Towards a Maritime Security Architecture for the Western Indian Ocean.

A strategic review for the Contact Group on Piracy off the Coast of Somalia (CGPCS)

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Executive Summary

The Contact Group on Piracy off the Coast of Somalia (CGPCS) was created in 2009 as an informal coordination mechanism to develop an emergency response to incidents of piracy off the coast of Somalia. A forum was required through which efforts could be focused, resources employed more efficiently, and the global shipping industry could be well integrated in the solution. Given a situation in the Western Indian Ocean where piracy has been contained to reasonable levels since more than seven years, but several other maritime security challenges persist in the region, the CGPCS is at a critical juncture.

Rationale

Since the 19th plenary of the CGPCS several participants have expressed interest in changing the status quo and have called for a revision of the working methods and the focus areas of the group as an international and regional mechanism. In the 21st plenary, CGPCS participants have called for a substantial evaluation of the options for transforming the CGPCS and ensuring that any work remains relevant and forward looking.

This report systematically evaluates the costs and benefits of four options for the group:

- Option 1: Maintaining the status quo of an annual meeting focused on piracy with a plenary and preparatory working groups,
- Option 2: Revising the working methods and meeting configuration, including through an on-call plenary,
- Option 3: Widening the mandate of the CGPCS to include other regional maritime security issues, such as smuggling or environmental crime,
- Option 4: Transferring the CGPCS into another wider regional maritime security structure, such as through the creation of a new coordination instrument or making the CGPCS a subsidiary body of another regional integration mechanism.

Analysis

The options are evaluated on the basis of four analyses: 1) An analysis of the records of the CGPCS and its past reform discussion, 2) consultations with core participants in the CGPCS, 3) an analysis of the maritime security environment in the Western Indian Ocean, and 4) a mapping of maritime security coordination instruments of relevance for the region.

Section 2 firstly documents the important functions that the CGPCS has played in coordinating the response to piracy off the coast of Somalia. Secondly, it shows that part of its strengths was to continuously adopt and revise the working methods. The discussion of the reform processes of the group (section 2.2) also gives a better understanding of which proposals have not been consensual in the past. **Section 3** details that piracy remains a major issue in the region, but that several other maritime security issues deserve attention and are priorities. It shows that there is an indication that piracy is linked to other maritime-related crimes, thus requiring that the response to piracy should not be discussed in isolation of other maritime crimes. **Section 4** reviews the current institutional mechanisms in the region that provide overall governance instruments and address operational coordination, capacity building coordination and maritime domain awareness. The review comes to the conclusion that the institutional environment is increasingly fragmented, there is a high risk of

duplication and overlap and that more efforts are required to achieve synergies between initiatives and instruments.

On the basis of the analysis in the four sections, the report emphasises the need for short-term revised working methods as well as for a long-term strategy to address fragmentation and achieve synergies. In **section 5**, the report makes the following recommendations:

Ensure a flexible CGPCS that acknowledges the changing strategic environment

Although the CGPCS operates in an increasingly fragmented and crowded strategic environment it continues to play fulfil an important function. This in particular concerns its **role in ensuring high level commitment of international and regional actors to address piracy**.

The particular **strength of the CGPCS** compared to other institutional arrangements is its **flexibility and inclusivity.** It does not limit participation to particular states, and allows non-state and sub-state actors to participate, including the industry and the Somali regions. These are key characteristics, which should remain defining principles of the CGPCS.

The CGPCS offers a **unique combination of technical and legal expertise and political representation**. No other regional institution currently offers these benefits. The combination of practical and executive level engagement facilitated through the CGPCS should be continued.

Efforts are required to ensure that the CGPCS remains an **agile mechanism**, which is able to identify and respond effectively to the situation in the region. This requires that the CGPCS is duly integrated in a long-term strategy for the region to best achieve **synergies** between the different responses to maritime crimes in the broader infrastructure of mechanisms and frameworks. This concerns in particular capacity building, operational coordination as well as maritime domain awareness.

Focus on piracy and related criminal networks

The CGPCS **works best if it remains focused on piracy**. It is this clearly-focused mandate which has allowed the CGPCS to work and develop the current counter-piracy structure. The CGPCS should continue to stand as an independent body to avoid undermining its unique function.

In light of the maritime security environment discussed in sections 3 and 4, it is suggested, however, that the CGPCS **pay more attention to the organised crime networks** that engage in piracy and other maritime crimes.

Strengthen the plenary and embed it in a maritime security week

The CGPCS requires a strong plenary. An **annual plenary should be maintained.** Future plenaries could, however, be considerably shorter, and more focussed on matters of concern. Plenaries could be concluded by a **joint press statements, rather than a communique**.

To address fragmentation, ensure the identification of synergies and avoid duplication with other mechanisms, the CGPCS plenary could be held in the margins of or **linked to meetings of other regional maritime security mechanisms dealing with related issues**. Such a format would also **ensure high-level representation and cost efficiency** by reducing the overall number of meetings required in

the region. Such a meeting format could for instance be a **maritime security week** held in the region. UNODC could be invited to make a proposal for such a meeting format.

The **long-term objective** of such a meeting format in a five to ten-year frame could be a **new overarching coordination mechanism**, such as a "Contact Group on Maritime Crime in the Western Indian Ocean" of which the CGPCS would form a part as one of the working groups. The **brand of the CGPCS however should be maintained**.

Focus on what works: Working Groups & Associated Groups

The **two CGPCS working groups on Capacity Building and Operations at Sea** are either dormant or have fulfilled their purposes and **should be closed**. Remaining **work can easily be transferred** either to the plenary or other existing regional mechanisms. This would further strengthen the plenary as the core body in which matters of concern are discussed, as well as recognise the ongoing work of other bodies.

The work of the **Law Enforcement Task Force (LETF) and the Maritime Security Coordination Committee (MSCC) should continue their important work** and provide updates to the plenary. Both groups in essence are technical groups that operate independent from the CGPCS. Their link to the plenary should be maintained through regular briefings, and they should be encouraged to hold meetings in the margins of the plenary.

Maintaining a network of legal experts is important, but considering the current legal issues, a **dedicated network on piracy is not necessarily required**.

Further enhance the role of the Chair and Secretariat

Given the complex strategic environment and growing number of mechanisms dealing with maritime security in the region, the Chair and secretariat should be given a prominent role. For the efficient working of the CGPCS it is important that it has a **reliable and efficient Chair** and support from a **strong and responsive secretariat**.

The Chair needs to **ensure that the visibility of the CGPCS remains high.** Visibility measures include a dedicated communication strategy, frequent press statements, as well as other communications, such as updates through newsletter or social media. Also, the legacy of the CGPCS needs to be secured. This implies that the web presence and archive of the CGPCS, the results of the Lessons Learned Project, as well as of the Legal Forum are transferred and managed in the frame of a long-term solution. This could be a task given to the RMIFC in Madagascar.

Sustained efforts are required to ensure that the CGPCS **list of contacts remains up to date** and that these contacts contain both **details of political representatives as well as technical and legal experts** on maritime piracy from states and international organisations. This is to guarantee that, should a crisis situation arise, the CGPCS network can be quickly mobilised.

Chapter 1: Introduction

The work conducted within the framework of the CGPCS is one of the key factors explaining the decline of piracy incidents off the coast of Somalia. Working alongside and complementing the work of the UN Security Council and the International Maritime Organization, the CGPCS is the main coordination body for the international response to piracy.

Given the success of counter-piracy operations, since the 19th plenary of the CGPCS several participants have expressed interest in changing the status quo and have called for a revision of the working methods and the focus areas of the group as an international and regional mechanism. In the 21st plenary, CGPCS participants have called for a substantial evaluation of the options for transforming the CGPCS and ensuring that any work remains relevant and forward looking.

This report systematically evaluates the costs and benefits of four options for the group:

- Option 1: Maintaining the status quo of an annual meeting focused on piracy with a plenary and preparatory working groups,
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- Option 4: Transferring the CGPCS into another wider regional maritime security structure, such as through the creation of a new coordination instrument or making the CGPCS a subsidiary body of another regional integration mechanism.

The options are evaluated on the basis of four analyses: 1) An analysis of the records of the CGPCS and its past reform discussion establishing the particular strengths and weaknesses of the CGPCS configuration as well which reform measures and proposals have been made in the past. 2) Consultations with core participants in the CGPCS ("Friends of the Chair") were conducted to gain an understanding of current thinking and the feasibility of different options. 3) An analysis of the maritime security environment in the Western Indian Ocean provides an overview of the different maritime security issues that are of concern in the region. 4) A mapping of maritime security coordination instruments of relevance for the region identifies which instrument are currently already active.

The analysis documents firstly the important functions that the CGPCS has played (Section 2.1) in coordinating the response to piracy off the coast of Somalia. Secondly, it shows that part of its strengths was to continuously adopt and revise the working methods. The discussion of the reform processes of the group (section 2.2) not only makes that point, but also gives a better understanding of which proposals have not been consensual in the past. Section 3 details that piracy remains a major issue in the region, but that several other maritime security issues require attention. There is moreover an indication that piracy is linked to other maritime-related crimes. The response to piracy should hence not be discussed in isolation of other maritime crimes. Section 4 reviews the current institutional mechanisms in the region that provide overall governance instruments and address operational coordination, capacity building coordination and maritime domain awareness. The review comes to the conclusion that the institutional environment is increasingly fragmented, there is a high risk of duplication and overlap and that more efforts are required to achieve synergies between initiatives and instruments.

On the basis of the four analyses, the report emphasises the need for short-term revised working methods as well as for a long-term strategy to address fragmentation and achieve synergies. Section 5 makes a series of proposals. These include general observations highlighting the importance of the CGPCS continuing its work focused on piracy while paying more attention to the work in other maritime security institutions. Proposals are made for the plenary, the working groups as well as the chair.

Chapter 2: The CGPCS and its reform debate

This section revisits the reasons why the CGPCS was created and the functions it performs. It then reconstructs the changes to working methods that have been initiated since 2014 under the chairmanship of the European Union (EU), Seychelles and the Indian Ocean Commission (IOC) as well as the arguments and proposals made in this debate. The goal is to demonstrate both the value that the CGPCS had in the overall response to piracy off the coast of Somalia, as well as its flexibility in changing the working methods to respond to the current needs. The analysis is based on the results of the lessons learned project (2014-2018)[1], meeting records, as well as consultations with the Friends of the Chair conducted in spring 2019.

2.1 Core functions of the CGPCS

The CGPCS was installed in 2009 as an **emergency response mechanism** by a range of states. The goal was to establish a flexible and informal problem-solving mechanism that would allow to develop responses to piracy activity in a rapid manner. With the decline of piracy incidents from 2012, the function as an emergency response mechanism has lost much of its importance and the current structures are operated in routine mode. The CGPCS, however, continues to provide a format within which any emerging crisis situation could be dealt with.

