Agenda-setting at the IMO: perspectives on the threats of piracy and armed robbery against ships

Abraham Akwetey Teye
AGENDA-SETTING AT THE IMO:
Perspectives on the threats of piracy and armed robbery against ships

by

ABRAHAM AKWETEY TYE
Ghana

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Declaration

I certify that all the material in this dissertation that is not my own work has been identified, and that no material is included for which a degree has previously been conferred on me.

The contents of this dissertation reflect my own personal views, and are not necessarily endorsed by the University.

(Signature):  
(Date): 22 September 2020

Supervised by;

Prof. Maximio Q. Mejia, M.D., PhD  
Director, PhD Programme  
Associate Academic Dean
Dedication

I dedicate this research work to my late father, WO1 Teye Joseph Akwetey (Rtd). I am forever grateful for your unfailing love and unseen sacrifices for making me a better person today.
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God bless us all.
Abstract

Title of Dissertation: Agenda-setting at the IMO: Perspectives on the Threats of Piracy and Armed Robbery against Ships.

Degree: Master of Science

The agenda-setting process of an organization is strongly influenced by how social problems are recognized and defined. In the International Maritime Organization (IMO), how well Member States and other observer organizations (international organizations with observer status) recognize and define a social problem, and propel it to the forefront of the organization’s political agenda, pave the way for immediate legislative action. This study was conducted purposely to assess and gain insights on how meetings and negotiations at the IMO have influenced the agenda relating to piracy and armed robbery against ships and to understand how international maritime policy to combat this threat has transformed over time. To seek deeper meaning and understanding of the overall purpose of this study, a qualitative content analysis of IMO documents relating to piracy and armed robbery against ships from 1998 through 2020, was employed. In addition, a computer-aided qualitative data analysis software (CAQDAS), Atlas.ti version 8.4, was systematically and critically used to assess and analyse all data. The study revealed that, over the years, due to the severity of incidents, piracy and armed robbery against ships dramatically increased in salience globally. This devastating issue became more crucial in the political agenda of the IMO which necessitated the organization to implement several policies in regards to the use of armed guards onboard merchant ships as well as the establishment of counter-piracy programs in order to help combat the threats of piracy and armed robbery against ships. The study concludes that, the recognition and definition of a social problem relating to piracy and armed robbery against ships by Member States and international organizations of the IMO, enabled the organization to implement several suitable measures to help suppress and prevent the threats of piracy and armed robbery attacks at sea.

KEYWORDS: Agenda-setting, Policy, Piracy, Armed robbery, Armed Guards, Commercial Ships, Member States, International Organizations.
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<th>Description</th>
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<tbody>
<tr>
<td>ACF</td>
<td>Advocacy Coalition Framework</td>
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<tr>
<td>AU</td>
<td>African Union</td>
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<td>BIMCO</td>
<td>Baltic and International Maritime Council</td>
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<tr>
<td>BMPs</td>
<td>Best Management Practices</td>
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<tr>
<td>CAQDAS</td>
<td>Computer-Aided Qualitative Data Analysis Software</td>
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<tr>
<td>CGPCS</td>
<td>Contact Group on Piracy off the Coast of Somalia</td>
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<td>DWT</td>
<td>Deadweight</td>
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<td>EU</td>
<td>European Union</td>
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<tr>
<td>EUR</td>
<td>Euro (European Monetary Unit)</td>
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<tr>
<td>GoA</td>
<td>Gulf of Aden</td>
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<td>HRAs</td>
<td>High Risk Areas</td>
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<td>ICS</td>
<td>International Chamber of Shipping</td>
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<td>ILO</td>
<td>International Labour Convention</td>
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<td>IMB</td>
<td>International Maritime Bureau</td>
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<td>IMO</td>
<td>International Maritime Organization</td>
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<td>IMSO</td>
<td>International Mobile Satellite Organization</td>
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<td>IPTA</td>
<td>International Parcel Tankers Association</td>
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<tr>
<td>ITF</td>
<td>International Transport Worker's Federation</td>
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<tr>
<td>ISPS Code</td>
<td>International Ship and Port Facility Security Code</td>
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<tr>
<td>ISF</td>
<td>International Shipping Federation</td>
</tr>
<tr>
<td>IUU</td>
<td>Illegal Unregulated and Unreported</td>
</tr>
<tr>
<td>JAMS</td>
<td>Japan Association of Marine Safety</td>
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<tr>
<td>MSC</td>
<td>Maritime Safety Committee</td>
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<tr>
<td>MLG</td>
<td>Multi-Level Governance</td>
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<tr>
<td>NATO</td>
<td>North Atlantic Treaty Organization</td>
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<tr>
<td>OCIMF</td>
<td>Oil Companies International Marine Forum</td>
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<tr>
<td>OEF</td>
<td>One Earth Future</td>
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<tr>
<td>PRC</td>
<td>Piracy Reporting Center</td>
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<tr>
<td>PCASP</td>
<td>Private Contracted Armed Security Personnel</td>
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<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>PE</td>
<td>Punctuated Equilibrium</td>
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<tr>
<td>RQ</td>
<td>Research Question</td>
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<tr>
<td>SOLAS</td>
<td>International Convention for the Safety of Life at Sea</td>
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<tr>
<td>SUA Convention</td>
<td>Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation</td>
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<tr>
<td>UK</td>
<td>United Kingdom</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNCTAD</td>
<td>United Nations Conference on Trade and Development</td>
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<tr>
<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
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<td>US</td>
<td>United States</td>
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<td>VPDs</td>
<td>Vessel Protection Detachments</td>
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CHAPTER ONE
INTRODUCTION TO THE STUDY

1.1 Background of the Study

Policies are an important component of any state or organization. The creation of policies is significant evidence of proactive management. Policies enable states or nations to understand their roles and responsibilities within predefined limits. The definition and concept of the word ‘policy’ changes in various forms with time. Cairney (2012), defines policy as “the sum total of government, from signals of intent to the final outcomes”. According to Sapru (2011), policy may be regarded as a “purposive course of action taken or adopted by those in power in pursuit of certain goals or objectives”. Crosby and Bryson (2005) also comments that, public policy is “substantive decisions, commitments and actions made by those who hold or affect government positions of authority as they are interpreted by various stakeholders”. However, in modern terminology, a policy may well be defined as a roadmap drawn by a state to reach explicit goals. Policies such as those for health, maritime, education, agriculture among others are created as a fundamental guideline to help make decisions and achieve rational outcomes if they are implemented successfully.

In almost every organization, a well-developed and planned policy process determines the outcome of the policy. The policy process or cycle which was initially proposed by Lasswell in 1950s (Howlett and Ramesh, 2003:11-2) and arguably found to be more prescriptive and normative (Jann and Wegrich, 2007) has evolved with time. Today, a more conventional way to describe the chronology of a policy process involves an agenda setting, policy formulation, decision making and legitimation, implementation and evaluation (Cairney, 2012; Jann and Wegrich, 2007) which may eventually lead to the maintenance, succession or termination of the policy. Dye (2008), among other scholars considers problem identification as a separate stage in the policy process whiles other scholars regard policy change and termination independently from evaluation (Mwijje, 2013). However, agenda setting remains a very important stage in the policy-making process as it is mostly treated as the first step in the policy design and implementation process. Policy-making
necessitates the recognition of a problem and is mostly influenced by how well-defined the problem is (Burstein and Bricher, 1997). In order to address an issue, the problem must first be identified, a goal must be set and a vision must be formed. The recognition of the problem itself requires a definition of a social problem which necessitates the expression of a state intervention (Jann and Wegrich, 2007, p. 45). The recognized problem is further placed on the agenda for serious consideration of public action through an agenda-building process (Cobb et. al., 1976) and an agenda-setting process (Dearing et. al., 1996). The agenda-setting is nothing more than a process of identifying a problem or issue and getting it to the top of the list of priorities for appropriate action by government (Cairney, 2012).

In the maritime sector, the International Maritime Organization (IMO), a specialized agency of the United Nations (UN), is charged with the responsibility of providing maritime safety, security and efficiency of shipping as well as the prevention of marine pollution from ships. The IMO is open to membership by all states, comprising 174 Member States¹, 3 Associate Members², 80 Non-Governmental Organizations (NGO)³ and 63 Intergovernmental Organizations (IGO)⁴ (IMO, 2020a; Romero, 2013). The policy-making process in the IMO basically revolves around the Member States who meet periodically to draw up internationally agreed policies or standards that can be applied to all ships. Its main role is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and universally implemented (IMO, 2020a). A recognized problem is placed on the agenda of the IMO depending on how well Member States and other observer organizations⁵ define a social problem. This may also be influenced by the media and other interest groups, which may necessitate the formulation and implementation of a policy in the interest of Member States and all observer organizations concerned. The sinking of

¹ Membership depends on the state and it is open to all states. A state normally ratifies a multilateral treaty (convention of the IMO) to become a member of the IMO.
² A territory or a group of territories whose international relations are a responsibility of a member and declares the convention to be applicable to that territory, may become an Associate Member of the IMO by notification to the United Nations Secretary-General. Faroe Islands, Hong Kong and Macao are the 3 Associate Members of the IMO.
³ These are international organizations that have the capability to make substantial and significant contribution towards the work of the IMO. They are non-state funded and may be granted consultative status of the IMO by the council with the approval of the assembly.
⁴ These are international organizations established by a treaty, involving the composition of two or more sovereign states to work in good faith, on matters of common interest.
⁵ These are intergovernmental and non-governmental organizations who have the capacity in making substantial contributions to the work of the IMO and have been granted consultative status by the council and with approval from the assembly (IMO, 2020).
the famous *RMS Titanic* in 1912 and the heinous terrorist attack of 9/11 resulted in the adoption of the International Convention for the Safety of Life at Sea (SOLAS) and the International Ship and Port Facility Security (ISPS) Code, respectively, due to a well-defined problem from Member States and the influence of observer organizations concerned.

Maritime security⁶ has emerged as a matter of serious concern over the last few decades and has been propelled into the forefront of the IMO’s agenda. (Mukherjee and Brownrigg, 2013) The current interest in this area is primarily due to the recent upsurge in piracy in the Horn of Africa and the horrific events that happened on 11 September 2001 in the United States. Maritime insecurity which poses serious threat to the international maritime industry was triggered as early as 1985 by the *Achille Lauro* incident that occurred in the Mediterranean Sea (Mukherjee and Brownrigg, 2013). This unscrupulous and atrocious incident became a big problem in the maritime world and was pushed to the topmost priority on the agenda of the IMO by Member States leading to the adoption of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) in 1988. However, the significant increase in other types of violent criminal acts at sea, namely piracy and armed robbery against ships cannot be overemphasized. This poses a serious threat to seafarers and the global maritime industry and hence due heed must be paid to this act by the IMO in order to provide a safe, secure and efficient shipping on clean oceans.

### 1.2 Problem Statement

Piracy is an original seaborne criminal act that has been outlawed under international and national law for centuries (Mukherjee and Brownrigg, 2013). Piracy and armed robbery against ships has been a serious menace in the maritime world since time immemorial characterized by exploitative, deliberate and unethical violence as its benchmark. It has evolved into different shapes and forms and threatened seaborne commerce in different seas and coastlines over time. From mid-1900s to 2000s, Southeast Asia (particularly the waters of the South China Sea and the Straits of Malacca) was the hotspot of piracy and armed robbery against ships where many seafarers were held hostage

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⁶ Maritime security refers to the protective measures taken by maritime administrators, shipowners, ship operators, port facilities and offshore installation administrations and other maritime organizations against criminal acts such piracy and armed robbery at sea, terrorism and maritime violence (Mukherjee and Brownrigg, 2013)
for many months and sometimes years for ransom (Mejia, 2012). Currently, the hotspot of piracy and armed robbery against ships is the Gulf of Guinea, where seafarers and ships have been targets of these vicious criminal activities (Eruaga and Mejia, 2018; Eruaga and Mejia, 2019a).

