



# SPECIAL REPORT

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## ABOUT THE REPORT

This report, commissioned by the United States Institute of Peace (USIP) Center for Security Sector Governance, examines the need for comprehensive approaches to maritime security sector reform and shows why improving maritime governance matters to developing nations, the United States, and a wide range of economic and security partners. The report looks at growing security challenges in the maritime commons: piracy, illicit drug and human trafficking, and maritime support for terrorism and insurgency, including seaborne transport of weapons of mass destruction. In an increasingly complex and dynamic security environment, improving maritime governance will require collaborative approaches and coordinated efforts by governments, nongovernmental organizations, security forces, and commercial interests that depend on having safe, secure access to the maritime commons.

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*John F. Sandoz*

# Maritime Security Sector Reform

## Summary

- Maritime security sector reform (MSSR) is a component of security sector reform (SSR). SSR is the complex task of transforming the institutions and organizations that deal directly with security threats to the state and its citizens.
- MSSR applies the same concepts to the maritime domain. It consists of comprehensive actions taken by littoral countries and a range of partners to improve the security, safety, and economic viability of maritime spaces by improving governance, infrastructure, and law enforcement capacity, creating a broader approach to SSR on the global stage.
- The globally connected economy relies on the oceans and adjoining littorals for fishing, access to natural resources, and the movement of much of the world's commerce. Effective governance of maritime spaces has become essential for both economic growth and regional security.
- Continued population growth in the coastal regions, or littorals, strains the maritime infrastructure and the capacity to govern, resulting in unmet security challenges from competing countries, transnational criminal organizations, and insurgent and terrorist groups that exploit instability in the maritime domain.
- MSSR may be undertaken to strengthen existing maritime governance, respond to specific instability or threats, or restore governance following conflict or natural disasters.
- MSSR involves a whole-of-government process to identify and address specific problems through collaborative approaches that coordinate the contributions of internal and external organizations.
- The MSSR process begins with a multidisciplinary assessment, ideally performed by representatives from private and public institutions. It must take into account a country's history, culture, and the aspirations of its citizens and government. MSSR is not the imposition of external organizations, plans, or processes.
- The U.S. government's role in MSSR, while often significant, must be closely coordinated with efforts by the United Nations, donor nations, nongovernmental organizations (NGOs),

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and the private sector. Achieving this level of coordination may be the most challenging aspect of successful MSSR.

## Introduction

Globalization, the information age, and rapidly expanding coastal population centers have increased both the importance and the vulnerability of the maritime commons. Rapid demographic growth in coastal regions increasingly strains maritime infrastructure and countries' ability to govern their maritime spaces. As more people migrate to coastal areas, the increased demand for food, energy, and hard goods requires greater dependence on the maritime commons for legitimate commerce and access to offshore resources.

Organizations engaged in illicit commerce seek to create and exploit gaps in maritime governance by attacking law enforcement or bribing government officials. These gaps result in seaborne security threats and the disruption of legitimate commerce and often lead to internal instability, particularly for fragile states threatened by violent conflict. The inability to effectively govern maritime spaces tends to undermine public confidence and can lead to a breakdown in public order. A diminished rule of law stifles economic development and increases vulnerability to environmental damage.

Poorly governed littorals also present problems for the United States and its trading partners. The safety and security of the littorals are prerequisites for global economic trade. More than 90 percent of the world's trade moves on the oceans. Effective maritime governance and a smoothly functioning infrastructure ensure the viability of the global commons, whereas gaps in maritime security can enable the proliferation of security threats, including support for insurgent organizations and terrorist groups, and seaborne transport of weapons of mass destruction.

Poorly governed or ungoverned maritime spaces also invite undue influence from predatory states seeking to exploit a country's offshore fisheries, energy, or natural resources. Illegal fishing off the coast of Africa not only places a hardship on local populations who depend on fish as their main source of protein, but also creates broader instability in the region. For these and other reasons, MSSR is of growing importance.

## What Is Maritime Security Sector Reform?

MSSR is a subset of security sector reform (SSR). SSR focuses on the critical need for coordination and cooperation among all security-related and civil institutions in a region. The objective of SSR is to institutionalize a professional security sector that is effective, legitimate, apolitical, and accountable to the citizens it is sworn to protect. SSR is a highly political process that involves the state's security institutions (e.g., police forces, military forces, paramilitary forces, and intelligence agencies), government institutions that oversee these actors (e.g., parliaments; interior, defense, and justice ministries; and national security councils), and various other bodies. As with SSR, the principal objective of MSSR is to improve governance and increase the wealth accessible to citizens in developing countries.

