DCAF Geneva Centre for Security Sector Governance

SSR BACKGROUNDER

MARITIME SECURITY SECTOR GOVERNANCE AND REFORM

ABOUT THIS SSR BACKGROUNDER

The maritime domain is of critical importance to global trade, communications, power relations, and environmental sustainability. Yet many states lack the capacity to properly police their maritime territories. Building this capacity is an important aspect of maritime security sector reform (MSSR). This is a complex undertaking, involving multiple different agencies, often in close cooperation with other users of the sea and working across different jurisdictions. In this SSR Backgrounder, we consider the challenges and opportunities of security sector reform and governance in the maritime sector.

THIS SSR BACKGROUNDER ANSWERS THE FOLLOWING QUESTIONS:

ABOUT THIS SERIES

The SSR Backgrounders provide concise introductions to topics and concepts in good security sector governance (SSG) and security sector reform (SSR). The series summarizes current debates, explains key terms and exposes central tensions based on a broad range of international experiences. The SSR Backgrounders do not promote specific models, policies or proposals for good governance or reform but do provide further resources that will allow readers to extend their knowledge on each topic.

The SSR Backgrounders are a resource for security governance and reform stakeholders seeking to understand and also to critically assess current approaches to good SSG and SSR.
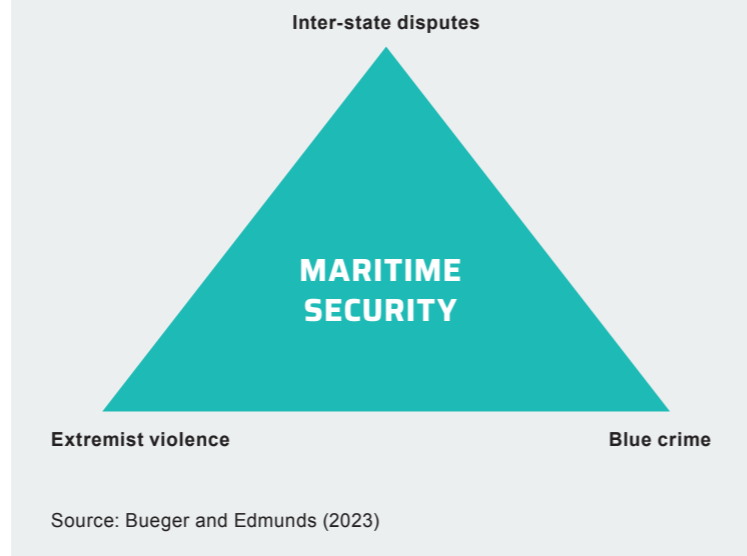
WHAT IS MARITIME SECURITY?

The ocean covers over 70 per cent of the world's surface. It is of critical importance to global trade, communications, power relations, and environmental sustainability. It can also be a dangerous and vulnerable space. Geopolitical tensions are created around maritime claims and counter-claims. Criminals such as pirates and smugglers threaten shipping or use the sea to move illicit goods. Ships and ports have been the targets of terrorist attacks. Marine biodiversity and coastal livelihoods are threatened by illegal fishing, pollution, and climate change.

The maritime security agenda is concerned with how states and other actors grapple with these challenges. It incorporates a diverse range of issues, and different actors often vary quite substantially in what they emphasize and prioritize. For this reason, pinning down a single, universally shared definition of maritime security is not straightforward. However, three core sets of challenges are commonly linked to the term. These comprise:

- Inter-state disputes at sea, for example over maritime territories or marine resources;

- Extremist violence and terrorism conducted at, from, or across the sea;

- Blue crimes including piracy, smuggling, and environmental crimes such as illicit fishing.

FIGURE 1   MARITIME SECURITY CHALLENGES

Inter-state disputes

MARITIME SECURITY

Extremist violence   Blue crime

Source: Bueger and Edmunds (2023)

Each of these dimensions of maritime security – interstate disputes, extremist violence, and blue crime – is distinguished from the others by the legal rules that apply to it, the actors who are involved in it, and the kinds of legitimate response it entails. However, each also forms part of the wider picture of maritime security, with different issues and dimensions inter-relating to each other in important ways.

