

## MARITIME SECURITY CAPACITY BUILDING: SPOTTING THE GAPS

SAFE SEAS Concept Note, Nr. 1, January 2017.

The current re-evaluation of the maritime as a space of insecurity and economic opportunity has led to a growing awareness for the weak capacities of the majority of coastal states. Protecting territorial waters and Exclusive Economic Zones, preventing maritime crimes, such as piracy and illegal fishing, and ensuring the sustainable exploitation of maritime resources requires significant law enforcement capacities, information sharing tools and working maritime governance structures. Various capacity projects have been launched to assist countries. In particular, the Western Indian Ocean region has become an experimental space in which new means of developing maritime capacities are tested. The overwhelming majority of these project were initially a response to piracy off the coast of Somalia. With the decline of piracy, these projects are broadened to focus on maritime insecurities and law enforcement at sea more generally.

A series of multi-lateral projects addresses capacity building on a regional level. This includes initiatives such as the Djibouti Code of Conduct process supported by the International Maritime Organization (IMO) and the European Union's CRIMARIO project, the European Union's Programme to Promote Regional Maritime Security (known as MASE), and the EU's civilian capacity building mission EUCAP Nestor (recently re-branded as EUCAP Somalia). Other projects are operated by international agencies. The Food and Agricultural Organization is in particular active in fishery governance, the International Maritime Organization in the field of port security and search and rescue at sea, while the UN Office on Drugs and Crime works in different formats with law enforcement agencies, prosecutors, judges and prison staff. In addition, there is a broad range of smaller scale bilateral projects as well as projects run by various non-governmental organizations that provide equipment, training or mentoring.

The vast array of capacity building activities has led to question how these projects can be better coordinated to achieve synergies, avoid overlap and duplication and ensure the sustainability of the assistance (Bueger 2014). There is a clear recognition that capacity building should be based on needs and focus on the core gaps. Yet how can such needs and gaps be identified? Arguably appropriate needs assessments provides the precondition for coordination between the various projects as well as a mean to avoid that capacity building is ad hoc and unsustainable.

This concept note of the project SAFE SEAS discusses the available methodologies to identify gaps in maritime security capacity. A systematic evaluation of national and regional maritime security sectors is required for effective and coordinated capacity building. To gather a methodology for such systematic evaluations the lessons from security sector reform and security assistance programmes more broadly need to be considered, but also the specificities of the maritime domain taken into account (Edmunds 2014). The following sections review two methodologies that have been developed so far: (1) the

Maritime Security Sector Reform guide, published by the U.S. Government and (2) maritime security strategies developed by a wide range of organisations on a national and regional level. Pointing to the challenges associate with these two methodologies, the following section sketches out an alternative approach, the Spaces, Problems, Institutions, and Projects Assessment Methodology (SPIP). SPIP is the tool developed and tested in SAFE SEAS in the light of four country cases.

## THE US MARITIME SECURITY SECTOR REFORM GUIDE

Recognizing that capacity building in the maritime security sector lacks guidance and is too often conducted in an ad-hoc manner, in 2010 several U.S. government agencies, including USAID, published the Maritime Security Sector Reform (MSSR) Guide. The goal of the guide is to assist countries in assessing their maritime security sector and reforming it. According to Tom Kelley (2014), former assistant secretary with the US Department of State, the MSSR guide intends to illuminate "the interdependency of the Maritime, Criminal Justice, Civil Justice and Commercial sectors and identifies 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. Six main functions are outlined (Governance, Civil and Criminal Authority, Defense, Safety, Response and Recovery and Economy). These are then further divided in "sub-functions" (see graph 1).

