



UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**((IMPACTS OF MARITIME INSECURITY ON PEACE AND STABILITY IN THE
INDIAN OCEAN REGION))**

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R50/63054/2010

**Thesis presented in Partial Fulfillment of the Requirements for the Award of Master of Arts
Degree in International Studies at the Institute of Diplomacy and International Studies,
University of Nairobi.**

OCTOBER 2012

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DECLARATION

I, the undersigned, declare that this dissertation is my original work and has not been presented to this or any other university for any academic Degree.

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ACKNOWLEDGEMENT

The completion this research project was made possible through the support of several people whom I would like to acknowledge. First, I would like to thank God for the good health throughout my studies and the research period. I would like to acknowledge the unwavering support of my supervisor Dr. Anita Kiamba. Her prompt and tremendous support, insightful suggestions and constructive criticisms facilitated the timely completion of this research project.

My heartfelt gratitude goes to my family for their support, prayers and encouragement throughout my studies and research. I would also like to appreciate my former lecturer Mr. Patrick Maluki for the support through the books he availed throughout the research. The IPSTC Library was also very welcoming and offered me the support I needed while looking for materials for the research, Thank you.

I would also like appreciate my friends; Irene Maina, Grace Musyoka, Pamela Tuiyott and Milka Karanja who made my two years in IDIS a lot easier through discussions and other informal study sessions. Lastly, my sincere gratitude goes to the various stakeholders in the maritime industry for agreeing to be respondents of this study.

Abstract

Maritime security is a key component of collective security and thus forms part of the foundation for economic development. The Indian Ocean region, particularly the East African region does not have its own maritime policy or strategy, despite the acknowledged importance of this component of any national or regional economy. Given the unique needs of its populace, priorities and requirements of the various states, the East African part of the Indian Ocean therefore needs to develop a maritime strategy to promote economic development for its people through improved maritime security, leading to improved global competitiveness for its goods and services. To achieve the desired peace and a stable environment, cooperation and adoption of a holistic maritime legislation is mandatory which, in turn, would strengthen the maritime institutions which are crucial for a maritime strategy. This combination of strengthened and coherent legislation, institutions and cooperation would enhance the policing of, and prosecution for, illegal acts, for example piracy, terrorism, trafficking and the dumping of waste materials; it would better regulate the fishing industry; ensure pollution will be policed; countering of smuggling and illicit trade; transnational or cross-border crime would be better monitored and reduced; and further, the safe navigation of shipping guaranteed. This will eventually translate to a peaceful, a more secure and stable Indian ocean region. Thus the required good order at sea should be viewed as a function of how states should exercise their jurisdiction on maritime issues for sustainable peace and development.

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CHAPTER ONE

MARITIME INSECURITY, PEACE AND STABILITY IN THE INDIAN OCEAN REGION

1.0 Introduction

The Indian Ocean region comprises five mainland states (Somalia, Kenya, Tanzania, Mozambique and South Africa) and five island states (Seychelles, Comoros, Madagascar, Mauritius and Réunion [France]),¹ with Djibouti, Eritrea, Sudan, and Egypt² being considered states within the region. The Indian Ocean region is part of an interdependent and interconnected global society supported by a global economy which ties states together. Such a global economy cannot simply function if the world's oceans are not safe and secure for maritime commerce and other related activities.

The power inequalities in the international system are source of both international and globally insecurity. The current global environment is faced with transnational security challenges that know no state boundaries. They are threats to the stability of nation-states by non-state actors and multinational corporations through their involvement in cross border trade which may directly affect the economic and physical environment. Globalization has become inevitable because of the complex interdependent relationship between states³ that has seen state borders become more porous. Unrestrained by borders and international protocols, these new transnational threats threaten the nation-states and often pose serious and dynamic challenges to national and

¹ United Nations Environment Programme "Regional Seas Programme". <http://www.unep.ch/regionalseas/regions/eaf/eafint.htm>-
Accessed 12/10/2012

² G. L. Leighton & T. Luttrell, *Indian Ocean: A Sea of Uncertainty*.(West Perth: Future Directions International Pty, Ltd, 2012),p10

³ M. Mwagiru., *African Regional Security in the Age of Globalization*. (Nairobi: Heinrich Boll Foundation, 2004). p127

international stability. These threats ranging from piracy, terrorism, drug trafficking, human trafficking, illegal fishing and bunkering among others.

The maritime environment is conducive to these types of threat contingencies given the vast, largely unregulated and opaque nature that characterizes it. The marine environment is defined as the complex union and interaction between all the living things that live in or on the sea, for example seabirds, marine mammals, fish, snails, shellfish, sponges and seaweed; and also the oceans, seas, bays, estuaries, islands, coastal areas, and the airspace above them. The maritime environment also includes ships, vessels, ports, and boats and other man-made things such as oil drilling platforms.

Teich, and others indicates that maritime commerce is an essential component of the current globalized economy and as such, defense of the maritime domain is critical in ensuring continued economic prosperity and national security for the world's maritime nations.⁴ He adds that as many states reduce their resource allocation for maritime security capacities to be used in other national priorities, a multilateral approach to maritime security must be adopted. After the end of the cold war, the notion of security has been subjected to intense scrutiny. Dannreuther argues that the conditions for peace are strongest among the most economically developed liberal democracies, such as the United States, Europe and Japan where there is a general satisfaction with the prevailing liberal order and a corresponding sense of the illegitimacy of the use of force in their mutual relations.⁵ This is not the case for most states along the Indian Ocean region since their priorities are not the same as for their developed counterparts. International security is paramount if the various regions in the world are to be stable and be able to coordinate their

⁴ B. Teich & D. Houff., Building Partnerships: Co-operative Maritime Security, 2008 G8 Summit Declaration, "*Development and Africa Journal*," (2008) p. 2

⁵ L. Dannreuther., *International Security: the contemporary agenda*, (Cambridge: Polity Press, 2008).p88

activities, maritime security is therefore equally important for the stability of the states within the region and without. Technology can dramatically improve Africa's maritime security coverage. Due to globalization, local threats and insecurities become rapidly internationalized thus there is need to prevent unlawful acts in the maritime domain as they directly impact on the maritime security of the littoral states as well as the region at large. Global maritime safety, peace and security are a concern to all nations because majority of goods and services travel across the ocean.

Maritime security therefore concerns the absence of acts which negatively impact on the natural integrity and resilience of any navigable waterway. Such acts impacts on the maritime environment by undermining the safety of the operations in the seas and the security of persons conducting lawful transactions in international waters. Therefore having an effective maritime security policy would ensure unhindered oceanic trade, safe navigation, the safeguard of coastal communities and their livelihoods, together with the protection of the food chain that sustain and preserve oceanic plant and fauna life.

The peace and stability of the region is directly pegged on the maritime environment being safe and conducive for all such activities. According to Webel Peace is a linchpin of social harmony, economic equity and political justice, but peace is also constantly ruptured by wars and other forms of violent conflict.⁶ Peace and stability is therefore the cornerstone of all activities that takes place in a country be it in the mainland or in the coastal areas, and any activity can be interrupted if the environment is not safe. However, some people carry out their activities in such unstable conditions but at a higher risk since things can go wrong at anytime.

⁶ C. Webel, & J. Galtung., *Handbook of Peace and Conflict Studies*. (London: Routledge, 2007).p102

Mwagiru states that security issues must be reciprocal in order to benefit all actors in a security system.⁷ There have been attempts to direct the focus to the Indian Ocean as a zone of peace with many state and non state actors joining forces to ensure a safer maritime environment. This however has not been easy since most of the countries along the Indian Ocean region have been categorized as developing countries. It is therefore quite evident that most of their resources are directed to other national interest priorities. International trust which is the essential glue of international security has also progressively deteriorated in the region as portrayed by selfish objectives are being pursued by most states.

1.1 Statement of the research problem

The main mode of transportation of most of the imports and exports across the world is through the sea, and therefore maritime security is vital to all states. Maritime security has been and continues to be a topic of discussion in the international arena as most of the world's trade including oil transport takes place in the Indian Ocean waters. The discussions and debates revolve around the degree of importance of the Indian Ocean to the states within the region and those that are directly and indirectly impacted by the activities in the Indian Ocean. Economic, security, and political conditions adversely affected by lack of governance in the maritime domain foster militancy and insurgency placing populations along the ocean at risk. The international community has continued to witness transnational challenges which range from trafficking of arms, drugs, humans, contraband; international terrorism, oil theft or bunkering, piracy, poaching(fish),illegal mining, pollution through illegal dumping of solid and hazardous waste .

⁷ M. Mwagiru., *African Regional Security in the Age of Globalization*. (Nairobi: Heinrich Boll Foundation, 2004).p127

As globalization intensifies and the need for oil globally increases, states along the Indian Ocean are being faced with a security problem that is directly linked with activities across the sea. This has led to such states facing the challenge of adjusting to the unstable environment, with peace being an objective yet to be achieved. Several states and other non state actors have sought consolidated and comprehensive approaches to effective maritime policy; however, they have given very little attention to the need to understand the peace and stability component of the maritime environment.

1.2 Research Questions

1. What are the threats to maritime security that affect the peace and stability in the Indian Ocean region?
2. What are the impacts of maritime insecurity on peace and stability in the Indian Ocean region?

1.3 Research Objectives

1. To identify the threats to maritime security that affects the peace and stability in the Indian Ocean region.
2. To determine the impacts of maritime insecurity and peace and stability in the Indian Ocean region.
3. To examine the possible and alternate solutions to a peaceful and stable Indian Ocean.

1.4 Literature Review

The literature review analyzes materials and data available on the topic of maritime security with its relation to the peace and stability of the Indian Ocean region. Much of the literature deals with maritime security in the Indian Ocean and the security threats that disturb the tranquility of the

region. The other literature will deal the correlation between maritime security, peace and stability together with the possible solutions to the security challenges faced in the Indian Ocean region.

As compared to the Atlantic and the Pacific Ocean, it has been noted that the Indian Ocean probably presents the greatest challenge for security management. The smallest of the three oceans, the Indian Ocean almost lies exclusively in tropical and subtropical zones.⁸ Maluki explains that the Indian Ocean is an arch-shaped water mass with more choke-points than gateways. The straits of East Indies – Makassar, Lombok and Sunda, the Timor Sea, Singapore and Malacca- provide entry from the Pacific Ocean while the Bab-el-Mandab, the Red Sea and Suez Canal open into the Mediterranean Sea. The only open-ended entry to the Indian Ocean is at the Cape of Good Hope off South Africa.⁹ Over the centuries, the Indian Ocean has been an important international waterway. The Indian Ocean has always had a major share of global piracy and terror attacks among other illegal activities in territorial waters due to weak maritime policing. From whichever direction, the entry into the Indian Ocean is constrained by geographic imperatives, thus making the Indian Ocean seem bereft of any collective maritime security arrangements.

The Indian Ocean is considered one among the world's busiest international trade corridors due to the expansion of Asian economies and the increased need for raw materials and energy resources from the Middle East and Africa. The global economy is built on integrated supply chain which is greatly supported by the maritime environment making the Indian Ocean an

⁸G. Murthy., 'The Indian Ocean Rim initiative'. *Journal of Indian Ocean Studies*. Vol.3 No.2. (1996).pp152-168

⁹ P. Maluki., *Regionalism in the Indian Ocean: Order, Cooperation and Community*. (Berlin:VDM Verlag, 2011),p12

important highway of commerce, with significant geo-strategic and geo-economic value in the global scene.

Fanelli explains that the traditional theory of international trade emphasizes efficient resource allocation and endowment as the main explanation for a country's specialization pattern. International trade has a long and illustrious history, as far back as classical antiquity, nations have traded. Perhaps a more important reason is that all nations are interdependent; no nation can be self sufficient, independent from international trade, without great sacrifices.¹⁰ As oceangoing technology increased, seafarers became more and more bold. They went further and faster in the race to bring trade to the far corners of the world. Each and new vessel arrival brought new languages, merchandise and products. This often led to conflicts and man's ability to use oceangoing vessels as machines of war increased.¹¹

Maritime security is therefore concerned with freedom or absence of those acts which could negatively impact on the natural integrity of and resilience of any navigable waterway; or undermine the safety of persons, infrastructure, cargo, vessel and other conveyances legitimately existing in, conducting lawful transactions on, or transiting through territorial and international waters.¹² This simply means the prevention of unlawful acts in the maritime domain which cuts across the oceans, seas, bays, estuaries, islands, coastal areas, and the airspace above these, including the littorals; whether they directly impact the country or region in question or the perpetrators in transit.

¹⁰ J. Fanelli, et al., *Finance and Competitiveness in Developing Countries*.(Ottawa: IDRC, 2002).p14

¹¹ M. McNicholas., *Maritime Security, an Introduction*. (New York: Elsevier Inc, 2008).p1

¹² P.Maluki, et al.,*Combating New Piracy in the Indian Ocean: Strategies and Challenges*.(Berlin: Lambert Academic Publishing, 2012).p38

There has been increased sea-based trade due to increased globalization, but prevalence of illegal activities in the Indian Ocean increases the costs of international trade and harms both the fishing and tourism industries of the Indian Ocean coastal states. Mwangiri Makumi asserts that;

“...Globalization and its process have helped to dissolve the old borders; and it has opened up the international system in the ways that were not earlier thought to be possible. Globalization has opened up new frontiers for international political relations and for the international political economy”¹³

The main transportation mode of most of the imports and exports across the world is through the sea and therefore maritime security is vital to all states. The security of the Littorals is as important as any other dimension of national security and raises several issues and challenges for states. A littoral is an area where sea meets land.¹⁴ Littorals provide the muscle for economic growth and development, but in some cases, they can also be focal points of social dysfunction due to economic disparities. Lack of governance and an ineffective social security apparatus have in some coastal areas created favorable conditions for illegal activities. In the absence of good governance, criminal and subversive elements flourish and these can disrupt social harmony. Governance of littorals is thus a major challenge in the Indian Ocean region.

A recent example is Somalia where piracy and terrorism attacks have affected the stability of the state and the region. This has attracted international attention with some of the effort being the London Conference on Somalia, which took place on 23rd February 2012 at Lancaster House attended by delegations from Somalia and the international community. One of the issues that came out strongly was piracy, its adverse effect on international security and the need to curb

¹³ M. Mwangiri., *African Regional Security in the Age of Globalization*. (Nairobi: Heinrich Boll Foundation, 2004).p134

¹⁴ G.Murthy., 'The Indian Ocean Rim initiative'. *Journal of Indian Ocean Studies*.Vol.3 No.2 (1996) p152-168

the menace both on land and on sea.¹⁵ Cooperation for the common good is the task both for the sake of peace and for a better economic life of the region and do not always follow political ideologies.¹⁶

To promote cooperation in the Indian Ocean region, several attempts were made; The Indian Ocean Marine Affairs Cooperation Council (IOMAC) was also initiated in 1985 to provide a framework for dealing with marine resources, science and environmental issues, but could not gather the requisite support and momentum to deliver its mandate. The Gulf Cooperation Council (GCC) and the Indian Ocean Commission (IOC) were also initiated but the progress was notably slow. The most recent grouping is the Indian Ocean Rim Initiative. Unfortunately, the recent advancement of technology and communication has, however, rendered such groupings ineffective as they make it easy for sophistication of piracy, terrorism and other similar acts in the sea.

The literature review defines terms like maritime security and looks at the issues relating to maritime policy that influence economy, security and peace in the region. It further mentions the threats in the Indian Ocean and how it impacts on the peace and stability of the region.

1.4.1 Maritime Security in the Indian Ocean

Security in any objective sense, measures the absence of threats to acquired values and in a subjective sense the absence of fear that such values will be attacked.¹⁷ Maritime security encompasses a vast range of policy sectors, information services and user communities, including maritime safety, search and rescue, policing operations, operational safety for offshore

¹⁵ Foreign and Commonwealth Office, UK "London Conference on Somalia: Communiqué" - The Conference took place at Lancaster House on 23rd February 2012, attended by fifty-five delegations from Somalia and the international community. <http://www.fco.gov.uk/en/global-issues/london-conference-somalia/> accessed on 23/7/2012

¹⁶ D. Mitrany., *A Working Peace System*. (Chicago: Quadrangle Press, 1966).p55

¹⁷ J. Baylis, et al., *The Globalization of World Politics: An Introduction to International Relations*.(New York: Oxford University Press, 2008).p229

oil and gas production, marine environmental monitoring and protection, and navy operations support.¹⁸

Maritime security is concerned with the maritime integrity of all the elements that form the basic and essential features of the maritime domain and the safety of all foreign objects existing in or making use of the maritime domain. Maritime security may, therefore, be defined as those measures employed by owners, operators, and administration of vessels, port facilities, offshore installations, or other marine organizations and establishments to protect against seizure, sabotage, piracy, theft, terrorism activities and hostile interference with lawful operations.¹⁹

Most countries consider the creation and maintenance of security in the Indian Ocean as essential to mitigating threats short of war, including piracy, terrorism, and weapon proliferation, drug trafficking as well as other illicit activities. Maritime commerce in the Indian Ocean is a particularly important component of a global maritime trade.²⁰ Thus, countering these irregular and transnational threats protects states, enhances global peace, stability and secures freedom of navigation for the benefit of all nations.

Ghosh argues that challenges in the maritime sphere call for more effective law enforcement and the maintenance of maritime order, saying that the challenges in the Indian Ocean are essentially part constabulary, part economic and part human welfare. Maritime crime has increased, hence, opened avenues for security cooperation.²¹ Unfortunately as Lehr notes; unlike the case with the Atlantic and the Pacific Ocean, the Indian Ocean has not so far developed an overarching

¹⁸ P.Maluki, et al., *Combating New Piracy in the Indian Ocean: Strategies and Challenges*. (Berlin: Lambert Academic Publishing, 2012).p29

¹⁹ M. McNicholas., *Maritime Security, an Introduction*. (New York: Elsevier Inc, 2008).

