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# Saudi Arabia and regional cooperation agreements against transnational maritime crime: ReCAAP and DCoC in perspective

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# Saudi Arabia and Regional Cooperation Agreements against Transnational Maritime Crime: ReCAAP and DCoC in Perspective

By

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## Declaration

I certify that all the material in this dissertation that is not my own work has been identified, and that no material is included for which a degree has previously been conferred on me. The contents of this dissertation reflect my own personal views and are not necessarily endorsed by the University.

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## Acknowledgements

**Abstract**

Title of Dissertation: **Saudi Arabia and Regional Cooperation Agreements against Transnational Maritime Crime: ReCAAP and DCoC in Perspective**

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This dissertation is a study of regional instruments, ReCAAP and DCoC, and how they combat piracy and armed robbery in Asia. The study is specific to Saudi Arabia in how it uses them to protect its maritime industry by challenging piracy and armed robbery in an age where the economy and climate change are strong factors leading to constant changes.

Literature review is done systematically to answer various research questions regarding the maritime industry, especially in the Asian region. Saudi Arabia is specifically evaluated in how it applies the two instruments in combating piracy and armed robbery in the Gulf region. The collaborative efforts through ReCAAP and DCoC are reviewed and investigated in regards to their application and their role in Saudi Arabia is examined. The robustness of these instruments is evaluated in the continuous changing times as well as in tackling transnational maritime crimes.

Waterways are part of the larger maritime industry that is integrated in a country's infrastructure as a major facilitator of trade between different countries and regions. Tied together, cargo and passenger transport rake in billions of dollars every year for many countries, thus making the industry one of the most lucrative in the world. The elements have forced the stakeholders in the industry and governments from all over the world to formulate diverse strategies aimed at eliminating such challenges.

The concluding chapters focus on understanding how the two strategies help to foster cooperation between Saudi Arabia and the international community in the efforts to tackle transnational crime in the constantly changing maritime environment. Recommendations to optimize the use and application of the two instruments for Saudi Arabia are also made.

**Keywords**: ReCAAP, DCoC, Saudi Arabia, Robustness, Piracy and Armed Robbery

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# List of abbreviations

ASEAN- Association of Southeast Asian Nations

CMF- Combined Maritime Forces

CTF- Combined Task Force

DCoC- Djibouti Code of Conduct

EASF- East African Standby Forces

EU- European Union

G20- a group of countries that pride themselves as 20 of the most advanced economies in the world

GCC- Gulf Cooperation Council

GDP- Gross Domestic Product

HACGAM- Heads of Asian Coast Guard Agencies

IACS- International Association of Classification Societies

IMO- International Maritime Organization

IOR- Indian Ocean Region

ISC- Information Sharing Center

ISPS Code- International Ship and Port Facility Security Code

MRCC- Maritime Rescue Coordination Center

MSD- Maritime Safety Division

NATO- North Atlantic Treaty Organization

OCIMF- Oil Companies International Marine Forum

OECD- Organization for Economic Co-operation and Development

PIU- Project Implementation Unit

ReCAAP- Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia

ReMISC- Regional Maritime Information Sharing Centre

RMSI- Regional Maritime Initiative Security

SOLAS- International Convention of the Safety of Life at Sea, 1974

SUA- Convention of the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 2005 as amended

TCD- Technical Cooperation Division

UK- United Kingdom

**UNCLOS- United Nations Convention on the Law of the Sea, 1982**

USA- United States of America

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## Chapter 1: Introduction

## 1.1 Background

### 1.1.1 Maritime Laws

Saudi Arabia has a robust maritime industry. With an industry that is characterized by busy ports and large volumes of trade, the country requires a robust maritime law that would help to oversee and regulate the industry and its related activities (Mira, 2018). The Middle Eastern nation has enacted various laws, with the New Commercial Maritime Law being the most recent, to effectively oversee maritime operations (Mira, 2018). The law entered into force in July 2019, which is 180 days after it was enacted. The New Commercial Maritime Law applies to all Saudi Arabian ships and the foreign ones that dock into the Kingdom's ports and designated maritime areas (Khoshaim & Associates, 2019). However, local public vessels that are non-commercial and warships are excluded from the law. The law also covers insurance, penalties, contracts, and maritime accidents. Internationally, the law is aligned to IMO and treaties, agreements, instruments, and associations such as membership to the International Association of Classification Societies (IACS) (Khoshaim & Associates, 2019). In addition to the domestic laws, Saudi Arabia is party to various international maritime treaties and organizations, particularly the DCoC.

Saudi Arabia is also a party to various other conventions. For instance, the country participated in the 1963 Convention on Facilitation of International Maritime Traffic, the 1969 International Convention on Tonnage Measurement of Ships, the 1974 International Convention for The Safety of Life at Sea and many others (Berlingieri, 2014). In recent years, Saudi Arabia has also acceded to various other international agreements that it was originally not vested. An example of this is the one signed during the convention on the control of harmful anti-fouling systems on ships and the convention on facilitation of international maritime traffic (Berlingieri, 2014). Largely, all these instruments are aimed at minimizing the risks involved in

maritime transport and tourism in order to enhance trade and international cooperation. Saudi Arabia's interest in international collaboration to protect its maritime industry began in the 20th century, which has resulted in the informed decision to participate in DCoC and ReCAAP.

Saudi Arabia is in Asia, which makes its maritime laws aligned to others that have been enacted in the region. In particular, negotiations that have taken place prior to the enactment of ReCAAP are significant in the prevailing maritime laws in Saudi Arabia. Notably, a multi-lateral approach is adopted by Saudi Arabia as it is also involved in DCoC, which is an international movement that entails nations that share the Indian Ocean. Consequently, various international negotiations can be significantly reflected in Saudi Arabian maritime laws, as well as motivations for joining and contracting the ReCAAP treaty. For instance, the joint communique from the 30th Association of Southeast Asian Nations (ASEAN), statements from various dignitaries such as the former prime minister of Japan, Keizo Obuchi, and the Tokyo Appeal document all call for a united front in combating piracy. Notably, the strategies employed in all the documents, agreements, and conferences all refer to a regional cooperation based on International Maritime Organization (IMO) recommendations that Saudi Arabia aims at establishing by joining various agreements and utilizing established instruments such as DCoC.

## 1.1.2 History of ReCAAP

The Asian maritime industry is quite robust. This is well demonstrated by the huge volume of containers shipped to and from ports in different Asian countries. Indeed, it is estimated that Asia accounts for around 80% of the containers shipped around the world every year (Gause, 2014). It is also worth noting that five of the ten most active shipping centers in the world are in Asia. Asia's apparent success as far as the shipping industry can be attributed to several factors the core being its geographical size and population (Sakhuja, 2011). Asia is the world's largest continent; this size is directly proportional to its population as it also doubles up as the most populous in the entire globe (Sakhuja, 2011). The effort to meet the needs of this huge population has

contributed to the immense growth witnessed in Asia's maritime industry, as people engage in trade between different countries and regions.

Asia is also home to some of the world's fastest growing economies. For instance, Malaysia, Singapore, and China are fast developing in trade with major exports to other countries originating from the region. The trade between these Asian nations and other regions of the world has increased the demand for maritime transport, hence contributing to the sector's growth (Sakhuja, 2011). The production potential of many Asian countries has also increased immensely. For example, many of these nations have metamorphosed into major industrial powers with a global influence (Sakhuja, 2011). Accordingly, industrial products, services, and raw materials have to be shipped to and from different destinations across the world, a factor that has necessitated the establishment and expansion of the region's maritime industry.

While the region's economic success and the growth of its industries, particularly the maritime sector is enviable, the related challenges are just as big; therefore, making it increasingly difficult for seafarers to conduct their trade. In particular, the threat of piracy and armed robbery at the sea has led to the loss of lives and finances, a factor that has ultimately affected negatively on the flow of business activities. This problem was and still is a monumental challenge particularly in the south East Asia since the attacks are frequent. The cost of these challenges has been dire, for example insurance companies have been compelled to raise the insurance premiums to cover for the losses incurred; this has negatively impacted the business people who are now forced to incur extra money as demanded by the insurers (Sakhuja, 2011).  For instance, in 2012, the cost of the piracy related expenses rose to $23.1 million in Southeast Asia.

The transnational nature of the maritime industry makes it difficult for a single country to deal with the related challenges. Therefore, this brings the need for a bilateral and multilateral strategy that can effectively address the problem (Sakhuja, 2011). The cooperation between various nations and their security apparatus is essential in order to tackle the transnational criminals. As a result, this forms the basis for the enactment of treaties such as ReCAAP and instruments such as the DCoC. Due

to the prevailing challenges posed by pirates, stakeholders in the Asian maritime industry had to come up with an effective strategy that would enable them to deal with the challenge at a regional level. Accordingly, in the year 2000, the idea of forming a regional antipiracy body was floated; therefore, leading to the enactment and eventual adoption of ReCAAP (Ansari, 2017; Sakhuja, 2011). To date, ReCAAP plays a pivotal role in the dissemination of intelligence on piracy and armed robbery (Mejia, 2010). Furthermore, through this framework, the signatories are able to analyse piracy and armed robbery patterns, and therefore plan ahead on how to counter the criminal elements (Ansari, 2017; ReCAAP, n.d). ReCAAP also offers capacity building to enhance the preparedness of member countries in responding to piracy and armed robbery against ships.

### 1.1.3 History of DCoC

The west of the Indian Ocean and the Gulf of Aden is dotted with numerous sea ports. For centuries, these ports have facilitated trade between different countries and regions. This trade has in turn supported the economies of the participants of this activity in numerous ways (Beckman, & Roach, 2012). The transportation of raw materials to and from different countries has led to the emergence and expansion of industries, a move that has led to improved standards of living among people of the nations involved (Beckman, & Roach, 2012). The robust maritime sector in the Gulf and in the west of the Indian Ocean has also led to the expansion of the tourism sector, which is in fact one of the largest foreign exchange earners for the countries involved (Beckman, & Roach, 2012). Therefore, the role of the maritime industry in facilitating trade and economic growth cannot be gainsaid.

The robustness of the maritime transport in the Gulf and the west of the Indian Ocean does not mean there are no challenges involved. Far from it. This route has been marred with security challenges. The threat of piracy and armed robbery against ships has continued to haunt the stakeholders, a factor that has impacted negatively on businesses (Beckman, & Roach, 2012). It is against this backdrop that the DCoC was formulated, primarily to help the member countries to deal with the challenge and, therefore, ensure the continuous flow of business.

### 1.1.4 The Djibouti Code of Conduct

The DCoC is an international instrument aimed at protecting waterways in the Gulf of Aden and Western Indian Ocean from piracy and robbery of ships. The international instrument was signed in the year 2009 between various nations from Africa and the Middle East (IMO, n.d). The original signatories were Djibouti, Kenya, Ethiopia, Madagascar, Seychelles, Somalia, Tanzania, Yemen and the Maldives and were later joined by Comoros, Egypt, Eritrea, Oman, Saudi Arabia, United Arab Emirates, Mauritius, Mozambique, South Africa, Jordan and Sudan, ultimately increasing the framework's membership to 21 (IMO, n.d). The instrument was popular with the member countries due to increased cases of piracy in the Indian Ocean; hence, it was an affirmative action against robbery.

Generally, DCoC aims to enhance cooperation and sharing of intelligence in order to combat piracy and armed robbery, a challenge that has for a long time threatened the maritime industry in the Gulf of Aden and on the west of the Indian Ocean. Under this framework, member countries are obligated to cooperate in the investigation, arrest and prosecution of people who are suspected of having engaged in piracy and violent robbery activities targeting ships (IMO, n.d). Moreover, under this arrangement, member countries are supposed to monitor and share information that can lead to the arrest and prosecution of people advocating or advancing piracy and its related activities (IMO, n.d). It is worth noting that under DCoC, intelligence sharing is considered a critical step towards the realization of a crime free maritime industry.