Maritime governance is the process through which actors, usually national governments and their populations, as well as private, non-governmental, and international entities, interact to regulate maritime activities and exercise control over the maritime domain.

MARITIME JURISDICTIONS

Maritime governance is distinguished by the need to comply with the variegated and sometimes contested legal regimes of the maritime domain and its littoral states. This regime includes both domestic and international law, as well as bi- and multilateral agreements between nation state actors.

The core of this legal regime is established in the United Nations Convention on the Law of the Sea (UNCLOS), which delineates state jurisdiction over different maritime zones.

FIGURE 2   SIMPLIFIED REPRESENTATION OF UNCLOS MARITIME ZONES

Land

12 nm

Territorial Sea   Exclusive Economic Zone   High Seas

BASELINE

200 nm
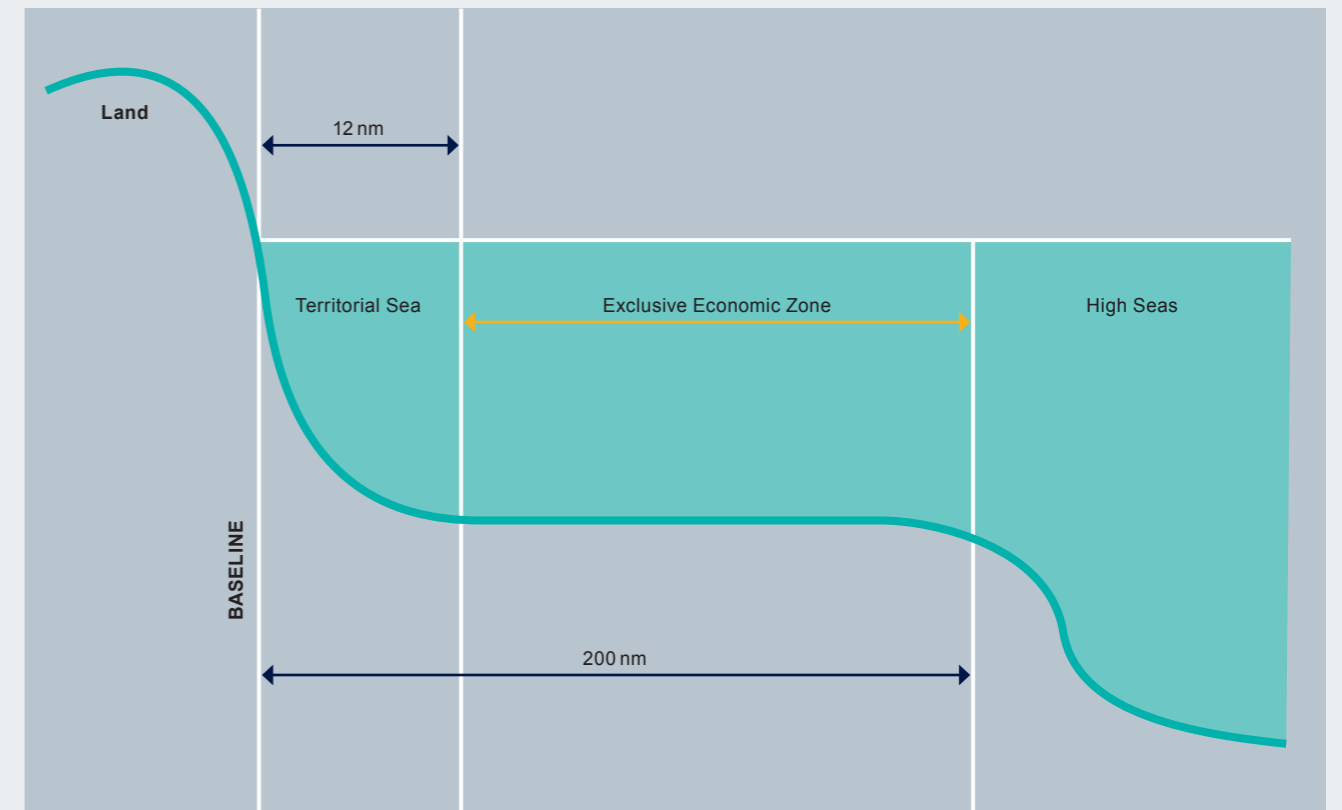
Under UNCLOS, the first 12 nautical miles out from a state's coastline – what is known as the 'territorial sea' is controlled by the state concerned and subject to its laws. From the end of the territorial sea to a maximum distance of 200 nautical miles (nm) from the coast is the exclusive economic zone (EEZ), in which states have special rights to explore, exploit, and manage marine resources such as fisheries or undersea oil or gas deposits. Beyond the EEZ is a unique ocean zone known as the high seas, over which special jurisdictional rules apply. Outside of the territorial sea, ships are subject to the legal jurisdiction of the states whose flags they fly.

