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# PIRATES, DRUGS AND NAVIES

## WHY THE WESTERN INDIAN OCEAN NEEDS A NEW SECURITY ARCHITECTURE

CHRISTIAN BUEGER AND JAN STOCKBRUEGGER

**International operations against piracy in the Western Indian Ocean are due to wind down. Some major external navies will probably remain, but the region's states will have to adjust to their new role in managing the challenging security environment. In this article, Christian Bueger and Jan Stockbruegger examine the options for cooperation in this volatile region.**

The Western Indian Ocean region is at a critical juncture. Maritime security threats are on the rise. The region<sup>1</sup> has become a major drug smuggling route.<sup>2</sup> Human trafficking, trade in small arms and ammunition, wildlife and fishery crime are also prevalent.<sup>3</sup> The threat of Somali-based pirates, who hijacked nearly 200 ships in recent years,<sup>4</sup> has been contained for the moment. No international merchant ship has been hijacked successfully since May 2012.<sup>5</sup> However, the pirates' organisational structures remain intact and the piracy risk prevails.<sup>6</sup> The Western Indian Ocean is also a region of instability. According to data from the Fragile States Index, the average fragility of littorals is among the top third of the world – ranked 62/63 of 195 states.<sup>7</sup> Most troubling is the fact that of the Western Indian Ocean actors three are among the ten most fragile states in the world, namely Somalia, Yemen and Pakistan.<sup>8</sup> Radical terrorist groups affiliated to Al-Qa'ida and Daesh (also known as the Islamic State of Iraq and Syria, ISIS) are also present in these countries. Maritime terrorism is at least a latent threat, with the latest incident taking place in 2002 – the attack on the MV *Limburg* off the coast of Yemen.<sup>9</sup>

The Western Indian Ocean is one of the world's most critical maritime regions. It is home to some of the major

trade and energy supply routes between Europe, Asia and the Gulf. More than 42,000 ships transit through the region annually.<sup>10</sup> Since 2008 there has been an increasing naval presence in the regional waters as a response to maritime piracy off the coast of Somalia. Three multilateral missions, the EU Naval Force Somalia (Operation *Atalanta*), NATO's Operation *Ocean Shield* and the US-led Combined Maritime Forces (CMF) are currently operating in the region, along with independent navies of, among others, Russia, China, India, Japan and even Iran.<sup>11</sup> More than 30 naval vessels, supported by helicopters, aircraft and support vessels, are present in the region on any given day. With no successful piracy attack reported since May 2012, the debate about the future of the international naval presence has started.<sup>12</sup> The current mandates run until the end of 2016, as does the UN Security Council authorisation. NATO has already decided that its mission off the Somali coast will not be extended;<sup>13</sup> the future of the EU counter-piracy engagement off Somalia will also be decided soon.<sup>14</sup> With this in mind, it is important to consider how the vast maritime security challenges will be handled if these naval operations end, and whether the region has the capacity to cope with piracy and other maritime challenges on its own.

A continuation of the international naval presence in the absence of a tangible piracy threat, however, also raises questions. Decision-makers will need to ask how potential tensions between naval actors can be managed and coordinated if the counter-piracy regime in the region is dismantled and other forms of legitimisation are required to replace the UN Security Council mandate and the current counter-piracy legitimisation.

It seems likely that the engagement of the international community, as currently constructed, will not continue after 2016. Yet the maritime security challenges will remain, as does the risk of a return of piracy. The region will have to get serious about its future maritime security architecture, whether the international navies leave or stay. In a recent survey of maritime security cooperation in the region the authors sought to identify the various proposals aimed at building a future security architecture for the Western Indian Ocean. The result was a perplexing number of no fewer than sixteen strategies, agreements and initiatives of relevance for maritime security in the region.<sup>15</sup> These aim at strengthening regional capacities for maritime security, tackling the problem of illegal fishing, addressing human and drug trafficking, and providing forums for



INS *Viraat* escorting the Indian Navy's newly acquired aircraft carrier *Vikramaditya* during her delivery voyage. *Courtesy of Indian Navy.*

maritime security practitioners and naval analysts.

