive Maritime Affairs Wing (Nawaz 2004). The role and contribution of the Maritime Affairs Wing proved to be crucial for the maritime sector of the country. By the mid-1990s, the Chief of the Naval Staff was designated as the Chief Technical Advisor to the Prime Minister on Maritime Affairs (Asghar 2018).

Towards a National Maritime Strategy

Except for Prime Minister Bhutto's period of office in 1970s, strategic planning for the maritime sector has never been a priority for Pakistan's political leadership. Recognising this gap, Pakistan Navy initiated a move towards developing a national maritime policy for the country, by forming a committee comprising of representatives from various public sectors maritime organisations. Pakistan's first National Maritime Policy was subsequently adopted in 2002. The purpose was to create guidelines for an overarching vision for the national maritime clusters. In 2012, a more dynamic revised draft of the National Maritime Policy and Strategy was proposed to the government for adoption. The revised framework aims to generate comprehensive reforms in the maritime domain for sustained growth in an integrated, secure and conducive environment. In the revised policy, provinces would be given more autonomy for developing customised local policies. However, to date, approval has not been forthcoming due to a lack of political will (Asghar 2018; Khan 2017).

MARITIME SECTOR REFORMS

After the TASMAN SPIRIT oil spill in 2003, there quickly surfaced a need for a comprehensive management plan for the protection of the marine environment from oil spills or other marine disasters. Pakistan Navy took the lead and formulated a National Marine Disaster Contingency Plan in 2007. The plan was adopted by the government in 2008 and outlines the role and actions to be taken by national stakeholders in case of a marine disaster (Zafar 2014a). The need to develop contextual clarity among all stakeholders at a national level led to the formulation of Maritime Doctrine of Pakistan (MDP) which was launched in December 2018. With respect to highlighting maritime security discourse through policy reforms, MDP emerged as an important attribute of PN. The document addresses maritime assets and interests, mostly in the context of affording protection and envisaged to be utilised as an archetype for developing maritime policies and strategies while safeguarding national interests. (Khan 2016; Asghar 2018).

MARITIME SPACES, PROBLEMS AND INSTITUTIONS

Pakistan has a coastline of 1001 km extending south east (from India) and westward (to Iran). Sindh province occupies 266.5 km of the coast, while Balochistan province covers about 734.5 km, known as Makran coast (Arshad 2016). The maritime zones under the jurisdiction of Pakistan conform to the UN Convention on the Law of the Sea (UNCLOS) 1982 and include internal waters, territorial waters, a contiguous zone, EEZ and a Continental Shelf (see Fig. 4.1).

The 240,000 km² of the EEZ has recently been extended an additional area of 50,000 km² as the Continental Shelf. The combined maritime space of Pakistan is therefore roughly 290,000 km² (Ahmad 2015; Ilyas 2015). The maritime zones of Pakistan are reported to have enormous resource potential, which is currently underexploited. In pursuance of the UN Sustainable Development Goals, Astola Island near the Makran Coast has been declared as Marine Protected Area (Gurio 2018).

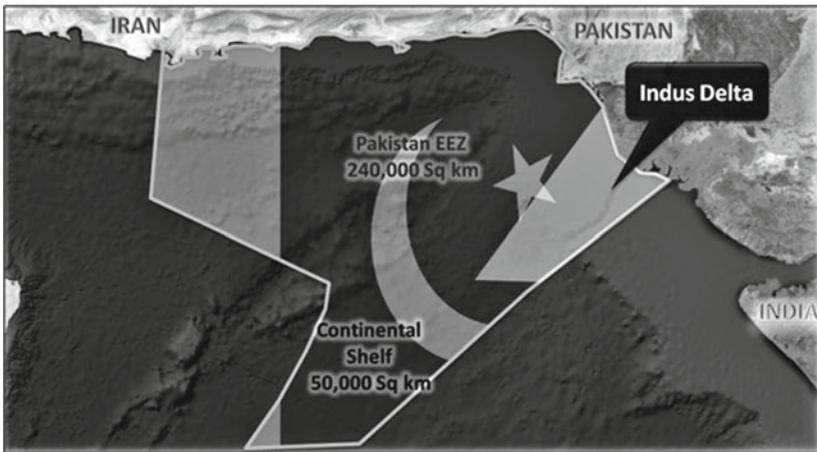


Fig. 4.1 Maritime Zones of Pakistan and area of poaching in Indus delta near Sir Creek (Source National Centre for Maritime Policy and Research [NCMPR] 2018)

Administrative Division Maritime Spaces

For improved management of maritime spaces, Pakistan's Maritime Security Agency has divided its area of operations into four maritime regions; Western, Eastern, Central and Southern. The division is intended to facilitate more responsive options and more effective operations by the Agency.

Being a signatory of Safety of Life At Sea (SOLAS) Convention of 1974, the International Maritime Organization (IMO) has allocated a vast area to Pakistan, extending up to 840 nautical miles (nm) from the coast, for coordination of Search and Rescue activities. Pakistan also disseminates maritime safety information, navigational warnings and weather forecasts for NAVAREA IX (Ahmad 2015).

Maritime Interests and Challenges

Pakistan is located close to the strategically important Strait of Hormuz and notable intercontinental maritime highways traverse adjacent to country's coast. These SLOC's transport commercial and energy goods for many Western and South East Asian states, including India, China and Japan (Humayun 2016). Pakistan itself relies on oil shipped from the Gulf/Middle East to the ports at Karachi. Therefore, the Western Indian Ocean region is a key area of interest for Pakistan, a region where the strategic interests of littoral states and extra-regional powers converge and diverge at the same time.

It is estimated that over 36,000 ships per annum transit through Pakistan's zone of interest (Khan 2017). In recent years, the East Coast of Africa and adjoining areas have witnessed the emergence of a multitude of maritime security issues from piracy and the threat of maritime terrorism, to the environmental impacts of climate change. Prevailing conflicts in the region—including wars in Afghanistan, Iraq, Somalia and the situation in Yemen—have resulted in increased levels of maritime crime traversing the western Indian Ocean. Geopolitical activity in the region has also increased tensions; particularly after the commencement of CPEC and the development of Gwadar Port. Thus, preserving maritime security in the western Indian Ocean is as important for Pakistan as for any other regional or extra-regional state (Khan 2017; Humayun 2016; Ahmad 2017). A central challenge, therefore, is the enforcement of maritime laws in Pakistan's area of responsibility through available resources and

infrastructure. Pakistan identifies narcotics trafficking; the smuggling of goods and human trafficking; poaching by foreign fishermen; piracy and maritime terrorism in the region and marine environment protection as its major maritime security challenges. In addition, unresolved maritime boundary disputes with India remains a contentious issue.

Maritime Boundary Dispute with Neighbouring States

The delimitation of the maritime boundary at Sir Creek is an important issue for Pakistan and is particularly sensitive with regard to poaching (Khan 2017; Shah 2015). Pakistan has three maritime neighbours with overlapping maritime boundaries: Iran, Oman and India. An agreement between Pakistan and Iran on the delimitation of their respective maritime boundary was agreed in 1997. A similar agreement was signed with the Sultanate of Oman in 2000. The maritime boundary line between Pakistan and India is however yet to be resolved.

In an attempt at resolution, two joint surveys of Sir Creek were conducted during 2005 and 2007. As a result of these surveys, agreed maps of the area were made available to facilitate bilateral talks. Twelve rounds of talks were held between 1969 and 2012, however, an agreement on delimitation could not be achieved (Shah 2015). The decision has also interlaced with unresolved land boundary issues between the two sides at Siachen Glacier (Commander Marines 2017). A political stalemate has subsequently resulted, which continues to impede resolution of the Sir Creek issue and has resulted in the arrest and imprisonment of fishermen on both sides.

Narcotics Trafficking

The trafficking of narcotics by sea represents a core maritime security concern for Pakistan with around 85% of the global opium supply cultivated in neighbouring Afghanistan. Pakistan is consequently one of the main transit routes for Afghan heroin. According to the UN, nearly 40% (approx 150 tonnes) of heroin moves from Afghanistan through Pakistan every year (Demirbüken 2009). Thereafter, the traffickers use sea routes for transportation to other destinations. Pakistan Maritime Security Agency (PMSA) works closely with land-based law enforcement agencies and with regional counterparts for the exchange of information and intelligence on the movement of smuggling vessels (Ikram 2012). While

consolidated figures for the seizure of narcotics from regional waters is not available, it is believed that since 1990 the PMSA has seized upwards of 100 tonnes of narcotics (Ahmed 2017). Enhanced coordination among law enforcement agencies, better Maritime Domain Awareness and more effective deployment by the PMSA and Pakistan Coast Guards have helped reduce the flow of narcotics (Ikram 2012).

Smuggling of Goods and Human Trafficking

The smuggling of goods and humans has escalated significantly in recent years and presents a significant challenge to efficient maritime security management in the western Indian Ocean region (Ahmad 2015). Goods smuggled along with the Pakistan–Iran maritime border include liquor, diesel, unrefined petrol and seafood products. In just one year, Gwadar custom authorities have earned revenue amounting to Rs. 7 billion as a result of strict anti-diesel smuggling protocols (Ghazi 2014). Apart from the Customs service, Pakistan Coast Guard and PMSA are the law enforcement agencies with responsibility to address this issue in the maritime domain. During the last decade, significant attention has been given to this transnational issue due to the perception that terrorists can also use the same routes and networks that are being used by smugglers and human traffickers.

Poaching by Foreign Fishers

Pakistan's EEZ is enormously rich; both in living and non-living resources. Poaching by Indian fishermen in particular, inside the resource-rich Indus Delta region of Pakistan is a serious maritime issue with socioeconomic and political dimensions. According to reports, on average around 200 Indian fishing boats are active at any one time in the Swatch area in the EEZ of Pakistan near the Indian border (Ikram 2012; Colombage 2017, 96–104).

Poaching by Indian fishermen is often viewed as a deliberate act relating to contested maritime delimitations and hostile political relations between the two countries. The fishermen have reportedly intruded deep inside the EEZ of Pakistan (Aiyer 2018). In addition to causing huge ecological damage to various rare marine species, Indian fishermen take approximately Rs. 10 billion worth of fish per annum from Pakistan's EEZ (Ikram 2012). Enforcement of laws relating to fisheries is the sole

responsibility of PMSA. Therefore, the agency conducts focused anti-poaching operations alongside routine deployments and patrols. During anti-poaching operations in 2017, the PMSA reportedly detained approximately over 7500 Indian fishermen along with 1300 fishing boats (Akhtar 2017). The incidents of Pakistani and Iranian fishermen crossing maritime borders off the coast of Jiwani are often reported but the ratio is negligible when compared with the intrusion of Indian fishermen (*Dawn Newspaper* 2011). Despite these maritime issues and Pakistan's troubled relationship with India more generally, tensions have rarely been viewed through a maritime lens by Pakistan's security establishment or policy architects, which has stifled investment in securing the maritime domain as a national priority and regional responsibility.

Marine Environment Protection

The marine environment along the coastline of Karachi is facing serious challenges due to pollution, oil spills, the disappearance of mangrove swamps, deprivation of oceanic resources due to the negligence of practitioners and environmental degradation. Karachi houses about 9% of the country's population and nearly 60% of country's industries (Zafar 2018). It is estimated that 10,000 industrial units at Karachi produce about 80 million gallons per day of industrial effluent which is comprised of toxic metals and dangerous chemicals. This untreated effluent is directly flushed into the sea alongside some 472 million gallons of sewerage on daily basis. The city currently has three sewerage treatment plants with optimum capacity of treating 150 million gallons per day yet only treats 51 million gallons daily. In addition to sewerage and industrial effluent, an estimated 18,000–20,000 tonnes of solid waste produced by the city is also dumped into the sea amplified by the lack of landfill sites (Zafar 2018; Amir 2017).

According to findings by the National Institute of Oceanography, Karachi is highly vulnerable to coastal erosion with increasing sea intrusion marked as a major risk to the coastal areas of Sind (Butt 2015; Ilyas 2016). Pakistan's mangrove forests have also depleted from around 230,000 hectares (one of the largest in the region) to just 96,000 hectares in the last decade owing to felling, pollution, rising sea levels and a decreasing flow of freshwater from the Indus delta into the sea. Unfortunately, consideration of climate change or environmental issues as potential maritime challenges has not gained much traction among policymakers or the public. This is despite fears that international ships

may stop visiting ports at Karachi because of massive environmental issues (Guramani and Ali 2018).

Piracy and Maritime Terrorism

Despite the fact that no incident of piracy or maritime terrorism has been reported in the marine zones of Pakistan, the escalation of Somali-based piracy after 2005 and reported incidents of maritime terrorism in the western Indian Ocean was a serious concern for Pakistan. This was primarily due to geostrategic concerns and the potential negative impact on sea-based commerce with considerable volumes of Pakistani trade transiting through the designated High Risk Area (HRA) in the western Indian Ocean region. Being cognizant of regional security challenges and the potential implications for national security and the economy, Pakistan opted for a robust frontline presence in the area through a regional cooperative approach. To facilitate the unimpeded flow of legitimate commerce and ensure stable order at sea, Pakistan joined the multinational maritime security collaborations Combined Task Force (CTF) 150 and CTF 151 under the umbrella of US-led Combined Maritime Forces (Khan 2011, 25–32). As a result of extensive counter-piracy patrols by Pakistan Navy ships in its EEZ, the UN Contact Group on Piracy off the Coast of Somalia (CGPCS) excluded Pakistan from the HRA in December 2015 (Ahmad 2017; Anis 2015).

Apart from the above-mentioned issues, the absence of an updated National Maritime Policy and Strategy alongside the lack of some key maritime laws are enduring issues affecting the integrated management and security of Pakistan's maritime spaces. This is compounded by a lack of awareness or interest among the public, limited political comprehension and poor participation by the private sector. In addition, unlawful practices such as Illegal, Unreported and Unregulated (IUU) fishing and the issue of unregistered and unlicensed boats also negatively impacts maritime security management (Khan 2016; Zafar 2015).

BUILDING PAKISTAN'S MARITIME INSTITUTIONS

Since the creation of Pakistan in 1947, Pakistan Navy has been the country's principal maritime institution. The Navy not only functions as the supreme military force to safeguard maritime frontiers but also a peacetime custodian of national maritime affairs. The Navy represents just 4%

Table 4.1 Fleet strength of Pakistan Navy 2017

| <i>S No.</i> | <i>Type of ship</i> | <i>Quantity</i> |
|--------------|----------------------------|-----------------|
| 1 | Submarines | 8 |
| 2 | Destroyers/frigates | 8 |
| 3 | Fast Attack Missile Crafts | 8 |
| 4 | Hovercrafts | 6 |
| 5 | Minehunters | 3 |
| 6 | Tankers | 5 |

Source IHS Jane's 2017

of the national military force (Mason 2016) comprising around 30,000 personnel including 3650 officers (Saunders 2018). The fleet strength of Pakistan Navy is shared in Table 4.1.

Pakistan Navy has an allocated budget for the fiscal year 2019–2020 of Rs. 143.1 billion or roughly 11.3% of the total defence budget—the lowest among all national military services (Syed 2019). According to the vision and mission statement of the Navy, the maritime security strategy of the country aims to (i) promote peace and regional stability (ii) sustenance and safety of sea lanes in the region (iii) safeguard the national interest (iv) ensure deterrence against threats.

The MDP describes the concept of maritime security as:

[...] Maritime security is about being safe against all forms of sea-based threats, including threats from non-state actors and the conventional state based forces. The concept, as interpreted currently, is not only vast and diverse but multidimensional as well. It spans conventional maritime security issues, like state sovereignty concerns, territorial disputes, to more non-traditional maritime security problems, such as piracy, terrorism, narcotics and human trafficking. It also encompasses environmental and nature (sustainability) related crimes, such as pollution, illegal fishing etc. [...] a comprehensive view will include military threats against a state and its interests from, at, over or under the sea (Humayun 2016).

In order to achieve these objectives, Pakistan Navy has undertaken maritime diplomacy through institutionalising the International Naval Exercise AMAN, which literally means ‘Peace’. Since 2007, seven exercises have been executed successfully with AMAN representing the largest assembly of foreign forces in the country’s history. In a unique way for a naval force, Pakistan Navy also pursues bilateral engagements to reinforce goodwill and partnerships through flag showing missions,

joint exercises and overseas deployments. In addition to filling its traditional maritime security role, the Pakistan Navy has essentially become a vanguard for maritime development in the country by generating much needed maritime awareness through policy formulation, various social, environmental and research-related activities.

To ensure a secure maritime environment for the increase in shipping traffic as a result of the development of CPEC and Gwadar Port, a dedicated CPEC Maritime Security Task Force was created by Pakistan Navy in December 2016. The force has been provided with gunboats, frigates, fast attack craft, aircraft and drones as well as other maritime surveillance tools. The initiative will not only help ensure maritime security from a variety of threats but will also reinforce the confidence of the business community to invest in Gwadar (Ahmed 2017; Zakaullah 2016). The establishment of a Maritime Counter Terrorism Centre (MCTC) as a special training facility for law enforcement personnel is also a significant measure towards improved training infrastructure.

The shift from a state-centric traditional security concept to a new paradigm of collaborative regional security has allowed Pakistan to venture into cooperative arrangements with international partners. As previously mentioned, Pakistan joined CTF-150 in 2004 as the first non-NATO and western Indian Ocean regional partner and commanded the force eleven times between then and 2019. It also joined CTF-151 on counter-piracy and armed robbery in Gulf of Aden and wider Indian Ocean in 2009 and has completed eight rounds in command until 2018. Continued participation in cooperative maritime initiatives has brought international recognition to the Pakistan Navy as well as capacity building opportunities and professional development (Humayun 2016; Ahmad 2017). Realising the significance of regional maritime associations alongside a desire contribute to regional maritime discourse, Pakistan became a member of the Indian Ocean Naval Symposium in 2014 and also gained observer status in the Western Pacific Naval Symposium in 2015.

In the wake of changing security dynamics in the Indian Ocean Region, Pakistan has prioritised its maritime choices and needs by initiating independent Regional Maritime Security Patrol (RMSP) in 2018. In the context of future security needs of Gwadar Port, the initiative aims to maintain presence along critical areas to fulfil international obligations for maritime security and safeguard national shipping. Western Indian Ocean Region (Arabian Sea and the Strait of Hormuz to the Maldivian waters area) will be covered under RMSP and the regional navies will also

be invited to collaborate for developing a congenial maritime security architecture that should be more region centric (Azmi 2019).

Pakistan Coast Guard

During the 1970s, there was a need to raise a civil armed force under the Ministry of the Interior to ensure law enforcement along the coastline; given the limitations of the customs agency. Thus, in 1972 Pakistan Coast Guard (PCG) was created under the Coast Guards Act and the powers of Police Act 1961. The PCG is traditionally responsible for the prevention of smuggling and illegal immigration to and from the country as well as preventing enemy agents or saboteurs from infiltrating through frontiers across coastal areas.

The area of responsibility of PCG extends from the Pak–Iran border in the west to the Indian border in the East, covering a sea frontage of around 900 km. It is pertinent to note that the PCG does not operate in the creek area, mainly because of a lack of capacity (Commander Marines 2017). It is noteworthy to highlight that the Navy provides assistance and support through the deployment of naval personnel to the maritime wing of PCG, while other officers of the PCG are seconded from the Army. The institution is equipped with fast patrol boats, interceptor boats, speed boats and twin ranger helicopters for aerial surveillance as well as horses and camels for operations in challenging land-based terrain. The operational budget of the PCG for year 2017–2018 was reportedly Rs.1818 million (Government of Pakistan Finance Division 2017).

Pakistan Maritime Security Agency (PMSA)

The substantial growth in maritime activities during 70s and early 80s raised the need for improved safety and security in national waters. It was also implied that a tailored setup with clear maritime character would be instrumental in consolidating the advantages of UNCLOS-82. The establishment of a Pakistan Maritime Security Agency (PMSA) as the exclusive maritime constabulary force under the aegis of the Ministry of Defence was therefore proposed. PMSA was created in January 1987 for the enforcement of national and international laws, policies and conventions in the maritime zones of Pakistan (Humayun 2014; Nawaz 2004). The agency is also responsible for the protection and assertion of maritime sovereignty in territorial waters (Maritime Security Agency Act 1994).

However, the area of responsibility of the PMSA in terms of search, rescue and associated activities is 840 nm. The agency operates through a 24-hour manned Maritime Rescue Coordination Centre (MRCC), which has reportedly saved 1635 lives and rescued 118 vessels in distress since its inception (Ahmed 2017). Other functions and powers of the PMSA as delegated by law are as follows (Pakistan Maritime Security Agency Act 1994):

- a. Protect Pakistani fishing vessels and crew against any threat, intrusions or interference.
- b. Enforce national and international laws, agreements and conventions in areas of jurisdiction.
- c. Assist and coordinate search and rescue and render such assistance in the Maritime Zones and on high seas.
- d. Assist to maintain and preserve the quality of marine life and to prevent and control the effects of marine disasters including marine pollution.
- e. Assist in hydrographic and oceanographic research, navigation, weather reporting and other scientific activities.
- f. Render assistance in petroleum exploration, acquisition of mineral exploration, seismic studies and assessment data.
- g. Prevent unauthorised exploitation of any economic resources.
- h. Cooperate with, and provide assistance to and other departments (Customs, PCG) in the discharge of their functions related to maritime affairs.

Prior to the establishment of PMSA, the PCG had the basic law enforcement powers across coastal areas, despite that genesis of the force lacked maritime character as well as scope aligned with international frameworks. Nevertheless, for constabulary responsibilities in its maritime jurisdiction, the PMSA has significantly developed since its inception. The agency operates from a command setup from Karachi and five main bases along the coast at Gwadar, Pasni, Ormara Korangi (Karachi) and Keti Bandar and also has several fishery pickets in ports and harbours. In terms of assets, PMSA has an offshore squadron of 4 corvettes, an offshore patrol squadron of 11 fast patrol boats and an aviation squadron of 3 fixed-wing light aircraft. To fulfil the emerging needs, in 2017 a new squadron comprised of 2 Cutter class boats acquired from US and 5 modern

Maritime Patrol Vessels (MPVs) acquired from China has also been raised. A sixth vessel of the same class will join the fleet in 2021 (Gady 2018). During states of conflict or maritime emergencies, it acts as a secondary maritime force to supplement the defence efforts of the Pakistan Navy (Maritime Security Agency Act 1994; Akhtar 2017).

To ensure marine safety and address marine pollution, PMSA has established a 24-hour manned Disaster Response Centre in Karachi. As coordinator, PMSA handles all reports of marine disasters including incidents of marine pollution, and coordinates follow-up activities within the maritime zones of Pakistan. The PMSA regularly holds table top and practical exercises, such as BARRACUDA, with various agencies and actors (Ahmad 2017; Zafar 2014b) and represents Pakistan on number of international forums including the Asian Coast Guards Agencies and the South Asia Co-operative Environment Programme (Ahmad 2017; Akhtar 2017). The agency also maintains bilateral cooperative linkages with China, Denmark, India, Iran, Maldives, Oman, Russian Federation, Sri Lanka, Turkey and US through the signing of MoUs, joint exercises and other initiatives. The Agency also represents Pakistan on number of international forums including; Asian Coast Guards Agencies (HACGAM) and South Asia Co-operative Environment Programme (SACEP).

Overlapping Responsibilities Between PMSA and PCG

In Pakistan, PMSA and PCG are the two major law enforcement agencies that function along the coast and offshore. Both, PCG and PMSA were established under statutory authorities of PCG Ordinance 1972 (later, PCG Act 1973) and PMSA Act 1994, respectively. The establishment of PMSA aimed to create an agency to undertake multifarious maritime policing roles throughout the country's maritime jurisdiction; as the PCG was a land-based law enforcement agency that did not have the requisite mandate, experience and capacity to perform maritime functions (despite the obvious implication in its name). Given the role of both agencies, duplicity and overlap exist in terms of identity, area of responsibility and in some functional areas. In practice, this overlap results in significant problems such as incoherent functioning, national resource duplication and distracted international cooperation with respect to maritime law enforcement.

In terms of identity, the nomenclature ‘Coast Guard’ is globally used for law enforcement agencies in the maritime domain. However, in Pakistan the title was given to PCG as a misnomer as the force has an extremely limited maritime character vis-à-vis the functional charters of Coast Guard organisations around the world. Conversely, the PMSA is the lead maritime law enforcement agency in Pakistan and is, therefore, more of a Coast Guard in the traditional sense. The bilateral engagements of PCG with international maritime organisations are negatively impacted by this miscomprehension, and it has the potential to adversely affect the functional, operational and future prospects for cooperation of the PMSA with other international maritime agencies and Coast Guards. In addition, both the public and private sector actors also struggle with unclear distinctions regarding the jurisdiction and function of the organisations.

Zooming in on functions and responsibilities, there are no formal cooperative mechanisms for the exchange of information between the organisations except through the platform of the Joint Information and Coordination Centre (JMICC). In operational matters, informal coordination takes place, however, even this is hampered as both organisations operate under different ministries. Moreover, the personnel of both agencies come from two different arms of the state. Thus, a lack of maritime awareness among policymakers and a tacit organisational disputation have kept the two agencies functionally detached. Furthermore, the anti-smuggling pickets of PCG in the ports and harbours are essentially a duplication of the statutory tasks of PMSA. Needless to say, that over the time both the organisations have gained considerable influence and recognition; but the issue of overlapping jurisdiction between PMSA and PCG has led to a competitive rather than collaborative situation. This lack of coordination between the two agencies hampers efforts to curtail the smuggling of goods and narcotics, which is a critical challenge at national and international level.

Joint Maritime Information and Coordination Centre (JMICC)

To reinforce maritime domain awareness and synergise coordinated responses to problems in the maritime domain, the Pakistan Navy established a Joint Maritime Information and Coordination Centre in 2013. All national entities and maritime dependent organisations are part of the organisation. JMICC also focuses on regional level cooperation for improved maritime domain awareness and interoperability. The centre

represents an ‘exemplary model’ towards developing an inter-agency information sharing architecture by providing a database of vessels and maritime surveillance on a 24-hour basis (Bueger 2016). In addition, the centre hosts regular exercises, symposia and seminars to assist stakeholders in developing scenario-based response mechanisms and planning for future uncertainties.

Research and Development

During the late 1970s and early 1980s, Pakistan’s leadership acknowledged capacity building and academic training were important elements in developing the country’s maritime sector. This recognition, combined with a paucity of trained maritime professionals, led to the establishment of Pakistan Marine Academy (west chapter) in 1976 and the National Institute of Oceanography (NIO) in 1981 (Knauss 1983; Nawaz 2004). The Pakistan Navy significantly contributed towards national maritime capacity building through training programmes, education and research in maritime subjects and by providing significant administrative support and material assistance through the sharing of expertise to these institutions. The Navy also pursued the case for the procurement of an Oceanographic Survey Vessel to support the NIO in developing a submission for the country’s claim for an extension of its Continental Shelf.

In the 1990s, the Pakistan Navy headed two expeditions to the Antarctic in collaboration with the NIO. In 1991, during the first voyage, Jinnah Antarctic Station was established, which was mandated to undertake scientific research. In 1992, an automatic weather observatory was installed called Allama Iqbal observatory station. This remarkable undertaking (spearhead by the navy) earned Pakistan associate membership of the Scientific Committee on Antarctic Research in 1992 (Humayun and Nisar 2014).

Since its inception, the NIO has produced multiple studies on matters relating to maritime affairs and research, yet these studies have not been appropriately highlighted in the national discourse. Given the lack of a wider maritime expertise in national institutions, the Navy led the establishment of the National Centre for Maritime Policy and Research (NCMPR) to fill the gap. The Government of Pakistan approved the establishment of the dedicated maritime research institution in 2007. The centre currently serves as the primary national think-tank for multidisciplinary study of the maritime domain influencing the revision of the

National Maritime Policy of 2002 for example. Recently, the NCMPR has been renamed as National Institute of Maritime Affairs with revised mandate, its second iteration has been established in Islamabad. The establishment of NCMPR (currently called as NIMA) reflects the evolution of the maritime sector in the country and the leading role that the navy has played in facilitating this development.

Another important national maritime education institution is Bahria University. It has launched customised training programmes and higher degrees in maritime subjects, which aim to strengthen capacity building and fulfil the needs of the national maritime industry. It is one of the leading universities in Pakistan and its maritime academic programmes have promoted the importance of maritime affairs at a national level (Humayun and Nisar 2014; Ahmad 2017).

ADJUSTING THE COURSE (CAPACITY BUILDING AND CONCLUSION)

The state of maritime security in Pakistan needs to be understood within broader international trends and security challenges. Pakistan's dependence on the free movement of maritime trade in the western Indian Ocean, necessitates a resilient and flexible Navy with the capacity to undertake operations against multiple threats consistent with its national and international responsibilities. Therefore, considering the changing maritime scenario since the escalation of piracy off the coast of Somalia after 2005, the country has embarked upon a capacity building programme aimed at training and operationalisation of assets, indigenisation, the development of infrastructure and regulatory reforms. The focus is to ensure a sustained reach and broader operational presence at sea for improved maritime management and sustainable security. In this regard, the country has signed a number of commercial agreements for building ships with China and Turkey. In addition, the Navy has launched a fleet expansion and modernisation programme to replace six Type 21 frigates with new ships and expand the submarine squadron (Ansari 2017; Yousaf 2018). This is a clear manifestation of the Navy's approach to 'maintain and develop a balanced Navy while being self-reliant in technology and promoting indigenous capabilities' as described by Farookh Ahmed (2017, 38).

Pakistan's bilateral relations constitute an important element in its maritime sector development. It is diplomatically close with China and

has undertaken multiple joint initiatives and collaborations in terms of equipment procurement and training. In view of the recent geopolitical developments, such as the US lean towards India, enhanced military collaboration with China and other countries, appears to be a rational option for Pakistan (Humayun 2016). According to the Stockholm International Peace Research Institute, Pakistan was reported to be the top buyer of military equipment and arms from China in 2016 (Gady 2017). This military collaboration between the two countries is often suspected as an ‘alliance’ against prevailing security arrangements in the western Indian Ocean Region, however, these speculations have been officially denied by representatives of both countries.

In recent years, the concept of the oceans as a security space in Pakistan is gaining traction. The persistent efforts by the Navy in particular have resulted in the maritime discourse slowly catching up with pragmatic developments in the wider region. Key trends have also contributed to this change such as a shift in regional maritime security calculus in the post-Cold War era, the emergence of non-traditional threats such as piracy as well as economic opportunities through the role of Gwadar/CPEC for global trade. Pakistan’s strategy of promoting, developing and experimenting with operational concepts and practices in the maritime domain intended to promote national interests and address prevailing maritime problems. Despite capacity and resource constraints, the Navy has emerged as the custodian of maritime thought in country. Notable achievements support this, such as instituting multinational exercise AMAN, the establishment of the JMICC, development of a maritime research institutions in major cities of the Country, establishing the Naval War College at Lahore, the creation of Task Force-88 and the various operational command and control experiments (Khan 2016). Country’s very first Maritime Science and Technology Park (MSTP) is also in prospect and will envisage to be a catalyst in transforming maritime thought in the country.

Notwithstanding the transformation in the concept of maritime security and the international maritime environment, the Pakistan Navy will continue to perform its traditional role of seaward defence and protection of maritime interests while ensuring sovereignty over national maritime domain. Despite the successes discussed in this chapter, obstacles to effective maritime security and development of a robust maritime sector and blue economy remain. These include a lack of capacity at various levels, a lack of political will to address issues of overlapping jurisdiction

between maritime law enforcement institutions, capacity development and strengthening of security institutions, as well as unresolved maritime boundary disputes. Approval of the revised National Maritime Policy and Strategy also carries significance in case of Pakistan's as it proposes a major organisational overhaul, without which further progress in would have been difficult. It is essential for Pakistan to address these issues to build upon the maritime potential of the country and build national maritime security capacity in a more sustainable and institutionalised way moving forward.

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South Africa: Maritime Security Sector Reform

Francois Vreÿ, Michelle Nel, Henri Fouché, and Mark Blaine

INTRODUCTION

Although South Africa's history reflects both landward and maritime narratives, the latter account hardly rises to prominence. The maritime narrative is often associated with colonial occupation, while its landward version depicts a story of African migration, settlement and longstanding threats. Inherently, the landward or continental narrative remains stronger and has become increasingly entrenched, to the detriment of the country's maritime history and prospects.

Despite being surrounded by three oceans housing a productive set of ocean territories, a long coastline and straddling a busy international shipping route, South Africa's security focus has been and remains

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largely oriented landward towards the African continent in the north, as demonstrated by the country's involvement in terrestrial peacekeeping operations. That said, from a security perspective, the threat and vulnerability continuum show a predominantly continental profile; this focus is reflective of the pre as well as post 1994 political and strategic priorities adopted by consecutive South African authorities.

Despite the maritime sector's low security profile, the sea serves as a primary stock and flow resource for South Africa that houses and brings economic benefits. While the South African economy is largely dependent on trade stemming from a safe and secure maritime landscape (Funke et al. 2016), barring periods of war,¹ South Africa's recent security outlook has never prioritised its ocean territories relative to the landward domain. In this regard the South African Navy (SA Navy), for example, has always been a low priority for Defence spending, as have other government assets that ensure policing and enforcement of rule of law at sea (Baker 2012).

'Maritime' signals a connection to the sea and 'marine' is understood as relating to or found in the sea (Funke et al. 2016). For any coastal state like South Africa, both domains are of critical importance and must be developed, utilised and protected as national and international assets. For this to take place, both national and international dynamics are at play. Since 2011 and in 2014 in particular, South Africa has decided to elevate its maritime act, and this involves both national and international matters since South Africa is also dependent on good order at sea beyond its own territorial waters. Two developments underpin South Africa's increased interest in its maritime landscape. Piracy off the Horn of Africa prompted South Africa in 2011 to take note of and respond to maritime threats in waters to the north along the east African coast (Otto 2014). A second initiative driven by the National Development Plan to stimulate growth in a waning South African economy brought the ocean economy into focus. In 2014, under the Operation Phakisa banner, the Office of the

¹In 1939 the Union Government issued a memorandum on the procedure to be followed 'in order to enhance the security of our harbours and to afford protection to shipping leaving and entering them'. In the event of which 36 trawlers and whalers would be equipped as auxiliary minesweepers and 15 as anti-submarine vessels. Within a few days of the South African declaration of war, Naval Officers in charge were installed, with staffs, at the four principal commercial ports, together with personnel for Port War signal stations, Examination services, and Naval Control Services (Department of the Prime Minister 1961).

President launched an oceans economy laboratory to oversee inter alia the maritime programme of Operation Phakisa (Department of Planning, Monitoring and Evaluation, n.d.). While the response to the piracy threat first emerged with a strong security governance imperative as catalyst, Operation Phakisa is probably the most direct acknowledgement by South Africa's leadership of the economic importance of the ocean to South Africa's growth, stability and future prosperity (Department of Defence 2012).

This chapter outlines aspects of maritime security capacity building in South Africa with a focus on the decade preceding 2019. To this end, the discussion covers four themes relevant to maritime security in South Africa. First, an outline of the country's maritime spaces, institutions and problems. The second aspect outlines current projects planned and those in progress. Next, Operation Phakisa is examined in some detail as the main reform project. The chapter concludes with elements of critique, a summary and some concluding remarks.

SOUTH AFRICA'S MARITIME SPACES

South Africa's geographic location on the southern tip of Africa positions the country at the interface of three oceans: the Southern Atlantic, the Western Indian Ocean and the Southern Ocean. South Africa is the only African country that can draw upon the latent attributes of three oceans which offers a 3924 km coastline and 1,553,000 km² exclusive economic zone (EEZ) (Department of Environmental Affairs 2017). This area will increase by 880,000 km² if the United Nations upholds South Africa's claim for an extension of its continental shelf. Eight important ports are located along the coast: Saldanha and Cape Town on the western seaboard, Mossel Bay, Port Elizabeth, East London and Coega on the southern coast, and Durban and Richard's Bay on the east coast, the latter the northernmost eastern port. South Africa's maritime territories and infrastructure are significant and hold real and potential benefits for the country and its growing population.

A total of 24 maritime protected areas (MPAs) have been declared, stretching from the West Coast National Park north of Cape Town, south along the coast to the north of Durban and around the Prince Edward Islands in the Southern Ocean. The latter is the largest of these areas and contains rich marine fauna and flora. These areas comprise no-take and controlled zones to conserve a range of marine species. Less than 0.5% of

South Africa's ocean areas are currently protected, but as part of Phakisa a further 22 areas are being considered with an outlook of 15% by 2028 (Department of Environmental Affairs 2016). By 2019 a further 20 MPAs were gazetted and took effect to protect South Africa's ocean assets for future generations (South African Government 2019).

South Africa is responsible for a vast maritime search and rescue (SAR) landscape. The maritime area comprises 27.7 million km². A multilateral agreement signed in 2007 by South Africa, Madagascar, Comoros and Mozambique makes provision for cooperation in SAR in areas adjacent to the coast (South African Maritime Safety Authority 2017). The main Maritime Rescue Coordination Centre (MRCC) for Navarea VII is in Silvermine, Cape Town, with sub-centres in Walvis Bay (Namibia), Durban, Dar es Salaam (Tanzania) and the Seychelles.² Responsibility for the implementation of the International Convention for the Safety of Life at Sea (SOLAS) is associated with the Department of Transport (South African Maritime Safety Authority 2017), with the Department having a permanent seat at the International Maritime Organisation (IMO). There is, however, no coordination with the South African National Hydrographic Organisation (SANHO). According to Kampfer (personal communication with former Hydrographer of the SA Navy, 11 September 2014), it seems that regional coordination is problematic while international cooperation has been more successful. The international cooperation is centred on South Africa's recognised responsibilities which are underpinned by local legislation, such as the Hydrographic Bill [B17-2018] which is currently being processed, while regional coordination is hampered by the lack of hydrographic capacity of the developing countries in the region.

As a stock resource, maritime zones off the South African coast are of importance as they hold living and non-living resources that form an intrinsic link with South Africa's official policies to promote economic growth, development and social prosperity.

²NAVAREA VII is the internationally agreed search and rescue area that South Africa must cover. The area stretches from South Africa's shores down to Antarctica and covers areas along both the east and west coasts of southern Africa. For more see https://www.ihp.int/mtg_docs/com_wg/CPRNW/CPRNW_Misc/RNW_on_the_web.htm.

SOUTH AFRICA'S MARITIME RESOURCES

Oil and gas supplies are a strategic priority for South Africa given its external dependence for these minerals. South Africa's limited local oil and gas resources are subject to the Mineral and Petroleum Resources Development Act (2002). The Act regulates exploration and development of oil and gas resources in South Africa on land and at sea. Offshore the continental shelf is 20–160 km wide on the country's West Coast and overlaps with the Orange Basin, (50–200 km wide) off the south coast and harbours the Outeniqua Basin, and up to 30 km wide off the east coast where the Durban and Zululand Basins are located (Petroleum Agency South Africa 2012). The Orange Basin holds good potential for oil and gas, the continental shelf being most promising with the Kudu gas field at the epicentre. The latter is unfortunately a potential source of tension with Namibia due to its precarious location on a sea border shared by the two countries. The Outeniqua Basin south of Mossel Bay is most developed with small fields actively producing light oil, condensate and gas. Although production is seemingly on the decline (Petroleum Agency of South Africa 2012), the French petroleum giant Total announced a significant finding in the Outeniqua Basin in 2019 that holds the potential to alter South Africa's energy deficiencies and benefit the overall economy. The discovery is but one example of the resources harboured and the very reason to exploit and actively protect the country's maritime assets (Naidoo 2019).

Fish consumption in South Africa stands at approximately 310 million kg per annum with 50% of the consumption being locally caught. Catches by South African trawlers off the country's West Coast amount to 94% of the total catch, while the commercial fishing sector employs around 26,500 people with the total industry estimated to be worth about ZAR6 billion per annum (Sea Harvest 2017). South Africa's fisheries industry comprises offshore and high seas fisheries, small scale and recreational fisheries, as well as inshore fisheries. Given the aforementioned scale and importance of fishing, South Africa declared a 200 nautical mile exclusive fishing zone in 1977 to help rebuild stocks. Fishing resources are governed by a fisheries programme within the strategic plan of the national Department of Environment, Forestry and Fisheries (DEFF).³

³Department of Agriculture, Forestry and Fisheries (DAFF) was renamed the Department of Environment, Forestry and Fisheries (DEFF) in 2019.

The departmental plan covers management, aquaculture and economic development, monitoring control and surveillance, marine resources management, fisheries research and development and a marine living resources fund (Department of Agriculture, Forestry and Fisheries 2015). The fishing sector comprises commercial, aquaculture, recreational and subsistence components that are rather well-developed, but aquaculture is a weak point. Fortunately, the latter is a particular priority under the emerging oceans leg of the Phakisa programme that houses a dedicated aquaculture programme (Department of Environment, Fisheries and Forestry, n.d.).

PROJECTS

South Africa houses a vibrant maritime domain and a maritime community that increasingly understands its dependence upon and responsibility to care for the oceans. A leading expression of this was the 2014 launch of Operation Phakisa that includes a maritime focus in the overall national service delivery programme of the South African government. The oceans leg of Phakisa notes the potential tied up in the waters off Africa and South Africa in particular. From this stems the obligation to use it in a responsible way and thereby securing South Africa's maritime assets (DefenceWeb 2017). In addition, a road map called *Charting a course to maritime excellence by 2030* emerged in 2016 to augment the Phakisa drive (Funke et al. 2016). Although not exhaustive, Phakisa and the 2016 Road Map are national and industry catalysts for mobilising attention and national resources to bring the importance of South Africa's maritime assets to fruition. Both function against the backdrop of several other maritime advances such as attracting new registrations to South Africa's shipping register,⁴ strengthening the SA Navy's ability to perform its hydrographic role more fully, acquiring more and smaller vessels to better patrol South Africa's coastal waters and upgrading infrastructure to optimise the roles of South Africa's large and small harbours.

⁴The first merchant vessel SAS Orchid was registered in 2015 in a programme to revive the country's merchant marine that became dormant in 1985.

CHALLENGES: THREATS AND VULNERABILITIES

South Africa's maritime landscape is generally devoid of dangers such as naval threats, terrorism and military confrontation over maritime issues such as borders, resources and national sovereignty. Softer threats facing the country's maritime safety and security sectors are less likely to be ignored. Threats like piracy, terrorism and attacks or robberies of vessels are with very few exceptions, largely absent, but their potential poses a risk. Piracy and robbery at sea can migrate rapidly from weakly policed waters further to the north and the vast ocean spaces around South Africa offers opportunities for organised crime to surface while intermittent reports on South Africa as a latent sanctuary for international terrorism must alert security agencies not to merely accept the status quo (Heitman 2017). The 2019 Organised Crime Index, for example, cites South Africa as high in terms of organised crime, but also high in resilience to balance the threat (Institute for Security Studies & INTERPOL 2019, 9). Regarding the oceans sector it is not a given that the presumed resilience is equally robust considering the critique of the Stable Seas Index of 2018/2019 that questions the South African capacity to enforce laws at sea with its limited number of patrol platforms.