WHY ARE SECURITY SECTOR GOVERNANCE AND REFORM (SSG/R) RELEVANT FOR MARITIME SECURITY?

Security sector governance and reform (SSG/R) refers to the political and technical process of improving security by making security provision, management, and oversight more effective and more accountable, within a framework of democratic civilian control, rule of law, and respect for human rights. Maritime SSG/R is the application of these processes to security agencies operating in the maritime domain.

The maritime security context has specific implications for SSG/R.

- The finalization of the UN Convention on the Law of the Sea (UNCLOS) in 1986 represented a new territorial settlement for the ocean. Coastal states acquired significant new territories and rights at sea, but also new responsibilities to protect and steward these spaces. Many states had to strengthen their maritime security sectors in response.

- Some states have a long history of engagement with the sea and highly developed maritime security capacities. Others have traditionally prioritized issues on land, leading to political legacies of 'seablindness' and organizational under-capacity in their maritime security sectors.

- Different organizations, agencies, and actors are implicated in maritime security. Depending on context, these might include navies, coastguards, marine police units, paramilitary forces, border guards, and marine environmental management bodies, among others.

- Different states operate different organizational models for the maritime security sector, with varying degrees of concentration or fragmentation among agencies. For this reason, 'one-size-fits-all' approaches to SSG/R are rarely applicable in the maritime domain.

- The ocean space is vast and difficult to police and monitor. Maritime insecurities are not confined by territorial borders and exist across and between individual state jurisdictions, or in areas of special jurisdiction such as the high seas. Many maritime insecurities have a fundamentally transnational character. Addressing them requires close cooperation between states and within regions.

GOOD SECURITY SECTOR GOVERNANCE

Good SSG describes how the principles of good governance apply to public security provision, management, and oversight. The principles of good SSG are accountability, transparency, the rule of law, participation, responsiveness, effectiveness, and efficiency. The security sector does not just comprise security providers: it includes all the institutions and personnel responsible for security management and oversight at national and local levels.

→ For more information, please refer to the SSR Backgrounders on **Security Sector Governance** and **Security Sector Reform**.

- The development of maritime domain awareness capacities that provide agencies with a clearer picture of movements and activities at sea is a key component of maritime SSG/R. Effective coordination and information sharing between agencies can assist in this process.

- Maritime insecurities are often closely linked to and dependent on wider challenges of governance and insecurity on land. Interlinkages between issues and across the land/sea boundary call for holistic responses to many maritime security challenges.

- The complexity of the maritime space means that responses need to engage with different users of the sea, including the shipping, fishing, and tourism industries, coastal communities, artisanal fisheries, and recreational users.