**Graph 1: Functions in MSSR**

| FUNCTIONS     | Maritime Governance                                   | Maritime Civil and Criminal Authority  | Maritime Defense  | Maritime Safety  | Maritime Response and Recovery                   | Maritime Economy                            |
|---------------|---|--|---|--|--|---|
| SUB-FUNCTIONS | Maritime Mission                                      | Enforcement of Civil and Criminal Laws | Maritime Defense Administration                           | Maritime Safety Administration                               | Emergency Response Administration                | Economic Activity Regulation and Management |
|               | Maritime Agency Organization                          | Integrated Border Management           | Maritime Defense Forces                                   | Flag State Control   | Incident Management                              | Commercial Ports                            |
|               | Maritime Law and Policy                               | Judicial Sector Support                | Maritime Situational Awareness/ Maritime Domain Awareness | Port State Control   | Search and Rescue                                | Transport                                   |
|               | Diplomatic and Foreign Affairs Support                | Port Security                          |   | Fishing and Small Vessel Safety and Operations Management    | Fire   | Market Conditions                           |
|               | Maritime Programs                                     | Vessel Security                        |   | Maritime Facility Safety Management                          | Environmental                                    |   |
|               | Maritime Professionals                                | Supply Chain Security                  |   | Mariner Licensing Administration                             | Maritime Defense Assistance to Civil Authorities |   |
|               | Maritime Agency Outreach and Stakeholder Coordination | Maritime Environmental Enforcement     |   | Aids to Navigation Infrastructure, Equipment and Maintenance | Investigation and After-action Analysis          |   |
|               | Accountability and Oversight                          |  |   | Channel and Harbor Management                                |  |   |
|               |   |  |   | Maritime Safety Interagency Coordination                     |  |   |

(Source: U.S. Government 2010: 2)

The MSSR Guide provides a useful overview over the functions that a maritime security sector needs to perform. It provides an important thinking tool as it provides 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 do not acknowledge existing political situations, traditions and political cultures as well as national priorities. Secondly, the guide recommends quantifying the 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 prescriptive and risks to be taken as a blue print and idealized norm for how a maritime security sector should be structured.

## **MARITIME SECURITY STRATEGIES AS ASSESSMENT TOOLS**

A second tool of assessment are maritime security strategies. These have been used in particular in the Western hemisphere to order and restructure maritime security sectors. The US government has spearheaded such an approach, publishing its National Maritime Security Strategy in 2005. The European Union adopted the European Union Maritime Security Strategy (EUMSS) in June 2014, followed by an EUMSS Action Plan in December 2014 and the publication of a review document in June 2016. The UK concluded the drafting of its National Strategy for Maritime Security in May 2014 and France published its National Strategy for the Security of Maritime Areas in October 2015.

These strategies share a number of characteristics: (1) They outline guiding principles for the maritime security sector; (2) they identify issues (in the EU case: threats, in the UK case: risks); (3) they discuss the different roles that governmental bodies and agencies have in the provision of maritime security and how these (intend to) work with non-governmental and international partners. (4) They outline a governance structure of how the intersectional and multi-institutional character of maritime security should be regulated and managed. The UK in particular has introduced a new coordinating body as part of its national maritime security strategy as well as a national information sharing centre. By contrast, the EU did not create new institutions but primarily sketched out how existing bodies can work more efficiently together. While the French as well as UK strategies do not provide a direct guide on what kind of projects and actions follow from their strategy, the EU has amended its strategy with a list of priorities and precise projects as well as the lead agencies designing and implementing them.

Maritime security strategies are, hence, an important tool to assess what the challenges of a given country or region are, and they are particularly important to clarify the role of different agencies potentially involved in maritime security. They provide order and organizational principles for a maritime security sector by mapping out structures, actors and roles. They can also be used, as exemplified by the EUMSS, to identify gaps and design action plans.

As Paul Shemella (2016a:72) argues, strategies have two basic levels: political and operational. “The political level focuses on a spectrum of government institutions, matching roles and objectives to particular ministries and agencies. Each ministry or agency then develops an operational strategy too support its assigned role and reach the broad objectives listed”. Maritime strategies imply a lengthy participatory design process. The above listed strategies work, because each relevant agency provided input to the document and agreed on its content. Draft strategies were discussed by expert committees with representatives of the agencies as well as external stakeholders.