MSSR addresses littoral security challenges that arise from a variety of social, security, and economic factors and hinder a country's ability to govern itself. In the absence of effective maritime governance, state and nonstate actors can engage in piracy, illicit commerce (smuggling and human trafficking), illegal fishing, environmental pollution, support for insurgency, or acts of terrorism, while exploiting a country's territorial waters and exclusive economic zone.

Several factors can impede a country's ability to govern its maritime spaces. These factors include shortfalls in security capacity, mismatches between resources and authorities, inadequate or nonexistent laws, ineffective judicial process, and corruption of governing

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officials. At a minimum, capacity gaps impede a country's economic and social development. At worst, the inability to govern can result in a failed state and perpetual conflict.

Along with the social and economic causes of instability, the condition of a country's maritime infrastructure also affects its ability to govern its maritime spaces. Infrastructure such as ports, navigation aids, and communications capabilities is essential to the safe and effective use of the littorals. Such infrastructure is important to seaborne trade, the fishing industry, offshore energy and natural resource exploration, and tourism. Without effective management, infrastructure challenges can become security vulnerabilities.

For these reasons, activities that improve maritime governance are worthwhile. Through preventive and responsive measures, maritime security and safety can be enhanced, civil and criminal legal authorities strengthened, and maritime infrastructure better aligned to support a country's economic and security objectives. MSSR activities facilitate implementation of international conventions and other international regulations and legal standards. Cooperative efforts to clarify and align a country's maritime laws with those of regional and international partners remove ambiguity in governing maritime spaces.

A holistic approach to MSSR begins with a shared and nuanced understanding of governance challenges. That understanding is necessary for evolving culturally authentic organizational changes, improved legal processes, credible security capability, and capacity to strengthen government legitimacy. To the extent that transnational crime is both a regional and a global problem, MSSR presents an opportunity for countries to collectively develop more effective counters to transnational crime. Better governance of a country's maritime spaces also enables that country to work more closely with regional partners in pursuing common security objectives.

### ***What MSSR Is Not***

*A fix imposed from the outside.* Often the need for MSSR is first recognized by those outside a country who find their own security and economic interests threatened by that country's maritime instability. In such instances, the imposition of externally generated improvements to a country's maritime security may seem a straightforward approach to the problem. But such approaches, even those that are well meaning and properly funded by donor nations, rarely work in the long run. With externally imposed solutions invariably comes resentment toward what is perceived as outside interference. The idea that an international donor is qualified to assess a complex issue and impose a solution will rarely achieve buy-in from local authorities. In reality, improvements in maritime governance must overcome many internal obstacles and must, therefore, be initiatives that the host government and its citizens fully support.

*Quick fixes to specific problems.* Uncoordinated efforts to address specific gaps in a country's maritime security, safety, or legal systems will also likely fail, in part because they do not begin with a holistic assessment of governance issues. Developing a comprehensive and nuanced understanding of governance challenges requires the patience to develop trust-based relationships with those who must implement change.

*A series of activities designed to achieve an "end state."* Internal challenges to governance and security are continually in flux. Thus, to be successful, MSSR must facilitate a culture of continual adaptation that enhances governmental capacity to deal with new challenges.

***The condition of a country's maritime infrastructure also affects its ability to govern its maritime spaces. . . . Without effective management, infrastructure challenges can become security vulnerabilities.***

## **Why MSSR Matters to the United States and Its Economic and Security Partners**

### ***Challenges of a Changing Security Environment***

Change is ever present in today's global security environment. Change affects closely connected economies operating through information networks that are increasingly sensitive and

vulnerable to displaced populations, financial crises, natural disasters, rising crime, and competition for energy and other resources. Although these factors profoundly affect the security environment, the traditional security forces of the United States and its allies are insufficient to guarantee the stability of the maritime commons. With shrinking defense budgets likely, the United States and its partners must draw on a wider range of security partners and engage in cooperative efforts that safeguard their common national security interests.

The maritime domain's underlying importance to global commerce and economic development is all but universally accepted. Nearly four-fifths of the world's 192 countries are linked by the sea. A number of these nations dispute territorial boundaries and offshore rights with their neighbors. Maritime activities are subject to tidal variations, sea conditions, weather, water depth, currents, saltwater corrosion, and a wide array of maritime laws. Tens of thousands of commercial maritime vessels, operating under many national flags, form the backbone of the global economy. Moving through the maritime commons daily, they often operate in close proximity to each other as they transit canals or straits.