The ICC-IMB Piracy and Armed Robbery reports for 2016–2019, however, recorded only one incident (Durban Harbour 2016) regarding piracy, attacks, boarding, attempted boarding or robberies of vessels in South African waters between January 2015 and December 2019 (ICC-IMB 2016, 2019).⁵ To the north along the African east and west coasts, however, the respective maritime security landscapes serve as harbingers of disorder at sea, amidst South Africa's renewed ocean focus on environmental management and security, safe and secure transport, and responsible and sustained harvesting of living and non-living marine resources.

Two potential maritime border disputes linger off South Africa's east and west coasts. The Kudu gas field in the Orange Basin resides close to an unresolved border dispute between Namibia and South Africa. Although the status quo indicates that the demarcation favours Namibia,

⁵On 23 May 2016 a Panamanian registered LPG Tanker berthed in the port of Durban and was boarded by an unauthorised person disguised as a bunker crew member. He entered the accommodation and stole crew cash and property from the cabins (ICC-IMB 2016). This incident became the singular incident listed against South Africa.

the maritime boundary remains unsettled, and while disputed, not a likely source of armed conflict. As a result, the Kudu gas field is being developed by Namibia, but some uncertainty remains as to where the boundary runs (Steinmann 2017). The exact maritime border with Mozambique along the east coast is tentatively accepted, although not fully resolved. While an unlikely source of conflict between the two countries, South Africa acknowledges that the matter is not fully resolved (Vranken 2011).

Illegal, Unregulated and Unreported (IUU) fishing and harvesting are perhaps the most prominent threat to South Africa's living marine resources. Several species of fish and other living resources are threatened by these practices. Abalone, line fish, net fish and certain shark species as well as West Coast rock lobster are heavily depleted, while the stocks remain under pressure from high levels of illegal harvesting (Department of Environmental Affairs 2014). South African fishing resources are threatened by poachers, crime syndicates, high levels of corruption and poor compliance levels. In addition, enforcement is weak and no observer programme at sea exists. Both local as well as international crime syndicates plunder sections of South Africa's fishing industry, with international fishing vessels also transgressing as highlighted by the interception of nine Chinese fishing vessels off the South African coast during May 2016. The Chinese vessels and their owners broke a number of laws through their presence or on-board cargo. Contraventions for which vessel owners were fined included illegal fishing, illegal entering of the South African EEZ and failing to comply with the instructions of fisheries officers. Illegal fishing practices illustrated by the Chinese case are estimated to cost South Africa approximately ZAR 6 billion a year (King 2017).

Stowaways remain a persistent threat emanating from South African harbours. South African ports are hot-spots for stowaway activities and the P&I Clubs correspondents in Durban, P&I Associates (Pty) limited, advised that stowaway activities in the Port of Durban had increased significantly during the last quarter of 2016. The increase may be attributed to the high volume of traffic in the harbour and the prevailing South African authorities' rules on Stowaways which state that: 'an unlawful person gaining access onto a ship in a South African port would automatically be deemed to be a stowaway unless the vessel could provide evidence that the person attempted to board the vessel in Durban' (Gordon 2017). The risk has assumed a higher profile as stowaways have become more organised and exchange information between entities regarding best practices to follow in different South African ports,

offering general support when intercepted by authorities (Gordon 2017). In February 2018, a Maritime Risk International (2018) warning noted that stowaways attempting to board vessels in South African ports may increase during holiday periods to secure a passage home at the expense of the ship-owners and P&I Clubs who will be liable for the cost of the stow-away's repatriation. Stowaways remain a problem for vessels visiting South African ports as it is imperative to prevent illegal persons boarding vessels in port and for the ship-owners incurring substantial fruitless expenditure for their repatriation. Additional costs may also be incurred by ship-owners due to the cost of providing heightened security to prevent illegal boarding. This matter requires close attention as it casts doubt upon the capacity of South African policing authorities to effectively secure important harbours such as Cape Town and Durban.

Oil and plastic pollution are two further threats to South Africa's coastal waters. Oil pollution is not a new phenomenon in the region. In 1994, the *Apollo Sea* disappeared with all on board and spilled 25,000 tonnes of oil into the sea south of Mossel Bay. In 1997, two vessels collided south of Mossel Bay and spilled around 30,000 tonnes of oil. In June 2000, *MV Treasure* ran aground off Cape Town, spilling oil that had a devastating effect on marine bird life along the West Coast (Harding 2014). In turn, South Africa is rated as the 11th top plastic polluter in the world (Anon 2017). Although less visible, pollution, including oil and plastic pollution are recognised dangers by the Department of Environmental Affairs under Chapter 9: Oceans and Coasts of its environmental programme.

INSTITUTIONS

South Africa's maritime spaces are governed primarily by civilian departments and agencies while the primary responsibility for the six Phakisa focus areas also reside with individual government departments. While the SA Navy is better equipped and staffed than most to perform security governance work at sea, the official lead to administer maritime spaces is taken by civilians and set within a clustered approach (South Africa 2017). The multi-departmental approach to governing South Africa's maritime environment primarily involves a number of national departments and agencies (South African Navy 2016).

The Department of Transport (DoT), supported by the South African Maritime Safety Authority (SAMSA), has safety standards and pollution

prevention as its primary responsibilities. SAMSA also functions as the safety agency for DoT and is responsible for administering international conventions and standards set by the IMO regarding the safety of all seagoing vessels, as well as matters related to pollution and training. The main policy document directing the tasks and responsibilities of the DoT is the 2017 Comprehensive Maritime Transport Policy for South Africa. This document recognises that maritime transport is the ‘jugular vein’ of South Africa’s economy and underpins both the National Development Plan and Operation Phakisa (Department of Transport 2017). On a more critical note the question remains whether South Africa has the institutional capacity and political will to execute and where necessary enforce what it signs up to and sets out so detailed on paper regarding its ocean governance regimes. Being signatory to and developing capacity to oversee and enforce governance matters remain a general weakness of the South African authorities.

Sea rescue offshore as well as inland is an important service to prevent loss of life. The National Sea Rescue Institute (NSRI) assists people in distress at sea and on inland waters. The NSRI depends on voluntary members and is internationally recognised as a credible safety and rescue organisation (South African Navy 2016). With a head Office in Cape Town, about one thousand volunteers run the NSRI from thirty-one coastal and five inland bases in cooperation with other emergency services. Donations keep the NSRI operational with sponsors covering the annual running costs of ZAR 84 million and volunteers cancelling out the estimated ZAR 350 million annual salary budget. The NSRI runs training via a virtual training academy with regular practices and joint exercises taking place (Sea Rescue South Africa, n.d.).

The DEFF seeks to develop, manage and monitor sustainable use of marine living resources. Aquaculture, fisheries and economic development form core focus areas of its programme, designed to maintain and where necessary restore relevant living resource stocks. Dealing with limited and declining natural resources, climate change, access to markets and illegal fishing require urgent attention, in order to reverse the decline that has seeped in over time (Department of Agriculture Forestry and Fisheries 2015).

The Department of Environmental Affairs (DEA) extends its jurisdiction through the South African Maritime Spatial Planning Framework (2017), which aims to direct maritime spatial planning within South Africa’s legislative and policy frameworks. The framework is designed to

unlock the ocean economy, foster social benefits for society through a healthy marine environment and good ocean governance, as well as direct national regulatory authorities (Department of Environmental Affairs 2017). In support of the DEA, DEFF executes its maritime mandate through its 2015/2016–2019/2020 Strategic Plan, designed to improve food security through the management of fisheries and natural resources, directing the way in which the coastal assets are governed and protected (Department of Agriculture, Forestry and Fisheries 2015).

Other security agencies work closely with their sister departments. The South African Police Service (SAPS) and the Department of Defence are most prominent with their enforcement capabilities. SAPS is responsible for securing international maritime borders. The Sea Border Unit conducts marine policing directed at border control out to 12 nautical miles, a role conducted in collaboration with the Department of Home Affairs (DHA) and the South African Revenue Service (SARS) (South African Navy 2016). The SAPS conduct operations from several harbours but is inherently ill-equipped with patrol boats to respond to events within the 12 mile territorial waters zone. By 2018, SAPS still had almost no operational seagoing capability to patrol its area of responsibility beyond the harbours following the 2012 fiasco when the project for building small vessels for SAPS collapsed (Jordan 2012).

The Department of Defence is tasked with conducting naval defence operations, with the SA Navy performing the lead role. Its primary responsibility is to protect open sea lines of communication. The SA Navy supports all other agencies and government departments tasked with maritime responsibilities, delivers a professional hydrographic service and is a member of the IMO (South African Navy 2016). Together with SAPS and DEFF they comprise the bulk of physical assets to protect and if necessary, defend South Africa's maritime assets ashore and at sea.

OPERATION PHAKISA: GUIDING ETHICAL AND SUSTAINABLE USE OF THE OCEANS

Between 2014 and 2019, South Africa had moved along a curve of progress regarding the importance of its ocean regions, maritime assets and the blue economy in particular. Presidential announcements on the oceans economy focus of Operation Phakisa, launched in 2014 in Durban, cover four domains or 'laboratories' for development: Marine Transport and Manufacturing; Offshore Oil and Gas Exploration; Aquaculture and

Marine Protection Services and Ocean Governance (Department of Planning, Monitoring and Evaluation 2015). Phakisa's oceans economy sector is said to have unlocked investments totalling ZAR 24.6 billion, with a government contribution of ZAR 15 billion, as well as creating 6500 jobs (Presidency of South Africa 2017).

Phakisa's maritime programme is supported by the South African maritime sector's Road Map (2016) and covers a number of focus areas: shipping and transport led by the DoT, aquaculture under DEFF, maritime resources (oil and gas) led by Mineral Resources and Energy, as well as coastal and marine tourism with the Department of Tourism as the lead department and maritime protection services and governance led by the DEA. The road map is a more practical document that designates pathways and objectives to position South Africa as a globally recognised maritime nation by 2030, by unlocking its maritime potential through research, development and innovation (Funke et al. 2016). Progress since the announcement of the oceans leg of Phakisa on 11 October 2014 has included the hastening of interdepartmental decision-making and delivery, given that Phakisa depends upon unrestrained interdepartmental cooperation for rapid service delivery between designated departments ranging from Transport to Agriculture to Minerals and Environmental Affairs (Government Publications 2016). As such, ring fencing of both the oceans economy and the regulatory and security landscapes that are taking shape has served to strengthen the imperative of safe and secure oceans required in order to extract the economic benefits on offer.

Phakisa proponents as well as the maritime road map recognise the role of security in achieving the envisaged outcomes. Phakisa's focus on the ocean economy implies that both maritime as well as marine matters must be addressed and, in this vein, the global turn towards responsible and sustainable use of the ocean economy has come into play. South Africa's DEA is accorded a key role in environmental security and enforcement, with its 2017 *National Framework for Marine Spatial Planning in South Africa* enabling sustainable development of South Africa's ocean space (Department of Environmental Affairs 2017). The DEA's national framework flags five prospective advantages: unlock the ocean economy and promote sustainable ocean use; enhance societal benefits and societal-ocean interaction; ensure a healthy marine environment and sustainable resource use; develop better ocean governance and support South Africa's regulatory authorities on planning and coastal development (Department of Environmental Affairs 2017).

A further development in support of executing Operation Phakisa's oceans leg stems from the Comprehensive Maritime Transport Charter for South Africa (Department of Transport 2017). The Charter builds upon preceding decisions that over time directed developments in South Africa's maritime sector. Domestic developments include the SAMSA Act (1995), National Ports Act (2005), a Draft Maritime Policy (2008) and the South African government's decision in 2013 to develop an integrated maritime approach to ocean governance (Department of Transport 2017). In essence, the Charter frames the maritime transport sector and its benefits for growth and development for South Africa as well as the wider international community, and recognises the National Development Plan and New Growth Strategy of the government, by regulating maritime transport matters (Department of Transport 2017).

Since 2018, a waning in the Phakisa drive became apparent and in a sense an element of security overlay tends to obstruct access to data. In parallel a critique emerged that Phakisa's oceans leg is characterised by ongoing small failures, rather than the declared rapid progress from the political level. Data sets of the Department of Monitoring and Evaluation also depict slow progress in goal achievements for the different programmes which corresponds with the critique of Maisie and Bond about a slow-down and small failures as opposed to rapid big results claimed from the political level (Maisie and Bond 2018). In essence, commentaries at the 2020 *Transformed and Transformative Ocean Governance Conference* held at the Nelson Mandela University in South Africa (22–24 January 2020), alluded to the reality that quick fast results in transforming oceans governance under the Phakisa banner is hardly to be expected, if not opportunistic given the complexities at play and collaboration required.

BACKING MARITIME SECURITY CAPACITY WITH HARD ASSETS

Naval capabilities have to be supported by maritime infrastructure and the SA Navy is no exception. The naval infrastructure needs are as follows: establish a naval base in Durban for the Offshore Patrol Vessels (OPV) and other support vessels (completed); establish a Maritime Domain Awareness network in South Africa and the Southern African Development Community (SADC) (incomplete) that eventually informs the conduct and support of Operations Copper and Corona regarding

borderline protection; provide maintenance and repair of SA Navy vessels and infrastructure to support operations (Germishuys 2014).

Operation Copper is almost exclusively sea based and a largely preventative maritime operation conducted within the framework of SADC in the Mozambique Channel in the Western Indian Ocean. Copper emerged as a response to the possibility of maritime criminality spilling south from events around the Horn of Africa and the east African coast (Department of Defence 2012). South Africa signed a trilateral Memorandum of Understanding (MoU) with Mozambique and Tanzania in 2011 to provide maritime security and specifically anti-piracy operations off its coast, primarily in the area spanning the Tanzanian-Mozambique sea border. Dependent on South African naval vessels, a group of two to four members of the Mozambique Defence Force (FADM) embarks on SAN vessels to assist and maintain legal requirements. Tanzania has since withdrawn and the collaboration is destined to reflect a largely South Africa-Mozambique profile, demonstrating South Africa's capacity to keep very limited naval and air assets on station under a SADC banner.⁶ An updated bilateral MOU between South Africa and Mozambique in 2017 ensures the continuation of the cooperation, albeit with limited assets committed from both partners.

Exercises

An exercise called Interop East/West is held annually along the coast of Africa. It is initiated by South Africa while all SADC member states are encouraged to send representatives. The exercise focuses on search and rescue, ship safety exercises, seamanship and joint and multilateral cooperation. The SA Navy biennially participates in Exercises Ibsamar (India, Brazil and South Africa) and Atlasur (South Africa, Argentina, Brazil and Uruguay). These exercises facilitate interoperability, enhance readiness and develop doctrine, tactics and operating procedures. The South African Navy in 2019 participated in joint naval exercises (Exercise Mosi) with Russia and China, which may indicate a move towards BRICS cooperation on the maritime front (Fabricius 2019). Plans are at an advanced stage to invite navies on the African west coast to Exercise Atlantic Tidings, which would run parallel with the aforementioned exercises. As

⁶The MoU is currently under revision with the aim of bringing Tanzania back into the fold and restoring the trilateral partnership.

part of the Standing Maritime Committee of SADC, the participating SADC countries discuss plans directed at force support cooperation, naval training cooperation, hydrographic cooperation and naval coordination and guidance of shipping cooperation (Standing Maritime Committee of the ISDSC 2012). Although the Standing Maritime Committee is a mainly reactionary organisation, it has made some meaningful contributions to the maritime security situation of SADC. Examples include the promotion of cooperation in hydrography as well as the recently developed draft integrated maritime security strategy for SADC (DefenceWeb 2019). These now have to be finalised by the SADC Secretariat and ratified accordingly—both being supported by the modern capacity vested in the new South African hydrographic vessel due to enter service by 2023.

Promoting Maritime Domain Awareness

Recognising the importance of Maritime Domain Awareness (MDA) as a crucial component of maritime border safeguarding and maritime defence, South Africa is in the process of establishing MDA Centres (MDACs) in Durban and Cape Town. These MDACs will eventually link with Maritime Security Centres (MSCs) currently being established in Tanzania and Mozambique. MSCs are also being established in Angola and Namibia, although these are not yet linked. Furthermore, and although land-locked, Botswana, Lesotho, Malawi, Zambia and Zimbabwe have established operational frameworks to facilitate the necessary links with MDACs and MSCs (Higgs 2014).

Various government departments and agencies in South Africa possess databases, information centres and coordination facilities relevant to MDA. These departments and agencies share some aspects of information. Although the MDACs, MSCs and government departments and agencies are linked and share some information, there is no formal process to fuse the information and data, nor to facilitate integrated analyses regarding possible threats and risks. The SA Navy offers one example of how naval capacity building with international partners takes place. South Africa has utilised foreign training and networking opportunities for its naval personnel between 2013 and 2016, as summarised in Table 5.1.

South Africa has in turn extended learning opportunities to foreign navies, largely confined to Africa, discharging bilateral, regional and even continental obligations (Table 5.2).

Table 5.1 Foreign training and network opportunities

| <i>Host country</i> | <i>Number of training opportunities</i> |
|--------------------------------------|---|
| USA | 35 |
| India | 30 |
| Brazil | 26 |
| Germany | 18 |
| UK | 13 |
| Russia | 10 |
| Sweden | 6 |
| Kenya, Pakistan | 5 |
| Tanzania, Cuba | 4 |
| China, Argentina, Chile, Singapore | 3 |
| Italy, France, Angola, Netherlands | 2 |
| Belgium, Greece, Saudi Arabia, Ghana | 1 |

(Blaine 2016)

Table 5.2 Learning opportunities offered to foreign navies

| <i>Country</i> | <i>2007–2009</i> | <i>2010</i> | <i>2012</i> | <i>2013</i> | <i>2014</i> | <i>2015</i> | <i>2016</i> | <i>Total</i> |
|-------------------|------------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| DRC | 19 | 17 | 12 | 23 | 14 | 6 | 10 | 101 |
| Egypt | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Ghana | 19 | 2 | 2 | 2 | 2 | 4 | 2 | 33 |
| India | 3 | 1 | 0 | 2 | 0 | 0 | 0 | 6 |
| Kenya | 6 | 2 | 1 | 3 | 3 | 2 | 0 | 17 |
| <i>Malawi</i> | 9 | 0 | 8 | 4 | 4 | 0 | 0 | 25 |
| <i>Mozambique</i> | 0 | 0 | 30 | 7 | 14 | 2 | 0 | 53 |
| <i>Namibia</i> | 93 | 31 | 34 | 43 | 20 | 21 | 6 | 248 |
| Nigeria | 4 | 4 | 2 | 2 | 0 | 9 | 0 | 24 |
| Pakistan | 4 | 2 | 12 | 2 | 2 | 0 | 0 | 22 |
| Rwanda | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| SADC | 16 | 0 | 0 | 0 | 0 | 0 | 0 | 16 |
| Senegal | 0 | 1 | 0 | 2 | 2 | 7 | 0 | 12 |
| <i>Tanzania</i> | 0 | 1 | 0 | 0 | 0 | 35 | 0 | 36 |
| <i>Zambia</i> | 0 | 0 | 2 | 1 | 4 | 0 | 0 | 7 |
| <i>Zimbabwe</i> | 4 | 0 | 11 | 0 | 0 | 7 | 0 | 22 |
| Total | 178 | 62 | 114 | 91 | 65 | 93 | 18 | 621 |

Note Italicised countries are from SADC, including countries with riverine and lake security agencies (Blaine 2016)

South Africa's geographical location on the Cape sea route that links the Atlantic and Indian oceans and connects its economy, maritime infrastructures and its capacity to deal with maritime security challenges with other SADC states, positions the country as a candidate to take the lead in responding to challenges to good order at sea in the Southern African region. Responses and initiatives adopted by South Africa could therefore provide a framework for enterprises to ensure good order at sea in other SADC states. Cooperation is a necessary condition for achieving increased security in South African and SADC waters as it is almost certain that no single country can bring about adequate security governance in the region's maritime territories—an imperative highlighting the limited if not absent cooperation within SADC.

CIVILIAN INITIATIVES: BALANCING AND AUGMENTING SA NAVY INVOLVEMENT

Despite its prominence, the SA Navy's involvement should be understood as providing a supporting role. The SA Navy does not have jurisdictional powers over illegal fishing activities in the EEZ, demonstrated by the supporting role it played to DEFF in detaining several illegal Chinese fishing vessels in 2016. In this case the minister of Defence and Military Veterans was requested by the minister for DEFF to provide support to locate and apprehend a fleet of vessels suspected of illegal fishing in South Africa's EEZ. DEFF has four Fisheries Patrol Vessels of which only one can patrol the deep seas (Department of Environmental Affairs, n.d.). Given the layered zones of jurisdiction at sea, the SA Navy's support could only be available inside the EEZ resulting in even more limited capabilities for the rest.

The SA Navy is not equipped to deal in a convincing way with patrolling the 2.4 million km² that comprise the EEZ, although it must extend safety and security services through this ocean territory. The SA Navy is responsible for search and rescue and hydrographic services in this body of water that covers territorial waters, the contiguous zone, the EEZ as well as the continental shelf. It has four frigates, three submarines and three offshore patrol vessels to protect this vast area. Two projects are currently active to provide the SA Navy with new vessels to augment the existing fleet. Due to budget cuts, Project Biro will provide three 62 m Inshore Patrol Vessels (originally planned to provide three offshore and three inshore patrol vessels), while Project Hotel will provide a new

hydrographic survey vessel to replace the ageing SAS Protea (Scott 2018). The ships will start joining the fleet from 2021. The SA Air Force also has a very limited maritime capability, with aged maritime patrol aircraft C-47TPs that no longer fly maritime missions, Lynx and Oryx helicopters that fly from the frigates and support vessel respectively.

In addition, and somewhat contrary to the above, the 2018 Stable Seas Index describes the SA Navy as being ‘comparatively’ robust and indicates a Naval Capability assessment score of 100/100. It seems as if the assessment flows from the fact that the SA Navy is operating the region’s only submarines and is the only state with the capacity to engage in naval warfare and some blue water capabilities. The reality, however, shows that this 100% assessment does not translate into actual capacity to patrol its waters and ensure maritime security where a robust law enforcement capacity would be of greater assistance than a naval warfare one. Unfortunately, identified capabilities do not translate into a SA Navy capacity to ensure a credible presence in South African waters.

There is a distinct requirement for South Africa, in light of Operation Phakisa and recognised in Objective Seven of the maritime roadmap and the regional maritime strategy, to cooperate and coordinate its actions with neighbours to provide common security through the pooling of capacity and the sharing of information. It is thus necessary to outline soft assets that contribute to enhancing the capacity to promote maritime security in South Africa’s waters.

Maritime Capacity: Soft Assets and Civilian Actors

Operation Phakisa is touted to contribute R177 billion to the economy of South Africa and will include 22 offshore marine protected areas. Naval investment has not kept pace with these developments, however. South Africa spends approximately 1% of its GDP on the military, while the global average is 2% and its neighbours expend 3%. As far as capacity is concerned, South Africa cannot rely on other meaningful protection agencies other than the SA Navy. It does not have a coast guard, while SAPS and DEFF work under similar financial and resource constraints. Despite this, South Africa also holds softer security and capacity building capacities.

Social Media and the Value of an Active Maritime Community

Members of the community living along the coast assisted in the interception of three Chinese trawlers suspected of illegal fishing in South African waters. A member of the community off the east coast sounded the alarm a week before the apprehension by using a cheap cell phone application. He noticed suspicious activity on the coast between East London and Durban when a group of ten Chinese fishing vessels disappeared from the screen for several hours between 9 p.m. and 3 a.m. He shared this information on social media—through Facebook on a site called *Salt Fishing South Africa*—creating awareness and prompting more citizens to track the ships. The capture of the foreign fishing vessels engendered a robust response from the public regarding their nationality and the process of arrest. This produced further awareness when angry fishermen from coastal communities complained about the government not doing enough to safeguard the seas and fish stocks from unscrupulous nations bent on the plundering of resources: ‘anglers with smart phones and inexpensive apps have become the mouthpiece of public outrage over the exploitation of South Africa’s maritime resources’ (Salt Fishing South Africa 2016).

Maritime Policy and Strategy

Although South Africa took the lead in developing a SADC Maritime Security Strategy, the country itself does not have an integrated national maritime security policy or strategy (Kornegay 2012, 71). For both SADC and South Africa, what is available by 2019 remains classified and thus not open to analysis. Despite numerous attempts to develop such a strategy, as well as a general consensus that a coherent national-interest framework is required in order to take a proactive stance in maritime security affairs, neither an integrated maritime security policy nor strategy has ever been officially implemented. Instead, various government departments including Transport, Environmental Affairs and Agriculture, Forestry and Fishing have developed their own policies, charters and strategies, vying for funding. South Africa is in urgent need of an operational national maritime security strategy that would integrate the planning of relevant government departments and agencies towards a capacity to extend governance over its ocean assets and the traditional and new activities

coming onto line. Such a development would enable forecasting long-term developments with parallel capacity building initiatives that could potentially influence maritime security, contrasting risk factors regarding probabilities and consequences of an event happening and determining which tasks and capabilities are necessary to prevent and/or deal with threats in an integrated fashion (Blaine 2013).

Maritime Border Safeguarding

The South African Defence Review 2015 states that ‘South Africa’s borders and strategic installations will be safeguarded by the Defence Force in conjunction with other Departments’. It goes on to state that ‘Defence will assume full responsibility for land, air and maritime border safeguarding’ and that ‘[t]his will be pursued with Defence leading all collaborative efforts concerning safeguarding on the border-line⁷ and the immediate rear areas’ (Defence Review Committee 2015). This is a fundamental departure from the Defence Review of 1998, which noted responsibility for border safeguarding being that of the South African Police Service.

The South African National Defence Force (SANDF) conducts maritime border safeguarding under the auspices of Operation Corona, which plans and conducts land, sea and air borderline safeguarding as a component of the defence of the territorial integrity and sovereignty of South Africa (Hlatshwayo 2011). The maritime border safeguarding concept for the short and medium terms focuses on deterrence and the enforcement of state authority at sea, from the territorial sea out to the EEZ and the extended continental shelf. Operationally deterrence and enforcement will be performed through the ad hoc deployment of naval and air assets supported by MDA. The concept also sanctions the ad hoc deployment of maritime surface and air assets into adjacent waters of Namibia and Mozambique during approved multinational operations, to extend deterrence beyond South African waters and to enhance MDA (Hlatshwayo 2011).

Although the border safeguarding concept prescribes collaboration with other government departments and agencies, academics and security practitioners believe that mere coordination between departments

⁷The border line does not include ports of entry and border posts. These remain the responsibility of other departments and this limits duplication.

and agencies is not enough and have been calling for a more integrated approach to border safeguarding. Goncalves from the Council for Scientific and Industrial Research (CSIR) have recently proposed a ‘whole of government approach’ to border safeguarding, with an integrated legal framework to support integrated planning for border safeguarding (Martin 2013). The recently established Border Management Authority (BMA) to facilitate coordination between government departments seems to be a step in the right direction given its coverage of land, air and sea borders. By 2019 however, this function still rests upon the SANDF to provide the patrolling and general policing of the country’s borderline protection programmes. However, if the BMA does emerge, this does not imply that destructive departmental turf wars are settled—which is rarely the case. In addition to a streamlining of legislation imperative, as opposed to merely adding new layers, these turf wars could severely hamper the BMA’s capacity to deal with security at land, air and maritime borders and ports of entry.

Promoting Safe Passage

As a member of the International Hydrography Organisation since 1951, SANHO has been tasked with the charting of region H, an area covering the waters from the Angola-Namibian border, south around the South African coast and north to the border between South Africa and Mozambique. South Africa must contribute to charting for region M (Antarctica) and coordination of Navarea VII maritime safety information (Defence Review Committee 2015). South Africa drew up a Hydrographic Cooperation Plan for the Standing Maritime Committee of the SADC, which is currently in force, and urged member states to apply for membership of the International Hydrographic Organisation (IHO) (Republic of South Africa Department of Defence 2014). The Southern Africa and Islands Hydrographic Commission (SAIHC) was established in 1996 with SADC countries as members or associate members. The aim of the SAIHC is to improve hydrography in the region with a focus on capacity building. In the SADC maritime area, South Africa produces hydrographic information for Namibia as well as its own shores (Kampher 2014).

South African Maritime Industry Conference (SAMIC)

SAMIC 2012, hosted by SAMSA on behalf of the Department of Transport, serves as a platform for public and private actors to exchange information on how to advance the maritime development agenda and highlight its importance as an economic sector. SAMIC 2017 moved on to ‘profile and market South African and African opportunities for investment in the maritime sector, explore and establish a national collaborative framework for oceans economy development, and host a dedicated stream on supporting the development of women in the maritime sector’ (Van As 2016). SAMIC’s developmental agenda ties in with the South African International Maritime Institute (SAIMI) (discussed below), in particular its educational and training focus.

South African International Maritime Institute (SAIMI)

Real capacity building regarding a skills base probably resides in SAIMI. SAIMI interacts with role players in research, education and training to bring the latter and the maritime industry into contact (South African International Maritime Institute, n.d.). SAIMI thus offers skills to the industry by using educational institutions to build a skilled human resource feeder scheme. SAIMI directs a large array of basic as well as advanced skills and qualifications from chefs and artisans to maritime scientists, to maritime and naval leaders to offer qualified personnel to the maritime industry. SAIMI serves as a route to help resolve 57 scarce critical maritime skills listed by the 2016 Road Map in seven sub sectors: shipping; ports and logistics; offshore oil and gas; fisheries and aquaculture; vessel construction and repairs; commercial services; marine tourism; safety; security and defence (Funke et al. 2016).

Foreign-Funded FishForce Academies

According to the Nelson Mandela University website, the FishForce Academies project is a foreign-funded capacity building venture (Nelson Mandela Metropolitan University 2016). The ultimate aim is to build a Norwegian-funded Fisheries Law Enforcement Academy at Nelson Mandela University, Port Elizabeth. It entails spending R50 million over five years in a partnership between the Center for Law in Action

(NMMU), the Norwegian Department of Trade and Industry and Fisheries and the DEFF. The academy is set up to train fisheries control officers, police and prosecutors in the RSA, but also from along the African east coast and Namibia. The academy seeks to foster collaboration and the sharing of experiences between NMMU, Norway's donor department and the Norwegian Police Academy. FishForce ties into Phakisa and its oceans economy domain in particular, with the aim to build a dedicated capacity in law enforcement and prosecution to overcome mediocre enforcement and prosecution of fishing crimes (Nelson Mandela Metropolitan University 2016). There are plans to extend the training to the whole Indian Ocean Rim, including countries like Indonesia. FishForce will work to deploy knowledge and intelligence led investigations to increase successful prosecutions of criminals engaged in fisheries crime. It will also enable fisheries law enforcement officers to obtain formal qualifications, including higher certificates, diplomas and postgraduate diplomas and access to further academic qualifications.

The Judiciary and Legislation

For maritime security to underpin safe use of the oceans, completion of the judicial process up to the sentencing of criminals and forfeiture of assets used in the commission of the crimes at sea is necessary. South Africa harbours an inherent capacity through its legislative and judicial systems to address maritime crime in its waters and thereby extend rule of law over its ocean territories. Most important, South Africa's domestic laws are also cognisant of and aligned with international laws and conventions on piracy, terrorism, non-proliferation of weapons of mass destruction (WMD), illegal fisheries, drugs, organised crime, conventional arms control, protection of coast/sea life and pollution at sea (Jacobs 2017). The alignment allows South African authorities to be legally compliant to address the bulk of maritime threats and transgressions in its maritime domain. Examples of South Africa's compliance in establishing domestic legislation pursuant of its obligations in terms of international law and membership of conventions include Sections 24 to 29 of the Defence Act 42 (2002), which align South Africa's domestic laws with the requirements of UNCLOS regarding the definition of piracy, seizure of pirate ships or aircraft, rights of visit on the high seas by warships of the Defence Force, hot pursuit of ships, warships or military aircraft of the Defence Force to render assistance and cooperation

with foreign states. Sections 6 and 10 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, No. 33 of 2004, pursuant of the provisions in article 3 of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, make provision for offences relating to hijacking, destroying or endangering safety of a fixed platform and hijacking a ship or endangering the safety of maritime navigation, respectively.

On a more critical note, the Stable Seas Index on Rule of Law holds that even in instances where there is, for example, good port security, a weak state presence will undermine maritime security governance. Building upon absent physical presence, absent political will only serves to exacerbate matters. South Africa's lack of support for the Lomé Charter, for example, shows a weak state presence and absent political will in the regional arena. This is a separate issue from the country's lack of capacity through appropriate ships and other platforms as the response to the Lomé Charter is not due to a lack of resources. Considering the purported importance of the maritime environment, there is no forthcoming justification from government for its lack of support to the Lomé Charter. Although this Charter will enable the completion of the judicial process in the international arena (the Stable Seas Index narrative refers to 'the legal finish') it contradicts South Africa's role as a leading African naval power and potential ability to enforce international law prescripts. The lack of involvement reflects poor commitment in terms of regional maritime security. In this context, government is ineffective and will therefore not be able to adequately enforce policy with South Africa once again merely giving lip service to its regional commitments.

ELEMENTS OF CRITIQUE ON SOUTH AFRICA'S MARITIME SECURITY PROFILE AND CAPACITY

The above discussion tends to portray a positivist take on South Africa's maritime undertakings to promote and equip its maritime security and governance profile. Unfortunately, all is not in order on the maritime front with a number of less optimistic views being in order. First, as far as policy and departmental plans are concerned, one could argue that the declaratory and more normative aspects seem to be in place, and this is confirmed by the 2018/2019 Stable Seas Index for South Africa (One Earth Future 2019). This however masks the ambivalent and even absence of political will and capacity to implement what is written on paper and

verbal commitments to international and other relevant agreements. The lower Stable Seas count for Rule of Law for South Africa (62/100) underlines this void with low counts on four of the five indicators.

This more pessimistic view is set against a number of negative matters that impact South Africa's maritime drive. First, the South African government as a lead agency for the maritime agenda is currently embroiled in its own dilemmas largely depicted by collapsed state enterprises absorbing staggering state financial resources to maintain some resemblance of operations. A second critique relates to the growing perception that Operation Phakisa is neither big nor fast in forthcoming results as originally propagated at its launch (Maisie and Bond 2018). In its November–December 2019 edition, *Maritime Review Africa* accentuates the slowness of government to respond with legislative measures to opportunities such as the gas discovery in the Outeniqua Basin and speeding up infrastructure capacities in the much-acclaimed Saldanha Industrial Development Zone with both deterring real and potential partners with the latter being a visible void in moving forward with the oceans leg of Phakisa (Jacka 2019). Third, the South African government is tethering on brink of 'junk status' by international rating agencies which preclude any significant foreign investments in economic programmes, and this includes the expectations of foreign investments for Phakisa's oceans leg (Mahlaka 2019). A fourth matter relates to the inward looking nature of South Africa's ocean economy and the lack of real international (including regional) partnerships beyond the Fishforce programme while maritime capacity building and governance are matters heavily dependent upon international collaboration (Pretorius 2018). As far as defence goes, it remains a low priority and thus little real expectations of naval acquisitions beyond the current planning. This reality extends to the SAPS and DEFF with no indication of any programmes to expand their platforms and other enforcement capabilities to promote their capacity to support maritime security governance for the Phakisa initiatives.

While much happens on land, little real progress and capacity building takes place to physically operate at sea to protect those activities and programmes that do take shape. South Africa's overall maritime stability index as portrayed by the One Earth Future is a cause for optimism, but is perhaps too optimistic given that South Africa often fails in preventing or responding to those maritime threats and vulnerabilities that do emerge such as illegal fishing, poaching of living resources and bringing its

maritime economic potential and security agencies into step.⁸ Overall the matter of building new capacities for maritime security governance in particular remains bleak.

CONCLUSION

Maritime security for South Africa corresponds with views that map maritime security as the outcome of four inter-related quadrants of objectives: the national security imperative; human security; safety at sea and economic development tied to the blue economy. Both theoretical work on the value of the blue economy, as well as growing perceptions of threats, drive South Africa's programme to better use and govern its maritime landscape. To this end, South Africa instituted several reforms and programmes over the last decade and signed up to international codes of conduct to foster better maritime governance. Legislation, institution building and focussed government programmes emerged, as well as a number of institutional membership drives.

Guided by overarching plans such as the National Development Plan, strategic plans of national departments to the likes of Environmental Affairs, Environment, Forestry and Fisheries, as well as Transport mapped out specific acts, plans and charters for implementation in the maritime sector. These departmental directives interface with the governmental focus on elevating the role of its maritime assets as operationalised in the maritime focus of Operation Phakisa and directed in more detail by the 2016 Maritime Road Map that charters a course towards 2030. Phakisa's oceans focus incorporates a clear human and environmental security focus, a concern with food security and gender equality, as well as good governance within its ocean governance leg. Of concern is that policing by security agencies seem to be marginalised. This is alarming given the fundamental understanding that the success of the different focus areas underpinning Phakisa rests upon domain awareness and security guarantees. It appears that human security, environmental concerns and food

⁸An opinion expressed by a senior naval flag officer of the SA Navy during the 12 November 2019 launch of the Stable Seas Index for Africa in Stellenbosch, South Africa, co-presented by One Earth Future Stable Seas Programme and the Security Institute for Governance and Leadership of Stellenbosch University.

security together with unlocking latent ocean resources to boost development, economic growth and employment are prioritised over the need for security and rule of law.

Legislative progress and institutional development in South Africa's maritime province point to the importance of capacity building, but the latter is largely designed and executed by South African agencies with low levels of foreign involvement and too often too slow. Capacity building cover academic-, industrial-, policymaking- and security agencies, as well as research institutions that directly or indirectly contribute to education, training and research on how to make better use of the oceans and promote protection and governance through best practices. In this vein it appears that departmental role-players from South Africa have policies and strategies in place to deal with governance, the environment, transportation, infrastructural and safety aspects by way of industrial, research and academic institutions. The maritime security imperative remains least developed with limited national security or maritime security strategies in place while related developments are too often retrofitted to fit with Phakisa, as opposed to being directed by a coherent maritime security strategy.

To date, South Africa has achieved progress in developing its maritime sector, albeit perhaps more normative than operational. One main feature is how the developments have been collated and integrated over the past five years with the most visible execution and progress including investment, some job creation and infrastructure projects taking shape at coastal locations such as the ports of Saldanha, Port Elizabeth and Richard's Bay. Overall, the normative side of maritime capacity building through institutionalisation, legislation and cooperation is progressing, but over the longer term towards 2030, the persistent absence of a clear maritime security strategy with supporting capacity building initiatives could upend the roadmap for South Africa as a recognised maritime nation.

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PART III

Building Capacity with External Assistance



Western Indian Ocean: Multilateral Capacity Building Initiatives

Robert McCabe

INTRODUCTION

This chapter introduces the regional dimension of maritime security governance in the Western Indian Ocean (WIO). It discusses major multilateral capacity building projects steered and organised by international organisations and provides a foundation for a deeper understanding of activities described in the preceding chapters in this section. The majority of international donors organise maritime capacity building projects at a regional level rather than at a national level in what has emerged as an increasingly experimental process. Capacity building projects by international actors such as the International Maritime Organization (IMO), the United Nations Office on Drugs and Crime (UNODC) or the European Union (EU) aim at developing regional law enforcement capacities, maritime patrol and surveillance systems, inter-agency and cross-national information sharing tools as well as maritime governance structures. These activities include supporting sustainable

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development of the blue economy by tackling Illegal, Unreported and Unregulated (IUU) fishing, developing information sharing tools as well as building policing capacities to help strengthen security ashore and in coastal waters.

As discussed in Chapter 2, capacity building as a concept is not new, however, its emphasis in international security discourse is more novel. When viewed through the lens of maritime security, the WIO has become an international laboratory for capacity building projects that emerged as a response to the unprecedented upsurge of Somali-based piracy from 2005. Capacity building for maritime security is designed and implemented without “settled norms, established knowledge, a bounded field of professionals, or an established body of scientific reasoning” (Bueger and Tholens, this volume). Prior to the escalation of piracy, foreign assistance and intervention focused almost entirely on the security and humanitarian situation ashore in Somalia and lacked a regional approach. This was due in part to the insular political dynamics of the region and a lack of a shared security strategy or framework for regional dialogue. According to Howard Stein (2009, 14) “Each country has had historically divergent strategies, politics and relations with donors that have affected how the orthodox strategy has been implemented”. In Somalia, the “magnitude of human suffering and the threat to international security” precipitated the first UN Operation in Somalia (UNOSOM I) and the creation of a Unified Task Force (UNITAF) in 1992 (UN Security Council 1992, 1). In 1993, a second, more ambitious, mission was launched. UNOSOM II lasted just two years having ultimately failed in its mission to advance political reconciliation and to restore the rule of law (UN Security Council 1993, 4; 1994, 2).

These early failed development assistance interventions and attempts at security sector reform signalled an end to direct international involvement in Somalia, until the impact of maritime piracy on the region—alongside the regions lack of capacity to respond—necessitated an external response. The proliferation of capacity building, therefore, emerged as an alternative to development assistance, statebuilding, peacebuilding or security sector reform and points to “a new humility” of the international community in recognising that the ambitious statebuilding agendas of the 1990s never lived up to expectations (Bueger and Tholens, this volume).

Following a decline in piracy attacks after 2012, the ambitions and objectives of these multilateral projects have increasingly extended beyond explicitly addressing piracy. In this post-piracy phase, they have endeavoured to build capacities to tackle maritime insecurity at a regional level

and contribute to the sustainable economic development of regional states. According to Koji Sekimizu Secretary-General of the IMO, “The decline of piracy in the region now presents a window of opportunity for IMO Member States in the region to implement capacity building programmes to prevent a resurgence of piracy and to address wider issues including other transnational organised crimes committed at sea, as a basis for the sustainable development of the maritime sector” (IMO Maritime Safety Division 2015, i). As discussed in Chapter 2, the objectives of maritime capacity building are increasingly developed in the conduct of performing the practice of capacity building, rather than the transmission of prior ideologies and normative dispositions. This can partially be explained by the complexity of maritime capacity building, which occurs within an environment that is interconnected, liminal and multijurisdictional. This institutional and regime complexity affects capacity building in terms of design, implementation and in coordinating the activity of diverse actors. For example, epistemic determinist approaches in the design of EUCAP Nestor led to challenges in its implementation and ultimately contributed to its decline. This complexity is particularly apparent in the post-piracy phase of expanded capacity building and cemented the experimental approach where the everyday practice and knowledge of maritime capacity building is composed and negotiated as part of capacity building practices.