There is a growing institutional thicket to address the challenges in the region's waters. While each of the emerging institutions is promising, none appears fit on its own to handle the maritime challenges of the region. The tasks are manifold and overly complex, and more than one institution will certainly be required to undertake them all. Yet, the relationships between the current institutions are often unclear, and diverging donor interests contribute to a further proliferation. Sometimes overlap and duplication might be beneficial, to ensure that someone does the job. Yet, the institutional landscape in the Western Indian Ocean has reached a degree of complexity which is inefficient. Too many resources are invested in building the diverse institutions and in maintaining them. The structure will not be able to deliver. Proliferation has to stop, a clear vision and strategy about how the region will manage maritime security are required and regional ownership is paramount in this process. International assistance is a necessity, but

international actors would be wrong to think they can dictate the terms of the architecture; instead they should sign up to the maritime business plan that the region provides. In drafting this plan, a number of principles will have to be considered.

### **Maritime Security Dynamics in the Western Indian Ocean**

Actors in the region have very different capacities and require different security assurances.<sup>16</sup> India and South Africa are the only states with operational blue-water navies. They are not only geostrategic and economic power houses, but, together with Kenya, Pakistan and Iran, are also de facto veto-players. Their strategic leadership will be required and their respective interests need to be balanced. For Small Island Developing States, such as the Seychelles and the Maldives, maritime security is at the heart of their national interests. Small states have a great potential to act as honest brokers and intellectual leaders that set the agenda for innovative maritime security thinking. The Seychelles has already started to

assume this role with its blue economy campaign.<sup>17</sup> Fragile states, notably Somalia and Yemen, are the source of many maritime security challenges. They not only require a different set of capacity-building efforts, but it will also be more difficult to convince them that maritime security is one of their top priorities, considering the difficult development and security challenges that they face on land.

The region has a common pre-colonial history of maritime trade. For more than 1,000 years African, Asian and Arab communities have been engaged in trade and commerce across the Western Indian Ocean.<sup>18</sup> These regional exchange networks have facilitated the emergence of a cosmopolitan 'dhow culture' among littoral societies, which dominated the region for centuries. The contemporary regional identity is, however, weak, and there is little experience of political cooperation between the African and Asian shores. Long-term state rivalries and disputed boundaries complicate the picture. Whether it is the rivalry between India and Pakistan or Kenya and Tanzania,<sup>19</sup> border disputes between

Somalia and Kenya,<sup>20</sup> or the contested ownership of islands between Mauritius, Madagascar and the UK,<sup>21</sup> significant efforts of trust- and confidence-building will be required. New regional thinking, the appreciation of a shared pre-colonial history and recognition of the common interest in ensuring maritime security will be productive starting points.

Maritime security has a significant economic dimension.<sup>22</sup> As was emphasised in the UN Sustainable Development Goals, the maritime domain is a key source for regional economic development.<sup>23</sup> It has been estimated that the regional blue economy in the Western Indian Ocean is worth \$22 billion, half of which – \$11 billion – comes from tourism. Mining and energy, and agriculture and forestry contribute 15 and 20 per cent respectively to the blue economy, and fishing is worth more than \$68 million.<sup>24</sup> High levels of maritime insecurity have detrimental effects on regional economic activities, particularly in the trade, tourism, fishery, and oil and gas sectors. As the World Bank documented, Somali piracy cost the global economy \$18 billion per year, led to a 23 per cent slump in regional fishery exports and a 6.5 per cent fall in tourist arrivals.<sup>25</sup> Also, the vast mineral and fossil resources of the regional waters cannot be exploited without a sufficient level of maritime security.

### *High levels of maritime insecurity have detrimental effects on regional economic activities*

Large parts of the regional coastal population are, moreover, dependent on fish as a source of nutrition. Fishery and environmental crimes directly threaten their food security. The Food and Agriculture Organization (FAO), for instance, estimates that the livelihoods of more than 2 million Tanzanians are linked to various fisheries-related activities, including boat building, fish processing and fishery sales.<sup>26</sup> The causal relationship between piracy and illegal

fishing is contested,<sup>27</sup> but the rise of Somali piracy in 2008 demonstrated how serious this issue is: illegal fishing activities gave locals the motive and the justification to attack ships under the pretext of protecting their livelihoods against exploitation.<sup>28</sup> Ignoring the needs of the coastal population facilitates a culture of crime and might lead to their radicalisation. Maritime security is therefore a pivotal economic and development issue and there are direct links between maritime security and the blue economy.<sup>29</sup>

