

UNIVERSITY OF NAIROBI

**INSTITUTE OF DIPLOMACY AND INTERNATIONAL
STUDIES**

**HARNESSING MARITIME SECURITY AND RESOURCE
EXPLOITATION: ROLE OF MARITIME DIPLOMACY IN KENYA**

BY

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DECLARATION

I hereby declare that this research project is entirely my own original composition. It has not been presented in any University or College for examination purposes. I further declare that relevant references to other persons work have duly been acknowledged.

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Signature.....

Date.....

This research project has been submitted for examination with my approval as University Supervisor.

Dr. Patrick M. Maluki

Signature.....

Date.....

DEDICATION

I, dedicate to my parents Dad and Mum. Thank you for your unconditional support with my studies. Am honoured to have had you as my parents. Thank you for giving me an opportunity to study and improve myself through the walks of life. Though gone to be with the Lord in heaven I will always cherish your love. Your spirits lives on.

To my loving wife Flo and children Sue, Lavender and Rose Victoria thank you for believing in me and allowing me to further my studies even if it meant my being away from home for a whole year. Please do not ever doubt my dedication and love for you.

To my brothers and sisters, thank you for always being there I hope that with this research I have proven to you that there is no mountain so high as long as God is on our side. I hope this serves as a motivation to all our children to work hard in their studies.

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ABSTRACT

Maritime security, despite its common usage, is not an easy term to define because it involves a wide range of concerns. The blue economy forms a large stake of most African nation-states and many have significant maritime security challenges. The study purposed to establish facts on harnessing maritime security and resource exploitation utilizing maritime diplomacy in Africa with a focus on Kenya. The study was influenced by the fact that at the moment the maritime sector, the Indian Ocean and its inland water bodies plus rivers are of great importance and that the 'Blue economy' is becoming an important concern. Population increment and coastal migration put a lot of pressure on the available resources, in the process making people resort to practices that eventually lead to maritime environmental damage. The study employed Neo-realism Theory to assess the research. The research adopted exploratory research design and this is where the study sought to establish deeper facts of a new idea in order to get a better understanding about it. The study focused on Kenya as a whole, covering at least the major Counties in trying to understand harnessing maritime security and resource exploitation utilizing maritime diplomacy. The study respondents included Sea fearers; Kenya Ports Authority, Marine police, Ministry of Tourism, Kenya Maritime Authority, Dock Workers Union, Ministry of Devolution and Planning, National Intelligence Serves, Kenya Defence Forces, Fisheries department, Ministry of Foreign Affair, Africa Union and others stake holders. Purposive sampling in this case was utilized to produce maximum variation within a sample. The key informants were key stake holders in marine security. Secondary data was collected through journals, books, articles and periodicals. Primary data collection was done using the qualitative and quantitative research approach, thus the primary data was collected using key informant and questionnaire interview. The final results (outcomes) obtained was finally presented by use of frequency tables, pie charts, narratives and bar graphs. The study adhered to appropriate research procedures as stipulated by learning institution, and all sources of information were acknowledged and the researcher followed proper guidance from the supervisor. The study found that the total value of the maritime opportunity available to the Region and Kenya as a whole is estimated to be way worth billions of dollars, and yet majority of it remains largely unharnessed. The research concludes that maritime security is an important element in enabling effective harnessing of maritime resources, and thus requires a multi-agency approach to protect it and effectively deal with issues such as securing the regions maritime wealth together with the nation-state exclusive economic zones, territorial seas, internal seas, inland rivers, ports, and waterways. The study thus emphasizes that transoceanic security and maritime diplomacy cooperation in the region is very important. The study recommends that the stakeholders should seriously consider the enhancement of maritime capacity through deliberate and specialized training and step-up maritime diplomacy capacity building among the naval powers by promoting joint exercises or maritime security operations that strengthen bonds between allies.

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LIST OF ABBREVIATIONS

AU	African Union
CADSP	Common African Defence and Security Plan
CBD	Conventions on Biodiversity
CBOs	Community Based Organizations
CCC	Climate Change
CITES	Trade in Endangered Species
CMS	Migratory Species
EAC	East African Community
EASBRICOM	Eastern African Standby Brigade Co-ordination Mechanism
EASF	Eastern Africa Standby Force
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EEZ	Exclusive Economic Zones
ESA-IO	Eastern and Southern Africa and Western Indian Ocean Region
EU	European Union
GGC	Gulf of Guinea Commission
HOA	Horn of Africa
IMB	International Maritime Bureau
IOR	Indian Ocean Realm
IORA	Indian Ocean Rim Association
IT	Information Technology
IUU	Unregulated and Unreported
IUU	Unreported and Unregulated
KDF	Kenya Defence Forces

MFN	Most Favoured Nation
MOWCA	Maritime Organization of West and Central Africa
MSC	Maritime Safety Committee
MVs	Mediterranean Vessel
NATO	North Atlantic Treaty Organization
NGOs	Non Governmental Organizations
SLOCs	Sea Lines of Communications
SWIOFP	South West Indian Ocean Fisheries Project
UK	United Kingdom
UNCED	United Nations Conference on Environment and Development
UNCLOS	United Nations Convention on the Law of the Sea
UNIFIL	United Nations Interim Force in Lebanon
USA	United States of America
VCLT	Vienna Convention on the Law of Treaties

MAP OF THE STUDY AREA



Source: Google (2016)

CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

Developments in World affairs over the last twenty years have generated fresh attention to maritime security. Salient among these resulting in shift of global economic weight and influence from the North Atlantic to Asia, including in particular China and India's subsequent rise.¹

Rodrigue (2010), states that maritime security is not an easy term to define in spite of its common use, as it usually entails concerns of a wide range. Including the usual reasons why nation-states for centuries have developed naval forces. Maritime interests that include the controls of seas are necessary to defend and might require naval power assertion in order to protect the nation-state and its maritime assets.²

In 2014 the United Kingdom, the European Union as well as the African Union (AU) launched ambitious maritime security strategies. The North Atlantic Treaty Organization (NATO) included maritime security as one of its objectives in its 2011 Alliance Maritime Strategy. The United States (US) pioneered this development when launching a national Maritime Security Policy in 2004.³ Also, the Maritime Safety Committee (MSC) of the International Maritime Organization included maritime security in their list of tasks.⁴ As reflected in the United States policy, the concept of 'maritime security' gained initial salience after the terrorist of September 11th and the fears over the spread of maritime terrorism.

¹ Bouchard, C. and Crumplin, W. *Neglected no longer: the Indian Ocean at the forefront of World geopolitics and global geostrategy*. Journal of the Indian Ocean Region (2010), Vol. 6 (1), pp. 42-45.

² Rodrigue, J.P. *Ports and Maritime Trade in Barney Warf*. Encyclopedia of Human Geography, London: Sage, (2010), p. 13.

³ Murphy, M. N. *Small Boats, Weak States, Dirty Money: Piracy and Maritime Terrorism in the Modern World*. C Hurst & Co Publishers Ltd (2010), p. 33.

⁴ Ibid, p. 33.

According to Goldie (2006), maritime security it is a term that draws attention to new challenges and rallies support for tackling these. Notwithstanding to date no universal definition of maritime security has ever emerged. At the moment maritime security is concerned mainly with the deterrent of intentional damage through sabotage, subversion, or terrorism. Goldie further argues that African nation-states have major stakes in the blue economy and many have significant maritime security problems.⁵ It is now important that Africa improves its maritime security and participate equally in marine security debate.

Africa is now the focus of emerging strategic interest from the international community and at the moment maritime security of the continent is currently a vital issue to the United States (US), European Union (EU) and North Atlantic Treaty Organization (NATO). These renewed interests may be due to the fact that China and India are slowly setting up base in Africa, in order to exploit the continents natural resources located near or along the Coast and this evidently appears as a new “scramble” for Africa’s resources.⁶ Driven by the commercial interest of many countries, contractors and companies operating in the littoral areas must be protected, while the security of international maritime trade and the need to ensure safe passage for shipping is an important requirement.

Maritime affairs are inherently multidimensional involving many forms of partnerships and multi-sector, that is, involving a multiplicity of agencies in their operation. The maritime fulcrum must be construed on several dimensions, in which partnerships with other countries can be fostered, one of them being maritime diplomacy. Using their maritime wealth, in the theory of neo-realism many States are assumed at a minimum to want to ensure their own survival as this is a prerequisite to pursue other goals.

The Vienna Convention on the Law of Treaties of 1969 (VCLT) is the main instrument that regulates treaties – even when it comes to the matters of the sea. The

⁵ Goldie, A.J. *Africa. A Modern History*. London, (2006), pp. 660-663.

⁶ Meredith, M. *The State of Africa. A History of Fifty Years of Independence*. Johannesburg, (2005), p. 469.

Convention helps define treaties and illustrates just how these treaties are arrived at, interpreted, adjusted, operated and even finally terminated. It does not aim to create specific substantive rights or obligations for parties – this is left to the specific treaty (that is, the Vienna Convention on Diplomatic Relations creates rights and obligations for States in their diplomatic relations).

Maritime security is a key component for the attainment of Kenya's economic development. Over 80 percent of the world trade is carried on approximately 93,000 merchant vessels which are crewed by 1.2 million seafarers and almost 6 billion tons of cargo.⁷ The importance of maritime trade to Kenya's economy and its potential contribution to economic development is demonstrated by the simple fact that 92 percent of Kenya's international trade by volume is carried by sea.

The study observes in recent past Kenya's blue economy and maritime trade has been negatively impacted by maritime threats arising from among others, increased piracy in the Gulf of Aden and the Indian Ocean, and enhanced terrorism, trafficking of illegal immigrants, contraband trade, proliferation of arms, illegal bio-prospecting, Illegal Unregulated and Unreported (IUU) fishing, illegal dumping of toxic waste, introduction of alien species, drug trafficking, smuggling of illicit nuclear and radioactive materials and maritime environment degradation.

The study further observes that, due to the stability within the Kenyan waters owing to the entry of the Kenyan Defence Forces into Somalia on 11th October 2011, the piracy threat is now temporarily contained. In addition Best Management Practices by vessel owners and security on board ships has contributed to the decline. Kenya is in the process of formulating her integrated Ocean management policy including an institutional framework to guide the use and management of ocean space and resources within it. This policy aims to

⁷ Francois V. Y. *African Maritime Security: A Time for Good Order at Sea*, Australian Journal of Maritime and Ocean Affairs 2, no. 4 (2010), pp. 121-132.

point-out Oceanic issues affecting the Country, and in addition provides a sound institutional and legal approach that can be dealt with in a holistic manner, since opportunities and threats related to coastal and ocean regimes are multidimensional and interlinked.

1.2 Problem Statement

The Blue Economy is a marine-based economic development that leads to improved human well-being and social equity while significantly reducing environmental risks and ecological vulnerabilities. Blue resources cover oceans, rivers, lakes and other form of water bodies and water related activities. The lack of maritime security in the African region manifests on all aspects relating to the use of the sea and also impacts negatively on the already dire, situation ashore. The fact that it was not possible to enforce the law and maintain good order at sea, threatened maritime communications, stimulated piracy, damaged the marine environment and broke down maritime sovereignty, the cost in humanitarian and economic terms also became high.

The maritime security challenges that have arisen are to a large extent linked to failed or weak states. Specific challenges are piracy, asymmetrical threats, the illegal trafficking in people, the smuggling of arms and drugs, resource security and environmental threats. Because the region's maritime security problems have the potential of disrupting the global economy, energy security and Sea Lines of Communications (SLOCs), they have become important international issues. Many extra-regional powers have a stake in Indian Ocean maritime security and deploy forces in the area.

The study observes that the Blue Economy remains fully unexploited in Kenya. It is estimated that the ocean is worth Kenya shillings ninety billion which remains largely unharnessed.⁸ This wealth is continuously being exploited by other countries that have

⁸ Francois V. Y. *African Maritime Security: A Time for Good Order at Sea*, Australian Journal of Maritime and

advanced technology and capacity and have developed strategies to exploit the resources. This has led to slow economic growth, lack of industrialization and unemployment that remain major challenges in the country. This is what has inspired the study to understand harnessing maritime security and resource exploitation utilizing maritime diplomacy in Kenya in order to help Kenya develop strategies that will protect Country's Oceanic interests.

This study examines the three research questions, that is, what is the current state of harnessing maritime security and resource exploitation in Africa? What is the role of maritime diplomacy in maritime resource and who are the key stakeholders in marine security and maritime diplomacy in Kenya?

1.3 Objectives of the Study

The general objective of the study is assessing how to harness maritime security and resource exploitation utilizing maritime diplomacy in Africa with a focus on Kenya.

The specific objective will be;

- i. To establish the issues in harnessing of maritime security and resource exploitation.
- ii. To identify the key stakeholders in marine security and maritime diplomacy actors in Kenya.
- iii. To establish the role of maritime diplomacy in maritime resource exploitation in Kenya.

1.4 Research Questions

- i. What is the current state of harnessing maritime security and resource exploitation in Africa?

ii Who are the key stakeholders in marine security and maritime diplomacy in Kenya?

iii What is the role of maritime diplomacy in maritime resource exploitation in Kenya?

1.5 Justification of the Study

1.5.1 Academic justification

The study aims to add new body of knowledge on effective harnessing of maritime resources in Kenya. The study was inspired by the fact that at the moment the Indian Ocean and its inland water bodies and rivers are of great importance and that the ‘Blue economy’ is becoming an important concept. Maritime rights, piracy, pollution, migration, and illegal trafficking of persons, weapons, and drugs are some of the growing challenges for many African states including Kenya.

1.5.2 Policy justification

The study notes that since there are very little prospects of defining maritime security once and for all, frameworks by which one can identify commonalities and disagreements are needed. Therefore this study aims to contribute to policies, guidance and action oriented strategies by the Government and other key agencies, actors and stakeholders, with regards to effective marine security in Kenya.

The seas are becoming more critical to the world trade and energy security, and the insight gained in this study will help shape new policy direction. Resources increasingly are being exploited by its littoral and island states. It is also a stage for the pursuit of global strategic and regional military and security interests. The Africa region has a huge potential to spur economic growth to the states of the region and beyond yet it also has the potential to bring crises. It is a region in which instability and conflict can quickly arise from imprecise

border delineations, internal conflicts, issues of energy and resource security and changing national interests.

1.6 Literature Review

This section empirically reviewed emerging issues in the subject of maritime security from the global, regional, national and local perspectives using neo-realism theory as a guide.

1.6.1 Maritime Security

Maritime Security appears to be a large and sometimes nebulous concept. In fact it has become a large task involving many entities from various governments, public and private sectors aiming at, preserving the freedom of the seas, facilitating and defending commerce, and maintaining good governance at sea.⁹

Maritime Security has to be distinguished from “Maritime Safety”. By maritime security the study refers to a combination of preventive and responsive measures, aiming at both law enforcement as a civilian and military requirement and defense operations as a military, in this case naval requirement.¹⁰ On the other hand, maritime safety is the combination of preventive and responsive measures intended to protect the maritime domain against, and limit the effect of, accidental or natural danger, harm, and damage to environment, risks or loss.

Brazil has taken the leadership of the United Nations’ first maritime security operation, United Nations Interim Force in Lebanon (UNIFIL), in the Mediterranean Sea. This is a contribution to international responsibility at sea. Russia has been involved in different kinds of maritime security operations in the Baltic, in the Mediterranean Sea, in the Norwegian Sea and in the Indian Ocean, as an independent contributor in the fight against

⁹ Rodrigue, J.P. *Ports and Maritime Trade in Barney Warf*. Encyclopedia of Human Geography, London: Sage, (2010), p. 13.

¹⁰ Ibid, p. 13.

piracy.¹¹ India has an ambitious naval and maritime program, with the aim to remain and become a regional maritime power.

China's naval and maritime ambitions are visible since several years and its operational capabilities are already of a high professional standard. By being an independent participant in the maritime security operations in the Gulf of Aden and Indian Ocean, China, for the first time since centuries, is engaged in an international effort to achieve maritime security - even though this does not mean collaboration yet, it is certainly a form of coordinating operational capabilities in a very pragmatic way.¹² It thus involves naval capability with different States.

Referring to the responsibility for maritime security, all nations have a responsibility by signing United Nations Convention on the Law of the Sea (UNCLOS) or by being compliant with this broad set of articles and regulations which are offering a foundation for "Good Governance at Sea".¹³ All maritime regimes, be they based on UNCLOS or derive from this basic document, be they regional or local, must ensure or, in critical situations, enforce compliance with this globally accepted document.

Having described the term "Maritime Security" and concluded that there is no universal definition, it is of equal importance to think about the term "Comprehensive Approach". The character of the seas has changed. From an open space where freedom was the rule, they have now turned into a shared, common domain, vast but fragile, needing World- wide management and protection.

1.6.2 Maritime Resources

Oceans cover 72 percent of the surface of this blue planet and constitute more than 95% of the biosphere. Life originated in the oceans and they continue to support all life today by

¹¹ Geraghty, T. *Peacekeepers at War*, Dulles, VA: Potomac Books, Inc., (2009) p. 20.

