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WORLD MARITIME UNIVERSITY

Malmö, Sweden

**A COMPARATIVE STUDY OF THE COMBINED
MARITIME FORCE (CMF) AND THE DJIBOUTI CODE
OF CONDUCT (DCOC) AIMED AT MAINTAINING
MARITIME SECURITY IN THE AREA OF THE WESTERN
INDIAN OCEAN AND THE GULF OF ADEN**

By

**ABDULLAH MOHAMMED MUBARAKI
KINGDOM OF SAUDI ARABIA**

A dissertation submitted to the World Maritime University in partial
fulfilment of the requirements for the reward of the degree of

**MASTER OF SCIENCE
in
MARITIME AFFAIRS**

(MARITIME SAFETY AND ENVIRONMENTAL ADMINISTRATION)

2020

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.

(Signature): 

(Date):
20 Sep 2020

Supervised by:

Supervisor's affiliation.....

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Abstract

Title of Dissertation: **A comparative study of the Combined Maritime Force (CMF) and the Djibouti Code of Conduct (DCoC) aimed at maintaining maritime security in the area of the western Indian Ocean and the Gulf of Aden**

Degree: **Master of Science**

Insecurity at sea is among the modern challenges affecting the maritime industry as characterized by piracy, armed robbery, illicit fishing, drugs and human trafficking, and pollution of the marine environment, among others. Terrorism, piracy, armed robbery has particularly had adverse impact in international trade and global security.

Recently, the Western Indian Ocean and the Gulf of Aden remain hot spots for armed robbery and piracy against commercial ships. In relation to this, both the global organizations and coastal governments operating around this region have established different efforts in attempts to enhance security and safety of ships and crew. The countries in this region also derive a significant proportion of their revenues from the blue economy, including tourism, fishing, and drilling of minerals, among other industrial activities at sea.

The countries in the region have developed and become members of regional and international agreements in attempt to enhance security. This dissertation has explored the effectiveness of some of these agreements in enhancing maritime security, particularly the Combined Maritime Forces (CMF) and the Djibouti Code of Conduct (DCoC). In the process, the paper has explored the existing national and international legal framework in which the above treaties are based. The literature review section has been based on systematic analysis of the existing knowledge regarding the maritime industry, particularly in the Western Indian Ocean and the Gulf of Aden.

The Western Indian Ocean and the Gulf of Aden region have been explored based on how it uses the two tools to combat insecurity. The efforts of DCoC and CMF have been explored on comparative manner. The effectiveness and robustness of the CMF and DCoC have been assessed in a systematic manner in order to identify strengths and limitations and provide the necessary recommendations.

KEYWORDS: DCoC, CMF, Western Indian Ocean (WIO), Gulf of Aden, Insecurity, Piracy, Armed Robbery, Illicit activities

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CHAPTER I

1. Introduction

1.1 Background and context

The area around the Gulf of Aden and western Indian Ocean has a busy and thriving maritime industry with busy ports and international trading zones. This requires the establishment of effective maritime security forces to protect the maritime vessels and personnel from different forms of insecurities including piracy, kidnapping, and armed robbery. Additionally, maritime security is paramount, considering the growing importance of oceans and related marine environment to humanity in the globalized world (Swastika, 2018). In fact, apart from providing platforms for the transport of large volumes of commodities, oceans and seas serve as important sources of livelihood and food both for those in the region and globally via fisheries and tourism. Therefore, security and order in these waters is an indirect source of wealth, facilitates multiple activities on land, and is important for sustainable maritime wealth generation and preservation of the ecosystem. Unfortunately, the security around the Indian ocean continue to be threatened by growing criminal and illegal activities, especially armed robbery and piracy targeted at international ships operating through the area.

Recently, global organizations and researchers have ranked insecurity caused by armed robbers and pirates as the main threat to seaborne trade in the recent era. For decades, the region has relied on IMO and related agreements, associations, treaties, and instruments to strengthen security efforts (Swastika, 2018). Countries within the region are also signatories to different international maritime organizations and treaties. Usually, all the organizations and treaties are targeted towards reducing the risks of insecurity affecting the maritime tourism and transport to improve international cooperation and trade. In their effort to safeguard the maritime industry and other domestic interests, the countries within the Gulf of Aden and Western Indian

Ocean region have recently become signatories to the Djibouti Code of Conduct (DCoC) and Combined Maritime Force (CMF).

1.1.2 History of Combined Maritime Forces (CMF)

The Combined Maritime Forces (CMF) denotes a maritime partnership involving multiple international bodies whose goal is to ensure that the International Rules Based Order (IRBO) are upheld. The CMF is involved in promoting security and ensuring stability and prosperity of member states in the high seas, especially along the shipping lanes (Combined maritime Forces, 2020). The Combined Maritime Force mainly concentrate on preventing piracy, ensuring safety in the marine environment by fighting illegal non-state actors, counter narcotics, enhancing regional cooperation, counter smuggling, and bringing together regional and various stakeholders to increase their capabilities to enhance stability and security. Additionally, the CMF may also help during the humanitarian and environmental crises if requested by the affected parties. The Combined Maritime Force composes of three task forces including Counter piracy force (CTF 151), Maritime Security Operations outside the Arabian Gulf (CFT 150), and Maritime Security Operations inside the Arabian Gulf (CFT 152). There are 33 countries that are part to the CMF, including: Saudi Arabia, Seychelles, Singapore, Spain, Thailand, Turkey, Australia, Bahrain, Belgium, Brazil, Canada, Denmark, France, Germany, Greece, Iraq, Italy, Japan, Jordan, Republic of Korea, Kuwait, Malaysia, Portugal, Qatar, UAE, United Kingdom, United States and Yemen, the Netherlands, New Zealand, Norway, Pakistan, the Philippines (Combined maritime Forces, 2020). Member countries are united towards safeguarding the free flow of ships and business, preventing illegal activities, and increasing maritime security. The role of each member country differs depending on its resource capacity and the availability of such as resources.

1.1.3 History of Djibouti Code of Conduct (DCoC)

The Djibouti Code of Conduct (DCoC) is an international tool geared towards safeguarding waterways in the Western Indian Ocean and the Gulf of Aden from

robbery and related piracy of commercial ships. The DCoC was established in 2009 and the member countries include Egypt, Eritrea, Oman, Saudi Arabia, United Arab Emirates, Mauritius, Djibouti, Kenya, Ethiopia, Madagascar, Seychelles, Somalia, Tanzania, Mozambique, South Africa, Jordan, Yemen, the Maldives, Comoros, and Sudan (IMO, 2020). The main goal of the DCoC is to increase sharing of intelligence and overall collaboration to prevent armed robbery and piracy, which had become a major issue along the international waters of the Indian Ocean. Member states are expected to monitor and share intelligence that can help to capture and prosecute individuals and groups involved in piracy and other illicit activities. The member countries are also required to facilitate the seizing of suspected ships and interdiction of suspected perpetrators (IMO, 2020). To ensure ease and increase its effectiveness, the DCoC has established certain guidelines and protocols that are used to select experts to participate in their missions. DCoC has centers situated in multiple member nations including Tanzania, Kenya, and Yemen.

1.2 Justification

Contemporary economies tend to depend heavily on international maritime transport as a key pillar of international trade between countries, trade blocks and continents. The western Indian Ocean and the Gulf of Aden are important Maritime areas characterized by large volumes of commercial ships, which has attracted different forms crime and illegal activities over the years. Therefore, the countries in this region require an effective maritime force and collaboration to prevent and address incidences of maritime crimes. Multiple international laws as outlined under IMO guide the management of waterways including the protection of maritime vessels and personnel through the territorial waters. Each nation sharing ocean and seawaters is also charged with the obligation of providing security for the vessels travelling legally through their territories. Failure to provide the necessarily security could have immense negative consequences to trade and other maritime activities such as fishing. The fact that a single country may not have enough resources to guarantee adequate security around it territories, forming an organization or security force becomes necessarily. For

instance, the area within the Indian Ocean has become a major spot for pirates targeting large ships. In order to protect the vessels, crew and cargo traversing the Western Indian Ocean and Red Sea, countries within the region established the Combined Maritime Force in 2009 (Brewster, 2016). The force was based on multiple resolutions passed by the United Nations Security Council in regards to involving International naval forces in preventing and stopping piracy and armed robbery of ships within the area.

The International Maritime Organization further pushed for the establishment of the DCoC to provide a legal reference point for nations and states around the western Indian Ocean waters, the Red Sea, and the Gulf of Aden. The effect of the DCoC provisions in minimizing criminal activities around the Somalia territorial waters is massive considering that the cases of piracy have reduced within the area in the last few years. For instance, only less than five piracy attempts and attacks have been documented in the last 8 years compared to over 100 incidences documented in 2011. The creation of DCoC was based on a similar inter-governmental agreement established in Asia called the Regional Cooperation Agreement on Combating Piracy and Armed Robbery (RECAAP) (Brewster, 2016). While DCoC only involves nations around the Indian Ocean and Gulf of Aden region, the Combined Maritime Force involves countries across different continents. Additionally, the Combined Maritime Force mainly concentrate on preventing piracy, ensuring safety in the marine environment by fighting illegal non-state actors, counter narcotics, enhancing regional cooperation, counter smuggling, and bringing together regional and various stakeholders to increase their capabilities to enhance stability and security. While the DCoC and the CMF share some similarities, their framework and mode of operation differ significantly. By looking at the key principles and constituent of the DCoC and CMF, this dissertation hopes to determine the effectiveness of each entity and provide best recommendation to improve maritime security within the region under study.