Besides facilitating the arrest of suspects and their sympathizers, the DCoC tasks member countries with the responsibility of interdicting and seizing suspect ships. Member countries also have the power and authority to seize the property abode the interdicted ships as they are likely to have been acquired illegally (IMO, n.d; Mejia, 2010). The seizing and confiscation of suspect ships is informed by the need to cripple the economic base of the pirates and their financiers (IMO, n.d). Accordingly, the detention of the ships and their cargo is believed to be a positive step towards the destruction of the pirates' revenue bases, a move that will ultimately make it

impossible for them to launch attacks against cargo and passenger ships (Mejia, 2010). Consequently, the DCoC may not yet be recognized as a treaty but its intentions and basis forms a strong instrument to counter piracy and armed robbery in the maritime industry.

The DCoC does not just foster cooperation regarding the arrest and prosecution of the culprits of piracy; it also provides a framework for cooperation with regard to the rescue missions targeting to free ships from the pirates (Mejia, 2010). Under this arrangement, the member nations are called upon to facilitate and support each other in conducting such rescue missions (IMO, n.d). The rescue and protection of persons held captive by pirates also falls under this arrangement (IMO, n.d). In connection to this, the instrument provides guidelines that should be followed in the effort to provide care, treatment and transportation of passengers, seafarers and fishermen after they have been rescued.

The conduct of shared operations regarding the war on piracy and armed robbery at sea is also a concern that has been addressed by DCoC. The framework recognizes that some operations might require the cooperation of different agencies from member countries as well as those from non-member nations (IMO, n.d). Therefore, to ensure effectiveness and ease of operations, the framework provides the procedure and guidelines to be used in the selection of officers participating in these missions (IMO, n.d). DCoC has outlined certain thresholds that people participating in its missions should fulfill and to be part and parcel of these missions, the required competencies have to be met.

DCoC has established various centers whose aim is to facilitate the achievement of the framework's objectives. The centers and other national focal points are located in different member countries. The instrument has also provided for the establishment of critical infrastructure that will support shoring and communication of ships, a move that is considered a key step in the efforts to share information (IMO, n.d). One of these centers is the regional maritime rescue coordination center in Mombasa Kenya. The Rescue Coordination Sub-Centre in Dar-es-Salaam, Tanzania, and the Regional Maritime Information Center in Yemen are also key infrastructures

established under the instrument to facilitate the fight against piracy and armed robbery in the Gulf and the west of the Indian Ocean (IMO, n.d).

## 1.2 Justification

Piracy in the modern age has deep cultural and historical roots but its impact on peoples and nations is more acutely felt now compared to the past. The reason for this is that the modern economy heavily relies on international shipping as the backbone of trade between nations and regions. Various international laws and bodies govern how shipping routes are managed such as the United Nations' International Maritime Organization. Individual states are also involved in protection of the ships that pass through their territorial seas (Gottlieb, 2017). When these states are incapable of safeguarding these waters, maritime security is severely affected. One classic case is the dramatic increase in Somali-based pirate attacks on ships traversing the Red Sea and western Indian Ocean in the year 2011 (Barnes & Baldino 2018). In a bid to protect the ships, cargo and crew passing through the important shipping routes, the United Nations Security Council passed several resolutions, which are still in effect today, allowing international naval forces to carry out anti-piracy measures off the Somali coast. In addition, the International Maritime Organization, pushed for the Djibouti Code of Conduct (DCoC) in order to provide a legal framework for countries bordering the western Indian Ocean, Gulf of Aden and Red Sea to get involved in the security of these waters (Lindley, 2018). The impact of the above legal provisions in reducing piracy off Somalia's coast is evident by the rapid reduction in the reported number of actual and attempted attacks on ships. 1n 2018, only two attacks have been reported compared to the 160 piracy incidents reported during 2011 (Vosse, 2018).

DCoC is not the first inter-governmental effort to combat piracy and armed attacks. The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), was the inspiration behind the founding of DCoC (Vosse, 2018). Similarities and differences can be drawn when the two frameworks are compared but the area of interest for this dissertation is how these regional collaborations, based on international law, can enhance the national governance and legislative capacities of the member nations. By looking at the main

components of these agreements, it is  hoped that several key legislative principles that improve local maritime security can be teased out and applied in countries looking to gain from the utilization of maritime resources, the 'blue economy'. This research is timely as the threat to maritime resources increases yearly as the seas and oceans are subjected to external pressures such as climate change and overpopulation (Scott, 2014). These threats including illegal fishing, dumping of toxic waste and human trafficking among others need strong laws applied both locally and internationally in order to mitigate their impact and improve the lives of the people who legally depend on the seas for their livelihood.

## 1.3 Research Objectives

The objectives of this study are specifically aimed at identifying the impact of regional agreements, DCoC and ReCAAP, on Saudi Arabia's maritime industry in dealing with piracy and armed robbery. Therefore, the specific objectives are:

i. To identify the role of ReCAAP and DCoC in Saudi Arabia's maritime laws.

ii. To identify the effects of ReCAAP and DCoC on Saudi Arabia's response to piracy and armed robbery in the region.

iii. To identify how Saudi Arabia uses ReCAAP and DCoC despite the changing maritime environment.

iv. To identify the robustness of ReCAAP and DCoC in the 21st century in relation to Saudi Arabia's role in challenging armed robbery and piracy in the Gulf region.

## 1.4 Research Questions

In light of these agreements, it is evident that there needs to be an in-depth analysis of their effectiveness in fulfilling the set out legislative goals. While the above review provides an overview, a deeper understanding is still needed on whether the terms and conditions stated in these agreements can still stand when subjected to external pressures such as unstable economies, fluctuations of political environments, and other socio-economic pressures. These will require an analysis of available data on pirate and armed robbery attacks on ships in both regions before and after these

agreements were implemented. This is especially important as laws need to accommodate a wide range of realities. Therefore, the research questions are

    i.    In a rapidly changing maritime environment, can these regional agreements effectively tackle new threats while still managing to stay true to the founding principles?

    ii.    In a highly interconnected world with various economic and national interests vying for the same resources causing an overlap of roles in maintain law and order, what role do these agreements play in maintaining stability in Saudi Arabia?

    iii.    What laws and guidelines can be adopted in ensuring smooth and conflict-free cooperation between Saudi Arabia and foreign interests?

    iv.    How has DCoC managed to integrate its aims with those of foreign nations such as Saudi Arabia operating in the region?

    v.    Are DCoC and ReCAAP sufficient and efficient in supporting Saudi Arabian maritime laws and protecting the country's international waterways as opposed to individual protocols enacted by the country to do the same?

### 1.5 Research Methods

An evaluative model of analysis will be utilized in answering the above research problem as it is mainly involved in testing if the rules work in practice. In particular, the literature review research design will be used since the aim of the study is to identify various qualitative elements of ReCAAP and DCoC as related to piracy and armed robbery in Saudi Arabia. This will involve conducting a comprehensive comparative analysis of the two instruments in terms of aims, implementation, and impact on combating piracy and armed robbery in Saudi Arabia. An analysis of the impact of ReCAAP and DCoC in reducing piracy and armed robberies against ships will be done using data from piracy incidents provided by the Information Sharing Centers established by the agreements as well as the ICC International Maritime Bureau (IMB) among other reputable secondary sources of information.

Finally, a systematic review of current international law governing cooperation between different countries and regional organizations will be carried out.

Negotiations and agreements done between Saudi Arabia and relevant maritime organizations and countries in Asia will also form the basis of this part of the research. In addition, how the DCoC and ReCAAP member states and contracting parties have cooperated with foreign Navies such as the European Union Naval Force to combat piracy off the Asian coast will be further used in the literature review.

The subsequent chapters examine the two agreements, DCoC and ReCAAP, highlighting their key components. In particular, the study design uses a combination of document analysis, review of published opinion, and analyses by experts, and examination of published data. The similarities and differences in their goals, impact and implementation will aid in identifying their roles and influence in Saudi Arabia's maritime industry in combating piracy and armed robbery. The results and analysis of this research are outlined and discussed. Finally, the conclusion and recommendations for Saudi Arabia are identified and outlined to ensure the study accomplishes its original objective.

**Chapter 2: Literature Review**

**2.1 Maritime Agreements and Tools to Curb Insecurity in the 21st Century**

Maritime security in the recent past has caught the attention of most countries. As a result, there have been collaborative efforts in a bid to reduce cases of piracy, terrorism, armed robberies, and trafficking in the industry (Crist, 2003). The efforts have resulted in various tools and agreements among nations such as ReCAAP and DCoC. In addition, there are conventions and treaties that also include other aspects such as environment and illegal fishing while others are comprehensive and are also international as opposed to being regional. For instance, the United Nations Convention on the Law of the Sea (UNCLOS), also simply known as the Law of the Sea, is an international treaty that includes about 168 countries as of 2016 (Oceans and Law of the Sea, n.d). The treaty is involved in various maritime security protocols in smuggling, trafficking, maritime terrorism, illegal fishing, environmental issues, and piracy (Crist, 2003). Consequently, it is a comprehensive treaty that nations should also include in their maritime security protocols to curb insecurities in their waters collaboratively with the UN body.

Other international treaties and tools that were either formulated or updated in the 21st century to curb maritime insecurity, in particular piracy and armed robbery against other ships include:

    i.    IMO Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships (IMO)

    ii.    Security Council Resolutions 1772 (2007) and 1816 (2008), which was generated from the UN's Law of the sea to curb piracy off the Somalia coast (Oceans and Law of the Sea, n.d).

    iii.    International Ship and Port Facility Security Code+ International convention for the Safety of Life at Sea (SOLAS) amendments, 2002.

    iv.    Convention for the Suppression of Unlawful Acts against the Safety of Maritime navigation (Rome Convention) 1988

### 2.1.1 Basis of the Agreements and Tools

Maritime security is provided to ensure that individual countries are in control of their waters. Hence, rules and regulations are devised and defined to ensure that a given degree of security exists in territorial waters and the high seas. The codes and conventions that are generated from these actions are referred to as maritime regimes, which remarkably form the basis for other regional and international maritime agreements and tools (van Berlekom, 2009). Notably, maritime regimes are many and they differ from one region to another and in function. The regimes that have been mostly in use regard safety of people and the ships in general. Over time, regimes have evolved as a response to unanticipated events such as the sinking of the Titanic in 1914 and to prevent future insecurities and safety issues (IMO, n.db; van Berlekom, 2009). The regimes that have been in place include: Convention of the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA), United Nations Convention on the Law of the Sea (UNCLOS), International Ship and Port Facility Security Code (ISPS Code), the South Asia Regional Port Security Cooperative, and the Agreement Concerning Cooperation in Suppressing Illicit and Air Trafficking in Narcotic Drugs and Psychotropic Substances in the Caribbean Area (Gupta, 2010; Logina, 2009; van Berlekom, 2009).

In regard to maritime security, the maritime safety regime rules supreme when nations are formulating treaties and instruments that protect their territorial waters. The regime involves various conventions, whereby the International Convention for Safety of Life at Seas (SOLAS) is the most basic convention in regard to the maritime security (Gupta, 2010; IMO, n.db). The Convention was signed in 1974 and was amended to include the International Ship and Port Facility Security (ISPS) Code for enhanced maritime security (IMO, n.db). However, UNCLOS is the main regime that provides guidance to national governments on how to act internationally and to create sustainable cooperation (Oceans and Law of the Sea; Logina, 2009). In particular, the IMO is the main party that facilitates international negotiations among the 168 participating members (IMO, n.dc). The role of IMO is to specifically provide a machinery that governments can use in the formulation of cooperation efforts (IMO,

n.d). Notably, they were used in the formulation of ReCAAP and DCoC. For instance, IMO focuses on elimination of unlawful acts such as piracy in international waters, whereby its collaboration during the formation of ReCAAP sees the two organizations mutually benefit (Mejia, 2010). In particular, they benefit from a collaborative approach to the elimination of piracy and armed robbery in the Asian sea.