In contrast to the US MSSR guide, maritime security strategies are flexible tools: they do not propose a distinct structure, but instead allow organizing a maritime security sector through an open deliberative and representative process. To succeed as a tool they depend on the political buy-in of governmental ministries and agencies and a high quality intra-governmental open and inclusive deliberative process. External experts and consultants can assist in this process and for instance help in designing the deliberative process, but the success of maritime security strategies is determined by the agencies carrying the process. In consequence, the role that external international capacity building projects can play is limited. They can convince governments about the value of maritime security strategies and they can provide support to the deliberative drafting process, but unless they risk the success of the entire endeavour will not be able to directly influence the structure and content of the strategy or the projects that follow from it.

## **IDENTIFYING ALTERNATIVES: THE SPIP METHODOLOGY**

In summary, the US MSSR guide provides interesting and important ideas of what practical functions to consider in a maritime security sector, as an assessment methodology it is however too rigorous, formalized and inflexible to be useful. Moreover, it de-politicizes maritime security policy and renders it to be purely technical, rather than a political problem. Yet, MSSR is an inherently political process (Edmunds 2014, Sandoz 2012). Maritime security strategies on the other hand, if their drafting process is designed appropriately are the potential right tool to map and assess maritime security sectors. To succeed maritime security strategies are dependent on a country's governmental actors, and the role of external experts is qua principle limited. Through which methodology can the drafting of maritime security strategies be supported? What assessment methodology can inform them as well as the design of international capacity building project? The project SAFE SEAS develops a methodology which is problem centred, and highly adaptable and situated in character. Informed by other MSSR mapping proposals (including US. Government 2010, Sandoz 2012, Shemella 2016a, b), the SPIP methodology starts out from a mapping of practices, that is, concrete activities. It is built around four layers of mapping a maritime security sector: (1) Spaces, (2) Problems, (3) Institutions, (4) Projects.

*Layer 1 - Spaces:* The mapping conducted in layer 1 starts out from an overview for which regulatory and physical spaces a state or region require capacities. To provide a loose list, such spaces might include: beaches and coastal zones, ports, anchoring zones, the territorial sea, the Exclusive Economic Zone, Search and Rescue Areas, fishing zones, marine protected areas, resource extraction areas (including fossil resources, but also wind farms), etc. This first step implies hence to gather an overview

which marine zones a state has established as governmental units. The next step is to identify which governmental agencies are active in each of the zone, to identify where and how there is overlap, in how far there are gaps or unclear responsibilities and which capabilities are available for each zone.

*Layer 2 - Problems:* Layer 2 complements the outcome of layer 1 by adding the practical procedures in place for concrete problems. This implies firstly to conduct a mapping of the problems and challenges a country or region is facing. This should be based initially on known incidents and challenges (drawing on available data concerning incidents of maritime crime, or environmental protection issues, etc.). Given the often-ubiquitous nature of maritime security threats and risk, only the focus should be on such prospective issues only in a second step. This avoids over-securitization and ensures a focus on actual and manageable problems. The goal of layer 2 is to identify which procedures are in place to deal with the core problems a country is facing. What are e.g. the procedures to respond to an oil spill? What are the procedures and reactive capabilities to respond to an incident of armed robbery? How are fishing license controlled?

*Layer 3 – Institutions:* If the first two layers focus on practical activities and procedures, the third layer conducts a mapping of the legal texture. It implies to investigate which laws and administrative rules are in place that govern the sector's spaces, problems and institutions. The goal is to identify lines of authority, responsibilities, accountability and oversight in order to spot contradictions, inefficiencies as well as gaps which could provide hurdles for dealing with problems efficiently.

*Layer 4 – Projects:* On the basis of the gaps and problematic areas, in a fourth layer then a range of projects which could be capable to strengthen the maritime security sector are proposed. These prospective projects can then be matched by appropriate capacity building support tools. The outcome is a list of prospective projects that can then inform the consultations within governments and the discussions between governments and capacity building providers.

The SPIP methodology requires further refinement and testing in the light of national cases, which is the objective of SAFE SEAS. SPIP will be refined through assessing four countries in the Western Indian Ocean region.