Maritime SSR is necessary for a variety of reasons, depending on political circumstance and context. Common reasons for engaging in maritime SSR include to:

- Ensure compliance with international, regional, and/or domestic legislation, regulation, and obligations, such as those outlined in UNCLOS;

- Respond to the emergence of new security challenges at sea, such as an increase in piracy attacks or informal migration activities;

- Respond to climate change pressures in coastal regions and at sea;

- Ensure the proper stewardship of ocean resources;

- Facilitate marine economic activities, or what is sometimes called the 'blue economy';

- Ensure the viability of Marine Protected Areas (MPAs), which require protection and enforcement;

- Protect expanding oceanic infrastructures such as sub-sea cables and offshore oil or wind farm platforms;

- Respond to changes in political direction due to elections or new appointments to office;

- Enable disaster response and relief at sea and in coastal regions;

- Restore effective security sector governance after conflict or state collapse;

- Mainstream gender equality.

GENDER EQUALITY, SSR AND MARITIME SECURITY

Gender mainstreaming in the maritime sector is important to ensure that the impact of SSR policies and programmes on women, men, boys, and girls is considered at each stage of the reform process. Measures to promote the equal participation of men and women in maritime security sector agencies are often necessary to overcome historical gender biases in these organizations.

→ For more information, please refer to the SSR Backgrounders on **Gender Equality and SSR: Mainstreaming gender equality in security provision, management and oversight.**

GENDER EQUALITY, GOOD SSG AND MARITIME SECURITY

- Maritime insecurities can significantly aggravate life conditions and insecurity for women and girls engaged in maritime activities and living in coastal communities. They also create conditions in which gender-based violence (GBV) can thrive.

- Women and girls play an active role in coastal communities and maritime economic activities, especially in the fisheries supply chain. They can also participate in or facilitate illicit maritime activities. Sometimes this is through choice. However, structural issues of gendered inequality or threat of sexual violence can push women and girls into maritime crime.

→ For more information, please refer to the SSR Backgrounders on **Gender Equality and Good SSG: gender equality for state and human security.**

WHAT ROLES DO SECURITY PROVIDERS AND OVERSIGHT ACTORS PLAY IN MARITIME SSR?

Actors' roles and responsibilities

Maritime security involves responses from multiple different agencies, often in close cooperation with other users of the sea. As security providers, coastguards, navies, border agencies, environmental agencies, and (maritime) police are responsible for policing the seas and responding to insecurity at sea.

Land-based security providers, most often police forces and intelligence agencies, address the terrestrial activities that facilitate maritime insecurity, such as money laundering or the distribution of illicit goods.

Private actors, such as the shipping industry, extractive industries, or port authorities, may also be involved in the provision of maritime security.

Coastal communities and other users of the sea have a stake in maritime security and bring important perspectives on both the nature of maritime insecurities or the impact of maritime security responses.

It is important that all stakeholders are engaged in the analysis, planning, and implementation of maritime SSR to maximize 'buy-in' across the sector.

Maritime SSG, like other forms of SSG, is a normative process in the sense that it emphasizes organizational reforms in the context of civilian control, accountability, and the rule of law. It entails the establishment of mechanisms for appropriate democratic oversight and scrutiny of maritime security sector actors and operations by both state institutions and civil society groups.

WHY AND HOW TO CARRY OUT MARITIME SSR IN DOMESTIC CONTEXTS

Maritime SSG/R needs to be context-specific in practice, reflecting the various diverse circumstances and stakeholder configurations in the countries in which they take place. However, there are two core goals that are common to most Maritime SSG/R activities in one way or another: 1) strengthening capacities and effectiveness; and 2) enhancing professional standards and accountability.

These goals incorporate reforms at both organizational and institutional levels. Organizational-level reforms are those that take place within maritime security agencies themselves. Institutional-level reforms address the wider governance structures within which these agencies operate.