²⁰ A.Pandya,A, et al., *Maritime Commerce and Security: The Indian Ocean*. (Washington D.C: Stimson Center, 2011).p1

²¹ K. Gosh., *Maritime Security Challenges in South Asia and the Indian Ocean: Response strategies*. A paper prepared for the Center for Strategic and International Studies –American-Pacific Sea lanes Security Institute conference on Maritime Security in Asia. January 18-20, 2004, Honolulu, Hawaii.p10

security system that could meet the challenges of maritime security.²²The Indian Ocean needs epistemic communities to enhance cooperation in ecological areas such as ocean pollution, cyclones and global warming. Haas describes epistemic communities as strategically placed experts who are part of a transnational community, maybe of scientist or technologists who help in handling issues in the maritime environment²³

Noting the effects of globalization, the common requirement of maritime security is the Protection of sea lines of communications (SLOCs); this is due to increased importance of broadband communication connections linked by undersea cables traversing the Indian Ocean. The security of SLOCs is vital to the growth of the global economy, and in this context, the Indian Ocean is the world's most important energy route way. The Indian Ocean's geo-strategic importance to the USA has increased over time mainly due to oil and other natural resources.²⁴

1.4.2 Security threats in the Indian Ocean region

The oceans, like the outer space are the last completely untamed frontiers of our planet. As such, their potential for achievement or for strife is vast. Technological innovations have opened up new frontiers for development or destruction. The recent years have seen a number of discussions, talks, symposiums and conferences in different forums that turned the spotlight on the Indian Ocean region and the strategic importance it offers to the countries in the region and those outside the region. Any hindrance to the operations in the sea is an obstacle to the global village, thus the regional and international attention. The Indian Ocean region, the birthplace of

²² P. Lehr., *Violence at Sea, Piracy in the age of Global Terrorism* (New York: Routledge, 2007).

²³ P.Haas., *Saving the Mediteranean* (New York: Columbia University Press, 1990).p56

²⁴ J.A. Cottrell., *Sea Power and Strategy in the Indian Ocean* (London: Sage Publications, 1981).p134

maritime civilization, was considered a playground of rich industrial European nations during the colonial era.²⁵

Further, it is imperative that states along the Indian Ocean region must work with international organizations as well as the shipping industry to repress any security threats to global maritime environment. The Indian Ocean zone is a region where multiple issues are imperfectly linked together. This suggests that regime formation may be useful as a way of systemizing cooperation.²⁶ Maluki argues, 'We live in a globalized world faced with common global collective goods and collective fates where the continuing diffusion of information technology and new applications of biotechnology has become a major building block for international commerce and for empowering non-state actors'.²⁷ With such an environment, it is feared that, terrorists, pirates, arms proliferators, narco-traffickers, and organized criminals will take advantage of the new high-speed information environment and other advances in technology to integrate their illegal activities and compound their threat to stability and security around the world.

Some of the most dominant Security threats in the Indian Ocean region include; Trafficking of arms, drugs, humans, contraband, international terrorism, oil theft or bunkering, piracy, poaching (fish), illegal mining, pollution through illegal dumping of solid and hazardous waste at sea that threatens the maritime environment and human health. Notably, the main elements in the security concern in Indian Ocean are those involved with the non-traditional threats. Most of them are rooted in social economic ecological and political choices with most of them ranging

²⁵ K.Gosh., *Maritime Security Challenges in South Asia and the Indian Ocean: Response strategies*. A paper prepared for the Center for Strategic and International Studies –American-Pacific Sea lanes Security Institute conference on Maritime Security in Asia. January 18-20, 2004, Honolulu, Hawaii.

²⁶ S. Krasner., *International Regimes*. (London: Cornell University Press, 1983).p1

²⁷ P.Maluki, et al.,*Combating New Piracy in the Indian Ocean: Strategies and Challenges*.(Berlin: Lambert Academic Publishing, 2012).p49

from issues of chronic poverty and hunger, population growth, the energy crisis, environmental degradation, poor governance and deterioration in law and order, trafficking in persons and illegal drugs. Other non-traditional threats include; the problem of gender discrimination, border demarcations and delimitation of maritime boundaries, trade disputes, the repatriation of stranded refugees, and massive violations of human rights within the maritime environment.

Piracy remains an age old concern in the Indian Ocean waters with the entire Indian Ocean being infested with pirates. According to International Maritime Organization (IMO) Annual Reports, the Straits of Malacca, South China Sea and the Indian Ocean are the areas that have been most affected by piracy. Another disturbing maritime challenge in the present international environment is maritime terrorism. This involves the use of ocean space as an area for diverse operation by terrorist groups like the Al Qaeda and other similar groups with such Terrorist organization in the region owning their own merchant fleets, of various types, registered under 'flag of convenience'.

Closely related to maritime terrorism is the crime of gunrunning; Gunrunning by sea is considered the safest and most convenient method of transferring arms in masses. There is a close nexus between human trafficking, gunrunning, and narco-terrorism as terrorist groups often work closely with drug cartels. Another threat in the Indian Ocean is mining of waters, especially choke points, which could be used by non-state actors to conduct maritime warfare against identified enemies with the intention to disrupt their economic life by dismantling the trade and energy flow in the region. These challenges highlight on the importance of maintenance of the maritime order and effective law enforcement which require a multilateral approach among all the stakeholders in the Indian Ocean. The constabulary role beyond

territorial waters needs an institutional mechanism and international, regional cooperation to ensure a stable and peaceful maritime environment.²⁸

1.4.3 Peace and Stability in the Indian Ocean

Peace can be explained as a state of security or order within a community provided for by law or custom. Peace is a state of harmony characterized by the lack of violent conflict and is commonly understood as the absence of hostility. It can also be described as the tranquility and freedom from quarrels and disagreement; harmonious relations, incorporated with public security and order, Inner contentment; and serenity. Keeping the peace is not always easy, maintaining or refraining from disturbing law and order requires a collaborative approach since the world is interconnected. Stability on the other hand is being steady in position or balance, the state or quality of being stable. Somalia has posed several security threats in the region with piracy being a result of the lack of a strong government in Somalia. The stability of the region is determined by the political, social and economic stability of the individual states.

Ensuring a stable maritime environment would hold the key to further economic progress of the states in the Indian Ocean region and reflect on their standing among the economic powers of the world. Proper coordination between the Indian Navy, Coast Guard and the Police Forces also holds the key to meeting the maritime challenges facing the states in the 21st Century and ensuring a peaceful and stable maritime environment. This also calls for the Indian Maritime Forces comprising of Navy and Coast Guard to redefine their role in consonant with the changing scenario. Maritime security is important for securing the national interest of a state.

²⁸ P.Maluki, et al.,*Combating New Piracy in the Indian Ocean: Strategies and Challenges*.(Berlin: Lambert Academic Publishing, 2012),p42

This would ensure protecting territorial integrity, economic progress, energy security, marine environment stability, and protection of port facilities, as well as maritime transport encompassing goods and people, safety of navigation, protection against sea water pollution.

Further, Peace and security are fundamental to states' ability to meet the needs of their people ensuring their safety. The Indian Ocean inevitably is an area where many differing cultures, religions, ideologies and political systems compete and struggle to survive or expand their own interests and the interests of its citizens. With a huge proportion of trade being carried by sea, particularly the port of Mombasa, concerns are raised on what the strategic response is being adopted by regional navies to ensure the safe and efficient carriage of these cargoes. Maritime strategies that are formulated by the various stakeholders have a peacetime dimension with the wave of globalization becoming stronger. There are countries outside the immediate region that are also dependent on secure shipping, with inclusion of the landlocked countries, thus they too have a legitimate interest in fostering a regime of cooperation and calm in the Indian ocean region. Instead of leaving security management to chance it is therefore axiomatic to emphasize that it is in the interests of all to build a maritime security mechanism to promote an ocean wide orbit of confidence and serenity. All the countries in the Indian Ocean region should, therefore, take the lead in enhancing maritime security cooperation.

Maritime security is a key component of collective security and therefore forms part of the foundation for economic development.²⁹ The Indian Ocean region supports states along its coast in Africa and other landlocked countries that depend on the ports for most of their supplies. Despite this acknowledged importance of the Indian Ocean to national or regional economy, Africa is the only major region in the world that does not have its own maritime policy or

²⁹ L. Dannreuther., *International Security: the contemporary agenda*, (Cambridge: Polity Press, 2008).p105

strategy. However a general lack of law and order characterizes the African East coast from the Red Sea southwards to South Africa, where the South African Navy probably represents the first credible African maritime buffer against disorder at sea. This has fueled emergence of more severe security threats like the commercial and bio-piracy along the coast and on the high seas. Africa's fishing grounds are being pillaged; its coastal waters polluted and poisoned; leading to its marine environment destroyed. Such security threats disturb the tranquility of the region as no East African littoral state has the maritime means to prevent or terminate the scourge.

With the foregoing, it is thus quite evident that for the Indian Ocean region to survive the security threats in the region, regional cooperation has to be made a reality. This calls for need to emphasis on the commitment of states and all other non-state actors involved in the marine environment. By bringing together all major stakeholders, duplication of efforts will be avoided thus enabling the stakeholders to build upon existing initiatives and come up with new strategies on dealing with maritime security threats . Security is not static and requires continuous awareness, vigilance and coordinated prompt response from all directions.³⁰

Security threats change from day-to-day, the Indian Ocean have had its share of these security challenges. Governments in the region need therefore to monitor changes and to offset them, as they occur, by communicating appropriate information and guidance to ships and port facilities. Maritime transport is considered a regional, continental and international activity; the African maritime transport charter, Durban, 2009 by the AU lays out a clear guideline for African states on the operations in the sea, especially the Indian Ocean.

Finally, the globalized world has entered the social 21st Century with relatively high social expectations by the international society, coupled with uncertainty and the rise of violent non-

³⁰ J. Goldstein & J. Pevehouse., *International Relations* (New York: Longman, 2008). p.88

state actors that have posed serious challenges and threats to the maritime environment. This makes maritime security imperative and no efforts should be spared in curbing maritime such maritime threats. From the literature review, it is clear that trade in the Indian Ocean of various types of goods including oil, humanitarian assistance and other goods will continue to increase due to their economic and social impacts on the region. This explains the need for a stable and more peaceful maritime environment that is enabling.

1.5 Justification of the Study

This research sets out to identify the various maritime security threats in the Indian Ocean region in order to suggest interventions geared towards improving the situation in the region. Through this research study, given the current security threats in the Indian ocean region, it is hoped that alternative strategies which could be used but not yet being utilized to assist in security situation redress, would be identified.

Due to the importance of the peace and stability for the economies of all the littoral states and other states linked to these states, the study will also be of interest to the states in the region and to the policy makers in the development of applicable and actionable maritime policy frameworks. From the foregoing, studies on maritime security has been conducted in various countries and varying observations and recommendation made. There has been no consensus on the exact and defined solutions on how the sea can be regulated and its operations organized. It is therefore necessary to conduct a research on the link between maritime security and the peace and stability of the Indian Ocean region which can be replicated in the other maritime regions.

1.6 Theoretical Framework

This study will be based on the theory of liberalism. The theory of liberalism was developed by Immanuel Kant, a German philosopher who sought to explain how peace and cooperation between states is possible.³¹ Kant in his essay '*perpetual peace*' explains that without a compact between the nations, however, this state of peace cannot be established or assured. He further states that there must be an alliance of a particular kind which we may call a covenant of peace.³² He also explains that states can develop the organizations and rules to facilitate co-operation. Baylis agrees with Kant in his argument that each nation for the sake of its own security can and ought to demand of the others that they should enter along with it into a constitution similar to a civil one, within which the rights of each could be secured.³³ This follows the fact that globalization has made the relations between states more closer with transnational threats like piracy, terrorism, pollution in the sea, trafficking and oil bunkering becoming common problems. Kant explains that perpetual peace is arguably seen as the starting point of contemporary liberal thought. Every state, for the sake of its own security, may-and ought to-demand that its neighbor should submit itself to conditions, similar to those of the civil society where the right of every individual is guaranteed.³⁴ Maritime security is traditionally the responsibility of states, but the demand for fast and flexible responses to piracy and other related crimes has created opportunities for private security guards to operate on board ships passing through insecure waters.³⁵

³¹ J. Goldstein & J. Pevehouse., *International Relations* (New York: Longman, 2008). p87

³² I. Kant., *Perpetual Peace: A Philosophical Essay (1917 ed.)* (London: George Allen and Unwin Ltd, 1795).p134

³³ J. Baylis, et al., *The Globalization of World Politics: An Introduction to International Relations* (New York: Oxford University Press, 2008).p112

³⁴ I. Kant., *Perpetual Peace: A Philosophical Essay (1917 ed.)* (London: George Allen and Unwin Ltd, 1795).p128

³⁵ R. Ross & J. Bekkevold., *International Order at Sea: Anti-Piracy and Humanitarian Operations*. (Oslo: Norwegian Institute For Defense Studies, 2011).p11

Liberalists argue that democratic states tend not to fight other democratic states; therefore democracy is seen as a major source of peace. Neo-liberalism explains the durability of institutions despite the significant change in context. In their view, institutions exert a causal force on international relations shaping state preferences and locking them into cooperative arrangements. Liberalists also argues that peace depends on the internal character of governments and that a state with a legislative arm can curb excesses and keep the executive in check thereby promoting peace and harmony within the state and its citizens.³⁶

Liberalists further argue that trade promotes peace and relies on the presumption that trade increases wealth, cooperation and global well-being, while making conflict less likely in the long-term because governments will not want to disrupt any process that adds to the wealth of their state.³⁷ Trade and other activities that take place across the sea surpass the ability of individual states, and as such, states need to cooperate to ensure a stable maritime environment. Cooperation is a purposive association amongst states to pursue or further a common interest. Liberalist theory is among several theories that have been advanced to explain how states can cooperate despite the anarchical international system. The international system is anarchic since there is no ultimate international authority to govern the states, thus the absence of a centralized authority may preclude the attainment of the common goals.³⁸

Liberal theories therefore argue that states have the ability to develop and follow mutually advantageous rules, with international institutions to monitor and enforce them. The lack of credible institutions in the region and weak maritime policies are major challenges that states in the region face in their attempt to make the maritime environment stable, peaceful and

³⁶J. Baylis, et al., *The Globalization of World Politics: An Introduction to International Relations.*(New York: Oxford University Press, 2008).p120

³⁷ A.Normann., *The Foundation of International Policy*, (London: Heinemann, 1914). pp. 86-87

³⁸ P. Maluki., *Regionalism in the Indian Ocean: Order, Cooperation and Community.* (Berlin:VDM Verlag, 2011).p54

conducive for trade, human, marine and animal life. Such institutions can be formed by states in collaboration with other stakeholders who can inform policy and contribute to maritime security. However, the instability observed in the Indian Ocean region both politically and economically makes it hard to establish a strong maritime policy for regulating the operations which may result in a stable maritime environment. Since liberal theories hold that peace promotes trade amongst other maritime activities, it is therefore paramount to understand the peace and stability aspect in the Indian Ocean region.

1.7 Hypotheses

1. There is a link between maritime insecurity, their impacts and peace and stability in the Indian Ocean region.
2. Cooperation in the Indian Ocean region can aid in ensuring a stable and peaceful maritime environment.

1.8 Methodology

The aim of the study is to analyze the maritime insecurity in the Indian Ocean and its impacts on peace and stability in the region. The study will employ both the qualitative and quantitative approach. To gather quantitative data, the study will administer standard questionnaire while qualitative data will be gathered by reviewing documents related to the topic. The research design for this study will be a case study. Therefore this study will be carried out as a case study of representative states in the Indian Ocean, with a focus on the states along the East African coast. Churchill points out that a case study is useful in answering questions about the current

status of the subject or topic of study. It also facilitates gathering of a wide array of data that is useful for comparative analysis.³⁹

The study will combine both desk research and field research. Data to be collected will be both qualitative and quantitative and it will largely be obtained both primary and secondary sources. Purposive sampling will first enable the researcher to determine security threats that are faced or experienced by the target population which will be represented in the sample while the randomization within each security threat category will ensure a more representative sample whose results can be inferred to a larger population.⁴⁰

The sample population will cut across the various groups that are involved in the day to day activities in the Indian Ocean region. The collection of primary data will involve careful selection of organizations for instance the International Maritime Organization, Maritime Bureau Organization, and individuals who work at the ports, in terminals and business persons whose line of business involves the maritime environment who operate in the Indian Ocean together with other stakeholders in the region like the tourists that travel by sea. The sample population will include; the communities living in the region, the tourists, government representatives in the maritime industry, the traders, the stakeholders in the shipping industry and international trade.

Information to be obtained from secondary data will be through desk research and will be sourced from both published and unpublished materials. The pool of published data will include: various publications; journals like the Journal of Indian Ocean Studies, University of Peace Journal, conventions like United Nations Convention on Law of the Sea (UNCLOS); books, magazines and newspapers; reports and publications of various associations connected with the maritime industry, reports prepared by research scholars like Peter Chalk, universities like the

³⁹ A.G.Churchill., *Marketing Research: Methodological Foundations* (FortWorth: Dryden Press, 1991). p21

⁴⁰ D. Ary, L.C. Jacobs, & A. Razavieh., *Introduction to research in education* (Belmont: Wadworth, 2002).