¹² Commission of the European Communities: *Towards the integration of maritime surveillance*, COM (2009) 538 final, Brussels, p. 12.

¹³ Roach A.J. *Initiatives to Enhance Maritime Security at Sea*, Marine Policy 28, no. 1 (2004), pp. 41–66.

generating oxygen, absorbing carbon dioxide, recycling nutrients and regulating global climate and temperature.¹⁴ The Blue Economy provides enormous unexploited opportunities which are sustainable, clean, and equitable. Oceans provide a substantial portion of the global population with food and livelihoods and are the means of transport for 80% of global trade.¹⁵ The marine and coastal environment also constitutes a key resource for the important global tourism industry; supporting all aspects of the tourism development cycle from infrastructure and the familiar “sun, sand and sea” formula to the diverse and expanding domain of nature-based tourism.

Knowing that a sectoral approach has only limited success, the term “Comprehensive Approach” require, that more than one authority is engaged to contribute to “Maritime Security”. Collaboration between different national and international authorities is of equal importance. Having decided, for the time being, to focus on operational requirements, ignoring technical ones, it is important to concentrate on the so-called “enablers”. These are maritime skills developed through a combination of long experience, common exercise, common operations and a common set of rules, which are provided by the military and civil communities. “Rules of Engagement” are available for both: maritime security and defense.¹⁶

Mahan, in his book *The Influence of Sea Power* – examines the factors that lead to supremacy of the seas, especially how Great Britain was able to rise to its near dominance. He identifies such features as geography, population, and government, and expands the definition of sea power as comprising a strong navy and commercial fleet.¹⁷ Mahan also promotes the belief that any army would succumb to a strong naval blockade.

¹⁴ Baldwin A., *The Concept of Security*, Review of International Studies, Vol. 23, No. 1, (1997), pp. 12-18.

¹⁵ Roach A.J. *Initiatives to Enhance Maritime Security at Sea*, Marine Policy 28, no. 1 (2004), pp. 41–66.

¹⁶ Rodrigue, J.P. *Ports and Maritime Trade in Barney Warf*. Encyclopedia of Human Geography, London: Sage, (2010), p. 13.

¹⁷ Mahan, A.T., *The Sea Influence of Sea Power Upon History*. 1660-1783. United States Navy (1973), p. 67.

Mahan's strategic theories continue to be influential into the 21st century, especially in the newly emerging naval powers, such as India and China. Although Mahan's influence on foreign powers has been widely recognized, only in recent decades have scholars called attention to his role as significant in the growth of American overseas possessions, the rise of the new American navy, and the adoption of the strategic principles upon which it operated.¹⁸

1.6.3 The blue economy

The Blue Economy provides great unexploited potential in social and economic development of countries globally. Economy has been identified as a system by which people get their living whereas blue economy is a system by which people get their living through ecosystems, that is, through preserving environment, ensuring Sustainable Development and overcoming the problem related with climate change, and carbon dioxide emissions.

The sea has always made contact and trade between various peoples across the world possible, while it also provides humans with vast resources. Africa's maritime resources, that could contribute much towards sustaining development, are underutilized and threatened, while pervasive maritime insecurity is a significant threat to security in Africa and to the shipping around Africa's coast, specifically in areas such as the Horn of Africa.

The busy maritime trade routes and shipping lanes around the Horn of Africa go back thousands of years and also link the Indian Ocean to the Suez Canal. As a result it is a choke point and securing free and safe traffic around it is internationally important. Somalia's coasts and harbours are virtually unpoliced and piracy, together with a multitude of other illegal activities, has increased.

For years foreign warships have patrolled the region's busy shipping lanes, but the lack of maritime security has a real impact on economic development, regional security and the stability of the entire region. Maritime security is therefore very important to the region,

¹⁸ Mahan A.T., *The Sea Influence of Sea Power Upon History*. 1660-1783. United States Navy (1973), p. 13.

both in economic and strategic terms. History shows that major shifts between great powers and regions rarely occur and, just as tectonic plates shifting on an ocean bed cause a tsunami, so too these shifts are accompanied by waves of turbulence and high levels of tension throughout the world. Power is not readily yielded, and is accompanied by tremors, as the heavily populated states of Asia seek a greater stake in the world's economy and affairs. South-East Asian states are steadily integrating their economies through trade and investment treaties.¹⁹

In spite of the international consensus approving the agreement on the law of the sea, Yoshifumu, (2012) states that more substantive changes regarding maritime affairs will come about only when traditional naval powers change the way they view naval deployment and freedom of navigation. Implicit in Yoshifumu's residual analysis is the possibility of the re-emergence of the international lawyer-statesman as playing an influential role in establishing legal restraints and shaping the way nations use naval deployments to exert diplomatic influence.²⁰ These legal restraints could shape the charter of maritime strategy and not simply the attitudes of policymakers.

Sieff, (2009) observes that all of the nations surveyed above are involved to some degree with maritime military engagement and co-operation in Africa, mostly at bilateral level. At continental level, the African Union (AU) has responded to initiatives from the EU, the US, China, France and India – countries or region that have institutionalized political mechanisms to deal with security issues as part of devolved processes.²¹ Its response has generally been to accept invitations to conferences and to establish and institutionalize mechanisms with these partners.

¹⁹ Chellaney B, (2008) '*Chinese navy aims to challenge India's pre-eminence in the Indian Ocean: dragon in India's backyard*', Asian Age, pp. 34-40.

²⁰ Yoshifumu, Tanaka. *International Law of the Sea*. Cambridge University Press (2012), pp. 79-80.

²¹ Sieff M, (2009) '*Russia unveils tough new security strategy*', United Press International, pp. 91-92.

The process then is for the AU to devolve to its member states the decisions and actions required for implementation against agreed target dates. However, the AU has insufficient capacity to deal with often technical issues, and the legal and or scientific expertise provided by these extraneous stakeholders often shape Africa's response and effectiveness.²²

Furthermore, African states themselves generally do not possess the capacity to monitor and implement, to the required standard and at the right time, the high volume of resolutions and actions that emanate either from its continental or their regional structures; the result is often 'no action taken'. The general impression of Africa's maritime initiatives seems to be 'how passive Africa has been in this whole affair'. The following section therefore gives an overview of the institutional mechanisms that operate in the maritime military domain, as they affect or are given effect to, by Africa.²³

Africa is the subject of renewed strategic focus from the international community and the maritime security off Africa is currently an important issue to the USA, EU and NATO. The reasons for this might be in concern about China's and India's intentions in Africa, specifically as much of Africa's natural resources are found along or near the Coast and there is evidently a new "scramble" for Africa's resources.

Due to the commercial interest of many countries, contractors and companies operating in the littoral areas must be protected, while the security of international maritime trade and the need to ensure safe passage for shipping is an important requirement. Looking at the threat situation generated by piracy off the coast of Somalia and in the Indian Ocean, the study can observe two different developments. In the last couple of years the good cooperation between Singapore, Malaysia and Indonesia has successfully combated piracy in

²² Sieff M, (2009) 'Russia unveils tough new security strategy', United Press International, pp. 91-92.

²³ Magnier , M.K., (2010) *India embraces Russian arms. New Delhi signs five deals, buying fighter jets, an aircraft carrier and nuclear reactors*, Los Angeles Times, pp. 78-82.

this region. Piracy, once rampant, has been largely exterminated because the littoral states in the region have stepped up their anti-piracy efforts.

1.6.4 Kenya and maritime opportunities

Kenya's marine aquarium trade is among the oldest in the Western Indian Ocean, having existed since the 1970's. Like in other parts of the World, there have been concerns over the potential impacts on targeted species in Kenya due to the highly selective nature of aquarium fish collection.

The notion of the blue economy is timely and one that has recently gained attention as an avenue for development in Africa.²⁴ "The Blue economy is Africa's future". This was the unequivocal statement made by the Seychelles Deputy President Danny Faure at the 22nd Ordinary Session of the Assembly of Heads of State and Government of the African Union.

Kenyan Indian Ocean fisheries contribute a paltry 5 Percent of the 174,000 metric tonnes of fish produced in the Country (with 95 Percent coming from inland sources). On average, 7,000MT of Marine fish, crustaceans and Molluscs (valued at about 348 million Kenya shillings, ex-vessel price) are landed from the marine fisheries annually. Reliable expert opinion however, indicates that the marine fisheries sub-sector has the potential to generate approximately Kshs.5 billion annually or nearly 13 times its current capacity.²⁵ Kenya has been licensing purse seiners and long liners from Europe, Asia and other regions to fish for tuna in the offshore waters, for more than 15 years.

Currently the number of vessels licensed stands at more than 80 per year. Foreign vessels are required to pay a license fee of up to US\$50,000 per year and a royalty on the basis of the amount of fish caught in Kenyan waters. All indications are that the latter is never

²⁴ Nancy Karigithu, *Maritime Security and Its Impact on Trade in the Region*, A speech by former managing director of Kenya Maritime Authority - now she is principle secretary, (2014).

²⁵ Magnier , M.K., *India embraces Russian arms. New Delhi signs five deals, buying fighter jets, an aircraft carrier and nuclear reactors*, Los Angeles Times (2010), pp. 78-82.

paid and the country may have lost over Kshs.200 million since 1991.²⁶ Foreign vessels are required to submit records of their catches within the Kenyan Exclusive Economic Zones (EEZ) but this is hardly ever done. Small-scale marine fisheries in Kenya are multispecies and use multi-gear. These are economically valuable, generating in excess of US\$3.2 million per year for local fishers, which would represent significantly more for the wider community if the income for traders was known.²⁷

The small-scale fishers land at least 95 per cent of the marine catch. It is estimated that more than 60 000 coastal people depend on these fisheries. In some coastal communities, over 70 per cent of households depend on fisheries, but an estimated average for the coast as a whole is 45 per cent of households.²⁸

Although very few coastal households depend solely on fishing for their livelihood, many depend only on fisheries resources for income. Fishing and trading fish is one activity amongst a range of livelihood activities (subsistence and income earning) carried out by coastal households.²⁹ Population increase and migration to coastal areas are putting resources under increasing pressure, and people are resorting to practices to cater for their needs which are increasingly environmentally damaging. Other human-related pressures come from overfishing and fishing-related damage, from urbanization and tourism development, pollution from agriculture and industry and, in Kenya, the damming of rivers for hydropower.³⁰

²⁶ Wood, E.M. Collection of coral reef fish for aquaria: global trade, conservation issues and management strategies. Marine Conservation Society U.K. (2001), p. 170.

²⁷ Obura, D., Church, J., Daniels, C., Kalombo, H., Schleyer, M. And Suleiman, M. *Status of Coral Reefs in East Africa, Kenya* (2004), p. 67.

²⁸ Ibid, p. 67.

²⁹ Ochiewo J. R. *Changing fisheries practices and their socioeconomic implications in South Coast Kenya*. Ocean & Coastal Management. 47 (2004), pp. 389-408.

³⁰ Ibid, p. 414.

Overexploitation of the inshore and reef artisanal fisheries, including the non-selective and destructive practices of dynamite fishing, purse-seining and dragnetting, is a serious issue. The offshore fisheries have provided strong growth in production over the last two decades. However, there is an urgent need to develop institutional capacity in the region to address the problems facing fisheries, with an emphasis on regional institutions to deal with transboundary and highly migratory stocks, and to cope with high seas issues.³¹

Ochiewo states that the true status of Kenya's marine resources is not known and the last resource assessments were done in the 1980s. Therefore, there is a need for updated assessments. Recorded marine landings currently only comprise around 5 percent of total catches, so it is believed that there may be potential for the development of marine fisheries, in particular offshore fisheries, but assessments are needed to verify this.³²

Marine protected areas comprise of ecosystems, habitats and species of fauna and flora, which are not confined to individual states. Thus, ecosystems and species that form the basis of the MPAs in Kenya are invariably shared with other countries in the region.³³ International institutional arrangements are in form of conventions, treaties and agreements. International and regional agreements include Conventions on Biodiversity (CBD), on Climate Change (CCC), on Migratory Species (CMS) and on Trade in Endangered Species (CITES), Nairobi convention.

A wide range of institutions and agencies carries out management of natural resources in Kenya. A lot of them have divergent goals, objectives and interests which make the management quite difficult. The institutions include government sectors, Non Governmental

³¹ Obura, D. and Contributors- L. Celliers, H. Machano, S. Mangubhai, M. S. Mohammed, H. Motta, C. Muhando, N. Muthiga, M. Pereira and M. Schleyer. *Status of coral reefs in Eastern Africa: Kenya, Tanzania, Mozambique and South Africa. Status of Coral Reefs of the World* (2002). pp 63-77.

³² Ochiewo, J. (2004). *Changing fisheries practices and their socioeconomic implications in South Coast Kenya. Ocean & Coastal Management* 47: 389- 408. Elsevier.

³³ Ibid.

Organizations (NGOs), developers and investors, community based organizations (CBOs), local communities and individual persons.

1.6.5 Maritime diplomacy

The 21st century will unequivocally be a maritime century. The overwhelming majority of global commerce travels by sea, most of the world's population lives within 200 miles of the coast, the world continues to rely on the sea as a source of protein, and the ocean ecosystem lies at the heart of global climate change.³⁴ Maritime diplomacy has a number of forebears including privateers, state intervention in whaling disputes, and the emergence of coast guard agencies.³⁵ Indeed, in its modern incarnation, constabulary maritime forces have an important role to play in the conduct of maritime diplomacy.

Maritime violence off the Horn of Africa has generated immense global attention. Ships carrying cargo that included oil, military weapons, and chemicals have been attacked. More than 20,000 vessels ply this strategically important area that includes the Gulf of Aden and the Red Sea.³⁶ In order to confront the threat of Somali piracy, a combination of national commitment, naval force, and international action has emerged, presaging greater partnering, utilization of the rule of law to address regional instability at sea by use of maritime diplomacy, employment of naval forces, and the integration of international organizations to facilitate repression of maritime piracy.³⁷ The navies of the world have been instruments of their states' foreign policies since the beginning of naval power. There are three main roles of navies as instruments of foreign policy, namely: diplomatic, military and policing roles. The

³⁴ Mingst, K.A. 2008. *Essentials of international relations*. 4th ed. New York & London: W.W. Norton..

³⁵ Murphy, J.F. *The United States and the rule of law in international affairs*. Cambridge: Cambridge University Press (2004).

³⁶ Ochiwo, J. *Changing fisheries practices and their socioeconomic implications in South Coast Kenya*. *Ocean & Coastal Management* 47: (2004) 389- 408. Elsevier.

³⁷ Murphy, M.N. *Somalia: The New Barbary? Piracy and Islam in the Horn of Africa*. New York: Columbia University Press (2011).

diplomatic role of navies is termed naval diplomacy. It is important to note that the diplomatic function of navies emanates from the state's foreign policy.

1.7 Theoretical Framework

The study employed Neo-realism Theory to assess harnessing maritime security and resource exploitation plus role of maritime diplomacy in Kenya.

Realism surfaced as a stronger, valid and logical theory in explaining the world politics as well as domestic politics during 15th Century and 16th Century. This theory of international politics remained successful in satisfying the answers to questions about causes and effects of war. Realists figured out war as a recurrent event in world politics. Until the Cold War end, no other theory challenged its fundamental assumptions.³⁸ Realism theory posits that international relations are fundamentally based on State power politics.

Structural realism is a theory of international relations, outlined by Kenneth Waltz in his 1979 book *Theory of International Politics*. Waltz argues in favor of a systemic approach: the international structure acts as a constraint on state behavior, so that only states whose outcomes fall within an expected range survive.³⁹

Neorealism also known as structural realism is an outgrowth of realism, but it attempts to be more explicitly theoretical, in a style akin to economics, especially by its self-conscious comparisons of great-power politics to an oligopolistic market and its willfully simple assumptions about the nature of international relations.⁴⁰

States are assumed at a minimum to want to ensure their own survival as this is a prerequisite to pursue other goals. This driving force of survival is the primary factor

³⁸ Ian Wing, (2000) *Refocusing Concepts on Security: The Convergence of Military and Non-Military Tasks*, Land Warfare Studies Centre, Working Paper No. 111, November, pp 7-9.

³⁹ Ravenhill, John. *APEC and the Construction of Pacific Rim Regionalism*. Cambridge: Cambridge University Press 2001.