Organizational-level reforms involve changes to any part of the organization, its capacity, and its management structures. Examples include:

- The establishment of clear organizational structures and chains of command;

- Strengthening policies for human resources management, including recruitment, training, gender equality, promotion, appointments, rewards, retirement benefits, and discipline;

- The creation of new or revised regulations, systems for control and supervision, codes of ethics, anti-corruption measures, and standard operating procedures (SOPs);

- Updating codes of practice, training, and operating procedures to respond and adapt to new problems or new legal spaces;

- Developing of new competencies and capabilities through capacity building and training;

- Strengthening resourcing and budgeting procedures;

- Gender mainstreaming activities.

FIGURE 3   ROLES AND RESPONSIBILITIES OF DIFFERENT ACTORS IN MARITIME SECURITY
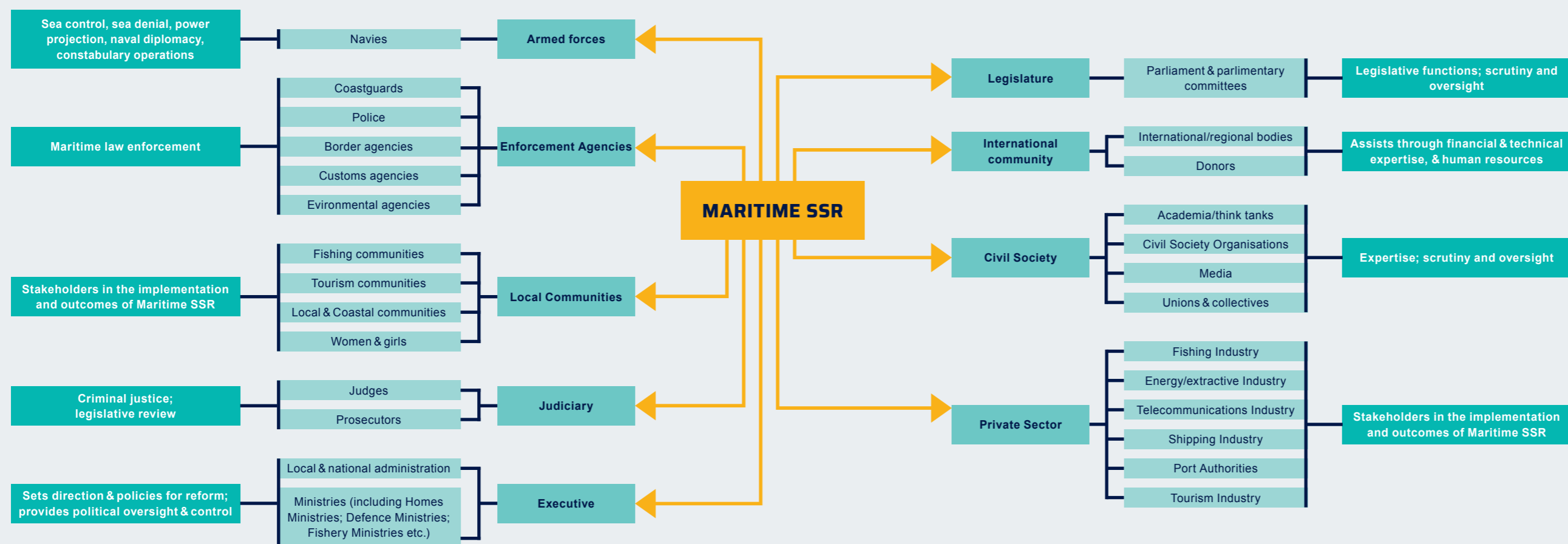
FIGURE 4   SIMPLIFIED MATRIX OF SECURITY SECTOR REFORMS

	Capacity and effectiveness	Professional standards and accountability
Organizational-level reforms	Mandate Human resources Capacity, equipment Structure, rules, and procedures	Disciplinary procedures Merit-based and gender-equal career structures Budgetary accountability
Institutional-level reforms	National strategies Management bodies Coordination structures	Political and legal oversight Civil society and public oversight