A core concern in establishing the CGPCS was **inclusivity**. No other global institutional mechanism could ensure that all actors relevant to addressing piracy would be actively integrated in the coordination process. This concerned primarily the **shipping industry as one of the key stakeholders** in maritime security. Increasingly it also concerned the different political entities of Somalia, in particular its regional governments. The CGPCS remains the only format in which non-state or sub-state actors are involved in the political deliberation of counter-piracy strategy, which has been a strength for its functioning.

The CGPCS evolved as a mechanism through which **high-level political commitment** to counter-piracy was ensured. The deliberations of the CGPCS also ensured **significant legitimacy for the counter-piracy activities** of different actors, given that these were based on a shared consent concerning the situation as well as arising needs for further action. This implied also a degree of **accountability**, as actors are asked to provide regular updates on their activities.

The CGPCS acts as a core **information sharing mechanism** through which information on ongoing and planned activities are shared, and actors could identify synergies in their programme delivery. Information sharing in the form of reports also provides a basic form of **coordination**, as it allows for **avoiding duplication and identifying gaps** in the response.

The informal CGPCS set-up has enabled **a unique combination of technical expertise** in the fields of naval operations, international law, law enforcement and capacity building, in particular legal expertise, **and high-level political representation**. This has allowed for the development of workable responses vital for the suppression of piracy, including the arrest, transfer and prosecution system, the legal toolkit, naval coordination, industry-navy coordination and best management practices, as well as several capacity building projects often jointly delivered by different actors. High-level political representation ensured political support as well as the resources required to implement these measures.[2]

Through the CGPCS communiques, actors also agreed on a shared analysis of the current situation and the required **strategic direction**. This would inform national decision making as well as the strategies of international organisations, the shipping industry and capacity building providers.

Finally, given the brand that the CGPCS has established, it also has a potential **deterrent effect** signalling to prospective perpetrators and piracy action groups that the international community remains alert and committed to address piracy.[3] This function became particularly important in the light of the reduced resources, particularly in the form of naval assets, devoted to counter piracy.

2.2 The reform debates and plenary agendas

Throughout its life the **CGPCS has been a flexible organisation** and to respond to the developments at sea and at land, it has continuously revised its working structures. Between 2009 and 2014 the CGPCS worked in a settled configuration of five working groups and bi-annual plenary meetings.[4] Occasionally this work was complemented by technical subgroups, such as on capacity building, maritime domain awareness, financial flows, or lessons learned. Starting from the 15th plenary held in 2013, there has been a substantial discussion on how to streamline and revise the working methods of the group. This was initially a reaction to the decline in piracy incidents and the fact that the structures put in place contained piracy activity, as well as the progress made within Somalia. The reforms were also motivated by the **need to shift the focus from a short-term emergency response to piracy activity at sea towards a long-term strategy** in which the region would increasingly be able to handle the problem on its own. Finally, reforms were also necessary given the **decline of international attention to the piracy problem and the lower availability of resources for addressing it.** The reform debate and steps taken are reconstructed below.

2014 Paris Reform and the European Union chair: Regionalisation and Downscaling

A first major reform initiative was undertaken under the Chairmanship of the European Union. Following the call for a strategic review of the 15th plenary, the EU organised a strategy meeting in Paris on the 28th of January 2014. Recognising the changed priorities, it was decided to continue working in a revised and more efficient configuration.

The number of working groups was reduced to three: The Capacity Building Group would focus on the coordination of capacity building work in Somalia and the region. The Working Group on Maritime Counter-Piracy and Mitigation Operations would continue the work of the former Working Groups 1 and 3 with a focus on coordination of naval activities and the relation to the shipping industry. The Working Group on Disrupting Pirate Networks Ashore would continue to focus on financial flows, tracking and arresting piracy kingpins supported by a dedicated autonomous Law Enforcement Task Force. It was decided to discontinue the legal working group. The Working Group was replaced by the Virtual Legal Forum of the CGPCS "which is not a Working Group but will report to Plenary".[5] It was projected to function as a virtual network of legal experts that would provide an on-call structure should novel legal challenges arise.

It was decided that actors from the region should take on more responsibility and that each of the working groups should be at least co-chaired by one regional actor.

The reform was agreed upon at the 16th plenary, held in New York on the 14th of May 2014. In the following 17th plenary, held in Dubai on the 28th of October, it was further decided to reduce the number of plenaries from two to one annual meeting.

Incrementally, the working agenda of the plenary and working groups was also extended to include discussion items more loosely related to piracy, such as general capacity building work, the problem of fishery management, or general maritime domain awareness.

Victoria reform (2016-2017): Streamlining the CGPCS, reconsidering its mandate

The Seychelles assumed the chairmanship in 2016. At a strategy meeting held in Mumbai on the 1st of February 2016, the participants agreed "to further streamline the work of the CGPCS which could be done in reducing the number of working groups […], to consider the renewal of the mandate of the CGPCS to include other maritime threats in particular illegal fishing; to consider the future of the group to be domicile within a lasting structure at regional level, the Indian Ocean Association Rim was mentioned as a potential candidate."[6]

Following up on these recommendations, the chair organised a consultation process in preparation of the 18th plenary. A paper was circulated that outlined three options for the CGPCS and participants in the group were invited to comment on the paper. The paper proposed the consideration of three options: firstly, a functional extension which would see the group address other maritime security issues in the Western Indian Ocean, secondly, a regional extension implying a widening of the focus to include piracy in other regions (Western Africa, Southeast Asia), and thirdly, to streamline the work of the group and work towards transferring the remaining tasks in the medium term to other institutions. The consultation process did not lead to a clear conclusion, but revealed that each option was favoured by some of the CGPCS participants.

During the discussions at the 19th plenary, held in Victoria, Seychelles, on 31st of May to 3rd of June 2016, streamlining emerged as the only feasible option to proceed, with clear proposals to reduce the number of meeting formats. A substantial debate evolved on whether this would imply continuing to work in a plenary (closing down the working groups), or if the working groups should remain as the main format, while a plenary would only be called if required. A broad coalition of participants preferred a model in which the CGPCS plenary would only be organised if absolutely required and the work would be continued in working groups. Other participants preferred the opposite model: to continue the plenary meetings which would take over the functions of the working groups. The argument was that the CGPCS plenary performs important diplomatic functions and ensures high-level information exchange which working groups would not be able to provide.

No consensus was reached on the matter, in particular concerning on whether an on-call plenary could be installed and how such a plenary would be activated. Several delegations raised the issue of whether any change of the nature of the group would require a UN Security Council mandate (further discussed in Annex 1). The 19th plenary decided to principally continue the current working structure, but introduced a range of adjustments in order to streamline the efficiency of the group.

This concerned firstly the working group formations: The Capacity Building Group was split into two issue groups (one group on coordination in Somalia and the other on the region). Responsibility for the coordination work in Somalia was transferred to the Somali Maritime Security Coordination Committee (MSCC). The Committee was not considered an immediate CGPCS Working Group, but

should provide an annual update to the CGPCS Chair. The regional coordination of capacity building was moved to a new working group, the Regional Capacity Building Coordination Group (RCBCG).

The working group on Maritime Counter-Piracy and Mitigation Operation "took note that the bulk of the work was completed, or is done under other mechanisms such as SHADE", but also noted that "several states felt the need that the functions of the group remain important and that it continues its work should an emergent issue arise".[7]

The working group on kingpins and financial flows was officially closed, yet it was recommended that the technical subgroup of law enforcement staff (the Law Enforcement Task Force) would continue its work with UNODC support.

The plenary also reached principled agreement that a transition strategy is needed which would imply gradually transferring core tasks of the working groups to other regional bodies. It also called upon the chair to provide an annual report on the activities of all sub-groups of the CGPCS.

Against the backdrop of a spike of minor piracy incidents in spring 2017, the discussion on the working structure was continued at the 20th plenary, held in Mauritius on 5th to 7th of July 2017. Facing the risk that any major changes to the CGPCS would send the wrong signals to piracy action groups, it was decided to continue the work in the existing configuration with a number of minor adjustments.

An attempt was made to revitalise the working group on Maritime Counter-Piracy and Mitigation Operations. The group was renamed to Working Group on Operations at Sea (WGOPS) and it was agreed that it should play a lead role in "evaluating the threat and risk situation at regular intervals and advising the Chair".[8] It was noted, however, in the plenary that the Working Group on Operations at Sea had not met outside the plenary, and that a need for maintaining the group was not given.

It was also discussed whether the Regional Capacity Building Coordination Working Group could be merged with other regional coordination mechanisms, such as the Djibouti Code of Conduct structure.

In addition, the plenary aimed at prescribing more clearly the role and functions of the Chairmen. This was in order to prepare for an option in which the plenary would not be held annually but only if required. The main tasks outlined for the Chair were seen as providing regular updates and ensuring good communications between the participants outside the plenary meetings. It was also clarified that the chair has the power to call a plenary when the situation at sea would require it. The plenary moreover agreed that future chairs should come from the region and that they have a mandate "lasting one term of no less than 2 years".[9]

Current Debate (2018-): Dormant Working Groups and a reconsideration of the Mandate

In 2018 the government of Mauritius representing the Indian Ocean Commission took over the chairmanship. During a strategy meeting held in Mauritius, it was decided that the reform debate required ongoing attention. Moreover, the new chairperson actively advocated for broadening the mandate of the CGPCS to include other regional maritime security issues.

During the 21st plenary, held in Nairobi on 13th of July 2018, the chair advocated for "a documented reflexion towards a medium to long term pro-active approach with an enlarged mandate to crimes and threats directly related to piracy."[10] The debate on this proposal did not reach a consent, and it was "decided to postpone the consideration of this proposal to the next Plenary".[11]

At the plenary, participants voiced concerns about the content of the working groups. It was noted that the Capacity Building Working Group as the only de-facto active format had strong overlap with the work of the Djibouti Code of Conduct. Participants also observed that the Working Group on Operations at Sea had not assumed its core function to evaluate the situation at sea in regular intervals in order to advise the chair.

Since the 22nd plenary none of the working groups have shown any activity, indicating that the working group chairs and the participants do not consider an ongoing need for these meeting formats. With the 22nd plenary, the CGPCS also faces the challenge of identifying a new chairman, given that the mandate of the current chair expires by the end of 2019.

2.3 Current working configuration

In May 2019 the group formally has the following working configuration.