### ***Compliance with Laws, Conventions, and Agreements That Define Access to Maritime Spaces***

Unlike the land areas that lie within a country's sovereign territory, most maritime spaces are governed by a combination of *domestic law and regulations*, *international law*, and, in some instances, *bilateral agreements between neighboring states*. Domestic law includes those of a coastal state's legal statutes that apply within its maritime jurisdiction. International law includes customary international law and international law stemming from various conventions such as the Law of the Sea (UNCLOS) and the 1974 International Convention for the Safety of Life at Sea. Often, neighboring or regional nations will enter into formal agreements for cooperation to suppress illicit activities such as narcotrafficking or smuggling of illegal immigrants.

UNCLOS III, the most recent international maritime convention, introduced several provisions, the most significant of which set limits for navigation, archipelagic status, transit regimes, exclusive economic zones, continental shelf jurisdiction, deep seabed mining, the exploitation regime, protection of the marine environment, scientific research, and settlement of disputes. The convention delimits various areas, measuring from a carefully defined sea baseline. Normally, this baseline follows the low-water line, but when the coastline is deeply indented, has fringing islands, or is highly unstable, straight baselines may be used. *Internal waters* are all water and waterways on the landward side of the baseline. In these areas, a coastal state is free to set laws, regulate use, and freely access undersea resources. Foreign vessels have no right of passage within internal waters.

*Territorial waters* extend seaward twelve nautical miles from the baseline. In this area, the coastal state is free to set laws, regulate use, and use any resource. *Archipelagic waters* are waters around archipelagic states. A baseline is drawn between the outermost points of the outermost islands, subject to these points being sufficiently close together. All waters inside this baseline are designated archipelagic waters. The state has full sovereignty over such waters (as over internal waters), but foreign vessels have the right of innocent passage through archipelagic waters (as through territorial waters). A *Contiguous zone* is the area up to twelve nautical miles beyond the territorial waters, or twenty-four nautical miles from the baseline. In this area, the state can enforce laws in four specific areas: pollution, taxation, customs, and immigration.

In addition to defining ocean boundaries, the UNCLOS III convention established general obligations for safeguarding the marine environment and protecting freedom of scientific research on the high seas. It also created an innovative legal regime for controlling mineral resource exploitation in deep seabed areas beyond national jurisdiction, through an

### **Box 1. Innocent Passage**

Vessels have the right of innocent passage through any territorial waters with strategic straits allowing the passage of military craft as transit passage, in that naval vessels are allowed to maintain postures that would be illegal in territorial waters. “Innocent passage” is defined by the convention as passing through waters in an expeditious and continuous manner, which is not “prejudicial to the peace, good order, or security” of the coastal state. Fishing, polluting, weapons practice, and spying are not “innocent,” and submarines and other underwater vehicles are required to navigate on the surface and show their flag. Nations can temporarily suspend innocent passage in specific areas of their territorial seas if doing so is essential for their security.

International Seabed Authority. Exclusive economic zones (EEZs) extend from the edge of the territorial sea out to two hundred nautical miles from the baseline. Within this area, a coastal nation has sole exploitation rights over all natural resources. EEZs were originally introduced to halt clashes over fishing rights. Foreign nations have the freedom of navigation and flight, subject to regulation by the coastal states.

### ***Rapid Population Growth in the Littorals***

Densely populated coastal areas are creating vulnerabilities that affect international commerce and security of the maritime domain. As coastal cities expand, governments and, in many cases, supporting maritime infrastructure cannot keep pace. These areas are vulnerable to natural disasters and the effects of climate change. The inability to meet the growing needs of coastal populations can result in instability.

### ***Rising Transnational Crime***

Transnational criminal organizations threaten regional and global stability by exploiting gaps in maritime governance. Illicit drug and human trafficking is a growing issue that affects the security and viability of governments. Illicit drug trade in the Western Hemisphere is estimated at US\$88 billion per year, compared with the \$1 billion that makes up the combined defense budgets of Latin American countries. MSSR is a long-term approach for strengthening governance in those countries whose maritime spaces are exploited for illicit purposes.

### ***Competition for Scarce Maritime Resources***

When coastal states lack the capacity to enforce their EEZ claims, the risk of interstate conflict grows. Peacefully resolving territorial disputes over offshore energy resources requires effective maritime governance and cooperative security relationships that deter aggression. Without these conditions, such interstate competition can lead to open conflict.