Maritime shipping is one of the most significant transport activities globally (Naletina & Perkov, 2017) and many nations have been dependent largely on maritime transport since time immemorial. Maritime transport has evolved over time and today ships contribute to globalization through the movement of 90 per cent volume of trade every year (United Nations Conference on Trade and Development, (UNCTAD), 2019). Furthermore, UNCTAD (2019) estimates that seaborne trade will continue to expand at an annual growth rate of 3.5 per cent over the 2019-2024 period. The devastating effects of piracy and armed robbery against ships cannot be underestimated due to the reliance on seaborne trade by all nations. The One Earth Future (OEF) Foundation7 estimated that piracy and armed robbery against ships cost the global economy between USD 7 – USD 12 billion per year (Bowden, 2010). Piracy and armed robbery against ships have been a challenge in the maritime industry over decades and continue to be a menace to security of seafarers and the safety of ships (Sergi and Morabito, 2016). It is indeed a global canker that the international community aims to completely eradicate.

It is strongly acknowledged that regional and international coordination are important to the success of any counter-piracy program (Mejia, 2013). This raises the question of how an international organization such as IMO influences the manner by which such counter-piracy programs are formed and developed. Hence, this research seeks to assess and gain insights on how meetings and negotiations at IMO have influenced the agenda and to understand how international maritime policy to combat this threat has transformed over time.

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7 One Earth Future nurtures projects aimed at fostering sustainable peace, collaborating with visionary world leaders, international organizations and communities to help address alarming issues at the root of armed conflict in various ways through an effective cooperation and collaboration (One Earth Future, 2020).
1.3 Aim and Objectives

The main aim of this research is to assess and gain insights on how meetings and negotiations at IMO have influenced the agenda relating to piracy and armed robbery against ships and to understand how international maritime policy to combat this threat has transformed over time. Furthermore, the research objectives to help attain the overall purpose of the study are, to determine how the views on armed guards on commercial ships have evolved, to ascertain how the level of funding counter-piracy programs has evolved, to establish how the threat of piracy and armed robbery against ships has been perceived by Member States and international organizations and finally to determine how the focus on the threat of piracy and armed robbery against ships in the different geographical regions has changed over time.

1.4 Research Questions

To achieve the aim and objectives of this research, the following research questions will be addressed:

- How have the views on armed guards on commercial ships evolved over time?
- How has the funding of counter-piracy programs evolved over time?
- How has the perception of the threat of piracy and armed robbery against ships evolved over time?
- How has the focus on the threat of piracy and armed robbery against ships in different geographical areas changed over time?

1.5 Research Methodology

Most research depends on data collection as a raw material in order to draw meaningful deductions (Walliman, 2017). However, the nature of the problem being examined presupposes the type of data to be collected. To help answer the research questions of this study, qualitative content analysis of IMO documents in relation to piracy and armed robbery against ships was systematically and comprehensively used by the researcher to organize large amounts of textual data into standardized formats which provided new insights and increased the understanding of a particular phenomenon allowing a conclusion to be drawn. A Computer-Aided Qualitative Data
Analysis Software (CAQDAS), Atlas.ti\textsuperscript{8} version 8.4 was used by the researcher to critically analyse all data.

1.6 Organization of the Research

This research work is divided into five (5) chapters:

- Chapter One: Introduction to the research. This elaborates on the background of the research, statement of problem, aims and objectives, research questions, proposed methodology and structure of the research.

- Chapter Two: Literature Review. This focuses on the theoretical concept of public policy as well as some relevant theories of public policy. It further elaborates on agenda-setting process of an organization and discusses some contemporary approaches of agenda-setting. This chapter moves on to provide an important insight into the influence of agenda-setting on international organizations where the role of IMO in the maritime sector and its agenda setting processes on piracy and armed robbery against ships are critically analyzed. Finally, the chapter discusses maritime security with key emphasis on the costs and impact of piracy and armed robbery against ships to international maritime trade.

- Chapter Three: Research Methodology. This discusses the methodology used in the research. It explains how qualitative content analysis of IMO documents is used comprehensively to analyze all textual data into meaningful insights.

- Chapter Four: Data analysis and discussions of results.

- Chapter Five: This contains summaries of significant results of the research based on the findings with conclusion on the discussion from the previous chapters and a recommendation for future study.

\textsuperscript{8} See https://atlasti.com
CHAPTER TWO
LITERATURE REVIEW

2.1 Introduction

This chapter presents a literature review of salient aspects of public policy as well as maritime security and the threats of piracy and armed robbery against ships. Many theories have been proposed to elucidate what drives public policy and agenda-setting. Accordingly, this chapter initially discusses the theoretical concept of public policy in a broad context and concentrate on three relevant theories of public policy. Public policy is influenced strongly by a well-defined social or public problem (Burstein and Bricher, 1997) which is crucial in gaining attention of public authorities and decision makers at the topmost priority on their agenda (Birkland, 2007, p. 63). In this regard, the chapter further focuses on the agenda-setting of an organization or state and discusses some contemporary approaches of agenda-setting.

This chapter then moves on to provide an important insight into the influence of agenda-setting on international organizations, placing emphasis on the agenda setting process of the IMO and the role the organization plays in the maritime sector. Finally, the chapter discusses maritime security with significant emphasis on the costs and impact of piracy and armed robbery against ships to the international maritime industry.

2.2 The Theoretical Concept of Public Policy

Potůček (2018) argues that, the key to understanding public policy is examining the role it plays in preventing and solving conflicts in every society. In all aspects of our social lives, people often have conflicting interests which can lead to social crisis, wars, and public disturbances among others when such conflicting interests are not resolved amicably. As a means to reconciling these social problems, public policy became established in the late 20th century with the main
responsibility for public officials and politicians to comprehensively study the nature of conflicts in order to prevent and circumvent such conflicts in society (Potůček, 2018).

The theoretical concept of public policy has evolved over time and today public policy is studied to understand why certain decisions are established by decision-makers (Cairney, 2012). In understanding and analysing the process of policy-making, many social and political scientists have identified various theories, models and approaches to public policy (Anyebe, 2018). The theoretical approaches may include political systems and institutionalism, group theory, policy output analysis, elite theory, incremental theory and rational-choice theory (Anyebe, 2018; Anderson, 2003) which influences the decision of a policy-making process.

According to Robichau and Lynn (2009:21), the theories of public policy helps to create a relationship between the making of a policy, its outcome and consequences. Geocities Report (2009:01) as cited by Mthethwa (2014) affirms that public policy theories identify the outcome of a public policy-making and its implementation. Therefore, theories establish a framework which enables assumptions to be made and create a platform for analysts in diagnosing a phenomenon, describing its processes and predicting outcomes (Hill and Hupe, 2009:118). Inevitably, theories of public policy have an influence on the agenda setting of a policy, its design and how it informs the implementation of the policy. Howlett and Ramesh (2003:14) argue however, that theories of public policy have their own shortcomings and limitations. This indicates that each theory has its own advantages and disadvantages; therefore one theory cannot adequately explain the process of public policy-making. A brief of some relevant theories of public policy are discussed below:

2.2.1 Political System Theory.

According to Easton (1957), Political System Theory can be seen as a response to the demands of political systems arising from its environment. He commented that, a political structure involves those recognizable and interrelated institutions and events in society which makes authoritative and substantive decisions that are binding on that particular society (Easton, 1965; Kress, 1966; Leslie, 1972; Miller, 1971; Marume, 2016). David Easton believes that all political processes are directly related to other structures of society (Anyebe, 2018). Throughout his study, there is a constant flow of environmental stimuli to the system and to the environment.
He identified input (consisting of demands and support) as the flow influenced from the system to the environment as shown in Figure 1 below. Easton explains that demands are the needs and interests put before government by the general public and interested groups where the system’s role is to turn these demands into decisions (Anderson, 2003; Anyede, 2018). He also identifies a support mechanism which is the political ideology the public have towards the system. This support mechanism can either be covert or overt which provides sustainability and legitimacy to the system (Anderson, 2003).

Easton elaborates on the principle where the political system starts to function where inputs are received from the environment and processed into output in the form of enforcing rules and implementing policies (Anyebe, 2018). He introduced the concept of feedback which is a complex mechanism by which information is communicated back to it (Marume, 2016), influencing the system’s subsequent behavior as seen in Figure 1. The political system process is completed by the feedback loop (Marume, 2016) making it a complex and regenerative procedure.

Figure 1: David Easton’s Political System Model.

Source: Adapted From Easton (1957)
2.2.2 Group Theory.

According to the group theory of politics, public policy is the result of group struggle. According to Latham (1965, p. 36), what can be termed public policy is the equilibrium attained by group struggles at any particular time, and it defines a balance that the competing groups are constantly striving to gain in their interest. Many public policies are a reflection of group activities (Anderson, 2003) as this theory tries to analyze how each of the different groups within a society attempts to shape public policy to its benefits when formulating policy (Anyebe, 2018). Group theory is based on the assertion that, interaction and struggle between groups are the critical aspects of political life (Anderson, 2003; McCormick and Tollison, 2012).

Anderson (2003) further defines a group as a selection of people with equally identified interest against the interest of other groups in society. This is regarded as a political interest group (Anyebe, 2018) if it makes an argument for or against any government institutions (Truman, 1951). An individual in this regard is important to gain political preferences through groups as a participant or group representative. To gain access is a vital concept in group theory (Anderson, 2003). A group should have access or the ability to communicate its opinions to decision-makers in order to help shape and influence policy decisions (Isaak, 1988). Consequently, a group which is not able to have effective communication with government officials have little or no influence in political decision-making.

A group that possess exceptional qualities such as good organization, good leadership, having a reputable status in society as well as enough resources (Anyebe, 2018; Anderson, 2003) has the ability to gain access to decision-makers. At any particular time, public policy may represent a dominant group’s interest in society (Anyebe, 2018). In this regard, as groups compete among each other when pushing their problem to the political agenda, the interest of the dominant group mostly over shadows that of the subservient group.
2.2.3 Elite Theory.

From the elite theory point of view, public policy can be seen as representing the ideology and interests of a ruling elite. The key concept of the elite theory is based on the fact that, public policy is not influenced by the ideas and desires of the masses (Higley 2010) but by the ruling elite whose priorities are enforced by government officials and administrators as shown in Figure 2 below. Based on this theory, the elite generally assumes they alone have the power to influence and enforce policies to ensure the wellbeing of the people (Duru, 2012; Higley, 2010; Lopez, 2013). Therefore, policies move from the elite downwards to the masses (Higley, 2010) and such policies are the true reflections of the ideas and desires of the elite.

Professors Thomas Dye and Harman Zeigler provide a summary of the elite theory as follows:

- Society is divided into the few who have power and the many who do not have. Only small number persons allocate values for society; the masses do not decide public policy.
- The few who govern are not typical of the masses who are governed. Elite are drawn disproportionately from upper socio-economic strata of society.
- The movement of non-elites to elite positions must be slow and continuous to maintain stability and avoid revolution. Only non-elites who have accepted the basic elite consensus can be admitted to governing circles.
- Elites share a consensus on the basic values of the social system and the preservation of the system.
- Public policy does not reflect demands of the masses but rather the prevailing values of the elite. Changes in public policy will be incremental rather than revolutionary. Incremental changes permit responses to events that threaten a social system with a minimum of alteration or dislocation of the system.
- Active elites are subject to relatively little direct influence from apathetic masses. Elites influence masses more than the masses influence elites (Dye and Zeigler, 1990)

It has been deduced from the above that, governments can be committed to serve the needs of the people, if it would suppress the elite profligacy by embracing a participatory decision making process, engaging all stakeholders in order to subdue the elite’s undue exploitation (Higley, 2010). Once this is accomplished, a more democratic society would be formed engaging the participation of the masses. The relevance of this theory is that, the ruling elite have the power to influence public policies (Anyebé, 2018) where such policies are effectively enforced and implemented by governmental officials and public institutions.
Figure 2: Elite Theory of Public Policy.