Plenary

An **annual one-day plenary** that consists of briefings on the threat at sea and ongoing activities. The plenary has as its main outcome a **concluding communique** commenting on the current state of piracy in the region, reviewing current and planned activities and programmes to contain piracy and build counter-piracy capacities, and identifying gaps and needs, as well as issuing a **press statement** publicised in a press conference.

CGPCS Chair

CGPCS Chair supported by a (voluntary) Secretariat organises plenary meetings, issues press statements on recent developments and incidents, maintains the CGPCS network and list of contacts, ensures internal as well as external communication and is responsible for securing the legacy of the group including the document archive and the results of the lessons learned project (at www.lessonsfrompiracy.net). The Chair has a mandate for two years and should come from the region.

Two official Working Groups

The **Regional Capacity Building Coordination Group (RCBCG)** is tasked with coordinating capacity building in the region.

The **Working Group Operations at Sea (WG OPS)** is tasked with discussing issues related to operations at sea, including the coordination with the shipping industry.

Associated Groups

Three **associated technical groups** are linked to the CGPCS but do not officially have the status of a Working Group:

The **Law Enforcement Task Force (LETF)** is tasked with the exchange of intelligence in order to contribute to the arrest and prosecution of piracy kingpins.

The **Virtual Legal Forum (VLF)** is tasked with maintaining the network of legal experts of the CGPCS. It operates a website at http://www.piracylegalforum.org/

The **Maritime Security Coordination Committee (MSCC)** took over the coordination of capacity building in Somalia from the Capacity Building Coordination Group in 2017 and continues to report to the plenary.

Trust Fund

The **International Trust Fund Supporting Initiatives of the CGPCS (Trust Fund)** provides a funding mechanism for projects that support the work of the CGPCS, but is formally an instrument independent from the CGPCS. It reports to the plenary.

Chapter 3: The Maritime Security Environment in the Western Indian Ocean

In this and the following section we provide a mapping of the maritime security environment in the Western Indian Ocean. We describe current maritime security issues in the region on the basis of desk research. The succeeding section presents the results of a mapping of the institutions that currently respond to these issues. As both sections demonstrate, there is growing complexity both in terms of issues as well as response mechanisms. While a substantial number of threats and risks exist, the analysis raises the question of what particular needs the CGPCS serves within the current maritime security environment.

3.1 Piracy

Piracy, which has arguably been the most pressing maritime security issue in the Western Indian Ocean (WIO) for a long time, has been contained as a result of a number of factors, including a strong well-coordinated international naval response, investments in additional security measures by the international shipping industry, and the increased commitment of countries around the Horn of Africa (HoA) to prosecute and incarcerate suspected pirates. Altogether, these measures have been instrumental in increasing the stakes for pirates in the WIO, rendering their business a high risk - low profit activity. However, that is not to say that piracy has truly ended. Following the end of NATO's Operation Shield in December 2016, accompanied by reductions in patrols by the other two anti-piracy operations off the HoA, the region has seen a new spike in pirate activity, with incidents effectively doubling in 2017 as compared to the 2016 numbers[12], and the year of 2017 seeing the first successful hijacking of a large commercial vessel since 2012, with the oil tanker Aris 13 being hijacked en route to Mogadishu.[13] However, for 2018, the International Maritime Bureau (IMB) only recorded three attempted attacks for Somalia and the Gulf of Aden.[14] For the first quarter of 2019, the IMB did not record any incidents,[15] while one successful attack in April 2019 led to a Spanish interception under EU NAVFOR Atalanta, during which five piracy suspects were apprehended and transferred to Seychelles for prosecution.[16]

There are concerns that pirates are currently only probing security measures and responses by launching renewed attacks, and that piracy incidents could rapidly increase if the risks are deemed low enough by the pirates.[17] The most recent EUNAVFOR threat assessment comes to the conclusion that at least one piracy action network remains active.[18]

Overall, the economic, social, and political conditions that once used to allow piracy off the HoA to thrive continue to be present. While the Somali government has managed to increase stability and extend the rule of law at land and at sea, it is a fragile peace and has only been possible with considerable external support. There are nonetheless many areas that remain outside of the reach of the central government. Clan politics, the contested nature of the autonomy of Somaliland and Puntland, as well as the influence of extremist groups such as al-Shabaab and the Islamic State in Somalia (ISS), which is affiliated with the Islamic State (ISIL), continue to pose challenges to an effective imposition of state governance, making the current stability in the country very fragile. Pirates are also suspected of liaising with or basing themselves in areas controlled by al-Shabaab in order to avoid arrest.[19] Apart from that, economic marginalisation continues to affect large parts of the population, creating an environment in which piracy and other maritime crime can thrive.

Further, while some of the principal pirate leaders have been arrested, some continue to be at large, and have shifted their remaining financial and naval assets, manpower, and networks towards other forms of maritime crime, such as human trafficking and the smuggling of drugs and arms.[20] Piracy may therefore see another resurgence once these alternative ways of creating illicit income are rendered less attractive by the implementation of countermeasures.

While the CGPSC remains the premier international instrument to address piracy, over the years a broader range of regional instruments has started to address it, as indicated in table 1.

Table 1: Instruments concerned with piracy in the WIO

Africa's Integrated Maritime Strategy 2050 (AIMS)
Combined Maritime Forces (CMF)
Contact Group on Piracy off the Coast of Somalia (CGPCS)
Djibouti Code of Conduct (DCoC)
East African Standby Forces (EASF)
Eastern and Southern Africa Indian Ocean Strategy (MASE)
Galle Dialogue
Indian Ocean Five
Indian Ocean Naval Symposium (IONS)
Indian Ocean Regional Information Sharing and Incident Management Network (IORIS)
Intergovernmental Authority for Development (IGAD)
Lomé Charter of the African Union (AU)
Maritime Security Center Horn of Africa (MSC-HoA)
Regional Fusion and Law Enforcement Centre for Safety and Security at Sea (REFLECS3)
Regional Maritime Information Fusion Center in Madagascar (RMIFC)
Regional Center for Operational Coordination (RCOC)
Sea Power for Africa Symposium (SPAS)
Shared Awareness and Deconfliction Mechanism (SHADE)
Southern African Development Community (SADC)

3.2 Extremist Violence at Sea

An issue of increasing relevance in the WIO is extremist violence at sea. On the one hand, the civil war in Yemen that started in 2015 has also spilled over into the maritime domain. On the other hand, the threat of groups based in Somalia should also be taken into account. Overall, there are three extremist groups that will be highlighted here.[21]

The Houthi rebel group operating in western Yemen is the most relevant threat to maritime traffic in the area. The group has carried out multiple attacks on ships passing through the Red Sea using land-based missiles, which is the most common attack vector[22]. While ships under the flag of the Coalition states are the primary target, ships of uninvolved nations might have nonetheless been attacked by Houthi forces.[23] In addition, in hopes of restricting access to coalition forces, the Houthis have laid sea mines along the Yemeni coast and around major ports, utilising both commercial sea mines and improvised devices. Given that sea mines are not targeted, they pose an indiscriminate threat against ships navigating the area. At least thirteen fishermen have been killed by sea mines in the area since July 2018.[24] Further, sea mines can break loose from their moorings and drift into shipping lanes that are deemed safe, increasing the risk for international shipping. A third attack vector is the usage of

explosive-laden radio-controlled drone boats that are then rammed into ships in the area. While these are more likely to be targeted at coalition naval assets, commercial ships are nonetheless at risk, and unlikely to outrun or evade such attacks.

Another major actor conducting attacks on ships in the WIO is Al-Qaeda in the Arabian Peninsula (AQAP). The group has been active in the area for a long time, but has been invigorated by the outbreak of the Yemeni Revolution of 2011, when it established an Emirate in the area.[25] Today, the group still controls large parts of eastern Yemen, including coastal areas that it uses to stage attacks on ships in the WIO. The group mostly employs explosive-laden boats, either remote-controlled or in the form of manned suicide boats. Prominent attacks include the one against the Marshall Islands' crude oil tanker MV Muskie in 2017, which was fired upon with RPGs.[26]

Lastly, the treat of ISIL in Yemen and Somalia and al-Shabaab in Somalia should also be highlighted. While neither group has engaged in attacks on ships before, all of them pose significant threats to stability in the region, and rely on arms smuggling for supply, therefore fuelling other types of maritime security threats. Further, al-Shabaab has previously mounted seaborne attacks on coastal towns.[27]

3.3 Smuggling and Human Trafficking

The smuggling and trafficking of people and various illicit goods have gained saliences on the regional maritime security agenda. This concerns firstly **narcotics** smuggling. While heroin and other opiates produced in Afghanistan were traditionally smuggled through Iran and Turkey on the Balkan route or the northern route via Central Asia and Russia to reach destination markets in Europe, these two routes have become riskier over the last few years as a result of the European Union's sanctions on Russia and the conflict in Syria, prompting both the European Union and Turkey to impose stricter border controls on Russia and Iran, respectively. The southern route, that is, the smuggling of drugs via ports in Iran and Pakistan, has thus risen in importance, and offers a large variety of destinations, as this route allows smugglers to service markets in Europe, Africa, the Middle East, Southeast Asia and Oceania, and even North America.[28] Large drug seizures in the WIO over the past few years are indicative of this problem. In December 2018, the United Kingdom's HMS Dragon of the Combined Task Force 150 conducted the largest drug seizure in Combined Maritime Forces history, with almost ten tons of hashish being seized from two Dhows.[29] Given that the trafficking of cannabis products like hashish produced in countries surrounding the WIO mainly takes place on an intraregional or national level,[30] this seizure also indicates that smuggling networks for these products may be expanding internationally. While the United Nations' World Drug Report 2018 suggests that the southern route may be decreasing in importance for the shipment of drugs to Europe,[31] Afghan opium production has increased by 87 per cent from 2016 to 2017,[32] and the rising importance of the African market for opiates may result in a marked increase in the amount of drugs transported via the southern route. One problem facing agencies seeking to disrupt the traffic of smuggled drugs is the lack of effective deterrents. Mandates for counter-narcotics operations are afforded to hardly any nations participating in CMF operations in the WIO, and the lack of a legal basis for arrests often may mean that smugglers have little to fear even if they are caught.[33] The fact that trade and fishing in the area are primarily conducted by dhows also makes it easy for the smuggling vessels to blend in with other small ships traversing the WIO. It should be noted that the smuggling of drugs does not only affect the destination markets, but also the countries that serve as waypoints along the route.[34] Heroin abuse now affects more than 5 per cent of the Seychelles' population aged 15 years or older[35]. Trans-

shipment countries not only have to fight increased levels of drug abuse, however, but also all kinds of associated crime, such as the increased precedence of theft, robbery and burglary.