As external actors and navies are preparing to leave the Western Indian Ocean the region can no longer rely on them to protect its maritime domain. What is required is a sustainable approach that builds on and strengthens regional capacities for maritime security in the Western Indian Ocean. The littoral states, in or adjacent to the region, currently do not have sufficient capacity to monitor and protect its vast maritime domain. The average exclusive economic zone (EEZ) of the littoral states is 667,104 km<sup>2</sup>, and their combined EEZ extends over 11 million km<sup>2</sup>.<sup>30</sup> The EEZs of island states such as the Maldives, Comoros and the Seychelles is larger than their land territories; coastal states such as India, South Africa and Somalia also have very significant EEZs. A few states, in particular India, Iran, Pakistan and South Africa, have capable navies, but the majority of regional forces are unable to protect fishing, intercept suspicious vessels or combat illicit trafficking in their EEZs. With an EEZ of 1.3 million km<sup>2</sup>, the Seychelles has the second largest EEZ of any state in or bordering the Western Indian Ocean after India, but its naval force has only 200 officers and nine ships to patrol and monitor this area.<sup>31</sup>

Maritime security remains elusive if regional capabilities continue to be weak and underdeveloped. Nevertheless, more military capabilities are not necessarily the solution. While navies play a key role in maritime security, coastguards and other law enforcement agencies are equally vital. Information sharing, the coordination of operations and appropriate legal regulations are more important for improving the

situation than investment in high-end naval capabilities. Maritime security is a transnational problem. The pooling of regional resources and capabilities, and jointly coordinated operations are essential. This requires cooperation and the development of strong institutions and instruments.

The weakness of regional navies and maritime law enforcement institutions is not the only problem facing the Western Indian Ocean. Another problem is the continued militarisation of the region's maritime domain. Reducing or terminating the international counter-piracy missions does not mean that external actors will completely withdraw their naval forces from the region. On the contrary, it is increasingly apparent that the international navies did not only come to fight pirates, but also to build up a strategic presence in the region.<sup>32</sup> This is most obvious in the case of China, which has greatly expanded its operational experience and capabilities in the region.<sup>33</sup> Counter-piracy operations gave not only China, but a wider range of navies, including from Japan and Korea, the opportunity to exercise long-term overseas deployments. China and Japan have both opened their first overseas naval bases in the port of Djibouti.<sup>34</sup> India has long seen the Indian Ocean as its 'backyard' and is currently strengthening its military and security cooperation with regional states and islands.<sup>35</sup> Britain and France, former colonial powers in the Western Indian Ocean, have long maintained military bases and naval forces in the region. The US Navy continues to lead a multinational naval mission to fight terrorism in the region. It has naval bases in Djibouti and Bahrain as well as a naval support facility on the island of Diego Garcia. Andrew S Erickson et al. suggest that these bases are part of an overall US strategy 'to establish a flexible and enduring presence within a critical and contested space'.<sup>36</sup>

### *Maritime security is a transnational problem*

Therefore, even as the international counter-piracy engagement is being scaled back, major naval powers will

maintain, and maybe even expand, their strategic presence in the region. The continued militarisation of the Western Indian Ocean, however, carries risks and unintended consequences for regional peace and security. It is unlikely that we will see an escalation akin to the situation in the South China Sea.<sup>37</sup> However, tensions and smaller disputes are unavoidable if the region continues to develop into a global centre for geo-strategic competition. Tensions between China, India and the US have already surfaced. Some analysts thus worry that these rivalries, and the continued militarisation of the region, will hinder cooperation and the establishment of an effective maritime security structure in the Western Indian Ocean.<sup>38</sup>

*Significant efforts will be required to transfer the current situation into an effective, efficient and sustainable maritime security architecture*

The naval presence in the region is currently managed through the Shared Awareness and Deconfliction (SHADE) mechanism, a regular forum in which navies coordinate their activities and share intentions, strategies and tactics.<sup>39</sup> All naval powers, including India and China, participate in SHADE meetings, which are held in Bahrain and are co-chaired on a rotational basis by one of the 'big three' naval missions (*Atalanta*, *Ocean Shield* and CMF). SHADE is, however, a counter-piracy forum – navies cooperate because they share a common enemy. With recent absence of piracy attack, the authority of SHADE has already started to erode. In a post-2016 environment, when the counter-piracy operations come to an end, but the navies stay, it is likely that SHADE will cease to exist. It is not yet clear who will then manage the tensions, coordinate naval activities and ensure checks and balances.