1.3 Main Objectives

The key goal of this paper is to study the role of the DCoC and the Combined Maritime Force (CMF) based on their purpose and mode of operations in enhancing maritime security. The paper hopes to achieve the following objectives:

- To determine the interrelationship between CMF and DCoC
- To determine the role of DCoC and CMF in their respective areas of operations
- To determine the impact of CMF and DCoC's ability to respond to maritime insecurity
- To assess the strengths and weaknesses of CMF & DCoC

1.4 Research Questions

In the context of the CMF and DCoC agreements, there is a need to carry out a comprehensive examination to determine their effectiveness in enhancing security in the area under study. The comparative analysis will use the available data to determine the number of armed robbery attacks, piracy and other forms of insecurities targeted on ships and other maritime vessels in the region the CMF and DCoC has helped to prevent or stop since their implementation. This is very important towards improving overall maritime security in the region and across the globe. The key research questions the dissertation hopes to answer are:

1. Can regional agreements such as DCoC and CMF help tackle the existing and emerging security threats in an ever-changing maritime environment?
2. What role does the DCoC and CMF agreement play in ensuring the stability of the region where members or signatories have varying national and economic interests?
3. What steps and legislations could be established to facilitate safe and conflict-free maritime activities in the region?
4. How have the CMF and DCoC been able to align its goals with the domestic and international obligations of its members or signatories?
5. Are CMF and DCoC efficient and effective in supporting security effort of its signatories and which between them is more suited to protecting the regions maritime resources including waterways?

CHAPTER II

2. Literature Review

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

According to the Indian Ocean Commission (2019), the Indian Ocean is an important geopolitical center that links trade paths in the Asia-Pacific region, Africa, Australia, and the Middle East. The territory also possesses substantial amounts of regional, national, and common valuable maritime resources that have contributed to the ever-increasing insecurity issues including illegal fishing, piracy, trafficking of narcotics, weapons, people, and other illegal things (Indian Ocean Commission, 2019). The strategic value of the region is immense considering that it covers several continents. According to CRIMARIO (2018), the Indian Ocean starts from the Southern part of Africa, the Suez Canal to the north, and Antarctica in the South, and Australia and Indonesian archipelago to the East. According to the International statistics, at least 40 percent of gas and half of global oil shipments are moved through the Indian Ocean. Ports around the region handle at least 50 percent of global container shipments, which translates to over 25 percent of the global trade (Bueger & Stockbruegger, 2016). Also, in abundance are vital mineral resources including nickel, uranium, fishing stocks, aluminium, and cobalt. Therefore, enhancing security in the Indian Ocean, especially areas such as the Gulf of Aden, Bab el Mandeb, Malacca, and the Straits of Hormuz is strategically important for the international flow of goods and services (Kraska, 2009). This explains the numerous cooperation agreements and increased naval activities in the area around the Gulf of Aden and the Western Indian Ocean as illustrated by *figure 1* below:

Western Indian Ocean



Figure 1 Map of Western Indian Ocean

Source: <http://www.africacenter.org/>

The Western Indian Ocean and the Gulf of Aden also borders countries that has experienced civil wars and related terrorist activists for decades including Sudan and Somalia. These countries are adversely affected by lack of political stability due to limited capacity to develop and enforce maritime policies. Consequently, illegal trade

and related criminal activities have thrived in different parts of the region (Kraska, 2009). The fall of the government of the republic of Somalia, for instance, has largely contributed to the rise in piracy and armed robbery, which is very rampant around the coastline of Somalia. The insecurities posed by the criminals operating in the Somalia coastline have gradually extended to other parts of the Indian Ocean. Multiple nations with economic and political interests such as India, China, Russia, and the United States have established naval centers within the area to counter these criminal activities (Cordner, 2018). The security threats have also led to the establishment of several agreements and instruments among the countries within the region and those with interests in the area.

According to Cordner (2018), there are multiple treaties and conventions that date as back as a century ago covering various maritime issues including illegal fishing and protection of the environment. Other conventions are based on International guidelines rather than regional cooperation. For example, the United Nations Conventions on the Law of the Sea (UNCLOS) is an important global treaty that consists of more than 160 nations (Indian Ocean Commission, 2019). The treaty covers multiple maritime security protocols in maritime terrorism, piracy, smuggling, environmental protection, and illegal fishing. The Law of Sea is a detailed agreement that countries must integrate in their national or regional security systems to ensure security in their maritime territories in collaboration with the United Nations agencies (Bueger & Stockbruegger, 2016). Other global instruments and treaties that were developed or revised in the recent decades and meant to improve maritime security in the Western Indian Ocean and the Gulf of Aden include:

- 1) The Security Council Resolutions 1816 (2008) and 1772 (2007), which were derived from the United Nations' Law of the Sea and meant to fight armed robbery and piracy around the Somalia coastline (IMO, 2020).
- 2) The Convention for the Suppression of illegal activities, which is aimed at ensuring safe navigation of ships, commonly known as the Rome Convention of 1988 (Kraska, 2009).

- 3) International Maritime Organization (IMO) Code of Practice for the Investigation of the Crimes of Armed Robbery and Piracy against ship, and
- 4) Safety of Life at Sea (SOALS) (Indian Ocean Commission, 2019).

2.1.1 Basis of the Agreements and Instruments

Maritime Agreements among countries in The Western Indian Ocean and the Gulf of Aden territory encompass nations such as Mauritius, Madagascar, South Africa, Tanzania, Kenya, Comoros, Seychelles, the French foreign territory of Reunion, Mozambique, and Somalia (CRIMARIO, 2018). The territory is a key international center harbouring important naval activities and geopolitical interactions among nations.

2.1.2 A Fact Sheet of the Western Indian Ocean

- The overall natural resources of the Western Indian Ocean are projected to have an economic value exceeding 3000 billion US dollars (Indian Ocean Commission, 2019)
- The waters have immense value to the human and animal lives in the area
- The yearly Gross Marine Product of the Western Indian Ocean is estimated at over 20 billion US dollars
- Fisheries make up the largest wealth generator in the region, estimated at 40 percent of the overall natural resources of the region, which translates to more than 130 billion US dollars (CRIMARIO, 2018).
- The region has more than 60 million human inhabitancies just around its coastal areas
- The population of people in majority of the nations with the area is growing rapidly, hence the development of its coastal zones is expected to grow immensely in the coming years
- The major contributors of development in the Western Indian Ocean and the Gulf of Aden are service, construction, mining, and extractive zones, especially the tourism and hospitality industries, and

The Western Indian Ocean region enjoys a dense variety of animal and plant species (IMO, 2020).

2.13 Security issues in the western Indian Ocean and the Gulf of Aden

According to Baruah (2018), the Western Indian Ocean has been experiencing its own share of diverse, interlinked and complex traditional and non-traditional security issues. The act of armed robbery and piracy has reduced since increased multi-national naval operations around the East African territories since 2013 (Baruah, 2018). Nevertheless, the region is still susceptible to periodic and radical terrorism conducted by Somali pirates and international terrorism organizations such as Al-Shabaab. The explosion of piracy and armed robbery against ships between 2008 and 2011 within the Western Indian Ocean zones and in the Gulf of Aden have revealed that insecurities at sea are interlinked and that the ability of individual states in the region are inadequate to deter maritime crimes and to attain the developmental potential of the region. Pirates from Somali have been conducting successful attacks against trade ships and other vessels around the Tanzania, Kenya, Madagascar, and Seychelles areas (Baruah, 2018). The insecurities in the region, which are not limited to piracy, terrorism, or organized crimes, are evidently connected to political instabilities and underdevelopment on land. The countries within the Western Indian Ocean regions have tried different approaches to counter terrorism activities including enforcing sanctions. However, most of the Maritime Domain Awareness (MDA) activities in the area are carried out by international stakeholders and actor rather than by regional actors (Bateman, 2016).

2.1.4 International Cooperation against insecurity in the WIO and Gulf of Aden

The table 1 illustrate Nature of cooperation in WIO region.

MASE Programme	<p>The programme to Promote Regional Maritime Security (MASE) was inaugurated in Mauritius in 2010. The MASE is operated under the partnership with the United Nations Office on Drugs and Crime (UNODC) and European Union (EU) (Indian Ocean Commission, 2019). The programme is fully financed by the European Union and jointly enforced by the East African Community (EAC), the Indian Ocean Commission (IOC), the Intergovernmental Authority on Development (IGAD), and the Common Market for Eastern and Southern Africa (COMESA) (Baruah, 2018). The main goal of MASE is to reinforce the capacity of the Western Indian Ocean and the Eastern and Southern Africa regions to ensure maritime security as part of the Regional Action Plan and Strategy against piracy (Bueger & Stockbruegger, 2016).</p>
Jeddah amendment to the Djibouti Code of Conduct (DCoC+)	<p>In 2017, a high-level delegation met in the city of Jeddah, Saudi Arabia with the main goal of amending the Djibouti code of conduct (DCoC). The updated version recognizes the importance of the Blue economy such as seafaring, shipping, tourism, and fisheries in creating sustainable development of the local and regional economies, stability, creating employment, and food security (Indian Ocean Commission, 2019). The new version is founded on the initial code of conduct adopted in 2009 and emphasizes on the need for full cooperation between signatory nations towards preventing transitional maritime terrorism, illegal, unreported and unregulated (IUU) fishing, and other organized crimes. One of the most important clauses contained in the (DCoC+) is the willingness of the signatory states to establish and enforce a national plan to facilitate growth of the maritime sector and ensure a sustainable maritime-based economy that is capable of producing stability, revenue and employment (Baruah, 2018). The meeting at Jeddah involved different key stakeholders derived from the original DCoC signatory nations together with observers from East African Standby Force (ASF), European Union, France (Reunion), Interpol, and UNODC.</p>

<p>Africa Integrated Maritime Strategy (AIMS)</p>	<p>AIMS 2050 is an attempt by the African Union to play a larger role in ensuring the stability of its waters for the benefit of its people. The plan is geared towards increasing the economic benefits derived from the Africa’s inland waterways, seas, and Oceans by creating a flourishing maritime economy and tapping the maximum potential of the blue economy activities in a sustainable way. The continent’s overall coastline is estimated at over 26000 nautical miles, including several islands (Baruah, 2018). More than 35 African territories are island or coastal countries while over 50 of its ports are heavily involved in international trade through cargo and container handling. Although the number of ships owned by Africans is merely 2 percent of the global ship population, which translate to less than 1% gross tonnage, the ports of Africa receive at least 6 percent of global water-based cargo traffic and an estimated three percent of global container handling (Bueger & Stockbruegger, 2016).</p> <p>The African Union is in the process of enforcing the 2050 AIMS strategy in partnership with the international, regional, and local regulatory frameworks. Evidently, the AIMS are quite a huge undertaking, but its success will increase the viability of Africa’s maritime environment, which will translate to immense growth (Baruah, 2018). Undivided commitment and increase partnership and coordination between member nations, regional mechanisms, local communities, RECs, and the larger global community are needed. Additionally, maritime policy-makers claims that AIMS as a detailed strategy will help to harness the wealth found within the African waters through enhanced maritime governance, which will in turn improve the security situation in the Western Indian Ocean region (Brewster, 2016).</p>
<p>Djibouti Code of Conduct (DCoC)</p>	<p>The DCoC is focused on preventing and fighting Armed Robbery and Piracy against maritime vessels in the Gulf of Aden and Western Indian Ocean. The code was developed in 2009 and comprises of 20 nations as listed above (Baruah, 2016). The code of conduct offers a model for capacity building in the region, especially in regards to reducing incidences of piracy. The DCoC</p>

	remains the first ever code to be put in place in the area of Western Indian Ocean (Baruah, 2018).
--	--

Table 1. Nature of cooperation in WIO region

Source: Different security agreements in the Western Indian Ocean region elaborated by the author.