Inherent in this process are redundant and failed practices, such as EUCAP Nestor’s overly ambitious regional mandate, the Djibouti Code of Conduct’s (DCoC) initial rigid adherence to counter piracy, or the deficiencies of some regional maritime coordination centres; but also best practices, such as the importance of embedded mentoring over short-term training, developing working relationships with local trainers and established capabilities as well as building locally informed and functional Maritime Domain Awareness (MDA) architectures. The international focus on a regional approach to maritime capacity building also emerged as problematic and, as will be shown, led to dilution of impact on some more ambitious capacity building projects, such as EUCAP Nestor, and the redundancy of some regional maritime coordination centres for example. As the chapter on Kenya illustrates (Mboce and McCabe, this volume), often bilateral agreements are a more effective method in building sustainable capacity, institutional structures and political confidence.

With this in mind, this chapter analyses the design, implementation and challenges of the chiefly experimental multilateral maritime capacity building projects conceived and supported by international organisations. That is, firstly, the DCoC process led by the IMO; secondly the regional work of the UNODC Global Maritime Crime Programme (GMCP); and thirdly the capacity building projects of the European Union, namely the EU funded Programme to Promote Regional Maritime Security (MASE), and the related-capacity building missions EUCAP Nestor/Somalia and EU CRIMARIO. The chapter ends with some concluding thoughts and suggestions that draw on the challenges of capacity building for maritime security, in particular the problem of orchestrating the activities, but also the complexity of regional capacity building in the post-piracy phase.

THE INTERNATIONAL MARITIME ORGANIZATION AND THE DJIBOUTI CODE OF CONDUCT

The DCoC is one of the major regional frameworks for capacity building in the WIO region. It has been initiated and facilitated by the IMO and is the foundation for the regional capacity building work of the organisation. The IMO is a specialised agency of the UN with responsibility for setting global standards for the safety, security and environmental performance of international shipping including the drafting of international conventions or agreements on matters pertaining to the security of shipping. Part of the mandate of the IMO Secretariat is to provide technical assistance and capacity building programmes. IMO resolution A.901(21) outlines the framework for the IMO's global capacity building priority areas. These are (i) advocacy of global maritime rules and standards (ii) institutional capacity building and (iii) human resource development (IMO 2000). Maritime security capacity building work is primarily coordinated by a small team of staff and specialist consultants of the Maritime Security and Facilitation (MSF) section, which is a sub division of the Maritime Safety Division (MSD) (IMO 2017a).

Design and Implementation

The IMO reformed their capacity building processes in the late 1990s and developed several key principles that underlie and inform the activities of its Integrated Technical Cooperation Programme (ITCP). The ITCP structure is comprised of regional and global programmes and is

designed to assist countries in “building up their human and institutional capacities for the universal and effective compliance with the IMO’s regulatory framework” (IMO 2016b, 41). These key principles are (i) local ownership in terms of capacity development and implementation; (ii) “systematic integration” of IMO’s regulatory priorities into the capacity building process; (iii) promotion of “sustainable” human and institutional resources in the maritime sector; (iv) promotion of regional collaboration and technical cooperation among developing countries; (v) mobilisation of regional expertise and resources for technical assistance activities; (vi) coordination with other maritime development aid programmes to synergise efforts and resources; (vii) impact assessment exercises; and (viii) ensuring “lessons learned” are transferred back to the capacity building process (IMO 2016a, 4).

These principles reflect the range of settled rules and norms that exist for maritime safety and security, such as those agreed on and codified by the UN Convention of the Law of the Sea (UNCLOS), the IMO’s International Convention for the Safety of Life at Sea (SOLAS convention), and more recently, the International Ship and Port Facility Security Code (ISPS Code), but become problematic when applied to the organisation of maritime security sectors, which are more informal and remain contested.

Djibouti Code of Conduct

The ‘DCoC’¹ is the core capacity building initiative led by the IMO in the WIO. This code of conduct document, which was signed in January 2009, is an agreement for regional cooperation in capacity building and was negotiated and facilitated by the IMO. It is loosely modelled on the 2006 Regional Cooperation Agreement on combating Piracy and Armed robbery Against ships in Asia (ReCAAP) and has been ratified by twenty-one WIO countries including Djibouti, Ethiopia, Kenya, Madagascar, Maldives, Seychelles, Somalia, Tanzania and Yemen. The DCoC framework operates primarily at a technical level with a focus on coordination, training and information sharing primarily among specialists and experts, such as coast guards, naval officers or maritime consultants. Resolution 2 of the DCoC on ‘Technical Co-Operation and Assistance’, states that the

¹Full title: The Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden.

“promotion of technical co-operation at the international level will assist those States not yet having adequate expertise or facilities for providing training and experience to put in place or enhance appropriate infrastructure and, in general, implement the Code of Conduct” (IMO 2009, 18). To facilitate this capacity building activity, provisions were made in Resolution 2 for the construction of a regional training centre in Djibouti for the purposes of promoting the implementation of the Code.

Capacity building activity under the DCoC framework is planned under four broad thematic strands, which provide a framework for “communication, coordination and cooperation” (IMO 2017b). These are (i) delivering national and regional training, (ii) enhancing national legislation, (iii) information sharing and MDA, and (iv) building counter-piracy capacity. In terms of building counter-piracy capacity, the IMO states that it has “been working with partners to boost the capacity...to suppress piracy by supporting development of maritime infrastructure, law enforcement and implementation of the Djibouti Code of Conduct” (IMO 2017b). In practice, this focuses on training of investigators, developing investigative strategies, improving methods to deal with an initial report and proportional subsequent investigations. The capacity building work of the DCoC was initially supported by the IMO’s Project Implementation Unit and by the EU MARSIC project, both of which were discontinued in 2015. Currently, all maritime security capacity building related to the DCoC and individual Member States, is implemented and reported under the ITCP. In 2017, the DCoC was (by far) the largest of the ITCP global programmes.

Djibouti Regional Training Centre (DRTC)

The actual delivery of capacity building training for national and regional maritime administrators and coastal law enforcement officials, is coordinated via the Djibouti Regional Training Centre (DRTC) building in Doraleh, which was formally opened in November 2015. The DRTC also hosts a regionally informed and maritime-orientated “knowledge centre” that functions as a learning repository both for trainers and trainees. The curriculum offers a broader range of maritime capacity building training activities including maritime and port security, management of living marine resources, law enforcement at sea, preparation of operational missions and information sharing (Djibouti Regional Training Centre [DRTC] 2017a). In practice, the centre maintains minimal staff levels

and outsources training programmes via the training centre coordination committee to regional countries recognised as training providers such as Djibouti, Egypt, Kenya, Madagascar, Saudi Arabia, Seychelles, South Africa, Tanzania and Yemen. This is supported by an e-learning platform developed with the educational software tool ‘Moodle’ that provides access to training materials and meeting documents. Between 2011 and 2015, 27 courses were held in Djibouti, Mombasa, Dar es Salaam, Jeddah and the Seychelles that resulted in the training of over 500 staff from 20 countries (DRTC 2017b). More recently, in January 2020, the centre is hosting induction training as part of IMO/UNSOM efforts to support Somali and regional authorities set up the core functions of a maritime administration (IMO 2020a).

Information Sharing Centres

Aside from building capacity through training and educative programmes, a key achievement under the DCoC was the creation of three regional maritime information sharing centres. These centres function as focal points for reports of piracy (and since 2017, other illicit maritime activity) to contribute to regional MDA. The centres are strategically located in Mombasa, Kenya to cover the central area, Dar es Salaam to receive reports from member states in the southern region and Sana’a in Yemen to cover information received in the north. Their main and visible task is to maintain the focal point network through routine calls while the Yemeni centre disseminates a weekly report to stakeholders based on data provided by EUNAVFOR (Bueger 2017a, 5). While reports have been disseminated to assist international naval forces in identifying mother ships and patterns of piratical movement, as of 2017, the centres have failed to provide a shared maritime situational picture or meaningful research and analysis of regional maritime developments. As of June 2019, the centre in Sana’a is no longer operational due to the continuing conflict in Yemen (IMO 2020b).

Mombasa Protocol

Spearhead by the host countries of the regional information sharing centres and the DRTC (Kenya, Tanzania, Yemen and Djibouti), as well as other WIO states and with support from the EU, the Mombasa Protocol was signed in 2015. It aimed to establish a sustainable structure for

regional maritime cooperation, define the rules of governance, and reinforce regional cooperation for maritime situational awareness and training by maximising the opportunities afforded by the DCoC agreement (see Mombasa Protocol 2015, 1). In addition, the protocol encouraged other WIO signatory states to renew their engagement with the DCoC under the principle of “integrated concerns and differentiated responsibilities” (Mombasa Protocol 2015, 1). The protocol was motivated in part by the reduction in piracy and a recognition of other maritime security challenges faced by regional states. It also aimed to ensure a structured implementation for full sustainability of the information sharing centres via a “framework of financial contribution” (EU Critical Maritime Routes Programme 2014, 2015).

Jeddah Amendment

The Mombasa Protocol was a prelude to a revision that formalised the scope of the DCoC beyond piracy in 2017 through the Jeddah Amendment, which illustrates the evolutionary and experimental nature of regional maritime security governance. According to the IMO, “The Jeddah Amendment recognises the important role of the ‘blue economy’ including shipping, seafaring, fisheries and tourism in supporting sustainable economic growth, food security, employment, prosperity and stability” (IMO 2017c). The document refers to “transnational organised crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea”, but also explicitly urges regional states to “actively combat piracy and armed robbery at sea” (IMO 2017d, 36). While the amendment focuses primarily on regional approaches under the DCoC, article three explicitly addresses measures at a national level. It calls on participants to develop and implement (a) a national strategy for the development of the maritime sector and a sustainable “blue economy” that generates revenue, employment and stability; (b) appropriate national maritime security policies to safeguard maritime trade from all forms of unlawful acts; (c) national legislation, practices and procedures, informed by national maritime threat assessments; and (d) national legislation which ensures effective protection of the marine environment and sustainable management of marine living resources (IMO 2017d, 40).

Capacity Building at a National Level

IMO's efforts are mostly focussed on building the capacities of WIO states through training courses and table-top exercises with a focus on compliance to international maritime norms. However, it has also facilitated equipment procurement by donating speedboats to the Somaliland Coast Guard for example (Juncos et al. 2017, 20–21). Other examples include table-top exercises conducted in 2016 in Kenya, Mauritius, Tanzania and Yemen, Djibouti, Maldives, Mozambique and the Seychelles. While all these exercises emphasised an integrated approach to compliance with international maritime security conventions (such as SOLAS and the ISPS Code), local context was also factored in the design of the training. For instance, a 2016 exercise focussed on supporting Kenya's national capacity to perform coast guard functions through inter-agency cooperation and the development of maritime strategies and contingency plans (IMO 2016c).

Besides such exercises, the IMO has also undertaken more ambitious and long-term maritime capacity building projects in certain WIO countries. For example, the IMO is implementing the EU funded "Capacity Building for Climate Mitigation in the Maritime Shipping Industry", which will see Jomo Kenyatta University in Nairobi host the regional Maritime Technology Cooperation Centre (MTCC) for the Africa region. Whereas, in Somalia, the IMO has primarily offered technical assistance to Somali legislators to redraft the 1959 Somali Maritime Code for example, or by providing the Ministry of Ports and Marine Transport of the Federal Government of Somalia with draft guidelines for the establishment of a maritime administration department (UN Security Council 2016, 3–4).

In summary, the IMO has been a key player in capacity building in the WIO primarily in the areas of maritime governance, marine safety and maritime response and recovery. The fact that the DCoC constitutes the largest share of the IMO Global Programme is some indication of the importance that the IMO has attached to capacity building in the region. The IMO has also been instrumental in facilitating the Jeddah Amendment to the DCoC, which has significantly broadened the remit of the agreement to address wider issues of maritime insecurity, such as countering illegal fishing and preventing the trafficking of drugs, weapons and people. This amendment will likely encourage regional states to work more closely with the IMO on issues of compliance, capacity building projects and marine safety initiatives given that most regional

states prioritise maritime security threats other than piracy. While the Jeddah amendment illustrates a willingness to broaden the IMO's capacity building remit, the three information sharing centres under the DCoC framework have had limited impact in bolstering regional MDA capacity and the DRTC has not yet become the "centre of excellence for regional maritime security training" that was envisaged by IMO Secretary-General Koji Sekimizu in 2015 (IMO 2015).

INDIAN OCEAN FORUM ON MARITIME CRIME AND UNODC'S GLOBAL MARITIME CRIME PROGRAMME

The UNODC is one of the main capacity building organisations in the region and its work focusses in particular on the criminal justice sector. Through the creation of the Indian Ocean Forum on Maritime Crime (IOFMC), UNODC has developed one of the main regional frameworks for capacity building and the GMCP is the lead actor in the majority of national capacity building projects in the criminal justice sector in the region.

The UNODC was established in 1997 as the Office for Drug Control and Crime Prevention to support the work of the UN on the "interrelated issues of drug control, crime prevention and international terrorism in the context of sustainable development and human security" (UN Secretariat 2004, 1). It also acts as the guardian of the UN Convention on Transnational Organised Crime. The UNODC began to focus on maritime criminality in the WIO around 2008 following several UN Security Council Resolutions calling for international action to mitigate the effect of Somali-based piracy (see for example UN Security Council 2008).

The UNODC's capacity building work for maritime security, therefore, emerged from the need to procure effective prosecutions for Somali piracy suspects and to ensure that human rights standards were met. This initially focussed on building criminal justice capacity in Kenya, Seychelles and Somalia through a Counter-Piracy Programme based in Nairobi, but gradually extended into a GMCP by 2014 that is active in over 20 countries worldwide. This was illustrative of a general shift towards more holistic approaches to building maritime security capacity after the decline in Somali-based piracy.

UNODC's work was instrumental in developing the criminal justice response to Somali piracy in particular by supporting the innovative Piracy

Prosecution Model and in assisting regional states in developing national maritime law enforcement capacities to combat specific maritime threats, such as drugs trafficking and maritime terrorism (UNODC 2017a).

Indian Ocean Forum on Maritime Crime

The UNODC also established a transregional maritime crime coordination mechanism—the IOFMC—in 2014, which identifies regional capacity building as one of its core functions in supporting the development of a “law enforcement community” around the Indian Ocean. (UNODC 2017a). This “community” approach is reflective of broader international capacity building efforts in the region, in attempting to bolster weak national capacity through supporting regional coordination and deconfliction.

The forum prioritises several categories of regional maritime criminal activity including narcotics trafficking, trafficking in persons and smuggling of migrants, wildlife and forestry crime, illegal fishing and the illicit Somali charcoal trade (UNODC 2015a, 3). Translated into core functions, the IOFMC focuses on (i) maintaining a “network of networks” as a multi-thematic coordination mechanism for regional cooperation and capacity building; (ii) countering maritime drug trafficking through the Southern Route Partnership; (iii) providing the Secretariat role for the Regional Capacity Building Working Group of the Contact Group on Piracy off the Coast of Somalia (CGPCS); (iv) providing the secretariat role for the Indian Ocean Prosecutors Network and responding to Mutual Legal Assistance requests; and (v) providing the Secretariat role for the Law Enforcement Task Force (UNODC 2017a). The wide scope of the forum reflects the extensiveness of trying to organise and govern the maritime security sector at a regional level and highlights the complexity in coordinating diverse actors across a liminal jurisdictional environment. This has resulted in some novel and experimental approaches.

In terms of building criminal justice and response capacity to maritime crimes, the IOFMC has helped identify gaps in the legal and practical capacity of regional states, such as the lack of capacity for maritime law enforcement bodies charged with front-line responses (UN Security Council 2016, 12). More applied efforts include the creation of a regional prosecutors’ network in 2016, which created a forum for senior prosecutors from regional states to discuss mechanisms for better cooperation and share pragmatic information related to maritime crime cases. The forum

has been facilitated by the creation of an experimental online platform to facilitate regular and secure communication between the prosecutors (UNODC 2016, 8). According to the Secretary-General of the UN (UN Security Council 2016, 15), the IOFMC offers Indian Ocean States a “much needed opportunity to coordinate their responses to maritime crime, in particular through its prosecutors’ network, which enables the effective prosecution of transnational maritime crime across the Indian Ocean region” (UN Security Council 2016, 15).

Design and Implementation

In terms of designing capacity building and technical assistance projects, the expanded UNODC GMCP has direct links to the UNODC programmes on crime prevention, transnational organised crime and terrorism² (UNODC 2015b, 10). The Thematic Programme on Action against Transnational Organised Crime and Illicit Trafficking, for example, highlights three core aims in relation to the design and application of UNODC capacity building projects. These are (i) refinement of global tools (such as model legislation and guides), (ii) customised technical assistance through the standardisation of proven approaches (through handbooks, case studies and international standards), and (iii) programme development via the regional programmes which UNODC has already launched (UNODC 2011, 34). In addition, the policy document states that if resources allow, capacity building projects should include “the placement of a pool of experts in different dimensions of transnational organised crime who can...provide advisory services and technical assistance to the Member States in that region on a continuous and consistent basis” (UNODC 2011, 34). This ambition recognises the utility of longer, embedded mentoring approaches but acknowledges that such an approach requires more sustainable donor investment at a bilateral level.

In terms of implementation, a GMCP project document states that “the Maritime Crime headquarters team will provide strategic advice to field implementation, as well as in some circumstances implementing

²Crime Prevention and Criminal Justice Reform Thematic Programme (2012–2015), the Thematic Programme on Action against Transnational Organised Crime and Illicit Trafficking (2011–2013) and the Thematic Programme for Terrorism Prevention (2012–2015).

activities directly where the Office does not have field presence, and in some areas where global synergies are most evident, such as law reform and training” (UNODC 2015b, 10). The UNODC approach reflects to some degree the modern shift in the concept of capacity building towards more fluid approaches to solve societal problems, relying on technology, knowledge and expertise rather than clearly stated objectives (Bueger and Tholens, this volume). Indeed, this need for flexibility emerged as a key issue. Both the GMCP and the DCoC, for example, evolved into more efficient mechanisms because they ultimately recognised the need to be flexible in tailoring capacity building to societal needs. The major drawback of DCoC, as originally drafted and implemented between 2010 and 2015, was its rigid adherence to counter piracy, when it also needed to address wider maritime trade and security issues, which were ultimately recognised under the Jeddah Amendment of 2017.

Piracy and the Global Maritime Crime Programme

Under the Counter-Piracy Programme, the UNODC supported the development of a regional Piracy Prosecution Model. The model was instrumental in bringing a legal finish to Somali pirate trials by facilitating the transfer of suspects arrested by international naval assets to regional states such as Kenya and the Seychelles for prosecution, conviction and imprisonment. The model helped end the improvised policy of “catch and release” caused by the lack of willingness of international actors to prosecute pirates in domestic courts. This illustrated how the objectives of maritime capacity building are often developed in the actual performance of capacity building.

The Counter-Piracy Programme also assisted regional states in creating domestic legislation consistent with the tenets of criminal law and existing international best practice to enable implementation of the Piracy Prosecution Model. In this regard, for instance, Somaliland and Puntland passed several laws in 2012 that facilitated the transfer of prisoners convicted of piracy (UNODC 2017b). In addition, the programme provided training for regional prosecutors, learning exchanges for regional judges, criminal analyst training for intelligence officers, witness protection facilities, courtroom refurbishment alongside handover guidance for international navies on how to present piracy cases for prosecution in regional courts (UNODC 2013b, vii–ix). These practices again reflected the novel and experiential approaches to building maritime

capacity in a liminal environment. By the end of 2013, the Piracy Prisoner Transfer Programme had implemented infrastructural updates and vocational training programmes in three Somali prisons: Hargeysa Central, Mandhera and Bosasso alongside the construction of a sixty-bed prison block in Seychelles. UNODC complemented these efforts with the publication of model laws in mutual assistance in criminal matters and in witness protection, money laundering, and the financing of terrorism (UN Conference on Trade and Development 2014, 34).

The expanded GMCP was divided into five sub programmes focussing on the Indian Ocean, Horn of Africa, Atlantic Ocean, Detention and Transfer, and Management and Analysis. The Indian Ocean programme focuses on a broad range of criminal, prosecutorial and capacity building issues such as stemming the flow of illegal narcotics, people and wildlife; interrupting terrorist finances; fisheries crime; bringing a legal finish to transnational crimes; and supporting “on water” interdiction capacity building (UNODC 2015a, 2016). Emphasis is placed on the gathering, protection and presentation of evidence to prosecutors (UNODC 2015b, xiii). In practice, this involves training and mentoring indigenous judicial personnel to develop “in-house capacity” and local ownership as well as providing customised electronic case management systems and video link facilities to law courts in the Seychelles and Kenya to improve maritime criminal trial efficiency.

In terms of building naval and coast guard capacity, the GMCP has delivered technical training in basic seamanship via external police mentors; MDA equipment and analytical software to monitor irregular maritime traffic in the WIO region; and a boat maintenance course for the Marine Police in the Seychelles to sustainably maintain and service two newly delivered boats in 2015 (UNODC 2015a, 13). Apart from building criminal justice and coastal interdiction capacities, in 2016 the UNODC in association with Secure Fisheries and the Indian Ocean Tuna Commission organised an IOFMC fisheries crime technical meeting in Seychelles to explore ways the region could build capacity to interrupt illegal fishing by, for example, strengthening national laws criminalising fisheries crime.

Capacity Building at a National Level

UNODC attempts to tailor its criminal justice capacity building activities to the specific needs and context of the various WIO jurisdictions

in which it operates (UNODC 2014, 10). These national needs-based assessment approaches, range from physical construction projects, such as the completion of new court buildings in Mauritius and the Seychelles in 2015, to the creation of the Piracy Prisoner Transfer Programme that facilitated the transfer of convicted pirates to serve their sentences in Somali prisons to enhance prospects for rehabilitation and reintegration. Whereas, in Madagascar and the Comoros for example, the focus is primarily on technical assistance and training the navy and coast guard in Vist, Board, Search and Seizure approaches to build capacity to interdict drug traffickers using the southern maritime space as a drop off point (UNODC 2016, 10). In Kenya, the UNODC has been involved in several regionally relevant capacity building activities such as providing prosecutorial guidance for the transfer and trial of suspected Somalia pirates, as well as training in evidence handling procedures and providing transcription services (Kraska 2011, 171). Future capacity building aspires to develop specialised training to help the Kenya Maritime Police Unit to better monitor and respond to maritime threats in northern Kenya, and by increasing operational cooperation between the Kenya Maritime Police and the Rural Border Patrol Agency (UNODC 2017a). Additional approaches by the UNODC in building sustainable maritime capacity include long-term training courses in cooperation with universities and the establishment of networks such as the IOFMC, which meet on a regular basis. This again suggests the importance of a long-term presence as a precursor to building sustainable capacity in the region.

MASE, CRIMARO AND THE EUROPEAN UNION

The EU has been one of the most active international bodies in building maritime security capacity and maritime security has increasingly become one of the organisation's priority areas.³ In 2008, the EU launched its first ever naval operation, EUNAVFOR Atalanta, to respond to piracy within the framework of the European Common Security and Defence Policy (CSDP). This was followed by a civilian led regional maritime capacity building mission EUCAP Nestor (later renamed EUCAP Somalia and focussed on work within Somalia) in 2012. The EU has also supported the DCoC through the capacity building project MARSIC,

³See for example the European Union Maritime Security Strategy of 2014.

which was continued as the broader project CRIMARIO in 2015. In addition, it has also launched a major regional maritime security programme known as MASE which provides the third major regional capacity building framework.

Since November 2011, these multi-sectoral initiatives came under the umbrella of the EU's "Strategic Framework for the Horn of Africa", which was finalised in January 2013. The framework outlined the various security and humanitarian issues that contributed to criminality and disorder in Somalia such as the lack of economic prospects for the population alongside the absence of democracy, rule of law, governance and human security (EU Parliament 2013, 15). In terms of the EU's counter-piracy approach, the strategy noted the importance of "tackling piracy on land and enhancing judicial capacities to arrest, transfer, detain and prosecute piracy suspects; enhancing the coastal security capabilities of the riparian countries; addressing the root causes of piracy on land and encouraging adherence to the Best Management Practices for shipping and improved standards for the maritime security industry" (EU Parliament 2013, 11).

The link between security and development underpins much of the EU's capacity building efforts. Reflecting the United Nations 2030 Agenda Sustainable Development Goal 16 (United Nations (UN) 2016) the EU has consistently underlined that "security is a precondition for development" (Council of the EU 2003) and that "without development and poverty eradication there will be no sustainable peace" (Council of the EU 2007). The 2016 EU Global Strategy for Foreign and Security Policy (EU 2016, 26) emphasises "locally owned rights-based approaches" and "development, diplomacy, and CSDP, ensuring that our security sector reform efforts enable and enhance our partners' capacities to deliver security within the rule of law". Similarly, the EU Maritime Security Strategy and Action Plan (Council of the EU 2014, 5) aims at promoting better rules-based maritime governance through, for example, reinforcing existing maritime security capacity building programmes, while "ensuring local ownership". This approach is comparable with the IMO and UNODC in terms of design and objectives, and more broadly reflects the neo-liberal approach where the goal is to empower people and states to take ownership of their developmental processes.

Design and Implementation

The EU's approach in designing and implementing capacity building projects is influenced by lessons learned from previous deployments, in particular the EU's 2003 police training mission in Bosnia. The so called "Bosnia template" emerged as a framework for capacity building that emphasised long-term police and security sector reform (Korski and Gowan 2009, 15). In practice, this consists of small teams of European experts training and mentoring local law enforcement officials in western policing approaches, including areas such as forensics and evidence collection. While this approach was effective in the Balkans given the context of that region, it has proved largely ineffectual in countries such as Somalia that lack basic security on the ground (Korski and Gowan 2009, 15). The uniqueness of maritime security capacity building meant a more novel and experimental approach was needed—novel in, for example, the launch of the first ever EU naval operation and experimental in the economising of EUCAP Nestor into EUCAP Somalia for example.

The EU operates a five-step process for designing and implementing both civilian and military CSDP capacity building missions such as EUCAP Nestor: (i) monitoring and early warning, (ii) drawing up the Crisis Management Concept, (iii) operation planning, (iv) deployment and implementation, and (v) strategic review (either maintain, refocus or terminate) (Rehrl and Weisserth 2013, 57–59). While this approach is outwardly flexible, in practice EU capacity building processes are complicated by "institutional complexity and hierarchy within the EU", which undermines effectiveness in the field (Juncos et al. 2017, 31).

EUCAP Nestor

EUCAP Nestor was launched in 2012 and represented the EU's first attempt at a civilian led maritime security capacity building mission. While the material successes of the mission were limited, its failures highlighted both the experimental nature of maritime capacity building but also its complexity. For example, project members lacked sufficient prior knowledge of existing capacity building activities (such as that of the IMO and UNODC) and therefore struggled to avoid replication and overlap with these other programmes (Bueger 2013). In addition, there was uncertainty among practitioners how the objectives of the mission (such as how to strengthen regional coordination in the field of maritime

capacity building) would be implemented in practice (see Council of the EU 2012, 40). The ambitious geographical mandate of the mission was also problematic. It aimed to build maritime governance and counter-piracy capacities in Djibouti, Kenya, the Seychelles, Somalia and Tanzania, without sufficient prior knowledge of local context and what type of capacity was actually needed. For example, both Kenya and Tanzania desired physical assets, such as coastguard vessels, yet Nestor's mandate focussed on skills and expertise transfer, and not on the provision of equipment (House of Commons 2013, 22).

EUCAP Somalia

These inefficiencies and redundancies led to the downsizing of EUCAP Nestor into EUCAP Somalia, which is at the time of writing mandated until 31 December 2020 and reflects the evolution beyond piracy to expanded efforts to reconstruct and develop maritime security capacity in the region. It also illustrates the relative challenges of attempting to undertake holistic maritime capacity building. Put simply, "EUCAP Nestor's original mandate was over-ambitious" (UK Parliament 2015). For example, while the mandate of EUCAP Somalia has expanded, its geographical scope has contracted. Due to a relatively small staff and limited resources, it can no longer support maritime capacity building in littoral states, such as the Djibouti and the Seychelles, instead it now focuses exclusively on Somalia with staff relocated to Mogadishu, Hargeisa, Somaliland and Puntland. Moreover, the economising of EUCAP Nestor into EUCAP Somalia illustrates to some degree how the EU has struggled to transfer the management of its maritime capacity building activities in the WIO to local agencies. According to Filip Ejds (2017, 10), "EUCAP Nestor struggled to achieve ownership because it implemented ownership as an externally driven, top-down endeavour. Instead of negotiating with the locals on 'the commonly agreed objectives and principles', the EU designed the mission according to its own needs, interests, and resources and then tried to sell it to its local counterparts".

The expanded mission mandate of EUCAP Somalia prioritises development of civilian maritime law enforcement capacity to carry out fisheries inspections, counter-narcotic smuggling and piracy. In addition, it aims to clarify legislation for the Somali Marine Police and Coast Guard through training and mentoring programmes in the "criminal justice chain" (arrest, investigation and prosecution) alongside the procurement

of “light” equipment (EUCAP Somalia 2017). This work is supported through training workshops, “mock trials” and the development of a regional network of law drafters and prosecutors (EUCAP Somalia 2017). However, in practice EUCAP Somalia (and previously EUCAP Nestor) mostly focus on building the capacity of police services to deal with organised crime ashore with limited progress made on building the capacity of the coast guard and maritime police illustrating again the unique challenges of maritime capacity building as opposed to security sector reform ashore for example (Bauman and Hanssen 2016, 23).

EU CRIMARIO

Apart from EUCAP Somalia, other EU maritime capacity building projects have also evolved since 2013. EU CRIMARIO, funded by the EU (DEVCO Unit B5) and managed by Expertise France with a budget of EUR5.5 million, is the next iteration of the first EU Critical Maritime Routes project MARSIC, which ended in 2015 (EU CRIMARIO 2017a). MARSIC, along with the Project Implementation Unit of the IMO, played an important role in assisting the DCoC signatory countries in developing and delivering capacity building training and mentoring programmes. Central to this was a focus on enhancing information sharing and enhancing regional maritime surveillance by supporting the operation of the information sharing centres established under the DCoC.

CRIMARIO expands on MARSIC by working with littoral states to develop “Maritime Situational Awareness”⁴ in the wider Indian Ocean region through capacity building initiatives. The project aims to achieve this by developing a “new culture” of maritime information analysis by defining specific training and mentoring needs through engaging with academia and existing coordination mechanisms, such as the DRTC (EEAS 2017a). This process illustrates an experimental attempt to bridge some the inherent multijurisdictional and cross-sectoral complexities of maritime security capacity building. In terms of developing operational

⁴The EEAS defines Maritime Situational Awareness (MSA) as “the sharing and fusion of data from various maritime sources such as national and international agencies, the maritime industry, and non-governmental organisations to achieve an understanding of the maritime domain” (EEAS 2017a).

policies and maritime governance, CRIMARIO seeks to standardise operational procedures to mitigate factors that impede maritime response capabilities, such as bureaucratic obstacles and language barriers.

In December 2016, the project announced plans for an Indian Ocean Regional Information Sharing and Regional Management Network (IORIS) platform to be operational by mid-2018. This platform will complement other maritime capacity building efforts projected by CRIMARIO in 2017 such as the creation of a regional AIS server and knowledge platform; national and regional workshops, training exercises; and increased collaboration with partner organisations such as the IMO, CGPCS, EU MASE and ReCAAP (EU CRIMARIO 2017b, 1–2). However, despite an ambitious mandate, CRIMARIO faces challenges in relation to nurturing local buy-in, an underdeveloped association with the shipping industry, transferring intellectual capacity to local agencies and implementing sustainable capacity within rigid time constrictions (Meeting with EU CRIMARIO Representative 2017). Key lessons have been acknowledged in an attempt to overcome some of these challenges, such as the importance of ensuring a collaborative approach at the mandate design phase to maximise local ownership and sustain the capacity that will be delivered (Meeting with EU CRIMARIO Representative 2017).

MASE Project

The EU is also funding the Regional Maritime Security Programme known as MASE, which is coordinated by IGAD and implemented by four regional organisations; IGAD itself, the East African Community (EAC), Common Market for Eastern and Southern Africa (COMESA) and the Indian Ocean Commission (IOC). According to Marjaana Sall, Ambassador and Head of European Union Delegation to the Republic of Mauritius (EEAS 2017b), “the MASE programme’s main objective is to be the vector for regional ownership for maritime safety”. The programme was launched in January 2012 with an initial budget of EUR37.5 million and is partnered with the EU (through its regional missions), the Food and Agriculture Organization of the United Nations (FAO), UNODC and INTERPOL. A central objective of MASE is to strengthen regional capacity for implementing the Regional Strategy and Action Plan against Piracy and for Maritime Security in the Eastern and Southern Africa-Indian Ocean region. This is formulated around five

pillars that correspond with the Regional Strategy and Action Plan as adopted by the ESA-IO Ministerial Meeting in Mauritius in 2010 (see Table 6.1).

Pillar 1, in cooperation with the FAO, aims to foster alternative livelihoods through vocational development initiatives and advocacy programmes against piracy such as the “No Piracy: Alternatives for Youth Living in Coastal Communities of Puntland, Galmudug and Mogadishu” project. This consists of technical training (such as boat building and fish catch management) alongside equipment procurement and cash transfers with an aim to “exploit resources in the fisheries sector to help ensure that households are able to resist, respond and recover from crises, and build sustainable livelihoods” (UN Food and Agriculture Organization

Table 6.1 Five Pillars of MASE project

| <i>Intergovernmental Authority on Development (IGAD)</i> | <i>East African Community (EAC)</i> | <i>Common Market for Eastern and Southern Africa (COMESA)</i> | <i>Indian Ocean Commission (IOC)</i> | <i>IOC</i> |
|--|---|---|---|---|
| Support alternative livelihoods through vocational development initiatives and advocacy against piracy and reinforce maritime coordination mechanisms in Somalia | Develop and strengthen national and regional legal, legislative and infrastructural capabilities for arrest, transfer, detention and prosecution of pirates | Strengthen regional capacity to disrupt the financial networks of pirate leaders and their financiers while also addressing structural vulnerability factors and minimize the economic impact of piracy | Enhance national and regional capacity for maritime tasks and support functions | Develop a regional mechanism for coordination and exchange of information |
| PILLAR 1 | PILLAR 2 | PILLAR 3 | PILLAR 4 | PILLAR 5 |

IOC/MASE Programme. 2016. “Maritime Security in Eastern & Southern Africa & Indian Ocean a Strong Partnership Towards a Safe and Secure Maritime Domain”

[FAO] 2016). Thereby reducing the risk of resorting to alternative criminal livelihoods such as piracy. Pillar 2 is conducted in partnership with the UNODC GMCP and focuses on developing legal, legislative, and infrastructural capabilities with a focus on supporting national criminal justice capacity in Kenya, Mauritius, Seychelles and Tanzania. In practice this has consisted of the provision of interpreters and legal defence teams, upgrades to prison facilities, university accredited training and policy guidance across criminal justice fields, and prisoner transfer and repatriation flights (Indian Ocean Commission [IOC] 2016).

Pillar 3 of the programme focuses on disrupting the financial flows of piracy in collaboration with INTERPOL, the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), the World Bank as well as the UNODC Global Money Laundering Group. Core activities under pillar 3 consist of establishing and strengthening national Financial Intelligence Units, drafting or amending national money laundering laws and regulations as well as strengthening regional capacity to investigate and prosecute financial crimes (European Commission 2013, 6). Pillars 4 and 5 focus on enhancing capacity for maritime tasks including the development of a regional mechanism for coordination and exchange of information. This includes, for example, supporting the development of secure maritime routes, pollution response and sustainable marine fisheries by strengthening regional coast guard functions as well as working with existing EU information sharing projects such as CRIMARIO (European Commission 2013, 6). Regional centres, such as the Regional Centre for Operational Coordination based in Seychelles and the Regional Maritime Information Fusion Centre based in Madagascar, are also engaged to enhance the exchange of information related to maritime security issues under MASE.

Other Capacity Building

Recognising the linkages between maritime security and illegal fishing, the EU is actively supporting the sustainable development of the blue economy in the WIO through various projects including the Smart-Fish programme, which aims to improve capacities of WIO states for the sustainable exploitation of fisheries resources by developing deeper regional integration. In addition, the EU has contributed technical assistance through the African, Caribbean, Pacific states (ACP) FISH II and the Environment and Sustainable Management of Natural Resources

including Energy (ENRTP) programmes as well as funding a Regional Surveillance Plan for fisheries in the South-West Indian Ocean to reduce IUU fishing and contribute to the sustainable management of tuna resources (EEAS 2016).

CONCLUSIONS: CHALLENGES AND COMPLEXITY

As the analysis in this chapter has illustrated, approaches to capacity building vary across the different international organisations and are typically tailored towards the type of capacity that is being built. These range from on-site technical training workshops and the use of embedded mentors to learning exchanges and e-learning platforms. The IMO, for example, focuses chiefly on needs assessment and advisory missions, regional workshops and long-term training courses, which are delivered through the Secretariat and through regional outreach mechanisms. Of the 41 capacity building activities carried out by the IMO in Africa in 2015, 18 were advisory and needs assessment missions, and 23 were national and regional training courses (IMO 2016a, 8). Other IMO approaches to capacity building include assisting with model maritime legislation, reviewing and updating training packages, meeting with heads of maritime administrations and convening conferences (IMO 2016a, 5).

The UNODC, given its focus on building criminal justice capacity, combines different capacity building tools including short-term training workshops and more intensive extended training programmes. It also funds institutional mentors embedded in prisons or maritime security forces, has provided equipment ranging from blankets for prisoners to furniture or computers, and has also built and renovated facilities such as prisons and court rooms. According to an independent evaluation of the UNODC GMCP (Holihead et al. 2015, xiii), “Police mentors have proved to be particularly effective, and overall the practice of providing long-term ‘embedded’ mentors has been a positive one”. In Somaliland, for example, UNODC police mentoring has been ostensibly effective in bolstering the capacity of the Somaliland Coast Guard. Other UNODC approaches, such as learning exchanges, for example, emphasise experiential learning from both participants and international experts and have emerged as the UNODC’s main forum for training in counter-piracy issues for the Seychelles, Mauritius, Kenya and Tanzania (UNODC 2013a, 7). In 2015, the GMCP established the IOFMC, which serves as an active contact group for regional maritime law enforcement and has

“effectively bridged a major gap” relating to regional law enforcement coordination (UNODC 2018, 10).

The EU adopts a self-styled “comprehensive approach” to maritime security capacity building in the WIO, which consists of training regional military forces, naval counter-piracy operations and broader maritime capacity building. The civilian led maritime capacity building mission EUCAP Nestor, focused predominantly on “soft” capacity building, such as training, mentoring, advising and monitoring to regional maritime civilian law enforcement entities by way of small teams of European experts. According to a UK Parliament Council Decision (2013), “EEAS’s consistent position has been that Nestor is a framework for transfer of skills and expertise, not of equipment”. The EU also embedded experts within regional maritime security agencies as an alternative approach to training through workshops (Bueger 2013). In addition, marine safety and security capacity building training is often conducted on board EUNAVFOR Atalanta naval assets seconded to the WIO (see for example EEAS 2016).

Challenges in Design and Implementation

The EU, much like the IMO and UNODC, struggled with trade-offs in terms of “capacity substitution versus capacity enhancement”, or between trying to fill a gap quickly and trying to implement longer-term responses (Civil Society Dialogue Network 2015). According to Merket (2016, 338), “While EU officials are generally key experts in their specific area, they not seldom lack information and awareness on the complete picture of the EU’s instruments and their potential—EU delegations—often fall short on security expertise and capacity—most importantly, they are not designed for inter-country or regional coordination”. It is evident that internal issues, such as dislocation between expertise and strategy, affect EU maritime capacity building architectures. Korski and Gowan (2009, 55) have highlighted how the EU tends to view development and security as distinct issues in practice despite EU rhetoric to the contrary, which hampers its ability to intervene in a coherent manner. The former EU special representative for the Balkans, Paddy Ashdown, remarked that “planning for the post-conflict phase should take place at the same time and on the same footing—indeed, preferably with the same people—as planning for military interventions” (Korski and Gowan 2009, 55).

Coordination

This presents significant challenges for coordinating regional wide capacity building projects with local and international organisations and building long-term sustainable maritime security structures. In particular, the failure to consult local agencies or regional stakeholders in the capacity building design phase limited the long-term impact of EUCAP Nestor for example, with several states, including Kenya and Djibouti, refusing to host the mission (Juncos et al. 2017, 42–43). The UNODC has attempted to coordinate its capacity building activities with both national agencies alongside regional and international partners, notably in the delivery of capacity building outputs under the EU MASE Programme. Indeed, the Counter-Piracy Programme of 2009 was established jointly with the European Commission. The UNODC Regional Office in Eastern Africa also coordinates its maritime capacity building activities with those of the EUCAP Nestor, now EUCAP Somalia. According to former EUCAP Nestor Acting Head of Mission Simonetta Silvestri, “EUCAP Nestor’s maritime, police and legal experts will work with the senior management of the Somali Police Force, with a special focus on the Maritime Police Unit, to provide the framework for the operational training and infrastructure rehabilitation carried out by UNODC” (EUCAP Somalia 2016). Whereas, the IMO has signed five strategic partnerships with UN agencies and the EU. These joint agreements “reaffirm the mutual commitments to improving coordination at all levels and across all relevant programmes and activities, with a view to strengthening the capacity of States in the region to deal with piracy, as well as to help develop viable and sustainable alternatives to piracy” (IMO 2017b).

However, in practice coordinating and designing maritime security capacity building has been a complex process, particularly in relation to engaging with local actors and nurturing sustainable local buy-in. UNODC, IMO and EUCAP Somalia coordinate their capacity building in the Somali maritime sector chiefly via email exchange. Experiments, such as coordinating capacity building through a “complex web based tool” of the Capacity Building Coordination Group (CBCG) matrix, were proven to be an ineffective method (Contact Group on Piracy off the Coast of Somalia 2014).

There is also a lack of strategic coherence among international capacity building providers about what maritime capacity building is actually

attempting to achieve and how it can be implemented on a sustainable basis. According to a recent study, “At a minimum, each donor has their own goals and mission parameters, and each is responsible to its own mandate...rather than to the entire project of international capacity building. There are also tensions between the transformative ambitions of the agenda...and the specific praxis of what can be accomplished with available resources, within the timescales of the projects concerned, and in the context of the requirements specific to the organisation or sector whose capacity is being built” (Edmunds 2017, 10).

While maritime security capacity building in the WIO encompasses a broad range of activities—limited budgets, restrictive timescales and inefficiencies in programme design—mean that many projects are transitory in nature and typically centred on short training courses at the neglect of equipment procurement and the necessary capability to maintain this equipment. According to one report, “It would take 10 years to develop a real maritime security capacity. Nothing is sustainable – everything is focused on workshops and trainings, but the Coast Guard does not possess boats or fuel” (Bauman and Hanssen 2016, 40). This is also exacerbated by high turnover rates among staff and experts (Ejdus 2017, 17).