University of Peace , economists, in different but related fields; epistemic communities, public records and statistics, historical documents, and other sources of published information. Unpublished work which will be used to shed more light on maritime issues may include letters, unpublished biographies and autobiographies. The focus of the study will therefore be on a selected number of organizations, institutions and individuals that will shape the research.

1.9 Chapter Outline

This study will be structured into five chapters:

Chapter one introduces the topic of the research study by first setting the broad context of the research, the statement of the problem, justification of the research, the theoretical framework, literature review, hypotheses and the methodology of the research.

Chapter Two examines the threats to maritime security, peace and stability in the Indian Ocean region and enumerates them in detail explaining the relationship that exists between them.

Chapter Three examines the impacts of maritime insecurity on peace and stability in the Indian Ocean region.

Chapter Four analyses the data collected in light of the hypotheses and theoretical framework already stated and will critically analyze the key issues that have emerged from the research. It also analyses the efforts advanced in achieving a secure maritime environment in the Indian Ocean region.

Chapter Five provides a summary of the research, its key findings, gives recommendations and provides suggestions on areas for further research.

CHAPTER TWO

THE THREATS TO MARITIME SECURITY, PEACE AND STABILITY IN THE INDIAN OCEAN REGION

2.0 Introduction

The chapter focuses on the various maritime security threats in the Indian Ocean region that have been noted by scholars like Peter Chalk, and the community along the Indian Ocean. The Indian Ocean can be divided in to five sub-regions: East African Coasts on Indian Ocean, North Arabian Sea and the Gulf, South Asia, South East Asia, Australia. The study focuses more on the East African coast; however some if not all of the security issues are common to all these areas including securing sea lanes, energy security, piracy, maritime terrorism, illegal fishing, arms and drugs smuggling, and human trafficking.⁴¹

The marine environment is known to form an essential component of the global life-support system and thus the entry into force of the United Nations Convention on Law of the Sea (UNCLOS), the outcome of the United Nations Conference on Environment and Development (UNCED), the World Summit on Sustainable Development (WSSD) and many other local, international and regional conventions, agreements and initiatives are all clear indicators of considerable interest towards maritime issues including governance in an effort to have a relatively stable region.

The Indian Ocean region has been considered a region with less violence and wars as compared to other regions and even within the littoral states but marred with nonviolence conflicts. As Jorgen Johansen argues in '*more than the absence of violence*', Research on nonviolence has

⁴¹ B. Katsuri., The Indian Navy and Indian Ocean ,*Journal of Indian Ocean studies*, Vol.3 No.1(1995).p55-70

never dominated the academic literature. Compared to the focus on violent conflicts, peaceful ones have always been a minor sideline.⁴² He further explains that the history of nonviolence has two traditions, the pacifistic and the pragmatic traditions. The pacifist tradition includes nonviolent ideas, aspects, views, and visions from religions, philosophies, ethics and lifestyle. Johansen also notes that, for many pacifists life itself has an inviolable or sacred value and hence it will always be wrong to hurt other living beings. Some will restrict this to humans, for others all forms of life have an ultimate value. The pragmatists on the other hand regards nonviolent actions as being important and effective as political tools, a collection of techniques, and as a means of communication, for a social movement, and a system of defense. A problem for those who search for the peaceful roots in our civilization is that the non violent behaviors have not been recognized as important enough to be documented.⁴³ The study then looks at how the maritime security state is linked to peace and the stability of the region. This relationship can be explained by examining the various threats that affect the security of the Indian Ocean and the maritime environment.

2.1 Transnational Security Threats in the Indian Ocean

Transnational threats, including terrorism, gun running, sea piracy, immigration control and assistance during natural disasters, have spawned a multitude of additional “out of area” operational roles for regional navies, and have dramatically increased the maritime security challenges. Globalization and the high speed technology have made it possible for criminals to operate freely across national boundaries, so cooperative and holistic approaches to these threats are the only answer. Resources, transportation and trade, and the sea as a means for exchanging information to further human development represent matters that cannot be ignored. Neglecting

⁴² M. Klare., *Peace and World Security Studies; A Curriculum Guide*. (London: Lynne Rienner Publishers, 1994),p143

⁴³ *Ibid*,pp145

the protection of maritime resources, transport of goods by sea, and communication individually or collectively promotes maritime and eventually national insecurity.

Maritime security problems result primarily from the lack of order at sea. A state makes an uncomfortable neighbor when distracted or depressed by poverty or driven asunder by centrifuge. It is therefore to the general advantage that states should be reasonably prosperous and coherent, that the inhabitants should have a sense of satisfaction and a sense of belonging.⁴⁴ Chalk explains that with the collapse of the Soviet Union and the European Communist Eastern bloc in 1991, it was confidently assumed that the international system was on the threshold of an era of unprecedented peace and stability. As this unprecedented interstate structure emerged and took root, destabilizing threats to national and international security were expected to decline commensurately.⁴⁵ This assumption is yet to be realized as these threats take on different forms.

2.1.1 Terrorism

Terrorism can be defined as the willful maiming and murdering of civilians to produce fear in a large viewing audience for the purpose of pressuring a government to change its policies on certain issues. Its purpose is to destroy the morale of a nation or a class, to undercut its solidarity; its method is the random murder of innocent people.⁴⁶ It has been of concern to the international community since 1937 when the League of Nations adopted the Convention for the Prevention and Punishment of Terrorism.⁴⁷ Terrorism also refers to political violence that targets civilians deliberately and indiscriminately. Traditionally, the purpose of terrorism is to demoralize a

⁴⁴ P. Calvocoressi., *World Order and New States, Studies In International Security*. (London: Chatto and Windus, 1962).

⁴⁵ P. Chalk., *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*. New York:(Pittsburgh: RAND Corporation, 2008).

⁴⁶M. Walzer., *Just and Unjust Wars. A Moral Argument with Historical Illustrations*. (New York: Basic Books, 2000).p98

⁴⁷ The United Nations Office On Drugs And Crime “*UNODC and Terrorism Prevention*”
<http://www.unodc.org/unodc/en/terrorism/index.html?ref=menuside> (accessed 02/09/2012)

civilian population in order to use its discontent as leverage on national governments or other parties to a conflict.⁴⁸

The phenomenon of Terrorism is therefore neither new nor recent as it dates back to 431 AD in Ancient Greece and early Roman Empires and yet for many decades, it was but one of many global security concerns that scholars and policymakers sought to address. In its modern manifestations, terror is totalitarian form of war and politics. It shatters the war convention and the political code breaking across moral limits beyond which no further limitations seem possible.⁴⁹

While terrorism is not a recent phenomenon in the world, the 9/11 terror attacks in the USA had the world awestruck and alarmed at the ingenuity and the bravery terrorist organizations had gathered over the years. Reaching the places that, until then, were seemingly unreachable by terrorists shook the world awake to the reality of terrorism. This incident had a direct impact on the Indian Ocean region as the USA is among the international partners in safeguarding the security of the region. The Indian Ocean region particularly the East African states have had a feel of the terror attacks as well. On August 7, 1998, two massive bombs exploded outside of the U.S embassies in Dar es Salaam, Tanzania and Nairobi Kenya, killing 224 people and injuring about 5,000. Responsibility was quickly traced to al Qaeda. In 2002, four years later, al Qaeda operatives struck again, killing 15 people in an Israeli-owned hotel near Mombasa, and simultaneously firing missiles at an Israeli passenger jet taking off from Mombasa's airport. Somalia served as base for these attacks.⁵⁰

⁴⁸ J. Goldstein & J. Pevehouse., *International Relations* (New York: Longman, 2008).p147

⁴⁹ M. Walzer., *Just and Unjust Wars. A Moral Argument with Historical Illustrations.* (New York: Basic Books, 2000).

⁵⁰ P. Lyman. & S. Morrison. 'The terrorist threat in Africa' *Foreign Affairs.* Vol.83.No.1 (2004) pp.75-86

In 2002, to combat terrorism in the horn of Africa, the USA created a combined joint task force-horn of Africa (CJTF-HOA) which involved 1,800 U.S soldiers backed by the US central command. Based in Djibouti, CJTF-HOA's mission was to deter, preempt, and disable terrorist threats emanating principally from Somalia, Kenya and Yemen assisted by a multinational naval interdiction force. The cost for the whole programme was U.S \$100 million with half the money supporting the coastal and border security programmes. An amount of \$10 million went into supporting the Kenya Anti-terror police Unit.

During the first decade of the 21st Century, international terrorism has become a key security concern and one of the major issues that has engaged the attention of scholars, policymakers, NGOs and the public at large. Several conditions may then contribute to the occurrence of terrorism; globalization, democracy, conflict, and ideology or religion.⁵¹ This can be explained with the case of Somalia where for a very long time governance has been put to the test and has eventually posed security challenges to the region through piracy and terrorism. Examples of terrorism activities in the region include the *Achille Lauro*, *USS Cole* and the *Limburg*. Given the current potency of AQ-Core a terror organization in Yemen and the high-profile nature of their intent to attack international targets, the most relevant affiliate is Al-Qaeda in the Arabian Peninsula (AQ-AP). The other contemporary maritime terrorist threat comes from the Abdullah Azzam Brigades (AAB), which has demonstrated the capability to attack shipping in the Persian Gulf.⁵² World trade and crime statistics for the Indian Ocean since 2007 provide ample evidence for piracy's ascendance on the international agenda.⁵³ Other countries in the region, notably

⁵¹ A.Chester, et al., *Leashing The Dogs of War; Conflict Management in a Divided World-Terrorism and Global Security*. (Washington D.C: United States Institute of Peace Press, 2007).p 70

⁵² R. Herbert-Burns., *Countering Piracy, Trafficking, and Terrorism: Ensuring Maritime Security in the Indian Ocean*. Washington D.C: Stimson.pp.8

⁵³ Ross,R. & Bekkevold,J.(2011). *International Order at Sea: Anti-Piracy and Humanitarian Operations*. (Oslo: Norwegian Institute For Defense Studies, 2012).p15

Yemen, Kenya and Djibouti, operate small functioning navies. Despite lacking equipment and funds, the Yemeni Coast Guard is active and conducts regular patrols.⁵⁴ Further, Kenya's lack of counterterrorism legislation hindered its ability to detain terrorist suspects and prosecute them effectively, and because there was no counterterrorism legislation, terrorist suspects were often prosecuted under other offenses, such as murder and weapons possession.

The rapid expansion of globalization at the beginning of the 21st Century with all its benefits, complexities and challenges, has contributed to the increase of global human insecurity; upsurge of various forms, levels and magnitudes of conflicts and violence in all its aspects, including terrorism. Globalization, with its myriad advantages has made the world even more vulnerable to the threat of terrorism as traditional boundaries become more and more fluid. Indian Ocean being a very important maritime highway or route for trade and oil transport has seen its fair share of the security threats. The advent of internet and its widespread use and accessibility by people from all walks of life has, with its numerous advantages on one hand, brought with it the disadvantage of linking terrorists who will do their campaign and recruitment from it with considerable success.

However, a discussion on the sources of terrorism needs to address two issues: the underlying conditions or structures that facilitate its emergence and encourage its growth, and the specific goals and methods of the actors using terrorism.⁵⁵ For governments, terrorism is a threat to sovereignty, reputation and credibility as well as to the safety of their citizens.⁵⁶ This has made many states to terrorism as a major security concern and a threat to national and international security unlike before the 9/11 incident where it was considered a second-order foreign policy

⁵⁴T. Potgieter., *The Maritime Security Quandary in the Horn of Africa Region: Causes, Consequences and Responses*. East African Human Security Forum, *Discussion Paper*. Hanns Seidel Foundation Kenya(2008).p4

⁵⁵ A. Chester, et al., *Leashing the Dogs of War; Conflict Management in a Divided World-Terrorism and Global Security* (Washington D.C: United States Institute of Peace Press,2007).p70

⁵⁶ Ibid

issue. The pursuit of the illusion of security through a “War on terror” by the world’s hegemonic power brought new and deeper insecurities to peoples in the periphery, especially in Africa.⁵⁷ As much as terrorism cannot be justified, there are various social, economic, political and other factors, including violent separatism and extremism, which engender conditions in which terrorist organizations are able to recruit and win support.

2.1.2 Piracy

Article 101 of the United Nations Convention on Law of the Sea (UNCLOS) of 1982 gives a comprehensive Definition of piracy; Piracy consists of any of the following acts:

*(a) Any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed; (i) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (ii) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State; (b) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; (c) Any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).*⁵⁸

However with globalization and advancement in technology, the acts of piracy have developed to take more sophisticated versions, from using crude tools and old boats to high speed skiffs with trackers. There are three notable forms of piracy being witnessed in the Indian Ocean region which are also common to other oceans like the Pacific and Atlantic ocean. There is the anchorage attacks that commonly occur at the low end of sea where they occur in form of attacks

⁵⁷ M. Smith., *Securing Africa, Terrorism Thinking: “Post 9/11 Discourses on Terrorism”*. (England: Ashgate Publishing Ltd, 2010).p138

⁵⁸ United Nations Convention on Law of the Sea (UNCLOS) ,1982, Article 101

mounted against ships at harbor. The second noted form of piracy is the ransacking and robbery of vessels on the high seas or in territorial waters. These attacks are carried out in narrow sea-lanes and have potential to disrupt maritime navigation. The third form of piracy involves the outright theft of ships and their subsequent conversion for illegal trading and dealings. There are therefore several vulnerabilities that have encouraged the recent high rate of pirate attacks and they include; inadequate coastal surveillance, lax port security, a profusion of targets, and the overwhelming dependence of maritime trade that passes through the congested choke points in the Indian Ocean and increased tendency to staff vessels with skeleton crew.⁵⁹

A report released by the International Maritime Bureau Piracy Reporting Centre, updated on 24/9/2012, notes that piracy attacks worldwide stands at 225 with 70 incidences being reported in Somalia coastline with a total number of 212 hostages being held by the pirates off the same coast of Somalia. Further, the hijackings on the East African coast, particularly Somalia accounts for more than half of the hijackings that happened worldwide. The total number of hijackings in Somalia currently stands at 13 as compared to 24 Total hijackings that took place worldwide.⁶⁰ Several attempts include the attempts of piracy attack on the *FANJA* a general cargo ship which took place on 6/02/2012 at the Bab el Mandeb, Red Sea, Djibouti. Another attempt was the piracy attempt that took place in the same month in 22/02/2012 at the Gulf of Aden, Somalia targeting the *NORTHEN SEA*, a tanker. Both attacks were however not successful.⁶¹ However, countries in the region have been slow to respond because of a lack of capacity to mount a robust

⁵⁹ P. Chalk., *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*. New York:(Pittsburgh: RAND Corporation, 2008).p11

⁶⁰The IMB Piracy Reporting Centre (IMB PRC). "Piracy and Armed Robbery News and Figures ." <http://www.icc-ccs.org/piracy-reporting-centre/piracynewsfigures-> Accessed on 2/10/2012

⁶¹International Maritime Organization. "Reports on Acts of Piracy and Armed Robbery against Ships, MSC.4/Circ.182." http://www.imo.org/blast/blastDataHelper.asp?data_id=31077&filename=182.pdf,pp14-accessed on 28/09/2012

antipiracy campaign.⁶² Just as there is a huge variance of cultures and economies in the Indian Ocean Region, there is also a great diversity in governance.⁶³

In the absence of good governance in the states within the Indian Ocean with Somalia being a good example, criminal and subversive elements flourish and these can disrupt social harmony. Governance of littorals is thus a major challenge for civil security agencies. Littorals provide the muscle for economic growth and development, but in some cases they can also be focal points of social dysfunction due to economic disparities. Lack of governance and an ineffective social security apparatus have in some coastal areas created favorable conditions for illegal activities. However, the lack of a clear international law governing the crime of piracy, the reluctance by shipping companies to report acts of piracy, as well as the unwillingness of military vessels to intervene, have complicated the efforts to stamp out this crime. The root causes of piracy vary and may include political, economic, social, legal and security reasons. They stretch from political instability, resulting from lack of governance of the littorals, to the absence of political will on the part of states to fight piracy, the poor socio-economic conditions pressurizing local populations to commit piracy for survival, inadequate military capability to respond, and the absence of a robust legal system to prosecute despite laws against piracy.⁶⁴ The political-economic impact of piracy on the east coast of Somalia is clear: piracy is dangerous, threatens property and ships, endangers critical sea lines and the free flow of commerce, and is regionally destabilizing.⁶⁵

⁶²A. Malaquias., "Ask the Expert: The Growing Threat of Oil Pirates in West Africa's Gulf of Guinea"(2012)-
<http://africacenter.org/2012/03/ask-the-expert-the-growing-threat-of-oil-pirates-in-west-africa%E2%80%99s-gulf-of-guinea/>-
Accessed 5/10/2012

⁶³ G. L. Leighton & T. Luttrell., *Indian Ocean: A Sea of Uncertainty*,(West Perth: Future Directions International Pty, Ltd, 2012).p11

⁶⁴ Office of the Coordinator for Counterterrorism, "Country Reports on Terrorism 2011" www.fpc.state.gov.accessed 20/06/2012

⁶⁵ T. Neethling., "Piracy around Africa's West and East Coasts: A Comparative Political Perspective." *Scientia Militaria, South African Journal of Military Studies*, Vol 38, No 2 (2010).p96

A Littoral is an area where sea meets land.⁶⁶ Piracy has been observed to originate in the littorals, when political instability, together with poor governance, provides ideal conditions for non-state actors to engage in illegal activities. Some of the challenges in the Indian ocean that create an enabling environment to piracy include; weak maritime surveillance, lack of law enforcement agencies in the sea, absence of functioning government like in Somalia, existing legal frameworks makes prosecuting pirates very difficult. The recent piracy boom in Somalia has benefited from the extremely volatile political and security environment in the country. Since the collapse of Mohamed Siad Barre's rule in 1991, Somalia has had no effective central authority. The Transitional Federal Government (TFG), established in 2004 and recognized by the international community as the legitimate state authority, controls only parts of the country, and continues to face a serious challenge from numerous armed opposition groups. According to Murphy, piracy thrives in an environment characterized by the presence of a permissive political environment, cultural acceptability, and the opportunity for reward.⁶⁷

Chalk further notes that there are several factors have contributed to the emergence of piracy in the contemporary era. First, there has been a massive increase in commercial maritime traffic. Combined with the large number of ports around the world, this growth has provided pirates with an almost limitless range of tempting, high-payoff targets.⁶⁸ Second to this is the higher incidence of seaborne commercial traffic that passes through narrow and congested maritime chokepoints. Such chokepoints require the ships to significantly reduce the speed to ensure safe passage. Thirdly are the general problems associated with maritime surveillance that have allowed pirates to operate freely and unlawfully. Fourth is the lax in coastal and port-side

⁶⁶ P.K. Goel., A Reappraisal of International Law Applicable to Armed Conflict at Sea *Journal of Indian Ocean Studies*.Vol.3 No.2. (1996). p.154

⁶⁷ M.N. Murphy., 'Suppression of Piracy and Maritime Terrorism' *Naval War College Review*, Issue 3, (2007) p31.