2.3 Agenda-Setting

As already described from the previous chapter, Agenda-setting is a process of identifying a problem or issue and getting it to the top of the list of priorities for appropriate attention by government (Cairney, 2012). However, according to Hilgartner and Bosk (1988), group competition to set up the agenda is ferocious, since no political bodies or society can address all possible solutions to all possible problems at any time. In this regard, interest groups must compete in order to place their issues at the topmost priority on the political agenda. Consequently, recognizing the problem is as important as defining the problem for consideration by government on their agenda list (Birkland, 2007). As commented by Kingdon (1995), the list of social problems gain the attention of government and people working closely with these government officials at any given time. However, the difficulty is the politics behind the selection of issues for serious consideration by decision-makers (Cobb and Ross, 1976).
The agenda is constantly influenced by various actors within and outside government. The participation of individual actors, the selection of institutional sites where problems are addressed and the strategic use of media reporting have been described as a tactical means of defining problems (Baumgartner and Jones, 1993; Kingdon, 1995). Jann and Wegrich (2007) comments that, while many actors influence the shape of an agenda, most of the techniques influencing agenda-setting falls outside the direct control of one actor. Hence, the outcome of agenda-setting is the selection of different issues or problems. It involves a process of designing the policy problem with respect to possible solutions and resources that influence policy development in the later phase of the policy cycle (Jann and Wegrich, 2007).

The key priority in the agenda-setting process is when interested groups and actors move a recognized problem up to the formal agenda (Birkland, 2007). This move includes many sub stages in which successive selection of problems are made under conditions of limited problem-recognition and problem-solving capabilities. Many studies on the development of environmental policy argue that problem recognition and government addressing the solution of such problem may not depend on the subjective problem matter (Prittwitz, 1993; Jänicke, 1996). However, a realistic definition of the issue (Stone, 2001) and the development of a specific policy system (Baumgartner and Jones, 1993) allows for an effective solution in addressing the particular problem.

Although the recognition and definition of a problem are mostly performed in public, in the media or among any public group, the real agenda-setting is influenced by various trends in respect of the function of the public and the composition of actors (May, 1991; Howlett and Ramesh, 2003). Jann and Wegrich (2007) describe one form of agenda-setting, as the outside-initiation pattern, in which social actors compel government to place a problem on the political agenda in order to obtain public support. May (1991) also describe another form where interest groups are able to place issues on the agenda by having direct access to government agencies without any intervention or public attention.

Another pattern described by Jann and Wegrich (2007) is the mobilization of support by the government within the public after the initial agenda-setting was completed without a specific role
for non-actors. Howlett and Ramesh (2003) finally describe another type of agenda-setting as consolidation whereby actors from the government initiate a problem which already has high support from the public.

Given the presence of the various types of agenda-setting, modern societies are defined by a distinctive public/media function in agenda-setting and policy-making, particularly when new types of problems develop (Hood, Rothstein and Baldwin, 2001). Governments often face situations of forced choice in which they cannot simply ignore public opinion without jeopardizing the loss of legitimacy or reputation (Lodge and Hood, 2002) and must give priority to the problem on the agenda. The juxtaposition of a variety of factors and variables that interact defines whether a policy problem is a significant subject on the political agenda. These factors include both the material conditions of the policy environment as well as the flow and process of ideas and ideologies which are critical in assessing issues and identifying them with solutions (Jann and Wegrich, 2007).

2.4 Contemporary Approaches to Agenda-Setting Models

Although earlier agenda-setting models have focused as explanatory variables on the economic and social dimensions, more recent methods emphasize the position of ideas articulated in public and professional discourse in shaping the definition of specific problems (Haas, 1992). Baumgartner and Jones (1993) introduced the notion of policy monopoly as the “monopoly on political understandings of a specific policy issue and institutional structures that perpetuate the specific “policy image”’. They proposed that agenda-setting and policy reform occur when “policy monopolies” are rapidly challenged and formerly uninterested actors are mobilized (Jann and Wegrich, 2007). Changing policy images are mostly related to adapting institutional “venues” in which problems are debated (Baumgartner and Jones, 1993).

Depending on the particular situation, how the various factors, actors and organizations communicate is highly reliant. This indicates that agenda-setting is far from being a fair selection of problems relating to their importance as an issue to the broader community. Instead, the change in focus and agenda (Jones 2001, 145-47) may probably lead governments to important policies that undermine measures previously adopted. Kingdon’s multiple streams model is considered the
most influential model that aims to conceptualize the possibility of agenda-setting by building on the garbage can model\(^9\) of organizational choice (Cohen, March and Olsen, 1972).

Kingdon developed the concept of windows of opportunity that opens up for a particular policy at a particular time (Kingdon, 1995). The eventual interaction of the 3 independent and distinct streams, the policy, public and problem streams open up a policy window. This highlights the amount of attention given to a specific policy problem and the adoption of a suitable policy solution. The policy window may be the result of a triggering event such as an accident. A typical example is the adoption of the International Convention for the Safety of Life at Sea (SOLAS) after the *RMS Titanic* disaster of 1912.

Another contemporary model that could trigger an agenda-setting is the Punctuated Equilibrium (PE) theory adopted by Baumgartner and Jones (1993). They elaborate on the relevance of both periods of stabilized policy agendas and times of dramatic change and take these outcomes as the basis for developing a policy process model that contradict existing concepts of incrementalism (Baumgartner and Jones, 1993). Policymaking may appear stable for long periods of time, only to be completely destabilized. However, most policies will remain the same for long periods whereas a small number is quickly and drastically changing, or the change in policy in one problem may be marginal for decades, followed by dramatic changes that set policies in a radically new direction (Cairney, 2013).

Sabiter and Jenkins-Smith (1993, 1999) also adopted the Advocacy Coalition Framework (ACF) to identify another contemporary model of agenda-setting which explains a complicated policymaking environment. They elaborate that, a political environment comprises of many players and different levels of government compete for dominance in decision-making despite various degrees of doubt and uncertainty. They further highlight that it takes a long period of time for decisions to be converted to results and the policy process varies whereas some problems

\(^9\) The garbage can model assumes organizations are far from ideal and function in a state of anarchy. Organization priorities and procedures are unknown to its members and there is a frequent change of decision-makers in the organization. This model assumes no mechanism for finding a solution to an issue exits and that decision-makers are separated from issues and solutions (Cohen, March and Olsen, 1972)
involving a number of actors are politically disputed, others are largely resolved by policy specialist (Jann and Wegrich, 2007).

Finally, Bache and Flinder (2004) characterized Multi-Level Governance (MLG) as another contemporary approach to agenda-setting which involves how political power is dispersed vertically (multiple levels) and horizontally (multiple players) across the political system of government. Apart from the coexistence of various actors, an increased interdependence between governments and various territorial levels can be observed (Bache and Flinder, 2004).

2.5 The Agenda-Setting Process

Dearing and Rogers (1996) define agenda-setting process as “an ongoing competition among issue proponents to gain attention of media professionals, the public and policy elites”. They argue that agenda-setting provides an insight of why certain problems are made public in a democratic system and not other issues; how government opinion is influenced; and why such problems are resolved by government decisions and not other problems. This emphasize on the relevance of key actors in society that are able to influence government opinion on problems from its recognition stage to the political agenda.

The agenda-setting process is made up of 3 stages; the media agenda, policy agenda and public agenda as well as the complexities among these 3 elements as shown in Figure 3 below. The media agenda elaborates on the relevance of a problem on the mass media; the public agenda-setting explains the significance of a set of problems on the public agenda; and the policy agenda-setting emphasize on the response to the media and public agenda with regards to the policy actions to a problem (Dearing and Rogers, 1996).
Figure 3: Three Main Components of Agenda-Setting Process: Media Agenda, Public Agenda and Policy Agenda.

2.5.1 Media Agenda-Setting.

The agenda-setting process starts with a problem that scales the media agenda. According to Barnes et al (2008), the media agenda involves the deliberate reporting of issues or activities with the aim of shaping public policy and political opinion. Whether deliberate or not, the mass media offer importance to public problems, individuals, groups and social movements. In an interactive society, the mass media provides access to relevant information (Aruguete, 2017).

Gerbner’s cultivation theory (1986) argues that television has the ability to shape the vision of the people in their surroundings. However, Schutz (1967), Berger and Luckmann (1967) argue that various sources of the media affect people’s perceptions of the complexities surrounding them. Today, the news media is one of the most influential sources that may set agenda for the attention of the public to the problems around them (Lippmann 1922, Alitavoli and Kaveh, 2018) and to understand the perspective of the issues in the news media (McCombs and Valenzuela, 2007).
The ability to recognize a problem on the media agenda is important as real indicators may be a necessity but definitely not an adequate justification for setting the media agenda (Dearing and Rogers, 1996). In most situations, a trigger event generally sparks the media agenda-setting process for a particular problem. In measuring the media agenda is typically indexed by a content analysis of the news media to assess the number of new stories regarding a problem which is then evaluated by the relative salience of that problem (Dearing and Rogers, 1996).

2.5.2 Public Agenda-Setting.

Dearing and Rogers (1996) highlight that public agenda-setting describes the public hierarchy of problems at a particular point in time. They argue that public agenda involves both hierarchy studies (which deals with investigation of all the main problems on the public at a particular time) and longitudinal studies (which highlights on the investigation of the rise and fall of certain problems over time).

Public agenda is usually measured by public opinion surveys in which a number of individuals are randomly asked a question originally designed by George Gallup (Dearing and Rogers, 1996; McCombs, 2011). In the public agenda-setting, the news media is not the only source of public problem concern, however, real-world indicators also provide an independent stimulus to problems regarded as relevant to the public (Behr and Lyengar, 1985).

2.5.3 Policy Agenda-Setting.

Dearing and Rogers (1996) highlight the vital relevance of the policy agenda as it is the result of an activity and the direct impact on the media agenda and the public agenda. They argue the expression of public policy in various forms such as a new law, an appropriation, an executive order or other state legislation in a policy agenda.

The mass media plays a vital role which enables social issues to be recognized as public problems in a policy agenda, however in reality, public policy frequently works not to address complex social issues but to institutionalize a solution to those issues (Dearing and Rogers, 1996) which enables the continuity of governments (Baumgartner and Jones, 1993). This indicates that the mass
media mostly have a direct impact on the policy agenda-setting process in parallel to their indirect impact through the public agenda-setting process (Cohen, March and Olsen, 1972).

Just as the media agenda-setting process, Cobb and Elder (1972) stressed on the role of trigger events in the making of problems in a policy agenda-setting process. Dearing and Rogers (1996) argue that although there have not been any agreed standards by scholars in measuring policy agenda-setting, a variety of measures such as a new law, federal appropriations, legislative hearings, adoption of a new state agency and others have been used.

2.6 The Influence of Agenda-Setting on Intergovernmental Organizations

In most states or governments, the agenda-setting process is greatly and highly political. Agendas do not just occur, they have huge political consequences, and may be the outcome of a deliberate decision when policy-makers choose to prioritize a particular problem over another (Lelieveldt and Princen, 2015). They may also be responses to external influences as politicians react to problems surrounding them. While some politicians and some interest groups may gain in moving a problem to the political agenda, others may lose. In the international fraternity, there is no much difference. Global actors are reshaping their priorities, strategies and agendas with major impacts on national and local governments (Di Ruggiero et. al., 2014).