**2.1.2 Maritime Agreements in Saudi Arabia**

Saudi Arabia has various maritime agreements nationally, regionally, and internationally. The agreements are either set to avoid conflicts with other nations such as the one with Egypt, and others are aimed at improving the country's maritime industry. However, Saudi Arabia is only party to a few agreements that enhance maritime security against piracy and armed robbery. In particular, the country recently enacted its agreement dubbed the New Saudi Arabian Commercial Maritime Law that is aimed at protecting its maritime industry in regards to insurance, vessels, ports, sea pollution, and safety in its territorial waters (Khoshaim & Associates, 2019). In addition, Saudi Arabia also reached an agreement with China identified as the Cooperation in Maritime Transport (Arab News, 2019). The agreement is meant to enhance cooperation between the two countries in regard to technology, studies, communication, transport techniques, and establishment of maritime companies (Logina, 2009). Internationally, Saudi Arabia is party to UNCLOS and IMO for enhanced maritime safety and security.

## 2.2. Piracy and Armed Robbery in Asia

Maritime piracy is a complex phenomenon that affects trade and is difficult to predict. Despite concerted efforts to eliminate piracy in South East Sea, piracy in Asia continued to rise substantially between 2012 and 2015 (Asariotis, Benamara, Lavelle, & Premti, 2014). The increase was despite the post-crisis economic recovery across the region. Southeast Asian economies grew by an average of 4.4 percent in 2015, with Indonesia's gross domestic product (GDP) expanding by 4.8 percent (OECD, n.d). The growth highlights the complexity of the problem, and suggests headline GDP growth is insufficient to influence piracy statistics, as long as other conditions – such as a lack of employment opportunities in deprived coastal areas in parts of Indonesia, the

Philippines and elsewhere – remain unaddressed. While a decline in the number of attacks may plausibly signal the beginning of a long-term trend, it may just as likely be a temporary success, akin to the short-lived reduction in attacks in 2012 (OECD, n.d). In this respect, lower figures may be the result of short-term changes in any of the aforementioned risk factors.
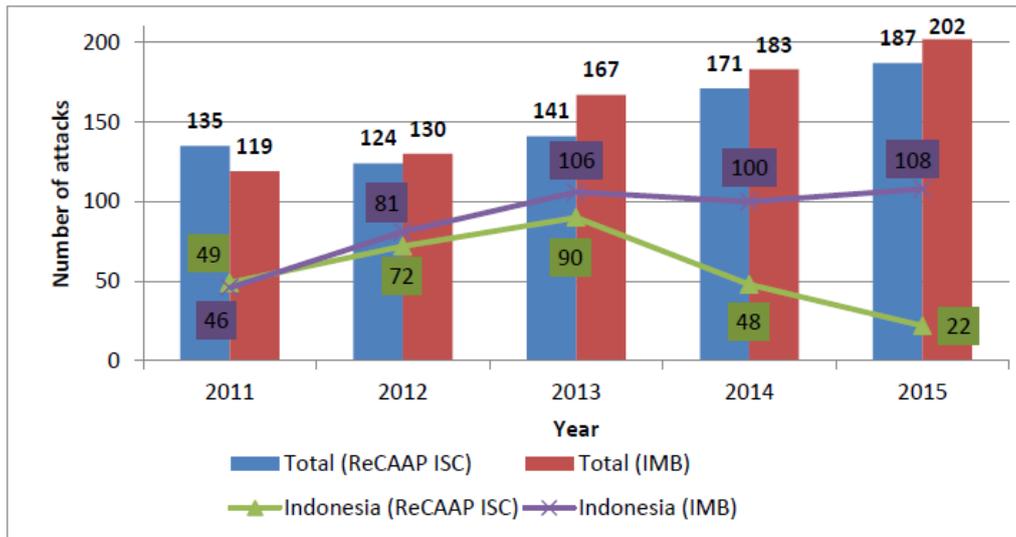


*Figure 1: Reported piracy incidents in Asia, 2011-2015*

## 2.2.1 ReCAAP's Role in Saudi Arabia

Saudi Arabia is a major logistics and shipping hub in the Middle East. However, the threat of piracy and armed robbery against ships threatens the smooth flow of business in the nation's ports (Vassiliev, 2013). This challenge can be attributed to several factors, a key of which the existence of Islamic insurgency groups who engage in piracy in order to shore up with finances (Jones, 2011). For instance, the Saudi navy has for numerous times foiled attacks by Houthi rebels targeting ships in the Saudi waters. The efforts to counter piracy and armed robbery by the Saudi government is aligned to ReCAAP's general obligation to stop and counter such acts of criminal disruptions. The success of the Saudi navy as far as foiling these attacks can be attributed to the timely and accurate information shared by ReCAAP's ISC (Mejia, 2010). Moreover, the ability of the Saudi teams to respond to the attacks has

improved over the years, mainly due to the capacity building exercises offered under the ReCAAP framework.

As observed earlier, ReCAAP is fundamentally a framework for cooperation between various players in the maritime sector. The cooperation is a welcome strategy; this is because of the many casualties of the attacks, as ships ferrying its crude oil have always been under constant attacks by pirates, a majority of whom targeting to finance terrorist activities through the sale of oil (Jones, 2011). Therefore, with the assurance of cooperation, Saudi Arabia is sure of a reduction in the level threats posed by the pirates and terrorists, as it is protected even by other member states of ReCAAP and DCoC (Mejia, 2010). Overall, ReCAAP has played a significant role in creating a stable and secure maritime transport sector, thereby enhancing Saudi Arabia's economic stability.

## 2.2.2 The Role of DCoC in Saudi Arabia

The Kingdom of Saudi Arabia is a major player in the global maritime industry and particularly in the Middle East. Being the largest economic power in the Middle East, Saudi Arabia's purchasing power is considerably high, a factor that makes it possible for the country to import large volumes of goods from across the world. As observed earlier, the country is a major producer and exporter of oil, which it exports in large quantities. The high volume of imports and the crude oil exports require a cost effective and convenient mode of transport (Vassiliev, 2013). This makes maritime transport the country's favorite and this explains the nation's position as a major shipping and logistics hub in the Middle East and indeed the entire Arab world.

The sophistication of Saudi Arabia's maritime industry comes with various challenges, ranging from the usual difficulties involved in managing a busy logistics sector to the more destructive problems such as piracy and armed robbery in the sea. All these challenges give rise to the need for a cooperation framework with other stakeholders and players in the industry (Vassiliev, 2013). Admittedly, with piracy being a transnational crime, it is difficult for Saudi Arabia to deal with this challenge. The fact that the criminal elements involved from different nations, coupled with the

fact that captured ships might be steered to another nation's jurisdiction, requires Saudi Arabia to enter into agreements with other nations to prevent such events.

Considering the challenges that Saudi Arabia faces in dealing with this transnational crime, its membership in the DCoC is paramount. Largely, the nation's membership in the framework has enhanced its preparedness in defense against piracy and armed robbery (Sakhuja, 2011). Firstly, under this cooperation, Saudi Arabia has been able to share and receive intelligence information that has been instrumental in foiling numerous attacks against its ships (Del Castillo, 2015). Secondly, by virtue of being a member of DCoC, Saudi Arabia has benefitted from the arrest and prosecution of key suspects involved in piracy activities in the Gulf as well as in the Indian Ocean, a move that has helped to ensure the safety of Saudi ships and crew (Del Castillo, 2015).

Generally, the DCoC has been of great significance to Saudi Arabia by enhancing collaboration between the member nations. DCoC has made it possible to minimize the risk posed by transnational pirates, a factor that has informed improved outcomes in the maritime business. With Saudi Arabia being a major shipping hub in the Arabian Peninsula, and a major player in the maritime sector, the improved maritime business environment has brought so much value. In this context, the nation is able to rake in billions of dollars from the sale of crude oil. A smooth maritime transport sector has also made it possible for the nation to import raw materials for its industries, a factor that has helped to enhance its position as a major industrial and economic power house not just in the Middle East but in the entire globe (Sakhuja, 2011).

DCoC has also helped to offer training to Saudi officials on maritime safety and security matters. This training includes disaster preparedness in ships. The training also involves taking the officials through pattern reading techniques in order for them to observe the patterns of piracy related activities and, therefore, be able to foil or mitigate their impact once they occur. Through this training, officials and stakeholders in the country's maritime industry are now, more than ever, prepared to tackle all piracy related activities, a factor that has helped to minimize the losses incurred once

the pirates strike (Sakhuja, 2011). This has in turn translated into better fortunes for the industry, a factor that has ultimately enhanced the country's economic stability.

Just like other DCoC signatories, Saudi Arabia previously experienced challenges prosecuting piracy related cases. This was the case, since the nation did not have effective legislation regarding this issue. However, participating in DCoC has provided the country with an opportunity to borrow a leaf from best practices including those from other member countries in a bid to come up with its own legislation targeting the prosecution of such cases. Accordingly, using the framework provided by the DCoC, Saudi Arabia has been able to formulate an effective legislation that has made it easy to effectively prosecute suspects accused of engaging in this criminal activity (Sakhuja, 2011). Overall, DCoC has played a pivotal role in enhancing Saudi Arabia's legislation in regard to laws on piracy and violent robbery at sea.

### 2.2.3 Combating Piracy and Armed Robbery in Saudi Arabia

ReCAAP was the first international organization established specifically with the goal of tackling maritime piracy and armed robbery in the Asian region. It has done so by facilitating cooperation and information sharing between participating states, which allows for a rapid response by local law enforcement (Mejia, 2010). From its original remit in the Asia-Pacific, the organization has expanded to include member states in Europe and North America, and its structure has gone on to serve as the blueprint for the DCoC. In a way, they both play a similar role to that of ReCAAP in countering piracy in the Gulf of Aden in East Africa. As a result of its status as the first organization of its kind, a global membership, influence on the formation of other organizations, and its (relative) effectiveness in boosting practical anti-piracy cooperation between states in the Asia-Pacific, ReCAAP's plays a major role in combating piracy and armed robbery in Saudi Arabia.

In addition to the agreements, Saudi Arabia is also party to a 33-member coalition known as the Combined Maritime Forces (CMF) (Bell, 2019). The members specifically are drawn from all over the world and include the five Gulf States and Saudi Arabia is one of its key players. During the height of piracy between 2005 and 2008, the coalition stepped up to protect the Gulf of Aden where pirates from Somalia

frequented (Asariotis et al., 2014). The Gulf Cooperation Council (GCC), which Saudi Arabia is a member, is extensively involved in the practices and activities of the CMF. The CMF is thus divided into three- CMF 150, 151, and 152, which all undertake different mandates. In particular, CMF 150 is tasked with security operations and counterterrorism in the Gulf of Aden, Gulf of Oman, Indian Ocean, the Red Sea, and the Arabian Sea (Bell, 2019). The CMF 151 and 152 conduct counter-piracy operations and security operations in the Arabian Gulf respectively (Bell, 2019). Therefore, the GCC membership aligns Saudi Arabia as an active and powerful ally in ReCAAP and DCoC instruments in combating piracy and armed robbery in the region.

## 2.3 International Cooperation against Piracy in Saudi Arabia

Saudi Arabia is close to various piracy and armed robbery hotspots such as the Gulf of Aden as well as the Arabian Sea (Asariotis et al., 2014). In addition, the routes are full of various vessels transporting commodities across different continents. Upon realizing the global phenomena of piracy, Saudi Arabia aligned itself with various international players in maritime safety (Randrianantenaina, 2015). In particular, Saudi Arabia is involved with ReCAAP and DCoC, which are both international bodies that are aimed at fighting piracy and armed robbery. In addition, it is also a member of the GCC and CMF, which are also international bodies that fight the maritime vices. The country is also party to the IMO in a significant way. Notably, it provides technical assistance through resource and financial contribution to the Integrated Technical Co-operation Program from the IMO security fund (IMO, n.d). The aim of the contributions is to promote maritime safety and provide security and environmental protection in the Asian region. Consequently, Saudi Arabia is an active member that is internationally active in the fight against piracy. The active membership is also supported by national treaties that further cement Saudi Arabia's relationship with  international bodies such as the Commercial Maritime Law.