Institutional-level reforms focus on the political, administrative, and legal structures that direct and oversee maritime security sector activities. Examples include:

- The creation of maritime security strategies to order, prioritize, and cohere the maritime security response across government;

- Updating legal frameworks to ensure adequate governance of maritime spaces that comply with international law and standards and to clarify roles and mandates for different maritime security agencies;

- Updating budget procedures that change the way that agency budgets are allocated so that different institutions can be held accountable for the efficient use of resources;

- Enhancing scrutiny and oversight of maritime security sector activities through parliamentary processes and civil society engagement.
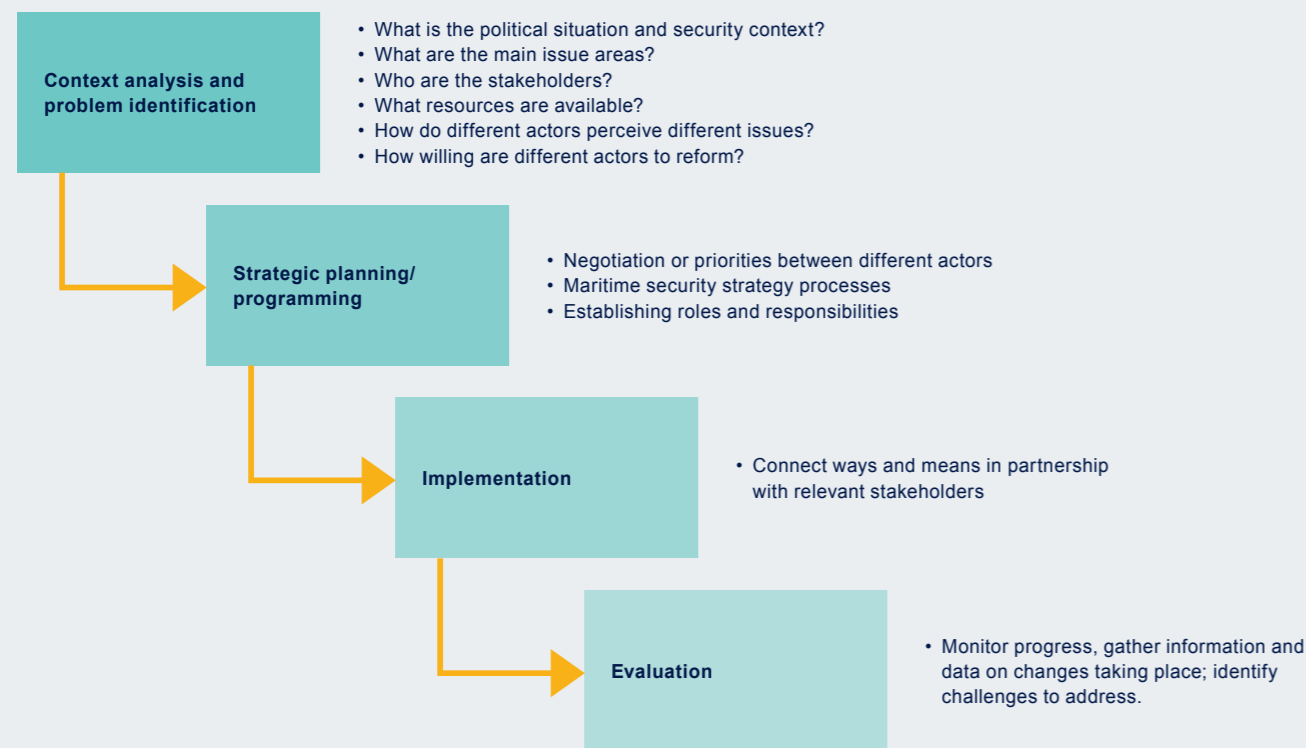
Maritime SSR as a contextualized and contested process

Maritime SSR commonly entails four distinct phases of activity, as outlined in Figure 5.