### ***Dependence on Stable Maritime Governance for Access to Raw Materials and Markets***

The inability to effectively govern maritime spaces adds to economic uncertainty and inefficient market functions. MSSR is an approach for enhancing a littoral country’s economic development through reliable access to trading partners. Attention to MSSR is required from all countries but especially the United States and the other industrialized countries that have continuing interests in protecting the maritime commons. Since no country has sufficient capacity to do the job on its own, these countries will need to build partner capacity to deal with a range of emerging challenges in the maritime domain.

## **A Collaborative Approach to MSSR**

Improving maritime governance is less a centralized process for “problem solving” than a collaborative dialogue among public and private partners that interact to think about, plan, promote, aid, and benefit from improved maritime governance.

***MSSR is a long-term approach for strengthening governance in those countries whose maritime spaces are exploited for illicit purposes.***

## ***Assessment***

MSSR begins with an assessment process and facilitated dialogue among a country's citizens, government authorities, and a variety of security and economic partners committed to developing a shared understanding of the challenges and opportunities for change. This process must examine a country's history and value system as the baseline for initiatives that will improve maritime governance. It first identifies systemic social, political, and economic conditions that may contribute to ineffective governance. It then examines governance issues from the perspectives of the country's leaders and citizens (thus incorporating a country's history and culture in the assessment). Finally, it develops shared objectives for change that will guide planning and actions needed to address gaps in maritime governance.

Identifying specific gaps is a similarly collaborative activity. Using the MSSR Guide—a tool developed by the U.S. Department of State to assess six aspects of maritime governance—representatives of partnering governments and assisting organizations work collaboratively with the recipient nation to assess various elements of its maritime security, economy, governance, and infrastructure.

From this assessment, possible MSSR initiatives can be collaboratively developed with the recipient nation. Buy-in by the host country's authorities and influential groups is vital to accomplishing change. This socializing of initiatives for change should also foster a commitment to the transparency and accountability needed to gain broader public support. In situations where the rule of law is poorly defined or judicial processes have been compromised, mentoring relationships between those providing support and host nation government officials become particularly important.

## ***Defining and Socializing Shared "Value Propositions"***

*Value propositions* articulate how improved maritime governance will bring lasting benefits to coastal countries, their citizens, and their trading partners. They are the first output of the MSSR process, and, like the assessment, value propositions must be codeveloped by those assisting and those implementing change. MSSR activities must lead to tangible benefits for all constituents, including the partners who assist.

The Maritime Organisation for West and Central Africa was established in 1988 to integrate cooperation among twenty-five regional countries, including five landlocked countries, in the west and central African shipping range. This joint international project aims at reinforcing cooperation to address problems such as piracy, armed robbery, and other illicit acts in the maritime environment. Their efforts include combating illegal immigration, terrorism, and maritime pollution through coordination of existing coast guards on the subregional level. Participating countries will establish four coast guard zones to be controlled by Coast Guard Zonal Coordinating Centers in Senegal, Côte d'Ivoire, Nigeria, and Republic of Congo. Additionally, two Principal Coordinating Centers will be located in Ghana and Angola. Operational training has been provided by partner nations such as the Republic of Korea, Canada, the UK, and the United States, as well as UNCLOS and the UN High Commissioner for Refugees.<sup>1</sup>

## ***Establishing the Context for MSSR***

Since each country has its own unique governance issues, establishing a clear context for MSSR will determine much of the structure, priorities, and timelines for activities that improve maritime governance. Generally speaking, strengthening security is a prerequisite for most other MSSR activities. A secure environment enables a range of activities that develop or refine the rule of law and judicial process, improve the administrative aspects of governance (such as budgeting and revenue collection), expand education programs, and improve physical infrastructure such as ports and internal waterways. In each case, developing an organic

security structure creates the opportunity for change and protects the change process. The involvement of an existing government in accomplishing MSSR activities will depend on both its capacity to govern and its legitimacy among its citizens. Each MSSR context described below implies different levels of government involvement and external assistance.

**Preventive Context.** Measures are undertaken to address gaps in maritime governance, such as those being exploited by state or nonstate actors to the detriment of coastal countries, regional stability, or the international community (e.g., countering drug trafficking in Colombia; countering insurgency in the southern islands of the Philippines).

**Responsive Context.** More direct actions can be undertaken by military forces to respond to threats from insurgents, violent extremists, and criminal organizations; establish a secure environment; or provide relief when natural disasters or conflicts severely damage maritime infrastructure or compromise a government's ability to maintain order (e.g., the United States' and other countries' responses to natural disasters in Indonesia, Pakistan, Haiti, and Japan; antidrug operations in the Caribbean).