The smuggling of **weapons** is another issue that has come to the fore more recently, particularly due to the fragile situation in Somalia and the Yemeni conflict. On the one hand, this has resulted in small arms being smuggled to Somalia to be sold to extremist groups there. On the other hand, heavier weapons are being smuggled to Yemen. Both Yemen and Somalia are currently under an UN-imposed arms embargo, making the smuggling of weapons a highly-illegal affair. In general terms, one can distinguish between three types of weapons smuggling, namely smuggling carried out by criminal networks, small-scale weapons smuggling, and smuggling with governmental involvement.[36] Large-scale shipments generally seem to involve Iranian-manufactured weapons that are smuggled on dhows setting off from the Iranian coast, either bound for Yemen or Somalia[37]. One example is the seizure of hundreds of AK-47 assault rifles, machine guns and anti-tank weapons by a French frigate from a dhow heading towards Somalia in 2016.[38] Smaller-scale smuggling involves criminals purchasing weapons in Yemen that are then delivered to Somalia. The smuggling of weapons from Yemen to Somalia is also closely connected to the trafficking of humans and Illegal fishing, as weapons are often smuggled aboard fishing vessels, and human traffickers bringing people to Yemen also engage in weapons smuggling on the way back.[39]

Another type of smuggling that regularly occurs in the WIO is the smuggling of **charcoal and sugar.** In circumvention of the export ban on charcoal, al-Shabaab smuggles an estimated 3.5 million bags of charcoal out of Somalia to Gulf countries, providing the organisation with around $8 million of annual profit, both in the form of smuggling turnover and illegal taxation of the product.[40] Sugar is smuggled into Somalia via Kismayo port in the south of the country, where it is then loaded onto trucks and transported on to Kenya. Both al-Shabaab and the Kenyan Defence Force (KDF) profit off the smuggling, levying taxes on the sugar.[41] Putting an end to sugar and charcoal smuggling would not only cut off an important source of terrorist financing, it would also slow down deforestation in Somalia, as 1.5 million acacia trees are felled every year in the country, to be used for the production of charcoal.[42]

Wildlife crime is also relevant in this regard. These illicit goods are frequently smuggled through ports in East Africa to reach destination markets in Asia. Demand in Asia for ivory and rhino horn has recently surged as a result of increasing incomes. In the period of 2009-2011, more shipments of 800 of more kilograms of ivory were seized in East Africa than for the 2000-2008 period.[43] The UNODC estimates that around 56 to 154 metric tons of illicit ivory is produced as a result of poaching in East Africa each year.[44]

The **trafficking and smuggling of humans** are one further type of crime to consider. Flows between the HoA and the Arabian Peninsula have intensified in recent years, with the majority of smuggled people being migrants from the HoA heading north towards Europe and rich Gulf countries, mainly setting off from Obock in Djibouti and Bossaso in Somalia to arrive in Yemen.[45] Migration on this route peaked in 2016, with 117,000 people arriving in Yemen that year.[46] While the number of migrants has decreased in 2017, with only 100,000 migrants being recorded, the International Organization for Migration predicted a record-breaking 150,000 new arrivals for 2018[47]. A smaller percentage of people is heading south from Yemen to Somalia, most of them fleeing the civil war and humanitarian crisis in Yemen. A large percentage of these southbound migrants are Somalian returnees, with 34,990 Somali refugees returning from Yemen between 2014 and 2017 and only 10,776 Yemeni refugees arriving in Somalia in the same period.[48] Overall, the trafficking routes between Somalia and Yemen show significant sophistication, with financiers being involved in the process. Efforts to curb the migrant

flow have been quite weak so far, and international navies are not mandated to address the issue and hence generally ignore the vessels.

Reflecting the growing attention to various questions of smuggling in the region, several regional instruments have aimed to address these issues. Table 2 provides an overview of the instruments offering responses to smuggling.

Table 2: Regional instruments addressing smuggling

Africa's Integrated Maritime Strategy 2050 (AIMS)
Combined Maritime Forces (CMF)
Djibouti Code of Conduct (DCoC)
East African Standby Forces
Eastern and Southern Africa Indian Ocean Strategy (MASE)
Galle Dialogue
Indian Ocean Five
Indian Ocean Forum on Maritime Crime (IOFMC, UNODC)
Indian Ocean Naval Symposium (IONS)
Indian Ocean Regional Information Sharing and Incident Management Network (IORIS)
Lomé Charter of the African Union (AU)
Regional Maritime Information Fusion Center in Madagascar (RMIFC)
Regional Center for Operational Coordination (RCOC)
Sea Power for Africa Symposium (SPAS)
Southern Route Partnership (UNODC)

3.4 Fishery and Environmental Crime

A large part of the populations in the WIO are employed in the blue economy, working with or supporting activities such as **fishing and coastal and marine tourism.** A large percentage of fishers in the WIO are engaged in artisanal fishing, which is more labour-intensive than industrial fishing. It is estimated that in the eight WIO countries of East Africa, almost three million people's livelihoods are directly dependent on artisanal fishing.[49] In addition, fish is an important food source in the area. In Mozambique, fish comprises 50 per cent of animal proteins consumed. In Tanzania, it amounts to 30 per cent.[50] Therefore, the endemic problem of illegal fishing threatens the livelihoods of millions of people who depend on the blue economy for work and sustenance. While studies have indicated a downwards trend over the past few decades, with the illegal share of total fishing steadily decreasing – in the 2000-2003, it was estimated to make up 18 per cent of fishing in the WIO[51] – increased competition over depleting fish stocks and the increased sophistication of illegal fishing fleets nonetheless present veritable challenges for the future. Illegal fishing takes place both on small and industrial scale, the latter of which is driven by organised crime syndicates. Illegal fishing is therefore not only an environmental threat to the sustainability of marine resources and local livelihoods. It also relates to other types of organised maritime crime.

While a number of measures have been taken in recent years to curb **illegal fishing,** including denial of access campaigns by ports and the use of satellite imaging to identify vessels in breach of regulations, illegal fishing nonetheless prevails as fines imposed on perpetrators are often negligible, making it a low-risk activity. Fishing is largely regulated by regional fisheries management organisations with varying resources to enforce regulation, and de facto there is a lack of a working

legal framework with which to combat illegal fishing. At present, three out of the ten worst-performing countries on the Illegal Fishing Index are in the Western Indian Ocean, namely Yemen, Sudan and Somalia.[52]

Environmental crime, including the dumping of waste, continues to be a concern. In 2010, the 5 Gyres Project discovered the Indian Ocean garbage patch, in which most of the waste dumped into the WIO ends up. While a lot of the plastic waste in the WIO stems from waste dumping in rivers, other sources also need to be considered. Given that a lot of the waste-dumping is deliberately perpetrated by commercial vessels, the large volume of trade vessels passing through the WIO is a strong factor in environmental degradation. Port facilities in the WIO have been generally unequipped to deal with ship-generated waste until 2004, when Oman opened the first such recycling facility.[53] Even then, captains may prefer to avoid the cost and inconvenience of using these facilities. Weak maritime governance and enforcement in the area makes it especially easy for commercial vessels to dump their waste undetected. In earlier decades, it was reported that toxic waste from Europe could have been delivered to Somalia and dumped there.[54]

Several regional instruments are involved in addressing illegal fishing and other issues of environmental crime, as indicated in table 3.

Table 3: Instruments responding to illegal fishing and other environmental crimes.

Africa's Integrated Maritime Strategy 2050 (AIMS)
Djibouti Code of Conduct (DCoC)
East African Standby Forces
Fish-I Africa
Galle Dialogue
Indian Ocean Commission (IOC)
Indian Ocean Naval Symposium (IONS)
Indian Ocean Regional Information Sharing and Incident Management Network (IORIS)
Indian Ocean Tuna Commission (IOTC)
Lomé Charter of the African Union (AU)
Regional Maritime Information Fusion Center in Madagascar (RMIFC)
Regional Center for Operational Coordination (RCOC)
Sea Power for Africa Symposium (SPAS)
Smart Fish / Eco FIsh (IOC)

3.5 Other emerging security issues

A number of further issues in the WIO also need to be taken into account. These are often less acknowledged or visible, compared to piracy or smuggling, but are nonetheless important to consider on the maritime security agenda. One example is **port security,** which largely emerged as an issue of concern following the 2000 attack on the USS Cole and the 9/11 terrorist attacks in the US. In 2004, the IMO passed the International Ship and Port Facility Security (ISPS) Code, prompting the European Union and the United States to enact similar regulations such as the Regulation (EC) No 725/2004 and the Maritime Transportation Security Act of 2002, respectively. While the feared events of maritime terrorism targeting ports have largely not materialised in practice, port security is a vital component in addressing several maritime crimes. Indeed, there are a number of other issues that can effectively be curbed through increased port security. Given that a portion of cases of piracy and armed robberies

against ships target berthed or anchored ships, and theft also occurs on board of ships in harbour, having sound port security practices in place could reduce incidents of this type. Port security is important in detecting stowaways and all cases of smuggling and preventing cargo theft and pilfering.[55] Apart from that, the development of ports helps structurally weak coastal areas in the WIO to generate much-needed jobs and revenue through the servicing of ships arriving or passing through. Creating secure ports, therefore, could be very important to the local economies.

Another issue that should be taken into account as it is related to the maritime security agenda is that of marine safety and **search and rescue** (SaR). In the WIO, SaR responsibilities are divided between the states of Yemen, Oman, Pakistan, India, the Maldives, the Seychelles, Somalia, Kenya, Tanzania, Mozambique, Madagascar, Mauritius, Reunion, and South Africa. Not only does the large number of states complicate SaR coordination efforts, the fact that maritime capacities are weak in the region generally means that countries in the WIU might be ill-equipped to participate in such activities. Further, small island nations like the Seychelles and Mauritius have very large areas to oversee. The problem of human trafficking between Yemen and Somalia also naturally generates situations in which migrant ships capsize or are sunk by the smugglers in order to force SaR efforts or to evade attempts at capture. There is also a connection to illegal fishing, as vessels engaging in these activities routinely switch off transponders, making collisions more likely.

Lastly, the protection of **submarine data cables** should also be highlighted as an emerging maritime security issue. The WIO is home to a vast number of submarine cable routes, which are especially concentrated along the Indian coast, the Persian Gulf, the Gulf of Aden and the Red Sea. More routes providing increased access to Eastern and Southern Africa are scheduled to be completed over the next few years. In the majority of cases no explicit national or regional protection regimes exist. Submarine data cables constitute critical infrastructure. Left ungoverned, submarine data cables are at risk of damage, which can have wide-reaching consequences for whole regions.