Beyond Piracy

Finally, extending maritime security capacity building beyond piracy is an important step, not only in addressing the systemic causes of maritime criminality, but also in facilitating wider peacebuilding and conflict prevention in Somalia. However, it also makes the design, implementation and political interactions that underlie capacity building projects much more complicated and intricate as it introduces more stakeholders, institutions, state interests and expertise requirements. The result is an “impressive complexity of overlapping, often competing, almost chaotic array of regional institutions addressing maritime security” in the WIO (Bueger 2017b, 2). As Bauman and Hanssen (2016, 40) highlight, “To be effective, the inter-linked issues of securing sources of government revenue, paying local law enforcement personnel, developing a legitimate fishing license scheme, establishing taxation of trade or other economic activities need to be addressed simultaneously”.

The majority of the capacity building activities discussed in this chapter have enjoyed some short term, technical successes, but have also struggled

in transferring ownership to local partners and agencies for sustainable development of the maritime security sector. The genesis of this shortcoming is a lack of effective coordination in the conception, planning and implementation of individual initiatives with the existing capacities of national agencies as well as other capacity building organisations. This has led to an increasingly experimental approach and, as such, capacity building initiatives have tended to manifest as technically separate activities, rather than as part of a strategically coherent endeavour (Juncos et al. 2017, 30). Without long term, locally buttressed law enforcement capacity, multilateral maritime capacity building efforts in the WIO may be only palliative.

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Kenya: From ‘Sea-Blind’ to ‘Sea-Vision’

Harriet Njoki Mboce and Robert McCabe

INTRODUCTION

Kenya has historically been a nation predominantly focused on land-based resources. Consequently, for a long time, the country concentrated mainly on land-based security challenges with a lower priority given to maritime ones. These land-based security challenges included threats from terrorism, conflict in neighbouring countries, and internal politically instigated post-election violence. A new focus on the ocean emerged mainly as a result of the adverse effects of the upsurge of Somali based piracy after 2005. Despite having a relatively well-established navy, Kenya’s lower focus on enhancing maritime coordination, monitoring, surveillance and enforcement capability, made it relatively ill-prepared to tackle maritime insecurity in its waters.

This imbalance, magnified by the piracy upsurge, and combined with Kenya’s geo-political and geo-economic relevance in the western Indian

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Ocean, led to significant capacity building activity by international partners both at a bilateral and multilateral level. This included the UN Office on Drugs and Crime (UNODC) and the International Maritime Organization (IMO), and saw Kenya adjusting its focus to a more maritime orientated approach and emerging as a regional leader in the criminal justice response to piracy. Piracy, therefore, played a central role in Kenya's emergence as a more maritime focused nation addressing threats to its security through capacity building and reforming its maritime sector. It also advanced the concept of blue growth as a development resource.

This is reflected in, for example, the Security Laws (Amendment) Act 2014, which established a Border Control and Operations Co-ordination Committee; work on developing a national maritime security strategy; the establishment of the State Department for Fisheries and the Blue Economy in May 2016; the establishment of a Blue Economy Implementation Committee in January 2017; as well as enactment of the Kenya Coast Guard Service Act, which established the Kenya Coast Guard Service (KCGS) in 2018. Further, in August 2019, Kenya's President H. E. Uhuru Kenyatta spearheaded initiatives to bring the various maritime security actors within Kenya's territorial waters such as the Kenya Maritime Police Unit (KMPU) under the remit of the KCGS.

Other developments which underscore Kenya's maritime prioritisation include the creation of Kenya's 'Vision 2030' document, originally launched in June 2008, as the country's long-term development blueprint. Proposals included developing fisheries related infrastructure and strengthening monitoring, control and surveillance systems. The document also included plans that led to the first ever global Sustainable Blue Economy Conference, which was held in Nairobi in November 2018.

Kenya has a coastline of 536 km on the western Indian Ocean, an Exclusive Economic Zone (EEZ) with a total area of 142,000 km², and an extended Continental Shelf of 103,320 km² (Kenya Coast Guard Service Act 2018). Despite this vast maritime area and Kenya's demonstrated maritime prioritisation, the marine fisheries and aquaculture sector contributed less than 1% of Gross Domestic Product (GDP) over the past decade, with fishing, boat building, equipment repair, fish processing and other ancillary activities employing around two million people (Kenya Institute for Public Policy Research and Analysis 2018, 74). Agriculture, in contrast, has long been the mainstay of Kenya's economy, contributing approximately 26% of the GDP and providing employment, income, and

food security needs for more than 80% of the Kenyan population (FAO 2014, 7).

This chapter begins by examining Kenya's maritime context and tracing the evolution from a relatively 'sea-blind' country to a more maritime focused one. This is followed by an overview of how Kenya organises its maritime domain and what problems and challenges occur within these spaces including piracy, under-exploitation of marine resources, illegal, unregulated and unreported (IUU) fishing, as well as drug smuggling and limited Maritime Domain Awareness (MDA) structures. The existing legal, policy and institutional frameworks for tackling these problems are also explored as well as how institutional politics and bureaucratic complexity have affected maritime governance. The chapter also examines how security intervention projects under bilateral and multilateral collaborations are implemented and what lessons can be learned from the experience. Finally, drawing on these lessons, the chapter closes by identifying some best practices for maritime capacity building more generally.

AFTER SEA-BLINDNESS? KENYA'S MARITIME CONTEXT

Having achieved independence in 1963, the fledging Kenyan administration was faced with multiple challenges including disputes over land-ownership, a paucity of financial capital, determination of regional boundaries, a secessionist threat from Somalia and internal ethnic divisions—none of which directly related to the maritime domain (see for example Hornsby 2012, 19–90). This post-colonial environment, as well as an inheriting an overtly bureaucratic approach to governance, contributed to Kenya's land-centricity more broadly. This bureaucratic complexity ultimately resulted in a disconnect between issues of maritime governance and coastal management (see McCabe 2019, 332). The Coast Development Authority of Kenya, for example, highlighted this in a report in 2001, 'These sector-oriented efforts...have failed to recognize the relationships and interconnectedness of the coastal environment. In the past, important resources that had symbiotic relationships with others were managed separately. This has been the genesis of coastal management issues' (Coast Development Authority—Kenya 2001).

Despite a traditional focus on land-based issues and, while maritime was not a core political or security priority until after 2005, ocean governance and legislation were not entirely neglected. In 1985, for example,

Kenya ratified the Nairobi Convention, which entered into force in 1996, as part of the UN Environment Regional Seas Programme. This programme aimed to address the ‘accelerating degradation’ of the world’s oceans and coastal areas through the sustainable management and use of the marine and coastal environment by engaging western Indian Ocean countries in actions to protect their shared marine environment (UN Environment Programme 2017). In March 1989, Kenya ratified the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which established the legal order for the maritime domain.

More recently, Kenya’s emergence as a more maritime focused state is particularly evident in its manufacturing-related sub-programme capital expenditure. In 2019/2020, investment in developing and coordinating the blue economy surpassed investment in all other areas including agribusiness, industrial development and business financing with an unprecedented KES3.7 billion allocated compared with just KES100 million in 2016/2017 (Development Initiatives 2019, 25).

The latest focus notwithstanding, Kenya’s historical disassociation with the sea and post-colonial bureaucratic complexity resulted in several issues impacting modern marine sector management, including outdated laws, a lack of a comprehensive maritime strategy and insufficient capacity to exploit the blue economy or enforce regulation. Timothy Walker offers a historical context to this, ‘most African states lack a substantial navy or a coastguard and many conflicts have spilled over land boundaries or land borders...so...there has always been a focus on what is happening on land’ (Muller-Jung 2016).

Maritime Insecurity

The upsurge of maritime piracy in the western Indian Ocean after 2005, was central in prompting Kenyan policymakers to recognise the importance of the sea as a source of economic and political insecurity, and also one of opportunity. At its height, piracy in the western Indian Ocean cost the Kenyan shipping industry between KES31.5 billion and KES42 billion per annum (Otto 2012, 2). Most significant was the reduction in cruise liner visits to Kenyan waters, which dropped from 35 in 2008 to zero visits in 2012, costing the Kenyan exchequer an estimated KES1.5 billion (approximately USD15 million) per annum (Otto 2012, 2).

Aside from piracy, small arms smuggling, drug trafficking, child trafficking, illegal fishing and trawling and contraband activities have also

been identified among other crimes as 'maritime threats to national security' (Kenya Police 2020). In addition, Kenya has also suffered environmental threats and marine safety issues. In 2005, for example, an Indian oil tanker *Ratna Shalini* discharged five million litres of crude oil into Port Reitz creek at the Kilindini Harbour, which caused extensive damage to marine life, including the destruction of mangrove trees as well as causing damage to the marine ecosystem (Wambua 2009, 4; Government of Kenya, Ministry of State for Special Programmes 2009, 12).

More recently in 2009, MT *Voge Trust*, an oil tanker carrying thirty-five thousand tonnes of diesel almost sunk as it entered the port of Mombasa at the Likoni Channel. Action by the Kenya Navy and the ports authority prevented the vessel from sinking (Sambu 2009). In relation to incidences of marine safety, the capsizing of the Kenyan MV *Likoni Ferry* at Mtongwe, Mombasa in 1994 was Kenya's worst maritime disaster in modern times, resulting in the deaths of over 270 passengers (United Press International 1994).

Maritime Boundary Disputes with Neighbouring States

Kenya's maritime environment is further complicated by two major maritime boundary disputes with neighbouring states both relating to some extent with the potential economic opportunities from the sea and the capacity to exploit such opportunities. The first dispute is with Somalia over determination of the maritime boundary including the continental shelf beyond 200 nautical miles in the Indian Ocean and, the second, with Uganda concerning Mizingo Island on Lake Victoria.

The dispute filed by Somalia in 2014 sought to vacate an MoU signed in 2009 over a roughly 100,000 km² area of water in the western Indian Ocean, which both countries contend is part of their maritime territory (International Court of Justice 2014). In February 2017, the International Court of Justice (ICJ) rejected Kenya's preliminary objections and agreed that it had jurisdiction to rule on Somalia's application. The public hearings regarding this dispute are scheduled to open in June 2020. The contested area is purported to contain oil or natural gas reserves and Kenya has reportedly already granted hydrocarbon exploration and exploitation rights to several companies, which may be affected by the ICJ ruling (Van der Berg 2017). Importantly, Kenya has been actively patrolling and therefore upholding its sovereignty of the EEZ border

line along the parallel of latitude since independence. Somalia in contrast, has no ships and has not patrolled the area, which is likely to weaken its claim.¹

The dispute with Uganda over Migingo Island relates to a claim by both nations over ownership of the small island and the adjoining resource rich waters on Lake Victoria. The disagreement escalated in 2004 following a build-up of Ugandan forces and, in 2009, with the introduction of a Ugandan directed permit scheme for Kenyan fishermen living on the island. According to one analysis (Rossi 2016, 666), ‘Problems of colonialism, development, African state-building, national unity, and political consolidation provide context but cannot mask the concentration on emerging resources, such as the Nile perch and oil prospects, as key elements driving this conflict’. In 2016, Kenya and Uganda agreed to form a joint police taskforce to patrol the disputed island and the entire common border area extending to operations countering smuggling and other border policing issues (Otani 2016).

ORGANISATION OF MARITIME SPACES

Kenya’s maritime zones are established in accordance with the 1982 UNCLOS. They are domesticated through several national legislative instruments including the Constitution of Kenya, 2010; Presidential Proclamation of 28 February 1979 as revised through Presidential Proclamation of 9 June 2005 relating to the EEZ; Maritimes Zones Act, Chapter 371 Laws of Kenya; and the Environmental Management and Co-ordination Act, 1999. Maritime zones therefore consist of the coastal zone, territorial sea, contiguous zone, EEZ and continental shelf. The ‘coastal zone’ is defined under the Environmental Management and Coordination Act (EMCA) (Amendment) Act, 2016 and is defined as the ‘geomorphologic area where the land interacts with the sea comprising terrestrial and marine areas made up of biotic and abiotic components and systems coexisting and interacting with each other and with socio-economic activities’ (Environmental Management and Co-ordination (Amendment) Act 2016, 2). The Kenyan Constitution also, for example, in line with the UNCLOS definition, defines ‘land’ as including any body

¹For an analogous case that was brought before the International Court of Justice see: Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. Norway). 1988, available at <http://www.icj-cij.org/en/case/78>.

of water on or under the surface; marine waters in the territorial sea and EEZ; natural resources completely contained on or under the surface; and the air space above the surface (Constitution of Kenya 2010, article 260). Additionally, Section 2 of the KCGS Act defines territorial waters to mean the inland waters, internal waters, territorial sea and contiguous zone of Kenya. This effectively leaves out jurisdiction over the EEZ, which falls within the jurisdiction of the Kenya Navy.

There are two key cross-sectoral initiatives in terms of governing Kenya's maritime domain. They are the Marine Protected Areas (MPAs) and the Integrated Coastal Zone Management (ICZM) policy. The MPAs are divided into National Parks and National Reserves, with Malindi and Watamu Marine Parks and Reserve first established in 1968. According to the Kenya Wildlife Service (2017), there are at present four marine National Parks and six marine National Reserves. The marine parks are fully protected with no extraction or fishing allowed whereas the marine reserves allow restricted fishing rights under specific conditions (McCabe 2019, 334). Dissatisfaction among local artisanal fisher communities on the negative impact of marine parks in Kenya has led to the creation of ad hoc Locally Managed Marine Areas to conserve fisheries and marine resources and as a way of securing alternative livelihood activities (Kawaka et al. 2015, 4).

ICZM is the culmination of early attempts to integrate the management of coastal resources for sustainable development and provide a platform for the various institutions involved in marine affairs to interact and share information. According to Kibiwot (2008, 23) 'It brought to fore concerns of the coastal communities and this has resulted in the inclusion of important issues into the government and donor agencies agendas'. The ICZM policy was developed due to the inefficiency of the largely sectoral based resource management approach in addressing cross-cutting developmental and marine environmental issues (Government of Kenya, Ministry of Environment, Water and Natural Resources 2013, viii). The policy highlights that the coastal and marine environment is a 'limited spatial area' and a 'distinctive system' in which a range of environmental and socio-economic interests interconnect (Government of Kenya, Ministry of Environment, Water and Natural Resources 2013, vi). Despite a recognition of the need for an integrated approach towards coastal and ocean management, the ICZM policy was constrained by

competing interests and lack of priorities among users, limited understanding and experience in the whole process, and lack of funding for programmes (Kibiwot 2008, 23).

In terms of regulation, Kenya has adopted a significant number of international instruments (e.g. UNCLOS and the Maritime Labour Convention, 2006) and entered into multilateral agreements (e.g. Indian Ocean Memorandum of Understanding on Port State Control, 1998; the Southern Indian Ocean Fisheries Agreement, 2006 and the Djibouti Code of Conduct, 2009). In addition, there are multiple domestic legal and institutional frameworks governing Kenya's maritime sector including the Constitution of Kenya (2010) as well as frameworks relating to maritime governance (2006), merchant shipping (2009); fisheries management and development (2016); maritime zones (1989); mining in Kenya's territorial waters and EEZ (2016); petroleum exploration and production (1984); and environmental management and coordination (1999).

A difficulty with Kenya's single-sector regulatory framework approach² is that it has led to multiple regulations and conflicting mandates over identical issues that are often not in tandem with the actual physical environment and socio-economic dynamics (Kibiwot 2008, 63). As a 2009 report from the National Environment Management Authority (NEMA) states (Government of Kenya, NEMA 2009, vii), 'The management of Kenya's coastal and marine resources has for a long time been undertaken through uncoordinated sectoral approaches by various institutions, often operating under conflicting legislations. This situation has contributed to weak control, overexploitation of resources and environmental degradation'. This is compounded by a lack of a national maritime security strategy and existing multiple lines of command and control relating to maritime enforcement.

In terms of legislating for effective responses to marine pollution, for example, Kenya has taken steps to implement the Nairobi Convention on Wreck Removal (adopted in 2008), through enacting the Fisheries Management and Development Act, 2016 and the EMCA. The Fisheries

²A single-sector regulatory framework approach refers to multiple regulatory agencies with responsibility for managing one sector (i.e. marine) as opposed to a multi-sector regulatory approach, which is understood to be the functioning of a single regulatory agency that has responsibility for several different sectors with similar economic and legal characteristics (Hellerstein 2008, 1).

Management and Development Act seeks to protect, manage, use and develop the aquatic resources in a manner consistent with ecologically sustainable development. For example, section 49 of the Act establishes offences relating to pollution of Kenyan fishery grounds.

MARITIME SECURITY ISSUES FOR KENYA: PIRACY, TERRORISM, BLUE ECONOMIC DEVELOPMENT AND MARITIME DOMAIN AWARENESS

The need for a renewed focus on maritime security and development in Kenya is precipitated by significant manifestations of maritime insecurity. These include the impact of Somali based piracy and terrorism, blue economic development and fisheries governance, building MDA architectures and enforcement capacity, and countering narcotics smuggling. These issues represent the core elements in a series of interconnected maritime security challenges facing Kenya, but also the majority of east African coastal states, with the arguable exception of South Africa.

Piracy and Somali Based Terrorism

Somali based piracy, more so than any other maritime security issue, has impacted Kenya both in terms of economic and human security. The attack on the Mombasa bound *Seabourn Spirit* cruise liner by Somali militiamen in 2005, for example, highlighted the negative economic impact of piracy for Kenya, as the liner bypassed Mombasa and diverted to the Seychelles. The attack also hastened a number of maritime security reforms such as the procurement of a high-speed boat to the Port Police for patrolling littoral waters (*Kenya Times* 2005).

Piracy not only focused Kenyan attention towards the maritime space, but it also resulted in significant bilateral and multilateral external maritime security capacity building activity. This has focused primarily on strengthening the criminal justice response to prosecute for maritime crimes through technical assistance and capacity building, but also knowledge and equipment transfer to bolster enforcement capacity. This is discussed in more detail later in the chapter.

Motivated primarily by the negative economic and security implications, Kenya emerged a regional leader, alongside Seychelles, in the criminal justice response to piracy by prosecuting and imprisoning convicted

pirates, with support from significant capacity building engagements with the international community. As early as 2005, Kenya offered support to address the increasingly frequent reports of acts of piracy off the coast of Somalia following an escalation in international attention. According to John Hansen (Interview 2017), ‘the naval capacity to enforce was there, but the capability might not have been as wanted. This could be because of possible directives given (relevance to Kenya) and availability of units at the time, due to maintenance schedules’. In addition, information sharing networks on incidents of piracy attacks were still nascent in the region before 2008.

By 2009, Kenya adopted a more proactive role and became the first regional state to accept Somali pirates for prosecution and detention following several bilateral agreements with the United States and European Union. In addition, amendments were made to the Kenyan Penal Code (section 69(e)) and the Merchant Shipping Act 2009 was drafted, which recognised maritime piracy as a crime within Kenyan jurisdiction even when conducted in international waters. By January 2013, there were 64 piracy suspects remanded, 74 convicted, 17 acquitted and 10 repatriated to Somalia (UNODC 2013a, vi).

Aside from piracy, Kenya has suffered several incidences of terrorism that have impacted both its economic security (through a decline in tourism) and human security (through civilian and military fatalities). High profile attacks—such as the 1998 bombing of the US embassy in Nairobi by Al-Qaeda that killed 224 people, and the 2013 Al-Shabaab attack on the Westgate shopping mall that resulted in over 60 fatalities—placed terrorism high on the political agenda. This was reflected in a speech by Kenyan President Uhuru Kenyatta in 2015 following an attack by Al-Shabaab on Garissa University College, ‘Our security demands that we continue the difficult and daunting task of identifying, separating, tracking and deterring the enemy not only in Kenya but in Somalia, alongside our African and international allies’ (Government of Kenya 2015).

Al-Shabaab has also exploited ungoverned and unpatrolled sections of Kenya’s northern coastline to launch attacks from the sea and in coastal areas, which have included maritime kidnappings and grenade attacks on both civilians and security forces. Kenya responded by sending troops into southern Somalia in 2011 under *Operation Linda Nchi* as well as increasing naval patrols along the coastline of Jubaland (Anderson and McKnight 2014, 7). A 2016 study (Hamad 2016, 130) concluded that

Kenya is extremely vulnerable to maritime terrorism due to the lack of a regional maritime security strategy (including a MDA programme), unpoliced maritime waters and poor cooperation between Kenyan and Tanzanian maritime law enforcement agencies.

Much like piracy, incidents of terrorism have had a negative impact on Kenya's tourist industry. According to one report, 'The coastal towns are the backbone of the country's thriving tourism industry, which has been hit by the fear of terror attacks and the kidnapping of foreigners by Somali pirates from resorts near the border with Somalia' (Coastweek 2016). However, despite an overall reduction in international tourism earnings, in 2016 tourist arrivals grew by 17% while revenues from tourism increased by 37%, with 4 cruise ships calling at the Port of Mombasa in 2017. It is likely that this increase was facilitated by the suppression of piracy and a stronger military presence along the border with Somalia (Central Intelligence Agency 2018).

Blue Economy and Fisheries: Investment in Sustainable Exploitation of Marine Resources

While maritime piracy and terrorism present a direct threat to Kenya's maritime security, an under-developed blue economy and limited capacity to enforce environmental and fishing regulation also pose a threat to Kenya's economic and human security. The estimated annual economic value of goods and services in the marine and coastal ecosystem in the western Indian Ocean is estimated to be USD334 billion, of which Kenya shares just 20%, amounting to roughly 0.5% of GDP (Obiero and Okara 2019, 1). This is derived predominantly from tourism, which accounts for roughly 90% of Kenya's income from the blue economy (Obura 2017). It also illustrates the significant unexploited economic potential from the oceans. According to World Bank Coastal Development Project Coordinator, Jacqueline Uku (Onyango 2017), 'if well-managed...fisheries industry can inject KES245 billion annually to the national economy'.

Since 2007, Kenya has paid more attention to the potential of the blue economy at policy level, as referenced in the Government's 'Vision 2030' development agenda (see Government of Kenya 2007) and by the establishment of the Department of Fisheries and Blue Economy in the Ministry of Agriculture in September 2016. This reflects broader regional aspirations under the 'African Union Agenda 2063', which states

that Africa's blue/ocean economy 'shall be a major contributor to continental transformation and growth' (see African Union Commission 2015, 3). However, current unsustainable national practices threaten Kenya's potential blue economic growth such as declining health in marine resources and traditional small-scale fisheries, the growth in commercial fisheries, conflicts among fisher groups, and in the increased use of gear such as ring nets (Obura 2017). In addition, piracy, illegal fishing and the ongoing maritime boundary dispute with Somalia coupled with the closure of the only tuna processing factory in Mombasa in 2014, has the potential to impede access to potential undersea oil and gas deposits and impact on revenue from tourism and fishing.

Building Maritime Domain Awareness and Enforcement Capacity

Kenya's traditional inattention to the sea as a securitised space, has led to a lack of defined maritime situational awareness structures. This has changed somewhat since the upsurge in Somali based piracy and a growing recognition of the need to know what is happening at sea. Having an accurate maritime situational picture underpins all other maritime security activity. According to an official from the State Department for Maritime and Shipping Affairs, 'The biggest maritime security concern for Kenya is enforcement of maritime laws, capacity building, monitoring and creating a common platform of knowledge for law enforcement agencies for the entire process -this starts with Maritime Domain Awareness' (Interview with official from State Department for Maritime and Shipping Affairs 2017).

Monitoring is primarily conducted via Automatic Identification System (AIS) transponders, but also through utilising human intelligence from the local artisanal fishing community. Beach Management Units (commonly consisting of just one official) maintain a presence in designated coastal areas and receive and report on intelligence from fishermen. This increased engagement with fisher communities as a source of maritime situational intelligence via field stations resulted primarily from a scarcity of constabulary coastal management resources. There is also currently an attempt to synergise maritime projects managed by different agencies. For example, coastal Very High Frequency (VHF) and AIS are managed by two different agencies and there is an ongoing process of operationalisation for integration rather than overlap, which will facilitate coverage of the entire coastline.

Kenya has recognised a need for more patrols, presence and information surveillance, but also enforcement, interdiction capacity and the ability to arrest. A key area of priority for the government is to further build capacity to improve the legal processing of maritime crimes and develop institutional capacity in terms of understanding maritime law, what sanctions are available and how they are implemented (Interview with official from State Department for Maritime and Shipping Affairs 2017).

In terms of enforcement, until 2018 none of the East African Community coastal states had a coast guard. Kenyan and Tanzanian navies have traditionally undertaken both law enforcement and warfare roles, which was an overwhelming task given their limited software and hardware capacities. While intelligence information is a prerequisite for an effective regional maritime cooperation and situational awareness, it is apparent that Kenya and Tanzania, for example, share minimal maritime intelligence information (Hamad 2016, 130–131). The MDA concept, therefore, is still not fully operationalised in Kenya, as the Kenya Navy is not fully mandated to act as the enforcing power despite, until only recently, being the only agency with the organisation, assets and capability to do so. The creation of the KCGS in 2018 was an important step in building coastal enforcement capacity and overcoming these operational constraints.

INSTITUTIONAL RESPONSES TO MARITIME INSECURITY

As has been shown, institutional complexity has been an enduring feature of maritime governance in Kenya. For example, bureaucratic and organisational complexity relating to enforcement of regulations in Kenya's MPA network has been frequently highlighted (Muthiga 2003; Kibiwot 2008). According to Muthiga (2003, 1), 'The Fisheries department has jurisdiction over fishing activities, the forestry department manages the mangrove resources while tourism department licences all tourism activities. Often there is little consultation between these departments leading to user conflicts in MPAs'.

There are still a significant number of national agencies dealing with the management of Kenya's maritime spaces and responses to threats within these spaces. These agencies are required to operate under the direction of the Kenya Maritime Authority (KMA), which is the central agency for regulation and oversight of the maritime industry. It was

established by an act of parliament in 2006 to ‘monitor, regulate and coordinate activities in the maritime industry, and for all other matters connected therewith and incidental thereto’ (Kenya Maritime Authority Act 2006). The agencies include the KMA itself; NEMA, Kenya Defence Forces (KDF), KCGS, Kenya Ports Authority (KPA), Kenya Police, Kenya Wildlife Service (KWS), Coastal Development Authority, State Department for Fisheries and the Blue Economy (under the Ministry of Agriculture, Livestock and Fisheries); State Department for Maritime and Shipping Affairs (under the Ministry of Transport, Infrastructure, Housing and Urban Development); Kenya Marine Fisheries Research Institute (KMFRI) and the Office of the President.

The KMA has oversight of the ‘maritime industry’ and therefore, the private and civilian aspects of the maritime sector. On the operational side, the KMA is dependent on units from the Kenya Navy, KCGS and KPA in case of maritime emergencies, such as Search and Rescue. The KMA has limited operational assets fit for this purpose, including two small boats that are used for localised tasks in harbour. The KMA and Kenya Navy maintain a good working relationship and have recently centralised KMA AIS base stations with Kenya Navy radar stations (McCabe 2019, 343).

In addition to these official governmental bodies and agencies, there are also multiple local resource-user groups and external stakeholders with a vested interest in the governance and management of Kenya’s maritime spaces. Moreover, these groups are directly impacted by how top-down regulations are enforced. In Mombasa, for example, Louisa S. Evans (2009, 787) identified fisher groups and associations, migrant fishermen, boat owners, traders, middlemen, curio dealers, local safari sellers, beach operator groups, as well as hotels and associated water sports operators. The presence of these competing groups further highlights the complexity of marine and coastal governance in Kenya. Given these diverse interests, governance of Kenya’s maritime sector has been referred to as a ‘patchwork of approaches’ including customary management, hierarchical governance, and integrated coastal area management; management tools including marine protected areas, customary gear restrictions, fisheries regulations, licensing, and environmental impact assessment; and initiatives including infrastructure development, investment in fishing technologies, ecotourism ventures, and others (Evans et al. 2011, 21).

Cooperation and Coordination

It is evident that this multi-agency approach to governance of Kenya's maritime zones has previously created duplicity and overlap. For example, as Wambua (2009, 7) notes, both KWS officers and NEMA officials had the power to surveil marine ports and other maritime estuaries in order to meet conservation and management goals. However, in 2014, a Border Management Committee was established under the Security Laws (Amendment) Act as a forum to support cooperation and coordination between the various agencies with responsibility for Kenya's maritime sector. While overlaps still exist, this coordinated multi-agency approach has helped foster trust and improve communication between the different agencies. The Maritime Security Committee operates under KMA structures and oversight and a KMA representative typically chairs the committee meetings. Core agencies, such as the KMA and Kenya Navy also cooperate on an informal basis and have each other's contact information.

Enforcement

In terms of responding to maritime safety and security threats and enforcing constabulary order in Kenyan waters, a 2009 report by the Kenyan Ministry of Transport, highlighted several 'critical issues' that can be addressed at a national level. It states, '...the lack of specialized maritime security corps, inadequacy in coordination between concerned agencies, nonexistence of a maritime security policy, inadequate sea and air transport facilities for security personnel, inadequate tools and equipment, including telecommunications and information technology, lack of essential skills in research in international crime and other security issues, inadequate patrol of both the territorial waters and Exclusive Economic Zone, inadequate liaison with international security agencies for exchange of data, criminal profiles and other general information' (Government of Kenya, Ministry of Transport 2009, 93).

In 2005, when incidents of Somali piracy began to escalate, the Kenya Navy was one of the best equipped in East Africa. Despite this, it had relatively limited capability to effectively patrol and monitor its waters against the threat of piracy and other maritime crimes. At that time there were two fast attack craft, two ocean patrol vessels, two logistic ships and six riverine patrol boats as well as a maritime surveillance radar, which was

established in 1991 (Government of Kenya, Ministry of Defence 2014, 160). As of January 2018, the Kenyan Navy had seven warships and 12 counter-terrorism speed boats as part of the Special Boat Unit. Despite recent procurements, such as the donation of six 4.7 metre-long rigid inflatable boats by the United States in 2015 to boost maritime security capabilities in coastal waters (DefenceWeb 2015), the Kenya Navy is to some degree constrained by bureaucratic procedure as it patrols on request to a specific situation rather than as a mandatory function (McCabe 2019, 342).

Kenya, in partnership with development partners, has made significant strides in equipping the KCGS. After the initial acquisition of the MV *Doria*, which was funded by the Kenyan government, Kenya received over seventeen patrol boats from Japan (Kenya Ports Authority 2020). Despite this significant progress, more capability is required if the KCGS is to effectively police its large jurisdiction, particularly in the context of current and potential future threats.

Blue Economy and Fisheries

In an attempt to control, monitor and enforce fisheries activity, the Kenyan government has created a Monitoring, Control and Surveillance entity under the Fisheries Management and Development Act, 2016. The Act more generally provides for the conservation, management and development of fisheries and other aquatic resources to enhance the livelihood of communities dependent on fishing and established three new authorities; namely Kenya Fisheries Advisory Council, Kenya Fisheries Service, and the Fish Marketing Authority (Fisheries Management and Development Act 2016, 9).

The various enforcement agencies under KMA coordination are tasked with enforcing Kenyan fishery laws in the territorial waters and the EEZ. This is reflective of broader sharing of physical assets between the different agencies with responsibility for Kenya's maritime sector. While this multi-agency approach includes the sharing of resources (i.e. patrol boats), any person arrested in this regard must be handed over to a member of the National Police Service as soon as is practicable. The Kenyan government has also convened meetings with the Indian Ocean Tuna Commission and signed a MoU between Fish-Force and the University of Nairobi. In addition, it has claimed an extended continental shelf with an aim to monitor fish catches and increase government revenue takes from

fishing. The possibility of joint partnerships with fishing companies to maximise income has also been suggested (Meeting with Border Control and Operations Co-ordination Committee 2017).

In November 2018, Kenya hosted the first ever global conference on the sustainable blue economy. The event was attended by over 16,000 participants from 184 countries. It resulted in the 'Nairobi Statement of Intent on Advancing a Sustainable Blue Economy', which captured concrete commitments towards enhancing a sustainable global blue economy. This included voluntary commitments amounting to USD172.2 million in various aspects of the blue economy, as well as several non-monetary commitments in areas like partnerships and capacity-building (Nairobi Statement of Intent on Advancing the Global Sustainable Blue Economy 2018).

REFORMS AND INITIATIVES

Kenya has recognised the need to reform how it governs its maritime sector and has undertaken a number of initiatives at a national level, with assistance from external capacity building providers, aimed at streamlining communication between the multiple agencies with responsibility for the maritime as well as exploiting the blue economy and bolstering coastal enforcement. This section examines several core reforms, specifically the creation of the Border Control and Operations Co-ordination Committee; the Blue Economy Implementation Committee; the KCGS and the Regional Maritime Rescue Co-ordination Centre (RMRCC). These initiatives are driven primarily by economic concerns but also to increase MDA capacity to improve coastal zone security.

Border Control and Operations Co-ordination Committee

The Security Laws (Amendment) Act, 2014 established a Border Control and Operations Co-ordination Committee, which aims to coordinate the exchange of information between the respective agencies responsible for the security and management of the borders (Security Laws (Amendment Act) 2014, 352). The Act is a core foundational document that underpins multi-agency cooperation in the maritime domain. The committee focuses on eliminating a 'silo mentality' and reducing mistrust between the various agencies with responsibility for maritime and

land border entry/exit points. The focus is therefore on shared responsibilities and intergovernmental integration through shared resources and shared work responsibilities designed to strengthen interagency coordination (Interview with official from State Department for Maritime and Shipping Affairs 2017). The committee also represents an opportunity to infuse maritime security knowledge within other government agencies. According to then Kenya Revenue Authority Commissioner General John Njiraini (Capital FM Kenya 2015), the committee is ‘a one stop shop operation at all entry and exit points and will enhance risk management, reduce time wastage and cut costs through information sharing between the agencies’.

Blue Economy Implementation Committee

In 2017, the Blue Economy Implementation Committee was established by Kenyan President H. E. Uhuru Kenyatta and headed by the Chief of Kenya’s Defence Forces General Samson Mwathethe. The primary aim of the committee is to coordinate marine investments while also offering advice to the government on appropriate policies to boost earnings from blue economic activity (Omondi 2017). A key reform proposed by this Committee was for the creation of the KCGS, made up of personnel from various security agencies such as KDF, National Police Service, KWS and customs officials (Omondi 2017). The creation of the committee by the president is indicative of a shift towards recognising the opportunity in sustainable development of ocean resources. According to then Kenyan Agriculture Cabinet Secretary Willy Bett, ‘The fisheries sector will be one of the key pillars of economic growth in Kenya and culminate in opportunities for major investments [and] additional livelihoods for the coastal communities’ (Atieno 2017).

Kenyan Coast Guard Act and the Kenya Coast Guard Service

One of the initial proposals for the establishment of KCGS was captured in the Integrated National Transport Policy of 2009 and championed by KIPPRA as an effective way of handling illegal fishing and piracy. The proposal was informed by the fact that Kenya did not have a singular specialised law enforcement agency to deal with maritime criminal issues under one umbrella (McCabe 2019, 344). The role was traditionally undertaken by the Kenya Navy in conjunction with the KMPU.

The KCGS was subsequently launched in November 2018. The Council with overall responsibility for policy, control and supervision of KCGS is multisectoral. It comprises of Cabinet Secretaries responsible for matters related to internal security, finance, defence, transport, fisheries and environment together with the Attorney-General; Chief of the KDF; the Inspector-General of the National Police Service; and the Director-General of the National Intelligence Service (Kenya Coast Guard Service Act 2018).

KCGS is composed of both a military and a civilian component and has enforcement jurisdiction over Kenya's territorial waters with regard to maritime security and safety. This includes various issues such as pollution control, prevention of illicit trafficking of drugs, goods and firearms, sanitation measures, prosecution of maritime offenders, search and rescue, protection of maritime resources including fisheries, and protection of archaeological or historical objects or sites (Kenya Coast Guard Service Act 2018). KCGS also has a duty to cooperate with and assist other public authorities during emergencies or other public authorities' mandates in the territorial waters.

Regional Maritime Rescue Co-ordination Centre (RMRCC)

While there is no standard operations procedure or strategy document with respect to how Kenyan maritime agencies jointly address challenges, collective responses to a number of maritime issues have been formulated. Kenya's Search and Rescue (SAR) obligations are coordinated through the KMA and the Mombasa based RMRCC. The centre operates as a section under the Maritime Safety Department of the KMA, and coordinates the SAR regions of Kenya, Tanzania, Seychelles and Somalia. Apart from its SAR role, the centre is one of three regional Information Sharing Centres established under the Djibouti Code of Conduct that acts as a focal point for reports of pirate activity and other criminal maritime activity in the central area of the western Indian Ocean.

It operates as a 24-hour information monitoring and sharing portal primarily through the use of two systems—the EU funded 'Mercury' system and the US funded 'Sea-vision' system. These systems provide a real time AIS picture of vessel movement and a direct line of communication with multinational naval assets in the western Indian Ocean. The KMA has, in addition, a standalone AIS, Long Range Tracking and Identification system, and access to other databases for monitoring

marine traffic. A key source of information for the centre is human intelligence provided by local artisanal fishermen on illicit threats and movements (Meeting with RMRCC Official 2017). This relationship is fostered through a principle of reciprocity—with the RMRCC providing emergency training and education in marine business practice to fishermen who in turn are encouraged to report illicit activity that might interfere with this practice.

Strategic Plans

The KMA published a five-year strategic plan in 2012, however, while there is currently no national maritime security strategy, it has reportedly been drafted and is pending approval. The KMA's five-year strategic plan has several aims: (i) to provide direction on how the KMA can provide an enabling environment for the maritime sector in Kenya, (ii) support the implementation of 'Kenya Vision 2030' by strengthening maritime security, (iii) facilitate Kenya to remain white listed by the IMO, and (iv) increase the generation and utilization of Research and Development results in maritime policy development (KMA 2012, xi). A Coordination Framework was also developed to facilitate coordination and collaboration with other actors involved in implementing the strategic plan (KMA 2012, ix).

In 2016, the Ministry of Transport and Infrastructure announced the establishment of a taskforce to assist in developing an Integrated National Maritime Policy based on the Integrated National Transport Policy of 2009. According to the Permanent Secretary, State Department for Maritime and Shipping Affairs, 'an Integrated National Maritime Policy combines social, economic, technical and scientific information to help related resource management agencies understand and make trade-offs for consequences of any decisions that may extend beyond their traditional roles and responsibilities' (Mwita 2016). In 2019, Kenya took over the chairmanship of the Contact Group on Piracy off the Coast of Somalia (CGPCS)—yet another example of its emergence as a nation more focused on maritime affairs.

A range of further maritime programmes and projects are under development but have not been implemented due to 'reduced budget ceilings and tight budgetary constraints' according to the Kenyan State Department for Fisheries and the Blue Economy (Omondi 2017). This includes Marine Spatial Planning and Coastal Zone management projects as well

as a plan to restructure KMFRI to provide human resource capacity for a national blue economy knowledge base to guide investments and development (Omondi 2017).

EXTERNAL CAPACITY BUILDING PROJECTS

There is little history of indigenous training and capacity building for maritime governance and enforcement in Kenya. As such, Kenya has traditionally relied on external assistance. For example, all formal training of naval personnel was conducted overseas up until 1986, whereas at the time of writing, training of naval personnel takes place both overseas and in Kenya with the assistance of external capacity building. Since the upsurge of Somali piracy in 2005, multiple external capacity building projects led by the EU and the UN have been initiated in Kenya to help enhance indigenous maritime security capacity. These have focused primarily on building coastal patrol capability, enhancing the judicial and legal capacity to prosecute and imprison suspected maritime criminals, and training and equipment provision to enhance MDA. In addition, external capacity building led by the IMO has also contributed to promoting an integrated approach to maritime security measures and maritime law enforcement in Kenya, which includes supporting Kenya's national capacity to perform coast guard functions through interagency cooperation and the development of maritime strategies and contingency plans (IMO 2016). Kenya also works with national governments on a bilateral level basis including China, Denmark, Japan, South Africa, the United Kingdom and the United States.

Capacity building can be understood as an experimental practice in which new forms of knowledge about an 'inventive object', such as maritime security, become formed (Bueger and Tholens, this volume). Kenya's move towards the maritime can be seen in this context as a combination of pragmatism and opportunism or, as outlined in Chapter 2, 'experimenting with maritime security' (Bueger and Tholens, this volume). This approach leads inherently to redundancies, failures and lessons learned. Initial capacity building responses to bolster regional counter-piracy responses were not tailored to Kenyan needs, or at the very least, Kenya was not directly involved in the design phase of capacity building initiatives and projects. However, recognising failure and taking lessons learned seriously have facilitated corrective action and positively informed future activities (SafeSeas 2018, 24). For example,

Kenya took more ownership over the process following the development of communication portals (such as Oceans Beyond Piracy) and through its chairmanship of the capacity building Working Group of the CGPCS (Interview with official from State Department for Maritime and Shipping Affairs 2017).

Multilateral Capacity Building

Kenya has benefited from multilateral capacity building assistance, particularly with regard to building criminal justice capacity as well as building the intellectual capacity of its maritime enforcement agencies. Multilateral support was initially offered under the umbrella of counter-piracy assistance but broadened following the decline in attacks after 2013.

UN Office on Drugs and Crime

Kenya's willingness to accept suspected Somali pirates for trial and detention was supported by significant capacity building activity under the UNODC's Counter Piracy Programme (CPP). The programme aimed to build capacity to facilitate 'fair and efficient trials and imprisonment of piracy suspects in regional countries' (UN Office on Drugs and Crime [UNODC] 2011, 3). This pragmatic option emerged mainly due to limited resources and the legal complexity of pursuing alternative options, such as establishing a specialised international tribunal (UNODC 2013a, 6–7). Under the CPP, Kenya benefitted from capacity building primarily in the form of refurbishment work to prisons, the construction of new courtrooms, training of judges, prosecutors, police and prison officers in maritime criminal law, intelligence and investigative techniques as well as learning exchanges with other regional states. In addition to training and construction projects, the CPP also provided Kenya with forensics equipment, information technology, police vehicles, radio and navigation equipment, and other related apparatus (UNODC 2013a, 20).

Taking Shimo la Tewa prison in Mombasa as an illustrative example—which in 2013 held 80 suspected Somali pirates on remand—the UNODC CPP bolstered capacity through the improvement of medical facilities, refurbishment of the dispensary, construction of classrooms for the juvenile detention facility, improvement of water and sanitation facilities, and the provision of prisoner uniforms and vocational training through construction work (UNODC 2013b, 4). However, issues

surrounding the sustainability of international assistance and capacity building emerged in this case in terms of the resources and skills required to maintain the newly procured equipment. For example, the kitchen facilities at the prison were refurbished in 2009/2010, but by 2013 were showing signs of disrepair. According to prison officials they did not have the resources to maintain them (UNODC 2013a, 31). An evaluation report on the CPP also highlights how 'photocopiers have been delivered to the Kenyan prosecutor's office, but the majority now lie unused due to lack of resources to replace printer cartridges or repair/service them' (UNODC 2013a, 32).