⁶⁸ P. Chalk., *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*. New York :(Pittsburgh: RAND Corporation, 2008).pp10-14

security have also played a role in enabling low-level piratical activities. The fifth is the corruption and emergent voids of judicial prerogatives that have encouraged official complicity in high level piracy rings, terrorism leaders and drug lords. The sixth is the proliferation of small arms that have provided pirates, terrorists, and other elements causing insecurity in the Indian Ocean with an enhanced means to operate on a more destructive and sophisticated level.

Geopolitical developments over time have led to emergence of the maritime environment complexities. The Indian Ocean over the years has become an ideal location for piracy for the simple reason that the region has attracted capital, investments and tourists, enticing the pirates to follow the money.⁶⁹ According to the International Maritime Bureau (IMB), the areas prone to piracy comprise of the Gulf of Aden, Horn of Africa, East Africa, the Panama Peninsula, Singapore and Malacca Straights. Incidentally, these are developing economies characterized by limited maritime law enforcement capabilities and busy trade routes, which makes them conducive for piracy. The Indian Ocean region comprises mostly the “developing economies” under the UN category except Australia and South Africa, this has added to the challenges experienced by such countries in their effort to contribute to maritime security.

2.1.3 Trafficking

Trafficking comprise of illegal trafficking in narcotics, arms and humans. An important adjunct to maritime terrorism is drug trafficking. The nexus of these two phenomena is admittedly so deep that they are often analyzed under the same parameters. Studies from all over the world indicate that drug use is associated with crime and violence.⁷⁰ Drugs do not necessarily follow

⁶⁹ P.Maluki, et al., *Combating New Piracy in the Indian Ocean: Strategies and Challenges*. (Berlin: Lambert Academic Publishing, 2012).

⁷⁰ K.Gosh., *Maritime Security Challenges in South Asia and the Indian Ocean: Response strategies*. A paper prepared for the Center for Strategic and International Studies –American-Pacific Sea lanes Security Institute conference on Maritime Security in Asia. January 18-20, 2004, Honolulu, Hawaii.p5

the most direct routes between source and destination with their main mode of transport being the use of ships and vessels. A major factor is that of weak states – those whose law enforcement organizations are under-resourced and subject to corruption. Drug trafficking has risen significantly in Africa over the past decade, and the continent has emerged as a major transit hub for narcotics from South America and South Asia to reach Europe and to a lesser extent the United States. Further, Organized criminal groups are earning billions of dollars in profits from trafficking and exploiting people - many of whom are victims of severe human rights violations.⁷¹ While Eastern Africa is not particularly threatened as a destination for drug trafficking, most countries in the region are used as transit points to other destinations. Transnational organized crime by definition concerns more than one country. Other parts of Africa considered havens for drug trafficking has recently received considerable attention as drug routes, and as mechanisms are strengthened there, the Eastern Africa region will come under threat as traffickers seek new routes across the continent, mostly through Indian Ocean.⁷² Human trafficking is the acquisition of people by improper means such as force, fraud or deception, with the aim of exploiting them.⁷³ Human smuggling and trafficking in persons is another ugly form of organized crime in Africa Kidnapping is a longstanding problem in much of Africa that is now taking on new dimensions.⁷⁴ Further, Human trafficking and smuggling of people who are desperate to leave the continent, perhaps as stowaways involve criminal

⁷¹ International Organization for Migration. "Counter-Trafficking" <http://www.iom.int/cms/countertrafficking>-Accessed 5/10/2012

⁷² UNODC, Organized Crime and Trafficking in Eastern Africa, *A Discussion Paper*. For discussion at the Regional Ministerial Meeting on Promoting the Rule of Law and Human Security in Eastern Africa Nairobi, Kenya, 23-24 November 2009. http://www.unodc.org/documents/easternafrika/regional-ministerial-meeting/Organised_Crime_and_Trafficking_in_Eastern_Africa_Discussion_Paper.pdf pp 4

⁷³ UNODC, "UNODC on human trafficking and migrant smuggling". <http://www.unodc.org/unodc/en/human-trafficking/index.html?ref=menu> Accessed 5/10/2012

⁷⁴ A.Sage., 'Non-state Security Threats in Africa: Challenges for U.S. Engagement'. Institute for National Strategic Studies at the National Defense University. PRISM 2, No.(2010) 1.P57-
<http://www.ndu.edu/press/nonstate-security-threats-africa.html>

syndicates in most parts of Africa including East Africa.⁷⁵ Weapon smuggling takes place as well and often serves to fuel African armed conflicts.⁷⁶ Migrant smuggling is a thriving business in Eastern Africa, due to the enduring political and economic instability in the region. The latest study from the International Organization for Migration (IOM) shows that approximately 14.5 million people migrate per annum; 10 million of them moving within the countries of the East Africa region.⁷⁷ Further, the dynamic of globalization has a similarly contradictory and push-pull impact on international migration.⁷⁸

2.1.4 Bunkering

The scope and importance of oil and gas resources at sea are growing rapidly in the Indian Ocean region. However, illegal oil bunkering has become a sophisticated operation no longer requiring the collaboration of oil company staff to operate equipment at wellheads or provide access to pipeline junctions. The 'bunkerers' tap directly into pipelines away from oil company facilities and connect up to barges before transporting this oil to a receiving vessel. This threat of illegal oil bunkering is most prevalent in Nigerian waters but holds national and international repercussions. A report in the CNN news noted that *"In their most audacious act to date, pirates captured a huge supertanker carrying up to \$100 million worth of oil off the east coast of Africa"*.⁷⁹ These money ends up in the wrong hands which may be use for terror attacks in other countries. This convergence of the problem of piracy and oil bunkering poses a new problem in

⁷⁵ A. Sage., 'Africa's Irregular Security Threats: Challenges for US engagement', *Strategic Forum*, Institute for National Security Studies, National Defence University, No 255, May 2010, p. 6.

⁷⁶ Brenthurst Foundation, 'Maritime development in Africa': An independent specialists' Framework, Brenthurst. *Discussion Paper* No 3, 2010, p. 7.

⁷⁷ International Organization for Migration (IOM): "World Migration Report 2008"

⁷⁸ L. Dannreuther., *International Security: the contemporary agenda*, (Cambridge: Polity Press, 2008).p105

⁷⁹ D. McKenzie., 'Q and A: Pirates of East Africa.' CNN World.(2008) http://articles.cnn.com/2008-11-18/world/pirates.explainer_1_somali-coast-sirius-star-pirates?_s=PM:WORLD accessed 01/10/2012

the region. The downstream effect of this illegal activity is a major loss of revenue to the state, the generation of demand for illicit weapons and the escalation of violence in the area.

2.1.5 Non-traditional maritime challenges in the Indian Ocean

International economic activity depends upon the free and uninterrupted flow of commerce across the world's oceans. Non-traditional maritime challenges create political, economic, and humanitarian problems and include a diversity of state and non-state actors. Moreover, whereas the hard security questions of the maritime domain remain a familiar problem set for policymakers, they have a much harder time conceptualizing non-traditional, transnational, and human security issues that do not respect national boundaries and which transcend institutional and policy issues. Climate change is of significant importance for the movement of people, especially in the Indian Ocean region.

Environmental problems such as sea level rise, desertification, and the submergence of islands have contributed to the environmentally-driven migration of 50 to 200 million individuals and created a new set of migrants: "environmental refugees." With a rise in environmental refugees, additional problems such as health issues, scarce resource competition, and social and ethnic tensions will surface. The importance and optimal gains of the protection of maritime security in the Indian Ocean have in the recent years moved so rapidly into the mainstream of international affairs attracting both regional and international attention. But the Indian Ocean continued to remain the only major region without a viable economic grouping.⁸⁰ Exploitation of maritime resources through Illegal fishing along the Indian Ocean shores is a major problem as is toxic

⁸⁰ P. Maluki., *Regionalism in the Indian Ocean: Order, Cooperation and Community*. (Berlin:VDM Verlag, 2011)p5

waste dumping and pollution therefore leading to Maritime sovereignty and sovereign rights not being respected or enforced.

Pollution of the marine environment is mainly due to; the release of toxic, harmful or noxious substances from land based sources, from or through atmosphere or by dumping; pollution from vessels; pollution from installations and devices used in exploration and exploitation of natural resources of the sea; and pollution from other installations and devices operating in the marine environment. The serious environmental degradation found around the Indian Ocean is due to an adverse distribution of land and resources to population.⁸¹ Threats from natural disasters like tsunami are magnified because of environmental degradation conditions such as the denudation of coastal marshlands. In another example, a haze that lingers over South Asia is due to agricultural burning and coal-burning plants, which are becoming more prevalent principally in China. Most states in the Indian Ocean and its environs are following suit with most of them including Kenya having very low forest cover of about 2%.

A climate crisis is imminent, however, the science is immature and reasons for climate change are not completely understood. Nevertheless, worsening droughts and fires can be expected with such situations already taking place. Floods or droughts have proved to be highly destructive, and generally the continent lacks the resources to tackle natural disasters, which may require mass evacuation initially, treatment of casualties, temporary shelter and also the capacity to rebuild the damaged infrastructure. To minimize the impact of natural disasters, it is a priority task to build a containment and reaction capacity.

⁸¹ A.K.Mahajan., 'Biodiversity, Pollution and Ocean Environment'. *Journal of Indian Ocean studies*, Vol.3 No.2. (1996), p128

2.1.6 Conclusion

Concerns of human security and the protection of civilians must be central to any conflict management strategy of states. The concept of human security transcends traditional military-centered notions of security to include a concern for the welfare of vulnerable groups in society, particularly women and children. The dilemma confronting especially most security actors and institutions is how to systematically incorporate gender perspectives in their functions in a consistent and sustained manner that facilitates transformative changes and translates actions into real benefits for men, women as well as the state and its institutions. From the foregoing, there are several threats in the Indian Ocean that directly impacts on the maritime environment and stability of the region. They include; piracy, maritime terrorism, drug trafficking, human smuggling, illegal immigration, gun running, natural disasters, environmental concerns and illegal fishing amongst others.

Globalization has contributed to the growth of terrorism from a regional phenomenon in to a regional one, but the relationship between them is difficult to define accurately. Each phenomenon is complicated in its own right and defies simple characterization.⁸² To further complicate matters in a sub region where people move relatively freely across borders, there are no formal mechanisms for extradition, mutual legal assistance, or the sharing of relevant information between countries. This has contributed to the use of extrajudicial renditions of terrorism suspects between countries in the sub region, which has helped undermine public support for and confidence in counterterrorism efforts in East Africa.⁸³

⁸² J. Baylis, et al., *The Globalization of World Politics: An Introduction to International Relations.*(New York: Oxford University Press, 2008).p230

⁸³ E. Rosand, et al.,“Implementing the UN Global Counter-Terrorism Strategy in East Africa”, IPE Center on Global Counterterrorism Cooperation.(2009) <http://www.globalct.org/images/content/pdf/reports/eastafrica.pdf>-accessed 01/10/12

Drawing for the case of a state like Somalia where piracy has been a serious security concern, the economy of the state and the safety of the citizens depend on the stability of the region. Somalia has seen many refugees flee to other neighboring states in search of a peaceful environment. With such threats common in the Indian Ocean, one can argue that the region tends to be more insecure and less stable leading to an environment that is not peaceful enough to foster development. As states put effort to stamp out these vices, the resources are diverted from more challenging national interests like food security, poverty, and poor health amongst others, all linked one way or another to peace and security. Developing and implementing a comprehensive African maritime strategy is a critical need to ensure that its rich maritime resources are used for the benefit of Africans and to ensure ecosystem services are protected.⁸⁴

Maritime security is therefore important for securing the national interest of a state. This would ensure protecting territorial integrity, economic progress, energy security, marine environment stability, and protection of port facilities, as well as maritime transport encompassing goods and people, safety of navigation, protection against sea water pollution. Secure maritime transport routes are critically important to the states within the region and the international community.

⁸⁴UNEP Foresight Process: Phase I: Results of the UNEP consultation. A summary of subjects identified as “emerging environmental issues” by the UNEP Community.
http://www.unep.org/publications/ebooks/foresightreport/Portals/24175/pdfs/Background_Report-Foresight_Process.pdf?-accessed 4/10/2012

CHAPTER THREE

THE IMPACTS OF MARITIME INSECURITY ON PEACE AND STABILITY IN THE INDIAN OCEAN REGION

3.0 Introduction

The chapter analyses the maritime threats in the Indian Ocean region and their impacts on the peace and stability in the region. According to a report by the International Maritime Bureau Piracy Reporting Centre, Somalia leading its neighbors Kenya, Tanzania, Seychelles, Madagascar and Mozambique/Mozambique Channel have appeared in the list of the most prone areas to piracy and armed robbery in Africa and the Red Sea.⁸⁵ This is definitely a good sign for the region which has been considered important geo-strategically. The stretch along the East African coast is a source of livelihood to many inhabitants along the ocean and to those countries that are landlocked who depend on the Indian Ocean for trade and other shipments including humanitarian assistance. The Indian Ocean region, comprising littoral and hinterland countries, is an emerging geo-strategic and geo-economic segment in the global scenario.⁸⁶ However, there seems to be a common understanding that traditional maritime security challenges in the Indian Ocean like state-on-state conflict are waning while unconventional challenges are on the increase. These challenges include piracy, maritime terrorism, drug trafficking, human smuggling, illegal immigration, gun running, natural disasters, environmental concerns and illegal fishing.

⁸⁵The IMB Piracy Reporting Centre (IMB PRC), 'Piracy and Armed Robbery News and Figures'. <http://www.icc-ccs.org/piracy-reporting-centre/prone-areas-and-warnings>. accessed 4/10/2012

⁸⁶G. Murthy., 'The Indian Ocean Rim Initiative' *Journal of Indian Ocean Studies*. Vol.3 No.2 (1996). p155-168

Security is a public good that is necessary for ensuring individual and collective safety, stability and development. It is the primary function and responsibility of the state to deliver this public good, 'security', to its people and communities in an appropriate and accountable manner as to prevent conflict and foster development.⁸⁷ Peace and security are important cornerstones for all the development activities on the continent of Africa. Chalk adds that the dangers associated with maritime security threats are complex and multifaceted, having direct implications for human, political, economic and environmental security in terms of fraud, stolen cargos, and delayed trips, higher insurance premiums and could potentially undermine a maritime state's trading ability.⁸⁸ Contrary to this, most littoral states devote more of their resources to the land-based security structures and treat the maritime security as a peripheral item. Littoral security is as important as any other dimension of national security and raises several issues and challenges for states. Littorals provide the muscle for economic growth and development, but in some cases, they can also be focal points of social dysfunction due to economic disparities. The system of collective security devised after the World War II did not take account of non-state actors. Just as states enact legislation, so too do armed groups.⁸⁹ Globalization encompasses many trends, including expanded international trade, telecommunications, monetary coordination, multilateral corporations, technical and scientific cooperation, cultural exchanges of new types and scales, migration and refugee flows, and relation between the world's rich and poor countries.⁹⁰ Maritime security therefore affects the peace and stability of the Indian Ocean region with notable results both positively and negatively. This chapter then examines the different ways that maritime security affects the prosperity of the region.

⁸⁷ A. Ecoma., 'Gender and security policy in west Africa.' Abuja, Friedrich-Ebert-Stiftung, (2011) *a working paper*.