## 2.4 The Formation of ReCAAP and DCoC Agreements

ReCAAP was formed with an aim to curb piracy in the Asian region. However, due to its relative success and guiding principles, it also has contracting members such as the US and Norway. The agreement is a government-to-government that encourages

members to collaborate in the fight against piracy and armed robbery in the region. In particular, the collaborative matters include communications, whereby the members share information regarding the maritime industry security. In addition, the agreement pursues capacity building among its members to ensure that it remains at the forefront in regard to security. Finally, cooperative arrangements are made among members and other key international players like IMO in support of various ventures in the Asian waterways and territorial waters for individual country. As a result, ReCAAP boasts of an information sharing center located in Singapore, with the support of IMO.

At the helm of piracy in the East African region and the Indian Ocean, various countries came together to form the DCoC. The current 21 members are all signatories except for one, Somalia. The aim of the instrument was to repress the increased piracy and armed robbery of ships using the routes and coming into the region. Despite DCoC being merely an instrument and not an agreement, it is also aligned to international maritime laws. Therefore, it also enhances international cooperation through communication, provision of training, coordination, and cooperation among states. The DCoC and ReCAAP thus enhances Saudi Arabia's ability to combat piracy and armed robbery in Asia.

## 2.4.1 The Role of Saudi Arabia in ReCAAP

Saudi Arabia as a regional participant is required to cooperate at various levels such as information sharing. ReCAAP has a provision that require participants to endeavor to offer mutual legal assistance in criminal cases when requested (Mejia, 2010). For instance, the members, contracting party, or the participant should extradite people who commit criminal acts involving piracy and armed robbery to the relevant authorities.

## 2.4.2 The Role of Saudi Arabia in DCoC

In 2017, DCoC was amended and updated in Jeddah by all signatory states. The amendment is now known as the 'Jeddah Amendment to the Djibouti Code of Conduct' (IMO, n.db). Consequently, the role of participating nations such as Saudi Arabia was identified as, working together with various stakeholders and with support from IMO to build and improve their individual and regional capacity in addressing

security issues in the maritime industry for sustainable development (IMO, n.db). Consequently, the role of Saudi Arabia in DCoC is cooperation with other countries and agencies and developing multinational and multi-functional policies that promote maritime safety.

An analysis of the resulting themes found in ReCAAP and DCoC will be done in the next chapter in order to identify the differences, similarities and how they impact Saudi Arabia's efforts in countering piracy and armed robbery. The results will reflect various issues within the two instruments and how and why they are effective and suitable for Saudi Arabia.

# Chapter 3: Results and Analysis

## 3.1 A Comparative analysis of ReCAAP and DCoC

### 3.1.1 Aims

ReCAAP is an agreement aimed at promoting cooperation among member states in suppressing piracy and armed robbery at sea. ReCAAP has an Information Sharing Center recognized as a multilateral government-to-government anti-piracy and armed robbery organization. The objectives of the center include promoting information and best practices sharing between member states to improve the capacity of members in combating piracy and armed robbery. Additionally, the center facilitates cooperation with other organizations involved in the war against piracy to enhance signatories' ability to handle piracy and armed robbery incidents at sea. A member state is also required to make every effort to implement a request from another member before notifying the ISC about the measures that it has taken to address the request. ReCAAP is also aimed at easing the process of extraditing offenders. However, the treaty does not oblige a member to comply with an extradition request. It is therefore just aimed at promoting cooperation between parties.

On the other hand, DCoC is a regional instrument aimed at dealing with piracy and armed robbery in the western Indian Ocean and the Gulf of Aden (Asariotis et al., 2014). Its aim is to increase cooperation between member states to enhance their effectiveness in preventing, interdicting, and prosecuting offenders. The Code also promotes information sharing and reporting. ReCAAP and DCoC have similar measures for the protection of ships, information sharing, incident reporting, and assistance among member states. However, DCoC is not a legally binding instrument.

### 3.1.2 Implementation

The RECAAP agreement originated from the Asian Cooperation Conference on Combating Piracy and Armed Robbery against Ships that was held in Japan in 2001. The implementation of ReCAAP entailed the erection of Information Sharing Centers (ISC) in order to enhance cooperation arrangements (United Nations, n.d). The information sharing center also works to enhance the counter-piracy capabilities of members through initiatives such as capacity building workshops, meetings and operational visits (United Nations, n.d). The initiatives ensure that the Saudi's security officials and other concerned parties have the right skills to respond to and prosecute cases involving piracy. ReCAAP contains provisions that allow a member state and its law enforcement agencies to enter into bilateral cooperation under the ReCAAP framework (United Nations, n.d). As such, Saudi Arabia is in a position to protect its interests in sea routes comprising of states which are not members.

ISC fosters cooperation with external organizations, states and parties like Indonesia and Interpol in areas such as joint exercises and intelligence sharing. The cooperation further enhances the ability of Saudi Arabia to prevent, respond and prosecute piracy crimes and minimize the impacts of such crimes on its economy (United Nations, n.d). ReCAAP has influenced the creation of similar agreements in other regions such as the Gulf of Aden and East Africa. These are important trade routes that Saudi Arabia cannot ignore. A case in point is the 2008 hijacking of Saudi-owned oil tanker with around $100 million worth of crude oil by Somali pirates (Al-jazeera, 2008).

Efforts to establish DCoC began with the International Maritime Organization's (IMO) resolution A.1002. The resolution called upon countries in southern and eastern Africa and the Arabian Peninsula to conclude an international agreement that could prevent, deter and suppress piracy in their regions. As a result, in 2010, the Project Implementation Unit (PIU) was created with multinational capabilities (Djibouti Code of Conduct, 2012). In particular, the unit was aimed at assisting member states to implement DCoC. The unit entails various heads with diverse roles that are all aimed at ensuring that DCoC completes its intended purpose.

In particular, the subunit heads are specialists in both operations, training and  legal issues such as maritime laws, and finally in computing and technical systems.

The unit is strictly operated with funds that are donated to the Trust Fund. The Trust Fund is a voluntary kitty, whereby various states, members and non-members of DCoC can make their contributions (Djibouti Code of Conduct, 2012). However, the contributing countries have to be IMO or United Nations (UN) members. In addition, organizations, and public or various organizations are also free to make their contributions. In-kind support is also encouraged as a mode of contribution to the implementation of DCoC (Djibouti Code of Conduct, 2012). Such help can be offered by private and governmental institutions that are in consultation with DCoC and those that intend to support IMO. For instance, France, Japan, and Shipowners Bahrain are known financial contributors of the Trust Fund (Djibouti Code of Conduct, 2012). The Trust Fund is open for donations as it assists in the implementation of DCoC through the support of IMO.

### 3.2 Impacts of DCoC and ReCAAP in Saudi Arabia

Although the main focus of ReCAAP is on data collation and information sharing as opposed to developing concrete anti-piracy capabilities, the organization has played an important role in promoting cooperation and trust among members. Notably, South East Asia was riddled with territorial disputes and competing economic blocks that made it difficult for countries in the region to cooperate in the fight against piracy. Previous attempts such as the creation of a regional coast guard failed (Hribernik, 2017). However, the ReCAAP agreement succeeded in securing the support and cooperation of key states in the region (Logina, 2009). Through the ReCAAP agreement, Saudi Arabia can enjoy the support of important powers like the United States and China. Although Indonesia and Malaysia have never ratified the agreement, efforts have been made to provide them with a framework for cooperating with member states (Mejia, 2010). Therefore, states such as Saudi Arabia are better equipped to handle the issue of piracy and armed robbery in the region.

Furthermore, the agreement has provisions that stipulate how members should provide legal assistance including extradition when requested. The provisions limit

attackers' ability to flee across borders to avoid being captured. Initially, it was common for criminals to stage attacks near borders such as the Singapore Strait then vanish in a foreign country. However, with ReCAAP agreement, local authorities can be notified promptly and pursue the suspects across different maritime boundaries (Mejia, 2010). The information sharing center is the core of ReCAAP. The services offered by the ISC, therefore, have significant impact of Saudi Arabia as a member. One of the goals of the center is to facilitate communication and information sharing among members with the aim of enhancing incident response. Saudi Arabia is thus well prepared to respond to piracy and armed robbery incidents that involves its vessels. Moreover, the center collects, verifies, and analyzes privacy statistics. Saudi Arabia is, therefore, assured of accurate and reliable information that it can use to support decision making in its efforts to eradicate piracy and armed robbery, which can affect trade with global partners negatively. The agreement thus benefited Saudi Arabia by influencing the formation of DCoC to promote cooperation and information sharing in the East Africa region.

Indeed, the guiding principles of DCoC as an instrument that counters piracy and armed robbery greatly benefits Saudi Arabia. In particular, the fact that DCoC is recognized by IMO, it further strengthens the country's international relations against piracy. For Saudi Arabia, it has enabled active participation in maritime safety and international recognition as a key player in the Gulf of Aden and the Arabian Sea. As a result, this has attracted major economies such as China into collaboration to enhance the country's maritime industry. The New Commercial Maritime Law that was recently enacted in Saudi Arabia is a reflection of Saudi Arabia's interest in enhancing and expanding its maritime industry (Khoshaim & Associates, 2019). In addition, it is a sign of commitment to maritime safety as required by DCoC. Indeed, the law also has a basis on the DCoC and ReCAAP's principles, which can be attributed to the growth of Saudi Arabia's safety protocols in the recent past. Consequently, DCoC puts the country in a better position to protect its interests in the region.

### 3.3 Results

Piracy and armed robbery are old vices making a return in the 21st century. Notably, the vice is affecting governments, corporations, regions, and destabilizing economies in some instances. As a result, international agreements from the late 20th century are being used to counter the vice that has evolved. Over time, the modus operandi of pirates and other maritime criminals has evolved. In particular, the items and reasons have all continued to change depending on the time and location, as prevalence is different and is based on diverse factors. Consequently, the Law of the Sea that was enacted in the 1980s has become a regime that is used as a basis for 21st century agreements all over the world in a bid to combat piracy and armed robbery (Amri, 2013; Haywood & Spivak, 2013). In particular, in the Asian region, ReCAAP and DCoC have become vital in addressing the vice and the associated challenges, and Saudi Arabia is at the forefront in utilizing these tools.

### 3.4 How the Agreements Combat Piracy

ReCAAP and DCoC are different tools, but they are both aimed at combating piracy and armed robbery in the Asian region. However, ReCAAP is a treaty among 11 Asian countries and 15 contracting countries, also from the region and other international players like the US and the UK, among others (ReCAAP, n.d). Notably, ReCAAP's approach is enhancing inter-government cooperation that translates to coordinated efforts in reducing, reporting, and responding to various cases of piracy and armed robbery. On the other hand, DCoC is simply an instrument that supports and facilitates member countries from the Horn of Africa and Asia with tools to combat piracy and armed robbery in their territorial waters. The approach used by DCoC is a more practical one rather than just government cooperation. In particular, DCoC facilitates regional training to the signatories and collectively creating counter-piracy capacities (IMO, 2015). Consequently, there are different approaches to the piracy challenge despite both tools being formulated for the same job.

### 3.4.1 ReCAAP

ReCAAP significantly relies on ISC network to combat piracy in the Asian region. The ISC shares information regarding various aspects of the maritime industry

with the other governments and various designated groups relevant to countering piracy and armed robbery. As a result, all the signatories of ReCAAP such as Japan and South Korea among others are charged with creating focal points where information is shared from one country to another (ReCAAP Information Sharing Center, 2018). The role of the focal point is to facilitate various activities such as investigations, management of armed robbery and piracy incidents, information exchange within the focal point network, and coordination of surveillance. The activities are not conducted regionally but at the national level and within a country's jurisdiction and territorial waters (ReCAAP ISC, 2018). ReCAAP's objective is to promote information sharing among the signatories, governments, that later connect to other international organizations such as DCoC, Interpol, and IMO (ReCAAP ISC, 2018). Therefore, the established network of information sharing also involves various organizations in the maritime industry, governmental and non-governmental alike such as the Federation of ASEAN Shipowners Association (FASA) and Intercargo.