⁴⁰ Wing, Ian, (2000) *Refocusing Concepts on Security: The Convergence of Military and Non-Military Tasks*, Land Warfare Studies Centre, Working Paper No. 111, pp. 7-9.

influencing their behavior and in turn ensures states develop offensive military capabilities, for foreign interventionism and as a means to increase their relative power. Because states can never be certain of other states' future intentions, there is a lack of trusts between states which requires them to be on guard against relative losses of power which could enable other states to threaten their survival. This lack of trust, based on uncertainty, is called the security dilemma.⁴¹

States usually balance power in two main ways, that is, internal balancing and external balancing. Internal balancing occurs as states grow their own capabilities by increasing economic growth and or increasing military spending. External balancing occurs as states enter into alliances to check the power of more powerful states or alliances.⁴² Realism is based on the following four key assumptions.⁴³ First states are the principal or most important actors (*State centric assumption*). States represent the key unit of analysis and that the study of international relations is the study of relations among these units. Second, the state is viewed as a unitary actor (*the unitary assumption*). Third, the state is essentially a rational actor. Fourth, realists assume that within the hierarchy of international issues, security usually tops the list. Military and related political issues dominate world politics.⁴⁴

Realism posits that all states act within an international system that is anarchic. This absence of central authority or government is the cause of “enduring propensity for conflict between states.”⁴⁵ The international system is characterized by the belief in threat of force to

⁴¹ Hinrichsen, D. 2005. *Coasts in Crisis: Coasts and the Population Bomb*. American Association for the Advancement of Science.

⁴² Wolf, A. T., and A. Kramer, A. Carius, G. Dabelko. July 2006. *Water Can Be a Pathway to Peace, Not War*. Woodrow Wilson International Center for Scholars, No. 1.

⁴³ Viotti P.R. and Kauppi M.V. *International Relations Theory: Realism, Pluralism, Globalism and beyond*, 3rd ed. (Needham Heights , MA, Allyn and Bacon, 1999) pp. 6.

⁴⁴ Stephen M. Walt, *International Relations: One World, Many Theories*, International Relations, No. 112 (1998), pp. 30-35.

⁴⁵ Stephen M. Walt, (1998), p. 45.

compel certain behavior of states. Power is sought, enhanced and expanded through arms and unilateralism. Realism sees an endless competition to ensure national survival.⁴⁶

Kenneth Waltz stipulates the critical tenets of survival as a constant preoccupation with the possibility of conflict, counteracting those threats and never letting one's guard down.⁴⁷ Deterrence, containment, power alliances and balance of power politics are the hallmarks of realism.⁴⁸ The importance of such aspects is magnified by geography and access to resources, which further complicate international relations. Indeed, nations are competitive actors pursuing their key national interests: national security and survival. Realism has evolved into "an offensive and defensive branch."⁴⁹

According to defensive realism, nations gain power for self-preservation; in offensive realism states further increase their capabilities to project power. Defensive realism predicts that when nations feel threatened they will pursue ambitious military, economic and diplomatic strategies to increase their security. When a defensive realist nation pursues such strategies, other nations often misconstrue them as threats of force leading to their own pursuit of similar strategies, further decreasing collective security. This type of mirroring can lead to a reciprocal cycle of action and reaction.⁵⁰ Thus, in the long run, strategies meant to buttress national security can -actually undermine it. According to offensive realism nations attempt to amplify their influence, particularly when they have the power to do so. Essentially the amplification of influence is "power maximization," or the idea that a nation will project

⁴⁶ John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York: W.W. Norton & Company, 2001), pp. 19-25.

⁴⁷ Kenneth N. Waltz, (1989), p. 43.

⁴⁸ Tom Barry, *The US Power Complex: What's New*, Foreign Policy in Focus, November 2002, p.2.

⁴⁹ Eric N. Heller, *Power Projections of the People's Republic of China: A Investigative Analysis of Defensive and Offensive Realism in Chinese Foreign Policy*. Program for Arms Control, Disarmament, and International Security (ACDIS) Occasional Paper, Urban-Champaign: University of Illinois, ACDIS Occasional Paper, November 2003, pp. 21-22.

⁵⁰ Alexander Wendt, *Anarchy is What States Make of It: The Social Construction of Power Politics*, International Organization Vol. 46, No. 116 (Spring 1992), pp. 406-407.

its influence into any sphere that could increase its absolute power.⁵¹ The realist thinking of Waltz can be applied to examine the international security interests in the maritime sector within Indian Ocean region.⁵² Waltz argues that states possessing great-power capabilities, as supported by their geographic and economic potential, will almost invariably choose to engage in power politics and balancing behavior so as to increase their ability to manipulate the international system. According to Waltz, in a post ‘Cold War’ international system tending towards multi polarity, states will seek to balance against a hegemonic power.⁵³

As the Indian Ocean’s role as a conduit of vital and strategic resources grows, so does the propensity for International powers to exert their influence and promote their interests in this arena. Maritime security has been high on the agenda of the Brazil, Russia, India, China and South Africa (BRICS) nations and the respective leaders have supported cooperative security structures based on the belief that the benefits of cooperation must be enjoyed by the whole maritime community. Significantly, four of the five BRICS countries have been actively engaged in counter-piracy operations in the Gulf of Aden.

⁵¹ Opcit Heller pp. 20-21.

⁵² Sithara Fernando , *Chinas relations with Indian Ocean Region: Combining realist and constructivism perspectives*, Institute of Chinese Studies Delhi, Occasional paper No. 2. October, 2012 pp.22.

⁵³ Ibid, 2012 pp.22.

1.8 Hypotheses of the Study

- 1.8.1** The low capabilities among maritime diplomacy key stakeholders in Africa inhibited effective harnessing of maritime security and resource exploitation.
- 1.8.2** Efficient maritime diplomacy will lead to optimal harnessing of maritime security and resource exploitation in Kenya.
- 1.8.3** Weak diplomacy contributes to poor harnessing of maritime security and resource exploitation in Kenya.

1.9 Research Methods

1.9.1 Study design

The study adopted exploratory research design. This is where a researcher has an idea or has observed something and seeks to understand more about it. An exploratory research approach is an attempt to lay the groundwork that will lead to future studies, or to determine if what is being observed might be explained by a currently existing theory.

An exploratory design is conducted about a research problem when there are few or no earlier studies to refer to. The goals of exploratory research are intended to produce, familiarity with basic details, settings and concerns, well grounded picture of the situation being developed, generation of new ideas and assumption, development of tentative theories or hypotheses, determination about whether a study is feasible in the future and issues get refined for more systematic investigation and formulation of new research questions.

1.9.2 Study site

The study was focused on the whole of Kenya, covering atleast the major Counties in trying to understand harnessing maritime security and resource exploitation utilizing maritime diplomacy.

1.9.3 Target population

The target population was key stakeholders in maritime diplomacy. These included Sea fearers, Kenya Ports Authority, Marine police, Ministry of Tourism, Kenya Maritime Authority, Dock Workers Union, Ministry of Devolution and Planning, National Intelligence Serves, Kenya Defence Forces, Fisheries department, Ministry of Foreign Affair, Africa Union and others stake holders. This target population will be a true representative of the target group in the area of study.

Table 1: Study target population

Target	Respondents
Africa Union	3
Dock Workers Union	2
Fisheries Department	5
Kenya Defence Forces	2
Kenya Maritime Authority	3
Kenya Ports Authority	5
Marine police	4
Ministry of Devolution and Planning	3
Ministry of Foreign Affair	6
Ministry of Tourism	6
National Intelligence Serves	5
Maritime Advocates	10
Sea Fearers	3
Others	6
Total	60

Source: Researcher (2016)

1.9.4 Sample population

Purposive sampling also may be used to produce maximum variation within a sample. The key informants were key stake holders in marine security. This particular individuals were chosen with characteristics relevant to the study who are thought will be most informative. Purposive sampling also may be used to produce maximum variation within a sample. Participants being chosen based on their work and experience in the field of maritime security and maritime diplomacy matters.

1.9.5 Collection method

Secondary data was collected through books, journal, articles and periodicals. This helped capture what has already been done on maritime security from a global, regional, national and up to the local level, this information will help creating deeper undertaking of maritime diplomacy and security issues. Primary data collection was done using the qualitative and quantitative research approach. Primary data was collected using key informant and questionnaire interview.

1.9.6 Data analysis and presentation

The collected data was sorted and analyzed using document analysis and thematic analysis techniques, based on the emerging issues under study. Document analysis is a form of qualitative research in which documents are interpreted by the researcher to give voice and meaning around an assessment topic.

Thematic analysis is a qualitative analytic method for identifying, analysing and reporting patterns (themes) within data. It minimally organizes and describes the main data set in (rich) detail. A theme captures something important about the data in relation to the research question and represents some level of patterned response or meaning within the data set.

1.9.7 Data analysis and presentation

The results obtained were presented in the form of frequency tables, bar graphs, pie charts and narratives.

1.9.8 Validity and reliability

A dry-run data collection and analysis of the questionnaires was done to see if their outcome corresponded to the objectives of the study.

These were the steps taken to ensure that the study was done to the required standards according to the University guidelines. In addition, content validity was established through consultations and discussions with the research supervisor(s) who was specialized in the area of research topic. Their inputs were thus incorporated in the instruments before the actual data collection exercise.

1.9.9 Ethical consideration

The study adhered to appropriate research procedures as stipulated by learning institution, and all sources of information will be acknowledged as far as possible and the researcher will follow proper guidance from the supervisor(s).

It was a practice that before the questionnaire was administered; verbal consent was sought and given by the respondents. The respondents were informed of their right to choose not to take part in the survey. Full confidentiality was maintained especially when dealing with questionnaires and the identity of the respondents was kept secret.

Personal information was not used for the purpose of the study and the respondents were not be revealed to any other source. Participants were informed of the potential limitations to the confidentiality of any information supplied. Procedures were put in place to protect the confidentiality of information and anonymity of the participants in all research materials.

1.10 Definition of Terms

1.10.1 Maritime Security Operations: it is a governmental responsibility, but the authority to act on behalf of a state is a sovereign decision with different options. This has a strong influence on Maritime Collaboration.⁵⁴

1.10.2 Piracy: the term “piracy” encompasses two distinct sorts of offences: the first is robbery or hijacking, where the target of the attack is to steal a maritime vessel or its cargo; the second is kidnapping, where the vessel and crew are threatened until a ransom is paid.⁵⁵

1.10.3 Marine security: This addresses the safety of ships and maritime installations with the primary purpose of protecting maritime professionals and the marine environment.⁵⁶

1.10.4 Marine pollution: Coastal states in the region, particularly Indonesia and Malaysia, are very concerned about protecting the marine environment, particularly from illegal dumping at sea and ship-sourced marine pollution. These are threats to the fishing industry, coastal tourism and fragile marine environments generally.⁵⁷

1.10.5 International regimes: Defined as “negotiated systems of norms and related decision-making processes”, increasingly influence each other’s development, maintenance and effectiveness.⁵⁸

1.10.6 Maritime diplomacy: It encompasses a spectrum of activities, from co-operative measures such as port visits, exercises and humanitarian assistance to persuasive deployment and coercion.

⁵⁴ Rodrigue, J.P., (2010), p. 13.

⁵⁵ International Maritime Bureau, *Piracy and armed robbery against ships*, Annual Report, (2009), p. 197.

⁵⁶ Oceans Beyond Piracy, (2012), p. 79.

⁵⁷ Ibid, pp. 67-69.

⁵⁸ Rutgers M. A. *Splitting the Universe: On the Relevance of Dichotomies for the Study of Public Administration*, *Administration and Society* 33, no. 1 (2001), p. 15.

1.11 Study Outline

Chapter 1: Introduction to the Study

This section is made-up of the background of the study. The study lays makes a framework of the issues to be addressed and particularly, what is to be investigated, why and how. Key components of this section are the problem statement, objectives, theory, literature review and study justification.

Chapter 2: Harnessing of Maritime Security and Resource Exploitation in Africa

This Chapter demonstrated the importance of harnessing of maritime security and resource exploitation, in addition it illustrated the Blue Economy as the new and emerging frontier for economic and social transformation of countries particularly those bordering oceans.

Chapter 3: Key Stakeholders in Marine Security and Maritime Diplomacy Actors in Kenya

This Chapter showed that in order to enhance capacity building between Member States by ensuring that Countries with sea-going capability assist the coastal states within the region to acquire training and technology to attain this status and also the developed coastal states within the region.

Chapter 4: Role of Maritime Diplomacy in Maritime Security and Resource Exploitation

This Chapter highlighted the fact that maritime diplomacy has a number of forebears including privateers, state intervention in whaling disputes, and the emergence of coast guard agencies.

Chapter 5: Conclusion and Recommendations

This Chapter concludes and recommends based on the major findings, in regards to the objectives and the hypotheses of the study. It acts as the final and ultimate verdict on the issues addressed in the research.

CHAPTER TWO

HARNESSING OF MARITIME SECURITY AND RESOURCE EXPLOITATION IN AFRICA

2.1 Harnessing Natural Maritime Resources

This Chapter demonstrates the importance of harnessing of maritime security and resource exploitation, in addition it shows that the Blue Economy is the new and emerging frontier for economic and social transformation of countries particularly those bordering oceans. This chapter consists of harnessing natural maritime resources; it shows maritime resources and maritime security, it establishes Africa's position in the blue economy, maritime sector and the Indian Ocean realm and finally gives a chapter summary.

The oceans and their floors contain a wealth of resources which have benefited mankind greatly. Being in the centre of the Coral Triangle, Africa is blessed with a stunning range of marine resources.⁵⁹ However, they have yet to be fully explored and understood as only conventional marine resources such as fisheries, and oil and gas have been commercially exploited in a big way.

Bartley and Leber, (2004) state that non-traditional marine resources such as marine mineral resources, ocean energy resources, marine biotechnology, and deep marine ranching are believed to have enormous commercial potential as well. If properly developed, they can help fuel the economic growth, development and social progress of the country.⁶⁰ Unfortunately, these resources have been largely underexplored due to the lack of understanding of their features and the technical and financial challenges involved in harnessing them.

According to Berkson and Shuster, (1999) the use of living marine resources for

⁵⁹ Yaakob, O., Rashid, M., and Mukti, M., *Prospects for Ocean Energy in Malaysia*, International Conference on Energy and Environment (2006), p. 78.

⁶⁰ Bartley, D.M., and Leber, K.M., *Marine ranching*, FAO Fisheries Technical Paper. No. 429, FAO, Rome, (2004), p. 213.

pharmaceutical, natural products, and mariculture biotechnology purposes are available to some extent. On the downstream part of the production process, raw materials such as seaweed, sea horses, and sea cucumber are also readily found in African waters.⁶¹ However, upstream production of marine products is still lacking as only a handful of locally owned companies are in the value-added part of the maritime business. Hammel, (1985) observes that Africa's coastline is approximately 26,000 nautical miles. Its land mass of about 11,724,000 square miles is bounded in all directions by the sea - the Atlantic Ocean in the West, Mediterranean Sea and Red Sea in the North, and Indian Ocean in the East.⁶²

The gap in policy of maritime resource management in sub-Saharan Africa has been exploited by illicit traffickers in narcotics, weapons, migrants, and wildlife as well as pirates who have preyed on ships traversing the continent. This has made African trade more expensive and less economical.⁶³ The lack of adequate security presence in Africa's maritime spaces has also caused the continent to endure the highest level of illegal fishing in the world.

Maritime security is essential to maintaining the flow of revenues from oil and gas, which have the potential to contribute significantly to development in the region. At the same time maritime resources such as fish, aquaculture and intact ecosystems directly contribute to the livelihoods of many Africans. The unregulated development of coastal aquaculture could pose serious environmental threats and cause conflict amongst coastal communities. The practice of mangrove clearance for the construction of prawn ponds is a particular issue in both Kenya and Madagascar.

⁶¹ Berkson, J. B., and C. N. Shuster., *The horseshoe crab: the battle for a true multiple-use resource*, Fisheries 24 (1999), pp. 6-10.

⁶² Hammel, Eric. *The Root*, San Diego, CA: Harcourt Brace Jovanovich (1985), p. 45.

⁶³ Awaluddin, A., *Marine Biotechnology Research in Malaysia*, MIMA, Kuala Lumpur (2005). pp. 109-113.

2.2 Maritime Resources and Maritime Security

African maritime security debate must be taken seriously, as the world's oceans offer a most lucrative operating environment to terrorists and criminals, which comprises more than a piracy threat.⁶⁴

Maritime security is therefore one of the most neglected areas of African national security policy formulation. Even the vast economic potential of the maritime domain does not translate into the calculus of most of Africa's leaders. Countries like Nigeria, Mozambique and Angola have started to shift their thinking given offshore oil and natural gas discoveries, however, even these have not been factored comprehensively into overarching maritime security strategies. African states are slowly starting to realize that their continued development is intimately connected to the sea. However, the corresponding transition in policy thinking is not where one would wish it to be. This however is going to change.

In the early nineties, following the collapse of Somalia's government and economy, Somali-based pirates began attacking vessels and ransoming crews for private gain. Due to its location near the Gulf of Aden, a strategic maritime corridor, these actions greatly influenced maritime transportation routes and operations, costing the global economy about \$18 billion dollars in increased trading costs. The lack of regional stability, coupled with corruption, further facilitated the spread of piracy off the Horn of Africa (HOA), as criminals had little disincentive or constraint to discontinue the lucrative practice. The increase in the pirates' wealth led to the expansion of their infrastructure and capacities on land.