**Elements of a Maritime Security Architecture in the Western Indian Ocean**

Significant efforts will be required to transfer the current situation into an effective, efficient and sustainable maritime security architecture. The architecture will have to manage interstate tensions between regional as well as international actors and it will have to build a culture of cooperation to jointly address transnational maritime threats. Yet, it will also require formats for technical coordination, capacity-building and sharing lessons learned within the region. It is useful to consider the building blocks for such an architecture.

First, a high-level official political forum is required to provide strategic guidance, ensure ongoing trust- and confidence-building and keep international navies in check. So far, these tasks have been provided by the Contact Group on Piracy off the Coast of Somalia (CGPCS).<sup>40</sup> The CGPCS is an inclusive mechanism in which almost all the littoral states participate. It is, however, primarily driven by the security concerns of the international actors and does not address issues beyond the immediate fight against pirates. Yet there are existing institutions in the region which might be able to perform the required role and take over from the CGPCS such as the 1972 UN Ad Hoc Committee on the Indian Ocean or the Indian Ocean Rim Association (IORA).

The Ad Hoc Committee was established to act as the guardian of Indian Ocean security and drive forward the vision of an Indian Ocean Zone of Peace, an idea the UN General Assembly adopted in 1971.<sup>41</sup> The group, which was born during the Cold War, lost traction in the 1990s but has recently experienced a renaissance under the chairmanship of Sri Lanka.<sup>42</sup> Its 455<sup>th</sup> formal meeting took place in 2013 and was attended by 43 states and three observers, including regional countries as well as external maritime states such as Germany, Norway and Russia. Originally concerned about interstate rivalry and nuclear proliferation,<sup>43</sup> more recently the committee has turned to discuss non-traditional security challenges as well, in particular maritime piracy but

also climate change. The committee actively encourages the permanent members of the UN Security Council to participate and to contribute to its work to enhance regional peace and security.<sup>44</sup>

IORA was founded in 1997 to promote regional cooperation.<sup>45</sup> Headquartered in Mauritius, it is primarily an economic community interested in trade and commerce.<sup>46</sup> Yet IORA has started to discuss security as well and it is considering the development of a maritime security strategy.<sup>47</sup> The strategy would focus on maritime capacity-building and cooperation to enhance maritime safety and security. It would also promote competitive and innovative maritime industries as well as a sustainable blue economy. The Indian Ocean Dialogue, which took place in India in September 2015, dealt with issues such as 'Maritime Security and Defense Cooperation',<sup>48</sup> and 'The Blue Economy as a Driver of Economic Growth',<sup>49</sup> and the IORA Blue Economy Core Group, which held a workshop in May 2015, discussed the promotion of fisheries and aquaculture as well as maritime safety and security cooperation.<sup>50</sup>

*A high-level official political forum is required to provide strategic guidance*

Both the UN committee and IORA are currently marginal mechanisms in the regional security architecture, and much work would be needed to turn them into more effective and efficient forums for the development of maritime security policies. However, they both provide the institutional links and the organisational skeleton to fulfill this function. The UN committee seems the right forum for ensuring a high-level dialogue and, given its links to the UN Security Council and the General Assembly, would be an appropriate place for keeping an eye on the international naval presence. IORA, on the other hand, is anchored in the region and therefore seems better equipped to organise strategy on the ground and to translate plans into action. The problem,

however, is that they both deal with the wider Indian Ocean and are therefore driven by many diverging interests and agendas. As a result, it might be necessary either to adapt these two institutions or to design new ones in order to ensure focus on the Western Indian Ocean.