Global actors or policy-makers in international organizations such as the UN, IMO, International Labour Organization (ILO) and many others have to compete for global issues to be recognized and moved to the political agenda. Through various meetings and negotiations, the significance, acceptability and possibility of specific problems are identified and defined (Onuf, 1989:63-64). An agenda item or problem could be crystallized as a defined issue, a selection of possible solutions and a degree of salience attached (Light, 1982:3) by compelling international attention towards it (Livingston, 1992).

In the maritime sector, the IMO since 1959 continues to be the specialized agency of the UN in addressing maritime problems by providing a forum where Member States effectively collaborate among governments, in the area of state regulations and activities applicable to all forms of shipping involved in international trade (IMO, 2020b). The IMO facilitates the implementation of
substantive multilateral treaties and instruments for a broad variety of technical measures and moreover, the implementation of the highest practicable standards, aimed at improving maritime security, safety and efficiency of ships trading commercially on clean oceans (IMO, 2020c; Attard, 2014; Allen, 2009).

The agenda-setting process of the IMO involves the active participation of Member States and observer groups at various meetings where a particular maritime problem is debated and pushed to the political agenda. In most situations, the agenda-setting process of the IMO is related to the triggering of an international event such as a maritime accident which is mainly influenced by the mass media, interest groups, individuals and global political actors. International incidents such as the Torrey Canyon disaster, RMS Titanic disaster, the 9/11 terrorist attack on the US are all triggering events which influenced the agenda-setting process of the IMO leading to the adoption of international conventions (Bueger, 2015; IMO, 2020b).

The achievement of the IMO in this regard has been the adoption of about 50 international conventions and protocols as well as more than 800 codes, recommendations and guidelines that promote maritime security, safety and efficiency of shipping involved in commercial trade globally (IMO, 2020b).

2.7 The Concept of Maritime Security

Maritime security has become a major threat in international relations (Mukherjee and Brownrigg, 2013) which has necessitated the need for global actors and politicians in maritime policy, ocean governance and international security in the past decades to include maritime security into their political agendas (Bueger, 2015). Many international organizations such as the European Union (EU) and African Union (AU) and other states such as the United Kingdom (UK) have all introduced maritime security (Bueger, 2015) in their political agendas. The North Atlantic Treaty Organization (NATO) added maritime security to its priorities in its 2011 Alliance Maritime
Strategy\(^{10}\) (NATO, 2011). The Maritime Safety Committee (MSC) of the IMO included maritime security as a permanent agenda item in its meetings since the 1980s (Mejia, 2003).

Maritime security initially obtained salience in US policy following the 9/11 terrorist attacks and the devastating consequences it had on the maritime world (Mukherjee and Brownrigg, 2013). While maritime terrorism generally remained a virtual menace (Murphy, 2010), maritime security emerged as a serious canker with the upsurge of piracy off Somalia’s coast from 2008 to 2011 (Mejia, 2013; Mukherjee and Brownrigg, 2013) and currently in the Gulf of Guinea.

The horrific effects of piracy for commercial trade globally had drastic effects on security of the maritime world which was propelled on the topmost priority on IMO’s policy agenda (Mukherjee and Brownrigg, 2013). Furthermore, inter-state tensions in areas including the Arctic, South and East China Seas as well as important discoveries in blue water navies of emerging powers like India and China have gained intensified ocean interest as a security space (Ba, 2011; Keil 2013; Manicom, 2011; Ross 2009; To, 2003)

According to UNCTAD (2019), about 90 per cent of international trade by volume and more than 70 per cent of international trade by value is transported by sea and handled by ports around the world. These levels are estimated to be higher in developing and emerging countries (Sciberras and Silva, 2018). It was estimated that world seaborne trade volumes exceeded 10 billion tons in 2015 (UNCTAD, 2016). Consequently, international shipping is perhaps the most cost-effective means of transportation of manufactured goods, raw materials as well as other important cargo globally (IMO, 2020a; Mejia, 2020).

Moreover, the economic importance of international shipping has emerged into multi-billion industries by the re-evaluation of the commercial value of the oceans due to the economic prospects of offshore resources, centrally fossil fuels, seabed mining and other potential prospects of coastal tourism (Bueger, 2015). Therefore, there is the need for global shipping to remain

\(^{10}\) The Alliance Maritime Strategy identifies the four roles of NATO’s maritime forces: deterrence and collective defence, crisis management, cooperative security (outreach through partnerships, dialogue and cooperation) and maritime security.
sustainable due to the paramount importance of sustainable development to international shipping and its major impact on the economies of the world (Sciberras and Silva, 2018).

The threats of maritime insecurity that prevail in the global maritime world such as piracy, illegal unregulated and unreported (IUU) fishing, maritime terrorism, maritime inter-states disputes, arms proliferation, trafficking of narcotics, maritime accidents and many others cannot be underestimated (Klein 2011; Kraska and Pedrozo 2013; Roach 2004; Very, 2010, 2013) and hence immediate actions need to be taken by the international community to help curb the situation.

2.8 The Impact of Piracy on International Shipping Industry

From the advent of maritime trade, piracy has become a common enemy to international shipping. As old as the seafaring profession itself (Mukherjee and Brownrigg, 2013), piracy continues to be a persistent criminal threat to the global seaborne trade. From time immemorial, it has threatened various seas and coastlines by deploying various modes and tactics as their modus operandi (Mejia, 2013).

The contemporary trends of piracy and armed robbery against ships can be examined as various forms and modus operandi beginning with, inter alia, the piracy attacks on Vietnamese boat people in the 1970s, the Lebanese pirate incidents in the 1980s, the pirate attacks off the coast of South China Seas in the 1980s and 1990s, the coast of Indonesia and the Malacca Straits in the 1990s and 2000s, trafficking of containers in Southern America in the 2000s and finally in the current decade, Somalia and West Africa in the Gulf of Aden and the Gulf of Guinea (Mejia, 2013).

In most recent years, between January 2015 and December 2019, a total of 980 robberies and violent attacks against commercial ships have been reported to the 24-hour manned center of the International Maritime Bureau (IMB) Piracy Reporting Center\(^\text{11}\) (PRC) (IMB, 2020). These reports are received directly from the masters or owners of these ships. According to the IMB PRC, although there was a slight decrease in the overall piracy incidents in 2019 (i.e. 162 piracy

\(^{11}\) IMB PRC which was established in 1992, acts as a single point of contact by offering a 24-hour and free service for masters and shipowners to report any piracy, armed robbery or stowaway incidents. All information received is immediately relayed to the local law enforcement agencies requesting assistance (IMB, 2020).
incidents) as compared to that of 201 incidents of piracy and armed robbery against ships in 2018, piracy continue to pose serious threats to international seaborne trade and the lives of seafarers.

According to Bowden (2010) in his *Ocean Beyond Piracy Project* which was commissioned by One Earth Future (OEF) Foundation estimated that piracy and armed robbery against ships cost the global economy between USD 7 – USD 12 billion per year. His project categorized the impact and cost of piracy into 2 categorizes namely the direct (first) order cost and the secondary order cost (macroeconomic cost) where he reflected on the supply-side costs to both governments and industry. Bowden examined the cost of piracy to the Horn of Africa, Nigeria and the Gulf of Guinea and the Malacca Straits where he focused mainly on the costs of Somalia piracy incidents since it was the area where the piracy incidents were mostly concentrated at that particular moment of time. The main cost factors and their equivalent values in USD is shown in Table 1 below.

<table>
<thead>
<tr>
<th>Cost Factor</th>
<th>Value (US dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ransoms: excess costs</td>
<td>176 million</td>
</tr>
<tr>
<td>Insurance premiums</td>
<td>460 million to 3.2 billion</td>
</tr>
<tr>
<td>Re-routing ships</td>
<td>2.4 to 3 billion</td>
</tr>
<tr>
<td>Security equipment</td>
<td>363 million to 2.5 billion</td>
</tr>
<tr>
<td>Naval forces</td>
<td>2 billion</td>
</tr>
<tr>
<td>Prosecutions</td>
<td>31 million</td>
</tr>
<tr>
<td>Piracy deterrent organizations</td>
<td>19.5 million</td>
</tr>
<tr>
<td>Cost to regional economies</td>
<td>1.25 billion</td>
</tr>
<tr>
<td>TOTAL ESTIMATED COST</td>
<td>7 to 12 billion per year</td>
</tr>
</tbody>
</table>

*Source: Bowden (2010), The economic costs of maritime piracy.*

Geopolicity (2011), an international consultancy group also analyzed the gains accrued to pirates, sponsors, financiers and many big players who earn more benefits than the pirates themselves. Piracy has developed as a business in its own interest, worth between USD 4.9 to USD 8.3 billion in 2010 alone, according to the Geopolicity report as depicted in Table 2.
Geopolicity established an international economic model for determining the costs and benefits of global piracy; an important contribution to the discussion on the cause and effects of piracy. The model offered a detailed independent trend analysis system, while also emphasizing on the Pirate Value Chain (PVC) with the greatest rates of return on global counter pirate investment and policy (Geopolicity, 2011).

Fu et. al. (2010) also examined the impact and cost of piracy with regards to the Far East-Europe commerce for container ships. They focused between 2003 and 2008 on the trends of shipping demands and competitions in the Far East-Europe container liner shipping services and analyzed the consequences of economic welfare losses due to inadequate global commerce as well as loss of capacity as a result of geographical re-routing of maritime transport which would be unprofitable. They argue that without states measures to counter Somali pirates, traffic flow along the Far East-Europe route would decrease by about 30 per cent, although about 18 per cent of traffic would be detoured through Cape of Good Hope.

Table 2: Estimated costs related to maritime piracy

| Low/high pirate income (2010): using 1,500 pirates | USD33,000-79,000/year |
| Potential lifetime earnings (2010): using 1,500 pirates | USD168,000-394,000 |
| Next best alternative | USD500/year |
| Pirate income compared to average income | 67-157 higher |
| Number of pirates could double by | 2016 |
| Total cost of piracy 2010 | USD4.9-8.3 billion |
| Projected increase by 2014 | USD13-15 billion |
| Major stakeholders | Financiers, sponsors, officials, pirates, maritime insurers, security companies, navies, merchant marine |

Fu et al. (2010) indicated that the potential loss of economic welfare is substantially greater, with an estimated annual loss of USD30 billion on the countries and regions affected by such sea lane. They further acknowledged the relevant loss as endorsing the argument that piracy threatens the future of the status quo of the liner shipping. They concluded that the presence of the navy in combating piracy in the Western Indian Ocean is highly recognized from the view of international economic development as a means of improving economic growth and increasing a better welfare in the immediate future.

Piracy and armed robbery against ships continue to be a plague to the international maritime industry. Piracy incidents at sea place the most important and competent people who make maritime trade possible and efficient among nations, thus seafarers, in life threatening and hazardous circumstances. Thousands of seafarers have been killed, wounded, tortured, assaulted, mentally and physically abused, beaten, starved, confined, taken as hostages, kidnapped or attacked in recent years as piracy incidents have significantly increased (Mejia, 2013).

In the year 2019, the IMB\(^{12}\) received reports totalling 162 pirate attacks, where 4 vessels were hijacked, 130 vessels boarded, 17 attempted attacks and 11 ships fired upon. According to the 2019 annual report, a total of 210 different types of violence against seafarers were recorded, 3 seafarers were assaulted, 59 taken as hostage, 7 injured, 134 kidnapped or taken for ransom, 6 threatened and 1 seafarer killed (IMB, 2020). Seafarers could suffer lasting distress after pirate attacks or being kidnapped or taken hostage for several months (Aleksandrov et. al., 2015; Garfinkle, 2011) which may have devastating consequences on job performance and other socioeconomic costs as seafarers go through post-traumatic stress.