Somali piracy involves hijacking vessels and kidnapping crew for ransom. Generally, cargo is not stolen and hostages are rarely killed. The fatalities that do occur are typically a result of severe mistreatment or neglect at the hands of the captors. Hijacked ships and crew are held as long as necessary to obtain financial payoffs, in many cases for years. A single

⁶⁴ Mugridge, D. *Malaise or farce – The international failure of maritime security*. Defence and Security Analysis 25/3. (2009), pp. 305–311.

pirate attack can affect the interests of numerous countries, including the flag State of the vessel, the nations represented by those seafarers taken hostage, regional coastal States, as well as the nation-States of the vessel owners, of the cargo destination, and of the trans-shipment locations.

Fish stocks are an important source of protein for the region. Angolan annual per capita food supply from fish and fishery products over the period 2002–07 was 14kg per person – above the sub-Saharan average of 8kg – which is fairly typical of regional coastal nations. The poorest 40% of the regional population depend on fish as a crucial component of their diet. Illegal, unreported and unregulated (IUU) fishing by both foreign and African vessels is now a serious problem. The continuation of this activity will have an impact on the world fish markets as stocks are depleted. This global dynamic increases the incentive for a global solution.

Maritime security is important for exploiting maritime resources, securing livelihoods and development. It should, however, be framed within national and regional policy that goes beyond immediate needs and reactive engagement. Such an integrated strategy includes environmental protection, management of fish stocks, tourism and the transport needs of landlocked countries.⁶⁵ Neglect could result in acute security challenges in the future.

Ensuring the maritime security of the Gulf of Guinea is beyond the capacity of any existing regional body acting alone. A number of regional organizations share an interest in maritime security; these include the Economic Community of West African States, the Economic Community of Central African States (ECCAS), the Maritime Organization of West and Central Africa (MOWCA) and the Gulf of Guinea Commission. Geographical and mandate overlap argues for greater integration and coordination of maritime initiatives.⁶⁶

⁶⁵ Mugridge, D., (2009), pp. 305–311.

⁶⁶ Mugridge, D., (2009), pp. 315.

2.3 Africa's Position in the Blue Economy

The economic relationship with the ocean is once again evolving in important ways. As a setting for global trade and commerce, and as a significant source of food and energy, the ocean's contribution is important. This century, it is likely to become an economic force.⁶⁷

The drivers are many and varied, but have their origins in our growing familiarity with the ocean environment; new technologies that make it feasible and economically viable to tap ocean resources; longer-term growth and demographic trends fuelling; the search for food security and for alternative sources of minerals and energy; seaborne trade and rapid coastal urbanisation, among others.

The Blue Economy conceptualizes oceans and seas as development spaces where spatial planning integrates conservation, sustainable use of living resources, oil and mineral wealth extraction, bio-prospecting, sustainable energy production and marine transport.⁶⁸

The Blue Economy approach is founded upon the assessment and incorporation of the real value of the natural (blue) capital into all aspects of economic activity which includes conceptualization, planning, infrastructure development, trade, travel, renewable resource exploitation, energy production/consumption.

It is worth noting that Ocean covers 72% of the surface of our blue planet and constitutes more than 95% of the biosphere. Life originated in the oceans and they continue to support all life today by generating oxygen, absorbing carbon dioxide, recycling nutrients and regulating global climate and temperature.⁶⁹

2.4 The Indian Ocean Realm

In terms of international trade, the Indian Ocean now contains the world's most important route ways for international maritime long-haul cargo. For example, the Indian Ocean is now

⁶⁷ Mugridge, D, (2009), pp. 67-69.

⁶⁸ Rodrigue, J.P., (2010), p. 13.

⁶⁹ Ibid, (2010), p. 13.

the world's most important energy route way. In 2007, half of global daily oil production was moved by tankers on maritime routes. Since approximately 36 per cent of the world's oil imports derive from the Middle East, secure interregional oil shipments through the Indian Ocean are vital to world prosperity.⁷⁰

For millennia the people living around the Indian Ocean have benefited from its rich trade, while the interaction resulting from these maritime exploits, whether of a cultural and religious nature, or of conquest and slavery, invariably influenced their lives fundamentally. These traditional patterns of trade and communication changed drastically when first the Portuguese and then other European powers began sailing around the Cape of Good Hope to establish trade links and empires in the East.⁷¹

The Indian Ocean Rim defines a distinctive region in international politics consisting of coastal states bordering the Indian Ocean. It is an area of much diversity, in culture, race, religion, economic development, and strategic interests. The countries vary in the size of their populations, economies, trade, and technological development and in the composition of their GDP. A number of sub-regions are evident, for example Southern and Eastern Africa, Gulf of Aden, Oman Sea, South-Asia, Southeast Asia, and Australasia. It also includes a number of regional organizations, such as ASEAN, GCC, SAARC, and SADCC.

Indian Ocean security is now no longer the domain of colonial states or superpowers, but has become multifaceted and dynamic. New role players such as India and China have become major powers, and new national alliances are changing the scene. But current global realities have introduced maritime security problems as non-state actors are influencing security in the area directly and fundamentally. This is a serious development since the rich Indian Ocean maritime trade, which includes much of the world's energy trade, is crucial to

⁷⁰ Lee Cordier, Rethinking maritime security in the Indian Ocean region, *Journal of the Indian Ocean Region* 6(1) (2010), 70.

⁷¹ Ibid.

the global economy. It seems that many of the lessons of centuries gone by are again being learned – rather than doing battle, navies have to project power and play a diplomatic role to maintain good order at sea.⁷²

Chellaney, reveals that the foremost geostrategic characteristic of the Indian Ocean is that it is an area of communication, for not only countries within its Rim, but also the world. During the spring of 2000, the International Hydrographic Organisation decided to delimit a fifth world ocean, the Southern Ocean, which extends from the coast of Antarctica north to 60 degrees latitude, thereby reducing the size of the Indian Ocean, which nevertheless remains the third-largest of the world's five oceans. Furthermore, from a geostrategic view, the Indian Ocean contains notable energy reserves and facilitates the movement of this energy and maritime trade: it carries half of the world's container ships, one-third of the bulk cargo.⁷³

The ocean is a lifeline of international trade and economy, weaving together trade routes and controlling major sea lanes. The Indian Ocean's recent history illustrates the geopolitical dynamics of the region. After the Second World War, decolonisation meant the end of British hegemony in the Indian Ocean, and the escalation of superpower rivalry due to the region's strategic importance. The common historical experience of European imperialism had left a sense of shared identity, and it seemed only logical for the IOR countries to rediscover the past littoral economic, social and cultural community, of an ocean-centric, regional, co-operative grouping serving as a bridgehead between Africa, Asia, and Australasia. In late 1940s, the Indian Ocean was a relative backwater. Oil was less than \$2 a barrel. White regimes ruled Angola, Mozambique, Rhodesia and South Africa. British units

⁷² Lee Cordier, Rethinking maritime security in the Indian Ocean region, *Journal of the Indian Ocean Region* 6(1) (2010), 70.

⁷³ Chellaney B, (2008) 'Chinese navy aims to challenge India's pre-eminence in the Indian Ocean: dragon in India's backyard', *Asian Age*.

were still in the Persian Gulf (as they had been, intermittently, for 150 years). However, developments from the 1950s propelled the Indian Ocean to the forefront of international affairs: the British withdrew from Suez; another Indo-Pakistani war began; the two superpowers increased naval activity in the region; the last of the island and colonial states were granted independence; the oil crisis occurred in 1973; racial conflict escalated in South Africa; Iran had a revolution; and the Soviet Union invaded Afghanistan.⁷⁴

History shows that major shifts between great powers and regions rarely occur and, just as tectonic plates shifting on an ocean bed cause a tsunami, so too these shifts are accompanied by waves of turbulence and high levels of tension throughout the world. Power is not readily yielded, and is accompanied by tremors, as the heavily populated states of Asia seek a greater stake in the world's economy and affairs. South-East Asian states are steadily integrating their economies through trade and investment treaties.⁷⁵

All of the nations surveyed above are involved to some degree with maritime military engagement and co-operation in Africa, mostly at bilateral level. At continental level, the African Union (AU) has responded to initiatives from the EU, the US, China, France and India – countries/region that have institutionalized political mechanisms to deal with security issues as part of devolved processes. Its response has generally been to accept invitations to conferences and to establish and institutionalize mechanisms with these partners. The process then is for the AU to devolve to its member states the decisions and actions required for implementation against agreed target dates. However, the AU has insufficient capacity to deal with often technical issues, and the legal and/or scientific expertise provided by these

⁷⁴ Hoge JF (Jr), (2009) 'Global power shift from West to East in making: growing economy turns into political military power', The Seoul Times.

⁷⁵ Chellaney B, (2008) '*Chinese navy aims to challenge India's pre-eminence in the Indian Ocean: dragon in India's backyard*', Asian Age.

extraneous stakeholders often shape Africa's response and effectiveness.⁷⁶

Furthermore, African states themselves generally do not possess the capacity to monitor and implement, to the required standard and at the right time, the high volume of resolutions and actions that emanate either from its continental or their regional structures; the result is often 'no action taken'. The general impression of Africa's maritime initiatives seems to be 'how passive Africa has been in this whole affair'. The following section therefore gives an overview of the institutional mechanisms that operate in the maritime military domain, as they affect or are given effect to, by Africa.⁷⁷

African states like Kenya have a large stake in the Indian Ocean and many have significant maritime security problems. It is important that they improve their maritime security and participate as equal partners in the Indian Ocean security debate. Although this seems obvious, in practice it may not be that easy to achieve since the landward security concerns of African IOR states are usually dominant and many African countries lack maritime capacity.⁷⁸ In the case of Kenya, it is extremely difficult to apply the traditional concept of security based on the realist theory.

2.5 Chapter Summary

This chapter discussed issues in harnessing of maritime security and resource exploitation in Africa, the study notes that for East Africa the main threat to maritime security in this region would be if a decreased naval presence and industry commitment to vessel self-protection measures, such as the Best Management Practices (BMP) leads to a resurgence of Somalia-

⁷⁶ Sieff M, (2009) '*Russia unveils tough new security strategy*', United Press International.

⁷⁷ Magnier M, (2010) '*India embraces Russian arms. New Delhi signs five deals, buying fighter jets, an aircraft carrier and nuclear reactors*', *Los Angeles Times*.

⁷⁸Ibid.

based piracy without a lasting framework to address the problem. Concerns were also expressed that a lack of commitment by navies and industry might lead to an increase in other types of maritime crime in the Western Indian Ocean and pose a threat not only to shipping, but also to the growth and stability of regional countries.

The study notes that because the main piracy networks in Somalia have not been sufficiently dismantled - resurgence in pirate activity would be very likely if efforts are drawn down too quickly.

The study further notes that human resource development is a fundamental component of any maritime strategy. This includes training for personnel in their specific tasks and how best to integrate their roles with personnel from commerce. Systems integration and technological upgrades may also be required. Public awareness of the inherent value of maritime resources is fundamental to success – and understanding the impact of human activities on the maritime systems should lay the foundation for responsible utilisation of these disappearing resources. Credible information is essential in the forming of opinions therefore marine science and technology.

CHAPTER THREE

KEY STAKEHOLDERS IN MARINE SECURITY AND MARITIME DIPLOMACY

ACTORS IN KENYA

3.1 Status of Maritime Security in Kenya

Maritime security is a key component of collective security and thus forms part of the foundation for economic development.⁷⁹ Africa is the only major region in the world that does not have its own maritime policy or strategy, despite the acknowledged importance of this component of any national or regional economy.

Bennett and Söderland, (2008) note that given its unique continental needs, priorities and requirements, Africa therefore needs to develop its own maritime strategy to promote economic development for its people through improved maritime security, leading to improved global competitiveness for its goods and services.⁸⁰ The notion of blue economies is one that has recently gained attention as an avenue for development in Africa. The fairly new concept of the Blue economy encapsulates all of the potential of oceanic resources and was at the center of the Africa's Union's (AU) Agenda 2063, where it was unanimously declared 'Africa's future'.⁸¹ According to Cordier, more than 50 countries worldwide have made full or preliminary submissions to the United Nations (UN) to increase their maritime territory. They include Kenya, Ghana, South Africa, Mauritius, Nigeria, Togo, Benin, Somalia and Gambia. If successful, these applications will add hundreds of thousands of km² of maritime territory to each country. It will also encourage the search for energy and mineral resources on the sea bed.⁸² In Eastern Africa, the Indian Ocean and its inland water bodies

⁷⁹ Meredith, M., *The State of Africa. A History of Fifty Years of Independence*, Johannesburg, (2005), p.469.

⁸⁰ Chris Bennett and Angel Söderland, *South Africa's Navy*, Simon's Town: SA Navy, (2008), 61–63.

⁸¹ *Ibid*, (2008), 61–63.

⁸² Lee Cordier, *Rethinking maritime security in the Indian Ocean region*, *Journal of the Indian Ocean Region* 6(1) (2010), p. 70.

and rivers are of great importance and the ‘Blue economy’ is becoming an important concept. Cordier found that nations will soon formally change their status from coastal states to oceanic states. Critics of the process say that it will lead to resource stripping and environmental pollution at sea and on land, and should be resisted, by force if necessary.⁸³ This contentious ‘scramble for the sea’ is likely to be one of the major challenges for African maritime security during the 21st century.

There are various criteria used to designate states as Indian Ocean states. Some of them include 51 coastal and landlocked states, namely 26 Indian Ocean Rim (IOR) states, five Red Sea states, four Persian Gulf states, Saudi Arabia, France, Britain and 13 landlocked states.⁸⁴ The East African region is increasingly relevant in terms of international security. Given its geopolitical importance located between the Indian Ocean, the Arab world, the Sahel zone and Southern Africa, the region is a vital partner to ensure stability in the wider Horn of Africa (Somalia, Sudan, Eritrea) but also as stability exporter (Ethiopia, Kenya, Uganda) towards volatile neighboring regions to its North and West.⁸⁵

Bouchard and Crumplin further reveal that with a number of East African countries like the Seychelles, Mauritius, Djibouti, Somalia, Kenya, Tanzania and Madagascar bordering the geo-strategically highly sensitive Indian Ocean - stretching from the Strait of Hormuz to the Straits of Malacca - they are part of a new Great Game of maritime interests of major powers vying in the Indian Ocean for a level-playing security field, an area channeling some 50 percent of global maritime trade.⁸⁶ The study found that in the Eastern Africa

⁸³ Lee Cordier, (2010), p. 70.

⁸⁴ Don Berlin, *Sea power, land power and the Indian Ocean*, Journal of the Indian Ocean Region 6 (2010), pp.52–53.

⁸⁵ Bouchard, C. and Crumplin, W., *Neglected no longer: the Indian Ocean at the forefront of World geopolitics and global geostrategy*. Journal of the Indian Ocean Region, Vol. 6 (2010), p. 42.

⁸⁶ Bouchard, C. and Crumplin, W., (2010), p. 42.

development of the ‘blue economy’ builds on to some activities that have already been taking place for centuries in the region but pushes the boundaries and includes new grounds in other respects such as ‘deep-sea mining’ and renewable ocean energy. The Eastern African region is facing severe poverty challenges and sustainable economic growth is imperative to the region’s development. The blue economy can provide opportunities as for example in the last few years in Kenya, Uganda, and Tanzania have discovered large quantities of commercially viable oil and gas deposits, with the potential for even more discoveries as more aggressive prospecting continues.

The geo strategic and geo economic importance of the Indian Ocean region has seen increasing security interest in the region by the China , United States, India, Kenya, South Africa, Australia and European Union countries. The security of shipping and sea lanes of communication (SLOCs) in the Indian Ocean is an issue of major strategic concern.

Potgieter notes that the Indian Ocean is critical to the world trade and energy security. Resources increasingly are being exploited by its littoral and island states. It is also a stage for the pursuit of global strategic and regional military and security interests. The region has a huge potential to spur economic growth to the states of the region and beyond yet it also has the potential to bring crises.⁸⁷ It is a region in which instability and conflict can quickly arise from imprecise border delineations, internal conflicts, issues of energy and resource security and changing national interests.

Kenya has a 536 km long coastline on the Indian Ocean and is geo-strategically located within East Africa. The port of Mombasa and the upcoming Lamu port are strategic in positioning Kenya as a major transport and distribution hub for the East and Central African land locked countries. It is in this regard that Kenya's foreign policy seeks to support its national-interest and ensure that its national security and potential for social and economic

⁸⁷ Bouchard, C. and Crumplin, W., (2010), pp. 42 - 50.

development is secure. Central to this approach is the protection of its economic interests and, as an extension thereof, protecting access to the sea and the important international trade routes that traverse the Indian Ocean.

The Indian Ocean is therefore critical in Kenya's quest of becoming a middle income country by 2030 as it offers opportunities for opening new markets, and investment. The Indian Ocean Region also poses non-traditional threats, such as piracy and drug trafficking, to international security that have the potential to negatively undermine Kenya's national interest hence the need for Kenya to enter beneficial security alliances. Kenya will therefore be required to identify the strategic imperatives it needs to protect, advance and adopt with regard to the Indian Ocean region to ensure that its national interests, national security and potential for social and economic development are all secure.