*Figure 2: The ReCAAP's information sharing network*
*Source: (2019)Retrieved 26 August 2019, from http://www.ReCAAP.org/resources/ck*

ReCAAP ISC uses information sharing as its pillar in combating piracy and armed robbery. Therefore, the ReCAAP focal points and regional authorities from the network are a significant source of information. The information is used in the promotion of situation awareness, identifying trends and patterns, and analysis that helps in the provision of the appropriate recommendations (Kax, 2012). The result is that warnings, incident alerts, and various reports are developed and issued through diverse platforms such as ReCAAP's website, the focal points, and social media. Consequently, the ReCAAP network that entails various organs and organization are all able to act accordingly after the reports are issued due to sound and accurate information (Kax, 2012). For instance, after a container ship was attacked in Manila, the shipmaster immediately reported to the Manila port authorities and the port coast guard was deployed and they made arrests, and the perpetrators were charged (ReCAAP ISC, 2018).

### 3.4.2 DCoC

DCoC is actively involved in the provision of a framework in the Western Indian Ocean and the Gulf of Aden for capacity building in order to counter piracy and armed robbery. The signatories of DCoC are 20 out of the 21 nations that are eligible signatories (IMO, 2015). Consequently, it relies on the commitment and willingness of most of its members to grow and evolve as it aims at countering piracy and armed robbery. In particular, DCoC facilitates communication, coordination, and cooperation among member states in order to support its main pillars and basis of formation (IMO, 2015). The four pillars include training- nationally and regionally-, the enhancement of national legislation, information sharing, and developing capacity in counter-piracy. Besides, technical cooperation exists between DCoC, and IMO has also been created. As a result, there is a trusting, effective, and popular relationship that enhances DCoC's abilities in countering piracy and armed robbery (Elmi & Mohammed, 2016). DCoC uses capacity building as a vital tool in countering piracy and armed robbery in the region. Consequently, training, information sharing, and governance are enhanced using various modes in order to develop a strong front in countering the piracy threat.

Notably, IMO in conjunction with DCoC has a regional training facility in Djibouti that is funded by various donors, but Japan is the primary donor. The training provided by DCoC is conducted in partnership with major international organizations such as NATO and East African Standby Forces (EASF) (IMO, 2015). Notably, training is one way that gears the whole government approach in anti-piracy as it promotes better coordination at regional and national levels. The national legislations of the signatory states were reviewed under the Code to ensure that piracy and armed robbery against ships were categorized as criminal activities (IMO, 2015). This kind of capacity building ensures that individual governments can conduct investigations and prosecute offenders in their jurisdictions since they are empowered and sufficient even by international standards (Elmi & Mohammed, 2016). The information-sharing centers in Mombasa, Sanaa, and Dar-es-Salaam are equipped to promote interoperability between, national and international naval forces and the network. In particular, planning and executions of various operations and exercises are also undertaken by the centers. Therefore, capacity building of the three aspects plays a significant role in anti-piracy efforts in the region.

### 3.5 How Saudi Arabia Uses Maritime Agreements

Saudi Arabia, by being close to the Arabian Sea, has independent measures to counter-piracy. However, since piracy increased to critical levels, the country has continually found itself party to various international instruments that work to counter piracy and armed robbery. In particular, Saudi Arabia, as a DCoC signatory and a participant of ReCAAP uses the two as instruments to counter piracy and armed robbery in various ways.

### 3.5.1 ReCAAP

ReCAAP, as a regional treaty, entails various governments in the Asian region. As a result, signatories, contracting parties, and participants alike are given a chance to utilize ReCAAP's ISC as well as its vast network. Notably, Saudi Arabia as a participant uses ReCAAP's network as well as its infrastructure to combat piracy (ReCAAP ISC, 2018). Particularly, ReCAAP's network includes focal points from the signatories, which is the major point of information that is shared among organizations

and governments alike. The involvement of coast guards from the signatory and contracting parties like the US gives Saudi Arabia participation opportunities. In particular, the head of coast guard agencies in Asia and the Navy collaborate to form the Combined Maritime Forces (CMF) that also has task forces that include CTF 150, 151, and 152 (Nelson & Goossens, 2011). Notably, Saudi Arabia is a member of the combined task forces, which is ultimately part of ReCAAP's network that maintains maritime security through counter-piracy and terrorism. Therefore, Saudi Arabia uses the ReCAAP treaty as a tool that enhances its collaboration in counter-piracy efforts as well as actively being involved in enforcing maritime law (Nelson & Goossens, 2011).

Individual organizations are also allowed to be part of ReCAAP in various capacities. As a result, piracy and armed robbery receive more attention from private entities as opposed to governments only. Saudi Arabia also allows its corporations to be part of the ReCAAP network, which gives the country more opportunities and ways to counter-piracy. For instance, Saudi Arabia's oil companies such as Saudi Arabian Oil Company are members to Oil Companies International Marine Forum (OCIMF), which is a participant of ReCAAP and part of the ISC network (Oil Companies International Marine Forum (OCIMF), 2018). Participation of organizations in ReCAAP presents various aspects of piracy and maritime security in a way that governments may not. Consequently, Saudi Arabia uses its companies as an anchor into the ReCAAP network such that it has information from all maritime players. The information is then used by the government or passed on to ReCAAP ISC, which helps to enhance anti-piracy efforts in Saudi Arabia. As a result, Saudi Arabia can apply best practices such as cooperation among various agencies, vigilance, and timely response individually and with the help of ReCAAP (ReCAAP ISC, 2018). Therefore, Saudi Arabia uses ReCAAP through inter-government cooperation, organization participation, and its network to combat piracy in its territorial waters.

### 3.5.2 DCoC

The IMO guides DCoC's mandate, and Saudi Arabia has been a member since 1969. In addition, DCoC was launched with the help of ReCAAP. Therefore, by

becoming a signatory of DCoC, Saudi Arabia can access various benefits from both instruments. Indeed, in 2015, the Project Implementation Unit (PIU) came to a close as IMO made various administrative shifts (IMO, 2015). As a result, capacity building related to the DCOC is done through the Maritime Safety Division (MSD) and the Technical Cooperation Division (TCD), which are a division of IMO (IMO, 2015). Consequently, Saudi Arabia takes advantage of this partnership and contributes in various ways of capacity building to enhance its maritime laws and their implementation. In particular, Saudi Arabia, as a signatory has adopted the revised Code in order to enhance its counter-piracy efforts and expand to include various maritime vices such as human trafficking.

DCoC's capacity building through training incorporates various international organizations such as NATO. In this respect, Saudi Arabia, through Mohammed Bin Nayef Academy of Marine Science and Security Studies, takes advantage of the various training programs to enhance its maritime security operations (IMO, 2015). The training offered through DCoC's partnership with IMO corresponds with international standards, which aligns members to a certain standard of operation. Investigations, arrests, and response, especially at sea, are part of the training program offered by DCoC. In addition, prosecution of offenders is enhanced through the review of national legislation. Notably, Saudi Arabia takes part in various workshops and conferences in addressing the process of enforcing anti-piracy laws held by DCoC (IMO, 2015). Indeed, Saudi Arabia uses the training provided during the workshops to enhance its anti-piracy laws and their effectiveness in its maritime industry. For instance, Saudi Arabia enacted the Commercial Maritime Law to oversee its operations at sea and to guide various related entities.

Saudi Arabia is also actively involved in various endeavors within the DCoC. In particular, training has been its major strength with the country holding and sponsoring various courses. Saudi Arabia aims at promoting regional capacity in countering piracy and armed robbery using the programs. Therefore, DCoC allows Saudi Arabia to develop and enhance its maritime security operations in collaboration with other signatories. The training included maritime interdiction operations,

investigations at sea, and training of trainers of technicians (IMO, 2015). IMO values the sponsorship and hosting of such programs; hence, Saudi Arabia uses its position at the DCoC to ensure that such programs enhance its anti-piracy efforts. Therefore, Saudi Arabia uses DCoC to enhance its capacity to avert, investigate, arrest, and prosecute maritime vices such as piracy, armed robbery, trafficking, and illegal fishing, among others.

## 3.6 How the Agreements Compare to other Methods of Combating Piracy

There are other methods of combating piracy, such as approaching it as a chronic problem and using technological means. The approach is aimed at ensuring that there is a sustained action by the international community in handling the piracy problem. As a result, various governments are likely to continue sharing information regarding any acts of aggression leveled against vessels on the high seas (Gould, 2017). Governments thus become open to maritime vigilance, especially against vices that threaten the security of shipping vessels' crew. The countries are also likely to continuously seek allies in other nations who might be willing to support the core purpose of the strategy. The move is significant in enhancing the power and motivations of governments towards addressing piracy and armed robbery. Indeed, there is the possibility that cooperation through technology will act towards supporting the anti-piracy efforts appropriately.

Approaching piracy as a chronic problem requires constant patrols in the high seas. Such patrols are useful in combating piracy since their aim is ensuring that the vice is averted. The strategy also ensures that there are coordinated actions in which the relevant bodies can dissolve any piracy situation before it escalates further (Boshoff & Sefatsa, 2019). As a result, potential pirates are likely to be dissuaded from engaging in piracy and armed robbery due to the involved risks. Successful prevention and dissolution of piracy and armed robbery are sufficient to prove collaborative efforts aimed at dealing with the problem are deemed appropriate.

DCoC and ReCAAP are tools that are aligned with the technological approach through fast action against potential cases of piracy. In particular, DCoC ensures that there is ease of sharing intelligence between countries in regard to protecting vessels

against piracy. Thus, countries can move in with high speed and neutralize any case of piracy (Chappell, 2018). For the most part, governments are likely to be aware of the need to address the problem immediately. Information sharing is also imperative as it enables the various players in the process of combating piracy and armed robbery to successfully undertake various actions to support and enhance maritime security in the Indian Ocean.

DCoC and ReCAAP also manage ransom related activities by countering vices that may lead to such cases. Since the DCoC and ReCAAP are aimed at ensuring that countries attain better cooperation when dealing with the problem of piracy, they need to agree on a modality that can be applied in the prevention of ransom payments. With the reduced chance of making money out of piracy, criminals are less likely to view it as a viable venture of making money. Reducing the viability of piracy is significant in ensuring that sustainability is achieved in maritime security (Percy, 2016). Sustainability is significant as it ensures that trade and tourism, among others, grow and develop without the constant threat of piracy and armed robbery. The approach motivates other countries to join and collaborate through various means such as developing a network of information sharing.

### 3.7 The Effectiveness of ReCAAP Compared to DCoC in Combating piracy

Although both ReCAAP and DCoC are essential for combating piracy, ReCAAP is deemed to be more productive. One advantage of ReCAAP over DCoC is that it has members from different parts of the world. The membership scope is different from that of DCoC, which has members mainly drawn from the Middle East and Africa (Kateka, 2015). The ReCAAP membership leads to an ownership aspect among the various organizations and countries involved in the agreement. The countries from different parts of the world are deeply concerned with the protection of maritime waters against piracy, which ensures the problem is effectively countered. The members are interested in the various provisions that address the problem in a way that reduces the chances of recurrence of piracy and armed robbery.

Additionally, the fact that other established economies such as the UK, the US, Denmark, and the Netherlands are part of ReCAAP means that it is more effective as

compared to the DCoC. Some benefits are obtained by having established economies as part of the signatories to the agreement (Bueger, 2017). In particular, such economies facilitate high tech military and naval hardware, which are critical towards dealing with piracy and armed robbery. Indeed, the hardware, as well as expertise, enhance the expected outcomes when combating piracy.

The advanced economies, which are part of the contracting members of ReCAAP, provide financing to tackle the problem of piracy. The finances promote and support sustainability in various activities and ReCAAP provisions and enacted information centers. For the most part, combating piracy entails the use of significant amounts of finances (Chapsos & Kitchen, 2015). Therefore, where monetary resources are availed, there is the possibility of developing better strategic plans to combat piracy in the long term. In addition, long term strategies suppress maritime vices over a long period.

The inclusion of countries with advanced financial and military capabilities such as the US and the UK in ReCAAP improves the level of intelligence gathering. The gathering of intelligence regarding pirates is a vital process aimed at thwarting their activities. It makes countries more prepared to deal with the pirates (Simon, 2017). Furthermore, learning about the pirates' patterns is essential in establishing specific methodologies that can be applied to avert, counter, and eliminate the related vices.