⁸⁸ P. Chalk., *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*. New York: (Pittsburgh: RAND Corporation, 2008)p14

⁸⁹ S.Sivakumaran., 'Understanding Armed Groups and the Applicable Law' *International Review of the Red Cross*, Vol.93, No 883, June 2011.,pp463-482

⁹⁰ J. Goldstein & J.Pevehouse., *International Relations* (New York: Longman, 2008)p15

3.1 Maritime insecurity and the economic growth of states in the Indian Ocean

Maritime security has in many occasions disrupted the global economy by causing delays in the international supplies and crippling the international shipping business thus resulting in a state of economic war. The neo-liberal global economy is promoting the worldwide application of free market economy, attributing to a minimal role to the government. This minimal role, however, concerns the security of the state, the society and especially the market where such trade takes place.⁹¹

Maritime security is a key component of collective security and thus forms part of the foundation for economic development. The enforcement of maritime legislation to remove those factors that would negatively affect the free flow of goods is vital. Maritime legislation would, in turn, strengthen the maritime institutions which are crucial for a maritime strategy. The littorals are hubs of intense economic activity linked with maritime trade, which pivot on an intricate maritime infrastructure (ports, harbors, oil and gas terminals and rail/road system) as well as networks connecting the littoral with the hinterland.⁹² Such infrastructure provides the sinews for the economic growth and comprehensive development of the state. The growth of commercial enterprises specializing in maritime sports and equipment has up to some extent provided criminals with a readily accessible conduit through which to gain necessary training and resources for operating at sea.

The rampant maritime attacks offer terror groups an alternate means of causing mass economic destabilization. Another reason is the expansive global container shipping complex which offers

⁹¹ C. Webel, & J. Galtung., *Handbook of Peace and Conflict Studies*. (London: Routledge, 2007)p89

⁹² M. Roy., 'Indian Ocean Trading Blocs-Cure For Afro-Asian Sea blindness'. *Journal of Indian Ocean studies*, Vol.2 No.3 (1995) pp220-238

terrorists logistical conduit for facilitating the covert movement of weapons and personnel.⁹³ Economic issues are central to discussions of peace and security, international relations and social justice. Reppy explains that a healthy economy is generally recognized as an essential component of national security as well as one of the core values that security policy seeks to protect.⁹⁴

3.2 Maritime insecurity and trade in the Indian Ocean

The exporting of goods is one of the world's oldest trades, dating back to a period before the invention of money when people bartered for goods.⁹⁵ Over the centuries, the Indian Ocean has been considered an important international waterway and also considered one among the world's busiest international trade corridors due to the expansion of Asian economies and the increased need for raw materials and energy resources from the Middle East and Africa.⁹⁶ As one of the globe's principle maritime trading states, accounting for nearly 20% of all international sea-borne freight in any given year, the United States has a direct, vested interest in securing the worlds' oceanic environment. It is expected that the United States of America (USA) will import 25 per cent of its oil from Africa by 2015.⁹⁷ This international presence has led to the increase of interest by both states and non state actors for various reasons. According to The International Maritime Bureau (IMB), 78 vessels were boarded and 39 hijacked worldwide in the first half of 2009.⁹⁸ Because the oceans are a radically transnational ungoverned space, no one has the power

⁹³ P. Chalk., *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*. New York: (Pittsburgh: RAND Corporation, 2008)p26

⁹⁴ M. Klare., *Peace and World Security Studies; A Curriculum Guide*. (London: Lynne Reinner Publishers, 1994)p257

⁹⁵ M. McNicholas., *Maritime Security, an Introduction*. (New York: Elsevier Inc, 2008)

⁹⁶ P. Maluki., *Regionalism in the Indian Ocean: Order, Cooperation and Community*. (Berlin:VDM Verlag, 2011)p12

⁹⁷ M.Roll., & S.Sperling., 'Fuelling the World –Failing the Region? Oil Governance and Development in Africa's Gulf of Guinea'. Abuja: Friedrich-Ebert-Stiftung. *A working paper*. (2011) Pp14

⁹⁸ J. Goldstein & J.Pevehouse., *International Relations* (New York: Longman, 2008)p148

of authority to quell piracy on its own⁹⁹ just like the other security threats in the Indian Ocean region. The Indian Ocean therefore represents an increasingly significant avenue for global trade and arena for global security. Ports have become pieces of critical infrastructure within trading systems especially in relation to economic performance at the national and international level. However, the limited capacity of commercial port structures to move imported and exported goods without delays and unjustifiable added costs results in prices that are uncompetitive on the global market, this delay is made worse if there are security impediments in the Indian Ocean. Anchorages and approaches that are poorly surveyed and dredged, coupled to outdated navigational information and non-functioning navigational aids, lead to increased danger to shipping and subsequent increased insurance costs. Insecure and/or inefficient port facilities are a major contributor to the high costs. Port facilities are the maritime component of what should be an integrated transport network that includes road, rail and port facilities.¹⁰⁰

As noted earlier by Teich and others that maritime commerce is an essential component of the current globalized economy,¹⁰¹ with the Indian Ocean region gaining high attention due to the strategic importance it offers to the countries within the region and to the international community. One of the major developments within today's trade dimensions is the increasing interest in maritime trade therefore calling for maritime security. An issue of concern to all countries in the region and other countries with an interest in the Indian Ocean is ensuring the current and future security of the cable routes and the sea lines. With large increases in oil dependency in many countries in the region, it is important to secure these trade routes from threats such as terrorism and piracy. Taking a political focus, security threats like piracy can play

⁹⁹ Ibid

¹⁰⁰ L. Dannreuther., *International Security: the contemporary agenda*. (Cambridge: Polity Press, 2008)

¹⁰¹ B,Teich & D. Houff „ Building Partnerships: Co-operative Maritime Security, 2008 G8 Summit Declaration, "*Development and Africa Journal*," (2008) p. 2

a pivotal role in undermining and weakening regime legitimacy by encouraging corruption among elected government officials. The security of SLOCs is vital to global economy, and the Indian Ocean is the world's most important energy route way.

3.3 Uncontrolled and Unreported fishing

Prevalence of piracy in the Indian Ocean increases the costs of international trade and harms both the fishing and tourism industries of the Indian Ocean coastal states. These include over-fishing, poaching, and contamination of inland and ocean fisheries. Although estimates vary, it is estimated that Africa's fishing industry earns the continent around US\$10 billion annually through internal trade, global exports and fishing licenses to foreign operators. The fisheries apart from contributing to the economy of the states are also a key element in the provision of food, and any threat to the security of Africa's fisheries is a fundamental threat to the food security of the continent. Aside from the spectre of potential widespread hunger, there are the 'secondary' effects of this Illegal, Uncontrolled and Unreported fishing – loss of state revenue and resulting job losses, poverty and the associated social problems like criminality, drug abuse and the erosion of community values.

3.4 Impacts of the security threats on maritime communities in the Indian Ocean region

Terrorist activities against civilians and military personnel aim at visibility, recognition and the creation of fear and panic.¹⁰² Traditionally, the primary effect of terrorism is psychological.¹⁰³ Ali Ahmad Jalali explains that the terror tactics being used by the terrorists are having a psychological impact on the population. He further notes that as long as the people believe the

¹⁰² The Politics of International Terrorism in the Security Complexes in the Greater Horn of Africa: An Overview from Uganda under the Movementocracy, *African Journal of International Affairs*, Vol. 7, Nos. 1&2, 2004, pp. 35–56

¹⁰³ J. Goldstein & J. Pevehouse., *International Relations* (New York: Longman, 2008)p147

government cannot protect them, they co-operate, or they tolerate, or in some cases they sit on the fence without supporting the government.¹⁰⁴ Terrorism is not just about causing bodily harm for political or ideological objectives; terrorism is about eroding core human values of freedom, justice, trust and tolerance.¹⁰⁵ International terrorism is, therefore, both an action and reaction to a depressing, desperate, hopeless and excluding situation. The actions and reactions take on political, economic, social, ideological, psychological, emotional and religious fervor. The state response to terrorism diverts attention away from important issues of governance such as poverty eradication, environment, social stability, and health, among others.

Terrorism is one of the threats against which the international community, above all States, must protect their citizens. Terrorism like all the other vices in society negates the most basic principles of humanity that underlie international humanitarian law, human rights law, and refugee law. Acts of terrorism which, by their very nature, strike innocent victims are not a new phenomenon and they have always posed a challenge to bodies of law whose objective is the protection of the safety and dignity of individuals. Collective security requires the creation of a legal and structural apparatus capable of giving institutional expression to its basic principles.¹⁰⁶ Human security issues in coastal communities have proved to be a challenge to the littoral states due to the ever dynamic nature of the criminal activities in the Indian Ocean region. Most states share the same problem of patrolling huge areas of newly-claimed economic zones which stretches the economic capability of the states. The introduction of civil maritime relations into

¹⁰⁴ V. Bernard., 'Understanding Armed Groups and the Applicable Law' *International Review of the Red Cross*, Vol.93, No 883, June 2011, pp279-288

¹⁰⁵ Global Extremism, Terror and Response Strategies, 2006- Bibliotheca Alexandrina, SMWIPM Peace Studies Institute and Strategic Foresight Group, with support from the Royal Norwegian Ministry of Foreign Affairs
http://www.strategicforesight.com/terrorism_workshop_report.pdf-accessed 20/09/2012

¹⁰⁶ I. Claude, Jr., *Swords into Plowshares: the Problems and Progress of International Organization-Collective Security as an Approach to Peace*. (New York: Random House, 1963).p268

the security dynamic can thus have a highly beneficial impact upon the military-political environment.

3.6 Impacts of maritime threats on maritime environment in the Indian Ocean region

The marine environment is defined as the complex union and interaction between all the living things that live in or on the sea, for example seabirds, marine mammals, fish, snails, shellfish, sponges and seaweed; and also the oceans, seas, bays, estuaries, islands, coastal areas, and the airspace above them. The maritime environment also includes ships, vessels, ports, and boats and other man-made things such as oil drilling platforms. With increasing globalization, transnational concerns such as environmental degradation and disease have become more prominent as well. Global warming looms as an ever more present danger, underscored in 2005 by the toll of hurricane Katrina on New Orleans and the accelerating melting of arctic ice.¹⁰⁷ The increasing water levels in the Indian Ocean due to climate change have since seen many communities living along the coast relocate and settle somewhere else.

The threat of climate change with its accompanying volatile weather is a challenge for most African states in the near future. Unseasonal weather conditions, including unusually prolonged droughts and recurrent flooding, have been experienced in the recent past, and this has serious implications for water security, agricultural areas adjacent to rivers and the fishing on which millions of Africans depend for their food. The changes are also affecting Africa's demography, with more and more formerly rural Africans moving to the coastal regions and cities in search of employment. This will place stress on urban economies and escalate the incidence of financially related crime like piracy, drug trafficking and terrorism. Intentional acts that result in environmental disasters can have far-reaching, negative effects on the economic viability and

¹⁰⁷ J. Goldstein & J. Pevchouse., *International Relations* (New York: Longman, 2008).p31

political stability of a region. The environment as well is at risk as the piracy attacks can have the potential to trigger a major environmental disaster, particularly if such disasters take place in crowded sea-lanes traversed by heavily laden oil tankers.¹⁰⁸

3.7 Impacts of maritime threats on maritime resources in the Indian Ocean region

The oceans covering 70% of the earth's surface are a key to regulating climate and preserving biodiversity. Oceans, like forests are attractive targets for short term economic uses that cause long term environmental damage. Such uses include overfishing, dumping toxic and nuclear wastes (and other garbage) and long distance oil shipments with their recurrent spills.¹⁰⁹ The Indian Ocean harbors an array of non-energy renewable and non-renewable resources. Various political, technological, and environmental factors affect the economic potential for developing these resources. For many of the coastal village communities, offshore fishing represented a regular and significant livelihood.

These small businessmen and their families depended completely on the rich fishing off the Somali coast as a source of treasure going back generations.¹¹⁰ Under the law of the sea, an exclusive economic zone (EEZ) is a sea zone over which a state has special rights over the exploration and use of marine resources, including production of energy from water and wind.¹¹¹ States treat territorial waters near their shores as part of their national territory. UNCLOS generally allows a 12 mile limit for shipping and a 200 mile exclusive economic zone covering fishing and mineral rights (but allow for free navigation).¹¹² As global warming continues, there

¹⁰⁸ P. Chalk., *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*. New York:(Pittsburgh: RAND Corporation, 2008)p17

¹⁰⁹ J. Goldstein & J.Pevehouse., *International Relations* (New York: Longman, 2008)p317

¹¹⁰ D. Rosenberg, et al., *Piracy and Maritime Crime, Historical and Modern Case Studies*, Newport.(Rhode Island : Naval War College Press.2010)

¹¹¹United Nations Convention on Law of the Sea (UNCLOS) ,1982 Article 101

http://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf

¹¹² J. Goldstein & J.Pevehouse., *International Relations* (New York: Longman, 2008)p317

will be more forced migration due to rising sea level and polluted sea water in the Asian countries. This is paralleled by issues facing the East Africa region and the Indian Ocean coastline like fishery depletion and food shortage due to increased desertification.

3.8 Conclusion

Oceans belong to no state; instead they are a global commons. This makes the collective goods problem more difficult to handle since the international system is anarchic, with individual states focusing most of their resources, financial and military on other national interests. However, the UNCLOS has developed the general principle that the oceans are a common heritage.¹¹³ Michael notes that The Indian Ocean is a region of increasing importance to world commerce, energy security, and environmental concerns, as well as one under threat from piracy, terrorism and resource exploitation. Rising prosperity in Asia, growing dependence on natural resource flows linking producers and consumers across the Middle East, Africa, and Asia, and globalized supply chains and distribution networks are knitting the region ever more closely together by sea.¹¹⁴ The countries along its rim, many of them in critical economic and political transitions, are important players in determining how these challenges will be managed.¹¹⁵

Rapid economic growth and population growth are of driving importance in the Indian Ocean rim. The importance and optimal gains of the protection of maritime security in the Indian Ocean have in the recent years moved so rapidly into the mainstream of international affairs attracting both regional and international attention. The chapter explores the evolving security, socio-economic, commercial, and environmental trends that will shape the Indian Ocean region in the coming decades and examines their implications for decision-makers and stakeholders.

¹¹³ J. Goldstein & J. Pevehouse., *International Relations* (New York: Longman, 2008)p317

¹¹⁴ D. Michel, et al., *Indian Ocean Rising: Maritime Security and Policy Challenges*. (Washington D.C: Stimson, 2012).

¹¹⁵ Ibid

The Indian Ocean is rapidly emerging as a key focus of international politics. Its strategic energy reserves and natural resources, the growing importance of its ports and shipping lanes, and the rise of India, Indonesia, South Africa, and other littoral nations as increasingly significant regional powers and global players are transforming the Indian Ocean into a major crossroads for multiple security, maritime policy, and governance issues.

Rising flows of trade, investment, people, and ideas are linking the Indian Ocean countries to each other and to the rest of the world ever more closely.¹¹⁶ Maritime security concerns presents unconventional security challenges to the region and are a significant concern in to the future. Despite its anarchy, the international system is far from chaotic.¹¹⁷ There is therefore a need for a balance in the global agenda between traditional and non-traditional security issues in the Indian Ocean region for sustainable peace and stability.

¹¹⁶ D. Michel, et al., *Indian Ocean Rising: Maritime Security and Policy Challenges*. (Washington D.C: Stimson, 2012).

¹¹⁷ J. Goldstein & J. Pevehouse., *International Relations* (New York: Longman, 2008)pp40-41

CHAPTER FOUR

AN ANALYSIS OF MARITIME INSECURITY IN THE INDIAN OCEAN REGION

4.1 Introduction

The chapter provides an overview of the maritime threats in the Indian Ocean region, their impacts and critically analyses the efforts that have been advanced in ensuring a stable maritime environment in the region. The Indian Ocean region is composed of various states as noted in the previous chapter but this analysis will focus on the maritime insecurity in the East African coast particularly Kenya and Somalia. The two states in the region have been considered by their neighbors and the international community as a source of insecurity and are affected negatively by the same state of insecurity. Somalia has witnessed cases of insecurity particularly from the pirates and terrorists groups linked to al Shabaab and the al Qaeda militia groups. Kenya on the other hand has witnessed several terror attacks on its soil from the same militia groups. The security situation in the two states has caught the attention of the neighboring states and the international community due to their geostrategic importance in the Indian Ocean region.

The end of cold war has accelerated the search for a new agenda in the dimension of maritime security. The 'war on terror' advocated for by the United States of America has transformed fundamentally the Westphalian world order, which has characterized western modernity. This world order was based on the 'balance of power' between sovereign states, which are recognized as having an absolute right to guarantee the security of their citizens, domestically through their police force, and internationally through their military.¹¹⁸ The principle of non-interference in the domestic affairs of other states has made the efforts being done by other states and

¹¹⁸ M. Klare., *Peace and World Security Studies; A Curriculum Guide*. (London: Lynne Reinner Publishers, 1994)p90

organizations prove near fruitless, with peace remaining an elusive component. According to Webel, peace is a linchpin of social harmony, economic equity and political justice, but peace is also constantly ruptured by wars and other forms of violent conflict¹¹⁹. He further argues that peace is dialectical. It is neither a timeless essence-an unchanging ideal substance-nor a mere name without a reference, a form without content. This desirable state of peace in the Indian Ocean is greatly disturbed by unconventional challenges that range from piracy, maritime terrorism, drug trafficking, human smuggling, illegal immigration, gun running, WMD proliferation, natural disasters, environmental concerns and illegal fishing. To achieve a state of stability all the stakeholders in the region should consider ways that will ensure a more conducive environment for coexistence, trade and marine life.

4.2 Co-operation towards a maritime security

The Indian Ocean region is relatively important to states and non state actors that depend on the Indian Ocean, with globalization rendering the ocean inevitable. Due to globalization, the world has seen a liberal free trade regime that has increased sea-borne trade. Over the years with the advent of globalization, there have been many efforts that have been advanced to promote peace in the Indian Ocean region with stakeholders within the region and outside the region cooperating due to its strategic importance in the global scene. IMO is a specialized agency of the UN that is responsible for improving maritime safety and preventing pollution from ships.¹²⁰

The two states have different priorities on security concerns. Kenya for instance focused its resources, financially and military wise on different priority areas in the country, leaving organizations and agencies like the IMO to work with very limited or no support from the states

¹¹⁹ C. Webel, & J. Galtung., *Handbook of Peace and Conflict Studies*. (London: Routledge, 2007).p6.