African states like Kenya have a large stake in the Indian Ocean and many have significant maritime security challenges. It is important that they improve their maritime security and participate as equal partners in the Indian Ocean security debate. Although this seems obvious, in practice it may not be that easy to achieve since the landward security concerns of African IOR states are usually dominant and many African countries lack maritime capacity.⁸⁸

The Indian Ocean Region contains an abundance of minerals, oil and natural gasses. The Indian Ocean Region's littoral states contain more than two-thirds of the world's known oil reserves, 35 per cent of the world's gas reserves, 60 per cent of uranium, 40 per cent of gold, 80 per cent of all diamond deposits and a large variety of other mineral substances. These natural resources have created a great degree of wealth in some key Indian Ocean Region states, while others have either been lacking in resources, or, for socio-historical reasons, have been unable to capitalize on such potential sources of wealth, largely due to

⁸⁸ Bouchard, C. and Crumplin, W., (2010), p. 56.

conflict or poor governance.⁸⁹ The Republic of Kenya is the regional hub for trade and finance in East Africa. Its economy, however, is constrained by effects of corruption and an overdependence on low-priced primary agricultural goods in world markets.⁹⁰

Kenya has participated in prominent regional maritime diplomatic initiatives and provided leadership in solving regional conflicts, as it did during the Sudan peace process that culminated in the formation of the new state of South Sudan and the establishment of a transitional national government – later the transitional federal government – in Somalia. The country also has high diplomatic standing arising from its hosting some of the largest diplomatic missions and international agencies in sub-Saharan Africa, while maintaining a moderate profile in international politics by adopting a posture of ‘silent diplomacy’.⁹¹

Maluki, (2011) recognizes that aside from definition problems in the Indian Ocean Realm, there exists a variety of other obstacles which may hinder cooperation in this zone. In as much as the Indian Ocean Community makes eminent sense in theory, the situation is different very different in practice.⁹² Hence the Indian Ocean Zone is characterized by great socio-economic diversities that often make it a challenge to prosper, both economically and culturally. The Indian Ocean, the third largest ocean in the world (after the Pacific and the Atlantic), occupies approximately 20 percent of the Earth’s sea surface, covering a total area of 73.56 million square miles.⁹³ Kenya territorial waters in the Indian Ocean cover a surface area of approximately 230,000 square kilometers and a distance of 200 nautical miles offshore, while the navigable inland waterways cover a surface area of approximately 10,700

⁸⁹ Bouchard, C. and Crumplin, W., (2010), p. 60.

⁹⁰ Kenya, Ministry of Planning and National Development, Vision 2030: A Globally Competitive and Prosperous Country, Popular Version. Nairobi, (2007).

⁹¹ Nyimadu, A. *Potential Consequences of Re-Routing*, Coordinating an International Approach to the Payment of Ransoms: Avoidance of and Alternatives to Ransom Payments, Chatham House, (2012), pp. 57-59.

⁹² Maluki P.M, *Regionalism in the Indian Ocean: Order, Cooperation and Community*, VDM Verlag (2011), p. 8.

⁹³ Bouchard, C. and Crumplin, W., (2010), p. 56.

square kilometers. The maritime sector plays a significant role in the social and economic development of Kenya and over 95 percent of Kenya's international trade is transported by sea while it is estimated that over 50,000 Kenyans are employed directly or indirectly in the sector.⁹⁴

The Port of Mombasa is a major and vital link in the transport chain linking Kenya and the wider East and Central Africa region and not less than six countries rely on it for their import and export business. About 30 percent of the port's throughput is transit cargo to and from a vast hinterland of nearly 120 million people in Uganda, Burundi, South Sudan, the Democratic Republic of Congo, Rwanda and Northern Tanzania. Kenya's maritime comprises mainly of seaports, commercial shipping services among others. Kenyan waters are a vital transit route for oil tanker route connecting the oil producing countries of the Middle East with and Europe via the Cape.

Mombasa Port is the largest port in the region. It has the largest number of berths (29) and the shortest dwell time (5 days).⁹⁵ In terms of tonnage and containers handled, Mombasa Port is the third-largest port in Africa, behind Durban and Port Said. However, the Port is struggling with capacity constraints. Investment in enhancing berths and terminals are required if the port is to maintain its position as a key trading point in Africa. Institutional reforms, such as facilitating greater private sector involvement in the running of the port, may also be necessary to achieve efficiency improvements. Looking forward, a \$478.9 million port is being constructed in Lamu by a Chinese company. The port would have 32 berths. It is part of a United States Dollars (USD) 24 billion transport corridor project, which would

⁹⁴ Maluki P.M, *Regionalism in the Indian Ocean: Order, Cooperation and Community*, VDM Verlag (2011), p. 8.

⁹⁵ AfDB, (2010).

link Ethiopia and South Sudan to the sea.⁹⁶ Maritime security is a key component for the attainment of Kenya's economic development. Over 80 Percent of the world trade is carried on approximately 93,000 merchant vessels which are crewed by 1.2 million seafarers and almost 6 billion tons of cargo.⁹⁷ Kenya claims a number of maritime zones in accordance with the laid down provisions of UNCLOS, which provides the basic legal framework for oceans management and sets out the principles and norms that apply to States parties. The territorial sea extends up to 12 nautical miles (M), measured from the baseline. Kenya does not need to proclaim this area as its sovereignty extends to the territorial sea as an inherent part of its territory. This zone includes sea; air space; bed; and subsoil. While the country has full sovereignty over its territorial sea, ships of all States, however, enjoy the right of innocent passage.

The contiguous zone extends from the outer limit of the territorial sea to up to 24 M, measured from the baseline. The country must proclaim the zone which includes the sea and seabed as it has not done so.⁹⁸

The Country may however exercise the control necessary to: prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea; punish infringement of the above laws and regulations committed within its territory or territorial sea; control traffic in archaeological and historical objects found at sea; and punish unauthorized removal of such objects from the contiguous zone's seabed.

⁹⁶ Maluki P.M, *Regionalism in the Indian Ocean: Order, Cooperation and Community*, VDM Verlag (2011), p. 8.

⁹⁷ Ibid, (2011), p. 8.

⁹⁸ Ibid, (2011), p. 8.

3.2 Maritime Diplomacy in Kenya

Katsumata defines defence diplomacy as a process that may involve politicians, personnel from the military, police, coastguard, and intelligence services; it may also include people from non-governmental organizations, think tanks, and society at large.⁹⁹ As well as making use of ad hoc or semi-formal contacts, defense diplomacy may embrace formal institutional relationships, either as specialist defense diplomacy bodies, or as adjuncts to existing security-related institutions, such as the North Atlantic Treaty Organization (NATO) or the Association of South-East Asian Nations (ASEAN).

Kaplan reveals that gunboat diplomacy also known as maritime diplomacy is not an activity or an idea confined to history. Gunboat diplomacy has been used by both developed and developing countries in recent years.¹⁰⁰ It maintains its relevance through its utility; gunboat diplomacy is a pursuit that allows actors to coerce others while avoiding large-scale conflict and its attendant costs.

Maritime diplomacy therefore remains a unique and useful tool for navies and governments worldwide, and one that continues to be utilised to further state interests. It inhabits an exclusive position in the pantheon of a state's diplomatic arsenal, involving the actual use of security forces to affect another actor's policy through the use, demonstration or threat of limited sea-based force.

Maritime diplomacy is both an excellent measure of stress in the international system and a valve through which that stress can be released. Where coercive maritime diplomacy happens, it is inevitable that a disagreement between actors has occurred or is likely to occur. The incidence of maritime diplomacy itself can mitigate any potential conflict, deterring adversaries, removing threats or solving disagreements through the use or threat of limited

⁹⁹ Katsumata, H. *Self-defense issues central in LDP Race*, The Daily Yomiuri, (2006) p. 4.

¹⁰⁰ Robert D. Kaplan, "Center Stage for the Twenty-first Century", *Foreign Affairs*, March/April 2009, Vol. 88 Issue 2; and Robert Kaplan, "Power plays in the Indian Ocean: The Maritime Commons in the 21st Century", in Abraham M. Denmark and James Mulvenon, eds, *Contested Commons: The Future of American Power in a Multipolar World*, Washington: Center for New American Security.

force. It is, therefore, both a predictive and preventive tool, often used by governments and navies to avoid and deter conflict, but also to make a political point.

Maritime security operations on the high seas or in its exclusive economic zones, territorial seas, internal seas, inland rivers, ports, and waterways, Kenya must have well-trained, properly equipped, and ready maritime security personnel from both the Kenya Defence Forces and national, regional, and local law enforcement agencies to detect, deter, interdict, and defeat any potential adversary.

A defence attaché (DA) is a member of the armed forces who serves in an embassy as a representative of his or her country's defence establishment abroad and in this capacity enjoys diplomatic status and immunity.¹⁰¹ DA is a generic term that covers personnel from all branches of the armed services, although some larger countries may appoint an attaché to represent an individual service branch, such as an air force or naval attaché.

The DA is usually responsible for all aspects of bilateral military and defence relations. Some countries also deploy attachés to work on other security issues, such as migration or police and justice matters.

3.3 Key Stakeholders in Marine Security for Kenya

The ultimate aim of maritime security is to contribute to making the maximum use of the present and future opportunities provided by the lawful uses of the sea for the benefit of Kenya's well being and prosperity, always in consonance with commitments to, and common projects with, partners and allies and bearing in mind the aspirations of the international community as a whole.

The Government of Kenya has through various policy and legislative instruments conferred on various Government agencies specific enforcement and security functions in the

¹⁰¹ Office of the Director of National Intelligence, *Global Trends 2030: Alternative Worlds* (Washington, DC: national Intelligence Council, December 2012).

maritime realm. The comprehensive approach to maritime security, accounts for this principle of unity of action and must in turn be fully managed through a National Security System.¹⁰² This is the involvement, coordination and harmonization of all government agencies mandated by law to ensure maritime security in Kenya.

The aim is also to address the public- private sector coordination in the country and also involvement of the society in general. All partners from civilian and military authorities (law enforcement, border control, customs and fisheries inspection, environmental authorities, shipping supervision, research and innovation, navies) to industry (shipping, private security, communication technology, capability support, social partners) need to cooperate better.

In view of the foregoing the National Maritime Security Committee was set up in 2010. There was need for interagency collaboration in handling security threats. The committee meets on a monthly basis under the aegis of the regional administration and is yet to be formalized. The Committee comprises of agencies including but are not limited to: the Kenya Navy, Maritime Police, Kenya Maritime Authority, Kenya Revenue Authority (Customs Department), National Intelligence Service, Kenya Ports Authority, Kenya Wildlife Services, Kenya Prisons, National Environmental Management Authority (NEMA), The Judiciary, State Department of Fisheries, Department of Immigration and Ministry of Health (Port Health).¹⁰³

A number of authorities have subject-matter specific responsibilities for enforcing Kenyan law at sea: Kenya Revenue Authority (KRA) Customs, Kenya Wildlife Service (KWS), Fisheries, Maritime Police, Kenya Navy, Immigration, etc. Except for Kenya Customs, no other authority claimed to have police powers at sea to enforce any Kenyan law

¹⁰² Kenya Maritime Authority, (2006)..

¹⁰³ Kenya Maritime Authority, (2006).

(Maritime Police and KWS). The Kenya Maritime Authority (KMA) has the legal authority to take measures to prevent, reduce and control pollution of the marine environment. A National Oil Spill Contingency Plan is in place. Kenya Ports Authority (KPA) has capability for combating oil spills and the Oil Spill Mutual Aid Assistance Group (comprising Oil industry companies) has a cache of equipment for this purpose.¹⁰⁴

In each case maritime law enforcement powers are limited to Kenya's territorial sea and landward thereof in its ports, harbours and marine reserves. None have authority or capacity to exercise the mandate in Part III of the Maritime Zones Act, Chapter 371, to protect Kenya's living and non-living resources in its exclusive economic zone (especially fisheries) and continental shelf, or to preserve and protect the marine environment including from pollution; nor is there operational and maintenance funding committed to do so.

As with many other developing coastal and island States, Kenya's maritime law enforcement responsibilities are spread among various agencies, such as fisheries, customs, environment, wildlife, maritime police, each of whom possess (or seek) capabilities to operate at sea. There is no single agency that is empowered to enforce all of Kenya's criminal laws applicable at sea (except perhaps Kenya Customs, Maritime Police Unit and KWS).

Kenya has taken major steps in enhancing its capabilities to deal with cases of suspect pirates. It has greatly benefited from the assistance provided to date and to be provided in the next year by the EC/UNODC Counter-piracy program. Additional assistance will nevertheless continue to be needed. As a result of the consultations during the course of this mission, many Kenyan officials have a greater appreciation of the importance of Kenya's role in dealing with piracy. Perhaps more importantly, these officials are aware of the need of, and have the desire to, enhance Kenya's overall maritime law enforcement abilities and overcome the challenges to achieving that result. The international community, working together, can

¹⁰⁴ Ibid.

help enable Kenya to achieving greater maritime law enforcement capability. Maritime security in each of the maritime interest areas is the responsibility of a different agency with multiple jurisdictions and functions. Integrating these disparate maritime security interest areas requires a clear delineation of roles and responsibilities and cannot be achieved through cooperation alone.

In particular, to achieve unity of effort and operational effectiveness, maritime security personnel from both the Kenyan Defence Forces and law enforcement agencies must have the capability and authority to operate in mutually supporting and complementary roles against the spectrum of expected security threats. These agencies must have a high degree of interoperability, reinforced by joint, interagency, international training and exercises to ensure a high rate of readiness, and supported by compatible communications and, where appropriate, common doctrine and equipment.

Kenya, like any other coastal State, faces a myriad of environmental challenges and impacts due to rapid development and socio-economic activities in its coastal and marine areas. These activities are mostly associated with industry, tourism, agriculture, fishing and more recently oil exploration in the offshore area. While these activities are going on, there is no overarching legal and institutional framework to guide them comprehensively, thus the many challenges and pressures being faced by the users, the existing institutional arrangement and the associated ecosystems. In order to address the above scenario, the Kenya Government constituted and subsequently gazetted a national Task Force (TF) to formulate an integrated ocean management policy including institutional framework, to guide the use and management of the ocean space and resources within it among other wide terms of reference. Most institutions in Kenya have an enabling law that mandates them to carry out

their specific functions.¹⁰⁵ However, most of these laws are old and archaic as they were developed during the colonial era, except for Environment Management and Coordination Act of 1999 which is more comprehensive and responsive to recent environmental challenges facing the country. The naval forces and the shipping industry have worked together to advise ship operators and captains crossing the Gulf of Aden and the Arabian Sea on how they should prepare their vessels and crews for the pirate threat.¹⁰⁶ It seems to be working in most cases and echoes the position of the International Maritime Organization (IMO) that seafarers should not be armed and that masters should apply the techniques when evading pirates as opposed to using armed guards on board which may endanger the lives of seafarers.

The use of Privately Contracted Armed Security Persons (PCASPs) has brought with it some solutions but also serious challenges. 90 percent of attacks have been repulsed by armed guards on board the vessels and no vessel carrying the PCASP has been pirated. It has been noted that in some instances, however vessels carrying armed guards on board do not report to the Maritime Security Centre (Horn of Africa) as they transit the affected area. This may be due to the fear that if they declare that they have armed guards on board, the patrol naval vessels may not give them much attention and security as they traverse the affected area as compared to vessels with no armed guards.

3.4 Maritime Opportunities and Challenges for Kenya

Coastal States within the Region have a role under their international obligations to ensure maritime security noting that more than 90 percent of international trade passes through the sea.¹⁰⁷ Marine resources in Kenya comprise both living and non-living which need to be

¹⁰⁵ Maluki P.M, *Regionalism in the Indian Ocean: Order, Cooperation and Community*, VDM Verlag (2011), p. 8.

¹⁰⁶ Ibid, (2011), p. 8.

¹⁰⁷ Nancy Karigithu, *Maritime Security and Its Impact on Trade in the Region*, A speech by former managing director of Kenya Maritime Authority - now she is principle secretary, (2014).

exploited in integrated management approach and in a sustainable manner. Coastal ecosystems in the Kenya coast include coral reefs, coastal forest, mangroves, sea grass beds, and bush land, coastal grasslands, marine beaches and dunes, estuaries and other wetlands. There is also a complex system of bays and some coral islands.

National and world heritage areas attract tourism, supporting regional economic development. Both domestic and international tourism contribute towards the conservation of cultural heritage in Kenya. In recent years, however, cultural heritage has been under increasing pressure from population growth, deforestation, farming and uncontrolled tourism. The contribution of tourism to the coastal economy accounts for approximately 45 per cent of the GDP. In between June 2006 to July 2013, an annual average of 80,000 tourists visited Marine Parks along the coast located at Kiunga, Watamu, Malindi, Mombasa and Kisite Mpunguti.¹⁰⁸ This brings forth important revenue that contributes to Gross Domestic Product (GDP) as well as the economic well being of communities along the Coast.