ReCAAP was established as a useful tool aimed at longevity in terms of keeping the Asian region free of piracy and armed robbery. Its goals are more definite as compared to those of DCoC. Thus, ReCAAP is committed to availing necessary resources in addressing the problem of piracy (Chapsos & Kitchen, 2015). For as long the problem of piracy continues to be a threat, ReCAAP has the full commitment to enforcing its various provisions among signatory members, contracting members, and the participating members such as Saudi Arabia. The inclusivity approach ensures that other countries, organizations, and other interested parties have an opportunity to support ReCAAP activities and mission. The approach is significant and makes the treaty a unique entity in dealing with piracy compared to DCoC.

Further, the fact that there is an information-sharing center within ReCAAP makes it appropriate in dealing with piracy. Such a centralized information-sharing system is appropriate in ensuring that relevant intelligence is shared in-time since it is critical in addressing maritime insecurity. The ISC is essential in enabling ReCAAP member organizations and organizations to share information with ease on any suspected case for an immediate response (Bueger, 2017). The approach is also vital in enabling various participants to brainstorm government-to-government on the best methodologies to apply in addressing piracy effectively.



*Figure 3: The Effectiveness of ReCAAP on reduction of piracy activities within the Indian Ocean*

Source: The Maritime Executive, 2018

The discussion chapter highlights various issues within the two instruments and how each affects Saudi Arabia. Inefficiencies within the instruments are also identified and their lack discussed to ensure that all elements as they relate to Saudi Arabia and maritime security are identified.

**Chapter 4: Discussion**

Agreements as regards piracy and armed robbery have ruled the 21st century. In the previous years, the limitation of piracy to small areas was easily controlled using the Law of the Sea and in a universal manner. In addition, individual governments were able to manage the maritime vices since they were significantly localized and did not interfere with the neighboring countries in any way. However, the evolution in economy, trade, politics, and globalization has also transformed how pirates and robbers operate at sea. In particular, they are well organized as they use mother boats and other smaller vessels to attack their targets. The targets are also highly valuable since they contain valued items such as oil, which is used to run economies in various parts of the world. Consequently, regional cooperation that entails international bodies such as IMO, governments, as well as public and private organizations have become an essential tool in combating piracy and armed robbery. The need for cooperation is what has resulted in ReCAAP and DCoC. However, the robustness of these instruments has been witnessed in various occasions and situations and as they apply in combating maritime vices in Saudi Arabia.

**4.1 The Robustness of ReCAAP in the 21st Century**

The current security threats in the maritime industry are non-traditional in nature. In particular, threats such as piracy, illegal and unregulated fishing, armed robbery, illegal immigration, and smuggling of drugs and firearms were previously not as rampant as in the recent past. Notably, the vices have engulfed the Indian Ocean Region (IOR), which is a notable trade and energy route to other regions and continents (Ho, 2009). Saudi Arabia is in the Gulf region, which places it at close proximity to the route as a major trader in oil. Therefore, a multilateral approach such as ReCAAP is among the most effective modes of combating the vices since it facilitates a wider

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reach into international and territorial waters. ReCAAP's robustness can thus be seen in its underlying principles that guide the signatories, contracting parties, and other participants. The principles ensure that all members and participants align their laws to ReCAAP to ensure that the agreement succeeds in various capacities. In instances where the application of the principles is not holistically done, the agreements seem to have measures that help it overcome in its structural outlay.

Recently, ReCAAP included maritime terrorism, illegal fishing, and smuggling in its list of vices that it should counter. The inclusion of the vices indicates that the agreement is flexible and guided by prevailing circumstances in addition to its rules and regulations that govern its functions. The robustness of the agreement can be seen in its design as it is not limited to the original purpose of combating piracy. The treaty has been able to redefine its purpose and facilitated a more inclusive criteria of issues that affect the maritime industry. The approach it uses when addressing various issues is a source of sustainability of ReCAAP since it remains relevant despite its development over 10 years ago (Ho, 2009). As a result, ReCAAP is able to sufficiently undertake its mandate in a more relevant manner while still maintaining its original purpose. Notably, the treaty is still effective despite the additional scope of operation.

During the development of ReCAAP, most of the Southeast Asia countries were eligible signatories. However, the fear of losing autonomy and sovereignty led to Indonesia declining to become a contracting party to the treaty (Kax, 2009). Such reluctance from potential members in the Asian region is a major challenge to the implementation and effectiveness of the treaty. Nonetheless, the treaty has continued to improve cooperation in the region against piracy and armed robbery, with the ISC headquartered in Singapore. In addition, ReCAAP's ability to overcome such problems indicates that its basis for creation and the guiding principles are still able to promote cooperation even among the non-members. ReCAAP outlived other proposed initiatives such as the Regional Maritime Initiative Security (RMSI) that was proposed by the US in 2004 but declined by the Southeast Asian countries (Kax, 2009). Therefore, ReCAAP is geographically, economically, and politically viable and robust

since it is successful in promoting regional cooperation against piracy and armed robbery.

ReCAAP membership is varied. There are signatory members, contracting members, and the regional participants. As a result, there is a complex network that provides the necessary support required in combating piracy and armed robbery in the Asian region. In particular, the network does not only entail state governments but also international organizations as well as various associations with interest in the maritime industry (ReCAAP ISC, 2018). While the governments provide and facilitate the use and application of the set principles as well as their integration in the local laws, the organizations provide a more practical solution due to their heavy involvement in the maritime industry. Governments alone cannot counter the challenges brought about by piracy and armed robbery; hence, the involvement of other entities provides a different perspective of the problem (ReCAAP ISC, 2018). As a result, the agreement is able to stay ahead and alert of the prevailing situations in territorial and international waters. For instance, despite Vietnam being a ReCAAP member since its inception, its contribution is minimal financially and it lacks specific laws in anti-piracy (Kax, 2009). In such cases, organizations such as Interpol that have jurisdictions in such countries provide critical intelligence to help in combating piracy. Thus, the robustness of ReCAAP can be seen in its wide network or governments and organizations that overcome state challenges.

## 4.2 The Robustness of DCoC in the 21st Century

DCoC is also based and motivated by ReCAAP; thus, it enjoys immense support from IMO. As a result, its outreach is localized to the signatory parties but it entails an international approach to its activities. Notably, just as ReCAAP, DCoC has evolved to also include the non-traditional maritime vices such as maritime terrorism among others. The DCoC recognizes growing challenges in the maritime industry and makes the necessary adjustments to adopt and to be an effective tool in repressing piracy and armed robbery. The shifts and evolution are supported by signatory members as well as the IMO. As a result, DCoC is able to change within the realm of the maritime industry while also being guided by international standards in doing so

(Ho, 2009). The growing maritime challenges cannot be countered by individual governments, especially in the African front where political upheavals are a major impediment. Thus, DCoC uses principles that also enhance its capabilities even in such situations to ensure that security is provided in the region. For instance, lack of a strong central government in Somalia does not hinder DCoC working with the signatory members who are also the country's neighbors such as Kenya.

DCoC is an instrument that operates without any political oversight body. Lack of a political oversight indicates that the instrument does not have any responsibility towards a specific nation or organ (The Atlantic Council of the United States, 2012). In addition, projects tend to move slow, thus making progress in various capacities is also impeded. However, DCoC has been able to identify such problems and has reiterated by making amendments into the instrument. The amendments addressed various issues ranging from cooperation and coordination to the implementation of the instruments in relation to all member states (IMO, n.db). As a result, DCoC has emerged as one of the top pillars of anti-piracy in the Horn of Africa and the Gulf of Aden by promoting transnational communication and cooperation in the two regions.Therefore, DCoC has become a basis for technical cooperation among various stakeholders who include the signatory states, international bodies such as IMO, and other partners (Ho, 2009). As a result, the instrument is robust as it remains viable and relevant despite challenges of oversight that in different circumstances would have rendered the instrument ineffective.

The lack of a political oversight also indicates that the instrument has minimal financial support. In particular, DCoC operates with a budget of $9 million despite its large scope of operation (The Atlantic Council of the United States, 2012). The monetary resources are offered by willing donors from various countries such as Japan and the Netherlands, which indicates the budget is bound to change depending on the donor's ability (The Atlantic Council of the United States, 2012). However, the instrument has effective management of the funds to ensure that projects are not derailed or abandoned before they are complete. For instance, the building of a training facility for DCoC members in Djibouti is funded by Japan to ensure that it is complete

even when other donations stall or are unavailable (IMO, n.da). In addition, the donations are also done in kind, whereby other items are offered to support the instrument. In the recent past, there has been considerable collaboration between NATO and DCoC in regard to training of member states especially in terms of investigation and arrests at sea. Member states are also committed enough to support the endeavors of the instrument in various capacities such as the Mohammed Bin Nayef Academy of Marine Science and Security Studies enacted by Saudi Arabia to support training in the region. As a result, DCoC is still able to commit to its purpose of improving its anti-piracy capacities despite the small budget.

Notably, the instrument's Jeddah 2017 amendment is aligned to the blue economy. In particular, protection of the marine life and environment to promote economic growth and improved livelihoods are included in one of the articles of DCoC (IMO, n.db). The member states of DCoC are required to develop a national strategy to help in the development of their respective maritime industry and the blue economy. The purpose is to ensure that they can also generate employment, revenue, and stability in the regions as well as protect the marine environment and sustainably manage the related living resources. The DCoC is a robust instrument that can overcome a myriad of developing issues now and in the future through its various articles and international support. So far, the instrument is sustainable and compatible with current and future evolutions in the maritime industry.

### 4.3 The Approach of the Two Agreements

ReCAAP and DCoC are formulated for the same purpose- to combat maritime insecurities due to various vices such as piracy and armed robbery. Notably, they are both a multilateral approach to insecurities since they entail different regions and multiple countries. This approach makes them a formidable force in the maritime industry in combating piracy and armed robbery, especially in the Asian region. The Asian region harbors some of the busiest routes of maritime trade in addition to being some of the oil production areas such as the Malacca strait and the Arabian Gulf. However, the concepts of territorial and international waters complicate a nation's individual security efforts since other issues such as flag state come to the surface in

case of piracy and armed robbery (Ho, 2009). Therefore, ReCAAP and DCoC multilateral approach provides guidelines through its principles on how to handle such cases. Furthermore, the cooperation and coordination set out by the two instruments enhances individual security efforts in diverse ways.

### 4.3.1 ReCAAP

ReCAAP's approach to maritime insecurity is substantially based on its ISC that is based in Singapore. The approach is based on creating regional cooperation and coordination in the efforts of combating maritime insecurities (Mejia, 2010). The approach as used by ReCAAP ISC incorporates governments of the signatory states, contracting nations, and other participants such as Saudi Arabia. The guiding principles are considerably based on the IMO regime where coordination and cooperation is emphasized as a way of facilitating tactical and operational response at the regional level. Consequently, ReCAAP does not entail tactical operations that combat piracy as it respects the autonomy and the sovereignty of all members and participants (Kax, 2009; Pulungan, 2014). Countries have different governance systems, which guide responses to the threat of piracy in the Asian region. As a result, the multilateral approach used by ReCAAP is just to ensure that despite the diversity, cooperation is still obtained in combating piracy and armed robbery.

ReCAAP ISC is the main instrument against piracy and armed robbery in the Asian region. ISC is enhanced through the focal points enacted in the signatory states in order to create a network that can supply information regarding piracy and armed robbery incidences to participant nations as well as the contracting parties. ReCAAP ISC has a network that entails regional and international stakeholders in the maritime industry, which enhances reporting and response of piracy and armed robbery incidences (ReCAAP ISC, 2018). Notably, the treaty recognizes the inefficiencies of governments as the sole counter-piracy instrument. As a result, international organizations such as Interpol, the commercial maritime organizations such as the Asian Shipowners Association (ASA), and an integrated coast guard agency (HACGAM) among others are also incorporated as part of the ReCAAP network (ReCAAP ISC, 2018). Diverse stakeholders with different interests in the maritime

industry facilitate a multilateral approach to information collection, dissemination, and application in the fight against maritime insecurity.