2.15 African littorals security partners in the Western Indian Ocean and the Gulf of Aden

According to Baruah (2018), India's policy makers and related experts have seen it important for their country to increase its influence in the Western Indian Ocean maritime region by collaborating with the local states to increase maritime security. Hence, India's emphasize on increasing its cooperation with Western Indian Ocean's littorals in maritime issues is of greater importance because its strategic location and abundant of untapped maritime resources (Baruah, 2018). East African littorals that are rich in natural resources are increasingly focusing on their blue economy around the Indian Ocean to help attain sustainable development and growth. Countries such as Mauritius, South Africa, Tanzania, Kenya, Comoros, Seychelles, Madagascar, Somalia, and Mozambique have become signatories to the 1997's Indian Ocean Rim Association for Regional Cooperation (IOR-ARC), currently referred as the Indian Ocean Rim Association (IORA) (Baruah, 2016). Additionally, India has become an important maritime security partner for multiple African littoral nations through the Indian Ocean Naval Symposium (IONS), which was established in 2008 (CRIMARIO, 2018). The IONS comprise of six African nations, namely Tanzania, South Africa, Seychelles, Kenya, Mozambique, and Mauritius. From the IONS document, India decision to collaborate with these African states was mainly motivated by the deteriorating security in the Western Indian Ocean regions, especially after the surge of piracy and armed robbery of ships. A similar proactive strategy in India aimed at improving the maritime security in African waters is also found under its Maritime Strategy Report of 2015, which also details several areas of cooperation (Baruah, 2018).

2.1.6 CMF and DCoC's efforts in the region

2.1.6.1 Mission and Vision of CMF and DCoC

Mission

- Promote capacity building to help develop maritime sector and minimize or even stop threats of armed robbery and piracy
- Respond to humanitarian and environmental issues under the request of member states
- Enhance overall stability and security of maritime environment in the region (Benbow, 2015).

Vision

- To carryout security operations to safeguard maritime resources
- To increase stability in the region, especially in regards to the development of the blue economy
- To facilitate increase collaboration among member states
- To provide a framework to help members to adapt to changing maritime environment (Benbow, 2015)

The CMF and DCoC's security strategy towards the WIO and the Gulf of Aden is based on several principles including training, hydrographic surveys, economic development, and anti-piracy operations. First, the DCoC and CMF are highly involved in training of maritime security personnel, naval forces, and civilian personnel involved in the management of maritime resources. The Naval Institute of Educational and training Institute of India and the Marine science Academy of Saudi Arabia have contributed immensely in training the African nations under the DCoC (Geiß & Petrig, 2011). The DCoC has also been in highly involved in enhancing the hydrographic capabilities of its African members. This is being achieved through regional and international cooperation involving countries such as Japan and India. Hydrographic partnership already exists between India and DCoC's signatories such as a Tanzania, Mauritius, Kenya, Mozambique, and Seychelles. In regards to increase security around the Western Indian Ocean and the Gulf of Aden, the CMF continue to

carry out anti-piracy and anti-robbery operations (Kraska & Wilson, 2009). The WIO and the Gulf of Aden are key routes for the international trade, with an estimated value of trillions of dollars annually. The Combined Maritime Force has continued to conduct anti-piracy operations since the past decade. Apart from the continuous patrols, the naval forces under CMF also help to escort large ships across the armed robbery and piracy hotspots along the Gulf of Aden. Not a single ship has been robbed or hijacked since the CMF increased its operations in the region. The DCoC has also played a significant role in continued development of ports as part of enhancing maritime diplomacy. The CMF have also increased their visits and monitoring of ports within the Western Indian Ocean and the Gulf of Aden, especially Indian Ocean Island and East African states. The increased operations have helped to boost greater synergy and inter-operability between the coast guards of individual countries and the CMF (Kraska & Pedrozo, 2013). The consistent port monitoring also shows CMF's willingness to enhance the development of blue economy of its signatory states.

2.1.6.2 The Role of DCoC in the Western Indian Ocean and the Gulf of Aden

The Western Indian Ocean and the Gulf of Aden is an important territory for the world maritime industry since it serves the Middle East, Asia and Africa. The complexity of the WIO and the Gulf of Aden's maritime sector has attracted different challenges, including difficulties associated with dealing with the busy transport sector, armed robbery and piracy against ships (Geiß & Petrig, 2011). This has created the need for strong partnership between the various players involved in the maritime industry. Furthermore, the transnational nature of maritime crimes such as drug and human trafficking makes it important for regional and international cooperation. The fact that individuals perpetrate crimes in the region and groups from different countries, together with the fact that hijacked vessels are taken to different jurisdiction, demands that countries within the WIO and the Gulf of Aden collaborate with other countries to minimize or even stop such crimes (Kraska & Pedrozo, 2013). Bearing in mind all problems that the region faces in addressing the transnational illicit and criminal activities, being a signatory to DCoC is important. Importantly, being a signatory to DCoC has provided the countries with a model for preparedness and for effective

response to armed robbery, piracy, environmental pollution, human trafficking, arm smuggling, and illegal fishing, among others.

To begin, being members of the DCoC, countries in WIO and the Gulf of Aden has been able to communicate and share intelligence, which has been fundamental in reducing criminal attacks in ships. More so, being a signatory of DCoC, these countries continue to get assistance in investigating, arresting, and charging of culprits of maritime crimes in the Western Indian Ocean and the Gulf of Aden. This has increased security and safety of vessels and crews involved in the international trade (Geiß & Petrig, 2011). Overall, the DCoC has been critical to the region by increasing partnership among member countries. The Djibouti code of conduct has facilitated efforts to reduce the occurrence and scope of the transnational crimes, translating to improved business environment for member nations. With the corridor being a vital maritime transport hub, the sound trade environment has increased the value of maritime resources, which is important for the continued development of the blue economy. Therefore, members of the DCoC have started to earn additional millions of dollars from the shipping industry, oil business, fishing, and even tourism (Geiß & Petrig, 2011). The safe shipping environment has also contributed to the increased import of important foods and industrial raw materials, a reality that continue to enhance the economic, social and political power of the countries in the region.

According to the Indian Ocean Commission (2019), the Djibouti Code of Conduct has in particular facilitated the training of officials from the member states in regards to security, safety issues, and protection of the maritime environment for sustainable blue economy development. DCoC-based education and training encompass taking the officials through rigorous techniques to equip them with the skills to identify and address illicit and criminal activities in their maritime territories (Indian Ocean Commission, 2019). This has increased the preparedness of the stakeholders in the relevant nations to tackle different challenges, which has helped to increase efficiency in response to attacks. Additionally, adopting and implementing the maritime security model created by the DCoC, signatory states has further been able to expand their maritime legislations to facilitate easy and smooth sharing of information, arrest and

prosecution of maritime criminals (Devakumar, 2017). Generally, the code has been critical in improving legislations of member states, especially in regards to human trafficking, illegal fishing, armed robbery and piracy at sea.

2.1.6.3 CMF's Role in the Western Indian Ocean and the Gulf of Aden

The Combined Maritime Force is based on partnership among different States with the goal of preventing piracy, maritime terrorism, promoting a sound maritime environment, and enhancing collaboration among members. The CMF is led by the United States, Canada and the European Union, among other allies with the main goal of securing international maritime territories around the horn of Africa and related nations. Three regional task forces make up the CMF, including CTF 150, CTF 151, and CTF 152, which are charged with counterterrorism, counter-piracy, and security missions around the Gulf, respectively (Holmes, 2011). Through the CMF framework, different nations have provided resources to be used in security operations in the Western Indian Ocean, the red sea, the Gulf of Oman and the Gulf of Aden, among other hot spot areas. The CMF's responsibility in the WIO and the Gulf of Aden is mainly that of fighting armed robbery and piracy against maritime vessels, especially the large ships that for years has been targeted by Somali pirates. In fact, most maritime problems in the region are associated with insurgencies groups such as Alshabab who conduct armed robbery and piracy for financial reasons.

The CMF has also helped to reduce terrorism attacks by rebel groups such as the Houthi around the Gulf of Aden. The counter-armed robbery, terrorism and piracy operations by the member states are aligned to CMF's responsibility to counter and prevent such criminal activities (Kraska & Wilson, 2009). The success of the naval forces, which are derived from different signatories, is based on effective and timely sharing of intelligence under the CMF guidelines. Furthermore, the capacity of the CMF members to counter attacks has been enhanced in the last decade through capacity building efforts provided under the CMF framework (Kraska & Wilson, 2009). Therefore, based on the increased collaboration, members of the CMF in WIO

and the Gulf of Aden are guaranteed a decrease in the number of threats caused by terrorists, pirates, and illicit fishers, since security has become a responsibility of all signatories of DCoC and CMF. Overall, CMF continue to play a critical function in ensuring stability and security in the shipping industry, translating to economic stability and growth in the area.

