Research Notes…

Maritime Security and the Capacity Building Challenge: Introducing the SafeSeas Best Practice Toolkit

Christian Bueger [i]

Maritime Security is one of the preconditions for developing the blue economy. Maritime crimes, ranging from piracy, smuggling to illegal fishing, or the lack of compliance with environmental laws and regulations, undermine the efforts to protect the environment, create employment and harvest ocean resources sustainably.[1] While the importance of maritime security is generally recognized, the majority of countries continue to struggle with developing the capacities required. This challenge is substantial for small island states in particular, which need to govern vast maritime spaces with very limited human and financial resources, but also in coastal countries with generally weak security institutions and government capacities.

Substantial efforts are underway to address capacity-building gaps. The investments in maritime security have significantly increased in the past decade; a wide range of international programs for capacity building have been set up. Yet, progress seems slow. How can the capacity gap be better addressed? This was the core question that the SafeSeas network was trying to answer.[2] Setting out to capture the experience in maritime security capacity building in the Western Indian Ocean, the goal of the project was to collect core lessons and to develop best practices. The result of the project: a best practice toolkit for capacity building (SafeSeas, 2018). In the following I provide an introduction to the rationale of the tool kit as well as an overview of its core insights.

Maritime security is a complex challenge

Maritime security is a complex and often ambiguous policy field. It gains its complexity, firstly, by combining and integrating diverse maritime challenges. These are associated with traditional defense and seapower concerns, such as the protection of sovereignty and borders, human security challenges, such as the welfare and food security of coastal populations, marine safety issues, including search and rescue, disaster response or port security, as well as issues of environmental protection and blue growth (Bueger, 2015).

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[1] *For a discussion of the link between maritime security and the blue economy, see Bueger (2018) and Voyer et al. (2018).*

[2] *For an introduction to the SafeSeas network see www.safeseas.net.*

In consequence, secondly, maritime security not only requires dedicated policies and strategies capable of integrating and prioritizing responses to these issues, but also the close coordination of the diverse agencies responsible (Bueger and Edmunds, 2017). Since maritime security is a cross-cutting issue, the number of agencies involved can be substantial, including, but not limited to, navies, coastguards, police, border guards, customs, marine authorities, fishery agencies, port security, or environmental regulators. Also, non-state actors play a considerable role, ranging from artisanal and industrial fisheries, the transport, tourism and extractive industry to recreational users of the sea. Thirdly, the majority of maritime security challenges are cross-boundary issues involving various overlapping jurisdictions and responsibilities (Bueger and Edmunds, 2017), ranging from flag state and port state control, to the provisions of the UN Convention of the Law of the Sea, and other international treaties such as the United Nations Convention against Transnational Crime. Maritime security has hence a considerable regional and international dimension. No country can deal with it on its own, but is dependent on working collaborations with other states and international organizations. In other words, maritime security is not easy to govern. It requires new thinking. The following sections summarize core insights of the SafeSeas best practice tool kit.

Best practices as thinking tools

Maritime security governance and capacity challenges differ widely across countries and regions. Not only have countries different sea spaces to govern, they have different traditions and institutions already in place. Capacity challenges can be very different in character. Take the example of human resources. Small island countries, like Seychelles or Tonga, tend to have small populations and hence face problems of identifying, training and retaining sufficient staff levels for maritime security agencies. In countries with large populations, such as Kenya or the Philippines, this problem is rather different. Here the challenge lies more in training and education. Identifying best practices for maritime security capacity building should not rely on elaborate universal tools for use across countries without a translation process. Each country and region is different. Nonetheless, it is important to develop tools which draw on the experiences of countries, and which trigger the necessary thinking to strengthen a country's maritime security provision. In this sense, best practices need to be always understood as 'promising practices', as ideas that promise to provide new directions and improvements which, however, require to be translated and adapted to a local context. This is the understanding of best practices that underlay the SafeSeas best practice tool kit.

The tool kit discusses a set of experiences in maritime security capacity building from countries of the Western Indian Ocean region, including, but not limited to Seychelles, Kenya, and Djibouti. On that basis it outlines a set of thinking tools and models which are useful to plan and implement capacity building. By virtue, these tools are formulated to be beneficial for both the receivers and the providers of capacity building. Providers

and receivers need to understand the intricate nature of maritime security and what makes it difficult to build capacity. Receivers need to think carefully about how they plan, coordinate and implement capacity building projects with their partners. Providers need to adjust how they intervene in countries and how their projects influence the local institutions and political constellations both in the short as well as in the long term.