**Restorative Context.** When a government has failed as the result of conflict or widespread lawlessness, the international community may intervene to restore governance (e.g., Libya, Somalia).

## **Roles and Authorities of Organizations That Support MSSR**

### ***Roles and Authorities of U.S. Government Organizations***

While the principles for planning and executing MSSR activities are similar for U.S. domestic and overseas applications, the following discussion will focus on the role of U.S. organizations conducting MSSR in littoral countries. Coordination of military support to MSSR normally occurs through the Office of Defense Cooperation or the military group assigned to the U.S. embassy. This office, headed by a military officer who reports to both the ambassador and the commander of the Geographic Combatant Command, works closely with the host nation to understand its needs and enhance its security capabilities.

**Department of State (DOS).** As the lead agency for executing U.S. foreign policy, the DOS informs and implements U.S. involvement in MSSR through its regional bureaus and country teams.<sup>2</sup> It is also the principal coordinating agency within the U.S. government, and its functional bureaus advise and assist in planning and setting priorities for MSSR initiatives. To assist in assessing country-unique maritime governance challenges, the DOS developed an MSSR Guide for evaluating various aspects of maritime governance.

The U.S. ambassador and country team are the primary interface with countries requesting MSSR. The country team, composed of representatives from a number of U.S. agencies, interacts with various organizations of the host nation, advising them on various aspects of maritime governance. The country team also coordinates with other nations and U.S. and international NGOs that engage in MSSR activities. The usually small size and limited capacity of country teams necessitates careful setting of priorities in planning and activities. Above all, the country team is the primary face of the U.S. government in building and sustaining trust-based relationships with host nations.

**U.S. Agency for International Development (USAID).** USAID initiates and oversees development projects within a recipient country and coordinates with international partners and NGOs. The primary focus of development in the MSSR context is to improve maritime infrastructure that supports a country's economic growth. NGOs under contract with USAID, working in close coordination with the recipient country, will implement infrastructure projects.

**Civil Response Corps.** This innovative partnership brings together civilian federal employees who are specially trained and equipped to deploy rapidly to provide reconstruction and

stabilization assistance to countries in crisis or emerging from conflict. The Corps wields the necessary range of expertise and experience from nine federal departments and agencies: DOS; USAID; and the Departments of Agriculture, Commerce, Energy, Health and Human Services, Homeland Security, Justice, and Transportation.

**Department of Defense (DOD).** The DOD—specifically, the U.S. Navy, Marine Corps, and, when assigned, Coast Guard (USCG)—conducts a range of maritime stability, security, and law enforcement operations that ensure maritime safety, respond to disasters, and perform emergency repair of maritime infrastructure. The resources and capacity of the U.S. “sea services” make them the most capable organizations for supporting the security aspects of MSSR. However, whereas the USCG has specific law enforcement authorities, the Navy’s and Marine Corps’ primary national defense mission and authorities normally limit their involvement in training and equipping foreign maritime forces. In recognition of this limitation, in 2006, the U.S. Congress enacted Section 1206 of the National Defense Authorization Act, giving the secretary of defense the authority to train and equip foreign military forces for two specified purposes—counterterrorism and stability operations—and foreign maritime security forces for counterterrorism operations. A recent Congressional Research Service report stated that during fiscal years 2006–11, Section 1206 authority and funding supported bilateral programs in forty countries, sixteen multilateral programs, and a global human rights program.<sup>3</sup>

**U.S. Coast Guard.** For more than two centuries, the Coast Guard has safeguarded U.S. maritime interests at home and around the globe. Its legal basis is Title 14 of the United States Code, which states, “The Coast Guard as established January 28, 1915, shall be a military service and a branch of the armed forces of the United States at all times.” Upon the declaration of war or when the president directs, the Coast Guard operates under the authority of the Department of the Navy. The USCG protects the maritime economy and the environment, defends U.S. maritime borders, and supports the safety of those on the seas. USCG missions include security of ports, waterways, and coastal areas; drug interdiction; maintaining aids to navigation; search and rescue; protecting marine resources and environment; marine safety; national defense; interdiction of illegal migration; and ice operations. In each of these mission areas, the USCG has legal authorities and capabilities that enable it to contribute to most of the maritime governance functions listed in the MSSR Guide.

**Department of Justice (DOJ).** The DOJ and its subordinate organizations, the Federal Bureau of Investigation, the Drug Enforcement Agency, and the Bureau of Alcohol, Tobacco, Firearms and Explosives, are the primary resources for law enforcement and justice issues. Representatives of these organizations, as members of the country team, work closely with their host nation counterparts to assess law enforcement and judicial processes.