2.2 Combating maritime Insecurity: Operational concept

Having a legal structure alone is not enough to ensure maritime security, especially when dealing with illicit and criminal activities such as piracy at sea. Furthermore, legislations only create a ground to address different issues thus a mode of implementing the legislation framework is critical. The combined task force provides both the framework to detect, safeguard, and respond to the security risks. According to Devakumar (2017), operational responses to insecurity and other challenges facing the maritime sector requires personnel and technical resources to facilitate close watch, monitoring and control measures within the affected area. Considering these factors in operational responses and bearing in mind the nature of the risks to maritime security against ships, elements of risk management such as preparedness, mitigation, prevention, and recovery are vital. This makes the Combined Maritime Force effective when responding to these illicit and illegal activities within the WIO and the Gulf of Aden (Devakumar, 2017). Therefore, the four elements of risk management should create the reference point or ground for effective response to armed robbery and piracy at sea. In regards to readiness or preparedness, the capacity of the signatory states to respond to insecurities at sea is enhanced through consistent training. This ensures that the members can identify and raise alarm before the occurrence of the crime. The readiness measures under the CMF are based on partnership and joint coordination among members (Benbow, 2015). The availability of equipment, work force, and technical platforms is critical to ensure coordinated identification, monitoring and management of the illicit or criminal activities.

Training also contributes immensely to the success of CMF since it provides the much-needed skilled work force. Mitigation and prevention of security risks at sea is the core function of CMF. Steps are taken early enough to discourage and deter illicit and criminal activities within the maritime territories (Benbow, 2015). Response to incidences of maritime crime involves immediate or ongoing operations depending on the nature and scope of the incidences in play. The CMF starts by creating an operational plan to rescue the crew of ship, apprehend the criminals, and transport them ashore for legal action and medical attention (Benbow, 2015). On the other hand, post incident reaction is aimed at restoring the situation to the same or even better situation than it was before the insecurity incidences. This also involves post management of the ship and the affected crew to ensure that they return safely offshore and to their respective countries (Devakumar, 2017). Generally, the goal of an operational response to insecurity at sea against ship is to establish, the necessarily plan to create awareness and facilitate easier and faster detection of risks. This includes putting in place the needed resources to deal with these risks, to deter and minimize their occurrence, and to tackle them when they take place.

CHAPTER III

3. Results and Analysis

3.1 Comparative analysis of DCoC and CMF

Insecurity in the maritime territories has existed for centuries, but the 21st century has experienced a significant increase in armed robbery and piracy against ships traversing the Western Indian Ocean and the Gulf of Aden. Insecurity has destabilizing impacts on corporations, governments, and the overall region. Initially, the region had to rely on the global agreements established in the 20th century, despite the continued evolution of maritime crimes. Additionally, the fight against armed robbery, piracy, and other illicit activities at sea is grounded on legislations created during the 1980s that continue to be updated to match the present situation and diverse locations. DCoC and CMF agreements have particularly become important in combating insecurity within the region around the Western Indian Ocean and the Gulf of Aden. This part outlines and analysis the success and challenges of the Djibouti Code of conduct and the Combined Maritime Forces in their efforts to combat insecurity in the Western Indian Ocean and the Gulf of Aden since their inception.

3.1.1 Combined Maritime Forces (CMF)

The Combined Maritime Force comprises of 30 signatory states and is aimed at enhancing the stability, security and overall growth of the covered regions and member states. The force cover and estimated area of more than 2 million square miles within the International waters. CMF is led by the Vice Admiral of the United States Navy while the Commodore of the Royal Navy (RN) serves as the deputy leader (Combined Maritime Forces, 2019). The CMF is made up of three units: the counter piracy (CTF-151), the Arabian Gulf security and cooperation (CFT-152), and counter terrorism (CTF-150). The operations of the CTF-152 are mainly concentrated within the Arabian Gulf, while the CTF-151 AND CTF-152 operates the area from the Suez Canal all the way to the south of the Indian Ocean. The treaty leading to the formation of the CMF does not make it compulsory for members to take part in its operations, but members

can volunteer. The Combined Maritime Force was created under the United Nations Security Council resolution of 2010, commonly known as (UNSCR1373 (2) (Elgort et al., 2012)). Policy makers and experts have since 2006 been involved in different areas of the force as it continues to reinvent its tactics. A majority of these experts have highlighted absence of documentation, which makes it difficult to analyse its operations.

3.1.1.1 CTF-151 and counter Piracy

The continued political volatility and instability in the region around the Somalia waters since the 1990s has created motivations and an environment that around piracy to thrive. After periodic armed robbery and piracy attacks in the beginning of the 2000s, criminals from the Somali territory started to capture and hold ships and crew in ransom successfully, especially in 2005. These attacks eventually led to the 2008's establishment of the UNSCR 1816, which allowed foreign naval ships to carry out operations within the Somali territorial waters and surrounding regions. The United Nations resolution also allowed the combined naval forces to use all force necessarily to deal with illicit crimes in the area. Different groups came forward to help, leading to the establishment of the CTF-151 of the Combined Maritime Forces in 2009. In the August of 2009, NATO conducted 508 patrols within the region as part of the Operation Ocean Shield. In 2008, the EUNAVFOR under the European Union Naval Forces conducted operation Atalanta, which led to the rescue of several hostages (Riddervold, 2018).

Historical data and computer simulation have evidently contributed immensely to the successful operations of CMF via forecasting of areas under high risk of piracy attacks, definition of force operation areas, weather conditions and density of ship traffics, and spatial analysis of ongoing piracy attacks in the International Recognized Transit areas (IRTC). Simple simulations are done to determine the size of the patrol areas (Laxhammar & Falkman, 2010). This approach is mainly grounded on the need for exposure of the operation area to dense military resources to intervene during

problematic time effectively. The operations often involve the naval ships receiving a signal or call from a maritime vessel under distress, then sending the message to the helicopters that always on standby. Upon arriving at the scene, the helicopter or the warships give warning shots that enough to prevent the attack. The size of the operation areas allows the responding helicopter to arrive at the area of distress within less than an hour after the alert call. The naval ships are usually used to cut off the vessels used by the criminals. Unfortunately, most of the operations conducted by the CMF go unreported and sometimes undocumented for public consumption.

The limited documentation of patrols in this area are found under the NATO center for Maritime Research and Experimentation (CMRE). The decrease in illicit activities in the Western Indian Ocean and the Gulf of Aden has been associated with a number of factors including the existence of EUNAVFOR, the adoption of Best Management Practices (BMP) by merchant ships, NATO and the operations of CMF (Riddervold, 2018). The CMF has increased its security forces around the Somali territories, which is also characterized by empowerment of coast guard through increased arming and training. Evidently, a majority of the sources of insecurity remains, and naval presence is slowly decreasing. For instance, the CMF only deploys patrol vessels less frequently today compared to the period before 2013. During the absence of surface military vessels, maritime operations helicopters fly sorties while systems to counter-piracy partners and situational alert models continue to exist, especially due to the political volatility in Somalia (Laxhammar & Falkman, 2010). Therefore, the CMF has to continue monitoring the region within the Gulf of Aden and the Western Indian Ocean, especially when it comes to examining the conditions facilitating the periodic reoccurrence of insecurity.

3.1.1.2 CTF-150 and Maritime Security

Assessing the overall success of the operations of CTF-150 is quite difficult, considering its main goal of enhancing maritime security, prevent and prohibit of the utilization of maritime territories for terrorism activities. CMF has opened up on its

plan to shape situations ashore as one way of dealing with illicit activities at sea (Combined Maritime Forces, 2020). This including moving some of its patrols, including weapons and personnel on land to counter criminals before they enter the maritime vessel pathways. Recently, the most apparent element of this plan has been the outlawing of large maritime transportation of hashish and heroin. Their linkage to the financing of terrorist activities has mainly informed the banning of large shipment of narcotics within Somalia and surrounding areas. The movement of weapons meant to support terrorism activities in the area is also of great concern (Morash, 2004).

The United Nations has identified the smuggling and export of charcoal within the East African region as one of the sources of funding for maritime crimes. A major beneficiary of the illicit activities is the Al Shabaab, a terrorism group that is greatly rooted in Somalia (Devakumar, 2017). The CTF-150 has made multiple seizures of narcotics along the western Indian Ocean and Gulf of Aden, particularly around the Hash Highway and Smack Track as illustrated by *figure 2* below.

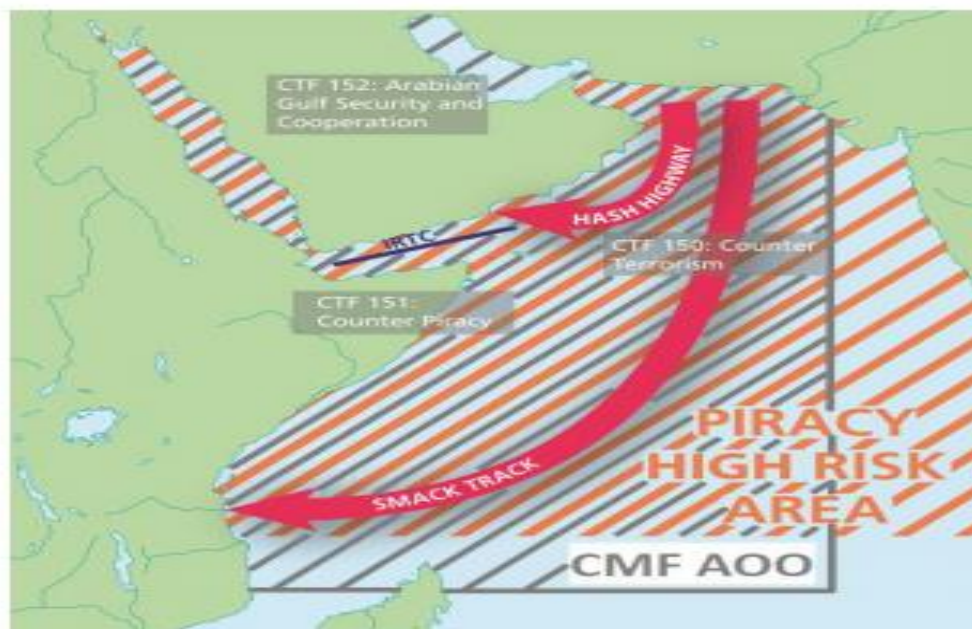


Figure 2. Operation area for Combined Maritime Forces

Source: <http://www.combinedmaritimeforces.com/>

A significant amount of narcotics originating from Afghanistan and other Middle East nation often finds their way in ships travelling along the Western Indian Ocean and Gulf of Aden regions, especially around the Makran Coast and later transferred to smaller boats. The heroin is usually destined for East Africa and later smuggled into Europe and the United States while Hash is meant for the nations around the Arabian Peninsula (Ece, 2015). Since its creation, the Combined Maritime Force has seized tones of the illegal drugs as illustrated by *figure 3* below.