3.6 Observations

The Horn of Africa, in particular Somali territory, continues to enjoy a most fragile peace. Its authorities lack legitimacy and its institutions are weak in dealing with the militant group al-Shabaab, migration flows and other destabilising factors. This provides destitute individuals and organised criminal networks alike with fertile ground on which maritime and land-based crime can flourish.

What is clear is that each type of maritime crime discussed above does not stand alone. For instance, piracy groups operating out of Somalia are believed to entertain some links with al-Shabaab. Weapons and narcotic smuggling are sometimes undertaken in collaboration with vessels used for illegal fishing. In other words, there is a significant level of interconnectivity between the various forms of crime taking place in and around the WIO**.** Tackling one crime, for instance piracy, is therefore not enough. It may lead to a decrease in violent attacks against vessels transiting the WIO. But piracy groups may in the meantime deploy their assets and manpower in other illicit operations requiring similar capabilities and skills. Given the state of governance structures and socio-economic opportunities in the region, one crime can therefore flourish, while deterrence mechanisms dedicated to another type of crime are applied. This phenomenon is known as displacement or the ballooning effect,[56] in other words the potential volume remains the same, but when pressure is exerted in one place, it balloons out in another. Maritime crime in the WIO is a complex of multiple factors driving and sustaining insecurity. To guarantee sustainable security in the WIO, **it is necessary to address the interconnected nature of maritime crime,** and to effectively counter the ballooning effect.

There are already multiple institutions, agreements, forums and instruments dealing with different parts of the maritime security complex. But as identified in the next chapter, the **challenge is not a lack of initiatives, but that they create, or risk creating, gaps and overlaps, if not reviewed carefully.** The challenge, which still lies ahead, is therefore to streamline their mandates and activities to make the best use of potential and to achieve appropriate goals. Careful consideration needs to be given to existing governance structures – regional as well as international.

Chapter 4: Regional Maritime Security Instruments: An increasingly fragmented region

In order to evaluate the options for the CGPCS, the current institutional environment in the Western Indian Ocean needs to be taken into account. Below we discuss the results of a mapping of instruments that work on or are related to the maritime security issues in the Western Indian Ocean described above By instruments we refer to regional organisations, regional agreements and strategies, forums and dialogues, and other formal and informal arrangements that deal with maritime security issues in the region. The mapping identified 31 instruments. This indicates a high level of fragmentation in the region. A full list of instruments considered in this analysis is provided in Annex 2.

4.1 International coordination and governance instruments

Coordination and governance on an inter-governmental level is provided firstly by a number of formal regional organisations that have maritime security on their agenda. This includes the African Union (AU), the Indian Ocean Rim Association (IORA), the Inter-Governmental Authority for Development (IGAD), the Indian Ocean Commission (IOC), and the Southern African Development Community (SADC). These have aimed at governing maritime security in particular through maritime strategies, such as the maritime security strategies of IGAD and SADC, the African Integrated Maritime Strategy 2050 (AIMS), the Lomé Charter of the AU, or the MASE strategy for Eastern and Southern Africa. These organisations address maritime security as cross-cutting and do not limit work to a particular issue. Since they are formal organisations, participation is restricted to their members states. None of the formal organisations has all of the Western Indian Ocean littoral states as its members. IORA comes the closest to full membership (primarily lacking Pakistan as a member), yet due to its focus on the entire Indian Ocean consists of a significant number of states which are not in the region. Indeed, in Resolution 2125 the UN Security Council encouraged "the Indian Ocean Rim Association to pursue efforts that are complementary to and coordinated with the on-going work of the CGPCS".[57]

A number of formal organisations address particular issues of maritime security. Issue-specific formal organisations include the Indian Ocean Memorandum of Understanding for Port State Control and its work on port security, and the Indian Ocean Tuna Commission regulating the fishing of highly migratory species in the region and addressing illegal fishing in the region.

Besides the CGPCS and its work on piracy, a number of other informal organisations address maritime security in the region. The Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden (DCoC) and its Jeddah Amendment is an agreement in which signatory states have agreed to share information and cooperate to address maritime crime. Signatory states are from the Eastern, Southern and Northern African region as well as the Arabian Peninsula. In the framework of DCoC, signatory states meet on a frequent basis, but the mechanism has no formal governance structures (such as a chair or secretariat). The MASE project which includes states from the Southern and Eastern African region has established a governance body through which member states aim at developing a joint strategy as well as coordinate their work including on capacity building and maritime domain awareness.

None of the existing mechanisms is as inclusive as the CGPCS. This relates in particular to the inclusion of the shipping industry and other non- or sub-state actors. Moreover, the participation of international actors, donor countries and international organisations can be restricted or limited by procedures.

4.2 Operational and tactical coordination

Operational and tactical coordination is required to ensure efficient surveillance, protection and law enforcement operations across jurisdictions and to use the limited maritime capacities effectively. Operational and tactical coordination work is currently mainly informal and issue-specific. Counter-piracy specific coordination is conducted through the bi-annual Shared Awareness and Deconfliction (SHADE) meetings held in Bahrain organised by the Maritime Security Centre - Horn of Africa by the European Union and the Combined Maritime Forces.[58] This work is complemented on a law enforcement level by the Law Enforcement Task Force of the CGPCS.

The Combined Maritime Forces operating out of Bahrain provide a mechanism for coordination for participating states with regards to counter-piracy, counter-narcotics as well weapons smuggling. Coordination on counter-narcotic law enforcement is part of the objective of the Southern Route Partnership (SRP) organised by the UN Office on Drugs and Crime, as well as in the framework of the Indian Ocean Forum on Maritime Crime (IOFMC). The IOFMC also coordinates work concerning the Somalia sanction regime as well as wildlife trafficking, trafficking in persons, and people smuggling. The Fish-I mechanism is building a regional coordination and intelligence sharing mechanism to counter illegal fishing in Eastern and Southern Africa.

There is one emerging formal cross-cutting initiative for operational coordination.[59] The Regional Center for Operations Coordination (RCOC) in Seychelles currently develops as a mechanism for the region. Also, the London Roundtable of the International Shipping Associations is noteworthy here, as it coordinates the operational responses of the international shipping industry through recommendations and measures such as guidance documents (e.g. the Best Management Practices).

The coordination work is also complemented by exercises in which inter-operability is tested and practised. Of these exercises, the US-run annual Cutlass Express is the most important in the region. Over 15 regional states as well as several international organisations are participating and its explicit concern is inter-operability.

A range of other informal formats prospectively provides opportunity for operational coordination. This includes in particular naval dialogues held frequently, including the Indian Ocean Naval Symposium, the Seapower for Africa Symposium, or the Sri Lanka Navy's annual Galle Dialogue. So far, the role of these dialogues is more symbolic and tends to be focused on naval diplomacy. Yet, in particular the Indian Ocean Naval Symposium has technical subgroups which could be able to play a stronger role in operational coordination.

4.3 Capacity Building Coordination

Capacity building ensures that the littoral countries have the capacity to conduct surveillance, patrols and law enforcement operations at sea in the territorial waters and in cooperation with their regional neighbours and international partners. It is focused on the provision of know how through mentoring and training, hardware and equipment as well as institution building and assistance in the drafting of legal provisions. Coordination is required to ensure that activities meet the needs of countries, that duplication or even contradiction of efforts is avoided, programming considers sustainability and that synergies between different capacity building activities are reached.

Capacity building coordination is to some degree part of the discussion in all of the formal institutions discussed above. This is mainly on the political and strategic level. In addition to the capacity building coordination work of the CGPCS[60], more technical details of capacity building are in particular discussed within the framework of two institutions.

The Djibouti Code of Conduct (DCoC), albeit initiated primarily as an information sharing network, had from its start a dedicated capacity building coordination function supported by the International Maritime Organisation as well as instruments such as EU MARSIC or CRIMARIO. With the evolution of the DCoC and its widening to the whole breadth of maritime crime through the Jeddah Amendment, the DCoC partners have not only cooperated closely with the CGPCS's Working Group (RCBCG), but are also in the process of creating a dedicated mechanism for capacity building coordination.

A second framework is provided by the Strategy of the Eastern and Southern African and Indian Ocean region implemented through the so-called MASE project. The MASE project not only has a steering committee, but under the leadership of the IOC increasingly has assumed a coordinating role, such as through the annual ministerial meeting on maritime security in the Western Indian Ocean held for the first time in 2018.

4.4 Maritime Domain Awareness and Information Sharing mechanisms

A core infrastructure for providing maritime security in the region are information sharing mechanisms and maritime domain awareness (MDA) projects. These are required for operational coordination of maritime security agencies and the industry, but also provide the basis for long term maritime security cooperation, strategy making and the identification of shared priorities.[61]

The core information sharing and MDA structure in the region continues to be provided by the EU's Maritime Security Centre - Horn of Africa (MSC-HOA). The centre not only operates the real-time electronic communication platform Mercury, but also handles the communication between the shipping industry and navies operating in the region. It also provides regular threat assessments to inform regional policies and industry self-protection.

In the past decade, several other mechanisms and centres have been developed or are under construction. Part of the DCoC was the aim of installing an information sharing network for the states of Eastern and Southern Africa and the Arab Peninsula. In building three regional information sharing centres, the objective was to share information on piracy through the network and analyse it. Yet, in practice this structure never became fully operational, nor are there fully developed plans on how the structure will work in the light of the Jeddah Amendment. As part of the EU-funded programme known as MASE, an MDA centre to be based in Madagascar was funded. The Regional Maritime Fusion Center in Madagascar focuses on maritime security issues broadly, and follows the model of the Information Fusion Centre in Singapore.[62]

In a more recent development, the government of India launched a regional MDA centre in 2018, the Information Fusion Centre Indian Ocean Region (IFC-IOR). The goal is to support the members of the Indian Ocean Naval Symposium in an Area of Interest that stretches from Western Africa to Japan and Australia. Also, Saudi Arabia has made efforts to build MDA capacity that could benefit the region and opened a centre based in Jeddah.

Through the EU-funded CRIMARIO project, the Indian Ocean Regional Information Sharing and Incident Management Network (IORIS) was established to serve as a framework for sharing information. The network is in its development stages.

In summary, maritime domain awareness is increasingly characterised by overlapping initiatives. Six centres currently aim to provide a shared picture, and several information sharing platforms are under development. How these structures interact and operate with each other remains an ongoing concern.