Exploration of oil and gas is ongoing at the coast of Kenya with a positive outlook. Another discovery was made earlier at Lokichar, near Lake Turkana in the north-western part of the country. Kenya has four principal exploration basins – Lamu, Anza, Mandera and Tertiary Rift – where the oil and gas blocks are located. Increased exploration comes on the back of discoveries of hydrocarbon deposits in the country.

The Kenya coast hosts mammals, birds, fishes and plants that are endemic to Kenya. The area also harbours habitats for majority of Kenya's internationally threatened species. Of the 159 species of trees and shrubs that are considered threatened, 60 of them come from the coast; of the 71 species of threatened birds, 19 inhabit the coast while out of the 9 threatened mammal species, 5 are found in the coastal environment. These threatened species include marine mammals (such as whales, dolphins and dugongs), sea turtles, shoreline birds and fish.

¹⁰⁸ Maluki P.M, *Regionalism in the Indian Ocean: Order, Cooperation and Community*, VDM Verlag (2011), p. 8.

In 2005, fisheries contribution to the national economy stood at 5 Percent of the GDP of which about 5.6 Percent comes from marine fisheries. Artisanal fishery lands 95 per cent of the total marine catch, contributes 6 per cent to the coastal economy and is the main source of livelihood for more than 60,000 households.¹⁰⁹ There is growing concern about over exploitation and associated declining catch within inshore marine fisheries, while the offshore deep sea fisheries have remained largely unexploited by Kenya.

In the recent past Kenya's maritime trade and economy has been negatively impacted by maritime threats arising from among others, piracy in waters off the west Indian ocean and the Gulf of Aden as well as terrorism, trafficking of illegal immigrants, contraband trade, proliferation of arms, illegal bio-prospecting, Illegal Unregulated and Unreported (IUU) fishing, illegal dumping of toxic waste, introduction of alien species, drug trafficking, smuggling of illicit nuclear and radioactive materials and the destruction of marine environment.

Due to the stability within the Kenyan waters owing to the entry of the Kenyan Defence Forces into Somalia on 11th October 2011, the piracy threat is now contained. In addition Best Management Practices by vessel owners and security on board ships has contributed to the decline.

Due to incidents of piracy, cruise ship companies changed to other port destinations. Cruise ships visiting Port of Mombasa reduced from 16 in 2009 to 2 in 2013. This is attributed to the rise in Piracy attacks which has since been contained with the operations of KDF in the Kenyan Waters and Somalia. It is therefore expected that there will be a rise in the number of Cruise vessels visiting the Port of Mombasa given the prevailing calm.

There is an increased foreign fishing vessel incursion into Kenya's EEZ, which may

¹⁰⁹ Maluki P.M, *Regionalism in the Indian Ocean: Order, Cooperation and Community*, VDM Verlag (2011), p. 8.

have serious economic consequences for Kenya. Protecting our fish stocks from unlawful or hostile damage is a matter of national concern. Potential consequences of such damage include conflict and regional instability among nations over the control of marine resources to the detriment of all.

Current statistics on watercraft landing sites and private jetties by Administrative Boundaries are estimated to be over two hundred. The landing sites and private jetties are controlled by the private home owners and pose a risk to legitimate trade and national security as they can be potentially used as conduits for contraband trade.

The main challenge for the Region especially Kenya has been the need to plan to expend limited resources in pursuit of a clear and achievable objective given limited assets in developing effective policies for ensuring maritime security. Awareness of the importance of the maritime environment is evident, but unfortunately not at the level that would raise its profile or change its priority.¹¹⁰ In Africa, the danger of addressing an all-inclusive maritime strategy at the outset for the benefit of the economy has made the task appear and prove to be complex and daunting, reducing its chances of success.

Among the major threats facing the coastal and marine environment include pollution, over-exploitation, destructive fishing practices, uncontrolled development, coastal erosion and climate change among others. Human activities including urbanization and industrial development; and unplanned shoreline development among others have led to physical alteration and destruction of key habitats and other resources which support livelihoods and economic development. These problems have been compounded by the lack of institutional coordination framework and failure by sectoral efforts to recognize the interdependence and interconnectedness of the coastal environment resulting in poor planning, conflicting policies

¹¹⁰ Nancy Karigithu, *Maritime Security and Its Impact on Trade in the Region*, A speech by former managing director of Kenya Maritime Authority - now she is principle secretary, (2014).

and duplication of efforts.

Concerns on marine environment relate to water pollution from ship operational wastes, oil or chemical spills, urban and industrial wastes, degradation of water quality from increased use of pesticides and fertilizers, deforestation, soil erosion and desertification. The protection of the marine environment and living resources is very important to Kenya's economy as she relies heavily on shipping, tourism and fisheries which would be adversely affected by any oil or chemical pollution incidents. Kenya loses marine fishery resources worth Ksh.10 billion annually due to illegal fishing activities perpetrated by foreigners who carry out illegal fishing in the country's Exclusive Economic Zone (EEZ), robbing the government of fish of great value such as tuna.¹¹¹ The fish that is being caught illegally by the foreigners in the local territorial waters ends up being sold into the country at exorbitant prices.

Many of Africa's littoral and island states are in the process of developing, national maritime strategies to safeguard their assets. The desire for 'good order at sea' is evident based on the creation of collaborative maritime security architecture. However, it will require the enforcement of maritime legislation at national levels to remove those factors that would negatively affect the free flow of goods. Maritime legislation would, in turn, strengthen the maritime institutions which are crucial for a maritime strategy. The combination of strengthened and coherent legislation and institutions would better regulate the fishing industry; it would enhance the policing of, and prosecution for, illegal acts, eg piracy, and the dumping of waste materials; pollution will be policed; smuggling and illicit trade could be countered; transnational or cross-border crime would be better monitored and reduced; and

¹¹¹ Maluki P.M, *Regionalism in the Indian Ocean: Order, Cooperation and Community*, VDM Verlag (2011), p. 8.

the safe navigation of shipping guaranteed.¹¹² This is the policy foundation required for the strengthening of maritime safety in Kenya.

In Kenya Piracy has led to the rise in transport logistics costs as ship owners raise charges to cushion themselves against the additional costs they incur as they detour from the normal maritime transit routes and also hire armed guards on board the vessels to keep the pirates at bay. The analysis used 2010 for the estimates and the focus was on the overall cargo handled at the Port of Mombasa to approximate the cost of piracy to the region in US Dollars.

The prospect of major regional conflicts erupting, escalating should not be discounted. Some states provide safe havens for criminals and terrorists, who use these countries as bases of operations to export illicit activities into the maritime domain and into other areas of the globe. There exists the possibility of Nation State conflicts as a result of scramble for resources and border disputes such as the dispute over Migingo Island between Uganda and Kenya.

Non-state terrorist groups that exploit open borders challenge the sovereignty of nations and have an increasingly damaging effect on international affairs. Terrorists have also taken advantage of criminal smuggling networks to circumvent border security measures. Terrorists can also take advantage of a vessel's legitimate cargo, such as chemicals, petroleum, or liquefied natural gas, as the explosive component of an attack. Vessels can be used to transport powerful conventional explosives or weapons of mass destruction (WMD) for detonation in a port or alongside an offshore facility.¹¹³

Intentional acts that result in environmental disasters can have far-reaching, negative

¹¹² Nancy Karigithu, *Maritime Security and Its Impact on Trade in the Region*, A speech by former managing director of Kenya Maritime Authority - now the principle secretary, (2014)., p. 30

¹¹³ Nancy Karigithu, (2014), p. 24.

effects on the economic viability and political stability of Kenya. Additionally, in recent years, competition for declining marine resources has resulted in a number of violent confrontations as some fishers resort to unlawful activity. These incidents underscore the high stakes for Kenya as diminishing resources, such as fish stocks, put increasing pressure for Kenya to undertake more aggressive actions.

Similarly, massive pollution of the oceans, whether caused by terrorists or individuals who undertake intentional acts in wanton disregard for the consequences, could result in significant damage to ecosystems and undermine Kenya's economic security because of its high dependence on marine natural resources. Between the year 2012 and 2014, there have been a number of Oil Spill incidences such as a fuel bowser overturned near Kenya Ports Authority (KPA) headquarters office on September 2013 releasing three tons of oil into the water and at African Marine a ship ruptured its hull releasing an estimated 10,000 litres of oil into the sea on 13th April 2014.¹¹⁴

Illegal migration is a long-standing issue that will remain a major challenge to regional stability, and it will be one of the most important factors affecting maritime security. Transnational migration, spurred by a decline of social well-being or internal political unrest, has become common over the past decades. The potential for terrorists to take advantage of human smuggling networks in attempts to circumvent border security measures cannot be ignored. As security in our ports of entry, at land-border crossings, and at airports continues to tighten, criminals and terrorists will likely consider our relatively undefended coastlines to be less risky alternatives for unlawful entry into Kenya.

The study further notes, that just as the world's oceans are avenues for a nation's overseas commerce, they are also the highways for the import or export of illegal commodities. The political commitment to the issue was illustrated at a debate held by the

¹¹⁴ Ibid, (2014), pp. 18-22.

United Nation's Security Council in December 2009 on the transnational threats posed by drug trafficking to peace and security. East Africa is the major conduit for smuggling heroin from South-West Asia into Africa. The commercial seaport of Mombasa which serves many land locked countries in East and Central Africa has been exploited by drug traffickers as one of the avenues. A case in point is the recent report which indicated that a dhow laden with at least one tonne of heroin was anchored in Kenya's territorial waters for more than 10 days, where local and international drug traffickers purchased the drug before Police intercepted the consignment worth more than two hundred million shillings (200 Million).

Smuggling affects our country's economy in multidimensional ways. It discourages legal imports, reduces the volume of revenue collected from duties and levies and weakens the local industries, which are a source of employment in many spheres. Enhanced security measures at the ports of entry (airports, sea ports and land border ports) have seen the smuggling of contraband shift to the porous and largely unmanned coastline. The smuggling rings have become more organized, more secretive and taken on board latest technology such as satellite phones, Global Positioning System (GPS) and speed boats to assist in their unscrupulous activities.

The lack of the capability to effectively control the porous coastline has seen the proliferation of private jetties, sea access tunnels and unmanned landing sites which are used by smugglers. Smuggling of high value commercial goods from neighbouring countries especially the war-torn Somalia has continued to rob the government major proportions of revenue, over and above the adverse impact caused to Kenya's industries.

Alien species such as Water Hyacinth and Nile Perch were introduced both accidentally and intentionally into Kenyan waters. Marine invasive alien species are a growing problem in Africa's coastal waters, estuaries and lagoons. Many of these introductions are related to sea vessels. In East Africa, it is present in the coastal waters of Kenya and Tanzania. Invasive

species can affect marine species, ecosystems and habitats. Aquatic environments may be extremely vulnerable to invasive alien species and eradication of such species more difficult than in terrestrial habitats. Consequently, there has been a strong focus in multilateral law on preventative measures for marine and coastal environments.

The current fragmented decision making on maritime affairs needs a more collaborative and integrated approach for the effective management of the maritime transport and trade. The focus should therefore be on providing information to assist in formulating a national maritime strategy, and possibly more importantly, to provide a discussion forum that would collective consideration of maritime security on a national level. Since maritime security capabilities are slow to build and develop, the time is ripe to start developing partnerships in order to share the responsibility to increase capability, capacity, and infrastructure. Establishing national partnerships with the goal of enhancing national and ultimately regional collective security will addresses all of our concerns.

3.5 Chapter Summary

This chapter discussed the key stakeholders in marine security and maritime diplomacy actors in Kenya, and revealed that the Blue Economy is a marine-based economic development that leads to improved human well-being and social equity while significantly reducing environmental risks and ecological scarcities. Blue resources cover oceans, rivers, lakes and other form of water bodies and water related activities. It is composed of both freshwater and marine water coverage of a country and the natural resources and activities such as fishing, minerals, aquatic plants, oil, water tourism and leisure, marine technology, deep sea mining of hydrocarbons, thorium etc and the related activities on land.

CHAPTER FOUR

ROLE OF MARITIME DIPLOMACY IN MARITIME SECURITY AND RESOURCE EXPLOITATION

4.1 Introduction

The general objective of the study was to assess how to harness maritime security and resource exploitation utilizing maritime diplomacy in Africa with a focus on Kenya. The specific objective was; to establish the issues in harnessing of maritime security and resource exploitation in Africa, to identify the key stakeholders in marine security and maritime diplomacy actors in Kenya and to establish the role of maritime diplomacy in maritime resource exploitation in Kenya.

The study aims to add new body of knowledge on effective harnessing of maritime resources in Kenya. The study notes that since there are little prospects of defining maritime security once and for all, frameworks by which one can identify commonalities and disagreements are needed. Therefore this study aims to contribute to policies, guidance and action oriented strategies by the Government and other key agencies, actors and stakeholders, with regards to effective marine security in Kenya.

The study observes that the Blue Economy remains fully unexploited in Kenya. It is estimated that the ocean is worth Kshs. 90 billion which remains largely unharmed.¹¹⁵ This wealth is continuously being exploited by other countries that have advanced technology and capacity and have developed strategies to exploit the resources. This has led to slow economic growth, lack of industrialization and unemployment that remain major challenges in the country. This is what has inspired the study using neo-realism approach to understand harnessing maritime security and resource exploitation utilizing maritime diplomacy in Kenya in order the country develop strategies that will protect Kenya's interests in the ocean.

¹¹⁵ Francois V. Y. *African Maritime Security: A Time for Good Order at Sea*, Australian Journal of Maritime and Ocean Affairs 2, no. 4 (2010), pp. 121-132.

4.2 The Rate of Return

The general objective was to explore the impact changes in the international security arena have in the management of security in Kenya. A total of 35 respondents successfully completed the questionnaire(s) out of the 50 originally administered for the study. This represented (60%) response rate which the study considered adequate for the analysis.

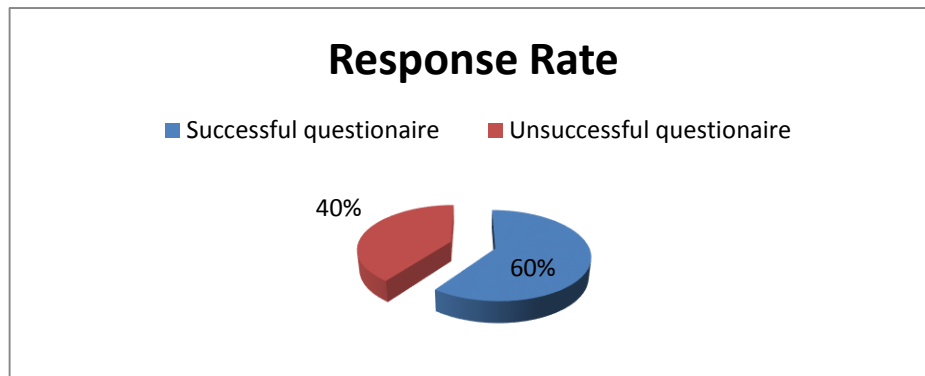


Figure 1: Response rate

4.3 Informant Background Information

4.3.1 Age distribution

The respondents were asked to indicate their age. The responses are presented in table 1.

Table 2: Age of Respondents

Age (years)	Frequency	Percentage (%)
Below 30	2	7
30 - 39	6	20
40 – 49	10	33
50 -59	9	30
60 – 69	3	10
Total	30	100

The study distribution showed an age interval of 10 years, where the majority of the participants were in (40-49) years 33% and the minority were below (30) years 7%. The study therefore inferred that the majority of the participants were found in age group 40 - 49 (33%), a likely indication of years of professional service.

4.3.2 Gender distribution

The respondents were asked to indicate their gender. The responses are presented in figure 2.

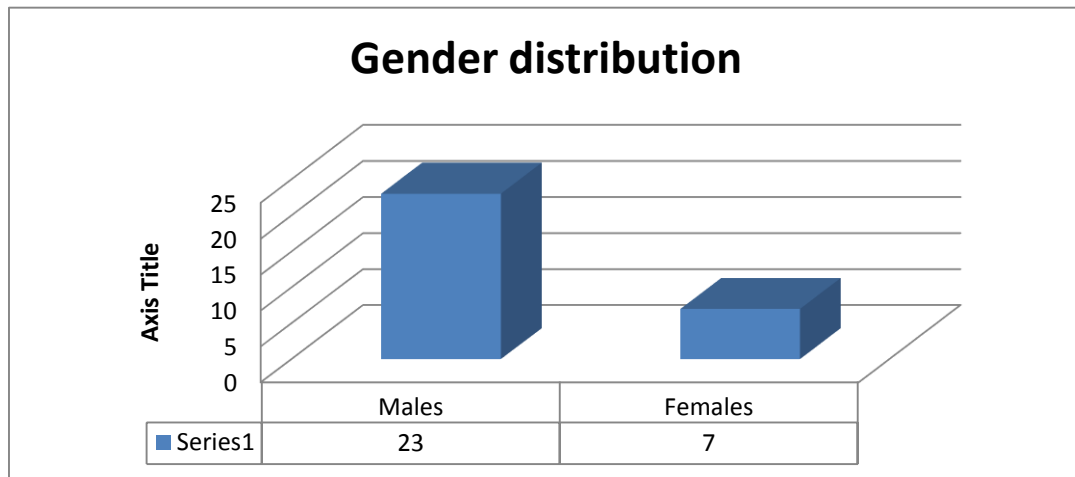


Figure 2: Gender of respondents

Figure 2 revealed that 2583%) of the respondents were males, while 7 (17%) were female, the number of males that responded was higher than that for female yet it is expected that the gender rule is applied in all organizations that were under study.