In practice, most maritime SSR programmes are messier than the ideal-type formulation presented in Figure 5. For example, practical challenges or organizational resistance at the implementation phase may require stakeholders to revisit their contextual or planning assumptions. Because SSR entails organizational change in ways that are likely to threaten existing interests and ways of doing things, it may face resistance from within the security sector itself.

Maritime SSR is best understood as an incremental, contested, and constantly evolving activity rather than a rigidly linear process of planning and implementation. These dynamics should be recognized in the maritime SSR planning cycle, which should include processes for consensus and trust building between stakeholders, and mechanisms for regular re-evaluation and review.

FIGURE 5   THE MARITIME SSR PROCESS

Context analysis and problem identification
- What is the political situation and security context?
- What are the main issue areas?
- Who are the stakeholders?
- What resources are available?
- How do different actors perceive different issues?
- How willing are different actors to reform?

Strategic planning/programming
- Negotiation or priorities between different actors
- Maritime security strategy processes
- Establishing roles and responsibilities

Implementation
- Connect ways and means in partnership with relevant stakeholders

Evaluation
- Monitor progress, gather information and data on changes taking place; identify challenges to address.

The need for coordination

Enhancing coordination and ensuring interoperability between departments and agencies is an essential component of maritime SSR. This is because so many maritime security issues require multi-agency responses, as well as often cooperation with private and community stakeholders. Coordination also allows states to minimise duplication or contradiction in this maritime security activities, and also to overcome resource constraints through the pooling of limited resources and capabilities.

Maritime security operations can require the coordination and cooperation of actors as varied as navies, coastguards, environmental agencies, border agencies, police services, port authorities, the shipping industry, and fishing communities, among others.

Coordination often faces considerable obstacles in practice. These include:

- Resource limitations leading to conflict and competition between different stakeholders, especially if there are concerns that some actors will 'win' while others 'lose';

- Different organizational priorities, functions, cultures, and practices;

- Unwillingness to engage with non-governmental stakeholders, or a lack of transparency.

There are also a series of common strategies to strengthen and facilitate cooperation between maritime security stakeholders, some of which are shown in Figure 6.

FIGURE 6   COORDINATION ACTIVITIES

Identifying nodes of common interest
Identifying shared problems can create a common interest among different actors.

Maritime security strategies
Maritime security strategies establish and describe clear priorities, roles, and responsibilities. They also have review and accountability mechanisms. Drafting and refreshing strategies is important in bringing together different actors and negotiating different viewpoints between them.

Maritime domain awareness
Maritime domain awareness (MDA) refers to collecting and processing information about what is happening at sea. By encouraging information sharing, it creates a distinct area for cooperation and encourages trust building. It also facilitates coordination by developing a collective understanding of maritime zones.

Establishing coordination structures
The establishment of dedicated coordination structures can facilitate cooperation between agencies. Structures can take the form of consultative bodies, centralized chains of command, or umbrella organizations that coordinate action.

Marine spatial planning
Marine spatial planning (MSP) is a public process of analysing and allocating human activities in marine areas to achieve ecological, economic, and social objectives. It provides an opportunity for different stakeholders to be consulted on distinct maritime areas, drawing in different actors and providing greater accountability.

Operational/technical cooperation
Operational and technical cooperation can overcome obstacles by side-stepping more politically charged issues such as inter-agency competition or resource allocation.

HOW MARITIME SSR CAN CONTRIBUTE TO REGIONAL AND INTERNATIONAL MARITIME SECURITY

Maritime security issues often cut across international boundaries. Addressing them requires neighbours and regions to work together. However, cooperation is not always easy and faces a series of common obstacles. These include:

- The fragmentation of regional responses centred on different issue areas or contact points;

- Competition over limited external aid;

- Sensitivity resulting from questions of sovereignty;

- The persistence of disputes over maritime boundaries in some cases;

- The potential for unintended consequences arising from accidents or law enforcement activities at sea, including pollution incidents or the loss of life. These can impact on foreign nationals and cause inter-state tensions.