Seafarers transiting through high-risk regions of piracy incidents face psychological health and wellbeing problems (Seyle et. al., 2018). According to Simon and Fernandez (2016) in their study aimed to understand how Filipino seafarers survive maritime piracy incidents indicated high levels of conditions found to predict enduring issues including emotional fear, anxiety and lack of control

\(^{12}\) The IMB which was established in 1981 is a non-profit making organization which act as a focal point in the fight against all forms of maritime crime and malpractice. Its main purpose is to protect the integrity of global seaborne trade by seeking out fraud and malpractice (IMB, 2020).
over their lives. The effects of these responses have been associated with a variety of adverse psychological consequences, including post-traumatic stress disorder (PTSD) (Breslau, 2009), depression (Shalev, 1998), substance abuse (Brady et. al., 2004) as well as impaired physical health and wellbeing (Sareen et. al., 2007).

The violent attacks on seafarers do not only make them traumatized but also have drastic effects on their families and shipping companies at large. When a seafarer is kidnapped, members of the family are exposed to psychological coercion by pirates (Hurlburt, 2013) who are always inclined to increase tension by pretending that either the kidnapped seafarer is dead or is about to die. Regardless of the financial costs or its impact on international trade, the possible threat piracy poses to all seafarers, and the fear it causes, which applies to those on large vessels and yachts can and must clearly not be underestimated (Berube and Murphy, 2009).

In a fast-growing world where international commerce, economies and populations are also increasing rapidly, the long-term availability of cost-effective, reliable, environmentally sound, safe and secure services to international shipping is important (Sergi and Morabito, 2016). Recently, piracy has grown from a regional maritime transport problem to a multi-sectorial global threat, with a number of major implications for the future growth of affected national economies and international trade (Sergi and Morabito, 2016).

In this regard, the IMO being the global standard-setting authority for maritime security, safety and environmental regulation of global shipping (IMO, 2020b), has a vital role through its various meetings in creating an effective regulatory framework to ensure that the international maritime transport industry is free from the devastating threats of piracy and armed robbery against ships.

2.9 Conclusion

This chapter provided important theories of public policy and identified the need of public policies in circumventing social problems or issues of a state or an organization. The chapter identified the crucial need of how social problems are recognized and defined through a process, which are then propelled into the forefront of a state or an organization’s agenda. The IMO as the specialized agency of the UN and dedicated specifically to maritime affairs has the mandate to adopt the
highest practicable standards to ensure maritime security, safety and efficiency in the international shipping industry.

Through various meetings and negotiations at the IMO, Member States, observer groups, the influence of the media and other interested groups help define a maritime problem which further leads to the smooth implementation of a policy. Maritime security with emphasis on piracy and armed robbery against ships which have been in existence since time immemorial, continue to have devastating consequences on the costs and impact on international trade and the entire maritime industry at large. The IMO which plays a vital role in ensuring that the world’s oceans are clean, safe and secure continue to address issues of piracy and armed robbery against ships. Hence, the next chapter will elucidate in detail how this dissertation set about analysing how meetings and negotiations at IMO have influenced the agenda on piracy and armed robbery against ships over time.
CHAPTER THREE
RESEARCH METHODOLOGY

3.1 Introduction

The purpose of this research is to assess and gain insights on how meetings and negotiations at IMO have influenced the agenda relating to the threat of piracy and armed robbery against ships and to understand how international maritime policy to combat this threat has transformed over time. Based on the literature review, the impact of piracy on international shipping industry were identified. It also highlighted the importance of agenda-setting process to an organization as well as the influence of agenda-setting on international organizations such as the IMO. However, it is necessary to understand how this agenda is influenced by Member States and other stakeholders at the IMO in order to help address the research questions. In this chapter, the research methodology of the study is discussed. The qualitative approach of the study as well as the researcher’s background, beliefs and biases are presented. The data collection strategy is also described. Quality assurance to the research which is deemed relevant to the study is further elaborated.

3.2 Research Design

Qualitative research is a broader umbrella concept that encompasses a wide variety of methods and ideologies (Hennink et. al., 2020). According to Nkwi et al (2001, p.1), “Qualitative research involves any research that uses data that do not indicate ordinal values”. It basically involves the selection and use of different empirical materials (Denzin and Lincoln, 2008; Silverman, 2013) and approaches (Aspers and Corte, 2019; Silverman, 2005; Flick, 2007) for easy interpretation (Blumer, 1969; Strauss and Corbin, 1998; Denzin and Lincoln, 2003) and understanding (Frankfort-Nachmias and Nachmias, 1996) of a social phenomenon. There are different methods of qualitative approaches (Adu, 2019) such as phenomenological approach, grounded theory approach, content analysis, ethnography, case study and many others (Creswell and Poth, 2016; Hennink et. al., 2020), this study uses the qualitative content analysis approach.
Qualitative content analysis is a method of explaining the significance of qualitative data (such as documents, interviews and observations) in a systematic way (Mayring, 2000; Schreier, 2012). It is achieved by allocating successive sections of the content or data to the categories of a coding frame (Schreier, 2012). This frame is at the heart of the process, and it includes all those aspects that appear in the definition and interpretation of the content as shown in Figure 4 below.

Like other approaches in qualitative research, qualitative content analysis seeks to reduce the amount of data (Hsieh and Shannon, 2005; Guest et. al, 2013). This allows the researcher to concentrate on specific issues of significance, including those relevant to the overall research question. Another significant characteristic of qualitative content analysis is its extremely systematic nature (Rosengren, 1981). This approach involves analysing every single aspect of the data which is important to the research question. This approach counteracts the possibility of looking at the content/data only through the lens of one’s expectations and beliefs (Schreier, 2012).

Further, qualitative content analysis is highly flexible (Cavangh, 1997; Neuendorf, 2002). It usually incorporates various portions of concept-driven and data-driven categories within any single coding frame. A section of the categories should also be data-driven simultaneously (Krippendorff, 2004). This is to ensure that a clear definition of the content is provided by the coding frame. The reasons indicated above and the nature of the data to be analysed and assessed necessitated the researcher to use this qualitative research approach for the study.
3.3 Qualitative Data Collection

The researcher reviewed 733 IMO documents relating to piracy and armed robbery against ships using qualitative content analysis. These documents were strategically and carefully selected between the periods of 1998 and 2020. Figure 5 shows the number of documents contained in each year within the twenty-two years period. Although piracy and armed robbery against ships had existed since time immemorial, the period since 1998 encompasses an increasing threat of piracy incidents and armed robbery attacks in the Malacca Straits and South China Seas which were a deep concern for the international maritime community. Till date, the acts of piracy and armed robbery against ships continue to be a threat to international seaborne trade and the world at large. CAQDAS, Atlas.ti version 8.4 was used by the researcher to analyse and assess all data through a coding process as shown in Figure 4 above. The data first goes through a coding process where they are sorted out by grouping them based on the number of frequency. The data is then synthesized by putting similar cases together where a meaningful explanation is finally given or a theory is developed.
Qualitative coding is a systematic, subjective and transparent process in which data is significantly reduced to convey meaningful and reliable ideas in reflecting the data and addressing the research questions (Adu, 2019). Coding is conducted in a systematic process to maintain consistency in the analysis process (Creswell and Poth, 2018), promote repeatability of the coding steps and to ensure credibility of the findings (Yilmaz, 2013). In reducing data, it includes transforming precise data to broader ideas (Saldana, 2016, p. 15) where important data is isolated from the raw data.

Figure 5: Number of IMO documents relating to piracy and armed robbery against ships contained in each year throughout the twenty-two years period, (1998-2020).

3.4 Qualitative Data Analysis

Qualitative Data Analysis (QDA) involves data analysis process and procedures which provides significant degree of understanding, description and interpretation of textual data (Adu, 2019; Bryman, 2016; Mayer, 2015). CAQDAS, Atlas.ti version 8.4 was used by the researcher to analyse and assess all data. For research question one (RQ1), two codes 13 “armed guards” and “armed security” were generated. Throughout the twenty-two years period, the 2 codes generated several

13 A code in qualitative research is frequently a word or short phrase that assigns a summative, salient, essence-capturing and evocative attribute for a portion of language-based or visual data (Saldana, 2013).
quotations\textsuperscript{14} in each year that were carefully analysed. The purpose of this process was to qualitatively seek meaning and deeper complexities about the views of Member States and international organizations regarding the employment of armed guards onboard commercial ships in each year during the twenty-two years period. The results of this analysis are further presented and discussed in chapter 4 of this study.

For RQ2, two codes namely “financial” and “anti-piracy” were generated. All quotations generated for the two different codes were carefully sorted and synthesized. The aim of this process was to understand how IMO’s counter-piracy programs have evolved over the twenty-two years period and to seek deeper meaning on how these programs are funded. The findings of the analysis are further presented and discussed in chapter 4 of this study.

In order to answer RQ3, three codes, “piracy”, “armed robbery” and “attacks” were created. These codes generated several quotations that were purposefully analysed to gain insight on how the perceived threat of piracy and armed robbery against ships by Member States and international organization has evolved over time. Throughout the twenty-two years period, the number of quotations of the 3 codes in each year, depicted how high or low the threat of piracy and armed robbery against ships have been perceived by Member States and international organizations. The findings of this analysis are presented and discussed in the next chapter. Besides, the findings of RQs 1, 2 and 3 aided in the findings of RQ4 which is also presented and discussed in chapter 4 of this study.

\subsection*{3.5 Researcher’s Background, Beliefs and Biases}

According to Merriam (2002), in qualitative research the researcher has limitations and biases that could affect the findings of the study. It is necessary to recognize and examine these biases in order to help influence data collection and interpretation instead of eliminating them. The researcher is a serving naval officer with 13 years of working experience. He has gained experience from various seminars and workshops relating to the acts of piracy and armed robbery against ships at

\textsuperscript{14} A quotation is a portion of a document that is deemed important by the user. In textual documents, a quotation is an arbitrary sequence of characters ranging in length from a single character to a word, a sentence, paragraph or the entire data file (Atlas.ti, 2020)
both local and international levels. However, the researcher has no experience with regards to meetings or negotiations at the IMO. Therefore in analysing the IMO documents in relation to the threat of piracy and armed robbery against ships, the researcher’s past experience was recognized and monitored in shaping the collection and interpretation of data. Hence, there was little or no potential biases in the researcher’s findings.

3.6 Credibility and Transparency

Credibility involves the collection of evidence where the steps, interpretations and discussions of the findings provide reasonably reliable response to the research questions presented in the dissertation (Sampson, 2012; Trochim, 2006), thus excluding other possible explanations for the findings. To ensure credibility of this study, the researcher significantly displayed collective evidence of plausibility\textsuperscript{15}, relevancy\textsuperscript{16} and competency\textsuperscript{17}.

Transparency involves the evidence that, the researcher is adequately aware of and sensitive to potential biases that may positively or negatively influence the results of the dissertation (Sampson, 2012). In ensuring transparency of this study, the researcher was reasonably aware of his past experience which he fully monitored and controlled in order not to influence the findings.

3.7 Conclusion

The researcher used qualitative content analysis approach as the qualitative research method of this study. A Computer-Aided Qualitative Data Analysis Software (CAQDAS), Atlas.ti version 8.0 was used to analyse all data. This software enabled the data to go through a coding process in order to provide the needed findings of the research which are presented and discussed in the next chapter. The researcher’s background, beliefs and biases were identified as well as the quality assurance of this study.

\textsuperscript{15} Plausibility: This provides evidence that the findings and discussions of the study follow a logical format from the raw data.

\textsuperscript{16} Relevancy: This document the evidence that the data collected or used in the study is congruent with relevant elements of the available professional literature.