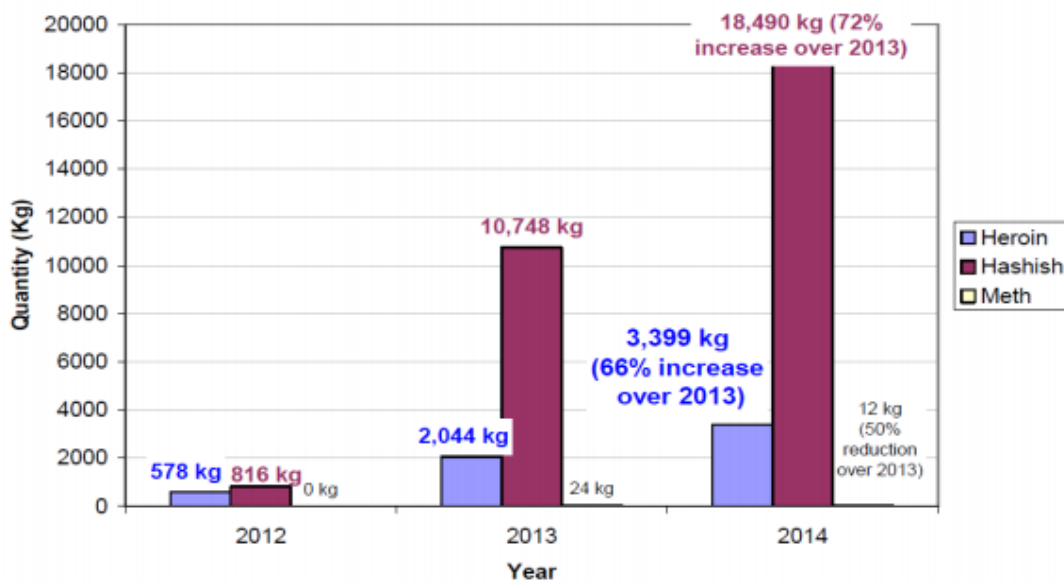


Figure 3. Drug seizures by CMF

Source: <http://www.combinedmaritimeforces.com/>

Whereas the rise in seizures is part of the approach by CMF to enhance maritime security in the region, the typical assessment of the real effectiveness of CMF in line with these seizures is still difficult. Probably, the main idea in regards to the effectiveness of the combined force is grounded on its ability to minimize narcotic business in the region through its periodic operations (Riddervold, 2018). *Figure 4* and *figure 5* below compares data originating from UNODC, which is the department of United Nations, charged with the responsibility of dealing with production of narcotics and drug-related crime and data from the CMF. It is vital to note that only the data involving the tracking of heroin and opium from the Afghanistan is readily available,

hence the reason for considering it. Generally, the overall size of the heroin captured within the western Indian Ocean and the Gulf of Aden have reduced by 50 percent since increased operations by CMF between 2009 and 2012 (Benbow, 2015). However, the tones of drugs intercepted during CMF operations have increased significantly. Whereas the general picture is quite concerning, there is evidence that the presence of CMF in the region has had a significant positive impact in reducing the frequency of drug trade. Additionally, the extent of criminal activity disruptions by CMF in the region has grown by up to 15 times from the average of 20 kg to 300 kg (Clark, 2006).

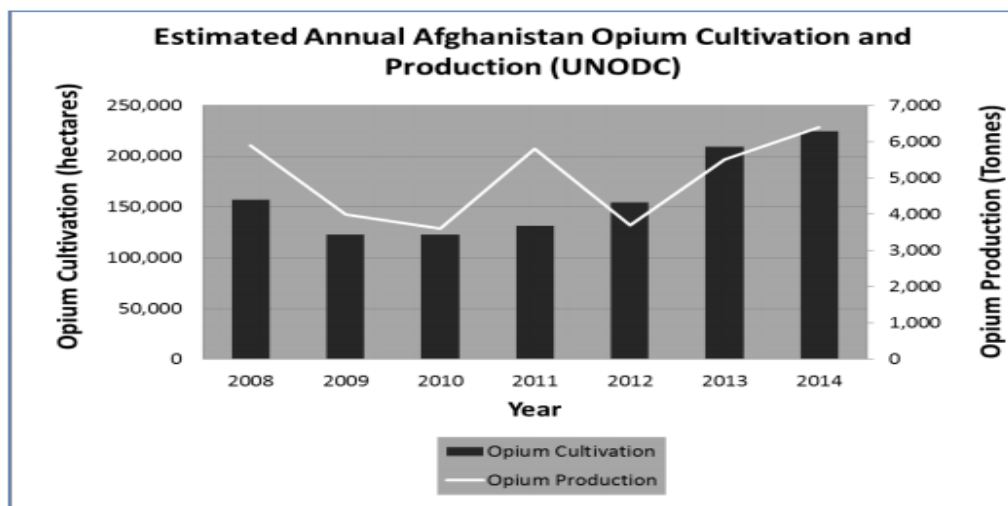


Figure 4. Estimated annual Afghanistan opium cultivation and production (UNODC)

Source: <http://www.unodc.org/>

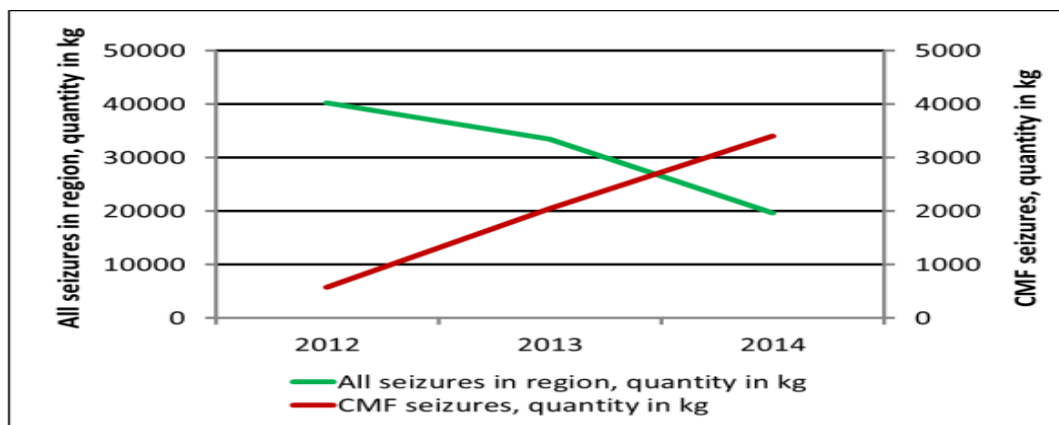


Figure 5. narcotics and drug-related crime and data from the CMF

Source: <http://www.combinedmaritimeforces.com/>

Several factors should be considered when assessing the efficiency and effectiveness of the seizures carried by the Combined Maritime Force in order to increase accuracy of the findings. The model used by the UNODC to measure the overall narcotic production is vital, however, determining the amount of revenue from narcotics that is used to fund piracy and other maritime crimes require more data from law enforcement and intelligence agencies (Benbow, 2015). This also includes estimating the proportion of narcotics and other illicit drugs that reaches overseas through land, which is very difficult. Although there is no doubt that patrols by CMF may be helping to deter illicit activities in western Indian Ocean and the Gulf of Aden, the continued civil wars characterized by political conflict around Syria, Iraq, Sudan, and Somalia has also played a significant role (Benbow, 2015). The regular mass movement of refugees within the region led to increased security within borders, which made the routes less attractive to terrorists and maritime criminals. The 2015 Afghanistan Opium Survey by the UN provides evidence of how tighter border control may have shaped the behaviours of pirates, smugglers, and armed robbers (Devakumar, 2017). It is also important to take into account other measures being taken by the CMF that could have contributed to reduced insecurity with the area under study. For example, it is important to consider the amount seized and frequency of seizures in a given period or number of operations in a certain area. It also possible to even arriving at a significantly precise measure.

3.1.2 Recent successful CMF Operations

In the first half of 2010, the 150 unit of the Combine Task Force carried out a security operation in the Bab AL Mandab sea regions of the Western Indian Ocean and the Gulf of Aden. The maritime security operation resulted to major success for the CTF 150 and the overall CMF in building of maritime Pattern of Life (POL) (Combined Maritime Force, 2020). Joint forces from the United States and the United Kingdom together with Reconnaissance Aircraft (MPRA) and German Maritime Patrol were critical factor in this achievement. Apart from the regional engagement, more emphasis was put in the gathering of data in regards to maritime pattern of life,

enhancing partnership with stakeholders in Yemen and using the information provided by the Yemen Naval officials on maritime environment and related local issues (Combined Maritime Force, 2020). The security operation also involved engagement with war vessels from the Royal Saudi Naval Forces (RSNF) by two ships, HMS Makkah and HMS Riyadh. The maritime security operation carried to reinforce the key elements of violent extremism, human smuggling, anti-terrorism, illegal trade, and narcotic smuggling, among other illicit activities. Key officials from the CTF 150 unit also toured Yemen to meet key military figures such as Major General Ahmed Ali Al-Ashwai to enhance the regional activities of CTF 150 (Combined Maritime Force, 2020). As a multidimensional team, one of the CTF 150 main responsibilities is to implement counter-terrorism activities on the high waters. It executes security operations in the Indian Ocean, the Red Sea, the Gulf of Aden, the Arabian Sea, and the Gulf of Oman.