Maritime SSR can assist with some of these challenges:

- Compliance with international laws, norms, and principles strengthened during maritime SSR can alleviate tensions by creating predictable and stable relations with international partners and delineate clear jurisdictions of operation.

- A maritime security sector that is both accountable and well administered, with effective oversight, is more likely to be predictable and trustworthy in collaborative maritime security operations.

- Regional states often have common interests in addressing shared maritime security challenges. Identifying these nodes of common interest can provide a basis for enhanced cooperation.

- Domestic maritime security sectors, with clear priorities, roles and responsibilities, and operating within a clear coordination structure, can make it easier to identify contact points to initiate cooperation. These contact points can help to facilitate sustained joint working and trust building between actors.

A collaborative approach between different regional maritime law enforcement agencies can also be fostered by:

- Regional MDA activities, where partners assist each other in producing a shared picture of maritime traffic and potential security threats;

- Technical cooperation such as capacity building. This can facilitate the sharing of good practices and operational procedures between actors;

- Joint patrols and exercises, which can facilitate trust, coordination, and familiarity with practices across and between regional partners.

WHAT TO READ NEXT

For an overview of maritime security:

- Christian Bueger
  What is maritime security?
  Marine Policy, Vol. 53, 159-164, 2015.

- Christian Bueger and Timothy Edmunds
  Beyond seablindness: a new agenda for maritime security studies
  International Affairs, Vol. 93(6), 1293-1311, 2017.

- Christian Bueger and Timothy Edmunds
  Blue crime: Conceptualising transnational organised crime at sea
  Marine Policy, Vol. 119, 2020.

- Christian Bueger and Timothy Edmunds
  Maritime Security
  in Applied Security: An Introduction, eds. Malte Riemann and Norma Rossi (London: Sage, forthcoming 2023).

For an overview of maritime SSR:

- Timothy Edmunds
  Maritime Security Sector Reform – Lessons from the Mainstream
  Lessons from Piracy, 2014.

- John F. Sandoz
  Maritime Security Sector Reform
  United States Institute for Peace, 2012.

- US Govt.
  Maritime Security Sector Reform

For an overview of capacity building in relation to maritime SSR:

- Christian Bueger, Timothy Edmunds and Robert McCabe
  Capacity Building for Maritime Security: The Western Indian Ocean Experience
  (London: Palgrave), 2021.

- Christian Bueger, Timothy Edmunds and Robert McCabe
  Into the sea: capacity-building innovations and the maritime security challenge
  Third World Quarterly, Vol. 41(2): 228-246, 2019.

For overviews of different stakeholder roles in maritime security:

- Ian Bowers, Swee Lean Collin Koh
  Grey & White Hulls: An International Analysis of the Navy-Coastguard Nexus
  (London: Palgrave), 2019.

- John Bradford, Scott Edwards
  Evolving Stakeholder Roles in Southeast Asian Maritime Security
  RSIS IDSS Paper Series, IP22058, 2022.

- Scott Edwards
  The Role of Southeast Asian States in Maritime Security
  RSIS IDSS Paper Series, IP22059, 2022.

For an overview of gendered dynamics in the maritime domain:

- Ioannis Chapsos and Elizabeth Ann Norman
  Is maritime security gender blind?
  Marine Policy, 147, 2023.

- Ifesinachi Marybenedette Okafor-Yarwood, Sayra van den Berg, Yolanda Ariadne Collins, Clement Sefa-Nyarko
  "Ocean Optimism" and Resilience: Learning from Women's Responses to Disruptions Caused by COVID-19 to Small-Scale Fisheries in the Gulf of Guinea
  Frontiers in Marine Science, 2022.

MORE DCAF SSR RESOURCES

DCAF publishes a wide variety of tools, handbooks and guidance on all aspects of SSR and good SSG, available free-for-download at **www.dcaf.ch**

Many resources are also available in languages other than English.

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