This was a common problem for Kenya, as well as other western Indian Ocean capacity building beneficiary states, as international donations were seldom designed with payment of maintenance costs included. When a procurement is made, there is rarely a lifecycle cost calculation included before purchasing and typically the running costs are not budgeted for (Interview with Hansen 2017). Despite uncertainty surrounding the long-term sustainability of these capacity building initiatives, the UN recognised the comparative success of regional piracy prosecutions and commended Kenya, Mauritius, Seychelles and Tanzania for their efforts in both prosecuting suspected pirates in their national courts and imprisoning convicted pirates in a third state after trial elsewhere (UN Security Council 2013, 4).

Since the decline in acts of piracy, the expanded UNODC Global Maritime Crime Programme (GMCP) has broadened the type of capacity it offers to Kenya's maritime sector. This focuses predominantly on enhancing the operational capacity of the KMPU through specialised training programmes and supporting the Kenyan court administration in Shanzu and Mombasa. The maritime law enforcement training focuses on mentoring in practical and core skills such as seamanship, maritime policing and engineering by experts embedded with maritime law enforcement authorities (UNODC 2018). In addition, specialised training is offered on specific maritime crimes, such as narcotic smuggling and human trafficking, alongside practical exercises in Visit Board Search and Seizure techniques at sea. In terms of enhancing the administration of Kenya's criminal courts, the UNODC has invested in the development of an Electronic Case Management system to streamline and lessen the bureaucratic burden of criminal courts charged with hearing piracy and maritime criminal trials (UNODC 2018).

Moving forward, the UNODC has outlined four key strategic maritime capacity building approaches for Kenya (UNODC 2018). These are (i) expansion of Kenyan courts to create more operating and storage space, (ii) more specialized training to help the KMPU better monitor and respond to threats of crime and security in northern Kenya, (iii) increased operational cooperation between the KMPU and the Rural Border Patrol Agency, and (iv) incorporate practical exercises in the maintenance and upkeep of the boat fleet, including developing safety procedures for the conduct of boat maintenance.

International Maritime Organization

The IMO has played an important role in supporting Kenya's capacity to meet best practices in terms of compliance to international maritime regulations. In addition, it has supported Kenya in implementing the Djibouti Code of Conduct and in promoting an integrated, whole-of-government approach to maritime security sector reform. This was evidenced in 2009 with Kenya's inclusion on the IMO's 'white list'—a recognition that maritime education in the country has been brought up to international standards and was compliant with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.

The IMO organises its capacity building training and consultancy activities in Kenya through its Integrated Technical Cooperation Programme, which works closely with the KMA in terms of logistics and planning. It also supports the KMA in reviewing standard operating procedures for the Mombasa Information Sharing Centre with a view to identifying areas for future improvement (MarineLink 2017). The KMA has outlined its commitment to promoting gender equality and empowerment of women in the maritime sector in accordance with IMO Millennium Development Goal number three and hosts the Association of Women in the Maritime Sector in East and Southern Africa (WOMESA), which aims at mainstreaming the role of women in the maritime sector (KMA 2017).

In terms of training, the IMO led a maritime security tabletop exercise in Mombasa in 2016 with officials from all key Kenyan ministries and departments, which aimed to promote national capacity to perform coast guard functions and, more broadly, an integrated governance approach to maritime security and maritime law enforcement (IMO 2016). It has also led scenario-based simulation exercises, mentorship, and practical training for operators from the RMRCC and the Kenya Navy.

In 2017, the IMO announced that Kenya was selected as the host country for its new regional Maritime Technology Cooperative Centre for the Africa region, which is hosted by Jomo Kenyatta University of Agriculture and Technology in collaboration with the KPA and KMA. The centre, which is funded by the European Commission, aims to build capacity for climate mitigation in the world's maritime shipping industry through the delivery of technical co-operation, capacity building, and technology transfer (European Commission 2017; Maritime Technology Cooperative Centre Africa 2020).

European Union

Apart from funding the new Maritime Technology Cooperative Centre under its international cooperation and development scheme, the EU has also contributed to maritime capacity building in Kenya more broadly, although in a more limited way than the UNODC and IMO. In the first instance, this was attempted under its civilian-led capacity building mission EUCAP Nestor (now EUCAP Somalia). EUCAP Nestor aimed to build the capacity of existing maritime enforcement agencies in Kenya to carry out coast guard functions, while delivering training courses and expertise with a view to achieving 'self-sustainability in training' (European External Action Service 2014). However, in practice EUCAP Nestor 'failed to make any discernible impact and suffered particularly from a lack of partner "buy-in"' (House of Commons 2014, 89). This was particularly apparent in Kenya, due to incompatible maritime structures, existing US naval support programmes, and political resistance (Styan 2016, 124). In addition, as outlined above, Kenya was already benefitting from significant maritime capacity from other sources and, therefore was more interested in procuring heavy equipment, such as coast guard vessels, rather than additional training courses, but Nestor's mandate focused on skills and expertise transfer, and not on the provision of equipment (House of Commons 2013, 22).

While EUCAP Nestor failed to enhance Kenya's maritime capacity in a meaningful way, other EU capacity building and development assistance efforts have been more impactful. For example, the EU has part-funded the 'Mercury' live interactive information sharing portal at the RMRCC in Mombasa under the MARSIC programme, which is a key technological innovation that facilitates a direct line of contact with naval assets in the western Indian Ocean. In addition, EU CRIMARIO—the next iteration

of MARSIC—has delivered several training courses for Kenyan maritime agencies to enhance Maritime Situational Awareness. In November 2017, for example, EU CRIMARIO delivered a training course on PELAGUS software, aimed at managing a national AIS network (EU CRIMARIO 2017a). This capacity building training was given to ten specialists from three of Kenya’s main maritime agencies: the KMA, KPA and Kenya Navy.

EU CRIMARIO is also working closely with the KMA to enhance the existing Voice Over IP network initiated with the three regional Information Sharing Centres established under the Djibouti Code of Conduct and committed to provide maintenance and support, including enhanced internet provision, for the KMA for a minimum of two years (EU CRIMARIO 2017b). The objective is to provide a free voice call facility for each of the regional countries to communicate between nominated maritime centres (EU CRIMARIO 2017b). The European Investment Bank and the French Development Agency have offered to finance the modernisation of berths at Mombasa port at commercial rates, however, at the time of writing this has not materialised (Miriri 2019).

Bilateral Capacity Building

Kenya has engaged in several bilateral maritime capacity building activities that range from equipment procurement and training to strategic port investment and construction projects.

Denmark

Capacity building is a core element of Denmark’s strategy document covering 2015–2018 on measures against piracy and armed robbery at sea, which is a follow up to the initial engagement from 2011 to 2014, which had the same focus. An updated priority paper was published in 2019 with a renewed focus on civilian and military supported stabilisation activities through capacity building and mentoring tasks (Ministry of Foreign Affairs of Denmark 2019, 4). A core element of Denmark’s strategy is promoting regional cooperation, ownership and stability in Africa to improve maritime security. In this regard, Kenya and Denmark signed an implementation agreement known as the Maritime Cooperation Programme in February 2016. Through this bilateral security cooperation programme, Denmark supports a feasibility study of an Integrated Maritime Surveillance System for Kenya, conducts operational training

to consolidate MDA capability, and more broadly supports the African Union in implementing its maritime strategy (Government of Kenya, Ministry of Defence 2017). Specifically, the maritime cooperation aims at promoting national interagency cooperation within the maritime domain including cooperation on maritime safety (Ministry of Foreign Affairs of Denmark 2016, 20). As part of the stabilisation support, Denmark has deployed a number of military advisors to Kenya with a dedicated Danish liaison officer seconded to the Kenya Navy. In addition, Denmark has invested in the development of Mombasa Port in terms of infrastructure and capacity building training for port employees (Kenya Ports Authority 2017).

Denmark has been particularly active in supporting the Kenya Navy through capacity building. This includes training and education programmes as well as technical support for maintenance facilities and the provision of spare parts, which has helped to increase the navy's seagoing capability (Ministry of Foreign Affairs of Denmark 2015, 18). It has provided the Kenyan Navy with a mobile maintenance facility, which has been identified as a crucial capacity development (Interview with Hansen 2017). The mobile facility can be mounted on a truck and can access remote stations along the coast for upkeep and repairs, therefore bolstering coastal MDA. In addition, a full mission bridge simulator has been provided for the Kenya Navy by Denmark. This is an important capacity addition for developing a sustainable indigenous training capacity and growing in house expertise.

The full mission bridge simulator is beneficial to both civilian and military maritime training in Kenya. It can provide IMO level compliance and therefore fills a gap in civilian demand for maritime training. In relation to expanding civilian maritime capacity, a five-year agreement was signed in 2017 that facilitates Kenyan marine engineering and nautical science cadets to undertake 12 months of seagoing training—which is a mandatory requirement for securing professional marine qualifications—with a Danish shipping company Det Forenede Dampskibs-Selskab. According to the Kenyan Permanent Secretary for Maritime and Shipping, 'We are really counting on this and other capacity building initiatives to boost the sectors' productivity. The ministry plans to expand maritime training to equip Kenyan youth with the skills to enable them to access seafaring jobs in the local and global shipping industry' (Ilako 2017).

The bilateral relationship is notably strengthened by the long-term presence of an embedded Danish naval liaison officer, which has built

trust and a robust working relationship between both navies. It has also facilitated significant maritime capacity building and learning exchanges between the two nations. This has developed to the point where the Kenya Navy is modelling aspects of its organisation on the Danish Navy model (Meeting with Kenya Navy Official 2017).

United States

Kenya has been one of the largest recipients of United States security assistance in Africa (Blanchard 2013, 16). The United States has provided capacity building to Kenya at a bilateral level primarily for the purposes of improving border control capabilities, counter-piracy, and counter-terrorism through the State Department's Anti-Terrorism Assistance (ATA) programme. In 2003, it provided KES1 billion (USD10 million) for a national anti-terrorism training programme, which contained an explicit maritime dimension. This focused on building the Kenyan Navy's maritime interdiction capability along its northern maritime border with Somalia primarily through embedded experts and training courses. It also facilitated joint coastal deployments between the Kenya Police and Navy given the wider arrest authority of police personnel under Kenyan law (Pope 2005).

Given its focus on maritime counter-terrorism and counter-piracy, US capacity building assistance has predominantly focused on the Kenya Navy and KCGS. Since 2003, the US Department of Defense has provided the Kenya Navy over KES1.7 billion (USD161 million) of hardware assistance and equipment training; KES300 million of professional development; and KES100 million of maintenance upgrades for naval equipment (United States Embassy in Kenya 2018). In 2010, for example, the United States facilitated the creation of a new unit of the Kenyan Navy—the Kenyan Special Boat Unit—as a 'partner force' to conduct counter-piracy and other associated maritime security operations (Whittenberger 2010).

In 2011, the ATA programme provided the KMPU with equipment and funded the construction of a training facility at Manda Bay, where American trainers subsequently delivered courses in maritime security (Prestholdt 2011, 11). In addition to military training, the United States has also provided capacity building training for local fishermen in basic seamanship and maritime professionals in humanitarian relief, small boat operations and basic instructor training (Brugler 2011). In

terms of procurement, the United States donated six patrol boats to the Kenya Navy in 2012 (Nkala 2015). However, in 2018, the United States completed its largest maritime security cooperation programme in sub-Saharan Africa with the delivery of ten Metal Shark boats to reinforce the Kenya Navy's MDA capability and support the development of the blue economy (United States Embassy in Kenya 2018).

CONCLUSION

Maritime security and the ability to police the maritime domain are of paramount importance to Kenya, the western Indian Ocean, and to global supply chains. The historical weakness of maritime governance in Kenya, most notably a state of relative sea-blindness and a siloed approach, has facilitated a range of maritime security threats including piracy, illegal fishing and drug smuggling, thereby precipitating economic losses and security threats to Kenya and the international community.

Consequently, for Kenya, moving beyond sea-blindness is not just focused on improving domestic security. It also includes building regional security partnerships and engagements towards sustainable uncapping of blue economic potential. It is also about growing engagement with a national and regional maritime identity. Therefore, Kenya's renewed focus on maritime affairs and the wider transformation of the maritime security architecture in the western Indian Ocean since the upsurge of Somalia based piracy after 2005, has gone a long way in addressing some of the challenges. Kenya's experience has also highlighted several best practices for maritime capacity building including the effectiveness of embedded mentoring, interagency cooperation and collaboration, and the importance of merging ocean development and maritime security at a policy level through the blue economy initiative. Further, initiatives such as the opening of a maritime museum in Mombasa that specialises in the collection, preservation and display of articles relating to the maritime history of Kenya and the East African coast, illustrate how Kenya is moving from being a sea-blind nation, to one that has a clear vision of the potential as well as the dangers associated with the sea.

Kenya is a success story in terms of regional states taking ownership of maritime security in the western Indian Ocean through capacity building. Despite the positive progress, weak interagency collaboration and coordination continues to be problematic. According to Robert Kibiwot (2008,

iii), an integrated policy framework can only be realised through the ‘harmonisation of activities and programmes related to the coastal and marine areas and having in place an effective legal and institutional mechanism’. In this regard, while establishment of the KCGS in 2018 with a multi-agency Council and the KMA’s five-year strategic plan (see KMA 2012) are positive steps to overcome these deficiencies, the existing multi-agency approach to maritime governance means that overlap, informality and unclear responsibilities endure. An integrated ocean management policy and National Maritime Security Strategy are therefore important keys to help unlock Kenya’s maritime sector potential.

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Seychelles: Island Solutions and Capacity Building Successes

Alvine Marie and Christian Bueger

INTRODUCTION

Seychelles is an archipelagic state at the centre of the Western Indian Ocean. As a country with 115 islands, an Exclusive Economic Zone (EEZ) of 137 million km², but a population of less than 100,000, it is a microstate but a grand ocean nation. It has written a considerable success story. Although heavily dependent on income from the volatile sectors of fisheries and tourism, Seychelles became listed by the OECD as a high-income country in 2016. In the 2017 Mo Ibrahim Index of Governance in Africa the country was listed at place two, which reflects the high degree of governmental stability and services to citizens.

This chapter investigates how Seychelles organises its maritime security governance and how the country has drawn on external capacity building to develop it. The country provides a case that demonstrates how

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countries can productively benefit from external capacity building, but also reveals how maritime security remains an ongoing challenge despite significant achievements.

Due to its dependency on the sea, Seychelles is a nation in which the blue economy and maritime security are not only intrinsically linked, but also present similar goals. Maritime security is organised and governed through a range of coordination initiatives, including a Blue Economy Department, a National Maritime Domain Awareness centre, coordination committees, a Marine Spatial Planning initiative, as well as a maritime security strategy. Piracy, fishery crimes and the smuggling of narcotics are the most pressing maritime security challenges for the country. For each of these challenges there is a clear lead agency in charge. The country has a coastguard, which is under military command, and also performs naval functions. Other lead agencies are the Fishing Authority and the Anti-Narcotics Bureau, each of which has its own assets and officers with policing powers, including the power to arrest.

Somali based piracy was a crucial issue for Seychelles. Not only was the country directly affected given its vicinity to Somali waters, but it was the vital trigger by which Seychelles could garner external support. From 2010 onwards, the country benefitted from various capacity building missions and received substantial bilateral donations for its maritime security and criminal justice sectors. The way that Seychelles has benefitted from these efforts, is widely considered to be a role model for how external capacity building can succeed. While this chapter details elements of that success story, the country still faces substantial challenges related to the scarcity of its financial, material and human resources and the task of enforcing the law in such a vast ocean space.

We first explore the organisation of maritime space of the Seychelles and investigate next how maritime security has become a core concern of the island state. We then discuss the three main maritime security issues—piracy, illegal fishing and the smuggling of narcotics—, how the country is affected by them and how institutional responses have been developed. We end in reviewing how the country benefitted from capacity building and discuss the country's ongoing projects. The chapter demonstrates, that despite the considerable success of maritime security capacity building, the country continues to struggle with establishing a well-integrated, coherent and orchestrated national maritime security sector.

SMALL ISLAND STATE—GRAND OCEAN NATION

Due to its reliance on the exploitation of ocean sources, and dependency on imports through shipping, maritime security is a national security priority and the ocean is at the heart of the Seychelles economic development. Indeed, for Seychelles the blue economy and the national economy are inextricably linked as are maritime security and national security.

The Seychelles is a remote archipelago in the western Indian Ocean approximately 4° south of the equator, with the coastline of continental Africa about 1500 km from the main island of Mahe. With only 455 km² of land mass and a population of less than 100,000 permanent residents, the country is a paradigmatic small island state—but a big ocean nation. The EEZ of Seychelles is the second largest in Africa. Seychelles economy is dependent on the sea and relies heavily on ocean and marine resources. Fisheries and maritime tourism are the two key pillars of the economy (Domingue et al. 2013, 1–2). About 14% of the country's GDP and 92% of the exports come from the fisheries sector and 13% of the population is employed in it (World Bank 2013). Seychelles hosts the second biggest tuna canning factory in the world. With more than 2300 employees it is by far the largest employer in the country. 83% of the GDP comes from tourism and tourism-related jobs account for about 40% of the national workforce (Government of Seychelles 2017, 12). The sea also provides a vital source of nutrition. Fish is the primary source of protein, accounting for 47% of total animal protein intake in the country, the highest in the African region, and among the highest in the world (FAO 2014, 24). Given the small land mass, the countries agricultural capacities are limited, making it dependent on the import of food, including vegetables. Hence, almost 80% of the food consumed by the population is imported.

Seychelles combined coastline is approximately 600 km long, and the oceanic shelf totals 43,000 km² (Domingue et al. 2013, 7). In compliance with the principles of UN Convention on the Law of the Sea 1982 (UNCLOS), the country has settled its maritime space and boundaries through the Maritime Zones Act 1999 and the Maritime Zones Order 2008. Seychelles shares maritime boundaries with Tanzania, France (La Reunion), and Mauritius and all maritime boundaries are agreed on with her neighbours through bilateral treaties. There are no maritime boundary disputes or tensions that exist between Seychelles and neighbouring states in the region. In 2012 Seychelles and Mauritius signed a treaty for the joint management and jurisdiction of the continental shelf of

the Mascarene Plateau Region, adding to both countries an area of almost 400,000 km² (Seychelles Nation 2016). Therefore, close collaboration in maritime security with Mauritius is crucial.

The government has increasingly put more emphasis on conservation and environmental protection. Fourteen marine zones were labelled as Marine Protected Areas (MPA). The MPAs have different intents and purposes, and are hence managed by different authorities, including the Marine Parks Authority, the Seychelles Fishing Authority, the Seychelles Island Foundation and the Island Development Company (Domingue et al. 2013). So far, there are no areas explicitly allocated to fossil fuels or renewable energy extraction. Fossil fuel exploration in Seychelles waters has been undertaken by several companies, and while there is the expectation, no exploitable deposits have been discovered yet (Petro Seychelles 2017). There are currently no zones reserved exclusively for fishing within the Seychelles EEZ, yet, there are nine zones set out under the Seychelles Fisheries Act 1987 where fishing by foreign vessels is prohibited.

As will be explored in more detail, piracy off the coast of Somalia has been understood as an immediate national security priority threatening the supply lines of the country and having adverse impact on the two core economic sectors. As a governmental publication argued in 2014, “piracy has been a major issue affecting the performance and effectiveness of Seychelles’ Blue Economy and a major brake on the islands’ future prosperity” (Government of Seychelles, Ministry of Foreign Affairs 2014). In consequence, Seychelles has in the last decade been at the forefront of the fight against piracy in the Western Indian Ocean. On the one side, it deployed resources including its defence forces and coast guard, and became one of the main states prosecuting piracy suspects (Larsen 2015). On the other side, the country became one of the main recipients of external capacity building to improve its judicial sector, seagoing law enforcement as well as maritime domain awareness in order to deal with piracy.

In addition to piracy, two other maritime security issues are recognised in the country as significant threats, that is illegal fishing and the trafficking of narcotics at sea, both seen as presenting a threat to the national economy. The ambitions of the government in tackling such forms of maritime crime areas are high. For the government it involves “transitioning from being the Indian Ocean hub for counter-piracy operations and prosecutions to becoming a hub for maritime security and transnational crime fighting coordination in the region, contributing to the

protection of the maritime domain” (Government of Seychelles, Ministry of Foreign Affairs 2014).

The Seychelles government also has proactively aimed at identifying innovative and sustainable solutions for the exploitation of ocean resources. The government under the former President James Michel became a leading voice in developing the concept of blue economy as a new way of thinking about the economic potential of the sea in a sustainable manner (Bueger and Wivel 2018). The concept aims to enhance marine-based economic development to bring about improved human well-being and social equity, while significantly reducing environmental risks and ecological scarcities (Seychelles Blue Economy Roadmap 2014). The government did not only advocate for the concept on a regional and global level, but also used the blue economy as a guideline for coordinating governmental activities. In 2015, Seychelles created the Blue Economy Department within the Ministry of Finance, Trade and the Blue Economy, with its primary role to coordinate and facilitate the synchronisation between existing sectors, institutions and industries.

The Department launched a National Blue Economy Roadmap and a major marine spatial planning initiative to better coordinate the use of the country’s waters. The Marine Spatial Planning Initiative (MSP) is the outcome of a 24 million US\$ “debt for nature” swap signed with the NGO Nature Conservancy. As part of the first phase of the MSP initiative, in February 2018 the government of Seychelles announced the creation of two new marine protected areas covering 210,000 km², the size of the island of Great Britain. The first marine protected area includes 74,400 km² of waters surrounding the extremely isolated Aldabra archipelago that is home to the world’s largest population of rare giant tortoises. The second marine protected area covers 136,000 km² of a commercially important stretch of ocean between the Amirantes group of islands and Fortune Bank. The creation of the marine protected areas is part of a debt-for-nature deal that will allow the Seychelles to restructure its national debt in exchange for protecting 30% of its exclusive economic zone (Mongabay 2018). It remains to be seen whether energy extraction zones will effectively be integrated in the plan.

If both initiatives are primarily economic and environmental policies, they also entail a significant security component. One of the expected results of the blue economy strategy is, for instance, “greater protection for Seychelles ocean space and resources through better coordination across different sectors, application of protective measures and greater

use of surveillance and enforcement tools” (Government of Seychelles, Ministry of Finance, Trade and the Blue Economy 2014). In 2017, it was announced that the blue economy strategy will be complemented by a maritime security strategy to be finalised in 2018. Before we investigate these initiatives, we discuss the three major maritime security issues and the institutional responses to them.

MARITIME SECURITY ISSUES AND RESPONSES: PIRACY, ILLEGAL FISHING AND NARCOTICS

For decades, maritime security was not a main concept or top priority for the country. Since the country gained independence in 1976 and Albert Rene ran the government as a non-aligned socialist single-party state, the main security concern was governmental stability, national sovereignty and pre-empting outside influences or even an invasion. These were the main tasks given to the Seychelles People Defence Forces. In the 1990s, the country democratised and opened to multi-party elections, with the opposition party winning parliamentary elections for the first time in 2016. Seychelles does not maintain any formal security alliances, but a range of informal security partnerships, including with its former colonial powers France and the UK, or international partners such as the US, China or India and the neighbours of the Indian Ocean Commission.

Maritime security emerged as a priority area following the outbreak of Somali piracy from 2008 onwards. By 2017, governmental officials have highlighted that the countries major maritime security threats in addition to piracy, include illegal fishing and the trafficking of narcotics. In this section, we investigate the scale of these issues by reviewing the data and evidence available for how the country is affected by them and discuss how Seychelles has responded. We start with the problem of piracy, and discuss subsequently illegal fisheries and drug trafficking.

Piracy

As the then President James Michel argued in 2010 “in its modern form, piracy in the Indian Ocean is potentially one of the most disruptive forces to sustainable economic development” (Seychelles Nation 2010). Although attacks have become rare since 2012, officials and interlocutors continue to highlight in 2017 that piracy is the most prevalent maritime

security threat. The zenith of Somali piracy between 2008 and 2012 highlighted the vulnerability of Seychelles to piracy activity. Given the vicinity of Seychelles to the Somali shore, the citizen's sovereignty and economy has been severely affected by pirate activity in three ways.

Firstly, Seychellois have been taken hostage by Somali pirates. In 2009, there were two major incidents of Somali pirates hijacking vessels and taking Seychellois crew members as hostages. In 2010 and 2011, there were also three incidents in which pirates hijacked Seychellois fishing vessels. However, the Seychelles Coast Guard managed to successfully rescue these vessels and their crew members (Seychelles Department of Foreign Affairs 2010). Secondly, suspected pirates attempted to use Seychelles uninhabited islands as hideouts and logistical bases to launch attacks. In 2011, the Minister for Environment and Transport Joel Morgan leading the Seychelles' anti-piracy efforts, admitted that there was a "very real concern" that the islands could be used by pirates to become a base or staging post (Smith 2010). According to the minister "on three or four occasions, when the authorities have assessed the threat to be real enough, they have positioned ground troops on some of the outer islands as "a defensive and precautionary measure" (Smith 2010).

Lastly, piracy had a direct effect on the Seychellois economy. The two core economic sectors—fisheries and tourism—were directly affected leading to considerable loss of revenues. According to data from *Oceans Beyond Piracy* (2010, 21), revenues from fisheries as well as from the tourism sector declined considerably. It has been estimated that between 2008 and 2010, the tourism sector experienced a 27 percent drop in business turnover" (Government of Seychelles, Ministry of Foreign Affairs 2014, 35). The fishing authority recorded a drop of licensed purse seiners of 11% in 2010 and 30% in 2011 attributed to piracy (Seychelles Fishing Authority Report 2016).

To respond to the issue, Seychelles became part of the multilateral response to Somali piracy. In the first instance, it provided a hub in the fight against piracy (UN Security Council 2009). Naval vessels involved in counter-piracy efforts in the region visited the port of Victoria on a regular basis for maintenance, supplies and for crew rest and recreation. Reconnaissance planes operated from the airport of Mahe for surveillance of the nearby waters including the Maritime Patrol and Reconnaissance Aircrafts operated by EUNAVFOR. These planes played an important role in counter-piracy missions by gathering and providing intelligence information and pictures (EUNAVFOR 2014). The US also operated

unmanned aerial vehicles to carry out reconnaissance missions to help combat piracy (Shepardmedia 2009).

Seychelles took an active role in the prosecution of piracy suspects and the imprisonment of convicts (Alma and Uranie 2015). For that purpose, the government signed a series of transfer agreements, including with the EU, the UK, Denmark and the US. In 2011 Seychelles also signed agreements with the Transitional Federal Government of Somalia and the authorities of Puntland and Somaliland, relating to the repatriation of Somali piracy convicts to serve the remainder of their sentences in Somali prisons (Eturbonews 2011).

A centre for the support of regional law enforcement and intelligence gathering was installed in Seychelles. The main objective of the Regional Fusion and Law Enforcement Centre for Safety & Security at Sea was to act as multidisciplinary and multinational centre for law enforcement cooperation in partnership with Seychelles, wider Indian Ocean nations and international partners, to combat the threat from regional piracy and maritime linked transnational organised crime (Regional Fusion & Law Enforcement Centre for Safety & Security at Sea 2017).

The government also committed significant resources to multilateral coordination, when it took over leadership roles in the Contact Group on Piracy off the Coast of Somalia (CGPCS). Initially, the Seychelles co-chaired a working group on operations at sea. In 2016 and 2017 it took over the more extended role of the overall chairmanship of the CGPCS. Led by the Ministry of Foreign Affairs, Seychelles played a significant role in steering the international discussion of how to continue the fight against piracy in the face of the absence of actual attacks between 2013 and 2016, and the resurgence of lower scale piracy activities in 2017.

While Seychelles remains dependent on foreign naval support to control piracy, significant efforts were made on a domestic level. In response to the rise of piracy in 2008, in particular, the first attack on a Seychelles flagged vessel in February 2009, the government installed a High Level Committee on Piracy. The committee was chaired by Minister of Home Affairs, with the Minister for Foreign Affairs acting as co-chair. The committee was complemented with a technical working group.

At a national level, the Seychelles Coast Guard (SCG) is the primary operational agency with responsibility for addressing piracy. The SCG was created in December 1992 as a branch of the Seychelles People's Defence Force and is de facto more a navy than a coast guard. It is a maritime, military, multi-mission service, hence it performs functions with regard to

national security as well as the majority of coastguard functions, including Search and Rescue.

The SCG's headquarters is a USD15 million base on Ile perseverance, Mahe donated by the UAE in 2011. The base has a surface area of 30,000 m² and includes a command centre, a jetty, a helicopter pad, hangar, repair and staff facilities (Seychelles Department of Foreign Affairs 2011). The SCG has a fleet of 15 boats, including four patrol vessels over 40 metres in length, three between 20 and 30 metres and eight for fast response. All the boats in SCG's fleet are donations from Seychelles' regional partners; chiefly India followed by the UAE and China.

Apart from its base at Ile perseverance, the SCG in 2016 completed the installation of a new coastal radar surveillance system provided by India. The radar system is intended to enhance maritime domain awareness and monitor external threats to the island nation's maritime boundaries. From a central station located at the SCG headquarters, the system coordinates six individual radar surveillance stations set up on five different sites with two on Assumption and one each on Alphonse, Farquhar, Astove and the main island Mahe. The setting up of the surveillance system in the Seychelles is part of a broader Indian Navy plan to roll out 18 coastal surveillance radar systems at strategic points throughout the Indian Ocean Region, reflecting Seychelles geostrategic importance (Nkala 2016).

In 2015, Seychelles and India signed a memorandum of understanding for the Indian government to build a military base on the island of Assumption. The base on Assumption is viewed by the SPDF as being in a strategic location that will allow the Seychelles military to better undertake surveillance of the EEZ, and respond faster and more efficiently in cases of reported incidents in the area. Following resistance to the agreement from the opposition and civil society it was revised in January 2018, but then essentially cancelled in June 2018 (Seychelles News Agency 2018a). While there are ongoing plans to build a naval station on the island, it is unclear to what extent India will be involved in it.

The SCG conducts regular patrols and maintains a rapid response team. Increasingly it is moving towards intelligence led operations. The SCG relies on the Seychelles Air Force to provide intelligence support via aerial surveillance, but also reacts to reports by the Seychelles fishing fleet, or other agencies and actors, including international partners.

Illegal Fishing

The second major maritime security priority of Seychelles is illegal fishing. With fish stocks in the region under significant pressure, illegal fishing exacerbates the decline of fish in the region and threatens one of the core pillars of the country's economy as well as food security. Given the vast size of the EEZ and the lack of monitoring capacities, collecting material evidence of illegal marine activities is challenging. Fishery crimes primarily manifest on three levels. Firstly, fishing by unlicensed foreign vessels that do not report to any authority, secondly, unregulated and under-reported fishing by licensed foreign or local fishermen, and thirdly, the largely unregulated character of recreational and sports fishing.

Seychelles actively monitors its licensed fishery fleet. The main concern is foreign fishing by vessels below the 24-meter mark, which is not traceable through current tracking systems, such as AIS and only becomes visible through active surveillance, patrolling or intelligence work. A particular concern is illegal fishing by vessels from regional countries, reflected by a series of interceptions of regional vessels engaged in illegal fishing activities.

In 2010 four Iranian vessels were apprehended in the Mahe plateau area and fined for fishing without a valid fishing licence (SFA Annual Report 2010). In 2012 a Sri-Lankan fishing vessel was caught fishing without a valid licence in the same area (SFA Annual Report 2012) and in 2013, a Malagasy vessel was apprehended close to the Amirante island group (SFA Annual report 2013). Seven suspected cases of illegal fishing were brought to court in 2019, with four out of the seven cases resulting in successful prosecution in the Supreme Court of Seychelles (Seychelles News Agency 2019a). Nevertheless, the authorities believe that there are many more vessels that operate in Seychelles waters illegally without being detected. The lack of manpower and resources means that surveillance of the Seychelles EEZ remains a major challenge (SFA Annual Report 2013).

For addressing the problem of illegal fisheries, the Seychelles Fishing Authority (SFA) is the lead agency. The SFA is a parastatal organisation which functions as the executive arm of Government for fisheries and related matters. Its mission is to develop the fishing industry to its fullest potential and to safeguard its sustainability. The Authority was created in August 1984 by the Seychelles Fishing Authority (Establishment) Act, at

a time of intense development in the sector, especially in foreign industrial tuna fishing.

The SFA operates a satellite-based Vessel Monitoring System (VMS) that provides at regular intervals data to the SFA concerning the location, course and speed of fishing vessels. It is compulsory for all larger registered vessels fishing in the territorial water and EEZ. VMS data is monitored by a team in the SFA headquarters in the port of Vitoria. SFA employs a range of inspectors in the main fishing ports that ensure compliance with fishery regulations. In addition, it maintains one vessel for research and inspections at sea. On a domestic level SFA collaborates closely with the armed forces (SCG and SAF) and the Anti-Narcotics Bureau (ANB) and other bodies such as customs, chiefly in terms of mutual information sharing concerning suspicious activity at sea. On an international level, SFA collaborates with the Indian Ocean Tuna Commission, which sets the quotas for migratory species in the Western Indian Ocean and also maintains a list of registered fishing vessels. It benefits from a partnership with the EU, and has been involved in the two main regional projects to address illegal fishing: the Smart Fish project of the Indian Ocean Commission and the Fish-I initiative for the sharing of intelligence among regional countries.

Narcotics

With the shift of the trafficking of Afghan heroin to what is known as the Southern Route, Seychelles waters have become part of a major trafficking route and the country increasingly is a target market. In the Southern Route opiates travel southwards “from Afghanistan, either through Pakistan or the Islamic Republic of Iran, crosses the Indian Ocean and targets Africa, Europe, and Asia” (UNODC 2016, 10). The main route runs from Pakistan and Iran across the Indian Ocean to the Eastern seaboard of Africa (UNODC 2016, 24). According to a 2016 UNODC report, “Eastern Africa has begun to emerge as a major landing point for large consignments of Afghan heroin that are trafficked across the Indian Ocean. Since 2010, an upsurge in seizures has been noted both in the region and off the Eastern African seaboard” (UNODC 2016, 21). The 2014 seizure of a ton of heroin off the coast of Eastern Africa underlines the significance of the route (Combined Maritime Forces 2014). The use of the Seychelles water as trafficking route and as a target market induces a significant influx of heroin that affects the country significantly.

In a 2017 state of the nation address President Danny Faure argued that the country needs to “to wage two wars – one to reduce the quantity of drugs entering the country and one to reduce the demand for drug consumption in the country” (Bonnelame 2017). Estimates suggest a growing number of heroin users in the country. A 2011 report estimated about one thousand users (Amla 2014), while figures of 2017 indicate up to five thousand (Saigal 2019). Drug abuse has accelerated a number of other problems, such as an increase in the number of commercial sex workers in the country. Although there has been no recent study, health officials believe that level of prostitution in the country is on rise, especially among drug users which rely on the income to fund their addiction (Today in Seychelles 2017).

While seizures from Seychellois law enforcement agencies remain limited, recent successes also point to the scale of the problem. According to the National Drug Enforcement Agency (NDEA) 150 kg of heroin were seized in 2016. Out of these about 100 kg come from a single seizure in mid-April of that year. Drawing on intelligence provided by CMF, the SCG in a joint operation with NDEA boarded an Iranian dhow in Seychelles territorial waters off the coast of Bird Island (Uranie 2016). The dhow was registered as a fishing vessel, but no evidence for fishing activity was found. According to an NDEA official “the drugs originated from the Makran Coast, between Iran and Pakistan” and intelligence points out that “the consignment was destined for Tanzania” (Uranie 2016).

The Iranian dhow incident points to the link between fishery crime and the trafficking of narcotics. Officials have frequently highlighted that criminals are often involved in both activities (Interviews with law enforcement officials 2017). Fishing vessels are the main mean of transporting narcotics. Moreover, vessels might transport narcotics westwards and engage in illegal fishing on the way back to the east.

Counter-narcotics was managed until 2018 by the NDEA. Thereafter the Anti-Narcotics Bureau (ANB) was formed out of the NDEA and integrated within the Seychelles Police Department under the Visible Policing and Specialised Operations branch. The main objective behind this move was to maximise resources and also to have better coordination in law enforcement with the roles and functions of this agency falling directly under the supervision of the Commissioner of Police (Seychelles Nation 2017a).

Carrying over the tasks and capacities of the NDEA the ANB has a considerable maritime component. According to the NDEA website, by 2016 the marine unit had five agents, out of which two agents have nautical skills and hold a skipper licence (NDEA 2016). According to the same report, the marine unit has five vessels. An open boat primarily used to transfer agents between islands, three second hand DV-15 boats that arrived in March of 2016, of which one is operational, and a ten year old interceptor, that was not operational. The agency does not have its own mechanical team, and hence the maintenance of vessels is costly. In November 2019, the UAE donated four high speed Yamaha jet skis to the ANB, and they are to be used to conduct maritime operations in the waters of Seychelles (Seychelles News Agency 2019b).

Throughout 2016, the NDEA searched 45 vessels, and approximately 180 persons at sea (compared to 15 street searches, and 60 persons ashore). Operations include the search of dhow boats passing through the EEZ—often assisted by the SCG—patrols in the outer islands, as well as island searches for instance on Felicity Island and Curieuse Island in order to show the presence of the agency. In addition, NDEA maintains a significant presence at ports. Overall, the agency primarily conducts patrolling and deterrence activities, with some intelligence-led searches.

To gather intelligence the agency relies heavily on a network of informants, in particular fishermen. The agency also relies on the data of the fisheries VMS operated by the SFA, as well as data provided by the coast guard. Due to its lack of blue water seagoing capacities, the operational range of the agency is limited extending to approximately 50 nm from shore. It is therefore dependent on the support of SCG. As representatives from the NDEA have argued, this can be problematic in so far as requesting operational support by SCG could imply intelligence breaches. NDEA is part of the national maritime domain centre, although it does not have his own liaison officer stationed and is represented by the SCG. NDEA also works in close cooperation with a range of international actors. Agency representatives have highlighted in particular the collaboration with France and the US led Combined Maritime Forces. It is also part of the Southern Route Partnership developed by UNODC, and has benefited from support by Interpol and UNODC more generally.

MARITIME SECURITY GOVERNANCE: COORDINATION AND INITIATIVES

As the preceding section has shown, for each of the major maritime security issues, there is a lead agency in charge: piracy is in the hands of the SCG, fishery crimes addressed by the SFA, narcotics by the NDEA and ANB. Each of these agencies works in collaboration with other governmental bodies and agencies, and the responses are also embedded in a regional and international context.

Coordination and Initiatives

How is the work on maritime security by the different agencies coordinated and what plans and initiatives have been developed? Below we discuss the main means of coordination: the national maritime security plan, inter-agency agreements, the development of a national maritime domain awareness centre, the blue economy roadmap and the maritime security strategy.

In reaction to the substantial effect of piracy on the country, the government launched a High Level Committee on Piracy (HLCP) at ministerial level, complemented by a technical working group. One of the main initiatives of the committee was to develop “The Seychelles Comprehensive Maritime Security Plan of Action Rolling Plan (2010–2040).” In this confidential document drafted in preparation of an International Symposium on Piracy in July 2010, the authors investigate piracy and its socio-economic impact (Chapters 1 and 2) and lay out a needs assessment (Chapter 3). The basis of the plan was a “multisectoral consultation process on piracy undertaken by the Ministry of Foreign Affairs in April and in May 2010 under the aegis of the HLCP” (High Level Committee on Piracy 2010, 34). The plan was clearly directed at international partners, rather than domestic coordination. As it is emphasised in the executive summary of the document: “the objective of this action plan for maritime security is to focus the attention of Seychelles’ international partners on the pressing need to [...] consider piracy threats [...] and assist Seychelles in further strengthening its national capacity to fight piracy” (HLCP 2010, 8).

Based on a substantial needs assessment, the document presented an investment plan for building capacity in the defence and surveillance sector in particular as it pertains to the coast guard, the air force and the

criminal justice sector. The plan provided a blueprint for national capacity building and—as discussed in the next section—also provided a mean for organising and coordinating the work of external capacity builders.

In 2017 maritime security agencies continued a process of negotiating a patchwork of Memoranda of Understanding with each other. These have the character of agency to agency agreements (e.g. the SFA negotiating a document with SCG). These agreements focus on operational inter-agency support, the exchange of information, data and intelligence between agencies, but also the handling of suspects and evidence in order to ensure efficient prosecution and trials.

As part of the work on improving maritime domain awareness in the region in the frame of the MASE project (McCabe, this volume), Seychelles is developing a National Maritime Information Sharing and Coordination Centre (NISCC). The centre was formally inaugurated in July 2017 and is co-located with REFLECS3 and the Regional Centre for Operations Coordination (RCOC). The centre’s mission is to compile a maritime domain awareness picture for the country, but also to coordinate maritime security activities (Seychelles Nation 2017b). Once fully operational it will also run the Joint Rescue Coordination Centre, coordinating oil spills and responses to coastal maritime crime, as well as operating the Coastal Radio Station (all of which was previously managed by the SCG). The centre is within the portfolio of the Ministry for Home Affairs. According to a March 2017 report, the centre “will be manned by a team of professional civilians operating in the maritime and aeronautical space such as the Seychelles Maritime Safety Authority (SMSA), the Seychelles Port Authority, the SFA, the police, customs department, the Seychelles Civil Aviation Authority (SCAA), together with their SPDF counterparts” (Seychelles Nation 2017c). As the report further suggests, “the NISCC will coordinate activities in Seychelles waters and will be a central point to which all maritime information can be requested. It will not take over any of the functions and responsibilities of the mentioned agencies as it will only be a coordinating body with a systematic approach to search and rescue coordination as guided by international norms and standards” (Seychelles Nation 2017c).

Two other major governmental initiatives are not directly concerned about maritime security but have immediate consequences for law enforcement at sea: The Blue Economy Road Map and Marine Spatial Planning Initiative (MSP). The MSP is the first of its kind in the western Indian Ocean, and is aimed at supporting the sustainable use and health

of the waters, improve resiliency of coastal ecosystems with a changing climate and ensure economic opportunities for fisheries, tourism and other uses (Seychelles Marine Spatial Planning Initiative 2018). The project includes input from all major sectors of Seychelles including commercial fishing, tourism and marine charters, biodiversity conservation, renewable energy, port authority and maritime safety authority. There are five types of zones proposed for the Seychelles EEZ under the MSP: (i) Food security zones, (ii) Marine Protected Area zone, (iii) Multi Use Zones: Marine Services and Infrastructure, (iv) Non-renewable zones, (v) Multi Use Zones: Tourism, Recreation and Culture (Seychelles Marine Spatial Planning Initiative 2018). By 2017, the MSP is still in the implementation stage and the above zones are part of the drafts formulated by the steering committee of the project. Ultimately, any maritime security capacity building project would have to be implemented in accordance with the MSP, as there are likely to be aspects of the two projects that overlap with each other.