4.3.3 Occupation distribution

The study was only able to capture (30) respondents, out of a total of (50) initially targeted based on their areas of specializations at their offices.

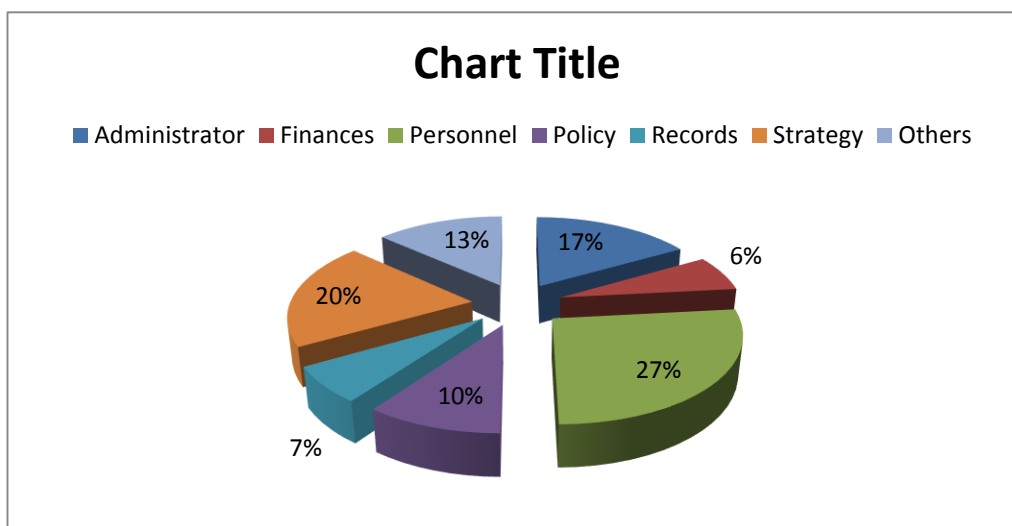


Figure 3: Occupation

The figure 3 shows the total participant response rate. Out of a total of the initial 30 targeted - personnel (8), strategy (6), administrator (5), others (4), policy (3), finance(2) and records (2).

4.5.4 Ministry distribution

The respondents were asked to indicate their designation. The responses are presented in table 3.

Table 3: Ministry distribution

Ministry	Frequency	Percentage (%)
Ministry of Defence	5	17
Ministry of Foreign Affairs	5	17
Department of Fisheries	5	17
Ministry of Internal Security	8	26
Ministry of Devolution	2	7
Ministry of Transport	5	17
Total	30	100

The study distribution by ministry fund, that the majority came from Ministry of foreign affairs (33%).

4.3.5 Duration in office

The respondents were asked to indicate their total durations served in the organization (Ministry). The responses are presented in table 3.

Table 4: Duration in organization

Duration (years)	Frequency	Percentage (%)
1 – 6	3	8
7 – 12	4	10
13 – 18	8	20
19 – 24	10	27
25 – 30	6	17
31 – 36	5	13
Above 37	2	5
Total	38	100

On the distribution of participants by duration in - the study revealed that majority of them had served for at least 25 – 30 years (17%) in service, while the lowest numbers had served 1 – 6 years (8%). This shows that the most of the participants interviewed had a lot of experience and deeper understanding of the concepts under investigation, based on their duration of stay in their respective Ministries.

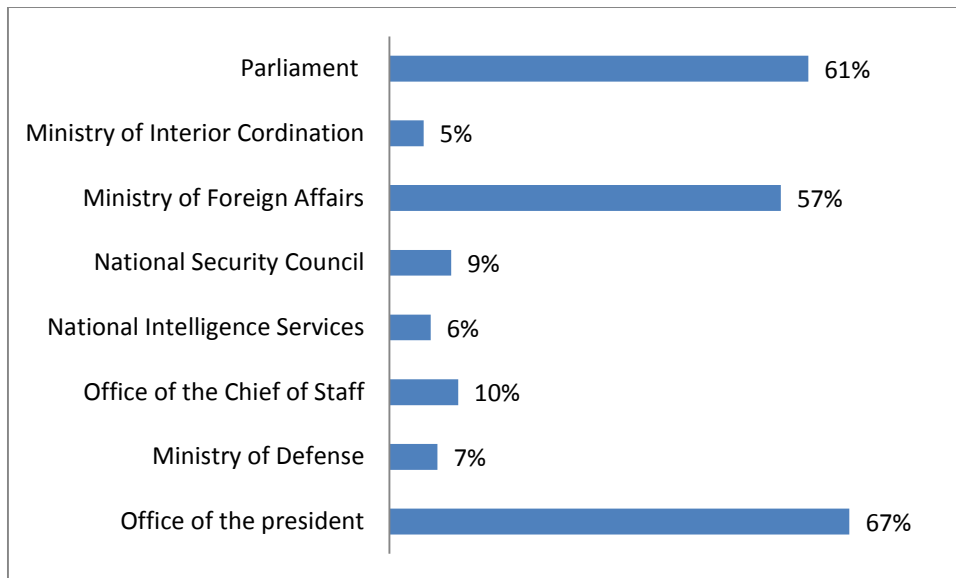


Figure 4.3 Key Players in Maritime Policy Formulation

4.4 Maritime Security Concept

The respondents were asked on their understanding of the concept of maritime security. Some of the respondents stated that the Maritime security is a broad, somewhat amorphous area of focus, and the relevant literature covers everything from physical safety and security measures to port security, terrorism and more. A coherent definition is therefore difficult to determine, but, for the purpose of this paper, maritime security deals with the prevention of illicit activities in the maritime domain. It could be linked directly to the national security efforts of a specific country, could cover regional efforts to enforce maritime security.

Some respondents found that the maritime security environment in the Indian Ocean also underwent transformation.¹¹⁶ Because of weak government structures and a limited capacity to control maritime domains, all types of illicit activities began to flourish in many parts of the Indian Ocean. Others respondents found that maritime security in the Indian Ocean is characterized by a considerable extra-regional naval presence.¹¹⁷ Although the focus is obviously trade and energy security, many countries are also providing assistance to

¹¹⁶ Respondent, A, Sea Fearers Association, (2016).

¹¹⁷ Respondent, B, Kenya Maritime Authority, (2016).

the maritime security forces of IOR states. The scourge of piracy and non-traditional maritime threats has furthermore led to multilateral exercises and maritime security interaction. In the light of turbulence in much of the region, ensuring good order at sea poses a daunting challenge to existing maritime security forces. In fact, many coastal navies focus on policing roles and the security of littorals. The concepts considered in this study for the respondents to articulate included; changes in the global security environment impact on the management of security, new forms and sources of insecurity brought about by the changed international environment and finally security challenges brought about by the changing international security environment.

4.5 Changes in the Global Security Environment

The respondents were asked to rate the impact changes on a five point likert scale. The response scale was 1 = strongly agree, 2 = Agree, 3 = undecided or Neutral, 4 = Disagree and 5 = strongly disagree respectively.

When it came to the extent to increased security threats experienced by Kenya emanates from the changes in international environment. The respondents range was strongly agree (1) to strongly disagree (5). The study found that most of the respondents strong agree (75%), agree (20%) and undecided (5%) respectively.

Some stated that; *interconnctivity of telecommunication systems have made the world a global village resulting in new threats like cyber crimes*. Another stated that; *international war on terror had lead to increase in security threats, especially for Kenya that has to fight a major terrorist enemy*.¹¹⁸ Generally majority of the respondents cited terrorism, money laundering, cyber crimes, piracy, terrorism, radicalization among other security threats that are currently experienced as a result of the changes in international security.

¹¹⁸ Respondent, C, Sea Fearers Association, (2016).

These findings were in agreement with Barber who stated that in order to face the problems of the twenty-first century, scholars need a more comprehensive definition of security - one that encompasses the increasing number of threats such as terrorism, piracy and hacking, as well as the increasing number of actors.¹¹⁹ Acharya on his part argues that it is commonplace to assume that security concepts emerge or change in response to new events or threats.¹²⁰ It has become commonplace to assert that the gravest dangers to Africa and world security are no longer military threats from rival great powers but transnational threats emanating from the world's most poorly governed countries. Since the end of the Cold War, weak and failing states have arguably become the single most important problem for international order. This emerging threat perception has quickly become conventional wisdom at home and abroad. Government officials, academics and the media have linked poorly performing developing countries to a vast array of threats to global security and well-being, from transnational terrorism to international crime, humanitarian catastrophes, regional instability, global pandemics, mass migration and environmental degradation.

The respondents were asked to rate the extent to change in the international environment requires a redefinition of security. The range was strongly agree (1) to strongly disagree (5). The study revealed that most of the respondents strongly agree (60%), agree (30%) and undecided (10%) respectively. Majority stated that; *redefinition of security should include terrorism, which was now a major security concern in Africa and the World at large. Others felt that the traditional definition of security has been greatly eroded as a redefinition will ensure a comprehensive and seamless approach to security.*¹²¹

Maritime security is a key component of collective security and thus forms part of the

¹¹⁹ Acharya, Amitav (2009), *Changing Conceptions of Security in the 21st Century: Power, Institutions, and Ideas*, pp. 89-90.

¹²⁰ Barber, Benjamin. (2008). "Shrunken Sovereignty: Consumerism, Globalization, and American Emptiness." *World Affairs* (Spring): pp. 74-81.

¹²¹ Respondent, D, Kenya Port Authority, (2016).

foundation for economic development.¹²² Africa is the only major region in the world that does not have its own maritime policy or strategy, despite the acknowledged importance of this component of any national or regional economy.

Majority of the respondents (80%) stated that this contentious ‘scramble for the sea’ is likely to be one of the major challenges for African maritime security during the 21st century. They further generally stated that in the Eastern Africa development of the ‘blue economy’ builds on to some activities that have already been taking place for centuries in the region but pushes the boundaries and includes new grounds in other respects such as ‘deep-sea mining’ and renewable ocean energy.

According to most respondents, the Eastern African region is facing severe poverty challenges and sustainable economic growth is imperative to the region’s development. The blue economy can provide opportunities as for example in the last few years in Kenya, Uganda, and Tanzania have discovered large quantities of commercially viable oil and gas deposits, with the potential for even more discoveries as more aggressive prospecting continues.

The respondents further stated that the geo strategic and geo economic importance of the Indian Ocean region has seen increasing security interest in the region by the China , United States, India, Kenya, South Africa, Australia and European Union countries. The security of shipping and sea lanes of communication (SLOCs) in the Indian Ocean is an issue of major strategic concern.

At least (96%) of the interviewed respondents stated that the Indian Ocean is critical to the world trade and energy security.¹²³ Resources increasingly are being exploited by its littoral and island states. It is also a stage for the pursuit of global strategic and regional military and

¹²² Meredith, M., *The State of Africa. A History of Fifty Years of Independence*, Johannesburg, (2005), p.469.

¹²³ Respondent, E, (2016).

security interests. The region has a huge potential to spur economic growth to the states of the region and beyond yet it also has the potential to bring crises. It is a region in which instability and conflict can quickly arise from imprecise border delineations, internal conflicts, issues of energy and resource security and changing national interests.

4.6 Maritime Diplomacy in Maritime Security and Resource Exploitation

The informant notes that by the lawful uses of the ocean for the benefit of Kenya's well being and prosperity, always in consonance with commitments to, and common projects with, partners and allies and bearing in mind the aspirations of the international community as a whole.

The Government of Kenya has through various policy and legislative instruments conferred on various Government agencies specific enforcement and security functions in the maritime realm. The comprehensive approach to maritime security, accounts for this principle of unity of action and must in turn be fully managed through a National Security System. This is the involvement, coordination and harmonization of all government agencies mandated by law to ensure maritime security in Kenya.

The aim is also to address the public- private sector coordination in the country and also involvement of the society in general. All partners from civilian and military authorities (law enforcement, border control, customs and fisheries inspection, environmental authorities, shipping supervision, research and innovation, navies) to industry (shipping, private security, communication technology, capability support) need to cooperate better.

The study notes that in view of the foregoing the National Maritime Security Committee was set up in 2010, whose objectives were, to ensure the early and efficient collation and exchange of security related information; to provide a methodology for security assessments so as to have in place plans and procedures to react to changing security levels and to ensure

confidence that adequate and proportionate maritime security measures are in place.¹²⁴

There was need for interagency collaboration in handling security threats. The committee meets on a monthly basis under the aegis of the regional administration and is yet to be formalized. The Committee comprises of agencies including but are not limited to: the Kenya Navy, Maritime Police, Kenya Maritime Authority, Kenya Revenue Authority, National Intelligence Service, Kenya Ports Authority, Kenya Wildlife Services, Kenya Prisons, National Environmental Management Authority, The Judiciary, State Department of Fisheries, Department of Immigration and Ministry of Health.

A number of authorities have subject-matter specific responsibilities for enforcing Kenyan law at sea: Kenya Revenue Authority (KRA) Customs, Kenya Wildlife Service (KWS), Fisheries, Maritime Police, Kenya Navy, and Immigration. Except for Kenya Customs, no other authority claimed to have police powers at sea to enforce any Kenyan law (Maritime Police and KWS). The Kenya Maritime Authority (KMA) has the legal authority to take measures to prevent, reduce and control pollution of the marine environment.¹²⁵

In each case maritime law enforcement powers are limited to Kenya's territorial sea and landward thereof in its ports, harbours and marine reserves. None have authority or capacity to exercise the mandate in Part III of the Maritime Zones Act, Chapter 371, to protect Kenya's living and non-living resources in its exclusive economic zone (especially fisheries) and continental shelf, or to preserve and protect the marine environment including from pollution; nor is there operational and maintenance funding committed to do so.

As with many other developing coastal and island States, Kenya's maritime law enforcement responsibilities are spread among various agencies, such as fisheries, customs, environment, wildlife, maritime police, each of whom possess (or seek) capabilities to

¹²⁴ Kenya Maritime Authority, (2006).

¹²⁵ Kenya Maritime Authority, (2006).

operate at sea. There is no single agency that is empowered to enforce all of Kenya's criminal laws applicable at sea (except perhaps Kenya Customs, Maritime Police Unit and KWS).

Kenya has taken major steps in enhancing its capabilities to deal with cases of suspect pirates. It has greatly benefited from the assistance provided to date and to be provided in the next year by the EC/UNODC Counter-piracy program. Additional assistance will nevertheless continue to be needed. As a result of the consultations during the course of this mission, many Kenyan officials have a greater appreciation of the importance of Kenya's role in dealing with piracy. Perhaps more importantly, these officials are aware of the need of, and have the desire to, enhance Kenya's overall maritime law enforcement abilities and overcome the challenges to achieving that result. The international community, working together, can help enable Kenya to achieving greater maritime law enforcement capability.

The study notes that to achieve unity of effort and operational effectiveness, maritime security personnel from both the Kenyan Defence Forces and law enforcement agencies must have the capability and authority to operate in mutually supporting and complementary roles against the spectrum of expected security threats. These agencies must have a high degree of interoperability, reinforced by joint, interagency, international training and exercises to ensure a high rate of readiness, and supported by compatible communications and, where appropriate, common doctrine and equipment.

Kenya, like any other coastal State, faces a myriad of environmental challenges and impacts due to rapid development and socio-economic activities in its coastal and marine areas. These activities are mostly associated with industry, tourism, agriculture, fishing and more recently oil exploration in the offshore area. While these activities are going on, there is no overarching legal and institutional framework to guide them comprehensively, thus the many challenges and pressures being faced by the users, the existing institutional arrangement and the associated ecosystems. In order to address the above scenario, the Kenya

Government constituted and subsequently gazetted a national Task Force (TF) to formulate an integrated ocean management policy including institutional framework, to guide the use and management of the ocean space and resources within it among other wide terms of reference. Most institutions on Kenya have an enabling law that mandates them to carry out their specific functions. Most of these laws are old and archaic as they were developed during the colonial era, except for Environment Management and Coordination Act of 1999 which is more comprehensive and responsive to recent environmental challenges facing the country.

The naval forces and the shipping industry have worked together to advise ship operators and captains crossing the Gulf of Aden and the Arabian Sea on how they should prepare their vessels and crews for the pirate threat. It seems to be working in most cases and echoes the position of the International Maritime Organisation (IMO) that seafarers should not be armed and that masters should apply the techniques when evading pirates as opposed to using armed guards on board which may endanger the lives of seafarers.