Second, institutions will be required to handle maritime security operations – that is, the coordination of law enforcement operations, the sharing of best practices, the organisation of training and capacity-building, as well as information sharing and maritime domain awareness. Many of these tasks are in the hands of international actors. Yet, a number of regional institutions have been built that intend to perform them.<sup>51</sup> This includes those run under the multilateral counter-piracy agreement, the Djibouti Code of Conduct (DCoC), under the EU's Programme to Promote Regional Maritime Security in the Eastern and Southern Africa-Indian Ocean Region (known as MASE), or the Indian Ocean Forum on Maritime Crime (IOFMC) organised by the UN Office on Drugs and Crime (UNODC). All three are heavily dependent on donor interests. The DCoC and MASE are also geographically limited. They focus on Eastern Africa and the Arabian Peninsula and do not include the states further to the east (Sri Lanka, India, Pakistan and Iran). At present, the three projects compete with each other over which will become the central coordination mechanism for capacity-building. It could be argued that, given the weak capacities in the region, more is better than less. However, in the long run, this would be counterproductive and ineffective. The region will be better off by betting on one of the mechanisms and reform it correspondingly (for example, by including further actors). Alternatively,

the mechanism could be merged by integrating elements of the DCoC, MASE and IOFMC. This will require a strong initiative led by regional actors, given that donor interests and funding structures limit what can be done.<sup>52</sup> The alternative is to create a new and regionally owned institution. This is perhaps a less favourable option, since initially it would create further institutions.

Third, a maritime security architecture requires informal coordination and strategic exchange among operatives, strategists and academics. Joint discussions and a sustained regional dialogue on maritime security are needed. This is perhaps the area where the Western Indian Ocean states have the least to worry about. With conference formats such as the Indian Ocean Naval Symposium and its working groups, the UAE annual counter-piracy conference and Sri Lanka's Galle Dialogue International Maritime Conference, a blossoming informal environment has emerged in the region. These formats tend to be costly, but have high symbolic value.<sup>53</sup> They strengthen a culture of trust and build confidence and transnational interpersonal networks.<sup>54</sup> Moreover, it is in these formats that the region will be able to start to exchange ideas and develop a strategy for its future maritime security architecture.

### **Towards a Western Indian Ocean Zone of Peace and Prosperity**

A Western Indian Ocean zone of peace and prosperity is in everyone's interest. Littoral states with a stake in the region, together with international actors, will have to get serious about how a maritime security architecture can be built. Piracy off the coast of Somalia is currently at a low ebb, but the levels

of maritime insecurity in the region's territorial waters and high seas remain high. The risk of piracy persists, illegal fishing and trafficking have increased, and a continuing naval build-up could create new security tensions in the future. As counter-piracy missions wind down, maritime security must not slip off the regional radar. The states in and around the Western Indian Ocean are at an important crossroads. A stable maritime domain is crucial to secure world trade, to harness the development potentials of the blue economy and to protect local livelihoods. The region needs a new security architecture to guarantee peace and security after 2016. The thicket of maritime security institutions that has developed in the region since 2008 provides some building blocks. Yet, it is overly complex and often driven by international actors, rather than being regionally owned. Regional actors will need to get into the driver's seat and start to develop their own regional vision, coming up with a strategic plan for how to transfer the current landscape into an efficient, effective and sustainable infrastructure. A Western Indian Ocean zone of peace and prosperity is perhaps closer than it will ever be. It is up to the region, in dialogue with its international partners, to make this happen. ■

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## **Notes**

- 1 Some of the countries with a stake in the Western Indian Ocean region are Djibouti, Somalia, Kenya, Tanzania, Mozambique, Madagascar, South Africa, India, Pakistan, Iran, Yemen, Oman, Seychelles.
- 2 In 2012 and 2013 navies seized more than four tonnes of heroin in the region.

It has been estimated that around 22 tonnes of heroin pass through East Africa and the Western Indian Ocean annually. See UNODC, 'UNODC Taps into Maritime Crime-Fighting Experience to Tackle High Seas Drug Smugglers', 9 September 2014, <<http://www.unodc.org/unodc/en/frontpage/2014/September/unodc-taps-into-maritime->

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- the human trafficking industry is worth over \$15 million. UNODC, 'Transnational Organized Crime in East Africa', p. 2.
- 4 See for instance World Bank, *Pirate Trails: Tracking the Illicit Financial Flows from Pirate Activities off the Horn of Africa* (Vienna: World Bank, 2013), p. 44.
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  - 17 The concept of blue economy is defined as "development spaces" where spatial planning integrates conservation, sustainable use, oil and mineral wealth extraction, bio-prospecting, sustainable energy production and marine transport'. See Government of the Seychelles, 'Blue Economy Concept Paper', 2013, p. 3, <<http://www.sids2014.org/content/documents/275BEconcept.pdf>>, accessed 3 April 2016.
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