At the 2017 Our Oceans Conference, president of the Seychelles Danny Faure announced that the country will begin the drafting of a maritime security strategy. In response to this announcement, a working group for drafting the strategy was installed in December 2017, which works under the auspices of the inter-ministerial Maritime Security and Safety Committee. With the support of an external consultant from the Sri Lanka navy, the group drafted a strategy. The draft was circulated to stakeholders, yet by 2020 the strategy has not been adopted.

THE PIRACY DIVIDEND: CAPACITY BUILDING ACTIVITIES IN SEYCHELLES

Seychelles has benefitted substantially from external capacity building initiatives in the form of trainings, mentoring as well as the provision of equipment. The 2010 maritime security plan provided a detailed blueprint for capacity building in the country. Capacity building in the criminal justice sectors has been primarily provided in the frame of multilateral capacity building, while the defence-oriented sector is dominated by bilateral arrangements.

UNODC's Counter Piracy Programme (CPP) has been one of the most active capacity builders in the country. It has played a central role in supporting piracy prosecutions by working with the criminal justice sector, providing assistance to prosecutor and judges, developing the

prison facilities and their management, and building a new court room for piracy cases.

The EU's main capacity building mission in the region EUCAP Nestor started its work in the country in September 2012, and opened a country office in January 2013. It closed its operation in December 2015. The work of the mission is well documented, and it primarily focussed on providing training courses for the coast guard and air force, organising maritime security exercises, and supporting the Supreme Court. EUCAP Nestor has worked with embedded mentors, short term training and the donation of minor technical equipment, such as laptops.

According to a EUCAP Nestor report between 2012 and July 2014 it had delivered the following (EUCAP Nestor 2014): (i) Training Programmes and exercises for the Coast Guard and other agencies covering a range of functions, including crime scene investigation and forensics, evidence collection and handling; search and rescue; communications; navigation; seamanship; engineering; and security/safety; (ii) Donated semi-rugged laptops, GPS, electronic navigation devices, AIS positioning units and a deployable Rigid Hull Inflatable Boat to be used for boarding operations; (iii) The publication of a training manual on evidence collection at sea; (iv) Embedded mentors in Air Force and the Supreme Court, resulting in new process charts, internal regulations, and administrative procedures and regulations for Court; (v) Support in setting up a Marine Police Investigation Unit with a tailor-made Basic Training Programme, institutional advice, and other essential support. This gives a good indication of the breadth of capacity building support by external actors.

Seychelles has also considerably benefitted from capacity building on a bilateral level. In contrast to the work of international organisations, bilateral capacity building has a stronger focus on the provision of equipment, in particular coast guard vessels and facilities. In particular, India and the UAE have provided substantial donations to the country. Bilateral capacity building is more difficult to empirically reconstruct, since not all of the assistance provided is documented in the same degree and in the public domain. This indicates, and as is particularly visible in the Indian case, the politicised nature of bilateral support and how it intersects with state agendas in the region.

India has strong ties to the Seychelles due to its status as a regional neighbour and a large Indian diaspora living in the country. As part of India's regional security strategy, the country has invested heavily in

capacity building. India donated two offshore patrol vessels, the first, the PS Topaz, in 2005, and, the second, the PS Constant in 2014 (Lablache and Uranie 2014). In 2013, it gifted a first Maritime Reconnaissance aircraft (Seychelles Department of Foreign Affairs 2013) and in 2015 announced that a second one would be gifted (Business Standard 2015). In June 2018, India handed over the second Dornier aircraft to Seychelles, which President Faure claimed will “amplify” Seychelles’ capacity to conduct maritime surveillance over its extensive EEZ (State House Seychelles 2018).

In June 2010, the Government of India also pledged a 5 million USD defence grant to Seychelles (Seychelles Department of Foreign Affairs 2013). In March 2015, an agreement was signed between India and Seychelles to build military infrastructures on the remote island of Assumption. The agreement was, however, cancelled due to sovereignty concerns raised by the opposition and civil society groups. India also helped to provide maritime surveillance through the installation of a coastal radar system in Seychelles, which was completed in March 2016. The coastal radar surveillance system “coordinates six individual radar surveillance stations set up on five different sites with two on Assumption and one each on Alphonse, Farquhar, Astove and the main island Mahe” (Nkala 2016). According to one report, the system “will provide India with the ability to gather intelligence and assist in surveillance operations of the vital energy lanes near Seychelles” (Bhattacharjee 2015). In 2018 following a state visit to India by President Danny Faure, it was announced that India will be giving Seychelles a second line of credit worth 100 million dollars for defence and maritime security cooperation. In the maritime area, the sharing of information between the Indian Navy and the National Information Coordination Centre of Seychelles will take place through a technical agreement. The money would also be used to build new police headquarters and a new building for the Attorney General’s Office (Seychelles News Agency 2018b).

The UAE is another main donor. The country donated two coast guard vessels (La Flèche and Le Vigilant) in 2011 and also funded construction of the coast guard facility worth 15 million USD in October 2010, which was formally opened in November 2011 (Shaheen 2011). The US has long-standing military relations with Seychelles and operated a radar station in the country until the 1990s. As part of counter-piracy operations, the US operated out of the Seychelles airport notably with surveillance drones to monitor the piracy high-risk area. The US has

provided coastal surveillance system shore-based maritime monitoring system for their armed forces that included situational awareness functionality through multiple sensor fusion, target detection and classification capabilities by the US company Forward Slope on a contract of the US Navy' C4I Integration Program Office (Forward Slope 2017). In addition, China has a strong presence in Seychelles and has included the country in its new maritime "silk road" initiative, where Mahe represents one location in the transport corridor between Myanmar and East Africa. China also donated the purpose-built vessel "Etoile" to the coast guard in 2014 (Thande and Uranie 2014).

The UK, Seychelles former colonial power, has substantially supported the country in the criminal justice sector through funding REFLECS3, but also in offering support in developing maritime domain awareness. There is a range of other noteworthy capacity building activities, which is often ad hoc. Training is provided as part of port visits of international navies. Norway is known to provide support in the fishery sector. Denmark donated three patrol boats to the Seychelles Police Force (Seychelles Police 2017).

CONCLUSION: LESSONS FROM SEYCHELLES

As a press declaration of EUCAP Nestor argued in 2015, "today the Western Indian Ocean Archipelago is considered a role model within the region for Maritime Security Capability" (EUCAP Nestor 2015). What made this success possible and what insights can be gained for the organisation of maritime security as well as capacity building more broadly? A core factor in the Seychelles success story was that the country's maritime security plan provided a detailed investment strategy. Other factors included the pragmatism of the government, and the relative size of the country, which eased coordination problems and made transparency of capacity building activities easier.

What characterises the Seychelles way of organising maritime security? Firstly, the country worked with a national coordination committee that developed a blueprint for capacity building. The national maritime security plan, was based on cross-sectoral stakeholder consultation and provided a very concrete and detailed investment plan as the basis of coordinating with donors and providing an overall structure to the work.

Secondly, intra-agency coordination in the country works through what can be called a “patchwork approach.” Maritime security is organised through the codification of inter-agency relations through memoranda of understanding, as well as two main focal points of inter-agency collaboration, that is the High Level Committee on Piracy that later became the Committee on Maritime Security and Safety, and since 2017 the national information sharing centre, the NISCC.

Despite the successes in organising maritime security, there are ongoing challenges. Resources are often not pooled between agencies, and information not necessarily shared on an everyday basis. There is a visible lack of trust between different maritime security agencies, caused by different mandates, confidence issues, but also professional identities. In terms of forward looking activities, the working relations between maritime security, blue economy and marine protection are not as close as they could be. The spatial planning initiative, which primarily focusses on economic and environmental concerns is an indicator for this, since it does not consider implications for law enforcement and maritime security.

What were the factors that allowed capacity building in Seychelles to deliver to such a degree? The first factor was the pragmatic attitude of the government that followed a “more is better, than less strategy,” welcoming contributions by any nation willing to provide it. This implied a high readiness to accept donations and support implementation without lengthy bureaucratic processes or other administrative hurdles (such as visa requirements for staff). This was secondly facilitated by the national plan for capacity building which provided a shared reference point for national and external actors, and allowed the government to speak with a unified voice in the negotiation with external partners. The national plan, moreover, was a concrete plan and investment guide and hence set out the needs of capacity building in an appropriate manner.

Thirdly, the stable government and the favourable socio-economic and secure environment made it easier for foreigners to operate in the country as well as to recruit staff for working there. The political stability and size of government also reduced the risk that capacity building is hijacked by partisan political agenda or becomes controversial as it is seen as benefiting a particular political fraction. Capacity building also benefitted from a high level of transparency of what was being done. The work of capacity builders was reported in the national newspapers, which allowed for positive press and provided legitimacy to external actors.

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Djibouti: Ports, Politics and Piracy

Mowlid Aden and Robert McCabe

INTRODUCTION

Djibouti is a small city-state with a population of around 900,000 (UN Data 2017). It is enclosed by larger states in a region impacted by various international security issues including maritime crimes, such as piracy, but also geopolitical tensions manifested in the conflict in Yemen, for example. External economic factors and strategic pressures impact heavily on Djibouti's own geopolitical posturing and have contributed to the government's reasoning for permitting the establishment of foreign military bases and maritime installations in its territory. In this sense, Djibouti has been able to capitalise on the geopolitical interests of global powers to attract Foreign Direct Investment and maritime capacity building. Djibouti is also active on a regional level, hosting the regional developmental body the Inter-Governmental Authority on Development (IGAD) as well as facilitating and hosting a core regional capacity building

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output—the Djibouti Regional Training Centre (DRTC)—established under the Djibouti Code of Conduct (DCoC).

For Djibouti, maritime security sector reform and capacity building activities have developed more as a source of economic benefit than of a strategy to build a strong navy, coastguard or judiciary (McCabe 2019, 332). The majority of the activities in the country are closely linked to geopolitics, the port and its maritime spaces, particularly after the escalation of Somali-based piracy in the Gulf of Aden from 2005.

In an innovative way for the region, Djibouti has become a unique maritime platform for new practices of international collaboration in countering piracy and other maritime insecurity. It is, for example, the logistics hub for the EU's first joint naval mission, EUNAVFOR Atlanta, and is also the site for a new Chinese dedicated logistic naval base in conjunction with a newly constructed multipurpose port in Doraleh. Djibouti also hosts Japanese, French and Italian military bases, including the United States' only permanent military installation in Africa, and regularly hosts vessels from other international navies including Germany, India, Spain and the United Kingdom.

This chapter firstly explores the modern historical context of Djibouti's emergence as a strategic military and economic hub in the western Indian Ocean. Next, the maritime spaces of Djibouti are explored as well as the centrality of the port and maritime sector as drivers of the national economy. This is followed by an examination of threats to Djibouti's maritime security in the form of Somali piracy and illicit trafficking, but also how geopolitical tensions, such as spill-over from the conflict in Yemen, might negatively impact Djibouti's maritime sector and security. The next section explores how Djibouti has responded to these threats and how it governs its maritime sector, including the role of national maritime security services, private security providers and legislative reforms. Finally, this chapter explores the impact of multilateral and bilateral capacity building activities in Djibouti and how these have manifested given Djibouti's unique political and geostrategic position compared with other western Indian Ocean states.

HISTORICAL CONTEXT

Despite having gained independence from France in 1977, the Republic of Djibouti did not harness the potential of its maritime sector in a meaningful way until the late 1990s. This recognition of the economic

opportunities from its geostrategic position and the potential benefits of developing its maritime sector were primarily motivated by three core factors. Firstly, the economic opportunities resulting from the aftermath of the 1998–2000 war between Ethiopia and Eritrea; secondly, increased foreign military activity in the region in the aftermath of the attacks on the United States on 11 September 2001¹ and finally, the upsurge of Somali-based piracy and subsequent international counter-piracy naval operations after 2005. Djibouti's relatively stable security situation in comparison to its neighbours as well as its geostrategic location on Bab-el-Mandeb—one of the world's busiest shipping lanes—also made it an attractive hub for international investment and geopolitical activity, initially under the pretext of counter-piracy operations (McCabe 2019, 333).

The 1998–2000 war between Ethiopia and Eritrea constituted both a threat and an opportunity for Djibouti (Mesfin 2008, 2). As a result of the conflict, Ethiopia diverted all the trade it had previously sent through Eritrean ports to Djibouti, which greatly reinforced the economic, political and security ties developed since a trade protocol was signed in 1996. This began a revitalisation of Djibouti's maritime sector and a recognition of how its maritime geostrategic position could be leveraged to generate capital.

In the aftermath of 9/11, Djibouti emerged as a core staging base for western forces involved in the “war on terror”. This resulted in the highest foreign military concentration in Djibouti and the Red Sea since independence, including 1800 military and civilian personnel of the US Joint Task Force-Horn of Africa; a Spanish naval and air force contingent to patrol the Bab-el-Mandeb; 1000 German personnel and a force of around 3200 French personnel (Woodward 2006, 143). This increased international presence also generated significant economic benefits. Before 9/11, total US aid to Djibouti stood at around US\$12.4 million per annum. By 2003, US economic and military aid had risen to US\$26.4 million and further increased to US\$37.4 million in 2004 (Sun and Zoubir 2016, 117).

Djibouti had also traditionally relied on foreign powers—such as its former colonial ruler France—for deterrence against neighbouring state aggression. In 1999, for example, France made two frigates available to patrol the coast and prevent military incursion from either Ethiopia or

¹Henceforth cited as ‘9/11’.

Eritrea (Mesfin 2008, 2). France also conducted aerial reconnaissance and reportedly sent three ships to ward off a possible attack by Eritrea in 2008 (Mesfin 2011, 7). This reliance on foreign allies against existential threats endures today.

THE MARITIME SPACES OF DJIBOUTI

The Republic of Djibouti is located in the Horn of Africa on the western Indian Ocean and covers roughly 8400 square miles, making it the third smallest African nation. Along with Eritrea and Yemen, Djibouti has direct access to the strategic Bab-el-Mandeb strait. This strait controls southern access to the Red Sea and the Suez Canal. It is one of the busiest commercial channels in the world with the potential passage of 97 ships per day through the recently expanded Suez Canal (UNCTAD 2016, 20–21). Djibouti is a signatory of the UN Convention on the Law of the Sea (UNCLOS) and therefore claims a 12 nautical-mile territorial sea, a 24 nautical-mile contiguous zone and a 200 nautical-mile Exclusive Economic Zone (EEZ), which extends into strategic sea-lines of communication. Djibouti's coastline is just 314 km long, much of which is in the Gulf of Tadjourah. It is separated from the partially enclosed basin of the Goubet-Al-Kharab by a narrow opening. The Moucha Islands are centrally located in the Gulf of Tadjourah. The country's main ports are located in the capital and Tadjourah, which hosts' two facilities built with Chinese Funds and inaugurated in June 2017.

Border Disputes

Djibouti, along with Yemen, has challenged the geographical coordinates claimed by Somalia as its EEZ and contends that such an EEZ encompasses waters under jurisdiction of the Republic of Djibouti (Dupont 2017). Furthermore, Djibouti has a long-standing border dispute with Eritrea, which also has a maritime dimension. Both countries claim the Island of Dumeira close to the Bab-el-Mandeb. The situation was exacerbated by the withdrawal of Qatari peacekeepers in 2017, which has led to fears of an escalation in tension (see Maasho 2017; BBC News 2017). The dispute also extends to tensions over the loss of significant revenue for Eritrea following Ethiopia's decision to route all its import and export traffic to Djiboutian ports in 1999, which has created

competition between the major ports of both countries (McCabe 2019, 335).

Regional Economic Hub

The economy is primarily based on the services sector which accounts for over 80% of GDP and employs roughly 60% of the active population (*Global Finance Magazine* 2018). The primary sector (approximately 3% of GDP) and manufacturing sector (around 16% of GDP) are weak and must cope with severe constraints and competition; expansive energy and labour costs and rivalry from neighbouring Ethiopia, which is home to a growing manufacturing industry relocated from East Asia. According to the UN's Development Programme (2019, 302) Human Development Report, Djibouti was ranked 171 out of 189 countries in 2019.

As Table 9.1 illustrates, Djibouti ports and logistics sector substantively funds the national economy. Direct revenues generated by the port

Table 9.1 Direct employment in transport and logistics

| <i>Entity</i> | <i>Jobs</i> | <i>Comments</i> |
|--------------------------------|-------------|---|
| Doraleh Container Terminal | 750 | - 700 full-time staff - 500 part-time employees working 60–70% of the time |
| Port International de Djibouti | 800 | In 2007, the Port had 1300 full-time employees, including 300 handling containers which were transferred to DCT in 2009 |
| Freight forwarders | 1500 | About 25 well-structured companies, each with 50–100 people |
| Shipping agents | 400–500 | |
| Dockers | 1000 | 3800 day-hire dockers registered with Dockers Labour Bureau, which corresponds to about 1000 full-time |
| Djibouti International Airport | 370 | |
| Djibouti-Ethiopia Railway | 260 | Newly opened railway |
| Djibouti Ports Corridors Road | 300 | Including about 60 staff of the Road Maintenance Fund |
| Ports and Free Zone Authority | 2000 | Jobs in companies registered under the free zone regime. Total number of companies is 250 |
| TOTAL | 7500 | |

Source Ministry of Transport of Djibouti (assembled from various reports 2011–2019)

were estimated from between US\$65 million to US\$90 million per year in 2011 and 2012, representing between 20% and 25% of government revenue. There were also about 7000 direct jobs in transport and logistics in Djibouti. This was 20–25% of total formal employment in the private sector of about 30,000 jobs. Ports and logistics generate about 15,000 direct and indirect jobs, which represent 10% of total formal and informal employment in Djibouti.

Djibouti's coastline is also abundant in fishery resources, with an estimated exploitable potential of 47,000 tonnes per annum, however, the fisheries sector remains underdeveloped. Only around 4% of the potential maximum sustainable yield of its exploitable fishery resources, or around 2000 tonnes per year, is captured, with most fishing activity occurring at a subsistence level (FAO 2016). According to the Food and Agriculture Organization (FAO 2016), "The existing huge gap between potential and production quantities is mainly the result of insufficient fishing craft and gear, inadequate storage and processing facilities, and poor distribution network, amongst others".

Since the Port of Djibouti replaced the Eritrean Port of Assab as the primary hub for Ethiopia's maritime imports and exports, Djibouti has emerged as an important transit hub for the greater Horn of Africa region and the Arabian Peninsula. In June 2017, for example, a new port was inaugurated in Djibouti chiefly to facilitate the exportation of Potash from landlocked Ethiopia. According to the Chairman of Djibouti Ports and Free Trade Zones, Aboubaker Hadi (Reuters 2017), "Ultimately, 35 percent of the volume of goods destined for Ethiopia can be unloaded here...it is, therefore, a major port for the entire region". Djibouti's economic relationship with Ethiopia is important for both nations. As a result of Ethiopia's economic growth, the volume of containers handled through the Port of Djibouti has risen from 176,453 in 2002 to 854,851 in 2014, according to figures by Djibouti Ports and Free Zones Authority (Oxford Business Group 2017).

Owing to the rapid development of its maritime sector and recognition of the financial benefits from leasing marine infrastructure, Djibouti has published a development plan titled "Djibouti Vision 2035" and articulated its aspiration to become a multimodal maritime hub as the "Singapore of Africa" (Miguel 2017). The Government has stated that in order to achieve that objective, US\$6 billion will be invested in six new ports, railways, roads and aqueducts (CountryWatch 2018). In this regard, three new port facilities have been finalised in 2018 with

some facilities located outside the capital to serve as Djibouti's third and hitherto unexploited transport corridor. This will offer maritime access to landlocked Burundi, Rwanda, South Sudan and Uganda and at the same time boost Djibouti's integration with the other economies of the Common Market for Eastern and Southern Africa (COMESA).

Regional Strategic Military Hub

Djibouti's economic expansion is to some extent a by-product of the significant increase of international maritime security operations basing there over the past decade. Djibouti hosts strategically located military outposts of its major partners, including China, France, Germany, Italy, Japan and the United States. According to one report, "Djibouti's pragmatic diplomacy has resulted in friendly relations with almost all of the world powers, whatever their ideological position" (Sun and Zoubir 2016, 117). These arrangements are predominantly motivated by the revenue generated from leasing maritime real estate to foreign powers and, to a lesser extent, the residual maritime capacity development and training that these better equipped and more experienced forces can offer (McCabe 2019, 333).

The United States, France and Japan pay a combined total of roughly US\$150 million annually for basing privileges. In 2014, the United States signed a new 20-year lease for its military base Camp Lemonnier, agreeing to US\$63 million in leasing fees plus US\$7 million in development aid annually (Olhaye 2014). That same year, China and Djibouti agreed to a partnership whereby Djibouti offered military facilities in exchange for Chinese strategic guidance and equipment such as aircrafts, drones and boats. France pays approximately US\$39 million annually for its military bases, and Japan reportedly pays a similar amount for its naval base (African Armed Forces Online 2014). This foreign military presence therefore makes a dual contribution both in terms of bolstering Djibouti's economy, but also as a logistics base for international counter-piracy activity in the western Indian Ocean. As Styan highlights (2016, 84), anti-piracy missions have been a "catalyst" for an array of bilateral and multilateral cooperation initiatives, which has enhanced the geostrategic importance of Djibouti. For example, China played an important role in the Shared Awareness and De-confliction (SHADE) quarterly process to assist the coordination of anti-piracy escort schedules and attended the

monthly meeting held at the Port of Djibouti for all military users of the facility.

Despite the obvious financial benefits of such an impartial approach, hosting an array of actual and potential adversaries, requires Djibouti to carefully navigate the political and security sensibilities of its guests, particularly given the opening of China's first overseas military base there in 2017. For example, Styan (2016, 87) highlights how Djibouti's foreign relationships are often directed by "highly personalised", tiny teams of Djiboutian representatives thereby fostering a sense of trust. However, with increasing competition for space and access to resources, combined with broader geopolitical tensions, the sustainability of the situation is questionable. Despite this, Djibouti has been able to leverage not only material capacity, but also "considerable intangible political gains internationally relating to the perceived status of the country" (Styan 2016, 83).

MARITIME SECURITY THREATS: SOMALI PIRACY, MONEY LAUNDERING, HUMAN TRAFFICKING AND GEOPOLITICAL TENSIONS

Given its location on a vital maritime chokepoint and in a region impacted by conflict and significant socio-economic issues, Djibouti faces a number of maritime security threats. These include the economic impact of Somali-based piracy; the illegal smuggling of people along its coastline as well as the potential negative impact of geopolitical tensions for a small coastal state reliant on foreign investment.

Maritime Piracy

Somali piracy has had a negative impact on Djibouti's maritime transport, financial sector and international trade. In addition, the upsurge of piracy highlighted Djibouti's outdated maritime legislation, which needed to be reviewed and updated. Somali-based piracy has also contributed to human trafficking challenges by shifting some of the smuggling routes closer to Djiboutian coastlines (McCabe 2019, 337). At its height, Somali piracy cost the Djiboutian economy an estimated US\$40–60 million per annum chiefly due to a negative impact on merchant trade in the form of reduced port utilisations and increased insurance premiums (Bowden and Basnet

2011, 10). Piracy also negatively impacted neighbouring Ethiopia—the primary user of the port of Djibouti—due to the destabilising effect the phenomena had on the region. The inclusion of Djibouti in Lloyds List Joint War Risk Committees Hull War, Strikes, Terrorism and Related Perils Listed Areas in 2007 resulted in increased insurance premiums for vessels visiting Djibouti and hence negatively impacted on a key source of revenue for the state.

Money Laundering

The movement of the illicit proceeds of piracy, chiefly ransom payments, also highlighted Djibouti's porous and poorly regulated financial services sector. Somalia has traditionally maintained ethnic and trade linkages with Djibouti including some Djibouti-based financial institutions operating in Somalia. Djiboutian banking institutions regularly refer to relevant UN sanctions lists and the US Office of Foreign Assets Control's Specially Designated Nationals List as part of their "know your customer" and "customer due diligence" procedures, but the level to which money transfer businesses conduct these checks cannot be substantiated (Shetret et al. 2015, 9). For example, during an investigation undertaken with the help and support of international partners and specialised agencies such as Interpol, ransom proceeds from piracy were smuggled from Somalia into Djibouti and sent out of Djibouti via a money transfer service (Yikona et al. 2013, 49).

Challenges to National Law

Somali-based piracy also challenged Djibouti with regard to the jurisdictional ambiguity of how to practically and legally manage suspected pirate vessels, the detention of suspects and the logistics of prosecuting them. Djibouti's Penal Code is based on the colonial French court system and is therefore outdated in terms of contemporary challenges. The existing penal code prevents national jurisdiction over extraterritorial pirates except when the alleged piracy involves an attack on the flag vessel of the Republic of Djibouti.² Djibouti has also signed the

² See UNCLOS, *supra* note 1, art. 91(2). Under UNCLOS Article 92 the State must also issue documents evidencing the fact that it has granted the right to fly its flag on the vessel; see also Momtaz, *supra* note 95, at 355–357.

Geneva Convention on Refugees and hosts a significant number of Somali refugees since the beginning of the Civil War in 1991. A Somali national suspected of piracy, therefore, can apply for asylum in Djibouti prior to trial; after sentencing or following conviction. While Djibouti does not accept Somali pirates for prosecution or imprisonment, it does allow suspected pirates to be held in Djibouti while awaiting extradition to other countries in accordance with international law. In addition, it has collaborated with other regional countries during the investigation of suspect cases of piracy.

Illicit Trafficking

As a primary maritime nexus between Africa and the Arabian Peninsula, Djibouti has a significant population of migrants and refugees. Given its geostrategic location at the entrance to the Gulf of Aden, it is a core transit point for regional smuggling routes and irregular migration via the so-called eastern route from the Horn and East Africa via Djibouti, Puntland and Yemen to the Gulf countries, and the southern route from the Horn and East Africa towards South Africa (UNODC 2015, 9–10). Human smuggling underlines the porous nature of the regions' maritime borders. According to the International Organization for Migration (IOM), in the first four months of 2012, 43,000 migrants travelled from East Africa, through the Gulf of Aden and the Red Sea, to Yemen (IOM 2017). This significant movement of people transecting the region, facilitates a well organised human smuggling operation that has the potential to generate significant revenue. Given the centrality of Djibouti as a conduit for this type of activity, the IOM opened a full representation there in 2015. The promulgation of illegal human trafficking reflects the interlinked nature of maritime security threats in the region. Somali pirates, for example, have also engaged in other maritime criminal activities including arms, narcotic and charcoal smuggling as well as human trafficking (see Coker and Paris 2013).

Weak regional maritime enforcement capabilities have contributed to the prevalence of arms, drugs and people smuggling throughout East African countries. In addition, the influx of drugs, munitions and other illicit goods have been linked to the funding of terrorist organisations with some of the proceeds of piracy having been paid to Somalia's Al-Shabaab. For example, in some areas along the Somali coastline, as much as 20% of the proceeds were reportedly paid to local militias in control

of seaports, such as an arrangement between pirates and Al-Shabaab in Harardheere around 2011 (Yikona et al. 2013, 9). In addition, in 2016 the French Navy stationed in Djibouti detained a large arsenal of illegal weapons after one of its helicopters spotted the boat carrying them during a routine surveillance mission (Bottinelli 2016).

Geopolitical Tensions as a Maritime Security Challenge

Djibouti's geostrategic location and multinational military presence has meant that the small state is often at the forefront of regional power struggles and proxy conflicts. The escalation of Somali-based piracy resulted in Djibouti serving as an important platform for international counter-piracy operations in the western Indian Ocean region. These operations have been conducted by a host of actors, including UN agencies, various foreign coalitions and independent deployers. The United States, France, China and Japan all have a continuous naval presence in Djibouti and, by extension, the western Indian Ocean. China is a relative newcomer to the region and its developing influence is welcomed by some but perceived with distrust by others. US Africa Command General Thomas Waldhauser recently stated that a Chinese takeover of Doraleh could have "significant" consequences if there were restrictions on the United States's ability to use the facility (South China Morning Post 2018). In addition, an increase in shipping traffic through Doraleh Multipurpose Port would likely mean a greater use of those facilities by US competitor countries—including China but also Russia, Iran and others—potentially creating additional counterintelligence and security issues (Downs et al. 2017, 39).

According to Chinese sources, the base in Djibouti is a "logistics support facility" that provides a "crew-rest facility for replenishing soldiers and resupplying food and fuel" for ocean-patrolling and peacekeeping missions, in particular counter-piracy operations (Krupakar 2017, 208–209). However, the commercial facility partially owned by the Chinese in Djibouti has apparently impeded counter-piracy work at times as officials from EUNAVFOR have reportedly been refused access to a berthed vessel (Interview with EUNAVFOR official, September 2017). Currently it appears unlikely that there will be a major naval arms race in the region. However, frictions between international actors have the potential to negatively impact Djibouti's maritime security. The conflict in Yemen serves as an illustrative example. Opposing parties in the conflict have the backing of international actors such as Iran, the United States, Russia

and Saudi Arabia, which are assembled in different coalitions and sometimes use Djibouti as a logistical or operational base. In addition, the decline of NATO's counter-piracy operation Ocean Shield, has reportedly resulted in an increase of "suspicious approaches" in the former patrol area (Interview with EUNAVFOR official, September 2017).

Nevertheless, Tehran's efforts to expand its sphere of influence to the Gulf of Aden-Red Sea corridor through its activities against Saudi Arabia in Yemen and the Horn of Africa is perceived in Djibouti as a disruption that threatens its maritime security. In this regard, in January 2016, Djibouti, along with Sudan, cut diplomatic relations with Iran and declared its support for Yemen's efforts to defeat Iranian-backed Houthi rebels. Significantly it also agreed to host a Saudi naval base under a proposed agreement that will cover "terrestrial, marine and aerial military aspects" (Toumi 2016). A clear proxy conflict that threatens Djiboutian maritime security. As Matthew Bryden commented (Dahir 2017), "The Horn of Africa and the Middle East are currently rough neighbourhoods, and Djibouti may find itself making enemies, not through any action of its own, but as a consequence of the actions of its military guests".

MARITIME GOVERNANCE AND RESPONSES TO MARITIME INSECURITY

There is a growing realisation in Djibouti, and indeed Africa, that major maritime challenges stem from a lack of effective governance in the maritime domain. This is reflected in the 2050 African Union Integrated Maritime Strategy which covers projections for new institutions and structures, wealth creation and human resource development, as well as capacity building for maritime governance (African Union 2012, 10). Djibouti has developed a maritime administration framework and is receiving local capacity building to enforce regulations, but also has developed a model for sustainable blue-economic development to preserve its natural marine habitat and develop its infrastructure.

Djibouti has several national law-enforcement organisations with some responsibility for the maritime sector. These include the Djibouti National Police, the Djiboutian National Gendarmerie, the National Security Judiciary Police, the Djibouti Coast Guard (under the Ministry of Transport) and the Djibouti Navy (under the Ministry of Defence). The small Coast Guard, Air Force and Navy regularly undertake aerial and maritime patrols

within the waters of Djibouti. These organisations have differing objectives but combine to play significant roles in ensuring the maritime security of the Djibouti EEZ as well as national maritime infrastructures. Nevertheless, the levels of cooperation between these parties as well as the level of capacity and equipment needed to address maritime threats in Djiboutian waters require improvement and updating. The Djibouti Coast Guard, for example, which was established in 2010 by merging members from the Gendarmerie, currently has under 150 members and limited physical assets.

Governance of Maritime Sector

The Djibouti Ports and Free Zone Authority is the designated authority for managing and developing port facilities, which are considered by the Government of Djibouti as strategic assets. The Ministry of Transport oversees drafting of policy guidelines at the government level. The Ministry has under its authority the Maritime Affairs Directorate, the Djibouti Coast Guard and the DRTC.

At a policy level, Djibouti has established a Maritime Security Committee, which is headed by the Prime Minister and incorporates the Director General of National Security, the Ministries of Defense, Transport and Equipment, Agriculture, Interior, Finance and Justice. The committee meets regularly to outline and review national guidelines relating to maritime security issues. In addition, the committee created an assessment team to establish the extent of threats in the maritime domain and develop a national maritime security strategy. The team, comprising of representatives from all relevant national agencies and assisted by a Secretariat, produced a series of recommendations as well as a draft action plan. Based on that plan, a Maritime Security Strategy was created, which was formally adopted by the Council of Ministers in 2013 and is currently in force. The strategy has largely been designed, implemented and funded by international partners such as Japan, the United States, China and France. The strategy, which has not been publicly released in its entirety, outlines three maritime security priorities for Djibouti. Firstly, containment of Somali piracy and related maritime criminal activity; secondly, securing national maritime infrastructure and finally, securing the sea lanes of Djibouti, which are vital to trade and development (Government of Djibouti 2013). The strategy consists of two main components:

deterrence and intelligence gathering and cooperation with international partners.

Private Maritime Security Companies

In a unique way for the region, Djibouti has delegated some of its maritime enforcement powers to a private company called Djibouti Maritime Security Services (DMSS) under the supervision of the office of the Director of National Security. This is in contrast to Kenya, for example, which strictly controls the movements of armed private security providers in its waters through national enforcement agencies (McCabe 2019, 341). The arrangement in Djibouti is permitted under Article 3 of a Presidential decree of February 2009 (DMSS 2017) and permits DMSS to (i) control and authorise the temporary transit of weapons on the national territory, (ii) escort naval forces, police officers and national coast guards as far as the limit of the territorial waters, (iii) provide boats, temporary visas and permits for rental or storage of weapons, and (iv) control communication systems. In practice, all maritime security companies operating within or transiting through the territorial waters of Djibouti submit their request to DMSS, which then handles all privately held weapons for the duration of their transit.

In relation to counter-piracy, the provision of private armed security by a private designated entity was part of a broader hybrid anti-piracy approach initiated by Djibouti. This opening to the commercial sector after the rise in Somali-based piracy was innovative for the region and mirrors other states, such as Italy, who have traditionally adopted a tight monopoly over the provision of armed services (Cusumano and Ruzza 2015, 111). This can be explained as the “interplay between the willingness to respond to the needs of the maritime industry and a long-standing resistance against loosening state control over the use of force” (Cusumano and Ruzza 2015, 111) Table 9.2.

Responses to Piracy

Djibouti’s primary contribution to counter-piracy operations has been as a launching point and supply and logistics base for international navies. It operates as a logistics base for the EU’s anti-piracy operation EUNAVFOR Atalanta and a base for Chinese and Japanese counter-piracy operations. Djibouti’s small coast guard and largely symbolic navy lacked

Table 9.2 Maritime governance in Djibouti

| <i>Agency</i> | <i>Core task</i> | <i>National collaboration</i> | <i>International collaboration</i> |
|---|---|--|--|
| Office of the Director of National Security / Office of the President | Overall guidance and supervision of National Security | All agencies | International partners in security related matters |
| Djibouti Coast Guard (Ministry of Transport) | Surveillance of maritime domain and infrastructures | All agencies and port operators | International partners |
| Djibouti Navy (Ministry of Defence) | National Defence | All agencies | International navies |
| Djibouti Customs (Ministry of Finance) | Trafficking of Narcotics-cargo control | All agencies | UNODC, CMF, Interpol, France, US |
| Djibouti Maritime Administration (Ministry of Transport) | IMO flag state issues | Ministry of Transport and Port Authority | IMO |
| Port Security (Port Authority) | Ports Security-RSO | Port Operators | Users of different maritime facilities |
| Djibouti Regional Training Centre (Ministry of Transport) | Training | Ministry of Transport | IMO and partner agencies |
| Ministry of Justice | Prosecution | All agencies | International partners |
| Djibouti Central Bank | Money laundering | All agencies | International partners and agencies |

Source Author (Aden)

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the capacity to meaningfully participate or patrol unilaterally. However, Djibouti has provided the World Food Programme with a strategic asset and allowed the naval escorts from the Port of Djibouti of UN emergency shipment convoys. Anti-piracy missions, therefore, have acted as a catalyst for a deepening array of cooperation initiatives, in turn enhancing the strategic importance of Djibouti (Styan 2013, 12). In addition, the escalation of piracy provided an opportunity for Djibouti to exploit the current state of relative peace and stability as well as its geopolitical location to

generate investment from international states engaged in counter-piracy operations.

Led by the Ministry of Justice, Djibouti has also revised its domestic legislation in order to contribute to the regional fight against piracy in a more effective manner. Djibouti was one of the first countries to adopt the Djibouti Code of Conduct and amended its penal code accordingly. It has also voted positively for UN General Assembly and Security Council Resolutions on piracy; ratified applicable international conventions (such as SUA Convention); is a permanent member and active contributor to the Contact Group on Piracy off the Coast of Somalia and the International Trust Fund; contributes to the UN Operation in Somalia and the African Union Mission peacekeeping forces in Somalia, and has offered political support for the Somali Transitional Federal Government.

Countering Illicit Financial Flows

The Central Bank—an integral component of the Government of Djibouti—identifies Somali-based piracy as a major money laundering source and terrorism financing risk for the country and its developing economy. Its Financial Intelligence Unit—the Fraud Investigation Unit (FIU)—reportedly collaborates on a regular basis with other regional FIUs engaged in countering piracy but has not yet signed any formal (publicly available) agreement. To maintain economic growth, it will likely be necessary for the country to not only to improve its domestic financial criminal capacity but also formalise information sharing relationships with Somalia, Kenya and the United Arab Emirates in particular, related to money laundering and piracy financing cases (Shetret et al. 2015, 10).

Responses to Other Maritime Crimes

With several western Indian Ocean states facing conflict and maritime insecurity, the need for greater cooperation in countering the illicit Trafficking in Persons and Smuggling of Migrants (TiP/SoM) across its maritime domain has emerged as a regional priority. The UNODC Global Maritime Crime Programme (GMCP) hosted the first Indian Ocean Forum on Maritime Crime (IOFMC) technical meeting on TiP/SoM in Djibouti in March 2015 with participation from senior law enforcement and prosecution officers from eleven countries from across the region (UNODC 2015, 9). Discussions focused on the key challenges in tackling

TiP/SoM and ways to improve international cooperation in their day-to-day work, particularly regarding the irregular migration occurring via the so-called eastern route from the East Africa via Djibouti, Puntland and Yemen to the Gulf countries.

The Djibouti Navy and Coast Guard work closely with the US Navy in developing capacity for Visit, Board, Search and Seizure procedures (VBSS), an important tactical capacity in enforcing constabulary maritime governance. For example, in 2015 the US and Djiboutian maritime forces spent three days exercising VBSS techniques and tactics on the open seas for the final stage of Exercise Cutlass Express in the Gulf of Tadjourah. Additionally, Djibouti frequently conducts joint patrols with partners by immersing a team from the Djiboutian navy to foreign navies patrolling its territorial waters.

MARITIME CAPACITY BUILDING ACTIVITIES IN DJIBOUTI

Maritime capacity building in Djibouti is a relatively recent activity with few initiatives dating back more than eight years. During this time, it has had a positive impact in some areas, mainly strengthening pockets of capacity in specific organisations and institutions. However, this success has been limited and uneven. Given the scale of the experiment, alongside the transnational and regionally situated nature of the maritime problem space, and narrow timescales and mandates, maritime capacity building in Djibouti has not been a transformative process. It is unique compared to the other cases considered in this book, as many of the prominent providers of capacity, already maintain a semi-permanent presence in Djibouti. This means that capacity building manifests differently compared to the more conventional systems of delivery, such as fixed-term mandated missions in Somalia, for example. It tends to focus more on practice-based training exercises and activities using foreign naval assets as platforms.

Multilateral

As David Styan (2013, 4) states, “In a largely unplanned, incremental manner, Djibouti has become a laboratory for new forms of military and naval cooperation among and beyond NATO and EU forces”. While the primary aim of international forces stationed in Djibouti is not to deliver capacity building, it is a significant ancillary activity, which has

benefitted Djibouti's emergent maritime security sector. Reflecting the organisations examined in Chapter 6, this section explores the capacity building activities of the UN Office on Drugs and Crime (UNODC), the European Union (EU) and the International Maritime Organization (IMO), which have all engaged in multilateral capacity building activity in Djibouti. Unlike other western Indian Ocean states, such as Kenya and the Seychelles, this has been conducted on a mainly ad hoc basis, without formal programmes and consists primarily of short term training courses and technical assistance.

UN Office on Drugs and Crime

The UNODC has had limited engagement in Djibouti compared to other regional states and has mainly been involved in providing capacity building to address human trafficking across land and maritime borders. As previously mentioned, the UNODC GMCP hosted the first IOFMC technical meeting on TiP/SoM in Djibouti with participation from senior law enforcement and prosecution officers from eleven countries. In addition, UNODC provided support to Djibouti and Ethiopia to counter and investigate trafficking in persons and assisted in a review of Djibouti's law on trafficking in persons (UNODC 2016, 2). The UNODC, alongside institutions such as the International Monetary Fund, have also provided training to the staff of the FIU of Djibouti to help counter the illicit financial flows from the proceeds of maritime crime such as piracy.

European Union

The EU's civilian maritime capacity building programme EUCAP Nestor's geographical remit included Djibouti, but the programme had limited long-term impact on building capacity to support Djibouti's maritime security sector. It did, however, assist Djibouti in updating its domestic maritime legislation addressing piracy and maritime crimes. Both EUCAP Nestor and EU's MARSIC project were also headquartered in Djibouti City. More meaningful capacity building arguably resulted from port visits by EU assets to conduct local maritime capacity building training in support of the Djibouti Coast Guard and Navy. For example, in 2014 ten officers from the Djibouti Navy and four from the Coast Guard participated in a fire-fighting exercise and weapons handling training organised jointly by staff from EUNAVFOR and EUCAP Nestor

(EUCAP Somalia 2014). Commenting on the training, EUCAP Nestor’s maritime advisor to the Djibouti Navy stated, “Port visits by warships from the EU Naval Force provide an excellent opportunity to provide these invaluable exercises” (EUCAP Somalia 2014). EUCAP Nestor also donated medical equipment and provided medical training to the Coast Guard.

International Maritime Organization

The delivery of capacity building training under the DCoC agreement for national and regional maritime administrators and coastal law enforcement, is coordinated via the IMO funded DRTC building in Doraleh, which was formally opened in November 2015. The development and operationalisation of the DRTC is also a priority of the Ministry of Equipment and Transport of Djibouti alongside building the capacity of the Djibouti Coast Guard. In this regard, as part of the arrangement for leasing coastal real estate to foreign entities, external naval experts agree to be seconded to DRTC to assist in training programmes. Currently, the DRTC is facing issues in securing sustainable financial investment. In response, and in a renewed push to fully operationalise the DRTC, the IMO installed a modern computer-based training simulator in 2017 and also demonstrated the training modules for Marine Communication, Global Maritime Distress and Safety System and Search and Rescue (Walsh 2017).

Bilateral

While multilateral maritime capacity building engagement in Djibouti has been limited, it has significantly benefited from maritime capacity building on a bilateral basis. This is directly linked to the abundance of foreign military installations in the country illustrated by the fact that the two largest stationed foreign entities—China and the United States—have engaged in the most significant capacity building work. Other states have also provided capacity building assistance to Djibouti. France, for example, has reinforced Djibouti’s coastal defences and maritime surveillance through technical cooperation and the provision of fast coastal patrol boats (Styan 2013, 12). Whereas Japan, through the Japan International Cooperation Agency, provided funding for the 2015 “Tripartite cooperation agreement for training of the Coast Guard crew of the Republic of Djibouti”.