Indeed, ReCAAP is not a tactical treaty that has individual capacity to fight against piracy. However, it is founded on the belief that information is key against piracy in the Asian region. In particular, information from the focal points, contracting nations, and commercial maritime stakeholders is cleverly used to develop reports that can be used by all participants to combat piracy. For instance, the shipowners association provide information about incidences which is transmitted through the focal points and interpreted to reports that are submitted to individual governments. The governments can then make correct predictions of incidences and create a response framework that can thwart piracy and armed robbery in particular regions. In addition, it is possible to create joint efforts with international stakeholders such as Interpol and regional tactical teams such as HACGAM (ReCAAP ISC, 2018). Therefore, while ReCAAP enhances cooperation, ISC ensures that coordinated efforts are achieved by all the stakeholders.

## 4.3.2 DCoC

DCoC is a regional instrument that entails African and Asian countries that are in the Indian Ocean Region (IOR). The region is a well-known and preferred trade route by most nations, which increases ship presence in the area. Therefore, the DCoC signatories come from the area as it also a well-known hub for pirates emanating from the instable Somali country and region. As a result, DCoC uses the capacity building of the signatory governments to enhance their tactical and operational abilities against piracy and armed robbery (IMO, n.db). Notably, the evolution of maritime insecurities had left most governments without policies or means to combat the vices. Consequently, DCoC's purpose is to help the countries restructure their legislations to include piracy and armed robbery as offences punishable by law. Therefore, DCoC's approach is directed towards capacity building in regard to legislation, training, information sharing, and general counter piracy capacity.

DCoC is also an instrument that uses multilateral approach against piracy by enhancing coordination and cooperation in two regions. However, the approach of

DCoC in this case is more direct as opposed to ReCAAP. In particular, the instrument promotes and develops national and regional training for member states in regard to maritime insecurity. The DCoC partners with various international organizations such as NATO to offer diverse maritime courses in investigation and response to piracy across all the signatory states. DCoC has also facilitated the building of a training facility in Djibouti to cater for the two regions that was opened in 2015 (IMO, n.db). In addition, the instrument continues to invest in more courses as well as building the capacity of the region to do the same in individual states. Therefore, the approach used by DCoC is direct and tactical in the region.

The national legislations of the signatory states is also under continuous review through the efforts of DCoC. In particular, the review was done to ensure that each state criminalizes piracy and armed robbery, for example by ensuring there was adequate provision for the necessary procedures. The procedures included the exercising of jurisdiction, investigations, and prosecution of the alleged offenders. DCoC takes direct interest and participation in the assessment and upgrade of local laws as well as empowering law enforcement agencies in the signatory countries. The code has also enacted information sharing network with centers across the two regions in Sana'a, Yemen, Mombasa, Kenya and Dar-es-Salaam, Tanzania. The centers in Kenya and Tanzania are for Regional Maritime Rescue Coordination Center (MRCC) and the one in Yemen is the Regional Maritime Information Sharing Centre (ReMISC) (IMO, n.da). The maritime and domain awareness is enhanced through the centers, which act indirectly to curb piracy by providing relevant information to the signatory countries. DCoC also has strategic partnerships with the UN agencies and the EU to reaffirm the members' commitment to enhance cooperation and coordination in the fight against piracy (IMO, n.db). Indeed, DCoC uses both multilateral and direct approaches against maritime insecurity in the two regions.

## 4.4 Notable Achievements in Combating Maritime Crimes for Saudi Arabia since joining DCoC and ReCAAP

Saudi Arabia uses ReCAAP and DCoC in various ways to combat piracy in its territorial waters. Being in close proximity to the Arabian Gulf, Saudi Arabia's active

profile in both instruments is notable as it aims at combating piracy in the region. As a result, Saudi Arabia has contributed in individual and regional capacity to the fight against piracy and armed robbery in various ways (Kraska, 2009). Furthermore, the efforts have been enhanced by the country's integration into ReCAAP and DCoC as it has facilitated its cooperation even with other international stakeholders. Saudi Arabia seems to benefit from various policies and infrastructures established by the instruments physically and in regard to its national policies and legislation. Before DCoC and ReCAAP were established, Saudi Arabia relied on the international principles provided by the IMO, of which it has been a member since 1969. Consequently, its reach and capability were limited to its territorial waters and the flagship of various vessels. However, with a membership and participation of the instruments, Saudi Arabia has been empowered to even create new policies to guide and protect its maritime industry such as the New Commercial Maritime Law (Khoshaim & Associates, 2019).

## 4.4.1 ReCAAP

Participating in ReCAAP has given Saudi Arabia an opportunity to access the treaty's information network that includes regional and international stakeholders. The inclusive nature of the agreement that is not limited to governments provides all participants with equal opportunity to benefit from various infrastructures (Kraska, 2009). For instance, the ISC network entails HACGAM that also incorporates the navy from countries such as the US (ReCAAP ISC, 2018). Consequently, the network is a crucial source of information for Saudi Arabia as well as an available tactical assistance in combating piracy. As a member of GCC, Saudi Arabia is able to become a member of the CMF that draws membership from various parts of the world and HACGAM (Nelson & Goossens, 2011). The CMF is a tactical team that helped to thwart piracy in the Gulf of Aden when individual national efforts could not suffice (Nelson & Goossens, 2011). Therefore, Saudi Arabia has been able to curb piracy leading to significant decline of the vice in the Arabian Gulf and its territorial waters (Center for International Law, 2017). Indeed, the country is able to benefit from

ReCAAP in various capacities despite not being a member but just a regional participant.

### 4.4.2 DCoC

As a signatory member, Saudi Arabia has significantly enhanced its maritime industry. In particular, the direct and multilateral approach used by DCoC has enhanced Saudi Arabia's efforts in combating piracy and improving its maritime industry. For example, the training offered by DCoC and its various partners such as NATO has in most occasions taken place in Saudi Arabia. As a result, Saudi Arabia's efforts in combating maritime insecurity are of international standards in regard to jurisdiction, investigation, arrest and prosecution of offenders (IMO, n.db). In addition, the country has been able to make international collaboration with DCoC partners such as IMO cooperating with Mohammed Bin Nayef Academy of Marine Science and Security Studies to training in regard to maritime studies (IMO, n.dc).In other words, the capacity of Saudi Arabia to combat piracy has been enhanced in various contexts such as legislation, law enforcement and implementation, training andmaritime domain awareness (Center for international Law, 2017). Therefore, Saudi Arabia has made significant achievements in promoting its laws and maritime infrastructure to protect its territorial waters from pirates and armed robbers.

Significant achievements and strengths of ReCAAP and DCoC will be highlighted in the conclusion section. Their characteristics and effectiveness and the role they play in the international maritime industry will be used to provide appropriate conclusive statements as well as appropriate recommendations for Saudi Arabia to use for optimal results.

## Chapter 5: Conclusion and Recommendations

Saudi Arabia is located in the Middle East and borders the Gulf of Aden and is also close to the Indian Ocean region. As a result, its interest in ReCAAP and DCoC is a necessity as opposed to just being part of a prestigious organization. The two areas are busy with vessels from various parts of the world, which make them prone to piracy and armed robbery. The routes are not only used to transport oil to other parts of the world, but the commodity is also the main and major source of income of Saudi Arabia. Therefore, Saudi Arabia has major interests in protecting the area of its international waters. Notably, piracy and armed robbery in the two regions are a direct threat to the country's economy. Hence, ReCAAP and DCoC have a crucial role in Saudi Arabia's efforts in curbing the vices in the region through cooperation and coordination of efforts from the Asian countries.

Saudi Arabia's maritime industry is robust as it is characterized by busy ports and significant volume trades to and from the region. Therefore, the industry requires equally robust instruments and agreements to ensure that they can keep up with the country's maritime sector. As a result, participation in various conventions by the country has evolved and the country has in the recent past been open to cooperation with the international community. The decision to be part of the various instruments such as ReCAAP is shown by the increased interest to protect its maritime industry as well as enhancing international collaboration. Saudi Arabia's participation in ReCAAP in various capacities such as national strategy has paid off. Notably, the treaty has enhanced Saudi Arabia's response to piracy and armed robbery in the region as well as facilitated international partnerships to empower its various operations (Kraska, 2009). In particular, ReCAAP ISC has been a crucial element in the nation's efforts as it provides important information and facilitates a collaborative tactical approach to the problem.

Saudi Arabia's leadership has realized the expanse of piracy and its effects on the country can only be controlled through continuous efforts of collaboration with international organizations and cooperation with different nations. In this regard, the King of Saudi Arabia, Salman, has made significant efforts to build bridges of cooperation with various entities due to their benefits and strengths in combating piracy and armed robbery. Saudi Arabia as a signatory of DCoC enhances regional cooperation with nations in the Gulf of Aden and western Indian Ocean (Djibouti Code of Conduct, 2017). The collaboration is an effective way of curbing piracy in the two regions especially with the changing environments due to various factors. DCoC is an instrument that empowers individual countries in their efforts to cooperate and coordinate anti-piracy efforts. The strategy is enhanced by its direct involvement in the related activities by training member states and facilitating a change in the legislation in order to provide jurisdiction (IMO, 2015). Therefore, DCoC works effectively in challenging the threat of piracy and armed robbery.

Piracy and armed robbery at sea has significantly evolved since the 18th and 19th century. The vices have all prevailed for different reasons and in different locations. In addition, climate change has also led to a shift in economic perspectives to the blue economy. The shift has led to the maritime industry becoming a delicate entity that needs to be protected and operated in a sustainable manner. Therefore, the robustness of ReCAAP and DCoC is tested in the constant changing environments that require effective policies and instruments from the region. However, ReCAAP and DCoC have been effective even in such cases as they have both made necessary adjustments such as amendments and an inclusivity policy. The two strategies have enhanced the instruments' robustness and Saudi Arabia's cooperation in the region and internationally despite the changing environments.

Saudi Arabia is strategically positioned geographically. As a result, it is in Asia but also very close to Africa through the Gulf region. Therefore, ReCAAP and DCoC serve the country well through policies and efforts that complement its maritime security protocols. However, Saudi Arabia could do more to ensure that it uses the two instruments optimally for enhanced maritime security. Saudi Arabia is one of the most

productive oil producers in the world. As a result, maritime security should be a priority since lack of it could compromise Saudi Arabia's oil industry in a major way. Therefore, the country should enact maritime laws that specifically address transport of oil from its ports to others in the world. The laws should include various aspects such as the vessels, transport routes, the transit duration, and the relevant security protocol.

Addressing own and international ports as well as the transit duration is key in ensuring that there are specific protocols that protect Saudi Arabia's oil from the moment it leaves the port to the destination. Consequently, Saudi Arabia should be able to request or apply for an information center that is aligned to ReCAAP's focal point. A focal point is a way that will ensure that Saudi Arabia is directly involved in maritime security, especially when it comes to protecting its interest. In addition, the focal point will be imperative in obtaining information directly from others in the region and disseminating it to the relevant authorities. The direct contact and involvement in ReCAAP's network can enhance Saudi Arabia's efforts in combating piracy and armed robbery through individual and regional efforts. The focal point can also be used to identify security priorities in the fight against maritime insecurity as well as developing a specialized program/branch/department for such cases.

DCoC is an empowerment instrument that extensively empowers the member states in their fight against maritime insecurity. The instruments use training, policies, and information sharing as its pillars of success. Consequently, Saudi Arabia can use DCoC's expertise to enhance its local laws in regard to maritime safety and security. In particular, Saudi Arabia can employ various policies used by DCoC to either overhaul or enhance its existing maritime laws to reflect the current challenges in the maritime industry. The improvement in local laws aligns Saudi Arabia's legislation to the international standards used to guard and protect territorial and international waters. The alignment ensures that when the international policies are invoked during an incidence in Saudi Arabia's waters or when a neighboring country is involved, the laws used are reflected even by international standards. This means that Saudi Arabia can develop its individual protocols without compromising the international laws.