¹²⁰ M. McNicholas., *Maritime Security, an Introduction*. (New York: Elsevier Inc, 2008)

along the coast. This resonated from more than half of the respondents who noted that most states along the Indian ocean coastline are more preoccupied with other national interests like state of security and conflicts that all the military manpower are concentrated on the mainland. In October 2011, the Kenya defence forces (KDF) sent its troops to Somalia to fight the al Shabaab group which had been held responsible for the many terror attacks in the country. The KDF later received help from the AU which strengthened their presence and effort in Somalia leading to the capture of the town of Kismayu, a stronghold of the terror group.

Terrorism is a historic and existential challenge that redefines traditional notions of security, and combating it must be at the top of the nations' agenda.¹²¹ Makinda points out that there is hardly any African country that has the capability to police its coastline, while many of the countries rely on poorly trained and corrupt personnel.¹²² Naval cooperation is integral to maritime security and key to ensuring a more stable region. The Kenya navy in the Indian Ocean region has received support from other countries like the USA, UK, Australia, India and China. There have been cooperative movements across the Atlantic and Pacific oceans, but as noted earlier, the Indian Ocean continues to remain the only major region without a viable economic grouping. However, the piracy problem, terrorism and other criminal activities in Indian Ocean countries has become a drive to security cooperation in the region with states like Kenya participating in the processes involved. In the effort to promote cooperation in the Indian Ocean region, several attempts were made, including the Gulf Cooperation Council (GCC) and the Indian Ocean Commission (IOC). The Indian Ocean Marine Affairs Cooperation Council (IOMAC) was also initiated in 1985 to provide a framework for dealing with marine resources, science and environmental issues, but could not gather the requisite momentum. The most recent grouping is

¹²¹ C. Hagel, 'A Republican Foreign Policy' *Foreign Affairs*. Vol.83.No.4 (2004) pp.64-76

¹²² S.M. Makinda., 'History and Root Causes of Terrorism In Africa, Understanding Terrorism In Africa:' *In Search For An African Voice*, Institute For Security Studies (2006).

now the Indian Ocean Rim Initiative. Unfortunately, the recent sophistication of the said security threats due to advanced technology and communication has, however, rendered such groupings ineffective. This has necessitated the need for strong maritime policies.

A marine policy regime is a system of governing arrangements, together with a collection of institutions (formal or informal) for the implementation of these arrangements, in a given social structure or marine region. Regimes are therefore created to solve dilemmas of collective goods. The optimal provision of international collective goods, for example, a protected environment, shared natural resources or collective security, can only be assured if states eschew the independent decision making that would otherwise make them “free riders” to make provisions for the collective goods.¹²³ Although cooperation can develop on the basis of complementary interests, it is more often viewed by policymakers as a means to other objectives than an end in itself. Cooperation requires adjustment of policies to meet the demands of others, but achieve the stability in the region.¹²⁴ Kenya’s efforts to cooperate with other states have increased with the country working on legislations to counter terrorism. However, Kenya’s terrorism suppression Bill of 2003 has not yet been passed in to law. Further, the availability of courts to prosecute pirates in Kenya has received minimal support from the neighboring states that have not made provisions for such courts.

Other international coordinated responses to these maritime security threats have given strength to the regional efforts in the region. One such example is the African Maritime Safety And Security Agency (AMSSA) which is designed to respond directly to the Africa- EU Joint Strategy and to help take the Africa-EU relationship to a new, strategic level with a strengthened

¹²³ J.M.Valencia,. ‘Regional Maritime Regime Building: Prospects in Northeast and Southeast Asia.’ *Ocean Development & International Law*, 31:223–247, 2000.

¹²⁴ *Ibid*

political partnership and enhanced cooperation at all levels; with specific regards to Maritime Safety, Security and Marine Environmental Protection.¹²⁵

4.3 Indian Ocean regional trade bloc

Regional blocs like the EAC, ECOWAS and COMESA, has attempted to build the social and economic situation of its member states with notable progress. Having such a bloc in the Indian Ocean to take care of the trade needs of the littoral states and its neighbors will see the region grow more importance geo-strategically. The costs of disrupted trade flows in the Indian Ocean region are huge and the effects unpredictable, this makes trade in the region volatile. There were record 237 attacks- up from 212 in 2010 - during 2011 but the proportion of successful attacks fell-only 28 vessels were captured, compared with 44 in 2010. The total cost to the global economy of the piracy off Somalia coast was over USD 6.5 billion in the year 2010.¹²⁶ Taking a political focus, piracy can play a pivotal role in undermining and weakening regime legitimacy by encouraging corruption among elected government officials.¹²⁷

During the study, most respondents pointed out that their profit is cut down by the fact that the shipping lines are charging a fee, and that the piracy risk surcharge which was not there before piracy started coupled with insurance. It emerged that all the traders are affected by the security threats negatively. This is supported by an article in the East African standard newspaper which noted that Shipping companies are forced to pay four man armed team to protect their vessels in the vital waters off the east African coast and through the Gulf of Aden. The stretch –where more

¹²⁵ Africa Union. Experts Meeting on Maritime Security and Safety Strategy-Documentation.
[http://www.africa-union.org/root/ua/conferences/2010/avril/psc/07avril/African_Union_Member_States_06-07_April_2010_Experts_Meeting_on_Maritime_Security_and_Safety_Strategy-Documentation/ African% 20 Maritime %20 Transport%20Charter%20Durban%20Resolution.doc](http://www.africa-union.org/root/ua/conferences/2010/avril/psc/07avril/African_Union_Member_States_06-07_April_2010_Experts_Meeting_on_Maritime_Security_and_Safety_Strategy-Documentation/African%20Maritime%20Transport%20Charter%20Durban%20Resolution.doc)

¹²⁶ The East African Standard, Weekly Paper, *Piracy in the Horn of Africa*, 28th Feb, 2012

¹²⁷ P. Chalk., *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*. New York:(Pittsburgh: RAND Corporation, 2008).

than a third of the world's traded goods cross-is the most vulnerable to Somali pirates, meaning increased level of piracy pose a grave threat to international business.¹²⁸

Humanitarian agencies like the World Food Programme, too, have been affected, their ships have had to have military escort from the EU and the NATO. Further, the ships are forced to increase their speed while they transit the high risk areas, as it has been noted that no recorded vessels have been hijacked while travelling at 18 knots or faster, this therefore culminates to high fuel consumption. A sizable percentage of cargo comprises oil from the middle east, particularly Saudi Arabia and Iran. The rise in shipping also has led to a corresponding increase in the risks of congestion and collision and crime and narrow and shallow choke points. Many coastal states give top priority to protecting national sovereignty and controlling their exclusive economic zones (EEZ) resources. Littoral states and other states in the region should provide for maritime security in their budgets as it as important as any other national interest.

4.4 Role of epistemic communities on sustainable maritime environment

The concept of epistemic communities was proposed in the literature of international relations where the existing paradigms were unable to explain the international agreements by states, accepted by MNCs about regulating state and corporate activities.¹²⁹ Epistemic communities are a "network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area."¹³⁰

The epistemic community approach views scientists and scientific knowledge as the key elements in explaining and analyzing international reality. Peter M. Haas argues that the conflict

¹²⁸ Ibid

¹²⁹ C. Webel, & J. Galtung., *Handbook of Peace and Conflict Studies*. (London: Routledge, 2007)p93

¹³⁰ P. Haas., "Obtaining International Environmental Protection through Epistemic Consensus," *Millennium: Journal of International Studies*. 19, no. 3, (1990), p349.

and uncertainty inherent in interstate negotiations generate the need for expertise in developing each country's policy position. Epistemic communities develop common understandings of problems and solutions cross-nationally; that they may help their respective national interests and that their governments reach convergent solutions.¹³¹ From the perspective of constructivist theory this may entail new learning and discourse. Haas argues that epistemic communities function as the promoters of cooperation by decreasing, or sometimes by completely eradicating, the uncertainty factor, which hinders cooperation over international resources. Hence, they spread knowledge and facilitate learning processes, which consequently motivate states to reconsider their preferences.¹³²

Members of these communities share common beliefs, in the causal structure of the issue area, in the possible technological solutions to the problem, and in policy applications of these technologies. Epistemic communities help define the problem and narrow the range of options available to decision-makers. They help integrate environmental concerns into economic and political decision-making. Epistemic communities think outside the box. They address issues that are not yet on governmental agendas, serving as a kind of early warning mechanism. Additionally, they might provide fresh approaches to problems that seem to be at an impasse in deliberations among officials. Epistemic communities can function very well across national boundaries because the scientific community has transnational traditions.¹³³ This makes them a good base for conducting negotiations on transnational problems. Resource politics demand an interdisciplinary approach and a balance between the scientific study of the problem, subsequently generating solutions, and applying scientific solutions to society through the

¹³¹ Ibid

¹³² P. Haas., "Obtaining International Environmental Protection through Epistemic Consensus," *Millennium: Journal of International Studies*. 19, no. 3, (1990), p349.

¹³³ P. Haas., "Introduction: Epistemic Communities and International Policy Coordination' *Journal of International Studies*. No. 46, (1992) p13.

political process. Establishing a coordinated regional action in the Indian Ocean still presents a great challenge. There is therefore need to employ the help of experts who form the epistemic communities to help.

4.5 Managing the maritime environment

Environmental security and climate change security need to be integrated into national security thinking in the same way as energy security has been. Most of the ocean is constituted by living resources except for the ships and other manmade components. In this connection, Article 118 of United Nations Convention on the Law of the Sea states that;

*States shall cooperate with each other in the conservation and management of living resources in the areas of the high seas. States whose nationals exploit identical living resources, or different living resources in the same area, shall enter into negotiations with a view to taking the measures necessary for the conservation of the living resources concerned.*¹³⁴

Maritime planning is therefore a fundamental tool for the sustainable development of marine areas and coastal regions, and for the restoration of Africa's seas to environmental health. Many countries in Africa do have a sound environmental planning regime, but more needs to be done to reverse the damage that has taken place. Responsible decision-making in this area lies with the member states and the necessary competencies need to be developed.

A commitment to common principles and guidelines to facilitate the process in a flexible manner is required. This will help to ensure that regional marine ecosystems, that transcend national maritime boundaries, are recognized, respected and protected. The awareness-building activities

¹³⁴ United Nations Convention on Law of the Sea (UNCLOS), 1982
http://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf-accessed 25/06/2012

of the ecologists, which continue since the 1970s, succeeded in forming a number of ecologically concerned citizens who entered in to the different decision making institutions, be it governments business firms or international organizations.¹³⁵

Their insistence on the necessity to build ecological sustainability influenced the different institutions they infiltrated, and this made it possible for states, the firms and the international organizations to agree, (in spite of their interests), to different measures to build a sustainable world.¹³⁶ The environment as well is at risk as the piracy attacks can have the potential to trigger a major environmental disaster, particularly if such disasters take place in crowded sea-lanes traversed by heavily laden oil tankers.

Another notable security threat that cuts across all the activities in the Indian Ocean is the menace of litter. The United Nations Environment Programme describes marine litter/debris as “any persistent manufactured or processed solid material which is discarded, disposed of or abandoned in the marine and coastal environment. Depending upon its composition, marine litter/debris may sink to the seafloor, drift in the water column, or float on the surface of the sea”. Marine litter is a complex and multi-dimensional problem with significant implications for the marine and coastal environment and human activities all around the world.

The problem of marine litter was recognized by the United Nations General Assembly, which in its Resolution A/60/L.22 - Oceans and the Law of the Sea - of 29 November 2005 in articles 65-70 calls for national, regional and global actions to address the problem of marine litter. This resolution notes the lack of information and data on marine debris, encourages States to develop partnerships with industry and civil society, urges states to integrate the issue of marine debris

¹³⁵ C. Webel, & J. Galtung., *Handbook of Peace and Conflict Studies*. (London: Routledge, 2007)p93

¹³⁶ *Ibid*, pp144

within national strategies dealing with waste management; encourages the development of appropriate economic incentives to address this issue, and encourages states to cooperate regionally and sub-regionally to develop and implement joint prevention and recovery programmes for marine debris.¹³⁷ To complement the efforts of the UN, it is imperative for states within the Indian Ocean to put in place legislations that will curb the menace of marine litter within its coastlines. Each nation's particular priorities for waste management would have to be considered in the context of their other priorities for national development - which may or may not necessitate new or amended domestic laws or regulations, but rather institutional capacity enhancement and methods of better implementation.¹³⁸

4.6 Information hub on maritime security threats

Establishment of an appropriate maritime data and information infrastructure is of utmost importance. However, the relevant information regarding organized crime and illegal activities is scattered throughout various sources, such as a variety of reports from international and regional research institutions and NGOs.¹³⁹ Therefore encouraging the commercial industry to make greater use of enabling communication and defensive technologies and consequently accepting a greater degree of transparency in their corporate structures will ease the surveillance in the Indian Ocean. African Maritime Safety and Security Agency (AMSSA) provides improved information for relevant meetings that occur between the European and AU Commissions and of the 6-monthly Joint AU-EU Task Force meetings, and enhance their efficiency and greater

¹³⁷UNEP Foresight Process: Phase I: Results of the UNEP consultation.

http://www.unep.org/NairobiConvention/docs/Regional_assessment_of_marine_litter_WIO_Region.PDF-A Regional Overview & Assessment of Marine Litter Related Activities in the West Indian Ocean Region, July 2007-accessed 24/06/2012

¹³⁸ibid

¹³⁹UNDOC "Organized Crime and Trafficking" http://www.unodc.org/documents/easternafrika/regional-ministerial-meeting/Organised_Crime_and_Trafficking_in_Eastern_Africa_Discussion_Paper.pdf pp 7- accessed 05/06/2012

operational continuity; ahead of key policy decisions; through the provision of focused information in relation to Maritime Safety, Security and Marine Environmental Protection.¹⁴⁰

African Union initiatives to fight maritime piracy include the '*African Maritime Transport Charter*' (the Charter), the '*Durban Resolution on Maritime Safety, Maritime Security and Protection of the Marine Environment in Africa*' (the Durban Resolution), and Africa's Integrated Maritime Strategy. In addition, Kenya under the African Union participates in the Contact Group on Piracy off the Coast of Somalia (CGPCS), the Djibouti Code of Conduct, and the Regional Conferences on Piracy organized by the Eastern and Southern Africa – Indian Ocean (ESA-IO) countries.¹⁴¹

Under the African Maritime Transport Charter, member states undertake to put in place a maritime communication network in order to make optimum use of mechanisms for control, follow-up and intervention at sea and ensure better organization of maritime traffic. In addition, member states should strive to create a strategic framework for the exchange of information and mutual assistance in order to enhance measures that can improve the safety, security and prevention systems and make it possible to combat unlawful acts perpetrated at sea, such as piracy and armed robbery. The Durban Resolution encourages the sharing of information pertinent to maritime security at sub-regional and regional levels.¹⁴²

¹⁴⁰Ibid

¹⁴¹ Africa Union. Experts Meeting on Maritime Security and Safety Strategy-Documentation.
http://www.africa-union.org/root/ua/conferences/2010/avril/psc/07avril/African_Union_Member_States_06-07_African%20Transport%20Charter%20Durban%20Resolution.doc accessed 07/08/2012 20

¹⁴² Africa Union. Experts Meeting on Maritime Security and Safety Strategy-Documentation.
http://www.africa-union.org/root/ua/conferences/2010/avril/psc/07avril/African_Union_Member_States_06-07_African%20Transport%20Charter%20Durban%20Resolution.doc accessed on 29/09/2012

In addition, there is need for full implementation of the Djibouti Code of Conduct, which called for creation of an information sharing centre in the Indian Ocean region. The Conduct provides for information sharing and coordination through a system of national focal points and piracy information exchange centers located at the Regional Maritime Rescue Coordination Centre in Mombasa, Kenya, and the Rescue Coordination Sub-Centre in Dar es Salaam, United Republic of Tanzania. Further to this, a regional maritime information centre has been established in Sana'a, Yemen. The information exchange centers disseminate alerts regarding imminent threats or incidents to ships, as well as collect, collate and analyze information transmitted through the participants and prepare statistics and reports based on that information.¹⁴³

The capacity matrix in the Indian Ocean comprises of the Contact Group on Piracy off the Coast of Somalia (CGPCS), which was established to provide a forum for exchange of information and ideas, coordination of the efforts of states and relevant organizations. Five working groups are tasked with different responsibilities to achieve the above objective. Working Group 1 deals with military and operational coordination between navies, information sharing, and regional capacity building. Working Group 2 deals with judicial issues and Working Group 3 is mandated to aid in strengthening shipping self-awareness and other capabilities. Working Group 4's tasks encompasses public information campaigns, while Working Group 5 checks and monitors illicit funding and financial flows to the pirates. As a back up to the above strategy, an International Trust Fund was established to help in meeting expenses related to the prosecution and detention of suspected pirates¹⁴⁴

¹⁴³ The IMB Piracy Reporting Centre (IMB PRC), 'Piracy and Armed Robbery News and Figures.' www.imo.org/OurWork/Security/PIU/Pages/DCoC.aspx-accessed on 20/09/2012

¹⁴⁴The IMB Piracy Reporting Centre (IMB PRC), 'Piracy and Armed Robbery News and Figures.' www.thecgpcs.org-accessed on 25/09/2012

If more of such efforts especially on all the security threats like trafficking would be put in place where information is shared within the relevant organs will allow for counter mechanisms before such activities take place.