Maritime security governance needs solid problem analysis

Maritime security governance needs to be grounded in a solid understanding of the problems and concerns that affect a country the most. While there are definitions of maritime security available, these often take the character of a laundry list of issues. They are a valuable starting point, but each country needs to identify for itself which of these concerns affect the population the most. For instance, illegal fishing will be a core concern for many large ocean countries, while issues of maritime terrorism, or illegal migration through the sea, might be less pressing concerns. Other issues arise from the international obligations and standards that a country has agreed to comply to by ratifying international treaties, such as the UN Convention of the Law of the Sea or the International Convention for the Safety of Life at Sea and its International Ship and Port Facility Security Code, or the Food and Agriculture Organization of the United Nations (FAO) Agreement on Port State Measures.

Identifying these issues and prioritizing them is both an intellectual but most essentially a political task, in so far as it concerns the spending of public resources. Grounded in such a problem analysis a good understanding of existing resources and institutions is the next requirement. Which agencies handle which issues, and how? How is the flow of information between them organized, and how is inter-operability ensured, and are synergies between them realized? What resources are available on a regional level? Might an issue be better addressed as a national or a regional problem? These are some of the questions that need to be asked. The answers to them can inform a needs assessment. What capacity gaps exist and need to be filled?

While international partners can assist in the process of gaining that understanding, the prioritization of issues, and the evaluation of existing resources and capacities cannot be delegated to them. This analytical and policy work needs to be led and conducted by countries themselves in order to ensure political support, but also to guarantee that the country actually benefits overall from external assistance, and that it leads to sustainable resources and capacities.

Organizing maritime security governance: Some ingredients

One of the most promising ways through which a country can organize the process of analyzing and assessing problems, existing capacities and institutions, and requirements for capacity building, is through the drafting of a maritime security strategy document. A maritime security strategy can be an effective way of organizing maritime security governance through outlining problems, capacities, and needs, but essentially also by clarifying the roles and responsibilities of different maritime security entities.

The drafting of maritime security strategies requires an open and inclusive process in which all affected agencies participate, in which the political level is closely involved, as are all users of the sea. Such an open consultative process ensures the buy in of political parties and agencies. Maritime security strategies also benefit if they have a review procedure and are accompanied by an action plan with measurable achievements and accountability mechanisms. Strategies tend to succeed if they are not overly ambitious and general, but problem driven and directly linked to implementable projects.

A maritime security strategy is one cornerstone in a maritime security governance system. In addition, effectivity is ensured through a coordination committee and a maritime domain awareness center. A national coordination committee conducts the policy steering work by providing direction to agencies involved. The committee is also the link between agencies and the political level and oversees the drafting, implementation and review of the maritime security strategy as well as the work of the maritime domain awareness center. It also organizes the (diplomatic and operational) liaison work to other countries by appointing points of contacts and liaison personnel.

An additional component is the maritime domain awareness center. The term maritime domain awareness refers to efforts in understanding what happens at sea and what issues arise that require attention. A maritime domain awareness center is where the different types of information that is collected about activities at sea are fused and analyzed. Such information includes data from sensors tracking vessels at sea, from surveillance and patrols, but also from human sources, such as the fishers and recreational users of the sea. In maritime domain awareness centers these data sources are brought together and compiled into trend analyses or intelligence briefs. Since such an analysis is vital, not only for law enforcement agencies but also for the wider understanding of the security implications of the maritime environment; for policy makers and the general public maritime domain awareness can be understood as the *engine room* of a national maritime governance system. National maritime domain awareness centers also provide an important link to regional centers which have been installed in all major world regions in order to share data and analysis between countries. In the Western Indian Ocean this kind of information sharing is provided, for instance, by the Regional Maritime Information Fusion Center based in Madagascar, and the Information Fusion Centre – Indian Ocean Region operated by the Indian Navy.

Effective maritime security governance is hence composed of at least three elements: a maritime security strategy, a coordination committee, as well as a maritime domain awareness center. Some countries complement that system by multi-agency task forces which address particular maritime security issues, or operational coordination centers which are directed at ensuring inter-operability between maritime security agencies as well as the effective use of resources, such as fuel.

If these are the main ingredients, maritime security governance should not be treated as an exclusively technical affair. Strong links to the parliament and political parties are important – primarily provided through the coordination committee – as are close associations with the public and the broader maritime security community consisting of all users of the sea – provided by the media and education work of an maritime domain awareness center. Also, the relation between maritime security and environmental protection and the blue economy is vital to ensure that these efforts are closely integrated, and concerns over maritime security and law enforcement at sea are, for instance, considered in marine spatial planning efforts. These integrations are also important to ensure public awareness of the importance of the sea. In many countries the attention to the security implications, but also to the economic potential of the sea, continues to be sparse.