4.5 Observations: The risks of fragmentation

The CGPCS operates in an increasingly crowded institutional environment, particularly if compared to the situation in 2009 when the group was established. The 31 different arrangements and organisations addressing different forms of maritime security provision and threats **indicate an increasing fragmentation. Too many organisations operate with strongly overlapping mandates.**

This creates a high risk of duplication and the inefficient use of resources. It also implies the problem of forum shopping, which allows states to only commit to those mechanisms where they see the highest benefit, at the price of contributions to other instruments. Fragmentation also implies that coordination between the different mechanisms increasingly becomes difficult and there is a lack of strategic thinking in terms of a regional maritime security architecture. This is exacerbated by the problem of diverging memberships. None of the discussed instruments allows all of the Western Indian Ocean littorals to participate. Some of the institutions are moreover volatile. Their sustainability is not ensured since they are highly dependent on external donor funding.

Chapter 5: Evaluating the Options

In this section we review a number of options for the CGPCS going forward. The options draw on changes that have been proposed in the past CGPCS strategy discussions over the past years (section 2), or as well as suggestions from stakeholder consultations conducted for this report,

The option of widening the regional focus of the CGPCS has been excluded from this evaluation. Debating the prospects of a global counter-piracy mechanism is de facto outside of the reach of the CGPCS and requires to be discussed at UN level. A global piracy mechanism would moreover be complementary to all of the options discussed below. [63]

Option 1: Maintaining the current structure and meeting rhythm (status quo)

This option implies maintaining the status quo of an annual plenary meeting complemented by meetings of the working groups and other groups.

Evaluation: The option implies following established routines and working in a predictable framework. Several risks are associated with this option. This includes the **further decline of political attention** to the work of the CGPCS. There is a risk that the CGPCS is considered as inefficient, not cost-effective and not worth attending, and the CGPCS becomes what has been called in the literature a "**zombie international organisation**".[64] The prevalence of this risk is reinforced by the declining number of high-level representatives in the past plenaries.

Since the 21st plenary of the CGPCS none of the **working groups** have shown any activity, indicating that the working group chairs and the participants do not consider an ongoing need for these meeting formats. This indicates that these **configurations are no longer needed**. There is moreover a **growing risk of duplication** given the minimal work remaining both towards the plenary, as well as towards other mechanisms, in particular in relation to capacity building coordination conducted by the DCoC, or UNODC as well as in relation to the operational coordination within SHADE.

Option 2: Revising working methods and meeting configuration

A number of proposals have been made concerning revised working methods. Such proposals include:

- To close down the working groups, and transfer the work to the plenary or other mechanisms,
- To move towards a biennial plenary meeting rhythm,
- To move towards a dormant plenary and a primarily virtual existence of the CGPCS with an option of calling a plenary when needed.

Evaluation: The outlined changes in working methods are relatively **easy to implement** and **reduce the number of meetings** required. Given the number of organisations involved in capacity building coordination as well as operational coordination (as discussed in section 3), the two core **CGPCS working groups** devoted to these issues **are not necessarily required.** The fact that these have not met in the past year, indicates that participants do not feel immediate need for maintaining them. The Law Enforcement Task Force (LETF) and the Maritime Security Coordination Committee (MSCC) are unique entities and valuable. Reducing the number of plenary meetings also imply less communication and information exchange and hence potentially leads to a loss of political commitment and high-level political representation at the plenary. A very strong chair would be required which maintains the group in the absence of pressure to convene meetings. Also, an agreed mechanism to call a plenary

would need to be identified, should the plenary be on call. Agreeing on such a mechanism has been very difficult in the past and appears not feasible at the moment.

Option 3: Widening the agenda to include other issues

This option implies a gradual widening of the CGPCS to include other maritime security issues in the region in the agenda and to broaden participation to include the relevant actors.

Evaluation: This option **potentially allows for the CGPCS successes to be replicated** in other issue areas. Yet **other issues have very different politics**. In contrast to piracy, there is less agreement on how problems such as smuggling and illegal fishing should be addressed and what the nature of the crime is. Moreover, other actors are involved in addressing them. This would imply a significantly larger number of actors required to attend meetings, which **risks rendering the agenda overly complex** with less potential to find effective solutions or reach consent. There is, moreover, a **high risk of overlap and duplication**, considering that other **maritime security issues are already dealt with by other mechanisms** (as discussed in sections 3 and 4). Moreover, a broadened agenda risks diluting the agenda, with insufficient attention being paid to piracy. If the name of the group is changed, this moreover has implications for the deterrent effect of the CGPCS brand.

Option 4: Transferral of agenda to another body

This option entails transferring the CGPCS agenda to an existing regional body, or creating a new one for the region. A reflection on a new regional mechanism is included in Annex 3.

Evaluation: As exemplified in section 4, a substantial number of arrangements exists in the Western Indian Ocean that address maritime security. **None of the existing bodies is however currently fit** to take over the CGPCS agenda both in terms of their mandate or participant structures.

Developing a purpose-built new informal organisation, such as a Contact Group on Maritime Security in the Western Indian Ocean **implies significant political commitments and practical work** to establish it. If the name of the group is changed, this has implications for the deterrent effect of the CGPCS brand.

Chapter 6: The way forward: strengthening the plenary, addressing fragmentation

Based on the analysis in the preceding sections, the following steps for the CGPCS are recommended:

Ensure a flexible CGPCS that acknowledges the changing strategic environment

Although the CGPCS operates in an increasingly crowded strategic environment with various initiatives and new institutions that have been set up to dealing with maritime security and maritime crime, it continues to play fulfil a potentially important function. This in particular concerns its **role in ensuring that the commitment of international and regional actors to address piracy** in the region continues, and that the international community remains alert.

The particular **strength of the CGPCS** compared to other institutional arrangements is centred on its **flexibility and inclusivity.** It firstly does not limit participation through a distinct membership scheme, and secondly allows non-state and sub-state actors to participate in deliberations, including the industry and the Somali regions. These are key characteristics, which should remain defining principles of the CGPCS.

The CGPCS has moreover offered a **unique combination of technical and legal expertise and political representation**. This has allowed it to develop workable solutions and ensure high-level political commitment, including the required resources. None of the other regional arrangements currently offer these benefits. The combination of practical and executive level engagement facilitated through the CGPCS should be continued.

Furthermore, efforts are required to ensure that the CGPCS remains an **agile mechanism**, which is able to identify and respond effectively to the situation in the region. This requires that the CGPCS is duly integrated in a long-term strategy for the region to best achieve **synergies** between the different responses to maritime crimes in the broader infrastructure of mechanisms and frameworks. This concerns in particular **capacity building**, **operational coordination** as well as **maritime domain awareness**.

Focus on piracy and related criminal networks

The CGPCS **works best if it remains focused on piracy**. It is this clearly-focused mandate which has allowed the CGPCS to work and develop the current counter-piracy structure. Piracy off the coast of Somalia is currently contained, but not eradicated.

Thus, while the CGPCS needs to be better integrated with existing mechanisms, it should continue to stand as an independent body to avoid undermining its unique function. The CGPCS should be strengthened, rather than transferred.

In light of the maritime security environment discussed in sections 3 and 4, it is suggested, however, that the CGPCS **pay more attention to the organised crime networks** that engage in piracy and other maritime crimes.

Strengthen the plenary and embed it in a maritime security week

The CGPCS requires a strong plenary. An **annual plenary should be maintained.** Its **content** should include:
- a threat briefing
- a general exchange among delegates on the piracy situation, and
- briefings from other regional maritime security mechanisms to address fragmentation and ensure synergies.

Future plenaries could, however, be considerably shorter, and more focussed on matters of concern. Plenaries could be concluded by a **joint press statements, rather than a communique**. This would ensure that more time is available for substantial discussions, and less time is devoted to agreeing on declaratory text. A press statement would lend the CGPCS visibility, both vis à vis criminal network and to partners.

To address fragmentation, ensure the identification of synergies and avoid duplication with other mechanisms, the CGPCS plenary could be held in the margins of or **linked to meetings of other regional maritime security mechanisms dealing with related issues**. This concerns in particular the Djibouti Code of Conduct, the Indian Ocean Maritime Crime Forum, the Southern Route Partnership, and the Shared Awareness and Deconfliction meeting (SHADE). Such a format would also **ensure high-level representation and cost efficiency** by reducing the overall number of meetings required in the region.

Such a meeting format could for instance be a **maritime security week** held in the region. UNODC could be invited to make a proposal for such a meeting format, which could be held in Spring 2020 in a suitable location. Victoria, Nairobi, Muscat, Dubai or Bahrain might be possibilities.

The **long-term objective** of such a meeting format in a five to ten-year frame could be a **new overarching coordination mechanism**, such as a "Contact Group on Maritime Crime in the Western Indian Ocean" of which the CGPCS would form a part as one of the working groups. The **brand of the CGPCS however should be maintained**. An indicative reflection on such a group is provided in Annex 3.

Focus on what works: Working Groups & Associated Groups

The **two CGPCS working groups on Capacity Building and Operations at Sea** are either dormant or have fulfilled their purposes and **should be closed**. Remaining **work can easily be transferred** either to the plenary or other existing regional mechanisms. This would further strengthen the plenary as the core body in which matters of concern are discussed, as well as recognise the ongoing work of other bodies.

The issues on the agenda of the WG OPS are dealt with in the SHADE meetings, while the task of regional capacity building coordination can be more fully moved to the DCOC and IOC frameworks. Given that capacity building cannot meaningfully be focused only on piracy, it seems appropriate to move coordination to a format that also deals with other maritime crimes.

The work of the **Law Enforcement Task Force (LETF) and the Maritime Security Coordination Committee (MSCC) should continue their important work** and provide updates to the plenary. Both groups in essence are technical groups that operate independent from the CGPCS. Their link to the plenary should be maintained through regular briefings, and they should be encouraged to hold meetings in the margins of the plenary.

Maintaining a network of legal experts is important, but considering the current legal issues, a **dedicated network on piracy is not necessarily required**. The records and network of contacts of the Virtual Legal Forum could be for instance transferred to the UNODC maritime legal network which could continue the work.

Further enhance the role of the Chair and Secretariat

Given the complex strategic environment and growing number of mechanisms dealing with maritime security in the region, the Chair and secretariat should be given a prominent role. For the efficient working of the CGPCS it is important that it has a **reliable and efficient Chair** and support from a **strong and responsive secretariat**.

The Chair needs to **ensure that the visibility of the CGPCS remains high.** Visibility measures include a dedicated communication strategy, frequent press statements, as well as other communications, such as updates through newsletter or social media. Also, the legacy of the CGPCS needs to be secured. This implies that the web presence and archive of the CGPCS, the results of the Lessons Learned Project, as well as of the Legal Forum are transferred and managed in the frame of a long-term solution. This could be a task given to the RMIFC in Madagascar.