4.7 Indian Ocean as a zone of peace

As the people of the Indian Ocean region share a common historical heritage (particularly those living along the coastline) and have cultural and commercial linkages going back over many centuries, they have a stake in the preservation of peace and stability in the region and a shared interest in the rational exploitation of the ocean's potential.¹⁴⁵ It is in the best interest of all the stakeholders to build a culture of peace at both conscious and subconscious levels since peace is a social construct with direct political implications.

*The battle of peace has to be fought on two fronts. The first front is the security front, where victory spells freedom from fear. The second is the economic and social front; where victory means freedom from war. Only victory from the two fronts can assure the world of an enduring peace...*¹⁴⁶

As Kant argues, the concept of peace goes beyond seeing peace as absolute harmony, serenity, or quietude and can be explained to mean that peace goes beyond a preoccupation with the absence of violence or conflict. Peace is therefore seen as the transformation of conflictual and destructive interactions in to cooperative and constructive relationships.¹⁴⁷

¹⁴⁵ G. Murthy .. The Indian Ocean Rim initiative, *Journal of Indian Ocean Studies*. Vol.3 No.2 (1996)p157.

¹⁴⁶ University for Peace; Development versus Peacebuilding: Overcoming Jargon in Post-War Sierra Leone, *Africa Peace and Conflict Journal*, Volume 4, Number 1, June 2011, pp24

¹⁴⁷ I. Kant., *Perpetual Peace: A Philosophical Essay (1917 ed.)* (London: George Allen and Unwin Ltd, 1795).p134

4.8 Conclusion

It was evident from almost all of the responses from the field that the Indian Ocean is becoming an increasingly critical region in terms of population, politics and economics. The study further confirmed that the security threats in the Indian Ocean region emerge various factors ranging from population pressure, poverty and inequality, governance inadequacies, inadequate knowledge and awareness, and inadequate financial resources. The impact of liberalism on the modern world is evidently profound, more so in the Indian Ocean region which is gaining more importance geo-strategically due to the amount of trade that takes place including oil transport. Peace and peaceful coexistence among individuals, communities, and states are not only possible but historical necessities worthy concerted effort by all the stakeholders involved. Looking ahead, the major impact on Indian Ocean peace and security will come from states within the East African coast and the external powers who are regularly present there: India, the United States and, increasingly, China.

This therefore calls for cooperation from states and non state actors to be able to actualize the abstract idea of peace and stability in the Indian Ocean region. Ensuring a stable maritime environment would hold the key to further economic progress of the states like Kenya, Somalia and others in the Indian Ocean region and reflect on their standing among the economic powers of the world. Proper coordination between the Indian Navy, Coast Guard and the Police Forces also holds the key to meeting the maritime challenges facing the states in the 21st Century. This also calls for the Indian Maritime Forces comprising of Navy and Coast Guard to redefine their role in consonant with the changing scenario.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

Security is a broad term that is invariably linked at the national and international level to consist of measures taken by state actors and non-state actors. International security refers to the measures taken by nations and international organizations such as the United Nations, to ensure mutual survival and safety of the international community. These measures include military action and diplomatic agreements such as treaties and conventions. Africa has sustained large losses due to its lack of maritime security in terms of fishing, tourism and trade.

Insecurity in the modern world, more so within the international community circle made smaller by globalization, has expanded to include food, energy, health, economic insecurities and which can be triggers of dissent when a group perceives marginalization by a central authority. The region's geostrategic and maritime potentials are quite attractive. The region's maritime affluence however co-exists with maritime afflictions. Its maritime afflictions can be broadly categorized as economic, political, and environmental. Amongst many of the economic threats are drug trafficking, illegal oil bunkering, or pipeline vandalism, piracy, terrorism, poaching, and sea robbery. The environmental threats include coastal erosion and maritime pollution - dumping of toxic wastes and accidents from oil industry. Resource-insurgency is a major political threat in the region. There is also real threat of proliferation of small arms and light weapons (SALWs) and possible threat of maritime terrorism.¹⁴⁸

There is a growing reliance on imports along the Indian Ocean coastline; this is because most regional and extra-regional states for a long time have been faced with major challenges in

¹⁴⁸ F.Onuoha., "Piracy and Maritime Security in the Gulf of Guinea." *Aljazeera Center for Studies*. (2012) Accessed on 5/10/2012 <http://studies.aljazeera.net/en/reports/2012/06/2012612123210113333.htm>

gaining access to necessary energy resources. The Indian Ocean region is wide with many of the states in the region having maritime governance challenges. Corruption and poor governance have exacerbated the level of poverty in the region thus forcing the populace to engage in criminal activities to earn a living. Further, the vast and highly unregulated nature of the world's waterways has rendered the maritime environment an attractive platform for perpetrators of transnational violence. While speculation about an emerging tactical nexus between, piracy, terrorism, drug and human trafficking is complicating the maritime picture in the Indian Ocean, credible evidence to support this claim is yet to emerge.

According to Jerrold Post, two distinctive elements of terrorism are: the target of violence and the targets of attention. The former are usually innocent victims whereas there are three targets of attention: the target of terror, the target of demands, and the target of influence.¹⁴⁹ The populations along the coastal traditionally tend to be concentrated at river mouths and areas suitable for the establishment of ports, and increasingly at other areas attractive to tourists. Industrial development has therefore expanded into neighboring areas to take advantage of opportunities for trade, tourism and other commercial activities that have been opened up by ports thus making the coastal areas relatively heavily populated. For developing countries like Kenya and its neighbors along the Indian Ocean like Somalia, Tanzania, Mozambique, and South Africa, the reality and impact of globalization is something that cannot be ignored or wished away. As beneficial as it is, at times the impacts of globalization is met with unpreparedness institutionally, socio-politically and economically which puts a country's national security at risk.

¹⁴⁹ J. Post., *The mind of the terrorist: The psychology of terrorism from the IRA to al- Qaeda*. (New York: Palgrave Macmillan, 2007)

The strategic response of the states within the Indian Ocean to these challenges of the globalization process should be met by identifying some of the strengths in the light of opportunities and challenges that it presents. Globalization is characterized by the presence of the non-traditional maritime challenges that creates political, economic, and humanitarian problems and includes a diversity of non-state actors. Moreover, whereas the hard security questions of the maritime domain remain a familiar problem set for policymakers, they have a much harder time conceptualizing non-traditional, transnational, and human security issues that do not respect national boundaries and which transcend institutional and policy stovepipes.

As noted in the previous chapters, traditional maritime security challenges like state-on-state conflict are waning while unconventional challenges are on the increase. These unconventional challenges range from piracy, maritime terrorism, drug trafficking, human smuggling, illegal immigration, gun running, WMD proliferation, natural disasters, environmental concerns and illegal fishing. These threats in the Indian Ocean region can be explained briefly.

The causes of terrorism are as complex as they are varied. As stated from the onset, in the definition, terrorism is more often than not politically motivated. On one hand, terrorist actions can be taken as purely strategic that is systematic thinking aimed at achieving a certain goal.¹⁵⁰ Therefore, terrorism is not an isolated phenomenon. Terrorist movements originate in political and military conflicts, chronic ethnic and religious tensions, as well as bad governance. The police services and other law enforcement agencies should therefore view terrorism as a complex problem which requires a multi-faceted response.¹⁵¹ As the international jihadists decisively extend their operational mandates beyond the purely land-based theaters, there has been a spate

¹⁵⁰ W. Reich., *Origins of terrorism: Psychologies, ideologies, theologies, states of mind.* (Washington D.C: The Woodrow Wilson Centre Press, 1998).

¹⁵¹ Confronting Terrorism The Club de Madrid Series on Democracy and Terrorism, volume II,2005- The International Summit on Democracy, Terrorism and Security. <http://media.clubmadrid.org/docs/CdM-Series-on-Terrorism-Vol-2.pdf>.
11march2005madrid

of significant maritime terrorists' plots that have been preempted before execution. This apprehension is highly attributed to the information sharing in the Indian region. Further, Africa has been considered the world's soft under-belly for global terrorism. Porous borders, weak law enforcement and security institutions, plentiful and portable natural resources, disaffected populations, conflict zones, and fragile and failed states have made some African countries increasingly attractive safe-havens and breeding grounds for al Qaeda and other global terrorist organizations.¹⁵²

Maritime piracy is a universal crime under international law which places the lives of seafarers in jeopardy and affects the shared economic interest of all nations. The increase in pirate attacks off the Horn of Africa is directly linked to continuing insecurity and the absence of the rule of law in war-torn Somalia. The absence of a functioning government in Somalia (that had lasted for decades until recently they voted in a president) remains the single greatest challenge to regional security and provides freedom of action for those engaged in piracy along the Somali coast. The lack of security ashore has spilled into the maritime domain where there is a lack of regional maritime capacity and no credible indigenous maritime forces. However, not all of Somalia fits the description of ungoverned and ungovernable space. A comprehensive long term strategy on good (better) governance concerning transnational crime is needed in the entire region to ensure a balance response.

A notable effort that was pointed out by the respondents is the existence of the United States Naval Forces Central Command (NAVCENT) that commands the Combined Maritime Forces operating in the Arabian/Persian Gulf, Gulf of Oman, Gulf of Aden, Red Sea, Arabian Sea, and Indian Ocean. In January 2009, the command established Combined Task Force 151 (CTF-151),

¹⁵² United Nations Economic Commission on Africa, *Commission on Capital Flows to Africa: a Ten-Year Strategy for Increasing Capital Flows to Africa* (Addis Ababa: UNECA, June 232003)12, <http://www.iie.com/publications/papers/africa-reports.pdf>.

with the sole mission of conducting anti-piracy operations in the Gulf of Aden and the waters off the Somali coast in the Indian Ocean. To complement such effort in the region, a cost-sharing regime should be established through regional and extra-regional forums, based on use and capacity. Sensitivities need to be respected and the interests of many parties need to be carefully balanced in the region to ensure a stable security. There is therefore a need for synergizing regional forces to combat commonly held non-state threats.

However, grandiose and overarching schemes of Indian ocean region maritime security cooperation are the least feasible this is made more complex by the classic dilemma of regionalism versus globalism that exists in the Indian ocean. Many external powers have significant interests in the region including freedom of navigation, flows of trade and concerns about issues like environmental health.

Environmental security and climate change security need to be integrated into national security thinking in the same way as energy security has been. The serious environmental degradation found around the Indian Ocean is due to an adverse distribution of land and resources to population. Threats from natural disasters like tsunami are magnified because of environmental degradation conditions such as the denudation of coastal marshlands. A climate crisis is imminent, however, the science is immature and reasons for climate change are not completely understood. Nevertheless, worsening droughts and fires can be expected with such situations already taking place. All these forms of environmental degradation is causing and exacerbating ozone layer depletion that is responsible for climate change that is warming up rapidly causing the rise in sea levels, droughts in Kenya like in other states along the Indian Ocean coast. All these effects know no borders. The region is paying heavily with food insecurity and hunger among the poor population.

Rapid economic growth and population growth are of driving importance in the Indian Ocean rim. Non-traditional security concerns presenting unconventional security challenges are a significant concern in to the future. There is a need for a better balance in the global agenda between traditional and non-traditional security issues. Reppy notes in '*the economics of peace and security*' that Economic issues are central to discussions of peace and security, international relations and social justice. A healthy economy is generally recognized as an essential component of national security as well as one of the core values that security policy seeks to protect.¹⁵³

Peace being a crucial component of a healthy economy is a background condition for the perception of everything else, a physical phenomenon affecting all sentient beings, something whose presence or absence is best measured on a continuum or spectrum.¹⁵⁴ Peace therefore ranges from durable or strong peace to weak or fragile peace. Strong peace can be equated with positive peace where there is relatively robust justice, equity and liberty, and relatively little misery at the social level. Weak peace on the other hand can be equated to negative peace where there may be an overt absence of war and other widespread violence but in which there is also pervasive injustice, inequality and personal discord and dissatisfaction.¹⁵⁵ Further, Joanna Santa-Barbara notes that peace is the state in which humans can maximize the use of their resources, physical, mental, and cultural, and which gives the most chance of happiness for most people.¹⁵⁶ Positive peace is when social justice has replaced structural violence. Positive peace is not limited to the idea of getting rid of something but includes the idea of establishing something

¹⁵³ C. Webel, & J. Galtung., *Handbook of Peace and Conflict Studies*. (London: Routledge, 2007)p257

¹⁵⁴ Ibid

¹⁵⁵ Ibidpp184

¹⁵⁶ Ibid.pp185

that is missing.¹⁵⁷ The Indian ocean can be said to be at a state of weak peace as wars conflicts and violence are not evidently rampant but other illegal activities like piracy, terrorism , arms smuggling, drug and human trafficking among others have made the region insecure. Other maritime challenges are the globalized criminal syndicate groups in human trafficking, especially those that deals with children and women is causing a great security threat to the region. Victims are smuggled out of the countries within the region ending up in the Middle East and Europe as household helps and in brothels. Maritime security challenges in Africa are growing rapidly and represent an increasingly central component of the threat matrix facing the continent.¹⁵⁸ For instance, piracy off the East African coast will not be fully controlled until stability is restored to the troubled nation of Somalia¹⁵⁹ While the Kenyan government has demonstrated increased political will to secure its borders, apprehend suspected terrorists, and cooperate with regional allies and the international community to counter terrorism, Somalia is yet to follow this example.¹⁶⁰

5.1 Recommendations

Maritime security problems result primarily from the lack of order at sea. The reality of a globalized world with organic and dynamic activities is an ever breeding ground for new national security threats to the Indian Ocean region that calls for vigilance and new mechanisms for combating them. Maritime security is important for securing the national interest of a state. This would ensure protecting territorial integrity, economic progress, energy security, marine environment stability, and protection of port facilities, as well as maritime transport

¹⁵⁷ Ibid.pp280

¹⁵⁸ A. Vogel. , 'Navies versus Coast Guards: Defining the Roles of African Maritime Security Forces.' NO. 2 / December, *Africa Security Brief*, Africa Centre For Strategic Studies, (2009)p1

¹⁵⁹ CNN. http://articles.cnn.com/2009-03-05/politics/house.piracy.hearing_1_piracy-somali-coast-somalia?_s=PM:Politics

¹⁶⁰ Office of the Coordinator for Counterterrorism, "Country Reports on Terrorism 2011" www.fpc.state.gov.accessed 20/06/2012

encompassing goods and people, safety of navigation, protection against sea water pollution. All the countries in the Indian Ocean region should, therefore, take the lead in enhancing maritime security cooperation.

A number of regions and countries have taken some initial steps to address the marine litter issue through legislation, enforcement of regional and international agreements, providing reception facilities for ship-generated wastes, improving their domestic waste management practices and supporting extensive beach and underwater cleanup activities, as well as through the initiation of information, education and public awareness programmes. Thus, many activities have already been started but, clearly, not enough of what needs to be done has taken place.¹⁶¹

The lack of regional and national maritime surveillance and enforcement and intelligence capabilities is a major problem. To complicate the state of affairs is the question of who should pay for maritime security which remains a problematic issue that has no easy answers. Surveillance along the Indian Ocean costs more and is more difficult to coordinate than the simple payment of ransoms, thus creating an economic incentive for inaction and exacerbating the problems of prevention and response to the various security threats like piracy, maritime terrorism and trafficking. This calls for a comprehensive, holistic approach and pooling of resources, military or financially and policing the coastline. However, the mechanisms to effect collective regional and extra-regional action are lacking.

While other areas of the global commons (air, cyber, and space domains) will in due time require shared consensus about expectations of appropriate behavior, doing so in the maritime domain is the most urgent given the volume of commercial cargo transported by sea and the dependency of

¹⁶¹ UNEP Foresight Process: Phase I: Results of the UNEP consultation. A summary of subjects identified as “emerging environmental issues” by the UNEP Community.
http://www.unep.org/NairobiConvention/docs/Regional_assessment_of_marine_litter_WIO_Region.PDF-A Regional Overview & Assessment of Marine Litter Related Activities in the West Indian Ocean Region, July 2007

countries on this cargo for sustainable economic growth. Critical to the success of fighting piracy is ensuring that judicial provisions on land are in place¹⁶²

There is therefore a need to look beyond immediate security issues and look to the medium to longer term for major resource and environmental management issues. Climate change is of significant importance for the movement of people, especially in the Indian Ocean region. Environmental problems such as sea level rise, desertification, and the submergence of islands have contributed to the environmentally-driven migration of millions of individuals and created a new set of migrants: "environmental refugees." With a rise in environmental refugees, additional problems such as health issues, scarce resource competition, and social and ethnic tensions will surface.