### ***Roles and Authorities of International Organizations in MSSR***

**United Nations.** The United Nations encompasses a wide array of agencies, programs, and funding resources applicable to MSSR and relevant to addressing underlying causes of instability. UN peacekeeping, relief, trade and development, refugee, and food and health programs complement a comprehensive approach to MSSR. For example, the UN Interim Force in Lebanon (UNIFIL) Maritime Task Force (MTF) began operations in October 2006. With the efforts of fifteen partner countries, including Bangladesh, Belgium, Brazil, Bulgaria, and Denmark, the UNIFIL MTF supports the Lebanese navy in monitoring its territorial waters. The UNIFIL MTF has assisted in securing the Lebanese coastline and preventing the unauthorized entry of arms or related material.<sup>4</sup>

**International security organizations.** The North Atlantic Treaty Organization and Southeast Asia Treaty Organization are examples of multinational security organizations capable of establishing maritime security in response to internal or external threats. In



some instances, these forces will support the opposition to repressive regimes and establish security for follow-on governance and infrastructure-related activities.

**U.S. and international NGOs.** NGOs often play crucial roles in MSSR, especially when identity-based conflicts prevent effective governance. NGOs can address specific needs within a country. For example, the World Engagement Institute develops culturally authentic rule-of-law processes.<sup>5</sup> The International Center for Religion and Diplomacy conducts faith-based reconciliation, drawing on a country's faith traditions to heal the wounds of history.<sup>6</sup> Other NGOs can increase educational opportunities or community health programs that support more effective maritime governance. NGOs supporting maritime relief efforts, such as Aidmatrix, match recipient needs with donor efforts to coordinate distribution of supplies through existing ports and airfields.<sup>7</sup>

The effort to reduce piracy in the Straits of Malacca is an example of successful international cooperation with U.S. support. The straits pass between Indonesia, Malaysia, and Singapore. More than 60,000 vessels, many of them tankers supplying oil from the Persian Gulf to China, transit this vital waterway annually.<sup>8</sup> During 2000–2005, piracy was a constant threat. In the second half of the decade, regional countermeasures led to a significant reduction in attacks. There were three contributing factors. First, the Indonesian government signed a peace treaty with the secessionist rebels in Aceh, who had relied on piracy to finance some of their activities. Second, Indonesia, Malaysia, and Singapore created the trilateral Malacca Straits Security Initiative in 2004. Recognizing their shared interests in reducing piracy, the three countries agreed to conduct joint air patrols and coordinate naval patrols of their territorial waters. Third, international actors including the United States, Australia, India, Japan, South Korea, and China provided financial, technical, and educational assistance.<sup>9</sup> These three developments—two regional and one international—helped improve the safety and security of one of the world's maritime choke points.

## Challenges to MSSR

A number of challenges complicate the planning and conduct of MSSR missions by the United States. First, there is an ill-defined process for determining which countries both desire and would benefit most from outside assistance to improve maritime governance. Second is the governmentwide lack of strategic planning and interagency operational capabilities among civilian agencies. Third is the tendency for “stovepiping” responses, with agencies operating independently, and for civilian agencies to avoid diverting scarce resources from their core missions. Fourth is the lack of personnel trained to conduct assessments and provide strategic planning for MSSR.<sup>10</sup> For recipient countries, domestic conditions, including the recipient government's credibility with its citizens and the workings of competing political factions, can hamper progress on many fronts. Also, the level of security and the willingness of governing officials to implement change may limit the scope and lengthen the time frame for accomplishing MSSR. The following examples underscore the importance of understanding the recipient country's cultural, political, economic, and social issues as well as public perceptions.

### *Implementing Rule-of-Law and Judicial Process Initiatives*

Creating legal processes that appear fair from the viewpoint of citizens and external partners is a continuing challenge. Often, bottom-up approaches that respect the sensitivities and cultural values of internal groups are needed to create a sense of fairness that top-down approaches may lack. To be sustainable, justice programs must have accountability and transparency and, ultimately, must contribute to the wealth available to a nation's citizens. Effective legal processes that consistently apply the rule of law are an incentive for external

investment. Organizations such as the World Engagement Institute build legal capacity, and while legal capacity is not uniquely maritime in nature, it helps a country govern its maritime spaces.