In the driver's seat: Negotiating external assistance

In setting up these institutions and maintaining them, as well as in advancing the skills, expertise and equipment to enforce the law at sea, many countries will seek external assistance. Indeed, a growing range of donors provides assistance programs. In the Western Indian Ocean region these are, for instance, provided by the UN Office on Drugs and Crime's Global Maritime Crime Programme, by the International Maritime Organization or by donors such as the European Union, the United States, Denmark, France or the United Kingdom.

Accepting assistance from these programs can be an important means to improving maritime security governance and reaching the objectives set out in a maritime security strategy. It is however important that countries carefully negotiate this assistance. Not only do capacity builders often bring their own agendas and ideas of how to approach matters, careful consideration is required of whether capacity building offers actually fit a country in the long run. More is not always better. Learning two different styles of information analysis or boarding might be confusing for an agency and creates internal tensions. An additional patrol vessel is only useful if a country holds the needed maintenance skills and spare parts are easily available. The overall costs for operating the vessel need to be taken into consideration. The hidden costs of training need to be kept in mind. A staff member on a training course cannot perform his or her regular duties. The

saturation point for an agency to effectively utilize training and integrate new skills also needs to be kept in mind.

In accepting capacity-building assistance, receiving countries have to stay in the driving seat and should not assume that the providers coordinate among themselves well, or that they have a thought through plan for a country. In particular, donor countries and capacity-building providers tend to rely on short-term thinking, in that their assistance is project driven. The project logic implies that capacity building is oriented towards delivering of short-term, clearly measurable outcomes to prove success and impact. This can often be risky in the long term, if sustainability of capacity is not put at the center of attention.

Assisting countries in capacity building: Learning lessons

As the SafeSeas tool kit highlights, these core take-away points have also considerable consequences for those providing capacity-building assistance. Capacity-building providers need to start out from a detailed analysis of how they can actually assist a country. This, first of all, implies a detailed understanding of what the core issues and problems are that a country wants to address in their maritime security policy. These problematizations might not necessarily be the same as those of the providers. Deliberating these and developing a common ground with the hosting country is an important first step. Capacity builders also need to conduct a detailed and ongoing assessment of the existing resources and institutions, as well as what other capacity-building projects are already underway in a country. This should include an analysis of the political context in which the capacity building project intervenes. What are the political consequences of the intervention?

One of the core hindrances for effective capacity-building assistance can be the flexibility of programming. The situation in a country can transform rapidly, and given the multiplicity of capacity-building providers also the requirements of a country can change substantially in a short time frame. This can only be addressed through flexible programming which is based on a continuous negotiation with the receiving country. Without flexible programming the time-lag between the planning and implementation phases of a project, can imply that projects are outpaced by developments on the ground.

Capacity-building provision benefits from high levels of transparency concerning what kind of projects are planned, are currently being carried out, or have been implemented in the past. Transparency ensures that lessons from past projects are learned, and addresses the problem that capacity building provision is often not well coordinated between providers.

Capacity builders also need to zoom out and think beyond the horizon of a single project (planned or implemented). For countries to benefit it is important that providers have a solid understanding of the national as well as regional context within which they operate. This is to foster coordination between projects and activities, but also to avoid counterproductive effects caused by duplication of efforts.

Building capacity is an effort of decades, rather than years

Now, and in the future, capacity building will be required for improving maritime security. Building this capacity is an effort of decades, rather than years. The lack of enforcement of law at sea is a core challenge for all of the promises associated with the blue economy. Building capacity for maritime security and the blue economy is not primarily a technical challenge, it requires broad political commitment. It requires the ongoing commitment of all users of the sea, and the political recognition of the importance of the sea. For making capacity building more effective, attention to the past failures and success stories is vital, as is the recognition that receiving countries have to be in the driving seat. These are some of the core insights from the SafeSeas tool kit. Which maritime security governance systems, forms of operational coordination and information sharing are most effective in each country, and which means of building capacity are the most promising requires ongoing attention by both analysts as well as those directly involved in maritime security on an everyday basis. This will also include paying more attention to cross-regional, lessons-learned exercises. What for instance can the Western Indian Ocean countries learn from their Southeast Asian counterparts? What lessons are relevant for the small island states across different regions? Finally, more effort is required to go beyond training, and build the analytical capacities required for maritime security governance. Too much of the analysis continues to be carried out in the Global North. Countries will benefit from strong local research and education institutions. This is to respond to the need for ongoing analysis of maritime security, but also these institutions can act as a watchdog or facilitate a public discourse involving different agencies or countries.

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(i) University of Copenhagen and University of Seychelles