Maritime domain awareness improvements are also a necessary part of the solution. However, success is essentially dependent on political commitment, operational capabilities, regulatory systems, and proper public awareness. There are no simple solutions because the problems are complex and all-encompassing, but still local in nature. The unique strength of the police lies in its permanent contact with the population and different social groups. In order to detect radicalization processes and the gradual change towards a more hostile attitude, it is necessary for the police to develop a good 'antenna function'.¹⁶³

The lack of global and regional strategies, deficiencies in the implementation and enforcement of existing international, regional and national programmes and lack of regulations and standards that could improve the situation are the main reasons that the marine litter problem not only

¹⁶²UNODC, "Tackling piracy in East Africa" <http://www.unodc.org/unodc/en/frontpage/2011/March/tackling-piracy-in-east-africa.html>-Accessed 25/08/2012

¹⁶³Confronting Terrorism the Club de Madrid Series on Democracy and Terrorism, volume II, 2005- The International Summit on Democracy, Terrorism and Security. <http://media.clubmadrid.org/docs/CdM-Series-on-Terrorism-Vol-2.pdf>, Confronting Terrorism The Club de Madrid Series on Democracy and Terrorism, volume II, 2005- The International Summit On Democracy, Terrorism And Security 8 11march2005madrid

persists but appears to be increasing worldwide.¹⁶⁴ It originates from many sources and has a wide spectrum of negative environmental, economic, safety, health and cultural impacts. Very little data exist on quantities, types, trends, sources and sinks of marine litter, other than in South Africa. Nowhere has the economic impact of litter been adequately quantified. Marine litter is not dealt with in policy or law as a separate category of waste; it is considered to be part of the general waste stream in the West Indian Ocean region. Most countries do have laws and policies that govern solid waste management, to varying degrees, but in many instances they are not effectively implemented. The most significant source of marine litter is solid waste in water runoff from urban areas. The extent to which solid waste generated on land is prevented from reaching the sea varies greatly between countries, and regions within countries.¹⁶⁵ Solving the litter problem in the Indian Ocean involves maintaining healthy ecosystems and biodiversity.

The security of sea lanes of communication (SLOCs) is paramount. Supply chain dynamics are the key to maritime security issues and include ships, port security and choke points and therefore should be protected at all costs. Further, Science and technology are invaluable maritime security force multipliers.¹⁶⁶

¹⁶⁴ UNEP Foresight Process: Phase I: Results of the UNEP consultation. A summary of subjects identified as “emerging environmental issues” by the UNEP Community.

http://www.unep.org/NairobiConvention/docs/Regional_assessment_of_marine_litter_WIO_Region.PDF-A_Regional_Overview_&_Assessment_of_Marine_Litter_Related_Activities_in_the_West_Indian_Ocean_Region_july_2007

¹⁶⁵ UNEP Foresight Process: Phase I: Results of the UNEP consultation. A summary of subjects identified as “emerging environmental issues” by the UNEP Community.

http://www.unep.org/NairobiConvention/docs/Regional_assessment_of_marine_litter_WIO_Region.PDF-A_Regional_Overview_&_Assessment_of_Marine_Litter_Related_Activities_in_the_West_Indian_Ocean_Region_July_2007

¹⁶⁶ A. Vogel., ‘Investing in Science and Technology to Meet Africa’s Maritime Security Challenges.’ NO. 10 / February 2011 *Africa Security Brief*, Africa Centre For Strategic Studies. (2011) p1

5.2 Further Research

With globalization and its effects, the world has become a village brought closer through technology and innovation. The maintenance of sovereignty is a national responsibility; however the stability of maritime regimes in the high seas is a common responsibility of adjacent coastal states and user states. The Indian Ocean maritime security should be collective in character and calls for shared responsibility. However, the landlocked states always seem to detach themselves from the Indian Ocean problems with little or insignificant contribution to the solutions to these problems like piracy, terrorism, trafficking, environmental deterioration and depletion of natural resources. Studies should be done on exactly how the landlocked states are affected by the Indian Ocean and the areas of convergence on the solutions to these global, cross cutting problems. With the Indian Ocean being turbulent, the ripple effect of this volatility in security will impact on the stability of the region will affect the peace of the region which directly or indirectly affects the trade and other activities taking place on the ocean.

APPENDIX

Bibliography

Books

- Ary, D, C. Jacobs, & A. Razavieh., *Introduction to research in education* (Belmont: Wadworth, 2002).
- Baylis, J. et al., *The Globalization of World Politics: An Introduction to International Relations*. (New York: Oxford University Press, 2008).
- Bernard, V., 'Understanding Armed Groups and the Applicable Law' *International Review of the Red Cross*, Vol.93, No 883, June 2011, pp279-288
- Calvocoressi, P., *World Order and New States, Studies In International Security*. (London: Chatto and Windus, 1962).
- Chalk, P., *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*. New York: (Pittsburgh: RAND Corporation, 2008).
- Churchill, A.G., *Marketing Research: Methodological Foundations* (FortWorth: Dryden Press, 1991).
- Chester, A. et al., *Leashing The Dogs of War; Conflict Management in a Divided World- Terrorism and Global Security*. (Washington D.C: United States Institute of Peace Press, 2007).
- Claude, I. Jr., *Swords into Plowshares: the Problems and Progress of International Organization-Collective Security as an Approach to Peace*. (New York: Random House, 1963).
- Cottrell, J.A., *Sea Power and Strategy in the Indian Ocean* (London: Sage Publications, 1981).

- Dannreuther, L., *International Security: the contemporary agenda*, (Cambridge: Polity Press, 2008).
- Fanelli, J. et al., *Finance and Competitiveness in Developing Countries*.(Ottawa: IDRC, 2002).
- Goel, P.K., A Reappraisal of International Law Applicable to Armed Conflict at Sea *Journal of Indian Ocean Studies*.Vol.3 No.2. (1996). p.155-168
- Goldstein, J. & J.Pevehouse., *International Relations* (New York: Longman, 2008).
- Gosh, K., *Maritime Security Challenges in South Asia and the Indian Ocean: Response strategies*. A paper prepared for the Center for Strategic and International Studies – American-Pacific Sea lanes Security Institute conference on Maritime Security in Asia. January 18-20, 2004, Honolulu, Hawaii.
- Haas, P., *Saving the Mediteranean* (New York: Columbia University Press, 1990).
- Haas, P., “Obtaining International Environmental Protection through Epistemic Consensus,” *Millennium: Journal of International Studies*. 19, no. 3, (1990).
- Haas, P., “Introduction: Epistemic Communities and International Policy Coordination’ *Journal of International Studies*. No. 46, (1992).
- Hagel, C. ‘A Republican Foreign Policy’ *Foreign Affairs*. Vol.83.No.4 (2004) pp.64-76
- Herbert-Burns, R., *Countering Piracy, Trafficking, and Terrorism: Ensuring Maritime Security in the Indian Ocean*. Washington D.C: Stimson.
- Katsuri, B., The Indian Navy and Indian Ocean, *Journal of Indian Ocean studies*, Vol.3 No.1(1995).
- Kant, I., *Perpetual Peace: A Philosophical Essay (1917 ed.)* (London: George Allen and Unwin Ltd, 1795).
- Klare, M., *Peace and World Security Studies; A Curriculum Guide*. (London: Lynne Reinner

Publishers, 1994).

Krasner, S., *International Regimes*. (London: Cornell University Press, 1983).

Lehr, P., *Violence at Sea, Piracy in the age of Global Terrorism* (New York: Routledge, 2007).

Leighton, G. L. & T. Luttrell, *Indian Ocean: A Sea of Uncertainty*.(West Perth: Future Directions International Pty, Ltd, 2012).

Lyman, P. & S. Morrison. 'The terrorist threat in Africa' *Foreign Affairs*. Vol.83.No.1 (2004) pp.75-86

Mahajan, A.K., 'Biodiversity,Pollution and Ocean Environement'. *Journal of Indian Ocean studies*, Vol.3 No.2. (1996), p120-136

Maluki,P., *Regionalism in the Indian Ocean: Order, Cooperation and Community*. (Berlin:VDM Verlag, 2011).

Maluki, P. et al.,*Combating New Piracy in the Indian Ocean: Strategies and Challenges*.(Berlin: Lambert Academic Publishing, 2012).

Makinda, S.M., 'History and Root Causes of Terrorism In Africa, Understanding Terrorism In Africa:' *In Search For An African Voice*, Institute For Security Studies (2006).

McNicholas, M., *Maritime Security, an Introduction*. (New York: Elsevier Inc, 2008).

Mitrany, D., *A Working Peace System*. (Chicago: Quadrangle Press, 1966).

Michel, D. et al., *Indian Ocean Rising: Maritime Security and Policy Challenges*. (Washington D.C: Stimson, 2012).

Murthy, G., 'The Indian Ocean Rim initiative' . *Journal of Indian Ocean Studies*.Vol.3 No.2. (1996).pp152-168

Mwagiru, M., *African Regional Security in the Age of Globalization*. (Nairobi: Heinrich Boll Foundation, 2004).

- Neethling, T., "Piracy around Africa's West and East Coasts: A Comparative Political Perspective." *Scientia Militaria, South African Journal of Military Studies*, Vol 38, No 2 (2010).
- Normann, A., *The Foundation of International Policy*, (London: Heinemann, 1914).
- Onuoha, F., "Piracy and Maritime Security in the Gulf of Guinea." *Aljazeera Center for Studies*. (2012) <http://studies.aljazeera.net/en/reports/2012/06/2012612123210113333.htm>
Accessed on 5/10/2012
- Pandya, A, et al., *Maritime Commerce and Security: The Indian Ocean*. (Washington D.C: Stimson Center, 2011).
- Post, J., *The mind of the terrorist: The psychology of terrorism from the IRA to al- Qaeda*. (New York: Palgrave Macmillan, 2007)
- Potgieter, T., 'The Maritime Security Quandary in the Horn of Africa Region: Causes, Consequences and Responses.' East African Human Security Forum, *Discussion Paper*. Hanns Seidel Foundation Kenya (2008).
- Reich, W., *Origins of terrorism: Psychologies, ideologies, theologies, states of mind*. (Washington D.C: The Woodrow Wilson Centre Press, 1998).
- Roll, M., & S. Sperling., 'Fuelling the World –Failing the Region? Oil Governance and Development in Africa's Gulf of Guinea'. Abuja: Friedrich-Ebert-Stiftung. *A working paper*. (2011)
- Rosenberg, D. et al., *Piracy and Maritime Crime, Historical and Modern Case Studies*, Newport.(Rhode Island : Naval War College Press.2010)
- Ross, R. & J. Bekkevold., *International Order at Sea: Anti-Piracy and Humanitarian Operations*. (Oslo: Norwegian Institute For Defense Studies, 2011)

- Roy, M., 'Indian Ocean Trading Blocs-Cure For Afro-Asian Sea blindness'. *Journal of Indian Ocean studies*, Vol.2 No.3 (1995) pp220-238
- Sage, A., 'Africa's Irregular Security Threats: Challenges for US engagement', *Strategic Forum*, Institute for National Security Studies, National Defence University, No 255, May 2010.
- Sivakumaran, S., 'Understanding Armed Groups and the Applicable Law' *International Review of the Red Cross*, Vol.93, No 883, June 2011, pp463-482
- Smith, M., *Securing Africa, Terrorism Thinking: "Post 9/11 Discourses on Terrorism"*. (England: Ashgate Publishing Ltd, 2010).
- Teich, B & D. Houff ., Building Partnerships: Co-operative Maritime Security, 2008 G8 Summit Declaration, "*Development and Africa Journal*," (2008)
- Valencia, J.M., 'Regional Maritime Regime Building: Prospects in Northeast and Southeast Asia.' *Ocean Development & International Law*, 31:223–247, 2000.
- Vogel, A., 'Navies versus Coast Guards: Defining the Roles of African Maritime Security Forces.' NO. 2 / December, *Africa Security Brief*, Africa Centre for Strategic Studies, (2009)
- Vogel, A., 'Investing in Science and Technology to Meet Africa's Maritime Security Challenges.' NO. 10 / February 2011, *Africa Security Brief*, Africa Centre For Strategic Studies. (2011)
- Walzer, M., *Just and Unjust Wars. A Moral Argument with Historical Illustrations*. (New York: Basic Books, 2000).
- Webel, C. & J.Galtung., *Handbook of Peace and Conflict Studies*. (London: Routledge, 2007).

Reports

United Nations Environment Programme “Regional Seas Programme”.

<http://www.unep.ch/regionalseas/regions/eaf/eafint.htm>- Accessed 12/10/2012

Foreign and Commonwealth Office, UK “London Conference on Somalia: Communiqué” – The Conference took place at Lancaster House on 23rd February 2012, attended by fifty-five delegations from Somalia and the international community.

<http://www.fco.gov.uk/en/global-issues/london-conference-somalia/>-accessed on 23/7/2012

The United Nations Office on Drugs and Crime “UNODC and Terrorism Prevention”

<http://www.unodc.org/unodc/en/terrorism/index.html?ref=menuside> (accessed 02/09/2012)

The IMB Piracy Reporting Centre (IMB PRC). “Piracy and Armed Robbery News and Figures .”

<http://www.icc-ccs.org/piracy-reporting-centre/piracynewsfigures-> Accessed on 2/10/2012

International Maritime Organization. “Reports on Acts of Piracy and Armed Robbery against Ships, MSC.4/Circ.182.”

http://www.imo.org/blast/blastDataHelper.asp?data_id=31077&filename=182.pdf,pp14- accessed on 28/09/2012

Office of the Coordinator for Counterterrorism, “Country Reports on Terrorism 2011”

www.fpc.state.gov. accessed 20/06/2012

Malaquias.A, “Ask the Expert: The Growing Threat of Oil Pirates in West Africa’s Gulf of

Guinea”(2012)- <http://africacenter.org/2012/03/ask-the-expert-the-growing-threat-of-oil-pirates-in-west-africa%E2%80%99s-gulf-of-guinea/>- Accessed 5/10/2012

International Organization for Migration. “Counter-Trafficking”

<http://www.iom.int/cms/countertrafficking>-Accessed 5/10/2012

UNODC, Organized Crime and Trafficking in Eastern Africa, *A Discussion Paper*. For discussion at the Regional Ministerial Meeting on Promoting the Rule of Law and Human Security in Eastern Africa Nairobi, Kenya, 23-24 November 2009.

http://www.unodc.org/documents/easternafrika/regional-ministerial-meeting/Organised_Crime_and_Trafficking_in_Eastern_Africa_Discussion_Paper.pdf

UNODC, “UNODC on human trafficking and migrant smuggling”

<http://www.unodc.org/unodc/en/human-trafficking/index.html?ref=menuaside>. Accessed 5/10/2012

Brenthurst Foundation, ‘Maritime development in Africa’: An independent specialists’

Framework, Brenthurst. *Discussion Paper No 3*, 2010, p. 7.

International Organization for Migration (IOM): “World Migration Report 2008”

UNEP Foresight Process: Phase I: Results of the UNEP consultation. A summary of subjects identified as “emerging environmental issues” by the UNEP Community.

http://www.unep.org/publications/ebooks/foresightreport/Portals/24175/pdfs/Background_Report-Foresight_Process.pdf.pp7-accessed 4/10/2012

The IMB Piracy Reporting Centre (IMB PRC), ‘Piracy and Armed Robbery News and Figures’.

<http://www.icc-ccs.org/piracy-reporting-centre/prone-areas-and-warnings>. accessed 4/10/2012

The Politics of International Terrorism in the Security Complexes in the Greater Horn of Africa:

An Overview from Uganda under the Movementocracy, *African Journal of International Affairs*, Vol. 7, Nos. 1&2, 2004, pp. 35–56

Global Extremism, Terror and Response Strategies, 2006- Bibliotheca Alexandrina, SMWIPM
Peace Studies Institute and Strategic Foresight Group, with support from the Royal
Norwegian Ministry of Foreign Affairs

http://www.strategicforesight.com/terrorism_workshop_report.pdf-accessed 20/09/2012

Africa Union. Experts Meeting on Maritime Security and Safety Strategy-Documentation.

UNEP Foresight Process: Phase I: Results of the UNEP consultation.

[http://www.unep.org/NairobiConvention/docs/Regional_assessment_of_marine_litter__](http://www.unep.org/NairobiConvention/docs/Regional_assessment_of_marine_litter__WIO_Region.PDF)

*WIO_Region.PDF-A Regional Overview & Assessment of Marine Litter Related
Activities in the West Indian Ocean Region, July 2007*-accessed 24/06/2012

UNDOC “Organized Crime and Trafficking”

[http://www.unodc.org/documents/easternafrika/regional-ministerial-](http://www.unodc.org/documents/easternafrika/regional-ministerial-meeting/Organised_Crime_and_Trafficking_in_Eastern_Africa_Discussion_Paper.pdf)

[meeting/Organised_Crime_and_Trafficking_in_Eastern_Africa_Discussion_Paper.pdf](http://www.unodc.org/documents/easternafrika/regional-ministerial-meeting/Organised_Crime_and_Trafficking_in_Eastern_Africa_Discussion_Paper.pdf)

pp 7- accessed 05/06/2012

The IMB Piracy Reporting Centre (IMB PRC), ‘Piracy and Armed Robbery News and Figures.’

www.imo.org/OurWork/Security/PIU/Pages/DCoC.aspx-accessed on 20/09/2012

Office of the Coordinator for Counterterrorism, “Country Reports on Terrorism 2011”

www.fpc.state.gov.accessed 20/06/2012

Confronting Terrorism the Club de Madrid Series on Democracy and Terrorism, volume

II,\ 2005- The International Summit on Democracy, Terrorism and Security.

<http://media.clubmadrid.org/docs/CdM-Series-on-Terrorism-Vol-2.pdf>, *Confronting*

Terrorism The Club de Madrid Series on Democracy and Terrorism, volume II, 2005- The International Summit On Democracy, Terrorism And Security 8 11march2005madrid

Documents

United Nations Convention on Law of the Sea (UNCLOS) ,1982, Article 101

Periodicals

The East African Standard, Weekly Paper, *Piracy in the Horn of Africa*, 28th Feb, 2012

McKenzie, D., 'Q and A: Pirates of East Africa.' CNN World.(2008)

http://articles.cnn.com/2008-11-18/world/pirates.explainer_1_somali-coast-sirius-star-pirates?_s=PM:WORLD accessed 01/10/2012