This education and training initiative aimed to enhance effective defence of coastal waters but also to enhance security relations between Japan and Djibouti (Japan International Cooperation Agency 2015). The Japanese Government also constructed and delivered two 20-metre patrol boats for the Djibouti Coast Guard under the same scheme in 2015 (Sumidagawa Shipyard Japan 2016). Next, we briefly zoom in on the two largest international capacity building providers—China and the United States.

United States

Djibouti hosts Camp Lemmonier, which is the primary base of operations for the US Combined Joint Task Force-Horn of Africa (CJTF-HoA) as part of the US Africa Command, and is the only permanent US military base in Africa. Since the establishment of the base in 2003, the United States has provided Djibouti with substantial security assistance and counterterrorism-related training that focuses on building critical capacities within its maritime security and law-enforcement sectors. US motivation for engaging in maritime capacity building in Djibouti is well summed up by a member of the US Coast Guard Mobile Training Team stationed there, “If we can help to keep our armed services personnel safe through capacity building and strengthening strategic relationships then we have accomplished our goals” (US Coast Guard 2014). This reflects broader US counterterrorism foreign policy approaches in the region through enhancing the military capacity of the countries in its area of operation. For example, the CJTF-HoA conducts counterterrorism training and joint operations that focus on border security, improving airport security and undertaking better maritime security to limit the opportunities for terrorists to hide and organise (Mesfin 2011, 7).

The US Coast Guard training team has also recommended additional training for the Djibouti Coast Guard in the form of instructor development, small boat operator and outboard motor maintenance courses. According to a representative of the Mobile Training Team, “We provide a unique service to our foreign partners seeking an avenue to either establish a self-sustaining professionally trained and equipped Coast Guard capable of enforcing law within their territorial seas, or assist with refresher training as demand outpaces organic capabilities” (US Coast Guard 2014).

In 2015, the Djibouti National Police, the National Gendarmerie and the National Security Judiciary Police received training through the Anti-Terrorism Assistance (ATA) program, as well as the International Law Enforcement Academy in Gaborone. ATA assistance focused primarily on building technical capacity for improved crisis response, counterterrorism investigations and border security capabilities (KnowYourCountry 2014, 11).

The United States has also engaged in joint maritime security capacity building initiatives with the Djibouti Navy. In 2009, for example, a harbour security force was established between the CJTF-HoA Navy component and the Djibouti Navy to enhance security operations for the port, increase capabilities to protect vessels transiting through the port as well as provide training and operational opportunities between US and Djiboutian personnel (Rockwell-Pate 2009).

China

One of the US's biggest rivals—China—has been the foremost foreign entity that has contributed to building the capacity for the development of Djibouti's maritime sector, mainly through infrastructure construction projects and capital investment. Chinese firms provide nearly 40% (US\$1.4 billion) of funding for Djibouti's major investment projects and, moreover, Chinese state-owned firms have built some of Djibouti's largest—and most potentially transformative—maritime-related infrastructure projects (Downs et al. 2017, iv). These include the Doraleh Multipurpose Port, a new railway connection between Djibouti and Addis Ababa, and the opening of China's first foreign military facility. China–Djibouti relations started initially with a series of port visits, but expanded after 2013 to include arms sales and weapons transfers, the exchange of senior military delegations and training programmes in China for Djibouti military personnel (Downs et al. 2017, 23).

Doraleh Multipurpose Port, which was opened in May 2017, was jointly financed by Djibouti Ports and Free Zones Authority and China Merchant Holding. The bulk terminal can handle 2 million tonnes of cargo per year, and has space to store upwards of 200,000 tonnes of fertiliser and grain alongside warehouses for other goods (TesfaNews 2017). It is estimated to add 9 million metric tonnes of annual service capacity to Djibouti's port infrastructure, more than doubling the amount of cargo it can process (Djibouti Ports and Free Zones Authority 2017).

In addition to the port, China has funded the construction of a new railway line to expedite the delivery of goods between the Port of Djibouti and Ethiopia. It is also engaged in smaller maritime sector reform projects including the refurbishment of Ghoubet Port and Tadjourah Port.

In addition to this, China opened its first and only overseas military support facility in Djibouti in 2017. According to a spokesperson for the Chinese Ministry of National Defense, the facility in Djibouti is designed to support the Chinese military in carrying out UN peace-keeping operations, escort missions in the Gulf of Aden and waters off the Somali coast, as well as humanitarian assistance and disaster relief operations (PRC Ministry of National Defense 2015). Aside from the obvious benefit of enhanced maritime security due to the increased presence of Chinese naval assets, it remains to be seen how China's expanding military footprint might enhance or damage Djibouti's own maritime security institutions and capacity long term.

CONCLUSION

In the Horn of Africa, Djibouti is unique. It enjoys a higher degree of peace and security in a volatile region and has displayed a willingness to engage with multiple international stakeholders. The small city-state has offered to host international missions against piracy and has adapted its legislation by outsourcing management of transiting private armed maritime security personnel to a private company with the oversight of the Office of the Director of National Security. Djibouti has also displayed political will to support Somalia to develop its capacity and has offered its assets and facilities as well as hosting multiple training programmes for Somali officials and at a ministerial level through the DRTC.

The upsurge of Somali-based piracy transformed Djibouti's focus on maritime affairs, in a similar way to other regional states, such as Kenya and Seychelles. This resulted in a revised Maritime Code and updated legal tools, enhanced supervision capabilities of its Central Bank and increased capacity of its Coast Guard and Navy through equipment procurement and training programmes. The development of modern port facilities around the country and the opening of the new Chinese Navy logistics base have also created new opportunities for the maritime sector to be reviewed. The development of a National Maritime Security Strategy further implies that maritime security risks are acknowledged at

a policy level and measures are being developed to mitigate them while foreign investment opportunities are also enhanced.

Best practices that have emerged from the study of Djibouti's maritime security sector include the importance of building efficient information sharing mechanisms and fostering a multilateral approach between states. In such circumstances, navies stationed in Djibouti can contribute towards enhancing maritime security, not only in countering piracy, but also in disaster management, providing humanitarian assistance and limiting environmental maritime security challenges. Cooperation—despite clear differences between international stakeholders—can therefore be a force multiplier (in terms of maritime security) and is desirable in a region with limited enforcement capabilities and maritime domain awareness structures. Djibouti can therefore be viewed as a laboratory for military and civilian maritime security cooperation in a comparable manner to the wider western Indian Ocean, where international organisations have experimented with different methods of delivering maritime capacity building.

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Somalia: Experiments in Knowing and Doing Capacity Building

Rupert Alcock

INTRODUCTION

Maritime security governance in Somalia cannot be disentangled from internationally led practices that have sought to produce, organise and consolidate it. Couched in terms of capacity building, recent interventions into Somalia's maritime continue the well-documented history of neocolonial involvement in the country's political affairs.¹ With its history of civil war and lack of stable state structures,² Somalia is often depicted

¹For recent accounts of this history see de Waal (2015), Fergusson (2014) and Harper (2012). For an analysis of the country's present and future trajectories see Mosley (2015).

²At the time of writing, the stability and effectiveness of state structures vary significantly across Somalia's federal regions. The autonomous region of Somaliland and semi-autonomous region of Puntland have enjoyed relative stability since the early years of civil war, while the Federal Government of Somalia (FGS) remains weak outside Mogadishu and formal governance is largely absent in central and southern regions. Informal and hybrid governance arrangements remain strong in large parts of the country. For insight into the complexities of governance in Somalia see Menkhaus (2014) and Moe (2016, 2017).

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in academic and policy literatures as a ‘laboratory’ (Kilcullen 2010, 156) or ‘test-case’ (Moe 2016, 100) for international governance agendas. While appetites for intervention have fluctuated for a host of geopolitical reasons since the country gained independence in 1960, however, the current focus on its maritime domain was catalysed by a single problematic: the rapid growth of piracy off its eastern coast from the mid-2000s, and the designation of this problem by the world’s powers as a globally significant security concern. Somalia’s maritime had attracted little prior political attention relative to the country’s substantial land-based security challenges. Given Somalia’s then absent capacity for maritime security provision—as early pirate successes aptly demonstrated—the subsequent pursuit of this goal by international stakeholders provides a paradigmatic lens through which to view the messy realities of capacity building in a challenging peace- and state-building context.

In Chapter 6 of the current volume, McCabe outlines a series of general challenges faced by capacity building projects in the Western Indian Ocean. Many of these relate directly to the case of Somalia and the limited achievements that substantial donor investments have generated there to date. McCabe shows how internationally led projects have frequently failed to secure the positive regional outcomes promised in programme designs and marketing materials. His analysis demonstrates why an appraisal of maritime capacity building programmes in Somalia should avoid reproducing official discourse and instead treat capacity building as an emergent category whose meaning arises from practices taking place in its name, on the ground. Going further, recent research has examined epistemologies of intervention not only at the point at which they make ‘contact’ and evolve through their applications within local contexts, but also in terms of the scholarly *preconstructions* that produce interventionary objects—like capacity building—as particular kinds of things to begin with (see Danielsson 2017). In the Somali context, this means attending to the conditions of possibility that underpin the production of capacity building narratives prior to their incorporation in policy discourse and their subsequent diffusion through concrete practices.

Bueger and Tholens (this volume) explore some of these conditions by situating capacity building against the wider historical, social and material contexts that distinguish it from other key framings of international intervention. Their chapter shows how prevalent understandings of

capacity building in norm-constructivist and critical peacebuilding literatures suffer from the same weakness highlighted by Danielsson (2017): namely, the assumption that the norms and knowledges that inform capacity building programmes are somehow fixed and settled prior to subsequent processes of transfer, diffusion or hegemonic implementation. The case of Somalia clearly demonstrates the fallacy of this assumption. Here, maritime capacity building evolved from the narrower counter-piracy agenda, which set priorities and defined the boundaries of relevant action in an ad hoc manner, before debate had taken place regarding what would constitute long-term maritime governance in Somalia and how this might be pursued. The international imperative to curb piracy established priorities that endured throughout the design and deployment of broader capacity building endeavours. It also led to an array of uncoordinated and collectively incoherent activities being framed as forms of capacity building, particularly as the number of piracy attacks sharply declined from 2012 while the flow of donor investments continued to increase. Maritime capacity building was in some sense an attempt to transfer responsibility to local and regional actors for some of what international actors had deemed necessary in their fight against piracy.

Naturally, however, the counter-piracy agenda met other maritime interests and priorities predominant within Somalia before piracy attracted global attention. These include illegal, unreported and unregulated (IUU) fishing and waste dumping by foreign fleets in Somali waters³; maritime trafficking of people, arms and contraband and its role in perpetuating conflict in the south; and the growing need to establish mechanisms for maritime governance and resource sharing across the state's federal political structures. The economic promise of abundant fishery resources and newly confirmed oil and gas reserves off its coast have rendered resource governance a key maritime priority across Somalia's administrative regions. The development of what we might call a nascent maritime security assemblage in Somalia reflects the uneven fallout from clashes between such domestic concerns and the international focus on piracy.⁴

³These practices are frequently cited by domestic actors to legitimise piracy as one aspect of wider political economic conflict over maritime resources (Samatar et al. 2010).

⁴The notion of assemblage is used to denote the idea of a complex and dynamic whole, constructed from heterogeneous parts and processes that create and stabilise the historical identity of the emergent assemblage. See DeLanda (2006, 2016).

Early counter-piracy experiments evolved into a multifaceted complex of overlapping and often poorly coordinated capacity building programmes funded by a majority of the world's resource-rich state governments, both unilaterally and through key regional and international organisations. Frequent intimations of comprehensiveness belie significant gaps in the scope of challenges these programmes have sought to address. Rather than view these gaps as failures as such, however, the current analysis complements Jacobsen's (2017) research on capacity building in the Gulf of Guinea, by exploring the ways in which these gaps are themselves productive of certain political outcomes. By excluding broader social and political drivers of underdevelopment from the national and regional maritime security discussion, for example, the apparent 'failures' of capacity building in Somalia contribute to the sustained and effective demarcation of the country's maritime domain from prior orderings of its terrestrial sources of insecurity.

Given the analytical challenge posed by the dynamism of this story, the case of Somalia tests the limits of the SPIP methodology showcased throughout this book (see Chapter 1). Each SPIP category—Space, Problems, Institutions, Projects—has been multiply constructed in Somalia through unresolved processes of contest and negotiation. Somalia's maritime space, for example, has come into some degree of (renewed) legal, if still politically contested existence,⁵ while new terrestrial administrations in central and southern regions remain legally in formation.⁶ Competing accounts of Somalia's key maritime problems reflect political processes of persuasion through which different actors have sought to define them. The country's institutional structures of maritime governance are the fragile and fledgling outcomes of poorly coordinated state-building pressures exerted by a host of international actors under the conditions of relative urgency created by piracy. Finally, each of these layers is in greater or lesser part *constituted* by the activities of the various

⁵One source of contestation is Somaliland's formal objection to Somalia's 2014 maritime coordinates declaration and Somaliland's subsequent submission of its own maritime coordinates to the UN in 2017. See section "[Establishing Somalia's Maritime Space](#)".

⁶For a rich account of the complex processes of order-making through which new regional administrations are being established in central and southern Somalia, see Moe (2017).

capacity building projects deployed in pockets of the country since the surge—and subsequent decline—of Somali-based piracy.

To capture its formative nature, therefore, mapping the layers of Somalia's maritime security sector must be approached diachronically; our method should reflect the *processes* through which the maritime has evolved as a governable entity, rather than seek to present a stable snapshot of current arrangements. To do this, the chapter focuses on two sites,⁷ both established in 2009, that have served as key focal points for the complex of actors involved. The Contact Group on Piracy off the Coast of Somalia (CGPCS) has been the key forum for international diplomacy and coordination between actors involved with counter-piracy. The Kampala process, later known by a series of different titles, was a loosely organised, UN-initiated coordination mechanism that sought to build institutional cooperation on maritime issues between Somalia's central government and federal member states.⁸

Based on material sourced from the textual records of these sites as well as a series of interviews conducted with elite participants,⁹ the chapter reconstructs several stories that convey how recursive relations between modes of problematisation, processes of institutionalisation and practices of capacity building have served to organise Somalia's maritime security assemblage. To set the scene, we begin with an overview of some of the processes through which Somalia's maritime space was established.

⁷The notion of 'site' is used here as a broad analytical concept borrowing from social theory, denoting a forum of exchange that transcends single locations, situations or settings. See Schmidt and Volbers (2011).

⁸The Kampala Process began during the tenure of the Transitional Federal Government (TFG). In 2012 the transitional period ended and the FGS was inaugurated.

⁹A total of 14 semi-structured interviews were conducted between 2015 and 2018 with senior actors from international, regional and national organisations involved in maritime security capacity building in Somalia, as part of the British Academy-funded SafeSeas research project. Interviews took place either face-to-face or remotely via telephone or Skype and were subsequently transcribed for analysis. While Somali and regional voices are represented in this material, their under-representation relative to international voices reflects the challenges encountered in reaching Somali participants. The analysis also draws on textual records of the CGPCS and Kampala process, which comprise a mixture of publicly available as well as password-restricted material. For reasons of sensitivity and anonymity, the source of some material is not disclosed and interview content has been coded.

ESTABLISHING SOMALIA'S MARITIME SPACE

Somalia has the longest coastline in mainland Africa, stretching around the Horn of Africa from Djibouti to Kenya, and lays claim to responsibility for a vast swathe of maritime space from the Gulf of Aden to the Western Indian Ocean. The north resides in a heavily trafficked and geopolitically strategic maritime region, with most global commerce linking the Mediterranean Sea and Indian Ocean transiting via the Bab-el-Mandeb strait off Somalia's north-western coast. Most Somali maritime trade is conducted through the country's four main port cities of Berbera and Bosaso in the north, Mogadishu and Kismayo in the south, while much of the 2000 km south-eastern coastline comprises underdeveloped, sparsely populated and informally governed territory from which piracy networks have been able to operate. Fishery resources off Somalia's coast are thought to be among the richest in the African continent, due to coastal upwelling of nutrient-rich subsurface waters (FAO 2016), attracting IUU foreign fishing fleets on an industrial scale (Samatar et al. 2010; Bueger 2013a). Significant potential for large recoverable oil and gas deposits has recently been confirmed by the foreign extractives industry following explorations off Somalia's eastern coast. A number of exploration and extraction agreements have been announced (Stoddard 2016) amidst unresolved territory disputes (see below) and ongoing allegations of bribery and corruption (UN 2015).

The status of Somalia's maritime space in relation to the dictates of international law has been a persistent source of controversy and confusion. As was a common practice among postcolonial African states in the 1970s, Somalia renounced the trend subsequently enshrined in international law by UNCLOS (1982) of limiting coastal states' territorial sea claims to 12 nautical miles from the coast, while extending their so-called Exclusive Economic Zones (EEZ) to 200 miles. In 1972 President Barre passed Law 37, which stated that Somalia's *territorial* sea extended to 200 nautical miles from its coast (UN 2017a). While Somalia was a signatory to UNCLOS in 1982 and ratified the treaty in 1989, it remained unclear whether the country's preceding national legislation was ever brought into alignment with the UNCLOS regime. According to some interpretations, since Somalia's preceding territorial claim contravened international law and there was no EEZ claim in place, Somali governments since the civil war period have lacked all sovereign rights over their waters. In his 2011 report to the UN Secretary General on legal issues

related to piracy, for example, Jack Lang asserted that ‘in the absence of delimitation in accordance with international law, Somalia is legally deprived of a territorial sea and an exclusive economic zone’ (UN 2011).

The escalation of piracy in these waters from the mid-2000s focused international attention on their ambiguous legal status. Much of the early pressure exerted by international actors on Somali administrations through the CGPCS and Kampala process related to the need to resolve this legal uncertainty. The CGPCS’s Working Group 2 was established to address this and related legal issues pertaining to jurisdictional responsibility for captured pirates. The lack of legal clarity regarding maritime jurisdiction was a formative issue for the Kampala process, since without an internationally recognised legal framework, it was unclear how national cooperation on maritime issues could be established.

In May 2013, then President of Somalia Hassan Sheikh Mohamud announced to the annual CGPCS plenary meeting in New York that a law had been discovered that resolved this legislative discrepancy. According to one account,¹⁰ Law 5 of 26 January 1989 had just been discovered in a box of old legal documents in the office of a former judge in Mogadishu. A hunt for Law 5 had been instigated by an Australian law professor following a Kampala process meeting convened by an IMO maritime lawyer in 2013, during which an elderly Somali judge had remembered the law’s drafting under President Barre’s regime. Incomplete—‘we got the first nine pages’ (Interview B1)—never published nor delivered to the UN, Law 5 purports to repeal all preceding national maritime law and defines Somalia’s territorial waters, contiguous zone and EEZ consistent with UNCLOS parameters. Despite ensuing controversy, this discovery paved the way for the Somali President, assisted by the Norwegian government, to declare Somalia’s maritime coordinates on 30 June 2014, including an EEZ extending to 200 nautical miles, in line with international law (FGS 2014).

The Somaliland Ministry of Foreign Affairs immediately lodged a formal protest with the UN against this declaration, which it viewed as a violation of Somaliland’s sovereignty. Somaliland’s President Silanyo submitted Somaliland’s own EEZ declaration to the UN in January 2017 (Somaliland Law 2017). Further maritime border disputes ensued between Somalia and three neighbouring states. Yemen formally objected

¹⁰ Recounted similarly by Somaliland Law (2017) and in interviews B1 and B2.

to the EEZ coordinates in July 2014, on account of their inclusion of Socotra and other smaller islands off the north-east of Puntland that are under the sovereignty of Yemen (UN 2014). In January 2017, Djibouti filed a formal objection regarding a small area on the eastern boundary of its EEZ that falls within Somalia's claimed coordinates (UN 2017b). Most significantly, an ongoing dispute with Kenya concerns an area of overlap of around 100,000 km between each state's claimed EEZ, based on different approaches to drawing their maritime boundaries. The area is of strategic significance due to the oil and gas reserves it has been shown to contain, for which Kenya has sold international mining licences (Muller-Jüing 2016). Following repeated failed attempts to resolve the dispute bilaterally, despite both countries signing a memorandum of understanding in 2009 agreeing to settle the issue without external intervention,¹¹ Somalia took the matter to the International Court of Justice (ICJ) in August 2014. The ICJ determined in February 2017 that a full trial was required to resolve the issue. In the meantime, it remains unclear which state has jurisdiction over resources contained in the area, and which bears responsibility for its policing and governance.

In addition to the ambiguous legal status of its waters, the surge of piracy highlighted Somalia's lack of seagoing policing capability, in either military or civilian forms. Early counter-piracy needs assessment missions conducted by the CGPCS found no maritime forces, besides a small coastguard network in Somaliland with extremely limited operational capabilities. Under the current federal structure, only a state-level navy or coastguard would have the legal mandate to exercise Somali jurisdiction outside the territorial water zone of 12 nautical miles. There currently exists no legislation or policy document on which to base such operations, nor the infrastructural capacity to implement them. This lack of capability to police and secure its own waters has allowed a range of illicit activities to thrive.

ORDERING MARITIME SECURITY PROBLEMS IN SOMALIA

While the surge of piracy focused significant attention and resources on Somalia's poorly governed maritime space, it also served to frame maritime security as a particular set of problems relating to counter-piracy,

¹¹The memorandum is available at <http://www.innercitypress.com/los2somalia.pdf>.

while marginalising or excluding prior domestic priorities. Attempts to define maritime security and organise it in governmental structures have thus been warped by the urgency of counter-piracy from its onset, with certain path-dependent effects pertaining long after the decline of piracy itself. These attempts have been channelled predominantly through the CGPCS and Kampala process.¹² Distinct in terms of their organisation, operational mandates and the nature of their constitutive practices, both the CGPCS and Kampala process provided focal points for different complexes of actors with a stake in problematising, institutionalising and securing Somalia's maritime. As sites of contestation as well as cooperation between international and Somali actors, empirical records reveal the struggles involved in delimiting counter-piracy from other maritime security challenges facing Somalia, as well as from the root causes of piracy that threatened to stretch the counter-piracy problem space inexorably.¹³

Delimiting Piracy from Somalia's Other Problems

The varying levels of influence exerted by competing piracy narratives in different forums provides a good example of how such struggles played out, and shows how different epistemic framings of the problem implied different approaches to solving it (Bueger 2013a). According to one dominant perspective recounted to the CGPCS by a number of Somali representatives, for example, piracy was itself a means of addressing the country's principal maritime security challenges, perceived as foreign IUU fishing and waste dumping in its waters by foreign commercial vessels. It is now common wisdom that in claiming to perform a coastguard function in the absence of state provision, early pirates enjoyed substantial public legitimacy among local communities that perceived their fishing livelihoods to be threatened by the illicit activities of foreign actors (Samatar et al. 2010; Bueger 2013a). This framing of the problem implied a particular means of addressing it, according to one Somali participant at an

¹²Even among its key architects, there is disagreement regarding when the Kampala process technically ended and subsequent processes began. By most accounts, however, it is possible to discern a single trajectory linking different iterations of the process, despite a number of name changes and rebrandings. In this sense, the Kampala process denotes an ongoing struggle to establish cohesive maritime governance in Somalia. This is the understanding adopted here.

¹³For a discussion of the root causes of piracy identified in the literature see Bueger (2013b) and Percy and Shortland (2013).

early CGPCS plenary: ‘the support of the coastal communities will be critical to success and so our emphasis must be as much on the protection of Somali waters and its natural resources from illegal plunder and pollution, as on the efforts to curtail piracy’.¹⁴ Another prevalent account framed the motivations of early pirates in terms of an economic context of poverty and a cultural context of violence, with a lack of alternative livelihood possibilities available in much of Somalia’s central and southern regions (Bueger et al. 2011). This implied a different route to addressing the problem: ‘in parallel with any security capacity building it is important to offer community development programs that improve living conditions and create new employment for the communities whose support we seek’.¹⁵

The CGPCS’s early work involved negotiating tensions produced by debating how far the international community should seek to address these so-called ‘root causes’. Plans for the establishment of a mechanism like the CGPCS had been developed within the US Department of State and outlined to the UN Security Council by Condoleezza Rice during a debate on Somalia in December 2008. During her speech Rice argued that ‘we must address the root causes of the piracy problem [...] piracy is a symptom – a symptom of the instability, the poverty and the lawlessness that have plagued Somalia for the past two decades’ (UNSC 2008). By other accounts, however, the task of the CGPCS was precisely the opposite: to prevent Somalia’s broader developmental and political problems diverting attention from the immediate task of curbing piracy. A former CGPCS chair expressed this position as follows: ‘the UN’s International Contact Group on Somalia was created to help fix Somalia; we were supposed to fix piracy off the coast of Somalia [...] they are two completely independent lines of action [...] we have no way to fix Somalia. This has always been a point of contention’ (Interview A1).

The predominance of this latter logic is illustrated by the range of expertise deemed relevant to the CGPCS’s early agenda, as well as the division of labour established by its working group structure. Here a broadly institutional and bureaucratic framing was implemented, as Somalia’s maritime security was structured as a set of military, legal and juridical problems associated with piracy, while socio-economic and developmental

¹⁴TFG correspondence to Working Group 1, 2009.

¹⁵TFG presentation to Working Group 1, 2009.

problems as well as threats posed by foreign activities were excluded from the discussion. Frequent Somali protestations delivered at CGPCS plenary and working group meetings were omitted from formal meeting conclusions and were not reflected in needs assessment reports or in the scope of practices occupying the five working groups. Despite the rhetorical commitment expressed at the first CGPCS plenary to granting Somalia ‘a primary role in rooting out piracy’,¹⁶ participants recall frustration at ‘all these Somali briefings we used to get just to keep them in the room. The history of Somalia... you hear it over and over again’ (Interview B1).

As the number of piracy incidences began to decline from 2012, the CGPCS and the counter-piracy agenda continued to grow in both size and complexity.¹⁷ This was accompanied by a diminishing sense of clarity regarding the operational mandate of counter-piracy and the existential purpose of the CGPCS. The counter-piracy agenda became increasingly entangled with the more nebulous goal of capacity building, and attempting to coordinate the growing number of capacity building programmes became the CGPCS’s primary concern. The bureaucratic delays that characterise large-scale interventions—by most accounts in this case, particularly those funded by the EU—produced a temporal disjuncture between the launch of large programmes and the nature of the problems they were ostensibly designed to address.

From Needs Assessment to Capacity Building

Presenting at the first meeting of the CGPCS’s Working Group 1, an IMO representative defined the group’s strategy as ‘one of containment until such time as a viable solution ashore can be found, then one of capability development’.¹⁸ This reflects the sense of progression in the CGPCS’s mandate, from the immediate goal of containing piracy, to addressing Somalia’s broader maritime security needs. The urgent need for rapid delivery, coupled with a perceived need for compatibility with existing development frameworks and coordination between growing networks of actors, creates a sense of dawning complexity in early CGPCS

¹⁶CGPCS 1st plenary communiqué, 14 January 2009.

¹⁷This growth is well captured in the report of the 2013–2014 CGPCS Lessons Learned Project (see Tardy 2014).

¹⁸IMO presentation to Working Group 1, 25 February 2009.

reports. 'There were all sorts of agendas going on that didn't match... It was trying to be all things to all men' (Interview B1).

This growing complexity led to repeated calls for prioritisation and the subsequent deployment of two needs assessment missions in 2009. Notable in both programme agendas is a lack of Somali involvement; without stepping foot in Somalia, international and regional delegates conducted the more comprehensive second assessment in a series of international hotels in neighbouring countries. Within these assessment processes we can witness the epistemic production of Somalia's maritime problems and the designation of goals that endured until the CGPCS's period of restructuring in 2014. Like the working group structure itself, a degree of institutional inertia meant that the reports' conclusions outlived much of their usefulness some time before the next phase of prioritisation took place.

The first report outlined a broad set of goals, including greater military and judicial capability; greater progress on Somali governance, law and economy; coordination of international involvement and the development of an international regional strategy. The second report established priorities for 'quick delivery' relating to the penal and judicial treatment of captured pirates. Both reports stress their partiality and the need for further, more comprehensive assessments to come. The emphasis at this stage was on finding solutions to piracy as quickly as possible, which often meant bracketing Somalia itself and working from neighbouring countries, by reinforcing the capacity of regional coastguards, for example, or conducting maritime police training in Kenya and Djibouti.

The decline of piracy in 2012 coincided with the deployment of significant EU resources in the region, through the launch of EUCAP Nestor in 2012 and EU MASE in 2013. The CGPCS recognised that the multiplicity of actors now involved in capacity building rendered the first needs assessment reports 'dead documents' and required a system that would enable 'real-time updates from all partners' regarding their activities (Interview A2). This was seen by one EU actor as an opportunity to progress the means of coordinating between international assistance and regional needs from the Excel spreadsheet that had been used until then, to an interactive website. An American NGO, Oceans Beyond Piracy (OBP), was tasked to produce an online, password-protected database that could facilitate the collective coordination of capacity building. The Capacity Building Coordination Platform (CBCP) was designed to be updatable at any time by international donors and project agencies, as

well as recipient states, by uploading their specific ‘needs’ and ‘priorities’. By 2013, the CGPCS’s mandate had stretched well beyond the coordination of counter-piracy, with Working Group 1 now tasked ‘to support, coordinate and de-conflict the efforts of the international community to build maritime capacity in the region’.¹⁹

Despite its promotion at CGPCS meetings, initial engagement with the online platform was sparse and the system soon became obsolete through lack of use. Launched in 2013, most activity on the website had ceased within one year. During this period, the platform logged 102 capacity building projects either planned or implemented in Somalia,²⁰ and a total of eight uploaded ‘needs’.²¹ These figures illustrate the saturation of the capacity building marketplace in Somalia at that time, as well as discrepancies in levels of technical engagement between delivering agencies and recipient states and regions. The technocratic fantasy of matching projects with needs in real-time had faltered for a number of reasons. One factor was the complicated design of the interface itself, which required the formation of a working subgroup to develop and disseminate user guidelines. More fundamental was the unsurprising fact that ‘most participants were unwilling to be coordinated’ (Interview A2), given the political sensitivities and national interests involved in donor–recipient relationships.

This recalcitrance begged questions regarding the ability of the CGPCS to meaningfully coordinate ongoing capacity building activities. Its persistent rhetorical commitment to coordination should therefore alert us to the wider range of functions this term might denote.²² The Somalia case also highlights how the nebulous goal of coordination can be applied to quite different kinds of activities. While the CGPCS was tasked to coordinate international programmes framed in terms of capacity building, architects of the Kampala process sought a different kind of coordination between a different set of actors, for different ends. As testament to the

¹⁹ Working Group 1 meeting conclusions 14 July 2012.

²⁰ Of these, 31 were located in Somaliland and 33 in Puntland.

²¹ Of these, 3 were uploaded by the FGS, 2 each by Somaliland and Puntland, and 1 by Galmudug.

²² The so-called ‘coordination problem’ has received significant attention by organisational theorists. For thoughtful contributions to this debate see Paris (2009) and Hensell (2016).

elasticity of both terms, the language of capacity building was also used to describe this set of encounters.

INSTITUTIONALISING MARITIME SECURITY IN SOMALIA'S GOVERNMENTAL STRUCTURES

What they couldn't do was come to the table and speak as one Somalia.
(Interview B1)

The effective exclusion of Somali politics from CGPCS proceedings reflects an institutionalised division of labour established by the counter-piracy agenda. Even when the group's focus broadened following the decline of piracy in 2012, and debates regarding the relationship between piracy and other maritime insecurities were increasingly sanctioned, Somalia's fractured political system remained off-limits: 'it got particularly bad when they let the Somalis come just to make political statements' (Interview B1). Documented in working group archives and recalled with frustration by international actors, many such Somali statements were omitted from formal CGPCS meeting conclusions.

The implications of Somalia's political system for the counter-piracy agenda were addressed through a different set of local–global encounters, which initially came to be known as the Kampala process. More a series of experiments in political persuasion than a delimited or formal process, the empirical traces and narrative accounts of these encounters reveal how the fragile institutions of maritime governance that exist in Somalia today, albeit with varying degrees of functionality, were established through often haphazard direction by a handful of international elites. Informal, poorly documented meetings between senior UN and Somali officials produced a modicum of cooperation on maritime issues between Somalia's central government and federal member states, including Somaliland. Much of the perceived success of what was initially termed the 'Somali Contact Group on Counter-Piracy' was attributed to the horizontal alignment maintained between the central government and regional administrations, predominantly Puntland and Somaliland, as shown in Fig. 10.1.

The Kampala process comprises a patchwork of stories regarding the co-production of local agency under significant pressures exerted by a changing cast of international actors. The mixed fate of this process and

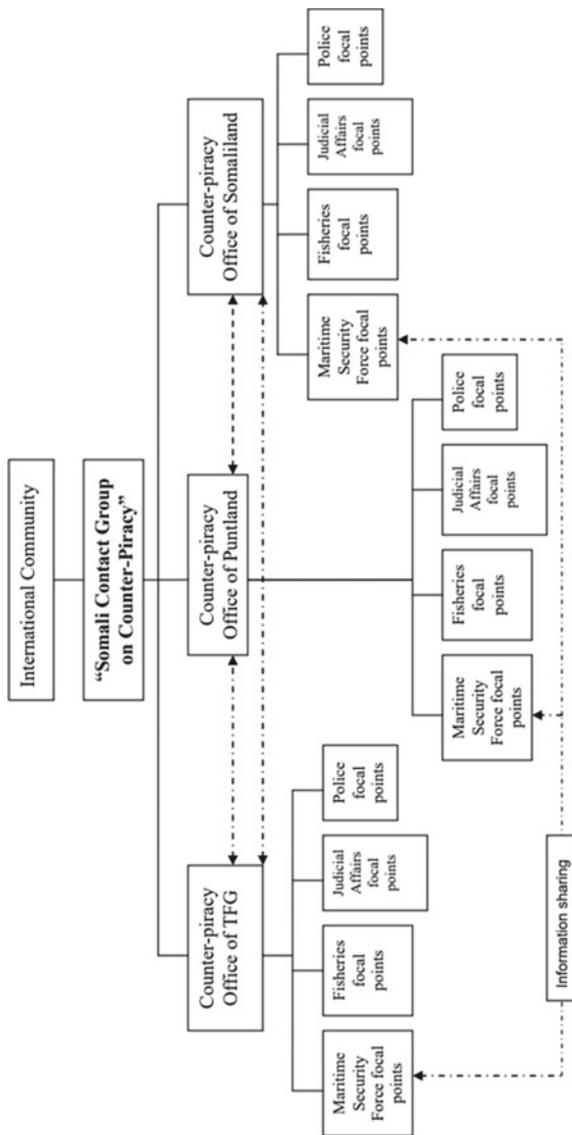


Fig. 10.1 Draft technical coordination mechanism on cooperation to prevent and combat piracy and armed robbery off the coast of Somalia 2010 (Source Somali Contact Group on Counter-Piracy, 2010)

the institutions born from it cast light on its experimental nature, the creativity of key actors and the role of unintended consequences unwittingly produced by ‘blow-ins’ at critical junctures.²³ These accounts shed light on current debates concerning the nature of local–global interactions in complex peace- and state-building contexts.²⁴

This section introduces two narratives relevant to current attempts to institutionalise maritime security governance in Somalia. The story of the Somali Maritime Resource and Security Strategy (SMRSS) weaves a unifying thread through the history of the Kampala process and its subsequent iterations. This text remains the sole maritime strategy endorsed by the FGS and all regional administrations; for some, it remains the greatest success story of maritime capacity building in Somalia to date. Significant hopes for progress in maritime governance as well as broader political reconciliation in Somalia have been based on the survival of this strategy. The second story retraces the development of a two-tier institutional structure—the National Maritime Coordination Committee (NMCC) and the Maritime Security Coordination Committee (MSCC)—established in the wake of the SMRSS to facilitate coordination between Somali maritime governance administrations and international donors. While both mechanisms remain operational at the time of writing, neither function as anticipated.

The Story of the SMRSS

It became pretty obvious that Somalia needed to have a maritime strategy.
(Interview B2)

By 2013, an undisclosed number of Kampala process meetings—some formalised and public, others private and informal—had established a degree of cooperation on maritime issues between representatives of the FGS and all regional administrations, significantly including Somaliland. This had been a slow process. According to one account, it took

²³The term ‘blow-ins’ was used by one interviewee to describe international actors who work on capacity building programmes for short periods, fail to grasp the relevant political sensitivities but seek to achieve quick results, before moving on.

²⁴For recent notable contributions to this wide debate see Danielsson (2017), Tholens (2017) and Zimmerman (2017).

18 months of discussion to establish which Somali actors would participate: ‘it was quite painful... this disparate group of Somalis wanted to speak with one voice, but kept tripping over each other’s politics’ (Interview B1). International involvement initially comprised a small representation of just three or four people from the UN Political Office for Somalia (UNPOS).

Participants engaged with the process for different reasons. According to one UN actor, their strategy was to avoid letting it appear as though piracy was the reason for their engagement, despite that in fact being the case. For Somaliland, given that this was an apparently neutral process facilitated by the UN, it was assumed that this was seen as a potential route to independence: ‘it made them look like a separate state; that’s why they agreed’ (Interview B2). All Somali participants shared an interest in protecting the substantial fishing assets that were deemed to be under threat: ‘they were all to a man agreed that that’s what had driven piracy; they all believed that they needed to be able to stop illegal and unregulated fisheries by whomever it was who was doing it’ (Interview B1).

Formal communiqués stress the ‘technical level’ of engagement maintained at Kampala process meetings, despite the highly political nature of the problem being addressed. This level of technicality was achieved by at least two means. The first was a strategy of evasion deployed by the UN actors: ‘when they used to start shouting at each other about constitutions, we would just get up and walk out...When they’d all got it off their chest, we’d go back in and restart the meeting’ (Interview B1). The second was to incorporate a level of technocratic formality into proceedings by channelling efforts towards the development of a shared text: ‘our whole focus was to find a maritime set of words that every Somali could sign up to’ (Interview B1). Somali authorship of this text is frequently asserted in formal meeting documentation as well as in the strategy itself, which asserts that ‘this document is authored by Somali technical experts engaged in a technical process’ (SMRSS 2013, 4). In practice, however, the drafting of the text was carried out by the American NGO OBP, whose support was enlisted by UNPOS. The strategy’s wording was borrowed from a template created outside the Somali context, the Maritime Security Sector Reform (MSSR) guide, published collectively by several US government agencies in 2010 (US Government 2010). According to all accounts, the MSSR was selected as a template because it was the only document of its kind in existence. ‘Nothing changes.

Why rewrite things? This wasn't rocket science. This was more a persuasive process, really' (Interview B1). The inherent problems involved with exporting this generic framework from one political context to another have been explored elsewhere by Edmunds (2014).

The language used by key actors to describe the drafting process conveys a sense of how the persuasion played out. Somali participants were 'never prepared' and 'didn't know what was going on' so needed 'massaging' and 'spoon-feeding' through the process, which progressed 'with baby steps' (Interview B4). The arts of persuasion were further deployed by a British former royal marine, consulted by OBP 'to sell the strategy' to Somali participants at a meeting in Addis Ababa in 2013 (Interview B2). 'He treated them all like junior marines...it was like a comedy session every time he stood up' (Interview B1). The strategy itself had already been drafted by OBP although very little had changed from the generic US doctrine: 'we developed the strategy for the Somalis, convinced them what they wanted and what it should look like' (Interview B2).

Mirroring the MSSR, the SMRSS is divided into six functional areas: maritime governance; maritime law enforcement; maritime security; maritime safety; maritime response and recovery; and maritime economy. The plan was for capacity building in each area to be hosted by a different lead international agency, implemented by a number of international organisations with area-specific expertise and funded by donor states willing to support that particular area. Despite very little implementation to date, the SMRSS is heralded as the key achievement of the Kampala process, which was subsequently renamed the Regional Maritime Coordination Mechanism (RMCM). For one participant, its value derives from its aspirational power: 'it gives them a roadmap to where they should be going' (Interview B3). According to another account, the strategy rationalised and segmented Somalia's otherwise chaotic maritime domain, for the purpose of selling responsibility for assistance to different parts on the international market for capacity building: 'it's great the Somalis having all these ideas, wanting a coast guard, wanting a navy, wanting a fishing industry and so on, but somebody has to pay for it and somebody has to organise it' (Interview B2).

One of the tasks outlined in the strategy's preamble that did soon materialise was the establishment of a committee structure to enable coordination between the donor community and implementing agencies

relating to progress on the functional areas of the SMRSS. These institutions remain the aspirational if dysfunctional focal points for international contact with Somali maritime governance at the time of writing.

The NMCC and MSCC

The collective endorsement of the SMRSS by the FGS, federal member states and Somaliland in 2014 created the need for institutional structures to oversee and direct the strategy's implementation. The two-tier NMCC/MSCC structure was 'dreamt up' by a key UN architect of the Kampala process to replace the RCMC, to meet a perceived need 'to show Somali ownership' while honouring an objection by the FGS to the word 'regional' appearing in the group's title (Interview B4). The NMCC was established as a Somali-only forum that would (in theory) bring together all ministries from the FGS, regional administrations and Somaliland with a stake in the maritime sector. The MSCC was concurrently established to bring this forum together with donor groups and implementing agencies seeking to support work detailed in the SMRSS. These structures were soon formally recognised by the UNSC (2015) and the CGPCS (2015b) as the key focal points for maritime security governance in Somalia.

Since their inception, neither group has functioned effectively. A letter addressed to the CGPCS in June 2015 by Galmudug's Counter Piracy Focal Point (2015) describes an 'important meeting' recently convened in the office of the FGS National Security Advisor at the Presidential Palace in Mogadishu, during which the terms and structure of the NMCC were established. Listed participants include representatives from the FGS presidential office, Puntland, Galmudug and the newly established Southwest State and Shebelle Region. With Somaliland and other regions absent, the FGS National Security Advisor was selected as chair and the Puntland Counter-Piracy Director as deputy chair. The NMCC has met infrequently since that time without Somaliland's participation, and with little clarity regarding which regional administrations have been involved, and in what capacity.

The original terms of reference for the MSCC were written by the same international team that had managed the production of the SMRSS:

OBP consulting for a small UN representation.²⁵ In December 2014 the group's protocols of operation specify UNSOM, UNODC, OBP and EUCAP Nestor as acting collective secretariat (MSCC 2014, 3). Adopting the same organisational approach as the Kampala process, this secretariat would loosely coordinate the group in the absence of a formal chair and decisions would be 'unanimously taken among participants and agreement achieved by consensus' (MSCC 2014, 4). At this stage, hopes remained high for the prospect of cooperation facilitated by this committee structure. It was envisaged in successive CGPCS meeting conclusions that once operational, the MSCC would take over the coordination work that previously had been carried out by the CGPCS's own Working Group on Capacity Building (CGPCS 2015a). A technical subgroup of the Working Group on Capacity Building was established to oversee a 'gradual rationalisation' of the growing number of coordination mechanisms in Somalia, and to support the effective operation of the new committees until the work of the subgroup could be handed over to the MSCC.