\textsuperscript{17} Competency: This is concern with the researcher’s ability to conduct the qualitative research in an effective manner.
CHAPTER FOUR
FINDINGS AND DISCUSSIONS

4.1 Introduction

In this chapter, the findings of the research are presented and further discussed. The purpose of this study was to assess and gain insights on how meetings and negotiations at IMO have influenced the agenda relating to piracy and armed robbery against ships and to understand how international maritime policy to combat this threat has transformed over time. The following research questions were to be attained:

- How have the views of armed guards on commercial ships evolved over time?
- How has the funding of counter-piracy programs evolved over time?
- How has the focus on the threat of piracy and armed robbery against ships in different geographical areas changed over time?
- How has the perception of the threat of piracy and armed robbery against ships evolved over time?

Based on these research questions, the researcher used qualitative content analysis of IMO documents relating to piracy and armed robbery against ships, where a CAQDAS, Atlas.ti version 8.4 was emphatically used to analyse all data.

4.2 Research Findings

Research question one (RQ1): “How have the views of armed guards on commercial ships evolved over time?”

In order to answer this research question, the researcher created 2 codes, “armed guards” and “armed security”. These codes were further analysed and assessed as shown in Figure 6 below.
The graph shows the number of quotations the codes “armed guards” and “armed security” have appeared in the 733 IMO documents relating to piracy and armed robbery against ships. It shows that between the years 1998 and 2020, Member States and international organizations have raised concerns about the employment of armed guards onboard commercial ships to the IMO. The graph presents both peaks and valleys throughout the twenty years period. Between the periods of 1998 and 2007, it can be seen from the graph that, the number of quotations the codes “armed guards” and “armed security” appeared in the IMO documents remained at a low level. This indicates that, although there were piracy incidents and armed robbery attacks in Asia (particularly in the Malacca Straits and South China Seas) and Latin America (particularly in Brazil) during these periods, the employment of armed guards was not a major concern in the political agenda of the IMO. However, the issue of the employment of armed guards onboard commercial ships was noted by the IMO. This is evident in a report by the IMO mission of experts on piracy and armed robbery against ships to Brazil in October 1998, which stated in a report that,

*some ship agents were hiring armed guards to patrol their ships while in port. While this would deter some criminals from boarding such ships, it was observed that the number of*
companies employing armed guards on ships was still too low to make a significant impact on the problem as a whole.

It can further be seen from the graph that, the number of quotations from the code “armed guards” started to rise in 2008 and reached its peak in 2012. However, the frequency dropped in 2013 and rose again in 2016 till 2020 which remained within the range of 2 and 6 frequencies. Consequently, the number of frequencies of the code “armed security” appeared in a similar sequence concurrently. This indicates that between the years of 2008 and 2012, the escalating and increasing acts of piracy and armed robbery against ships in the Gulf of Aden, particularly Somalia, was a major concern to Member States and international organizations. This necessitated the utmost need for most Member States and international organizations to support the employment of armed guards onboard commercial ships, although a few were against the idea. It was found out that most Member States and international organizations who are in support of the employment of armed guards are of the view that, the use of professional armed guards onboard commercial ships may lead to an escalation of violence and hence it is subject to the laws and regulations of the flag states, and it is up to the flag states to decide whether and under what circumstances this will be allowed. This is evident in a report to the IMO submitted by Denmark as the coordinator of a Correspondence Group on the review and updating of IMO circulars and resolutions relating to piracy and armed robbery against ships dated on 24 February 2009. The report stated that,

use of armed professional security teams onboard ships is a matter for flag States to determine. Shipowners, operators and companies should contact the flag State and seek clarity of the national policy with respect to the carriage of professional armed guards. If armed guards are allowed onboard the shipowner, operator and company should take into account the possible escalations of violence and other risks. All legal requirements of flag, port and coastal states should be met.

In addition, it was observed that the geographical shift of piracy incidents from Asia and Latin America to the Gulf of Aden, the Western Indian Ocean and the Arabian Sea has led to increased employment of armed guards onboard merchant ships by ship agents and shipowners as a defensive mechanism against pirate attacks operating in these sea regions. This led to Member
States (such as the Philippines and Singapore) and international organizations (such as Baltic and International Maritime Council (BIMCO) and International Chamber of Shipping (ICS)) to provide their maximum support to the IMO in developing guidelines for the employment of armed guards onboard ships. A report submitted by the Philippines, Singapore, BIMCO and ICS to the IMO on 8 March 2011, indicated that,

the marked deterioration of the piracy situation in the Gulf of Aden, the Western Indian Ocean and the Arabian Sea has led to increased use of private armed guards by shipowners as a protective measure against pirates operating in these areas. The demand for such services has attracted existing private security service providers to focus their attention on maritime security and also led to new private armed security service providers being formed.

It was further observed that, most Member States and international organizations who are in support of the employment of armed guards onboard merchant ships are concerned with the legal aspects of the use of armed guards and the development of standard guidelines for employing them onboard commercial ships. For instance, Working Group 2 of the Contact Group on Piracy off the Coast of Somalia (CGPCS) convened by Denmark and supported by United Nations Office on Drugs and Crime (UNODC), which addresses the judicial aspects of piracy in one of its report to the IMO on 15 April 2013, discussed the legal aspects of the use of armed guards on merchant ships. The report showed that,

the chairman of the group introduced the handbook entitled “Working Group 2 Compilation” which provides relevant information on laws and rules with regards to private contracted armed security personnel (PCASP). The group discussed the legal aspects of the use of private armed guards, including detention of pirates by PCASP.

Consequently, BIMCO, an international organization which supports the employment of armed guards onboard commercial ships is concerned with the development of standard guidelines for the employment of armed guards. In its report submitted to the IMO on 22 March 2011, BIMCO stated that,
MSC\textsuperscript{18} 89 has been presented with a number of submissions on the provision and/or development of guidelines for the employment of private armed guards on board ships and further, some form of accreditation process.

Furthermore, BIMCO has established “GUARDCON”, a new standard contract for the employment of armed guards onboard commercial ships with the main objective that clearly spells out the responsibilities and liabilities of the parties, specifically in regards to the use of lethal force onboard ships.

It was again observed that, an international organization such as the International Parcel Tankers Association (IPTA) which opposed the employment of armed guards onboard their ships due to the nature of cargo carried by their vessels has reverted their decision in March 2011, to the employment of armed guards as the situation of piracy incidents continue to increase rapidly in the Indian Ocean. A report submitted by IPTA to the IMO on 22 March 2011, indicated that,

\begin{quote}
until recently IPTA members were opposed to the employment of armed guards for a number of reasons, chief amongst which was the desire to avoid any escalation of violence, particularly since the volatile cargos carried by many chemical tankers would render a firefight especially dangerous. Recent months, however, have seen an almost total reversal of opinion among IPTA members and increasing numbers of those who operate in the high risk areas are employing or considering employing private armed security providers.
\end{quote}

Consequently, in early 2011, ICS, the largest trade organization for the international shipping industry, reported that it had reversed its previous stance against the employment of armed guards onboard merchant ships. Instead, the organization advocates for the use of armed guards on ships to be determined by shipowners and their flag states. Again, Member States, such as the Netherlands, whose merchant fleet contributes about 1.5 billion EUR of revenues yearly and having its port of Rotterdam, as the biggest port in Europe (Cusumano and Ruzza, 2018), opposed the use of armed guards onboard commercial ships. However, in March 2011, the Dutch

\textsuperscript{18} Maritime Safety Committee of the IMO
government reverted its previous position and opted ultimately for the deployment of military vessel protection detachments (VPDs). This change of decision by the Dutch government was due to the increasing acts of piracy and armed robbery against ships in the Gulf of Aden, particularly to the Dutch merchant fleet. However, the decision for the use of private armed guards is still yet to be decided by the Dutch’s cabinet. In addition, Italy, which has its merchant fleet ranked fifth in Europe in terms of DWT and eighth in number of ships (Cusumano and Ruzza, 2015), initially opposed the use of armed guards onboard merchant ships. However, in October 2011, Italy has adopted a hybrid approach that has transposed through 3 different stages, moving from the de facto use of military personnel to the exclusive use of private armed guards only after the suspension of the deployment of VPDs.

In most recent years (between 2015-2020), it was further found out that, other Member States such as Greece have raised concern about the increased rate of piracy and armed robbery attacks against ships off the West African coast, particularly in the Gulf of Guinea as shipowners are restricted from the employment of armed guards due to issues regarding the carrying of weapons in this sea region. A report submitted to the IMO by Greece on 4 March 2020, indicated that,

"efforts taken by shipowners to protect their vessels are jeopardized by the prohibition of privately contracted armed guards within waters under national jurisdiction due to concerns about weaponry carried. Instead, shipowners seeking armed presence bear the cost of national armed police or military personnel to provide escort vessels or to travel onboard commercial vessels."

Over the years, because of the severity of incidents, piracy and armed robbery against ships has dramatically increased in salience and also the issue of the employment of armed guards have started to increase in salience since the beginning of 2008, catapulting the issue to the top of IMO’s political agenda. Hence, the salience of this issue has significantly necessitated the IMO in the implementation of a number of policies such as Best Management Practices (BMPs) on the use of armed guards, Guidance to PCASP and Guidance to flag states, coastal and port states, shipowners, ship operators and ship masters on PCASP.
RQ2: “How has the funding of counter-piracy programs evolved over time?”

Two codes “financial” and “anti-piracy” were generated in order to answer this research question. All quotations generated for the two different codes were carefully analysed as shown in Figure 7 below.

Figure 7: Funding of IMO’s counter-piracy programs (January-May of 1998-2020)

The graph provides substantial evidence that most Member States and other stakeholders are in support of IMO’s counter-piracy or anti-piracy programs by generously and voluntarily providing adequate funds. It was found out that the alarming and appalling acts of piracy and armed robbery against ships in the different geographical locations over the twenty-two years period, compelled the utmost need for the IMO in establishing counter-piracy programs where Member States and other international organizations made financial contributions, in order to help combat the threats of piracy and armed robbery against ships. The graph indicates both peaks and valleys throughout the twenty-two years period for the 2 different codes. This shows the type of counter-piracy programs established and the level of funding from Member States and other stakeholders during the entire twenty-two years period. It was found out the frequency of both codes were high between the mid-1990s to the early 2000s. The frequency of the two codes rose again between 2005 and 2006. Between 2009 and 2012, the frequency of both codes reached its highest peaks.
Consequently, as there was a fall in the frequency for both codes in 2013, they steadily rose again between 2016 and 2020.

In the mid-1990s, the continuous acts of piracy and armed robbery against ships in the Malacca Straits and South China Seas was a concern to most Member States and international organizations. In response to the deep concern expressed by many Member States and international organizations in regards to this scourge of piracy incidents, the IMO in its anti-piracy or counter-piracy projects sent experts to monitor the piracy situation and to help recommend solutions to affected states in mitigating the acts of piracy and armed robbery against ships in that sea region. The work of these IMO experts were made possible by the financial contributions from most Member States and international organizations in support of the IMO’s counter-piracy programs. A report from the IMO secretariat on 19 February 1999, indicated that,

because attacks on ships by pirates and armed robbers continued unabated over the years which followed, in 1993 IMO sent a working group to the three States bordering the Malacca Strait on a fact-finding mission and in an effort to prompt appropriate action at both national and regional level to improve the situation in the strait. That mission, the positive results of which were warmly welcomed by the maritime community at large, was followed by a similar mission in 1994 to countries within the South China Sea.

the IMO representative went on providing information on the background which led the MSC, at its sixty-seventh session, to ask the Secretary-General to enter into consultations with Governments in whose waters attacks by pirates seemed to have an endemic character and, following the successful conclusion of those consultations, to send missions of experts to the countries concerned. This was the first mission undertaken under the anti-piracy project approved by the MSC, which was made possible thanks to financial contribution by Governments and international organizations.