### ***Coordinating Public-Private Funding of Infrastructure Development***

Effective public-private partnerships require balancing the benefits to the public with those to the investing organization. Experience has shown that weak governance structures encourage corruption. Governing ministries must have the capacity to develop policy, provide supervision, manage operations, and provide logistical support. As tempting as the rapid development of maritime security services may be, capacity building and reform at higher levels of government is necessary so that operational forces do not fail for lack of support or turn to petty corruption to survive.

### ***Shifting from External Support to Sustainability***

Developing sustainable maritime governing processes usually takes longer than expected. Addressing maritime security issues requires a capable force and the capacity to govern maritime spaces. Most countries' naval forces are limited in their capability and capacity to perform maritime security in the littoral regions. Typically, the sheer volume of coastal traffic, fishing activity, and illicit commerce strains those forces, which were usually developed for other purposes, such as national defense. Effective maritime security requires specially tailored vessels, equipment, and training for coast guard personnel.

***The sheer volume of coastal traffic, fishing activity, and illicit commerce strains forces, which were usually developed for other purposes, such as national defense.***

### ***Balancing the Efforts and Objectives of Multinational Partners That Contribute to MSSR***

Increased competition among rising economic powers, as they seek more exclusive access to regional maritime infrastructure and pursue independent national security and economic objectives, can create friction. As discussed earlier, efforts to improve maritime governance benefit from trust-based relationships, and those relationships often translate into stable access for countries investing in MSSR. This strategic reality reinforces the need for continued U.S. investment in MSSR. It also underscores the diplomatic challenge of maintaining productive relationships during an era of competition with some rising economic powers. Meeting these challenges will require a consistent approach that balances the U.S. role of ensuring the safety and security of the maritime commons with respectful engagement of partners large and small. To the extent that competing countries can become effective partners in MSSR, the United States will continue to achieve its national objectives for a stable economic and security environment.

An example of effective interagency and international cooperation in the maritime littorals is the U.S.-led program for countering piracy and improving maritime security off the coast of Somalia, which is unable to exercise jurisdiction over its territorial waters. The State Department's coordinator of counterpiracy and maritime security and its DOD counterpart cochair the U.S. government's Counter-Piracy Steering Group, which implements a National Action and Partnership Plan involving activities undertaken by State, Defense, Homeland Security, Justice, and USAID. In conducting counterpiracy programs, the United States works with like-minded governments in the Contact Group on Piracy off the Coast of Somalia, which has formed five working groups to improve military coordination, expand law enforcement, raise the shipping industry's awareness and improve its self-defense, and develop the means to arrest pirate financiers and facilitators. Nearly seventy countries and several international organizations are involved in the antipiracy program. Actions taken by the group have significantly reduced the number of successful attacks on commercial vessels and increased the number of pirates arrested and brought to justice.<sup>11</sup>

## Conclusion

Like many contemporary security challenges, maritime security governance is not widely understood. Effective maritime governance requires comprehensive efforts that benefit the host nation and its security and trading partners. This context demands renewed emphasis on collaborative approaches to MSSR, as opposed to stovepiped initiatives, involving contributions from international donors and regional countries. Given the complexity of the social-economic-security interfaces, in order to implement sustainable change, capacity building for conducting MSSR must occur from both the bottom up and the top down. The planning for programs to improve security sector governance must begin with a clear and compelling vision for the future, integrating the hopes of communities with reasonable goals and timelines for implementing change. The evolving U.S. role in fostering relationships that enable change must begin with closer interaction within the U.S. interagency community. If MSSR is to become an integral strategic imperative for the United States, Congress and the administration must identify support for MSSR in partner countries as vital to protecting U.S. national interests.

## Recommendations

To provide more effective MSSR assistance, the United States should undertake the following actions:

- **Develop a process for assessing those countries ready for MSSR.**

Diplomatic engagement is the first step in determining which countries desire to improve their maritime governance and their potential for MSSR. At a planning level, the DOS regional bureaus, in consultation with the geographic combatant commands, U.S. country teams, and regional security partners, should evaluate candidate countries through informal coordination and annual meetings that evaluate and rank countries within each region. These ordered lists could then be evaluated by DOS, DOD, and other agencies to determine requirements and allocate the fiscal resources needed in each organization's budget planning cycle.

- **Improve U.S. interagency coordination.**

In line with improving the process for evaluating and ranking countries for MSSR, the required level of interagency coordination suggests that legislation may be needed to develop a greater impetus for unified action among U.S. departments and agencies. Specifically, Congress should

- better align authorities and resources of departments engaged in MSSR; and
- establish incentives for closer interagency coordination on MSSR planning.