Sustained efforts are required to ensure that the CGPCS **list of contacts remains up to date** and that these contacts contain both **details of political representatives as well as technical and legal experts** on maritime piracy from states and international organisations. This is to guarantee that, should a crisis situation arise, the CGPCS network can be quickly mobilised.

Annex 1: Legal analysis of relationship between CGPCS and UN Security Council

Comparable to other international contact groups, the CGPCS is an informal coordination mechanism and constitutes an instrument of soft law.[65] The CGPCS does not have a formal legal status or maintains a formal relation with the UN Security Council.[66] In his analysis, Professor of International Law Douglas Guilfoyle comes to the conclusion that the CGPCS "might be thought of more as a transnational network than governance, as it lacks any direct regulatory power."[67]

The UN Security Council passed Resolution 1851 on 18 December 2008. It encouraged "all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an international cooperation mechanism to act as a common point of contact between and among states, regional and international organizations on all aspects of combating piracy and armed robbery at sea off Somalia's coast". The Resolution is noteworthy in that it calls for an "international cooperation mechanism", but does not give the body a formal mandate or establishes how its work should be related to the UNSC.

Participants involved in the establishment of the CGPCS and guiding its initial work have frequently emphasised that it is not a UN body. As the former CGPCS chairperson, US Ambassador Donna Hopkins recalls, "the CGPCS was deliberately established outside the UN system to ensure that it was as inclusive, apolitical, issue-driven, result-focused, efficient and flexible as possible".[68]As Ambassador from Denmark Thomas Winkler, former chairman of the legal working group has argued in 2010, the CGPCS "is not a UN or an IMO body. It is voluntary cooperation among states and organisations engaged in […] countering piracy".[69]

The first communique of the CGPCS notes that it was established "pursuant to UNSCR 1851". It, however, also establishes that the CGPCS is free to decide its mandate and working practices independently from decisions taken elsewhere. The deliberate distance to the UN is clearly reflected in the working procedures of the CGPCS, which are not following UN rules, but are ad hoc and informal. Over the years, several important amendments have been made informally to the topics that the CGPCS covers and discusses. Themes discussed by the CGPCS include wider maritime security questions, for instance, fishery crimes, capacity building for maritime security or maritime situational awareness.

The CGPCS does not maintain a formal relationship to the UNSC. The relation is informal, indirect and ad-hoc. The CGPCS communiques have frequently welcomed the decisions taken in the UNSC. In its legally binding resolutions, the UNSC refers in all of its piracy-related resolutions and presidential statements to the CGPCS. In these documents the UNSC "noted", "commended", "welcomed", "recognized", "acknowledged" or "encouraged" the discussions and decisions of the CGPCS.[70] The UNSC has also urged states and international organisations to continue to support the efforts of the CGPCS in two resolutions[71] There is, however, not a single formal UNSC document in which the Council directly requests or calls for action by the CGPCS, or discusses its mandate explicitly. Instead, the relation between two bodies is indirect and provided through the UN Secretary General's office. The UNSC frequently requests the UNSG to report on the work of the CGPCS and to take its work into account in preparing UN action.

From a normative standpoint the CGPCS gains part of its legitimacy from UNSC resolution 1851 and the frequent acknowledgements in the following UNSC Resolutions. Some CGPCS participants have indicated that resolution 1851 gives normative power to the decisions taken in the CGPCS. There is,

however, no formal legal relation between the UNSC and the CGPCS, other than the UNSC commenting on the work conducted by the group.

In conclusion, given its status as an informal body without regulatory powers, the mandate as well as the structures of the CGPCS can be changed if participants are in consent (or there are no objections). A UN Security Council resolution does not form a requirement for any changes in mandate or working methods.

Annex 2: Regional Institutions and Mechanisms

Organisation/Initiative	Geographical reach
Ad Hoc Committee on the Indian Ocean	Indian Ocean
Africa's Integrated Maritime Strategy 2050 (AIMS)	Africa
African Maritime Safety and Security Agency (AMSSA)	Africa
Combined Maritime Forces (CMF)	WIO
Contact Group on Piracy off the Coast of Somalia (CGPCS)	WIO
Cutlass Express	WIO
Djibouti Code of Conduct (DCoC), including information sharing network and regional training centre	WIO (without India and Pakistan)
East African Standby Forces	Eastern Africa
Eastern and Southern Africa Indian Ocean Strategy (MASE)	Eastern and Southern Africa
Fish-I Africa	Eastern Africa
Galle Dialogue	Indian Ocean
Global Maritime Distress and Safety System (GMDSS)	Global
Indian Ocean Commission (IOC)	East Africa
Indian Ocean Five	WIO
Indian Ocean Forum on Maritime Crime (IOFMC, UNODC)	Indian Ocean
Indian Ocean Memorandum of Understanding for Port State Control	Indian Ocean
Indian Ocean Naval Symposium (IONS)	Indian Ocean
Indian Ocean Regional Information Sharing and Incident Management Network (IORIS).	Eastern Africa
Indian Ocean Rim Association (IORA)	Indian Ocean (without Pakistan)
Indian Ocean Tuna Commission (IOTC)	Indian Ocean
Information Fusion Center – Indian Ocean Region (IFC-IOR), by Indian Navy	Indian Ocean
Intergovernmental Authority for Development (IGAD)	Eastern Africa
Lomé Charter of the African Union (AU)	Africa
Maritime Security Center Horn of Africa (MSC-HoA) by European Union	WIO
Regional Fusion and Law Enforcement Centre for Safety and Security at Sea (REFLECS3)	WIO
Regional Maritime Information Fusion Center in Madagascar (RMIFC)	WIO
Regional Centre for Operational Coordination in Seychelles (RCOC)	WIO
Sea Power for Africa Symposium (SPAS)	Africa
Shared Awareness and Deconfliction Mechanism (SHADE)	WIO
Smart Fish/ Eco Fish (IOC)	Eastern Africa
Southern African Development Community (SADC)	Southern Africa
Southern Route Partnership (UNODC)	Indian Ocean

Annex 3: Bringing order to the region: Towards a long term vision

Fragmentation is a core problem for the regional maritime security architecture. A Contact Group on Maritime Security in the Western Indian Ocean provides a prospective long-term vision for the CGPCS as well as the wider provision of maritime security in the region.

Such a group would provide the place for dialogue between different stakeholders and instruments, ensuring that maritime security is dealt with holistically and the full breadth of maritime security issues are considered. It is to recognise that in particular in the area of capacity building, operational coordination and information sharing and maritime domain awareness, there is a substantial overlap in work which needs to be better aligned, if not coordinated. An informal body would appreciate that different formal organisations are active in maritime security and that their mandates and work programs substantially overlap. It would allow to combine technical questions with political ones, and moreover avoid complicated procedural and membership issues.

Such a Contact Group could work in an annual plenary of high-level representatives of regional states, donor countries and international organisations, combined with a range of issue-specific working groups. The following working groups could reflect the needs of the region in the light of current threats (as identified in section 3).

Working Group	Notes
Piracy	Replaces CGPCS plenary, but maintains the brand of the CGPCS. Would be chaired by current CGPCS chair.
Smuggling of Narcotics and other illicit goods	Would integrate the work of the Southern Route Partnership and Indian Ocean Maritime Crime Forum. Could be chaired by a state significantly affected by narcotic or other smuggling activities.
Port Security	Coordinates work on port security and capacity building in this area. Would be chaired by an International Organisation involved in port regulation, in particular IMO.
Environmental Crimes, including fisheries and pollution	Coordinates responses to environmental crime, including illegal fisheries. Could be chaired by an International or Regional Organisation with an environmental and security focus, e.g. IOC.
Emerging Issues	Addresses any emerging issues not covered by the other working groups. Could be chaired by an organisation closely monitoring the maritime security situation in the region, such as UNODC.
Maritime Domain Awareness	Coordinates different MDA initiatives. Could integrate, e.g. DCOC, IORIS, MASE. Could be chaired jointly by India, Madagascar and Saudi Arabia as the countries with the most important emerging regional centres.
Legal questions	Maintains CGPCS VLF and the UNODC maritime law expert network. Could be chaired by Portugal, since it has done this for CGPCS.
Capacity Building Coordination	Conducts Capacity building coordination integrating work under the DCoC and MASE framework. Could be chaired by a core DCoC contributor.

Annex 4: Endnotes

[1] For the results of the CGPCS Lessons Learned Project see www.lessonsfrompiracy.net as well as "The Contact Group on Piracy off the Coast of Somalia (CGPCS). A Lessons Learnt Compendium", edited by Thierry Tardy, Paris: EU Institute for Security Studies, 78-85, 2014, and Baumann, Peter. 2016. Strategic Review of the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia, available at http://www.lessonsfrompiracy.net/files/2017/04/Trust-Fund-Strategic-Review.pdf

[2] Analyses of these projects and the role of the CGPCS are provided in "The Contact Group on Piracy off the Coast of Somalia (CGPCS). A Lessons Learnt Compendium", edited by Thierry Tardy, Paris: EU Institute for Security Studies, 78-85, 2014.

[3] There is no direct evidence for this deterrence effect. Research undertaken on piracy motivation and behaviour is inconclusive in these regards. While interviews with piracy suspects suggest that there is no high awareness of the work conducted by the CGPCS, there is an indication that piracy action groups might monitor the activities of the international community, including the CGPCS.

[4] Initially, plenary meetings were tri-annual and moved to a bi-annual rhythm in 2013. Following the 1st Communique of the CGPCS, Working Group 1 addressed "activities related to military and operational coordination and information sharing", Working Group 2 the "judicial aspects of piracy", Working Group 3 aimed "to strengthen shipping self-awareness and other capabilities", while Working Group 4 sought "to improve diplomatic and public information efforts on all aspects of piracy". Initially, the group was organised in four working groups, working group 5 was added following the 9th plenary in July 2011. The group was tasked "to focus on and coordinate efforts to disrupt the pirate enterprise ashore". The need for a working group on finances was, however, already discussed at the first plenary meeting.

[5] CGPCS Strategy Meeting, Summing Up and Main Conclusions, Paris, 28th of January 2014, p.4.

[6] Recommendations/Suggestions made by participants at the strategy meeting of the CGPCS on 1st February 2016 in Mumbai, India, p. 3.

[7] 19th Communique of the CGPCS, para 19.

[8] 20th Communique of the CGPCS, para 45.

[9] 20th Communique of the CGPCS, para 52.

[10] 21st Communique of the CGPCS, para 25.

[11] 21st Communique of the CGPCS, para 25.

[12] Oceans Beyond Piracy. 2017. "Piracy and Armed Robbery against Ships in East Africa 2017".

[13] Bueger, Christian, and McCabe, Robert. 2017. "Somali sea hijack is a warning signal: the pirates are down but not out". The Conversation, 21 March 2017.