At the end of 2018, a sub-unit of the CTF-150 called the HMS Dragon carried out the biggest drug bust since the creation of the Combined Maritime Forces. The operation led to the seizure and destruction of almost 10000 kilograms of illegal drugs being ferried in small boats within the Western Indian Ocean and the Gulf of Aden (Combined Maritime Force, 2020). Without the operation by the CMF, the narcotics, which are estimated at more than 5 million pounds, could have been sold to the locals in the region. The profits from such illegal activities could have further been used to fund terrorism and different organized crimes (Combined Maritime Force, 2020). The HMS unit is headed by Commodore Darren Garnier from the Canadian Navy, who for years has helped to conduct successful security operations and patrol in the East African and Middle Eastern areas of the WIO and the Gulf of Aden. The capture and destruction of these drugs are helping to reduce the financial capacity of criminals and terrorists. Nevertheless, it has been easy for the Combined Maritime Forces during these operations since they have to deal with bad weather and highly armed criminals with good knowledge of the area. The task force uses Wildcat helicopter to carry the captured narcotics to the CMF war vessels (Combined Maritime Force, 2020). The

helicopter does not only help to speed up the process of transporting the drugs but also in the recovery of Royal marines and sailors working with the HMS Dragon sub-unit.

3.1.3 CMF and Force Flow

Force flow denotes the number of maritime vessels linked to each unit of the CMF in a single day. Considering that signatories to the CMF provide their support on a voluntary basis, force flow usually acts as a metric for determining the commitment of the CMF signatories. The number of assets of a given country is calculated in terms of the assets available at a given day, and assessed frequently through the Effectiveness Assessment Campaigns (Devakumar, 2017). Documentation and reporting is done for every vessel including its country of origin, which allows for further analysis of the resources available to the CMF. However, the assessment of the force flow is complicated by the problems associated with determining the value of each asset due to varying size and regularity of operation or availability for use by the task force. The contributions of some nations using other resources other than vessels hinder fair assessment of the relative effectiveness of the CMF, especially due to the voluntary clause. Therefore, maritime security scholars and experts have examined the force flow data through simplistic approaches in relation to the operations of the CMF (Papa et al., 2015). Therefore, the results of the effectiveness of CMF based on the force flow can be measured using two approaches.

The first approach focuses on the number of resources provided by each member using some modifier or multiplier to show their capacity. The other approach replaces the resources with the size covered by the CMF security patrols. Unfortunately, the first approach is difficult to implement because it requires one to develop multipliers for assessing the relative capacity that is both fair and satisfactory. The multipliers must also take into account all the situations involved (Pallotta et al., 2013). For the second approach, one proposal is to determine the number of hours used in operations in each given area. Whereas combined task forces are not always carrying out patrols, they often prioritize certain areas. The second approach is less complex to use.

Nevertheless, this does not mean that the approach will yield fair result since different vessels may have outrageously varying sensor ranges between them and aircrafts (Pallotta et al., 2013). The approach also does not take into account the gap between a vessel that is in active operation and high-speed vessels transiting via the region. For instance, *figure 6* capture vessels conducting CFT-150-related operations in a particular day, encompassing an Australian replenishment vessel, a USN guided-missile destroyer, an RN air - defence destroyer, a US Coast Guard Cutter, and USN patrol boat. It is evident that these assets in form of patrol vessels hold varying capabilities (Melvin, 2019).



Figure 6. Vessels conducting CFT-150-related operations

Source: <http://www.combinedmaritimefirces.com/>

Therefore, like the DCoC, the CMF should find areas where partnership between countries can take place such as blue economy for sustainable security. According to Benbow (2015), although most of CMF's activities are based on security operations of the combined naval forces, substantial operations in regards to governance should also be carries out in order to ensure sustainable growth, without compromising on environment and economic health (Pallotta et al., 2013). Activities relating to the blue economy, including those that involve preserving the marine environment by working with the local fishermen and neighbouring communities usually help to enhance

maritime security. Although a number of stakeholders, including the African Union, have consistently focused on the relationship between the blue economy and the maritime security, the CMF appear to treat them separately (Melvin, 2019). Dealing with insecurities at sea, safeguarding the marine environment, and extracting the maritime resources in a sustainable way is dependent in clear understanding of all dimensions of the maritime sector.

For instance, research on fishing trends and marine life carried out in the recent years by different environmental agencies has provided important insights into the different spheres of maritime. These studies are important in identifying anomalies at sea (Melvin, 2019). Therefore, it is important for the CMF to adopt a working plan to bring together environmental agencies and coastal communities for effective eradication of illicit and illegal activities that contribute to insecurity at sea. For instance, the area of fisheries and the interests of different countries have often let to conflicts due to the economic and environmental issues involved. Enhancing the ties between environmental, security and development experts has a higher chance facilitating the growth of blue economy, environmental conservation, and overall maritime security.

3.2 The Djibouti Code of Conduct (DCoC)

The Djibouti Code of Conduct is part of the team that is fully involved in the development and implementation of frameworks to increase the capacity to prevent and fight insecurity in the Western Indian Ocean and the Gulf of Aden. According to IMO, the DCoC has at least 20 signatories from the region (Hensel, 2017). However, like CMF, the DCoC also depends on the goodwill and cooperation of its member nations in security efforts. Usually, the DCoC is heavily involved in ensuring cooperation, coordination and communication among signatories, which are also strongly aligned to its key founding principles. These key principles include strengthening of national laws, training, developing capacity, and sharing of intelligence both regionally and nationally. DCoC has also developed strong technical partnership with the International Maritime Organization (IMO). This partnership has

been effective in increasing trust among members and abilities of DCoC to counter insecurity in the region, especially armed robbery and piracy. The Djibouti Code of Conduct prioritizes capacity building as a key instrument in the fights against armed robbery and piracy in the area.

As a result, sharing of intelligence, governance, and training are implemented in different ways to build a strong model of countering insecurity. Additionally, the partnership between DCoC and IMO has led to the establishment of a regional training center, which is currently situated in Djibouti. The training center was built using donor funds with Japan being the main contributor. Even the training facilitated by the DCoC is carried out under joint efforts of multiple International organizations including East African Standby Forces (EASF), European Union and NATO (Hensel, 2017). Evidently, training as a capacity building tool has been effective in reducing piracy activities in the area around the Somali territorial waters. The Code has ensured that the security efforts are in line with the local legislations of the member states, including the classification of illegal and criminal activities at sea. This form of empowerment allows individual governments to carry out independent investigations and charges the perpetrators in their court systems following the global standards outlined by IMO. The intelligence sharing facilities are situated in Dar-AL-Salaam, Mombasa and Sanaa (Siebels, 2019). These centers are fully equipped to enhance collaboration between international and local naval networks and forces. The development and implementation of different security missions are also coordinated through the facilities. Hence, empowerment of individual states plays a central role in security efforts.

3.2.1 DCoC Mandate in the region

The mandate of the DCoC is based on the guidelines provided by IMO, and the nations around the Western Indian Ocean and the Arabian Gulf are parties to the IMO agreements. Consequently, DCoC-related capacity building is carried out via IMO's Technical Cooperation Committee (TCC) and Maritime Safety Committee (MSC).

Countries in the Western Indian Ocean and the Gulf of Aden leverages in this cooperation and takes part in different ways to strengthen local maritime legislations and ensure their implementation. For instance, countries such as Djibouti and Kenya have continuously updated their maritime laws to match the updated Code to improve their counter-insecurity measures and enlarge to cover more areas of illicit and criminal activities including illegal fishing and human trafficking. The capacity building under DCoC, especially via training integrates different international tools. East African nations through their various Marine Science and Security centers have benefited from the DCoC led maritime security activities and training. The training provides via the partnership between IMO and DCoC aligns with the global metrics, which helps to adhere to the international standards. Part of the training activities includes security responses such as investigations and prosecution as outlined by DCoC and through the existing national laws.

Evidently, signatories of the DCoC also takes part in different conferences and workshops geared towards enhancing the process of implementing security at sea legislations organized by DCoC. Indeed, the signatory states applies the training offered during these meetings to strength local security efforts and also increase their overall efficiency in maritime management. For example, almost all nations around the Western Indian Ocean and the Gulf of Aden such as Saudi Arabia and Kenya have established Commercial Maritime legislations to guide their maritime activities and oversee different entities involved in sea activities. Different countries are also taking part in different operations of the DCoC depending in individual interests and needs. For instance, India and Saudi Arabia have been heavily involved in sponsoring training of African Countries. The DCoC also gives mandate to specific nations to help create or enhance the maritime security preparedness of other signatories. The preparedness include investigation at sea procedures, interdiction activities and technical training. The International Maritime Organization is also actively involved in the organization and sponsorship of these programs. Therefore, countries with higher capacity hold higher position at DCoC and IMO in terms of spearheading security programs and efforts. Overall, the DCoC has helped to increase the capacity of members in Western

Indian Ocean and the Gulf of Aden to investigate, deter, arrest and charge criminal and illicit activities at sea including human and drug trafficking, piracy, illegal fishing, and armed robbery, among others.

3.3 The Effectiveness of CMF Compared to DCoC against insecurity

Both the Djibouti Code of Conduct and the Combined Maritime Force have played a critical role in the fight against insecurity in the Western Indian Ocean and the Gulf of Aden. However, the Combined Maritime Force (CMF) has played a greater role in combating piracy and armed robbery that had increased significantly in the last decade. First, unlike the DCoC, the CMF has an active naval force derived from different countries across the globe. Additionally, the CMF's operations are supported and led by key international players such as the United States, Canada, and the European Union. On the other hand, signatories of the DCoC are derived from Africa and the Middle East hence lacks the same resources in terms of work force and funding enjoyed by the CMF (Siebels, 2019). The CMF memberships have developed an ownership element whereby any country or organization in the world can take part in the implementation of the agreement. The developed nations such as the United States and the United Kingdom are greatly involved in ensuring that commercial ships involved in the international trade are protected against armed robbery and piracy, among other criminal activities. The less developed members are not obligated to contribute funds or personnel since the entire arrangement is based on voluntary basis. The European Union and United States have provided naval hardware and technology, which has come in hand in combating insecurity around the Somalia corridor. The funding from the developed and developing economies such as Japan, India, and Denmark have helped to promote security and ensure sustainability of CMF's operations. Most of these funds have been used not only to fund security drills across the region but also in developing and running intelligence collection centers.