## CONCLUSION

Appropriate assessments of maritime security sectors are the precondition for successful and sustainable capacity building. They also allow for a better coordination of international assistance and a focus on the actual needs and political priorities of a country. While the US MSSR guide provides a series of useful considerations, the blue print it suggests is potentially unproductive in the way it formalizes and de-politicizes the MSSR process. Yet, MSSR is an inherently political process. Maritime strategies, if they are drafted through an open deliberative and inclusive process are the most promising tool for MSS assessments. They are, however, dependent on the political buy-in of governmental authorities and cannot be steered from the outside. The outlined SPIP methodology provides an open and flexible tool for mapping and assessing maritime security sectors. SPIP provides a support tool for national

governments as well as international capacity building missions that allow spotting the gaps and developing projects. As a mapping tool, it provides guidance and direction.

## LITERATURE

- Bueger, Christian. 2014. Counter-Piracy and Maritime Capacity Building: Fallacies of a Debate. Working Paper of the Lessons Learned Project of the Contact Group on Piracy off the Coast of Somalia, Cardiff: Cardiff University, available at <http://www.lessonsfrompiracy.net/2014/08/19/counter-piracy-and-maritime-capacity-building-fallacies-of-a-debate/>
- Edmunds, Tim. 2014. Maritime Capacity Building and the CBCG. Lessons from Security Sector Reform. Working Paper of the Lessons Learned Project of the Contact Group on Piracy off the Coast of Somalia, Cardiff: Cardiff University, available at <http://www.lessonsfrompiracy.net/files/2014/08/Edmunds-Maritime-Security-Sector-Reform-2.pdf>
- European Union. 2014. European Union Maritime Security Strategy, available at [https://ec.europa.eu/maritimeaffairs/policy/maritime-security\\_en](https://ec.europa.eu/maritimeaffairs/policy/maritime-security_en)
- Government of France. 2015. National Strategy for the Security of Maritime Areas, Paris: Government of France, available at [http://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2016/01/strategie\\_nationale\\_de\\_surete\\_des\\_espaces\\_maritimes\\_en\\_national\\_strategy\\_for\\_the\\_security\\_of\\_maritime\\_areas.pdf](http://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2016/01/strategie_nationale_de_surete_des_espaces_maritimes_en_national_strategy_for_the_security_of_maritime_areas.pdf)
- Kelly, Tom. 2014. Reflections on maritime strategy. Working Paper presented at the EMC Chair Symposium: Maritime Security, Seapower, and Trade, March 24-26, 2014, U.S. Naval War College, Newport, available at <https://www.usnwc.edu/Academics/Faculty/Derek-Reveron/Workshops/Maritime-Security,-Seapower,---Trade/Maritime-Working-Papers/Kelly-Reflections-on-Maritime-Strategy.aspx>
- Sandoz, John F. 2012. *Maritime Security Sector Reform*. Washington: United States Institute for Peace (USIP) Special Report, available at <http://www.usip.org/sites/default/files/SR306.pdf>
- Shemella, Paul. 2016a. "Integrated Strategies Against Maritime Violence." In *Global Responses to Maritime Violence*, ed. Paul Shemella. Stanford: Stanford University Press, 71–87.
- Shemella, Paul. 2016b. "Assessing Maritime Governance." In *Global Responses to Maritime Violence*, ed. Paul Shemella. Stanford: Stanford University Press, 88–104.
- U.S. Government 2010. Maritime Security Sector Reform, available at <https://www.state.gov/documents/organization/154082.pdf>
- U.S. Government. 2005. The National Strategy for Maritime Security. Washington: U.S. Government, available at <https://www.state.gov/documents/organization/255380.pdf>
- UK Government. 2014. National Strategy for Maritime Security. London: UK Government, available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/322813/20140623-40221\\_national-maritime-strat-Cm\\_8829\\_accessible.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/322813/20140623-40221_national-maritime-strat-Cm_8829_accessible.pdf)

**SAFE SEAS Concept Notes** make initial project results available for consultation with stakeholders. They are work in progress documents. **SAFE SEAS. A Study of Maritime Security Capacity Building in the Western Indian Ocean** is funded by the Sustainable Development Programme of the British Academy [GF16007]. It is a collaboration between Cardiff University's Crime and Security Research Institute and Bristol University's Global Insecurities Centre. For further information, see safeseas.net.