[14] ICC International Maritime Bureau. 2019a. "Piracy and Armed Robbery against Ships. Report for the Period 1 January – 31 December 2018".

[15] ICC International Maritime Bureau. 2019b. "Piracy and Armed Robbery against Ships. Report for the Period 1 January – 31 March 2019".

[16] https://eunavfor.eu/piracy-attack-off-the-coast-of-somalia/, accessed 04.05.2019.

[17] Lindskov Jacobsen, Katja, and Høj-Carrasco, Julie. "Navigating Changing Currents. A forward-looking evaluation of efforts to tackle maritime crime off the Horn of Africa". Copenhagen: University of Copenhagen, pp. 16–17.

[18] EUNAVFOR, presentation to the Djibouti Code of Conduct meeting.

[19] Lindskov Jacobsen & Høj-Carrasco 2018: p. 17.

[20] Ibid., p. 37.

[21] Although incidents related to government forces of the Saudi-led Coalition should be considered, as they are suspected of having attacked at least six fishing boats in the waters surrounding Yemen leading to casualty. See Walsh, Declan. 2018. "In Saudi Arabia's War in Yemen, No Refuge on Land or Sea." The New York Times, 17 December 2018.

[22] Stratfor Worldview. 2017. "Missiles Remain a Potent Houthi Weapon".

[23] Bell, Curtis. 2018. "Yemen's War against the Houthis has always been about Ports and the Sea." Stable Seas, 13 August 2018.

[24] Carboni, Andrea. 2019. "How Houthi-planted mines are killing civilians in Yemen." Armed Conflict Location & Event Data Project (ACLED), p. 2.

[25] Horton, Michael. 2017. "Fighting the Long War: The Evolution of al-Qa`ida in the Arabian Peninsula." CTC Sentinel, 10(1): 17–22.

[26] Clapton, Lawrie. 2018. "Terrorism in the Gulf of Aden". ARX Maritime, p. 3.

[27] Danish Immigration Service. 2017. "South and Central Somalia. Security Situation, al-Shabaab Presence, and Target Groups". Copenhagen, Denmark: Ministry of Immigration and Integration, p. 33.

[28] UNODC. 2015. "Afghan Opiate Trafficking through the Southern Route". United Nations publication, p. 33.

[29] Combined Maritime Forces. 2018. "Combined Maritime Forces Seizes the Largest Drugs Haul in Its History #3 and #4". 20 December 2018.

[30] UNODC. 2018. "World Drug Report 2018, Booklet 3: Analysis of Drug Markets." United Nations publication, p. 40.

[31] Ibid., p. 17.

[32] Ibid., p. 7.

[33] McLaughlin, Rob. 2016. "Towards a more effective counter-drugs regime in the Indian Ocean." Journal of the Indian Ocean Region, 12(1): 24–38.

[34] UNODC. 2018. "Word Drug Report 2018, Booklet 3: Analysis of Drug Markets". United Nations publication, p. 21.

[35] Vel, Benjamin. 2018. "Seychelles Biological and Behavioural Surveillance of Heroin Users 2017". Agency for the Prevention of Drug Abuse and Rehabilitation, p. 75.

[36] Lindskov Jacobsen & Høj-Carrasco 2018: p. 22.

[37] Conflict Armament Research. 2016. "Maritime Interdictions of Weapon Supplies to Somalia and Yemen. Deciphering a Link to Iran". Conflict Armament Research, November 2016, p. 4.

[38] Combined Maritime Forces. 2016. "French Ship Provence Seizes Large Weapons Cache". 28 March 2016.

[39] Lindskov Jacobsen & Høj-Carrasco 2018: p. 23.

[40] Royal Navy. 2019. "Illegal Charcoal Smuggling Earns Terrorists Millions Warns Maritime Security Conference". Royal Navy, 14 January 2019.

[41] Journalists for Justice. 2015. "Black and White. Kenya's Criminal Racket in Somalia". Nairobi, Kenya: Journalists for Justice, p. 20.

[42] Royal Navy. 2019. "Illegal Charcoal Smuggling Earns Terrorists Millions Warns Maritime Security Conference". Royal Navy, 14 January 2019.

[43] UNODC. 2013. "Transnational Organized Crime in Eastern Africa: A Threat Assessment", p. 29.

[44] Ibid., p. 1.

[45] Akumu, Olivia. 2016. "Shifting Tides: The changing nature of mixed migration crossings to Yemen". Mixed Migration Centre, 13 May 2016.

[46] Wilson-Smith, Henry. 2019. "On the Move in a War Zone: Mixed Migration Flows to and through Yemen." Migration Policy Institute, 6 February 2019.

[47] International Organization for Migration. 2018. "IOM Raises Protection Concerns as 2018 Migrant Arrivals to Yemen Approach 150,000". International Organization for Migration, 4 December 2018.

[48] Danish Refugee Council & Regional Mixed Migration Secretariat East Africa and Yemen. 2018. "RMMS Annual Trends and Analysis Summary 2017. East Africa and Yemen." RMMS, 28 February 2018, p. 2.

[49] The countries being the Comoros, Kenya, Madagascar, Mauritius, Mozambique, the Seychelles, Somalia, and Tanzania. Source: van der Elst, Rudy et al. 2005. "Fish, Fishers and Fisheries of the Western Indian Ocean: Their Diversity and Status. A Preliminary Assessment". Philosophical Transactions of the Royal Society A, 363: 263–284.

[50] Kimani, Edward N., Okemwa, Gladys M., and Kazungu, Johnson M. 2009. Fisheries in the Southwest Indian Ocean: Trends and Governance Challenges in "The Indian Ocean. Resource and Governance Challenges", edited by Laipson, Ellen, and Pandya, Amit, Washington, DC, USA: The Henry L. Stimson Center, pp. 3–17.

[51] Agnew, David J. et al. 2009. "Estimating the Worldwide Extent of Illegal Fishing". PLoS ONE, 4(2): p. 2.

[52] Macfadyen, G., Hosch, G., Kaysser, N. and Tagziria, L., 2019. "The IUU Fishing Index, 2019". Poseidon Aquatic Resource Management Limited and the Global Initiative Against Transnational Organized Crime, p. 27.

[53] Weldemichael, Awet T. 2012. "Maritime corporate terrorism and its consequences in the western Indian Ocean: illegal fishing, waste dumping and piracy in twenty-first-century Somalia." Journal of the Indian Ocean Region, 8(2): 110–126.

[54] Hussein, Bashir Mohamed. 2010. "The Evidence of Toxic and Radioactive Wastes Dumping in Somalia and Its Impact on the Enjoyment of Human Rights: A Case Study." Paper presented at the United Nations Human Rights Council (Geneva), 14th Session, Panel discussion on Toxic Wastes.

[55] Roe, Michael, and Zhang, Xufan. 2019 "Maritime Container Port Security. USA and European Perspectives". Palgrave Macmillan, p. 49.

[56] Lindskov Jacobsen & Høj-Carrasco: p. 3.

[57] UNSC Resolution 2125 (2013), p. 5.

[58] The work of SHADE was historically complemented by the Working Group 1 and 3 of the original configurations of the CGPCS. This work was then transferred to the newly formed Working Group on Maritime Counter-Piracy and Mitigation Operation in 2014, which was renamed in 2017 to Operations at Sea. The latter two configurations have however focused on broad information exchange and political dialogue rather than operational coordination.

[59] The Eastern Africa Standby Forces (EASF) could be considered a potential additional mechanism, considering that this organisation has a maritime component. The main focus of the EASF remains however peace support and stability operations at land.

[60] Capacity building coordination was initially part of the WG1 of the CGPCS. From 2012 it was complemented by a technical subgroup, the Capacity-Building Coordination Group (CBCG) which developed a web-based

platform. This work was continued from 2014 in the format of the Capacity Building Group. Recognising that capacity building work in Somalia and the region required different forms of coordination, the work was transferred in 2017 to two mechanisms, the Regional Capacity Building Coordination Group and the Somali Maritime Security Coordination Committee.

[61] A detailed analysis of the evolving MDA architecture in the Western Indian Ocean is provided in Bueger, Christian. 2017. Effective Maritime Domain Awareness in the Western Indian Ocean. Policy Brief 104, June 2017, Institute for Security Studies: Pretoria, https://issafrica.org/research/policy-brief/effective-maritime-domain-awareness-in-the-western-indian-ocean

[62] Moreover, the Area of Interest of the new centre was designed in a way that it borders that of the IFC, stretching to the Maldives in the east.

[63] The question of how the CGPCS is related to the UN Security Council, and if any change of focus of the CGPCS would require a UN Security Council Resolution is analysed in Annex 1.

[64] Gray, Julia. 2018. "Life, Death, or Zombie? The Vitality of International Organizations." International Studies Quarterly 62(1): 1–13.

[65] See the analysis in Prantl, Jochen. 2005. "Informal Groups of States and the UN Security Council." International Organization 59 (3): 559–592. Prantl, Jochen. 2006. The UN Security Council and Informal Groups of States, Oxford: Oxford University Press, and Whitfield, Theresa. 2007. Friends Indeed?: The United Nations, Groups of Friends, and the Resolution of Conflict. Washington: United States Institute for Peace Press

[66] See Bueger, Christian. 2013. Transnational Governance, Somali Piracy and the Contact Group: An analytical primer. Working Paper of the Lessons Learned Consortium of the Contact Group on Piracy off the Coast of Somalia. Cardiff: Cardiff University, available at http://www.lessonsfrompiracy.net/2014/08/25/transnationalgovernance-somali-piracy-and-the-contact-group-an-analytical-primer/

[67] Guilfoyle, Douglas. 2013. "Prosecuting Pirates: The Contact Group on Piracy off the Coast of Somalia, Governance and International Law." Global Policy 4(1): 73–79.

[68] Henk Swarttouw and Donna L. Hopkins. 2014. The Contact Group on Piracy off the Coast of Somalia: genesis, rationale and objectives in "The Contact Group on Piracy off the Coast of Somalia (CGPCS). A Lessons Learnt Compendium", edited by Thierry Tardy, Paris: EU Institute for Security Studies.

[69] Compare Winkler in Guilfoyle, Douglas. 2013. "Prosecuting Pirates: The Contact Group on Piracy off the Coast of Somalia, Governance and International Law." Global Policy 4(1): 73–79.

[70] See UNSC Resolution 1897 (2009), 1918 (2010), 1950 (2010), 1976 (2011), 2020 (2011), 2077(2012), 2125 (2013), 2383 (2017).

[71] UNSC Resolution 2020 (2011), p. 5., 2383 (2017), p. 7.