3.4 Legal Challenges

The United Nations Convention on the Law of the sea (UNCLOS) is largely involved in ensuring security at sea through efforts aimed at curbing human trafficking, piracy, armed robbery, environmental degradation, and illegal fishing, among others. However, the scope of maritime security means that UNCLOS cannot succeed alone. Additionally, providing a legal framework is not enough in fighting insecurity at sea. Therefore, UNCLOS has provided guidelines and support for local, regional and international treaties in relation to maritime security. There are multiple treaties even at the international levels. Although the body encompasses multiple clauses involving how states deal with maritime insecurity such as Articles 107, 110 and 100, the body has failed to provide clear guidance or reference point for private firms involved in the fight against maritime crimes. In reality, this has led to creation of multiple fragmented legal principles, conventions, and agreements that narrow down to UNCLOS. Despite the UNCLOS establishing a still legal foundation of maritime jurisdiction and areas, the framework is blind to some non-state maritime security operations, especially those relating to piracy.

In its place, a set of confusing, overlapping, and often conflicting local and international standards, laws, and policies have come up in effort to regulate the industry. According to the United Nations, the rigidity of UNCLOS is deliberate to provide a solid legal ground. Despite this reason, having a dynamic legal framework is important to ensure that it adapts to the rapidly shifting maritime environment. The Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) Protocol was created to bridge the gaps in the international legislations needed to reduce or eliminate threats to security of navigation, commerce and human life at sea. The protocol requires governments to develop laws against terrorism and piracy activities based on the national legislations. The SUA protocol is based on the 1988 and 2005 frameworks. The 1988 version maintains that countries hold the responsibility to create jurisdiction to charge or extradite perpetrators of maritime crimes even when the crimes were carried out outside their territorial waters.

Different from the UNCLOS view of piracy that just emphasizes on the high waters and hence merely permits security reactions in the high waters, the 1988 framework illegalizes piracy-like acts against ships that have travelled away from the territorial water are planned to travel beyond the jurisdiction. A major limitation of the 1988 SUA framework is that it only gives flag states the needed power to react to threats against ships displaying their specific flag. The SUA framework of 2005 is an amendment to that of 1988 and covers three areas including the use of vessels as means of conducting maritime crimes. It also covers the production of dangerous weapons on international waters. The third section covers the transportation of suspects of terrorism in high waters under the anti-terrorism laws of the United Nations. More so, the 2005 version extended the jurisdiction of states to encompass third states against the previous version that only included the flag states.

Therefore, the new version has broadened the scope of defining criminal activities against ships beyond UNCLOS, expanding the legal latitude of nations to pursue perpetrators and reduce attacks at sea. Clearly, having a wider perspective of the SUA protocol it is clear that it emphasizes on the need for treaties against maritime threats. The guidelines and protocols for private measures against maritime insecurity are based on IMO instruments including SOLAS. The safety of Life at Sea (SOLAS) Convention, was created in the 1910s to enhance the safety of maritime vessels after the Titanic situation. The Convention provides the best practice in the construction and operations of ships for increased safety. The SOLAS' control standards are compulsory for both port and flag states. However, SOLAS has also created a legal dilemma when dealing with private security at sea. First, there is a question of whether having private or independent contractors on board ships limits the overall obligation of the ship owners under the Chapter XI-2 of the SOLAS convention. This has left individual States to establish additional legislations to guide the relationship between these private personnel and the ship owners or organizations.

For instance, the Baltic International Maritime Council (BIMCO), which is one of the main shipping associations in the world, has designed guidelines for contract in order to create boundaries between the obligations of ship owners against private security contractors. Although SOLAS has detailed the responsibilities of ship owners when it comes to flag states, a majority of cases involving private security firms has shown that they tend to ignore the orders or guidelines of the ship-owners when faced by dangerous situations. Instead, the private firms focus on defending their lives and that of the crewmembers, which is a right guaranteed in various international legal frameworks including the Human Right Charter. The guidelines provided by BIMCO under GUARDCON strive to remove this dilemma by providing a contract between ship owners and independent contractors. This include allowing the private contractors to react to situations with necessarily taking orders from the ship owners and to reduce the liability of the ship-owners in case the private contractors' acts are in violation of the SOLAS protocol. Additionally, SOLAS has given port states the mandate to block maritime vessels from sailing when safety is in doubt in order to protect property, crew, and the marine environment. The SOLAS convention continues to be expanded for increased maritime security through individual regulations, including ISM and ISPS, among others.

In conclusion, the global legislation framework provides detailed clauses to deal with maritime insecurity in areas such as piracy, human and drug trafficking, illegal fishing, production and use of weapons of mass destruction, and armed robbery, among others. Regardless of the notable limitations that could create legal dilemma, the global agreements and recommendations creates a good ground when creating more specific or customized regional and local legislations. One of the key sources of the regional and local legislations is the International Maritime Organization (IMO) since it contains specific clauses relating to maritime safety and security, including dealing with armed robbery and piracy against ships. Nevertheless, other agreements and protocols such as UNCLOS, SUA, HC, and OCC can be used to deal with armed robbery, piracy and terrorism at sea based on specific provisions. The International

legislation gives countries or States, power to identify and maritime offense, illegalize it, and prosecute perpetrators. The international legal framework also provides procedures in relation to the implementation measures, global collaboration, safeguarding of human rights, and prevention of crime.

CHAPTER IV

4. Discussion

The International Maritime Organization (IMO) has been playing a critical role in establishing guidelines and recommendations for maritime activities and for its members. In regards to maritime insecurity affecting ships, it has created recommendations and tools that can aid in the operational response in areas such as minimization of risk and information acquisition in the fight against armed robbery, piracy, and other criminal activities at sea. IMO has facilitated the creation of different maritime cooperation agreements as part of the efforts to combat insecurity. Initially, countries relied on the law of the sea and individual government efforts to deal with these insecurities. Notably, a few decades ago, criminal and illicit activities such as piracy and human trafficking occurred on small scale so it was easier for individual governments to deal with them at a local level. However, the rapid globalization and entry of more sophisticated criminal groups has increased the need for collaboration both at the national, regional, and international levels to curb insecurities at sea. The maritime vessels affected by criminal activities, particularly armed robbery and piracy are those transporting valued goods including rare minerals and crude oil. Any attack on these vessels is likely to cause immense economic losses to the stakeholders. This has given birth to collaboration agreements and security operations such as DCoC and the CMF. The important of the DCoC and CMF as security instruments has been evident due to their success in reducing piracy and armed robbery incidence in Western Indian Ocean and the Gulf of Aden.

4.1 Robustness of DCoC

The DCoC has cemented cooperation among the different states within the Western Indian Ocean. Apart from IMO, the African Union, INTERPOL, the European Union, the UN Offices on Drugs and Crime (UNODC), and the African regional economic communities, among others, also support the Djibouti Code of Conduct. Under the guidance of DCoC, all the signatories have established facilities to increase their

capacity to deter and respond to maritime insecurity (Weldemichael, 2017). The goal is to have central systems where intelligence related to criminal activities such as piracy and drug trafficking can be shared. This intelligence can be assessed and evaluated on regional and national levels to facilitate transnational operations and related strategic development. Therefore, the initial stage of DCoC involved building the capacity of the member states in order to increase maritime safety and security under the Critical Maritime Routes program of the European Union (Menzel, 2018). The second and ongoing phase of the DCoC is a model of training based on IMO guidelines through the Djibouti Regional Center.

One of the main problems affecting the operations of DCoC is the lack of a central political body to oversee its activities. This means that the code lacks the necessary political good will since it has no political responsibility or mandate against nations in the region. This has led to delays in some of its security projects, particularly when dealing with uncooperative nations such as Iran (Weldemichael, 2017). To counter this problem, the DCoC has recently updated its mandate and security tools. The revision covered multiple areas including coordination and partnership in the execution of the security tools based on the recommendations of the signatory states. This has increase the effectiveness of DCoC as a key security instrument, especially dealing with piracy and armed robbery in the Western Indian Ocean and the Gulf of Aden (Menzel, 2018). The Code has succeeded in increasing sharing of information among members and increase cooperation between the Gulf of Aden and the Horn of Africa. The Code has created a strong ground for technical partnership among different parties including international bodies, signatory nations, and others. Therefore, DCoC is vigorous in the region despite the political and financial challenges. In regards to financial limitation, the DCoC often run on a budget of less than 9 million US dollars (Menzel, 2018). The budget is too tight considering the extensive security operations needed in the region. Additionally, the Code lacks a stable source of income since it has to rely on donor funding from nations such as the Netherlands and Japan. Nevertheless, the DCoC has continued to receive substantial support from NATO and the European Union in areas

such as training of signatory states, particularly in relation to collection of intelligence, arrest, and prosecution of suspects at sea. The commitment of signatory states continues to increase, which favours the efforts of the code. For instance, Saudi Arabia has contributed in capacity building through its Border Guards Academy dedicated to Marine Science and Security, which is dedicated to the entire region. Consequently, increased cooperation and support has contributed immensely to strengthening anti-piracy efforts despite the limited funds. In 2017, the signatory states also made important changes to the code to make it more fitted to lead the development of blue economy in the region. This includes safeguarding of the marine ecosystem to enhance the standards of living of local people and for overall economic development of the region. Each signatory state is expected to establish a clear national plan to aid maritime security and the growth of blue economy. The goal is to increase stability, revenue and creates jobs in the region while ensuring that the marine environment is safe and secure in the long-term (Menzel, 2018). The DCoC has shown its robustness due to its ability to achieve its mandate despite the myriad of challenges. Therefore, the code as a security instrument is not only compatible with the national legislations and efforts but also sustainable.

The ability of the code to adapt to future changes is evident from the amendments done under the DCoC+. The amendments mean that the code covers more transitional crimes at sea including narcotics, human trafficking, illegal dumping of poisonous waste, trafficking of arms, illegal wildlife trade, theft, smuggling, and illegal oil bunkering, among others. The 2018 Jeddah amendments also reveal the increasing importance of DCoC in the region due to its role in curbing crime and other illicit activities in the region.