Economic times have changed and there are various shifts from one element to another. The development of technology and the resulting globalization has led to an endless interconnection of people and regions. In the maritime industry, the connection is done through the development of technological tools as well as regionally and internationally developed communication centers to protect the waters. As a result, Saudi Arabia should use the existing tools and instruments to develop its legislation and maritime policies to reflect the changes. Moreover, the changes will ensure that the country does not lag behind in regard to protecting its interests even in international waters peacefully and without being compromised. Therefore, the country should use ReCAAP and DCoC as a manual and guideline in enhancing its maritime policies through a strategic integration. The instruments are regularly revised to ensure that prevailing and current issues are addressed. The revisions should be reflected in Saudi Arabia's legislation to ensure that the country optimally uses and gains from these instruments.

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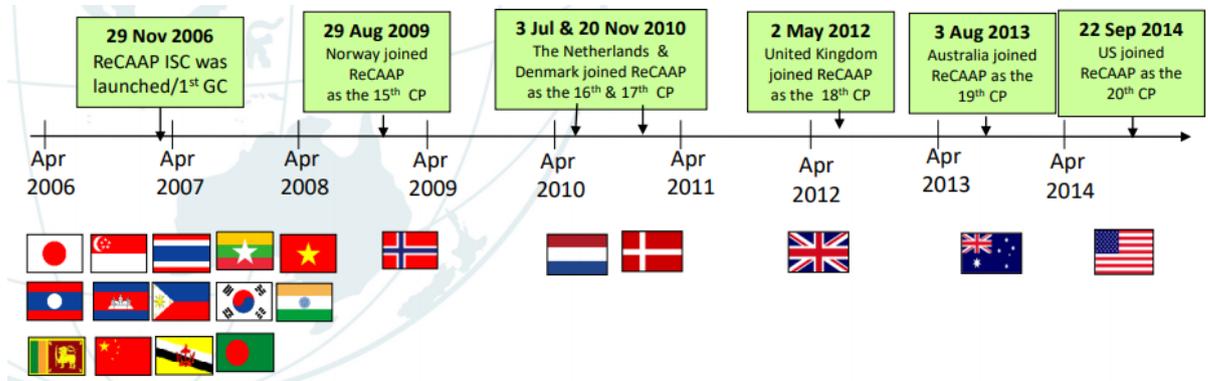
# Appendix



*Figure 4: ReCAAP membership over the years*

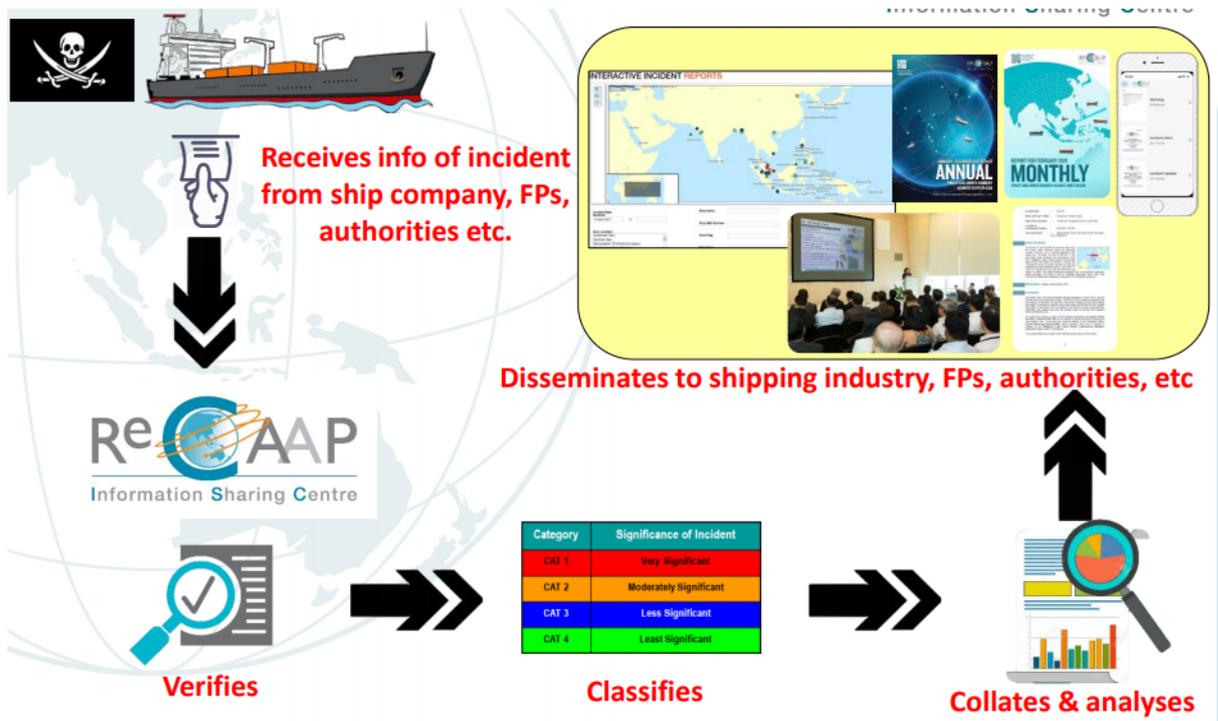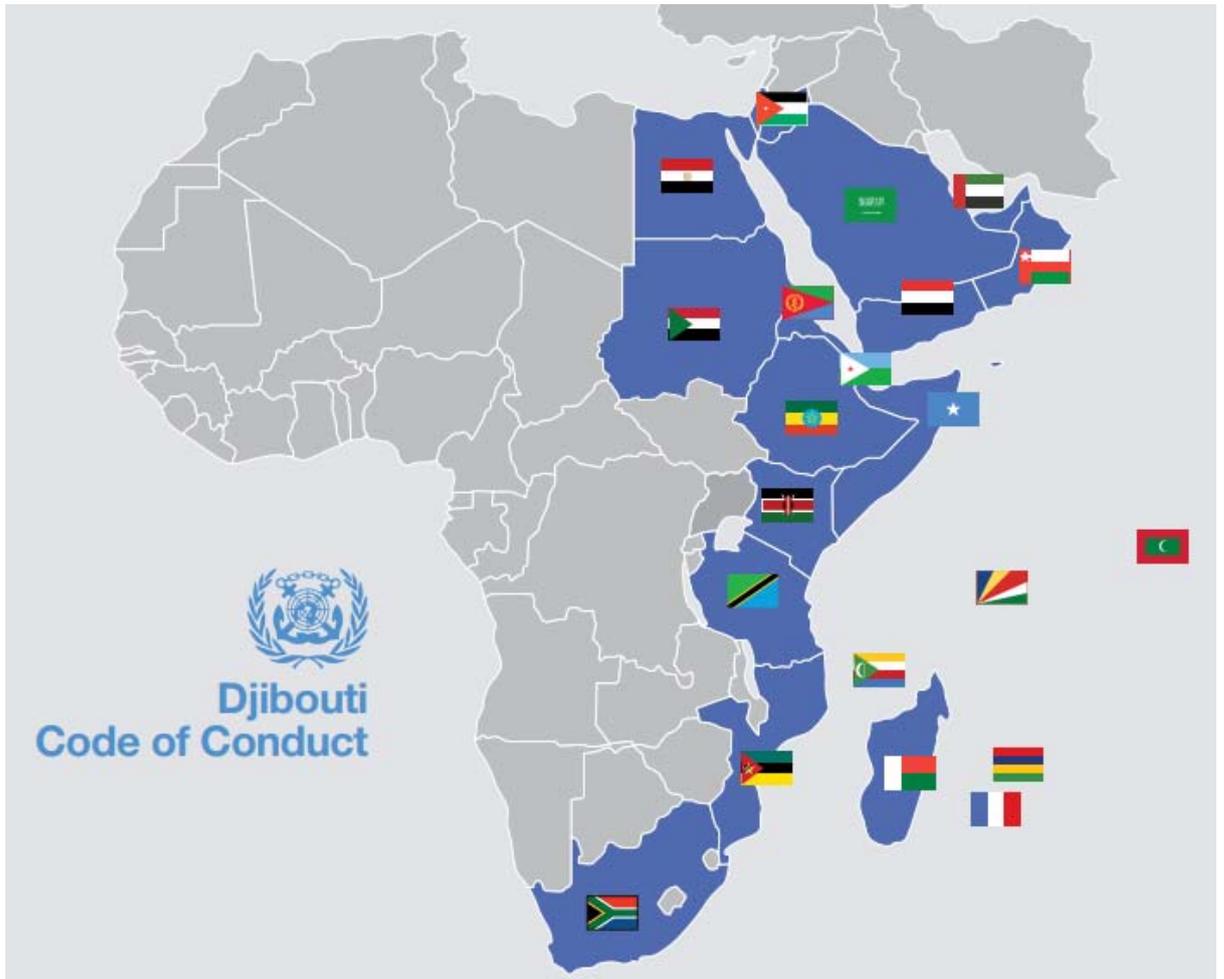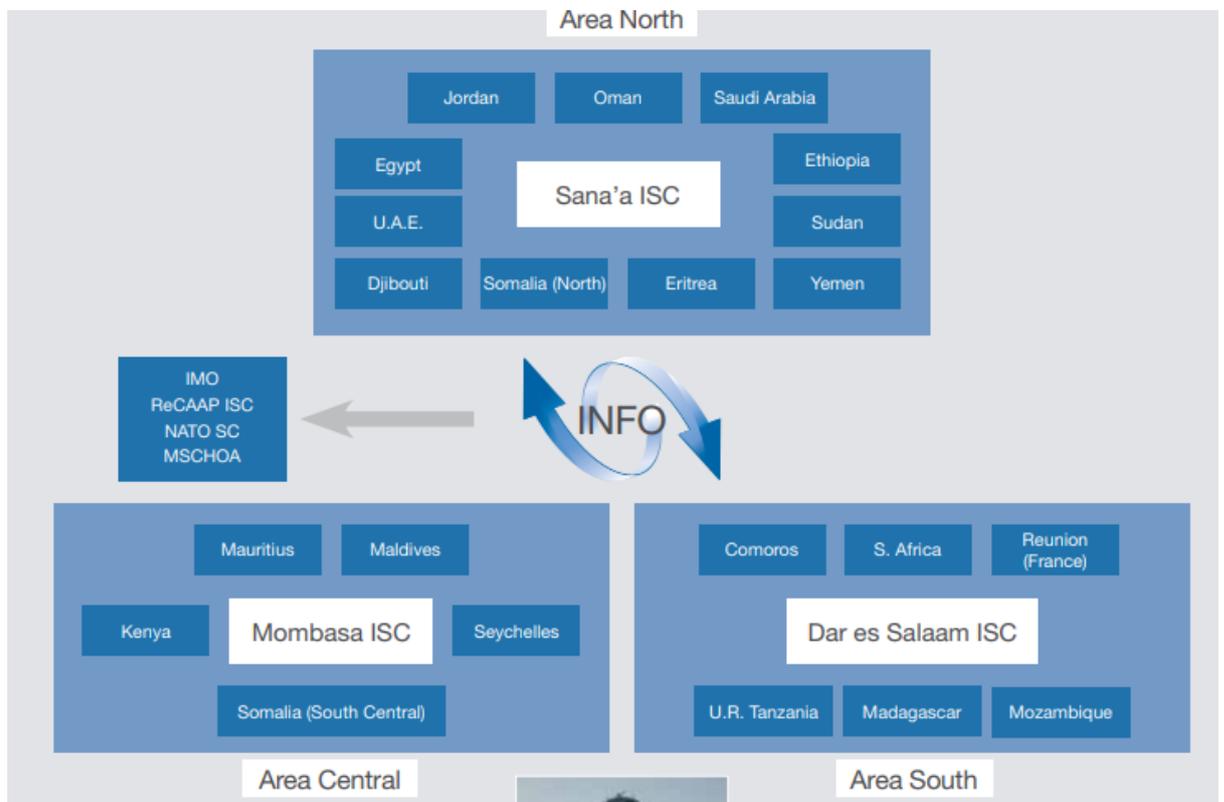*Source: ReCAAP Information Sharing Center. (2018, June)*



*Figure 5: How ReCAAP works*

*Source: ReCAAP Information Sharing Center. (2018, June)*

*Figure 6: The DCoC membership*

*Source: Djibouti Code of Conduct. (2012)*

*Figure 7: Dissemination of information at DCoC*

*Source: Djibouti Code of Conduct. (2012)*