The use of Privately Contracted Armed Security Persons (PCASPs) has brought with it some solutions but also serious challenges. 90 percent of attacks have been repulsed by armed guards on board the vessels and no vessel carrying the PCASP has been pirated. It has been noted that in some instances, however vessels carrying armed guards on board do not report to the Maritime Security Centre (Horn of Africa) as they transit the affected area.¹²⁶ This may be due to the fear that if they declare that they have armed guards on board, the patrol naval vessels may not give them much attention and security as they traverse affected areas. The study notes that on matters fishing, the study found that maritime security is closely linked to illegal fishing activities, not only because of its serious impact on environmental security, but also because illegal fishing vessels are often used to traffic in humans, arms and drugs, as well as for other illicit activities. Since much money is involved,

¹²⁶ Roach A.J. *Initiatives to Enhance Maritime Security at Sea*, Marine Policy 28, no. 1 (2004), pp. 41–66.

illegal operators are adept at lying about catches, falsifying customs declarations and circumventing port control measures.

4.7 Chapter Summary

The chapter the role of maritime diplomacy in maritime resource exploitation in Kenya and revealed that the lack of maritime security around the Horn of Africa causes a great deal of international concern as they not only threaten commerce, but also peace and regional stability, international trade and international energy flows.

CHAPTER FIVE

SUMMARY OF THE FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

The study was guided on how to harness maritime security and resource exploitation utilizing maritime diplomacy in Africa with a focus on Kenya.

The findings of the study were discussed in the previous chapter in line with the three objectives which were; to establish the issues in harnessing of maritime security and resource exploitation in Africa. Identify the key stakeholders in marine security and maritime diplomacy actors in Kenya and finally to establish the role of maritime diplomacy in maritime resource exploitation in Kenya.

This chapter also aimed to interrogate the applied theory and in addition proves or disproves the hypothesis of the Study, which states that the low capabilities among maritime diplomacy key stakeholders in Africa inhibited effective harnessing of maritime security and resource exploitation. Efficient maritime diplomacy will lead to optimal harnessing of maritime security and resource exploitation in Kenya. And finally that weak diplomacy contributes to poor harnessing of maritime security and resource exploitation in Kenya.

The study noted that even though maritime security does not have a true definition - maritime Security appears to be a large and sometimes nebulous concept. In fact it has become a large task involving many entities from various governments, public and private sectors aiming at, preserving the freedom of the seas, facilitating and defending commerce.

The study notes that the efforts of Indian Ocean Realm (IOR) countries to cooperate and achieve lasting maritime security will be hampered by the fact that the countries, navies, coast guards and maritime forces in the region differ greatly.

5.2 Summary of the findings

The study found that a majority of the respondents supported the fact that the Indian Ocean is critical to the world trade and energy security. Resources increasingly are being exploited by its littoral and island states. It is also a stage for the pursuit of global strategic and regional military and security interests. The region has a huge potential to spur economic growth to the states of the region and beyond yet it also has the potential to bring crises.

The study found that maritime security problems in the Indian Ocean, a few incomplete remarks pertaining to the role of naval forces and coast guards, the international reaction to piracy and the potential contribution of regional cooperation in enhancing security in the Indian Ocean are perhaps relevant.

The study further established that maritime security operations on the high seas or in its exclusive economic zones, territorial seas, internal seas, inland rivers, ports, and waterways, thus Kenya must have well-trained, properly equipped, and ready maritime security personnel from both the Defence forces and national, regional, and local law enforcement agencies to detect, deter, interdict, and defeat any potential adversary.

The study found that there is a high degree of naval activity in the Indian Ocean as many countries are participating in maritime security operations. The study found that piracy, over-fishing, resource exploitation, illegal mining, unregulated exploitation and pollution as significant threat to international maritime security and commerce, and the political, geostrategic, economic, humanitarian and naval consequences thereof have a global impact. The world community's short-term response to these challenges off the Horn of Africa has been multinational naval patrols, diplomatic efforts and private security involvement. The fight against illegal harnessing maritime security and resource exploitation can also be seen a useful way for states to maintain a presence in the strategically important Indian Ocean.

The study found that much can be gained from a cooperative regional approach between

states that promotes consultation not confrontation, reassurance not deterrence, transparency not secrecy, prevention not correction, and interdependence not unilateralism. In such circumstances navies can contribute much towards enhancing maritime security and maritime diplomacy, managing disasters, providing humanitarian assistance and limiting environmental security challenges. Regional cooperation can therefore be a force multiplier and is certainly desirable in the vast, relatively poorly policed Indian Ocean.

The Indian Ocean region is noted for its complex sub-regional geopolitical and geostrategic associations, each with its own vested interest. Cooperation occurs mostly in the spheres of economy and trade, rather than in security, and is to a large extent hampered by distrust and lack of interaction. On a sub-regional level cooperation exists in the Persian Gulf, South Asia, South-East Asia, East Africa, the Horn of Africa, Southern Africa, and the south-west Indian Ocean islands. There are overlapping regional systems in the greater Middle East, Africa and the Asia Pacific region.

The study employed Neo-realism Theory to assess harnessing maritime security and resource exploitation plus role of maritime diplomacy in Kenya. Neorealism also known as structural realism is an outgrowth of realism, but it attempts to be more explicitly theoretical, in a style akin to economics, especially by its self-conscious comparisons of great-power politics to an oligopolistic market and its willfully simple assumptions about the nature of international relations.¹²⁷ The study found that when it came to harnessing maritime security and resource exploitation different independent littoral and hinterland states were influenced and consequently allied to different powers as they fought for the maritime resources. Consequently, these powers pitted the littoral and hinterland states against one another. As a result various wars have been fought in order to protect their maritime wealth.

¹²⁷ Wing, Ian, (2000) *Refocusing Concepts on Security: The Convergence of Military and Non-Military Tasks*, Land Warfare Studies Centre, Working Paper No. 111, pp. 7-9.

5.3 Conclusion

5.3.1 Great Economic Opportunity

The study found that the total value of the maritime opportunity available to the Region and Kenya as a whole is estimated to be way worth billions of dollars, and yet majority of it remains largely unharnessed. The emerging issue of the blue economy is timely and one that has recently gained attention as an avenue for development in Kenya. The wealth contained in the blue economy is continuously being exploited by other countries that have advanced technology and capacity and have developed strategies to exploit the resources. This has led to slow economic growth, lack of industrialization and unemployment that remain major challenges in Kenya today, the study also observed that irregular licensing of fishing ships was also an impediment to the full realization of the rich marine resources, there are situations where foreign trawlers waste the fish, and if the trawlers were Kenyan powered they would maximize, animal and poultry feeds which would further provide opportunities from the fish. Thus as a major issue, the study concludes that maritime security is therefore very important to the region, both in economic and strategic terms, and better appreciation of this concept will greatly enhance harnessing maritime security and resource exploitation utilizing maritime diplomacy in order to help Kenya develop strategies that will protect the Country's total maritime interests. The study thus proves the hypothesis that efficient maritime diplomacy will lead to optimal harnessing of maritime security and resource exploitation in Kenya.

The study further concludes that a strong national economy and legal reforms will enhance Kenya's national maritime security. The study found that while most of the laws address the need to conserve and develop the resources of the coastal and marine areas, they do not clearly address the management that sustains the resources for posterity. The laws are also silent on other important players like the local communities in the associated areas. Also

the laws dealing with ocean management do not address new concepts of ocean management. They fail to address linkages and coordination amongst the various stakeholders in the ocean.

This conclusion is supported by Francois who stated that the Blue Economy remains fully unexploited in Kenya. It is estimated that the ocean is worth Kshs. 90 billion which remains largely unharnessed.¹²⁸ The maritime EEZ in Kenya is equivalent to about 33 Counties, which is a huge potential for development. Under-exploitation of this resource led to slow economic growth, lack of industrialization and unemployment that remain major challenges in the country, and the maritime resources could serve as a good source for economic development of Kenya – especially among the youths who can positively utilize these resources.

5.3.2 Multi-Agency Approaches

Given the fact that the study found that the Indian Ocean Region contains an abundance of minerals, oil, natural gasses and other natural resources for exploitation. The study established that in the long term, maritime security challenges can only be addressed by means of a comprehensive multi-layered approach that involves political, military and societal measures, and strengthens regional security capabilities, improves intelligence gathering and sharing, brings about more effective law enforcement, and enhances multinational cooperation on land and at sea. The study therefore concludes that maritime security is an important element in enabling effective harnessing of maritime resources, and thus requires a multi-agency approach to protect and effectively deal with issues such as securing the regions maritime wealth together with the nation-state exclusive economic zones, territorial seas, internal seas, inland rivers, ports, and waterways. Therefore maritime security operation need that the concerned authorities to be highly equipped, well-trained in maritime diplomatic matters and adequately prepared for any eventualities. These revelations

¹²⁸ Francois V. Y. *African Maritime Security: A Time for Good Order at Sea*, Australian Journal of Maritime and Ocean Affairs 2, no. 4 (2010), pp. 121-132.

thus help prove the hypothesis that the low capabilities among maritime diplomacy key stakeholders in Africa and Kenya in particular have inhibited effective harnessing of maritime security and resource exploitation.

5.3.3 Diplomatic Situational Awareness

The study found that port security in Kenya can be improved through better situational awareness, which is achieved by employing sensors, gathering intelligence, implementing patrols and improving physical security. It is important that all role players cooperate and that port authorities adhere to the international regulations applicable to port security.

The study concludes that the sheer size of the Indian Ocean and the scope of its maritime security and maritime diplomacy challenges make it difficult to control, given an ideal situation of good regional cooperation due to lack of maritime diplomatic awareness.

The study thus proves the theory that weak diplomacy contributes to poor harnessing of maritime security and resource exploitation in Kenya. The study therefore emphasizes that transoceanic security and maritime diplomacy cooperation in the region is very important. Regional, sub-regional and international organizations can contribute much in this regard given the high stakes in maritime security and safety.

5.4 Recommendations

Based on the findings, the study recommends that;

5.4.1 Regional Cooperation

Nations in the region and Kenya in particular are keen to facilitate vibrant maritime commerce and economic activities at sea since these underpin economic security. At the same time they endeavour to protect their maritime domains against ocean-related threats such as piracy, criminal activities, terrorism, and pollution. These objectives can best be achieved by blending public and private maritime security activities, and by tackling maritime threats by

integrating regional efforts, ideally within a specific legal framework. The study thus recommends for the strengthening of regional cooperation on maritime security, as a way to help further the effective harness of maritime resources available to the region and Kenya as a whole.

5.4.2 Specialized Training

The study concludes that Indian Ocean states like Kenya should, define their own security concerns, although this may be difficult to achieve in practice due to political issues and regional dynamics. Kenya has a large stake in the Indian Ocean and thus has significant maritime security challenges. It is important that it improve its maritime security and participate as an equal partner in the Indian Ocean security debate. Although this seems obvious, in practice it may not be that easy to achieve since the landward security concerns of African IOR states are usually dominant and many African countries lack maritime capacity.

Thus the study recommends that the stakeholders should seriously consider the enhancement of maritime capacity through deliberate and specialized training and step-up maritime diplomacy capacity building among the naval powers by promoting joint exercises or maritime security operations that strengthen bonds between allies, harmonizing techniques and build maritime security confidence among nations-states. In addition the stakeholders should formulate and implement programs for economic cooperation such as trade, tourism, direct investment, scientific and technological exchanges, and human resource development in maritime diplomacy.

5.4.2 Protecting Maritime Wealth

The study found that the maritime security problems and maritime diplomacy challenges that have arisen are to a large extent linked to failed or weak states. Specific challenges are piracy, asymmetrical threats, the illegal trafficking in people, the smuggling of arms and drugs, resource security and environmental threats. Thus the study recommends enhanced patrols by

security organs to monitor and evaluate the exiting maritime resources and practically protecting this maritime wealth to address the maritime security challenges. When maritime resources are effectively harnessed, this will lead to a multiplying effect in the economy.

5.4.3 Maritime Security Public Awareness

Recent activities by the people and governments of the Indian Ocean region show that there is a desire for an Indian Ocean Rim Community (IORC). A shared history, geographical contiguity and the global growth of economically based regional blocs is said to act as “push” factors. The appreciation of the Indian Ocean region will not be possible without better knowledge of the strategic value of the Indian Ocean. Thus the study recommends that the concerned authorities and stakeholders to promote public awareness of the strategic importance of maritime resources to Kenya as a whole, as this will lead to greater maritime security awareness resulting in enhance protection of maritime resources. In order to deepen maritime awareness, Kenya should seek to establish a regional forum that brings together representatives of government, business and academia aimed at promoting economic cooperation. In the spirit of open regionalism it should seek to build and expand understanding and mutually beneficial co-operation through a consensus based on an evolutionary and non-intrusive approach.

5.5 Areas of further studies:

Having examined harnessing maritime security and resource exploitation utilizing maritime diplomacy in Africa with a focus on Kenya

5.5.1 Modern maritime security challenges

There should be future studies in this area, since the region’s and Kenya’s maritime security challenges have the potential of disrupting the global economy, regional economic output, energy security and even peace they have become important international issues. The development and promotion of tuna fish in Kenya.

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APPENDICES

Appendix 1: Data Collection Letter from Concerned Authority



NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

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Ref: No.
NACOSTI/P/16/12931/9904

Date:

26th February, 2016

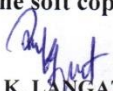
Joseph Ngaira Busiega
National Defence College
P.O. Box 2438 1
NAIROBI.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on "*Harnessing maritime security and resource exploitation: Role of maritime diplomacy in Kenya*" I am pleased to inform you that you have been authorized to undertake research in **all Counties** for a period ending **25th February, 2017**.

You are advised to report **the Principal Secretary, Ministry of Defence, the County Commissioners and the County Directors of Education, all Counties** before embarking on the research project.

On completion of the research, you are expected to submit **two hard copies and one soft copy in pdf** of the research report/thesis to our office.


DR. S. K. LANGAT, OGW
FOR: DIRECTOR-GENERAL/CEO

Copy to:

The Principal Secretary
Ministry of Defence.

The County Commissioners
All Counties.

The County Directors of Education
All Counties.

Appendix 3: Structured Questionnaire

Introduction

The general objective of this study is assessing how to harness maritime security and resource exploitation utilizing maritime diplomacy in Africa with a focus on Kenya. The personal information section is optional - this study is purely for academic purposes only.

It is my humble request that you please give a verbal consent to be a participant in this study, before beginning anything. Thank you for taking time to participant in this research, please fill in the questionnaire interview appropriately.

Part A: Personal Information

1. Participant's age?.....

2. Occupation?.....

3. Ministry?.....

4. Designation?.....

5. Duration in office?.....

Part B: Issues in Harnessing of Maritime Security and Resource Exploitation in Africa

Please rate the following statements on the Issues in Harnessing of Maritime Security and Resource Exploitation in Africa focusing on Kenya and give your main reason (justification).

Rate: Where 1 = Very much; 2 = Moderate; 3 = A little; 4 = Not at all, respectively.

6. Maritime security is considered a component of the security system in Kenya?

Rate.....

Reasons.....

.....

.....

7. There's connection between maritime security and resource exploitation efforts in Kenya?

Rate.....

Reasons.....

.....

.....

8. Harnessing of maritime security and resource exploitation is a current concern for Kenya?

Rate.....

Reasons.....

.....

.....

9. Maritime diplomacy a tool in enhancing activities of maritime resource exploitation?

Rate.....

Reasons.....

.....

.....

10. Maritime diplomatic efforts are primarily spearheaded by the Kenya navy only?

Rate.....

Reasons.....

.....
.....

11. At the moment there is framework document guiding maritime diplomacy in Kenya?

Rate.....

Reasons.....

.....
.....

12. That low capabilities among maritime diplomacy key stakeholders in Africa and Kenya has inhibited effective harnessing of maritime security and resource exploitation?

Rate.....

Reasons.....

.....
.....

13. Kenya has now more than ever realized the true worth of the blue economy?

Rate.....

Reasons.....

.....
.....

14. That the Indian Ocean Realm is of strategic importance to Kenya today than ever before?

Rate.....

Reasons.....

.....

.....

15. Your Ministry has shown direct interest in maritime security and how has this been expressed?

Rate.....

Reasons.....

.....

.....

16. Your Ministry has made commitment to maritime diplomacy in its development budget?

Rate.....

Reasons.....

.....

.....

17. Maritime security is currently facing challenges impeding on resource exploitation?

Rate.....

Reasons.....

.....

.....

18. Kenya's general population is fully aware of harness maritime security and resource exploitation utilizing maritime diplomacy in Kenya?

Rate.....

Reasons.....

.....
.....

19. Maritime security efforts in Kenya involve inter agency approach?

Rate.....

Reasons.....

.....
.....

20. More comments.

.....
.....
.....
.....

Part C: Support documents

Some examples of supporting documents that will be interrogated include;

- a. Bilateral agreements
- b. Frameworks
- c. Kenya's foreign policy
- d. Maritime papers
- e. Policy documents
- f. Vision 2030

(FIN)