A second recommendation for improving interagency coordination involves the professional education of career personnel in each of the departments and agencies that contribute to MSSR. The National Defense University, the Foreign Service Institute, and the United States Institute of Peace should establish training programs to advance the understanding of MSSR challenges and planning considerations.

- **Recognize that MSSR is inherently political.**

Assessing, planning, and coordinating MSSR is highly political, producing winners and losers. The process of improving maritime governance must have the support of the recipient government as well as its citizens. Obtaining that support through trust-based relationships requires time and patience. Minimizing friction requires cultural understanding of the recipient country and the public and private partners who support MSSR, as well as a long-term perspective.

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Serious security threats emanate from the maritime environment. Many of these threats are asymmetrical. They include illegal immigration; smuggling; weapons, drug, and human trafficking; illegal fishing; and environmental pollution. Such threats manifest in a country's territorial waters and exclusive economic zone. Responses to the challenge of maintaining maritime security suffer from two shortfalls, particularly in developing countries: (1) an emphasis on developing navies and military capacity when the problems require law enforcement, environmental control, and maritime safety (areas properly the responsibility of civilian coast guards, which many countries do not have); and (2) a failure of onshore ministries and other government entities to coordinate their activities, pool their resources, and cooperate regionally and internationally. Navies and coast guards are important, but they are not the solution to maritime security. Enhancing maritime security requires the awareness that no single maritime stakeholder, be it the government, industry, or the not-for-profit sector, can do the job alone. A comprehensive approach is required. It starts with improving the capacity for maritime governance and ends with the creation of national maritime security forces that are capable of protecting a country's citizens, sovereignty, and natural resources.

## Notes

1. African Maritime Safety and Security Agency, "Maritime Organisation for West and Central Africa (MOWCA)," 2008, [www.amssa.net/framework/MOWCA.aspx](http://www.amssa.net/framework/MOWCA.aspx); Oceans beyond Piracy, "The Oceans beyond Piracy Project," 2012, <http://oceansbeyondpiracy.org/matrix/activity/maritime-organization-west-and-central-africa-mowca>.
2. The country team is the senior U.S. coordinating and supervising body, led by an ambassador (or chief of mission), who is assisted by the deputy chief of mission (usually a career foreign service officer). The country team composition varies depending on alignment with U.S. priorities and presence in country. The personnel composition reflects commerce, security, diplomatic, and development concerns, including those associated with maritime issues. The country team provides a means for engaging the local population, key government officials, and other stakeholders. A well-functioning country team is the primary resource for understanding security and stability concerns, including what various sectors of the public expect from their government.
3. "Security Assistance Reform: 'Section 1206' Background and Issues for Congress," Nina M. Serafino, CRS RS22855, Jan. 13, 2012.
4. UNIFIL, "UNIFIL Maritime Task Force," Mar. 2012, <http://unifil.unmissions.org/Default.aspx?tabid=1523>.
5. World Engagement Institute, dedicated to developing government capacity in fragile states, has established a Somali Strategy Forum to examine justice, security, government administration, and economic development issues in Somalia.
6. The International Center for Religion and Diplomacy conducted faith-based reconciliation conferences in Sudan, Kashmir, and the Middle East as an effective track II approach to resolving identity-based conflicts. See International Center for Religion and Diplomacy, Mar. 2012, [www.icrd.org](http://www.icrd.org).
7. Aidmatrix, a nonprofit organization, provided an effective network interface between donor organizations and relief workers responding to earthquakes in Haiti. Employing principles of social networking, Aidmatrix leveraged the capabilities of government and private-sector transportation organizations to meet urgent needs in an austere environment.
8. See U.S. Energy Information Administration, "World Oil Transit Chokepoints," Dec. 2011, [www.eia.gov/countries/regions-topics.cfm?fips=WOTC](http://www.eia.gov/countries/regions-topics.cfm?fips=WOTC).
9. Andreas Graf, "Countering Piracy and Maritime Terrorism in South East Asia and off the Horn of Africa" (Pira-T Working Paper on Maritime Security no. 5, Apr. 2011), [www.maritimesecurity.eu/fileadmin/content/news\\_events/workingpaper/PiraT\\_Arbeitspapier\\_Nr4\\_2011\\_Graf.pdf](http://www.maritimesecurity.eu/fileadmin/content/news_events/workingpaper/PiraT_Arbeitspapier_Nr4_2011_Graf.pdf).
10. Ibid.
11. David Meron, "The War on Piracy," *State* magazine, Mar. 2012, 15–17.



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