During this period, the capacity building marketplace in Somalia was characterised by increasingly complex arrangements of donors and implementing agencies, with a dizzying array of associated coordination challenges; 'it was pretty messy; people competing for space' (Interview B1). The most significant arrivals were two large EU deployments, EUCAP Nestor in 2012 and EU MASE in 2013. MASE is a five-year project that brought 37.5 million euros and significant numbers of personnel to its five different subprogrammes, termed 'results'. The first of these results, the Somalia Inland Action Plan (SIAP), duplicated the logic of the Kampala process—that addressing Somalia's maritime issues required greater governmental cohesion on land—and effectively transferred responsibility for coordination of Somalia's maritime governance: 'MASE took it out of UN hands and into the EU's' (Interview B3).

A core feature of MASE is that while its financing is managed by the European Commission in Brussels, responsibility for implementing each of its five results was delegated to a different African regional organisation (see European Commission 2017). At the start of the programme in late 2013, responsibility for overall oversight of MASE's implementation was delegated to the Intergovernmental Authority on Development (IGAD),

²⁵This was a representation from UNPOS prior to June 2013, after which the UN's political assistance to Somalia was conducted through UNSOM.

as was the specific implementation of SIAP, following an unsuccessful competitive bid for this role by the UN team that had facilitated the Kampala process. Following this struggle for control over coordination of Somalia's maritime governance, responsibility for the MSCC's secretariat functions shifted to IGAD and with it, according to most accounts, went the modicum of political neutrality that had been fostered during the Kampala process, which had been essential to the level of cooperation achieved during its meetings.

The fragility of the MSCC and the volatility of political relationships contained within it soon became visible. At an MSCC meeting convened by IGAD in Nairobi in December 2015, the committee's terms of reference were changed from their original form to specify the Deputy Prime Minister of the FGS alongside IGAD as the committee's co-chairs (FRS 2016). The revised terms of reference also designated two rotating deputy chairs, the first from 'the Somali regional states' and the second from the international community. In contrast to the horizontal alignment achieved during the early stages of the Kampala process, the now vertical structure of Somalia's maritime coordination architecture is shown in Fig. 10.2. This effective centralisation of power over maritime governance produced fresh regional tensions that led Somaliland and Puntland administrations to abandon the next MSCC meeting in Kampala in May 2016, at which remaining participants ratified the new terms of reference. In a letter addressed to IGAD's Secretary General in June 2017 and copied to a range of interested parties including the UNSC, Somaliland's Minister of Foreign Affairs and International Cooperation announced the formal withdrawal of Somaliland's membership of the MSCC and its suspension of cooperation, based on its stated objections to the changed terms of reference remaining unaddressed (Letter to IGAD 2017). This situation persists at the time of writing. 'So what is the link between the MSCC and the NMCC right now? Not much. The Federal Government sees the MSCC as their international coordination body but the federal member states and Somaliland do not' (Interview B5).

These institutional struggles reflect a period of heightened friction between the FGS, federal member states and Somaliland regarding power sharing and security governance more broadly. Given its lack of historical norms of governance, Somalia's maritime sector represents a particularly thorny problem space: 'Every time this issue of maritime security and the maritime domain is brought up in the National Security Council it turns into a feud. It's a very caustic issue' (Interview B5). A new National

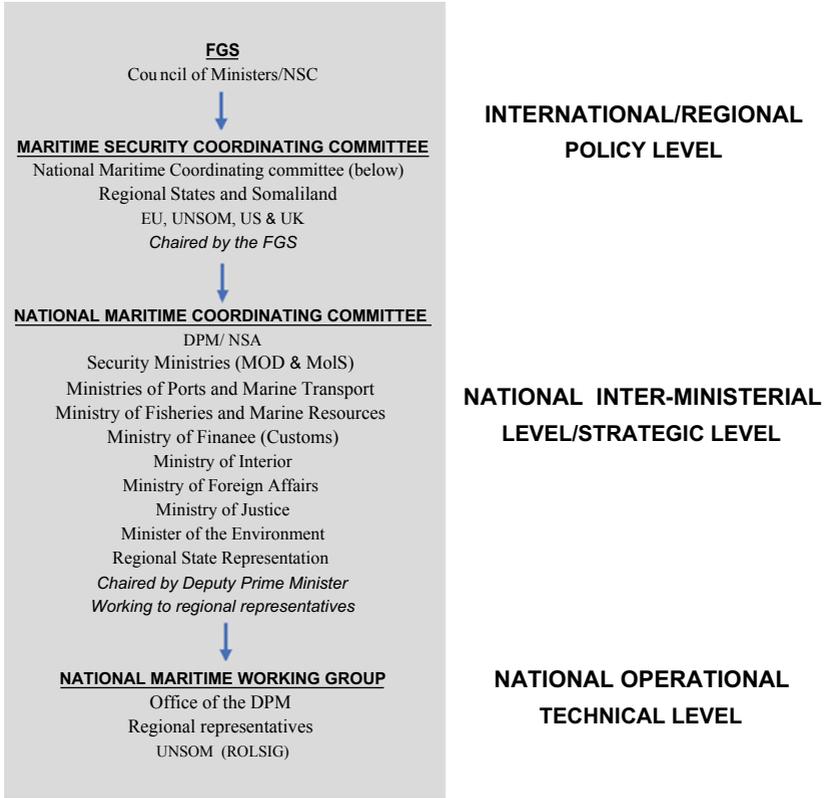


Fig. 10.2 Somalia’s maritime strategic coordination architecture 2016 (*Source* Federal Republic of Somalia, 2016. Somali Maritime Coordinating Committees: Terms of Reference, March)

Security Architecture agreement established prior to the London Conference on Somalia in May 2017 and incorporated within the Security Pact unveiled at that conference, details plans to establish a national coastguard as a federal-level entity under the Ministry of Internal Security. With at least eight regional or local maritime security actors now functioning with limited capacity along the Somali coast, however, including a relatively mature coastguard network in Somaliland, there exists little clarity regarding what a national coastguard would imply for the prospective roles and jurisdictional responsibilities of these existing forces (UNSOM

2017). The communique from Somalia's highly anticipated security conference held in Mogadishu in December 2017 omits any specific mention of maritime concerns.

The evolving plot of the SMRSS and the attempt to institutionalise maritime governance in Somalia reveal the degree to which international activities have co-produced Somalia's political outcomes, increasing the level of organisational complexity often with unforeseen consequences. With international attention now shifting away from Somali-based piracy towards maritime security more broadly in the Western Indian Ocean region, and with many naval patrols and larger capacity building projects catalysed by piracy either completed or in their end stages, the present moment provides an opportunity to evaluate the functions and achievements of capacity building for maritime security in Somalia.

EVALUATING MARITIME CAPACITY BUILDING IN SOMALIA

When seeking to capture what capacity building is and does, there is a danger of overstating its diversity by following and describing the array of practices that take place in its name. Jacobsen (2017) has shown how the language of capacity building is particularly attractive to policy-makers and programme managers because of its conceptual association with the potential for comprehensiveness. Since maritime security is recognised as a particularly complex problem space, given the range of interconnected issues and multiplicity of actors involved as well as the deeper state–society grievances of which maritime insecurities are reflective, connotations of holism and bottom-up consolidation lend programme designers significant scope from which to select and label specific projects and activities. In keeping with the language of Somalia's 'comprehensive approach to security', detailed in the Security Pact unveiled at the 2017 London Conference, the connotation of comprehensiveness implied by the notion of capacity building—the idea that everything can somehow be capacity built—adds to the impression that capacity building is something that can be known prior to instances of its deployment.

Official reviews of maritime capacity building in Somalia often bolster this impression of comprehensiveness. A recent report by One Earth Future (2017), for example, provides an overview of activities undertaken by the main multilateral actors in the Somali maritime domain, namely EUCAP, EUNAVFOR, NATO, IMO and UNODC. These include on-ship and onshore training programmes on topics from logistics and first

aid to law enforcement and human rights, couched in terms of ‘investments in the human capital’ of Somali actors; equipment and resource supply, such as the Turkish provision of four patrol craft to the FGS coast guard and EUCAP’s provision of 4×4 vehicles to the same force; and direct funding for the creation of particular maritime security forces, such as the United Arab Emirates’ funding of the Puntland Maritime Police Force. Claiming that ‘such capacity-building efforts are the key to ensuring the development of long-term maritime security in the Somali region’ (One Earth Future 2017, 12), the report’s focus is restricted to those activities that have in fact been carried out. With an absence of analysis or evaluation, the success of activities like training programmes and vessel donations are implied merely by their having taken place.

To avoid reproducing the false impressions of comprehensiveness and effectiveness by restricting attention to those programmes that have been delivered, Jacobsen (2017) suggests focusing instead on the ways in which the aggregation of programmes in fact falls far short of a comprehensive approach. This can be done in at least two ways. The first is by looking beyond programmes’ own marketing materials, which often omit details relating to geography, scope and sustainability. The four patrol craft delivered by Turkey, for example, have suffered from a lack of maintenance that has led to extended periods of unavailability. UNODC (2017) describes the ‘packages of support’ delivered through its Maritime Crime Programme as ‘specifically tailored to meet the needs of South Central Somalia, Galmudug, Puntland and Somaliland respectively’. This discourse of comprehensiveness implies that bespoke packages of assistance were delivered across the whole country, with each region characterised by its own discrete yet internally uniform suite of knowable needs and priorities. This discursive strategy cloaks an absence of fine detail relating to where and how interventions actually took place. A senior practitioner reviewed the work of UNODC in different terms: ‘people are doing what they can do. UNODC concentrate on the police, where they can safely work. So that’s in Berbera and Bosaso. Nobody’s even looking at Hobyo where the problem is. They’ve produced a couple of guys who can swim and a few little boats that you and I might go out fishing with on a lake, but no capability whatsoever to go to sea, not even to the territorial waters, let alone a 200 mile EEZ’ (Interview B2).

The second way to approach the discrepancy between claims to comprehensiveness and the scope of actual practices is to interrogate how these gaps are themselves productive of certain outcomes—such as

bolstering the influence of some security priorities over others—rather than interpreting them as failures as such. In this sense, the case of Somalia reinforces the conclusions Jacobsen (2017) draws from her research on maritime capacity building in the Gulf of Guinea. In both cases we find capacity building efforts exhausted by the same two overarching categories: a military response to piracy that directs early attempts to strengthen local and regional defence capacities, and a range of further activities seeking to strengthen institutional legal and juridical shortfalls. This leaves a number of significant gaps that no actor or agency appears to be addressing, pertaining to societal and political drivers of maritime insecurities such as youth unemployment, alternative livelihood issues, poverty, societal inequality and widespread corruption. An interviewee from Somaliland expressed a widely shared concern regarding the selective focus of donor engagements: ‘as long as Somaliland youths have access to arms, are unemployed and looking to earn their living either on the coast or at sea, there’s always the possibility of piracy increasing...We need coastal development programmes more than building prisons or courts or concentrating on prosecution. There was always a deafness on this issue among international partners’ (Interview B6).

Like in the Gulf of Guinea, the remits of maritime capacity building programmes in Somalia have excluded these deeper societal grievances and eschewed community-level development approaches, based on the shared assumption that while important, responsibility for such activities falls beyond the scope of capacity building: ‘they are two completely independent lines of action...We have no way to fix Somalia’ (Interview A1). This reductive process of demarcating specific policing, securitisation and ‘law and order’ activities from what are framed as broader developmental concerns is itself productive of broader outcomes. As Jacobsen (2017, 249) argues, ‘prioritising the development of the kinds of capacities that are deemed necessary in order to reduce the likelihood of piracy attacks is illustrative of how the security priorities of external actors have successfully influenced which dimensions of a much broader problem regional actors are encouraged to respond to’.

With underlying drivers unaddressed by the institutional focus of capacity building, it was unsurprising to observe a recent resurgence of piracy in the region following a scaling back of the international naval presence in the Western Indian Ocean (UNSC 2017). This has been accompanied by a regionalisation of capacity building activities and a waning of interest and engagement in Somalia itself: ‘The international

community can and does get bored. That level of support was never going to stay there forever [...] Somalia will just rattle on for a long time yet' (Interview B2).

CONCLUSION

The record of programmes that waxed and waned in Somalia during the decade since the rise of piracy invite an account of capacity building that challenges conventional languages of intervention in a number of ways. Our analysis must avoid what Bueger and Tholens (Chapter 2), drawing on Jan Cherlet (2014) have termed the danger of 'epistemic determinism', according to which the specific nature of capacity building is anticipated before its constitutive activities have taken place. The case of Somalia demonstrates the fallacy of this way of thinking. Rather, paying attention to the detail of actual practices reveals their irreducibly *interactional* status, with outcomes the unplanned products of relational encounters between a complex of variously resourced actors with conflicting agendas and institutional constraints. Such practices have traditionally been framed as components in bigger strategic processes—of liberal norm diffusion or transfer, for example, or of the hegemonic imposition of a material-discursive regime. This chapter has shown how both of these framings credit international practitioners and the institutions within which their activities take place with greater capacities for effective strategic action than is justified by available evidence. Rather, capacity building is a messy amalgam of frequently uncoordinated activities bound by a series of limits—of what is practically possible and politically negotiable within given time frames in challenging political and material contexts.

A more fruitful approach begins with a different assumption, by exploring where pockets of relative order have emerged from previously disordered problem spaces through a complex of global encounters that—for ease of notation alone—we might term capacity building. By way of conclusion, we can distinguish at least four such problem spaces that intervention into Somalia's maritime has ordered with varying degrees of success. The first is the epistemic problem of what maritime security means.²⁶ The chapter has shown how Somalia's piracy problem launched

²⁶For a more general treatment of this problem see Bueger (2015).

maritime security onto the global political agenda and strongly influenced how its vision would materialise in subsequent years. The focus on piracy would in time spread to the broader suite of maritime threats that now occupy capacity building efforts in the region. Piracy has in this sense accelerated the pursuit of better international cooperation and more effective mechanisms of governance in the Western Indian Ocean. Through political struggle and as a route to gaining support from Somali elites for the counter-piracy agenda, the maritime priorities of Somalia's governing institutions have themselves now belatedly become a more prominent part of the maritime security discussion, despite few concrete achievements to date.

The second sphere of order-making relates to the institutional problem of how maritime security should be organised in Somali governmental structures. This raised a particularly thorny set of issues relating to the country's incongruent political system that the Kampala process—and the two-tier NMCC/MSCC committee structure that the process established—has sought to resolve. Countries around the world have experimented with this problem in different ways. Should maritime security be the responsibility of ministries of internal security or defence? How should a fledgling federal state like Somalia navigate the tensions produced when multiple member states follow different paths towards similar goals? What should the respective roles of navies and coastguards be, if indeed they can or should be established as separate entities? Finally, and arguably most importantly for Somalia, how can revenues generated from substantial resources contained within a vast ocean territory be equitably shared between administrative regions whose terrestrial coordinates do not correlate with the country's maritime space?

The issue of maritime resource sharing has made the third order-making agenda in Somalia particularly acute, namely the political problem of how to manage the Somaliland issue. When the Djibouti Code of Conduct committed each signatory state including Somalia to establish a single national maritime focal point in 2009, a spotlight was shone once again on the complexity and apparent entrenchment of Somalia's political fragmentation. The Kampala process provided a forum within which a handful of UN elites could exert political persuasion under the guise of a technical forum to bring Somaliland into dialogue with the central government and federal member states on maritime issues. After initial success that culminated in the shared SMRSS text, the fragility of this experimental space was exposed by the intrusion of external elements: the

inauguration of a new and more strongly centralising federal government in 2012, and the assumption of control over the process by incoming capacity building factions from the EU and IGAD. At the time of writing, the UN practitioners who ‘dreamt up’ the Kampala process continue to seek to re-establish the level of cross-regional cooperation that has been lost since 2013.

The final set of ordering practices that have consumed considerable resources in Somalia relates to the familiar problem of coordination. How should the multiplicity of actors involved in capacity building be organised? What tools and mechanisms can be used to manage the emergent nature of the field as a whole, in order to maximise coherence between activities and avoid the worst pathologies of waste and duplication? The case of the CGPCS provides a valuable opportunity to assess attempts to achieve these goals, while the problem of coordination became increasingly acute over time. Lessons should be drawn from this history regarding the effectiveness of the divisions of labour produced by the CGPCS working group structure. The story of maritime capacity building in Somalia is replete with failed attempts to coordinate, from the use of the US MSSR guide to organise donor engagements, to the design of the online CBCP to facilitate real-time coordination and meet the challenges of dynamism and change. In the view of one interviewee, however, such efforts are bound to fail: ‘The lack of coordination is always blamed and everyone calls for more coordination. But no one wants to pay for coordination, and no one wants to be coordinated’ (Interview B7).

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PART IV

Conclusion



CHAPTER 11

Conclusion: Governing the Maritime—Providing International Assistance

Christian Bueger, Timothy Edmunds, and Robert McCabe

INTRODUCTION

Maritime security has become a substantial concern of security institutions over the past two decades and, to some degree, is changing security thinking around the world. International actors have started to rethink

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their relation to the sea, and increasingly conceive of the maritime as a space of insecurity that needs to be governed differently from the land (Bueger and Edmunds 2017; Bueger et al. 2019). This transformation of security thinking has led to a substantial number of capacity building processes that aim at handling the maritime space differently by creating new institutions, agencies and practices across the world (Bowers and Koh 2019; Bueger et al. 2020).

Maritime security thinking and responses have proliferated across regions to cope with a range of very different security issues. In regions such as the South China Sea, these have primarily concerned issues of geopolitical contestation. In the Mediterranean, they have coalesced around issues of migrant smuggling. In the Western Indian Ocean, the key driver was the rise of piracy off the coast of Somalia that began in 2007, together with concerns over the potential for maritime terrorism and tensions between regional and global powers in the region. In all cases, these challenges have led to a re-evaluation of the sea in security thinking.

As the chapters of this book document, this reevaluation has led to a series of novel and innovative approaches to capacity building, and in the Western Indian Ocean region particularly. Some of these efforts expanded on established activities of security sector reform that had been employed ashore in other contexts since the end of the Cold War, while others were more experimental and pioneering in character. The chapters taken together provide a comparative analysis of these capacity building responses in the different countries of the Western Indian Ocean region.

Capacity building, while a contested term (Bueger and Tholens, this volume), concerns the building of new institutions, forms of coordination, writing of laws, creating of new forces, or training and enhancing existing ones, or the investment in new equipment, buildings or vessels. In the book, the capacity building efforts of seven different countries were studied using a bespoke framework. No strong patterns or unified response has emerged. The opposite is the case. There is a great deal of variety of how countries of the region have reacted. The case studies illustrate the relative complexity of maritime security capacity building, but also highlight how national context is a fundamental consideration in terms of how capacity building is conceptualised, how projects manifest and how success might be measured.

In this conclusion, our goal is to gather the key insights that have been gained from comparing countries, drawing on the framework we presented in Chapter 1. We start out by revisiting the need to develop

the theoretical discussion on capacity building (Bueger and Tholens, this volume). We then discuss each of the dimensions of the framework in further detail and consider what general picture can be gained from the case studies concerning them. We start out with the maritime spaces that each of the countries have installed to address maritime insecurities and manage ocean resources. We then consider the processes through which countries have problematised the maritime, before turning to the question of capacity building itself where we discuss the different institutions and activities the countries rely on or aspire to create. We conclude by reflecting on the framework more generally and by contextualising the results of the book in wider debates on maritime security and the international relations of the sea.

CAPACITY BUILDING: FROM THEORY TO SPIP

Although capacity building has emerged as a major practice of international relations, it has received relatively little attention in international security studies scholars or related scholarship. This is gradually changing with new research on the issue (Denney and Valters 2015; Edmunds and Juncos 2018, 2020; Jackson 2011; Jackson and Bakrania 2018, Lidskov Jacobsen 2017). The goal of this book was to contribute to these wider discussions on capacity building and security assistance, but also to use the analytical angle of capacity building to examine the evolution of contemporary maritime security in practice. Our argument is that activities often described as ‘maritime security governance’ (Shemella 2016) or ‘maritime security sector reform’ (Sandoz 2012) are de facto processes of capacity building, in whole or in part. This approach broadens out the concept of capacity building and does not simply reduce it to international assistance practices. Capacity building is what happens in countries and regions, with or without external assistance. This is reflected in our case selection, which includes countries where capacity building has been driven almost exclusively internally (e.g. Israel or Pakistan), while in other countries, such as Somalia, capacity building has depended on outside actors and is, in essence, the work of international organisations and states providing some form of assistance.

Chapter 2 of this book (Bueger and Tholens, this volume) discussed the intricacies involved in defining and theorising capacity building. This not only revealed the multiplicity of meanings implicit in the concept of capacity building, but also offered some theoretical insights. The chapter

argued that while there is nothing like a substantive ‘theory of capacity building’, different theoretical debates in international relations, such as the study of norm diffusion or of state-building and intervention, for example, can inform our understanding of it. The chapter also identified a core problem of current frameworks and approaches; that of *epistemic determinism*. Actors, whether practitioners on a national or international level as well as many scholars, tend to assume that what is required to build capacity is already known. This assumption is problematic in two senses. It firstly does not recognise that problems such as maritime security are emerging domains, where knowledge is generally advanced in the process of doing rather than being pre-established and known. As the chapters in this volume show, much capacity building in fact comprises a process of improvisation and experimentation, of probing and testing what could be done, and what might work. A second problem concerns *depoliticization*. Even assuming that the required general knowledge on the best responses to maritime security issues would be available, it is misleading to suggest that capacity building is only a technical process. In practice it is rooted in political processes and broader historically rooted hierarchies and structures of power. These are present both in relation to internal national dynamics of politics and policymaking, but also at the international level too, where legacies of colonisation, decolonisation, the Cold War or the global capitalist system can all shape interactions between actors.

Analysing maritime security capacity building thus requires a framework that is open to the various ways that knowledge about maritime security is produced, the manner in which different countries evaluate it as a problem, and the political processes and structures of inter-dependence that these processes imply. In consequence this book sketched out a layered hermeneutic approach—the SPIP framework—and demonstrated its utility. Our goal was not to suggest fixed, well-defined categories or to advance predetermined assumptions that could be tested. Instead, we developed SPIP on the basis of our first empirical insights in order to spur questions, encourage open analysis and facilitate comparison between cases. As outlined in Chapter 1, SPIP comprises four basic layers of assessment. The first two concern *Spaces and Problems* and considers how the maritime domain is rendered as a problematic issue that requires governance and novel forms of capacity. The latter two layers—on *Institutions and Governance* and on *Projects and Practical Innovations*—focus on how that capacity is then articulated and fostered through institutional

structures and practical actions. The specific insights the SPIP framework engendered are documented in each of the case studies and help show the productivity of the approach. In the following section, we synthesise some of these results in the light of each of our layers, beginning with the discussion of space.

Insecurity, Spatiality and the Sea

The SPIP framework begins with an investigation of the extent of the maritime spaces a country is responsible for or considers as relevant. This provides a first measure of the challenges a country faces and how it has evaluated the sea in security terms. The basic parameters of such spaces are set out in the UN Convention of the Law of the Sea, and include the Territorial Sea, Contiguous Zone and Exclusive Economic Zones (EEZ), as well as in other conventions that define spaces such as the 1979 Search and Rescue Convention's definition of search and rescue zones. Analysing such spaces reveals tremendous differences between cases. A small state such as Seychelles is de facto a grand ocean nation, with an EEZ that is over a two-thousand-fold multiple in size of its land area. By contrast, Kenya and Pakistan are land powers, with more limited sea to land ratios. Some countries are in essence fully dependent on the sea due to their geographic location. This is the case with Seychelles, which is not only an island nation, but also gains its main income from maritime economic sectors, and also with Djibouti, which is economically dependent on its ports. Seychelles, and in particular South Africa also have substantial responsibility for search and rescue and their zones are extensive.

To understand the spaces of maritime insecurity, it is important to look beyond the formal territories that a country governs and consider the spaces that it considers as requiring attention. These might include firstly cases where maritime borders have not been settled or are not clearly delineated through the institutions of the law of the sea. From our case countries, Israel, Pakistan, Somalia, Djibouti and Kenya have ongoing maritime border disagreements with their neighbours. The second kind of such informal division of spatial interest comprises what might be called 'pragmatic spaces' (Bueger 2020a). These concern those technical arrangements, such as marine protected areas, naval patrol or surveillance zones, that a country has established to manage its own maritime domain. All of our country cases have over the past decade started to demarcate further marine spaces, in particular, marine protected areas,

and operate with a law enforcement structure that gives different responsibilities to agencies in distinct zones. Thirdly, informal spaces of interest may include international waters or those of neighbouring states, where countries have a genuine interest or are addressing shared challenges like smuggling or piracy, or where regional agreements have installed zones of special interest such as the International Recommended Transit Corridor in the Gulf of Aden. In other words, maritime security not only implies that existing spatial configurations are evaluated as requiring protection from certain issues, but maritime security practices also generate distinct spatial configurations which would not exist outside of those responses (Ryan 2019; Bueger 2020a).

Problems of Insecurity at Sea

In addition to identifying maritime spaces, we also need to understand how they have come to be understood as problematic in security terms. This directs attention to the problems that countries take to be part of their maritime security agenda and how they prioritise these. Such an approach is distinct from how maritime security has conventionally been studied, which usually starts with a general or universalist definition of ‘maritime security’ and the issues it comprises, against which the maritime security landscape of a country can be assessed and responses formulated. As discussed above, the difficulty with this approach is that it renders maritime security primarily as a technical problem consisting of an a priori set of challenges and hierarchies. It thus risks ignoring or downplaying the socio-historical and political context within which such problems come to be seen as important and prioritised (or not) as issues that require action. We argued instead that the question needs to be turned into an open and empirical one. How has maritime security become a concern in a country? What issues are identified as problems or threats and why? How do these relate maritime security to other concerns, including the blue economy, environmental protection or national security more widely?

Such a process can be called ‘problematism’. As Bueger and Edmunds (2020) outline, ‘problematism’ refers to the political process by which issues are rendered problematic and considered to require political action. The concept provides an alternative to objectivist understandings of security; that is, the idea that the threats and issues that a country faces in its maritime space can be measured on universal grounds, as well as subjectivist understandings that often reduce security to the

problem of perception. It also broadens the focus away from security in that it doesn't assume that security is the only domain that matters, and instead brings to the fore the relations between security and other logics, such as those of economy or environmental conservation.

The concept of problematisation assumes that the issues which form part of a country's maritime security agenda are the outcome of a complex discursive construction process (Bueger and Edmunds 2020). In that process, objectively given events (such as a piracy incident) and the threat analyses of experts (such as the trend analyses concerning piracy or trafficking routes), are clearly relevant and inform processes and responses. However, how issues are prioritised, framed as urgent, cast in economic, environmental or humanitarian ways, and trigger actions and political programmes are the outcome of a much more complex political process. This process is characterised by struggles over resources, and influenced by other political agendas, as well as historical understandings of security and a country's historical relationship with the sea. The chapters in this book have produced insights on problematisation in at least two ways.

Firstly, there are core differences in how maritime security is linked to traditional security concerns vis-a-vis economic and environmental themes. Indeed, it is plausible to see this as a spectrum in which countries such as Israel link maritime security primarily to traditional security issues, while countries such as South Africa tend to problematise it as an economic concern. The other countries are situated in the middle of this spectrum. The majority of our country cases have only recently begun to shift attention to the whole spectrum of maritime security issues, for reasons often linked to the rise of Somali piracy (Seychelles) but also by a newly emerging recognition of the importance of the blue economy (Kenya). Many countries are still in the process of conceptualising their understanding of maritime security and the prioritisation this entails.

Secondly, the case studies reveal some interesting tensions between problematisations. These initially concern the ways in which one particular issue may come to dominate the maritime security agenda. In cases such as Israel or Pakistan, priorities such as the protection of sovereignty and deterrence dominate the security agenda at sea in ways that often leave little space for other issues—such as maritime crime—that have less immediate or visible consequences. Across the cases there are also instances where there is a substantial mismatch or tension between problematisations and their effects. In Kenya, for example, international statistics show a growing public health problem caused by narcotics coming into

the country by sea. However, the government pays little attention to this issue in its maritime security agenda, focusing instead on illegal fishing and piracy. Such mismatches are perhaps most significant when the problematisations between external actors offering capacity building assistance and resources and those of the receivers differ substantially. For example, in many respects, the primary concern of external capacity builders in the Western Indian Ocean region has been the problem of piracy. While countries such as Seychelles tend to agree in this assessment, in the case of Somalia there is a substantial mismatch, in that the government gives a much higher priority to illegal fishing and other environmental concerns, if the maritime is a priority compared to land-based challenges at all. Managing such tensions is one of the core challenges of maritime security capacity building.

Institutions and Political Contexts

While spatiality and problematisation provide important insights into how maritime insecurities are thought of and prioritised, to understand the development of responses it is also important to consider the basic institutional set up and context within which these take place. Indeed, the responses a particular country develops to its maritime security challenges are significantly influenced by its security governance structures and the historical legacies that shaped these. Countries that are significantly militarised, such as Israel or Pakistan, for example, have historically sustained relatively strong navies, which in turn also dominate much of the maritime security debate. In other countries, for example Kenya, the navy remains an important actor, but competes much more substantially with other agencies, such as maritime police, the coastguard or fisheries agencies. With the exception of Israel, the countries in the Western Indian Ocean region develop their understanding of maritime security against a post-colonial context in which de-colonisation was not accompanied with concerns over security at sea because these issues had traditionally been the domain of the (former) imperial power. This in turn has led to a focus on land-based security threats and a deprioritisation of vulnerabilities and opportunities associated with the oceans for states such as Kenya and South Africa.

Other path dependencies matter too. The political history of South Africa, for example, has resulted in a cautious approach towards employing the navy as a lead actor in issues of security governance due to

the military's prominent role in the old Apartheid state. In consequence, and in contrast to the Israeli and Pakistan cases, maritime security governance in South Africa is led primarily by civilian authorities, with the Navy in a supporting role. Israel's greater emphasis on maritime security is mostly a result of regional developments such as the militarised Iranian nuclear project and the discovery of gas depots in the Eastern Mediterranean. Pakistan presents a case of a nation primarily focused on land-based threats and with a consequent, and relative, lack of investment in capacity building and reform in the maritime sector. In South Africa, while the normative side of maritime capacity building through institutionalisation, legislation and cooperation is progressing; the absence of a clear maritime security strategy combined with an entrenched landward narrative stifles prospects for larger capacity building or maritime sector reforms.

Beyond these historical and institutional path dependencies, there are at least three other common themes that emerge from our case studies in this area. The first, is the often-complex institutional space in which maritime security is conducted. With the exception of Israel, all our case study countries address maritime security issues through multiple departments and agencies who cooperate with each other with varying degrees of success. Where states have strong naval traditions, such as in Pakistan, it is the navy that tends to dominate these interactions. In the Pakistani case, this is in part because of the traditionally strong voice that the military have always had in Pakistani politics. However, more generally, it is also because naval forces are often the largest and best resourced in the maritime security sector as a whole which gives them significant institutional leverage and advantage over smaller agencies such as coastguards. This is the case even in South Africa, where maritime security responses are resolutely civilian led, but where the navy has significantly more developed ocean-going capacities than the South African Police. In Seychelles—where there is no navy as such and coastguard functions as the maritime component of the People's Defence Force—such institutional complexity is visible in interactions between the coastguard, the Seychelles Fishing Authority, National Drugs Enforcement Agency and so on.

Second, many of our case study countries wrestle with how to coordinate responsibilities and action across these various agencies. In some cases, such as Kenya or Pakistan, there is significant overlap and duplication between organisations. In others, such as Israel or Seychelles, these

issues are more settled. In states such as Djibouti, Somalia and Kenya, efforts have been made to establish formal maritime security committee structures to delineate responsibilities and coordinate between actors. Elsewhere, these relations are managed more informally, and sometimes even devolved to the operational level. Across our cases, it is clear that the mere existence of formal structures is no guarantee of their success. In Somalia, their function has been stymied by deep political divisions over the nature and future of the Somali state itself. In Djibouti, the committee and its agencies lack the capacity to ‘meaningfully act in practice’ (Aden and McCabe, this volume), while in Kenya maritime security governance is complicated by what Evans et al. (2011) call a ‘patchwork of approaches’. Indeed, and third, there is a common dichotomy in many of our case study countries in which formal structures and capacities appear to exist on paper, but often struggle to function effectively in practice. Thus, for example, Alcock (this volume) notes with regard to the Somali case that while various maritime security coordination committees have been established, these ‘do not function as anticipated’. In Djibouti, Aden and McCabe (this volume) note that the coastguard and ‘largely symbolic’ navy lack the capacity to meaningfully participate [in counter-piracy] operations. In Kenya, Mboce and McCabe (this volume) suggest that while the Kenyan Navy was ‘one of the best equipped in Africa’, ‘it lacked the capability to effectively patrol and monitor its waters against the threat of piracy and other maritime crimes’. Finally, in South Africa Vrëy et al. (this volume) note that ‘the question remains whether [the country] has the institutional capacity and political will to execute and where necessary enforce what it...sets out on paper regarding its ocean governance regimes’. This rhetoric/capacity gap appears to be most pronounced in those countries where either capacity building is something that has been led primarily by external actors, as in Somalia or Djibouti, or where continuing legacies of a lack of attention to the sea limit political engagement and commitment to the issue, as in Kenya and South Africa. In contrast, in those countries where these issues are less problematic, there appears to be either robust and widespread collective agreement on the importance and nature of the maritime security challenge at hand (Israel and Seychelles) or an established tradition of naval activity (Pakistan).

Practices and Projects

Despite these challenges, all of our country cases have increasingly invested financial, human and political resources in maritime security capacity building. In four cases—Djibouti, Kenya, Seychelles and Somalia—this has taken place in the context of significant external assistance from international organisations or individual donor states. Israel, Pakistan and South Africa have done so largely independently. Given that many international capacity building projects are designed as regional initiatives (McCabe, this volume), those countries relying substantially on external assistance also participate to varying degrees in regional projects.

It is firstly noteworthy that in all cases new mechanisms tasked with the coordination of ministries and agencies were installed. Countries such as Kenya and Seychelles have installed formal bodies, while elsewhere intra-governmental and inter-agency committees have formed in an ad hoc or informal manner, often around specific tasks such as drafting a new maritime security strategy or in response to a particular donor initiative. Either way, the shared tendency to develop such coordination bodies is a common theme and represents one strategy for dealing with the complexity of the maritime security space. It also demonstrates that the problem of coordinating between and across these organisations and actors is widely recognised, as is the need to fashion institutional apparatus through which these relations can be managed. In response to Somali piracy, for instance, the Seychelles government installed a High-Level Committee on Piracy that developed a blueprint for capacity building based on cross-sectoral stakeholder consultation (Marie and Bueger, this volume). It provided a concrete and detailed investment plan as the basis of coordinating with donors and providing an overall structure to the work. The Committee's tasks were later broadened out and became the Committee on Maritime Security and Safety steering capacity building and work on the national maritime security strategy and maritime domain awareness centre.

In other cases, coordination committees have the primary purpose of managing donor relations. In Somalia, for instance, the Kampala Process provided a focal point around which different complexes of actors with a stake in problematising, institutionalising and securing Somalia's maritime could coalesce (Alcock, this volume).

A second core approach is the development of strategic documents explicitly devoted to maritime security. As outlined in Chapter 1, the

production of maritime security strategies has been a key trend in Europe, where the EU, Spain, the UK and France have developed such documents since the early 2010s. In the Western Indian Ocean region, significant efforts have been made to advance such strategies, often with external assistance. Apart from Pakistan and Djibouti, at the time of writing, none of the case study countries have successfully published a maritime security strategy, although Kenya and the Seychelles are at advanced stages in the drafting process (Mboce and McCabe, in this volume, Marie and Bueger, in this volume). Somalia has an externally driven ‘Maritime Resource and Security Strategy’ which essentially serves as an aspirational (if currently rather abstract) focal point for mapping international capacity building and Somali maritime governance (Alcock, this volume). A number of reasons can be attributed to the difficulty in creating maritime security strategies. This includes the contested and sometimes politically controversial nature of the consultation and drafting process itself, tensions between harmonising national priorities and regional based approaches, contestations between ministries and agencies concerning the distribution of authority and resource allocation, as well as issues around lines of accountability, separation of labour and tensions in civil–military relations.

Third, all countries have made major steps towards developing Maritime Domain Awareness (MDA) capacities. MDA is an attempt to develop a better understanding of what happens at sea through surveillance of maritime space, collecting data relevant to the maritime domain, sharing and fusing such data and then making sense of it with the aid of big data analysis. Globally MDA is seen as one of the major tools to improve maritime security governance by identifying trends, evaluating risks and improving the effectiveness of capabilities through targeted patrols and interventions and shorter response times (Bueger 2020b; Doorey 2016.). MDA can also be an important tool through which to improve collaboration between agencies through information sharing and joint training activities. The turn to MDA in the region is on the one hand a reflection of a wider global trend the development of maritime surveillance technologies and practices. On the other, many of the region’s MDA initiatives are driven by donors who have come to see MDA development as one of the core priorities of capacity building in the maritime sector. This is particularly so with regard to regional processes as emphasised by the substantial funding for MDA and information sharing in the Djibouti Code of Conduct initiative, or in the EU’s MASE and CRIMARIO project (Bueger 2017; McCabe, this volume).

These regional projects have been influential in developing national MDA capacities in countries such as Kenya and Seychelles that heavily rely on external assistance. Even so, both Pakistan and South Africa also see MDA as a core priority and Pakistan in particular has developed its indigenous MDA capabilities.

A fourth observation relates to the tendency to create new agencies to complement existing work. Doing so is a way to address key institutional gaps that countries have identified in their maritime security responses, for instance, concerning the arrest and prosecution of suspects at sea, or the need for specialist agencies to address issues such as narcotics or fishery crime. Overall, our case studies show that the creation of new agencies represents something of a double-edged sword. While they allow countries to fill core gaps in their maritime security provision, new agencies also increase the overall institutional complexity of the sector as well as the likelihood of tensions between agencies or the creation of new coordination and information sharing problems between them. The creation of a coast guard in Kenya for instance raises new challenges of coordination and cooperation with both the navy and police.

While these observations cut across cases, the case studies also point to a number of more specific observations that can be made with regard to external capacity building specifically. To a significant extent, countries such as Djibouti, Seychelles, Somalia and even Kenya are receivers of external assistance and in some cases are fully dependent on it. Such assistance is more difficult to implement than often assumed. Seychelles in many ways has become known as a success story for external capacity building efforts (Marie and Bueger, this volume). Yet, even in this case there are ongoing challenges and capacity building in the maritime security sector remains far from completion. In other countries, in particular Somalia, the balance sheet appears to be more mixed.

As Alcock (this volume) shows, capacity building in Somalia manifested as a mix of frequently uncoordinated activities bound by a series of limits of what was practically possible and politically negotiable within tight time frames in challenging political and material contexts. In other western Indian Ocean states such as Kenya and Seychelles, international capacity building projects struggled with limited budgets, restrictive timescales and inefficiencies in programme design. This meant that they were often transitory in nature and typically centred on short training courses at the neglect of equipment procurement and the necessary capability to maintain this equipment. Internationally led capacity building has tended to

favour civilian and law enforcement programmes over military equipment procurement and maintenance with a focus on ‘soft’ initiatives, such as training, mentoring, advising and monitoring to regional maritime civilian law enforcement entities. However, this too raises the question of whether defence-related tasks can be adequately handled by civil-oriented agencies, such as coast guards. Often maritime security governance demands both.

Many of the capacity building projects discussed in this book have been implemented on a multilateral basis led by major international bodies like the European Union and the United Nations. Multilateral capacity building projects enjoy the advantage of having a large pool of expertise to draw on alongside ample budgets and material resources. Even so, and as has been illustrated in this volume, they are also often constrained in terms of political sensitivities and have struggled with trade-offs between trying to fill a capability gap quickly and the implementation of more sustainable responses. This is particularly evident in the Somalia case study, where the complex arrangements of donors and implementing agencies combined with an array of associated coordination challenges, to result in capacity building manifesting as a disordered amalgam of frequently uncoordinated activities. Multilateral capacity building efforts enjoyed more success in the Seychelles and Djibouti where functioning governance structures were able to take better advantage of the opportunities provided by external financial investment, equipment provision and training. As the chapter on Kenya illustrates, bilateral agreements are often a more effective method in building sustainable capacity, institutional structures and confidence as they remove some of the political complexity that can dilute multilateral efforts. In Pakistan, for example, bilateral relations with China constitute an important element in its maritime sector development, particularly through joint initiatives and collaboration in terms of equipment procurement and training.

FRAMEWORKS FOR MARITIME SECURITY AND CAPACITY BUILDING

The few frameworks for the organisation of capacity building in the domain of maritime security that have been developed so far are primarily technical in nature. Guidelines such as the maritime security sector reform guide published by the US government and the templates and strategies that have been derived from it (US Government 2012), fall into the traps of epistemic determinism and depoliticisation. They do not acknowledge

adequately the improvisatory and experimental nature of capacity building and the importance of political prioritisations and problematisation. The framework outlined in this book aimed at offering a corrective in this regard. The SPIP framework works with basic categories that offer interesting insights but is far from a systematic methodology that could direct practitioners' everyday efforts. The goal of the framework was to shed light on important dimensions of maritime security capacity building that have so far gained little attention. The approach aimed to capture the diversity of capacity building efforts in the maritime domain and to document the spaces, problematisations, institutions and the different projects carried out as part of these.

While this conclusion has aimed at consolidating and synthesising some of the results that can be gained through such a research process, the next step should be to generalise these insights to form methodologies that can be drawn on in systematic comparisons of a larger number of cases in order to better understand the growth of the maritime security agenda across regions. This will allow a better sense of the causalities at play in these processes, including how specific factors—such as institutional set ups or specific forms of capacity building—lead to particular outcomes or problems, and, the identification of worst, best and promising practices for maritime security capacity builders. While much capacity building will inevitably still remain a process of 'mudding though' in a given context, such inquiries can assist countries in getting a better sense of what might work and what not, and what the likely effect of a certain project or approach might be. In any case any capacity building plan or strategy will have to be tailored to the particular situation and institutional context of countries.

Pushing forward the debate in scholarly terms will also require more substantial efforts to discuss maritime security and capacity building in the light of the wider contemporary world political and international relations debate. Maritime security is more than a minor sub-field in a broader international security spectrum. In so far as the sea is the lifeline of the world economy, it is one of the central problematiques of international security and global governance. Capacity building has become one of the core international practices, it is one of the main modes of external intervention and assistance around the world, and in many cases what countries do. It has to be evaluated and studied as such.

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