Capacity Building for Maritime Security

The Western Indian Ocean Experience

Edited by Christian Bueger
Timothy Edmunds · Robert McCabe

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Acknowledgments

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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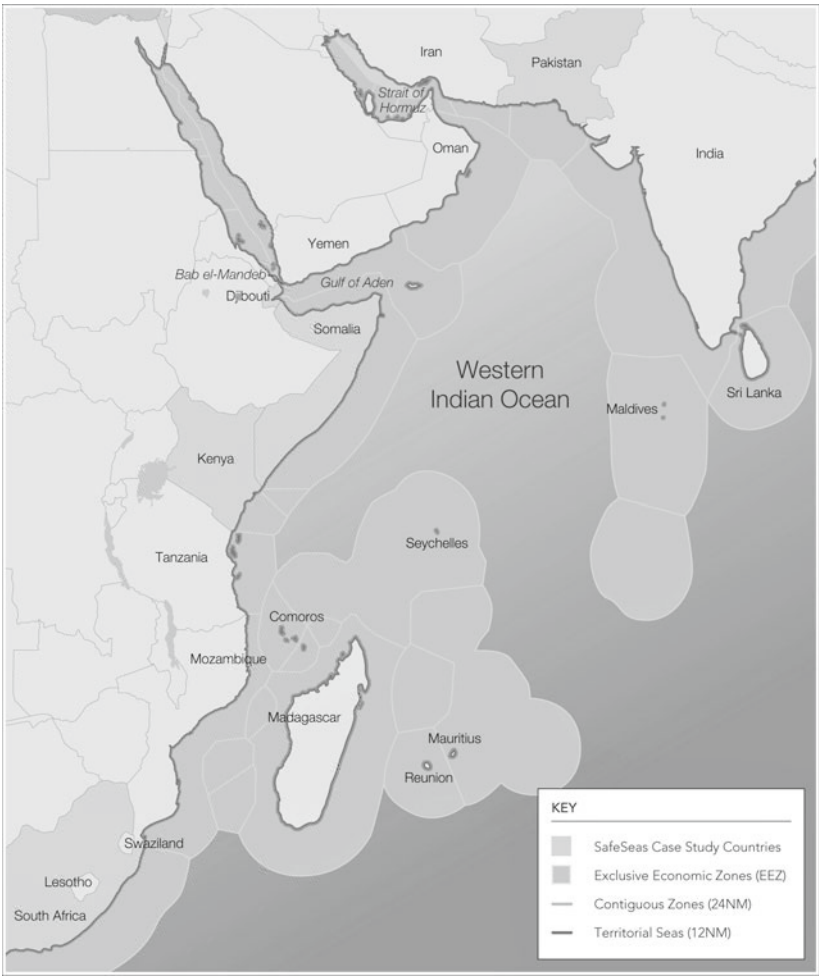

Map of Western Indian Ocean region (*Source* SafeSeas. 2018. Mastering Maritime Security: Reflexive Capacity Building and the Western Indian Ocean Experience. Cardiff: Cardiff University)

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.

[1] Compare, 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) **S**paces, (2) **P**roblems and problematizations, (2) **I**nstitutions and governance, and (3) **P**rojects, 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 contigous 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 Prolematizations

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