Additionally, in the late 1990s, Member States such as Australia, Denmark, Greece, Japan, the Netherlands, Norway, Panama, the United Kingdom and United States as well as international organizations including International Mobile Satellite Organization (IMSO), the International
Chamber of Shipping (ICS), International Shipping Federation (ISF), the Japan Association of Marine Safety (JAMS), the Oil Companies International Marine Forum (OCIMF) and the International Transport Workers’ Federation (ITF), all with reputable status in society provided financial support to the IMO. Hence, the IMO mission of experts were able to organize a series of seminars and workshops as part of its counter-piracy programs in the South East Asia region, Latin America and the Caribbean region. This is evident in the secretariat report on 26 July 2000, which indicated that,

with financial support provided by the Governments of Australia, Denmark, Greece, Japan, the Netherlands, Norway, Panama, the United Kingdom and the United States, the International Mobile Satellite Organization (IMSO), the International Chamber of Shipping (ICS) and International Shipping Federation (ISF), the Japan Association of Marine Safety (JAMS), the Oil Companies International Marine Forum (OCIMF), and the International Transport Workers’ Federation (ITF), the Secretariat organized a mission of experts to the South East Asia region from 5 to 11 October 1998. The mission which visited Indonesia, Malaysia and the Philippines was followed by a seminar and workshop in Singapore from 3 to 5 February 1999 for thirteen countries in the Asia and Pacific region. A similar mission visited the Brazilian ports of Santos and Rio de Janeiro on 19 and 23 October 1998 respectively. Between the above dates, a seminar and workshop was held in Brasilia for selected countries in South America and the Wider Caribbean region.

Consequently in 2005, the direct effect of piracy and armed robbery at sea affecting United Kingdom (UK) seafarers and commercial vessels in all geographical locations of the world, and the danger it poses to all mariners and international trade, warranted the United Kingdom to develop a new counter-piracy strategy. The UK contributed financially towards the work of the new counter-piracy strategy and also helped finance IMO’s counter-piracy programs in preventing the acts of piracy and armed robbery at sea. A report submitted by the UK to the IMO on 4 March 2005, indicated that,

principally, the United Kingdom will continue to work through and encourage the IMO and EU to provide targeted training, advice and financial resources. The United Kingdom
is making funds available to the IMO to help finance counter-piracy initiatives during 2005 including regional counter-piracy seminars. The United Kingdom will also be providing experienced maritime security practitioners to deliver training modules designed, in part, to train coastguards and police services in techniques to combat organized crime both in coastal waters and within port areas.

It was again found out that, between 2009 and 2012 as a result of the escalating and atrocious acts of piracy and armed robbery against ships in the Gulf of Aden, particularly in Somalia, 24 states and 5 regional and international organizations formed a Contact Group on Piracy off the Coast of Somalia (CGPCS) to collaborate and cooperate among states in the fight against piracy off the coast of Somalia. The CGPCS operates through 5 Working Groups to address issues of piracy incidents in that region. In response to the increasing effect of piracy on humanitarian aid, regional trade and maritime shipping off the coast of Somalia, through a request of the CGPSC, the Trust Fund (the “IMO Djibouti Code of Conduct Trust Fund”) was formed to facilitate anti-piracy projects in that region. The Fund is a voluntary multi-donor fund to which UN or IMO Member States, international organizations, private individuals and institutions can make financial contributions. For instance, in September, 2009 Japan generously contributed an amount of US$ 13,595,184.00 to the Fund in support of IMO’s anti-piracy projects. In addition, Member States such as the Netherlands and Norway made pledges to financially support the Fund. A report by the Secretary-General on 5 November 2009, showed that,

the Council, at its last session, noted with appreciation the announcement of the intention of Japan to support the technical co-operation and capacity-building programmes of the Organization directed towards the repression of piracy and armed robbery against ships in waters off the coast of Somalia by making a generous financial contribution towards activities aiming at implementing the provisions of the Djibouti Code of Conduct and of the other related outcomes of the January 2009 Djibouti Meeting. The Council also thanked the Netherlands and Norway for their pledges to also support financially the related work.
in September 2009 and in response to Japan’s announcement, the Secretary-General established, under the Financial Regulations and Financial Rules of the Organization, an ad hoc trust fund (the “IMO Djibouti Code of Conduct Trust Fund” (the Fund)), following which Japan, in the same month, transferred the amount of US$13,595,184.00 to the bank account set up by the Organization for the purposes of the Fund.

To further address the devastating acts of piracy and armed robbery against ships in West and Central Africa, the IMO established the West and Central Africa Maritime Security Trust Fund. The main purpose of the fund is to assist states in the geographic region to prevent and suppress the violent acts of piracy and armed robbery against ships and to circumvent any illicit maritime activities in West and Central Africa. The activities of this fund is made possible by the generous contributions of Member States such as Angola, China, Japan, Nigeria and the UK. This is indicated in a report by the secretariat on 13 April 2015, which stated that,

the Secretariat would also like to acknowledge, with thanks, the contributions of Angola, China, Japan, Nigeria and the United Kingdom to the IMO West and Central Africa Maritime Security Trust Fund, as well as the continuing financial support of Norway to related projects in west and central Africa. Further donations to the West and Central Africa Maritime Security Trust Fund, the aim of which is to assist States in the region in implementation of the Code of Conduct concerning the prevention and repression of piracy, armed robbery against ships and illicit maritime activity in west and central Africa, are also welcome.

The analysis revealed that, the increasing piracy incidents and armed robbery attacks at sea in the different geographical regions, especially off the coast of Somalia, where seafarers were mostly kidnapped or hijacked for ransom, brought to bear a totally different dimension and scale of funding from different States and organizations.
RQ3: “How has the perception of the threat of piracy and armed robbery against ships evolved over time?”

To answer this research question, 3 codes namely, “piracy”, “armed robbery” and “attacks” were created and further analysed as shown in Figure 8. The number of quotations these codes appeared in the documents of the IMO indicate how the perceived threat of piracy and armed robbery against ships by Member States and international organizations have evolved over time.

Figure 8: Perception of the Threat of Piracy and Armed Robbery against Ships (January-May of 1998-2020)

![Graph showing the perception of the threat of piracy and armed robbery against ships from 1998 to 2020.]

Figure 8 shows that, throughout the periods of 1998 and 2020 the perception of the threat of piracy and armed robbery against ships have been high and low. The graph shows that, between 1998 and the early 2000s, the number of quotations of the 3 codes appeared high. This indicates the continuous acts of piracy incidents and armed robbery attacks in the Malacca Straits, South China Seas and Latin America. For instance, a report of the IMO mission of experts on piracy and armed robbery against ships to the South China Seas and Malacca Straits area dated 5 to 11 October 1998, indicated that,
because attacks on ships by pirates and armed robbers continued unabated over the years which followed, in 1993 IMO sent a working group to the three States bordering the Malacca Strait on a fact-finding mission and in an effort to prompt appropriate action at both national and regional level to improve the situation in the strait. That mission, the positive results of which were warmly welcomed by the maritime community at large, was followed by a similar mission in 1994 to countries within the South China Sea.

The graph further shows that, in 2008, there was a rapid increase in the number of quotations of the 3 codes. This indicates the escalating and violent acts of piracy and armed robbery against ships in the Gulf of Aden, particularly, Somalia. As the number of piracy incidents in Southeast Asia and Latin America began to decrease, the number of reports concerning Somali piracy began to grow drastically. The increasing threat of piracy incidents and armed robbery attacks off the coast of Somalia were very alarming and disturbing, which was a deep concern for Member States and international organizations. In a report by the IMO secretariat on piracy and armed robbery against ships in the Gulf of Aden dated 3 March 2009, it indicated that,

During 2008 significantly increased pirate attacks on merchant ships occurred throughout the GoA and off the coast of Somalia. The majority were clustered around the northern side of the GoA but some attacks have occurred further off the east coast of Somalia.

The graph again shows that, although there was a sharp decrease in the number of quotations of the 3 codes in 2013, it began to rise steadily from 2016 throughout to 2019. This result indicates that in 2013, the increasing incidents of piracy and armed robbery attacks off the coast of Somalia, decreased through the efforts of IMO’s counter-piracy programs and the effective cooperation of naval forces in that sea region. However, in 2016 throughout to 2020, the number of reports relating to piracy incidents and armed robbery attacks off the West coast of Africa, particularly in the Gulf of Guinea, began to increase unabatedly which has further become a major concern to the global maritime community (Eruaga and Mejia, 2020). A report submitted by Greece to the IMO on piracy and armed robbery against ships in the West African region dated on 4 March 2020, indicated that,
The resurgence of pirate attacks in the Gulf of Guinea is now a subject of serious concern to Greece and the international maritime community. Greece is gravely concerned about the growing threat this activity represents, not only to the regional and global economy but also to the lives of seafarers as well, who continue to pay a heavy price. The human cost of piracy is a matter of paramount importance since thousands of seafarers worldwide are exposed to such dangers directly affecting their lives and the wellbeing of their families. The international efforts to attract the new generations to the seafaring profession are seriously undermined, along with the image of shipping.

Over the twenty two years period, the findings from the data have shown that the perception of the threat of piracy and armed robbery against ships by Member States and international organizations has persisted over the years and continue to pose major challenges to the international community.

4.3 Discussion of Research Findings

Research question one (RQ1): “How have the views of armed guards on commercial ships evolved over time?”

The study revealed that between the years 1998 and 2020, most Member States and international organizations have been able to recognize the issue with regards to the employment of armed guards onboard commercial ships. Additionally, this has necessitated Member States and international organizations to push this recognized issue to the forefront of IMO’s political agenda. Hence, Figure 7 graphically portrays that, out of the 733 IMO documents relating to piracy and armed robbery against ships, 101 quotations were generated from the code “armed guards”. The word “armed guards” appeared the highest number of times compared to any other term in the 101 quotations. (See Figure 9 below). Consequently, out of the 733 IMO documents, 426 quotations were generated from the code “armed security”. The word “armed security” appeared the highest number of times within the 426 quotations generated. (See Figure 10 below). Hence, the number of times both words “armed guards” and “armed security” appeared in both quotations indicate the salience of the issue with regards to the employment of armed guards on commercial ships by Member States and international organizations over time, and propelling it in the forefront of IMO’s political agenda. The gravity of this issue has necessitated the IMO in implementing a number of policies in regards to the employment of armed guards onboard commercial ships.
Previous studies revealed that, the key priority in the agenda-setting process is when interested groups and actors move a recognized problem up to the formal/political agenda (Birkland, 2007). Consequently, recognizing the problem is as important as defining the problem for consideration by government on their agenda list (Birkland, 2007). Besides the recognition of the issue relating to the employment of armed guards onboard commercial ships, through various meetings and negotiations at IMO, Member States and international organizations have been able to define the issue by highlighting the importance of the employment of armed guards onboard commercial ships. The recognition and definition of the issue has made it possible for the IMO to implement a number of standard guidelines, recommendations, resolutions, circulars and best management practices (BMPs) in respect of the employment of armed guards onboard commercial ships. This is in line with prior studies indicating that, through various meetings and negotiations, the significance, acceptability and possibility of specific issues are identified and defined (Onuf, 1989:63-64). Therefore, this finding emphasizes the importance of recognizing and defining an issue relating to the employment of armed guards onboard commercial ships by Member States and international organizations and pushing it to the political agenda of the IMO for a suitable solution to be implemented.

Figure 9: Word Cloud showing the highest frequency of the word “armed guards”.

Source: Atlas.ti
RQ2: “How has the funding of counter-piracy programs evolved over time?”