4.2 Robustness of CMF

The nature of the existing threats to maritime security has evolved over the years. The now common threats such as illegal fishing, piracy, smuggling of drugs, armed robbery, unregulated fishing, smuggling firearms, and trafficking of immigrants were

less rampant before the 21st century. Additionally, the threats were less common around the Western Indian Ocean and the Gulf of Aden regions. Hence, a multilateral security instrument such as CMF has become necessary in effort to combat these threats. CMF provides a more comprehensive approach to achieving security and safety at sea both in the local and international waters. The robustness of CMF is demonstrated by its founding standards that govern its contracting parties, signatories, and other stakeholders. The signatories to CMF are required to align their maritime legislations and policies with the basic principles or standards of CMF for sustainable outcome. In scenarios where the utilization of the CMF's standards is not technically possible, the CMF agreements appear to provide solutions to help minimize the dilemma (Mukherjee, 2020). The CMF covers almost all the criminal and illicit activities that may threaten security at sea such as illegal fishing, terrorism, and human and arm trafficking. The continued amendment of the CMF shows that the instrument is dynamic and flexible enough to cater for different circumstances as they arise. The robustness of the instrument is evident from its framework or design, which is characterized by multiple divisions.

The strategy used by the CMF to address insecurity in the Western Indian Ocean and the Gulf of Aden is largely sustainable, especially considering that it has its own naval forces derived from different parts of the world. Consequently, the CMF is able to cover a large scope of the territorial waters of its signatories and the most affected areas of the international waters. A good example is CMF's successful operations around the horn of Africa, particularly the Somalia corridor (Vespe et al., 2015). Like the DCoC, the CMF is playing a significant role in capacity building and enhancing cooperation among nations in the region. Furthermore, CMF has also been able to break political barriers by ensuring that even non-members are part of the cooperation efforts. This has been every important in fighting piracy and armed robbery, especially along the waters of the politically unstable Somalia. Therefore, CMF is not only politically and economically robust and capable but also successful at the geographic

level as it continues to enhance national and international collaboration against criminal and illicit activities (Upadhyaya, 2014).

The multiagency nature of the CMF composition gives it the necessary support needed to ensure efficiency and effectiveness in curbing maritime insecurities in the region. The multiagency network comprises of international organizations, national governments, and other bodies. As the signatory government facilitates and provides a favourable environment for the implementation of the CMF's strategies through national and regional legislations, the maritime force continues to provide the needed capacity for better security outcome. Clearly, the absence of CMF involvement would make it almost impossible for individual nations or even the region to counter the rapidly evolving armed robbery and pirate activities (Bueger & Stockbruegger, 2016). Furthermore, the presence of the combined maritime forces gives the region a technical advantage against the heavily armed criminals operating in territorial or around territorial maritime environments. For example, despite countries such as Tanzania and Somalia being members of the Combined Maritime Force since its creation, their contribution in terms of funding has been limited. In fact, most of the African countries around the region lack both the funds and skilled personnel to fight criminal and illicit activities in their territories. Due to these circumstances, CMF works with elite international bodies such as the European Union, NATO, and Interpol to facilitate communication in terms of collecting sharing intelligence to enhance maritime security (Mukherjee, 2020). Therefore, the strength and effectiveness of CMF is evident and its robustness is captured by the significant decrease in piracy and related criminal activities.

4.3 DCoC and CMF's approaches

DCoC and CMF share multiple goals including combating insecurities at sea due to criminal activities such as armed robbery and piracy. Evidently, CMF and DCoC provide transnational and regional approaches to combating maritime insecurities since they comprise of both local and international governments and bodies. The

diverse approach gives them a strong foundation in dealing with armed robbery and piracy in Western Indian Ocean and the Gulf of Aden. The region had become one of the notorious corridors for pirates due to its economic and strategic importance as an international trade route, oil production and fishing. The multilateral approach of the DCoC and CMF offers a proper framework based on its operations and guidelines on how to investigate, process, arrest and prosecute perpetrators of maritime crimes. More so, the coordination and joint operations facilitated by the CMF and DCoC goes a long way to ensuring that individual states have significant capacity to contribute to the security of the region.

CHAPTER V

5. Conclusion and Recommendation

Insecurity in the maritime territories has existed for centuries, but the recent years have experienced a significant increase in armed robbery and piracy against ships traversing the Western Indian Ocean and the Gulf of Aden. Insecurity has destabilizing impacts on corporations, governments, and the overall region. Initially, the region had to rely on the global agreements established in the 20th century, despite the continued evolution of maritime crimes. The Djibouti Code of conduct has provided tool that can comprehensively increase capacity of the signatory states to minimize or even eliminate insecurity at Sea. Some of the key tools used by DCoC in capacity building include intelligence sharing, policies and training. As a result, states within the Western Indian Ocean and the Gulf of Aden can take advantage of DCoC's experience to improve national and regional legislations related to security and safety at Sea. Specifically, the countries in region can utilize the different policies established by DCoC to either improve or replace their inefficient maritime legislations to help deal with the dynamic challenges affecting the maritime industry.

The enhancement of local legislations will help the legislations of signatory states to match global standards aimed to safeguard international and territorial waters. Ensuring that the local legislations match the international policies will ensure effective response to illegal and illicit activities in the region when the laws are invoked. This means that the signatories of DCoC in the Western Indian Ocean (WIO) and the Gulf of Aden can establish their individual procedures without bypassing the international requirements. As the global economic environment continues to change, various changes at the local level also continue to be experienced. The advancement in technology and the ongoing globalization has contributed to increased interconnection of regions and people. In the shipping sector, the linkage exists via the emergence of technological tools together with globally and locally established information sharing areas to enhance security at sea. Consequently, the WIO and the

Gulf of Aden should exploit the current instruments and tools provided by both the CMF and the DCoC to enhance its maritime polices and laws to match the current and emerging security challenges.

Furthermore, the shifts will ensure that the regions are not left behind in relations to safeguarding its maritime interests. Hence, the region must use DCoC and CMF as a reference point or blueprint in improving its maritime legislations via a strategic incorporation. The tools are consistently updated to ensure that current and ongoing security issues such as armed robbery and piracy at sea are addressed. The DCoC and CMF should also continue to improve the policy structures of the WIO and the Gulf of Aden, but based on a careful plan to ensure that political issues do not overtake the priorities of security. This will demand increased investment in analytical and individual capacities, together with technologies that are likely to fit well in relation to the local needs. Considering the unavailability of financial resources, together with the increasing interests of global partners, more focus should be on strengthening the bargaining power of individual nations through regional cohesion.

Considering the wide scope of the challenges affecting the region, the DCoC and the CMF can do more to improve maritime security and safety in the WIO and the Gulf of Aden. First, the DCoC and CMF should focus on increasing the Pan-African agenda. The two organizations should not only focus on international interests but also instead incorporate the priorities and needs of countries in the region. The CMF in particular should instead of continuing to fund naval operations should allocations towards having strong policies and stable political environment. Therefore, the DCoC and CMF needs to refocus, increase commitments, and concentrate on improving the living standards of people in the region. This will help minimize the factors such as poverty and unequal distribution or maritime income, which pushes people to engage in illicit and illegal maritime activities, or political unrest. Clearly, empowering people through increased economic participation will be a step in the right direction for CMF and DCoC in the region. Secondly, the CMF and DCoC should diversify their

strategies when dealing with insecurity in the area. The two bodies have mostly relied on information gathering, military operations, and training on various maritime issues. For a change, the DCoC should include maritime research, industrial development, promoting education and cultural activities, establish best policies for growth of the blue economy, and weather and climate change monitoring, and green energy issues. Establishing more and non-military operations and working with local government and other agencies will make the CMF and DCoC more relevant and effective in the region. Creating friendly, accommodative, and supportive links has proved successful in other industries.

DCoC has established policies to help its members to develop and increase their benefits via the blue economy. However, increased partnership on Blue Economy is needed, especially at time when interests on the maritime resources among most countries around the western Indian Ocean and the Gulf of Aden are increasing. The African Union (AU) recently declared the importance of Blue economy in helping African Nations to speed-up their development. Additionally, the African Integrated Maritime Strategy 2050 (AIMS) and the 2063 African Union Agenda insist on the importance of maritime resources towards the overall local and global economy. The Island nations around the Western Indian Ocean and the Gulf of Aden such as Mauritius and Seychelles were listed among the key stakeholders and beneficiaries of the blue economy, especially considering that their people derive livelihood from the seas. Currently and through the support of the DCoC, countries such as South Africa, Kenya, Mauritius and Seychelles have established Ocean guards to safeguard their blue economy interests. The blue economy efforts under the DCoC are also grounded on mutual partnership among the African littorals. The DCoC and the CMF should focus on increasing the capacity of countries in the WIO and Gulf of Aden to use innovative technology. This may include wastewater recycling, marine-based green energy production, and water reuse, tidal and wave energy production, conversion of salty water to drinkable water and sustainable harvesting of nutrient-rich seafoods, and sustainable management of the sea ecosystem.

One of the clear places where the DCoC and the CMF have succeeded in their efforts to increase maritime security in WIO and the Gulf of Aden is in strengthening collaboration among countries in the region with the aim of increasing capacity building. The networks have the capacity to sustain and improve inter-personal ties in the region. Usually, the effect of such networks is long-term and almost impossible to measure. Nevertheless, they are critical for the growth of different agencies involved in maritime security and related systems. Research on regional cooperation has revealed that the importance of interpersonal ties between countries and individuals plays a critical role. The education and training provide by different agencies of the CMF and DCoC, especially under the guidelines of the International Maritime Organization creates intra-regional communities and offer skills on maritime security. Such communities may further create environments suitable for integration where intelligence can be shared.

Overall, the CMF appears to have been successful in ensuring security in the WIO and the Gulf of Aden region through increased strategic naval or military operations while the DCoC has been effective by establishing key maritime policies and increasing local and regional cooperation. However, to increase their effectiveness, the CMF and DCoC should establish multilateral security framework for the region. Increased cooperation among the countries in the Western Indian Ocean and the Gulf of Aden will help minimize CMF and DCoC's over reliant on donor funding and political goodwill. Establishing a stronger and more local security framework will help not only reduce insecurity but also cater for the interests of the signatory states. The CMF and DCoC should also build more Information Fusion Centers (IFC-IOR) in the region and integrate them with the international centers. This will make the response to insecurity more effective and contribute immensely towards attaining Security and Growth in the region. The IFC-IOR centers should align their activities with other security mechanisms in the region including the Regional Operations Center (RCOC), which is currently situated in Seychelles. Countries within the region are also signatories to different international maritime organizations and treaties. Overall, all the

organizations and treaties are targeted towards reducing the risks of insecurity affecting the maritime tourism and transport to improve international cooperation and trade.

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