This study has revealed that most Member States and international organizations have shown grave concerns of the deteriorating acts of piracy and armed robbery against ships worldwide. In response to the grave concerns from Member States and international organizations, in regards to the increasing and extremely violent acts of piracy and armed robbery against ships, the IMO as part of its counter-piracy programs established Trust Funds such as the IMO Djibouti Code of Conduct Trust Fund, and the West and Central Africa Maritime Security Trust Fund in different geographical locations. This is to assist in preventing and suppressing the acts of piracy and armed robbery against ships. Over time, these funds have been mutually and generously supported by the financial contributions from Member States, international organizations, private individuals and institutions in combating the acts of piracy and armed robbery against ships. In addition, the IMO established its missions of experts as part of its counter-piracy programs. These missions of IMO experts provide the necessary trainings, workshops and seminars to countries in whose waters the violent acts of piracy and armed robbery against ships have frequently been reported, in order to
help implement IMO’s recommendations in combating the problem. The main aim of these missions of experts is to raise awareness of the issue of piracy and armed robbery against ships, emphasize on the need for action by government officials concerned and most significantly strengthen the political will to function at national and regional levels.

It can be deduced from the findings that, despite the acts of piracy and armed robbery against ships which has been an existing issue in the maritime world, the grave concerns of Member States and international organizations relating to the increasing acts of piracy incidents, necessitated the need for the IMO in establishing counter-piracy programs such as the Trust Funds in mitigating the increasing acts of piracy and armed robbery against ships. This underlines previous studies which emphasized that a group that possess exceptional qualities such as good organization, good leadership, having a reputable status in society as well as enough resources has the ability to gain access to decision-makers (Anyebe, 2018; Anderson, 2003). Consequently, a group should have access or the ability to communicate its opinions to decision-makers in order to help shape and influence policy decisions (Isaak, 1988). This finding points out the influential capabilities of Member States, and more especially the reputable status of international organizations in society of influencing the decision of the IMO with their grave concerns relating to the alarming acts of piracy and armed robbery against ships. Therefore, this finding highlights the importance of the status of Member States and international organizations in order to help shape and strongly influence the decision of the IMO.

RQ3: “How has the perception of the threat of piracy and armed robbery against ships evolved over time?”

The devastating threats of piracy and armed robbery against ships have been perceived by most Member States and international organizations over the years. This study has shown that, the threats of piracy and armed robbery against ships have persisted over time and continue to pose more challenges to the global maritime world. In the mid-1990s, piracy incidents and armed robbery attacks in the Malacca Straits and South China Seas posed serious threats to the safety of international maritime navigation of that sea region. Commercial ships were hijacked, crew members were attacked violently as others were held hostage and demanded for ransom.
In the late 1990s, piracy incidents and armed robbery attacks continued to be a menace to the entire maritime industry in Latin America, particularly in Brazil, which necessitated the employment of armed guards onboard commercial ships by most shipowners and ship agents. Between 2009 and 2013, the maritime regions in the Western Indian Ocean, Arabian Sea and the Gulf of Aden, particularly off the coast of Somalia were threatened by various unscrupulous attacks by pirates and armed robbers at sea. Seafarers were mentally and physically tortured, beaten, kidnapped and others lost their lives. In this High Risk Areas (HRAs), whether or not pirates succeeded hijacking a commercial ship, thousands of seafarers became traumatized by these attacks. In view of these serious threats of piracy and armed robbery attacks, most shipping companies employed the services of armed guards as a protective mechanism for the lives of seafarers and the cargo onboard the vessels.

Currently, the violent attacks of pirates and armed robbers at sea continue unabated off the West African coast, particularly in the Gulf of Guinea where unprecedented number of crew kidnapped is a major concern. Most of these attacks had previously been primarily motivated by the desire to steal cargo. Nevertheless, seafarers are now being regularly kidnapped and taken to shore, where they are mostly kept for ransom in extremely horrific and frightening conditions for many weeks (Eruaga and Mejia, 2019b). The piracy incidents recently in the Gulf of Guinea remain a vivid reminder to shipowners, seafarers and the entire shipping industry of the brutality and hostility with which these piracy and armed robbery attacks are perpetrated, and the fear and panic encountered by seafarers as well as the catastrophic consequences that may emerge in regards to both human lives and properties.

A study conducted by (Mukherjee and Brownrigg, 2013) revealed that, the acts of piracy and armed robbery against ships have been a menace to the international maritime community since time immemorial characterized by brutalities and violence as its benchmark. Additionally, Mejia (2013), in his study showed that, piracy and armed robbery against ships have threatened various seas and coastlines by deploying various modes of tactics as their modus operandi. He further indicated that, thousands of seafarers have been killed, wounded, tortured, assaulted, mentally and physically abused, beaten, starved, confined, taken as hostage, kidnapped or attacked in recent years as piracy incidents have significantly increased. Consequently, Sergi and Morabito (2016)
in their study concluded that, piracy has grown from a regional maritime transport problem to a multi-sectorial global threat in recent years, with a number of major implications for future growth of affected national economies and international trade.

The threats of piracy and armed robbery against ships have persisted over time and continue to pose challenges to the international community, therefore it is of utmost importance that the IMO and other international agencies continue to cooperate and collaborate effectively to prevent and alleviate the threats of piracy and armed robbery against ships.

RQ4: “How has the focus on the threat of piracy and armed robbery against ships in different geographical areas changed over time?”

Piracy has taken different shapes and forms in different geographical regions over time. According to a study conducted by Mejia (2012), the contemporary trends of piracy and armed robbery against ships can be examined as various forms and modus operandi beginning with, inter alia, the piracy attacks on Vietnamese boat people in the 1970s, the Lebanese pirate incidents in the 1980s, the pirate attacks off the coast of South China Seas in the 1980s and 1990s, the coast of Indonesia and the Malacca Straits in the 1990s and 2000s, trafficking of containers in Southern or Latin America in the 2000s and finally in the current decade, Somalia and West Africa in the Gulf of Aden and the Gulf of Guinea respectively.

Mejia (2012) is borne out by the findings of RQ1, RQ2 and RQ3, which shows that the vicious acts of piracy and armed robbery against ships has moved from one geographical area to another. This study revealed that, from the late 1990s to the early 2000s, piracy incidents and armed robbery attacks at sea were focused in the Far East, especially in the Malacca Straits and South China Seas. From 2009 to 2012, just when the number of incidents started to decrease in Southeast Asia, the number of reports with regards to piracy and armed robbery against ships in the Gulf of Aden, particularly in Somalia began to increase significantly. Again, between 2015-2020, as the Somali piracy incidents began to wane, the violent acts of piracy and armed robbery against ships in the West African coast, particularly in the Gulf of Guinea, have dramatically risen. Hence, this promising result wishes to draw the attention of the IMO to the changes that occur in the geographical area of piracy and armed robbery as well as to the extremely violent nature of the
actions committed. This is to explicate the need for the IMO and other international agencies to be more proactive in taking effective measures and to adopt a wider approach in the combat against piracy and armed robbery against ships.

4.4 Conclusion

According to the findings of the study, the threat of piracy and armed robbery against ships has persisted over time. This has raised grave concerns of Member States and international organizations of the IMO by propelling this vicious acts of piracy incidents to the forefront of the organization’s political agenda. As a result, the IMO has been able to implement a number of standard guidelines, recommendations, resolutions, circulars and best management practices (BMPs) in respect to the employment of armed guards onboard commercial ships. Consequently, the strong influence of Member States and international organizations enabled the IMO in establishing Trust Funds and its missions of experts as part of the organization’s counter-piracy programs to prevent and suppress the acts of piracy and armed robbery against ships worldwide. However, piracy and armed robbery against ships continue to pose serious challenges to the global maritime world, requiring maximum coordination and improve cooperation among its Member States and international organizations. Hence, it is of paramount significance that IMO continue to improve international cooperation to combat piracy effectively.
CHAPTER FIVE
SUMMARY AND CONCLUSION

5.1 Introduction

This chapter provides a final review of the study by highlighting on the key elements of the study, presenting its limitations and providing a recommendation for future study on this research topic.

5.2 Summary

The main purpose of this study was to assess and gain insights on how meetings and negotiations at IMO have influenced the agenda relating to the threat of piracy and armed robbery against ships and to understand how international maritime policy to combat this threat has transformed over time. To attain the aim and objectives of this research, four research questions were proposed which provided the necessary information needed to establish a deeper meaning and understanding of the main purpose of the study. Consequently, relevant literature discussing the overall aim of this study were identified and reviewed. The nature of data collected enabled this study to employ a qualitative content analysis of IMO documents relating to piracy and armed robbery against ships, where large amount of textual data were carefully organized into standardized formats which provided new insights and increased the understanding of the overall purpose of the study. In addition, a CAQDAS, Atlas.ti version 8.4 was critically used to analyse and assess all data.

The study established that, over the years, due to the severity of incidents, piracy and armed robbery against ships drastically increased in salience and the issue of the employment of armed guards also increased significantly. This became a more relevant issue in the political agenda of the IMO which necessitated the organization in implementing several policies in respect to the employment of armed guards onboard commercial ships. The study further established that, the escalating and disturbing incidents of piracy and armed robbery attacks at sea in the different geographical regions, was a grave concern to the global maritime community. The salience of this devastating issue, enabled the IMO in establishing counter-piracy programs which were financially
supported by Member States and other stakeholders to help combat the acts of piracy and armed robbery against ships worldwide. Finally, the study revealed that, the perception of the threat of piracy and armed robbery against ships by Member States and international organizations have persisted over the years and continue to pose more challenges to the international maritime community.

5.3 Limitations and Future Study

The strength of this study is the volume and diversity of data analysed. Consequently, the views echoed from the various reports of Member States and international organizations can therefore be taken as a true reflection of the main purpose of the study. However, this study was subject to a number of limitations.

Firstly, the data analysed and assessed was confined to the IMO. The findings may not be of a generic definition of other international agencies not associated with the IMO. However, with the quantum of data analysed, the findings provided a deeper interpretation and understanding of the study, which may require a judgement of the extent to which the findings may be applicable and significant to other similar cases.

Secondly, due to the limited availability of time, the researcher was not able to go through an intensive analysis process of the study. Further study is recommended to ascertain a more generic findings and to analyse how the submissions of only Member States have affected the decisions of the IMO in respect to the threat of piracy and armed robbery against ships.

5.4 Conclusion

The agenda-setting process is of crucial significance in the policy-making of every organization. In the agenda-setting process within most organizations, the recognition of a social problem and placing it on its formal/political agenda depends largely on how the organization defines the social problem. It was found out that the recognition and definition of a social problem relating to the threat of piracy and armed robbery against ships by Member States and international organizations of the IMO, and the saliency attached to this issue by pushing it to the front-line of the
organization’s political agenda, has necessitated the IMO to implement several policies relating to the employment of armed guards as well as the establishment of counter-piracy programs in order to help curb the alarming and violent acts of piracy and armed robbery attacks at sea.

In addition, the study revealed that, the reputable status of most Member States and especially international organizations of the IMO strongly influenced the decisions of the organization with their grave concerns in regards to the threat of piracy and armed robbery against ships. It is of key importance for most groups belonging to an organization to have a reputable status in society to help shape and influence the decisions of the organization.

Finally, the threat of piracy and armed robbery against ships has persisted over time and it continues to pose serious challenges to the global maritime community in different geographical regions. To a large extent, the IMO through its Member States and international organizations have implemented a number of policies to help mitigate this menace, yet the organization is in need of further increased collaboration and cooperation among its Member States and international organizations as well as substantial support from other international agencies, in order to create more effective and proactive measures in preventing and suppressing the threat of piracy and armed robbery against ships worldwide.
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