



ROLE OF MARITIME POLICIES AND STRATEGIES IN SHAPING THE MARITIME SECURITY THREATS IN KENYA

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ABSTRACT

The prospects and aspirations in Kenya's maritime domain are today facing complex and highly dynamic traditional and non-traditional maritime security threats that portend a direct consequence to Kenya's national security. The threats of terrorism and the upsurge of piracy in the Western Indian Ocean region led to the Kenyan government's reaction to the maritime asymmetric threats. These reactions became the onset of Kenya's significant engagement in maritime security issues. The adopted maritime responses were reactive in posture, which engendered the establishment and restructuring of several maritime security organizations and training to deal with the threats manifestation in Kenya's maritime domain. However, the implementation of these maritime security frameworks and responses continue to face challenges, making them tend to be not so much effective in dealing with the maritime threats in Kenya's maritime jurisdiction. This study sought to find out how are maritime policies and strategies shaping the maritime threats in Kenya. Primary data was collected through key informant interviews with academics, maritime security experts and government officials; both retired and serving. Secondary data was also sourced from relevant publications and media reports. The data obtained were analyzed using content and thematic analysis techniques. The study established that the absence of a strategic national security policy and a national maritime security strategy puts the national interests at stake and under consistent threats that engenders reactive responses among the national security agencies. This has also impacted on regional maritime security cooperation resulting in limited coordination towards common maritime interests, hence an enabler to the multifaceted maritime threats and crimes that went on unabated. There is need to identify the gaps in capacity and centre on strengthening local mechanisms in dealing with maritime security by ameliorating the vulnerabilities, which comes by formulating pragmatic policies and strategy that engenders bilateral, regional and multilateral engagement as key in the maritime governance.

Keywords: Maritime Policies and Strategies; Maritime Security; Security Threats; Kenya

I. INTRODUCTION

Oceans, much of which are global commons under no State's jurisdiction, offer all nations, a network of sea-lanes that are of global interest and integral to the national security and economic development. The increase in maritime consciousness has prompted states to innovate numerous maritime security architectures to enhance their maritime security; which is often invisible safeguard to the contemporary way of life.¹ Noticeable attention and efforts have been put on the blue economy concept, which maritime security is key in supporting in a very significant and multiple ways.²

Bueger, states that maritime security has no universal consensus over its definition, but it is a term that draws attention to novel challenges by rallying support to tackle maritime issues.³ In considering the ramification that arises from 'bad order at sea' and its impacts on both developed and developing countries, whom all depend upon secure

¹ Africa Center for Strategic Studies, Trends in African Maritime Security, *Spotlight* March 15, 2019

² Michelle Voyer, Clive Schofield, Kamal Azmi, Robin Warner, Alistair McIlgorm & Genevieve Quirk, "Maritime Security and the Blue Economy: intersections and interdependencies in the Indian Ocean," *Journal of the Indian Ocean Region*, Volume 14, NO. 1, 28-48, 2018, pp. 43-44

³ Christian Bueger, "What is Maritime Security?" *Marine Policy* 53 pp. 159-164, 2015, p.159.



shipping lanes,⁴ then aspects of innovative diplomacy, the commitment by leaders and increased legal authority need to suffice at all levels when states undertake maritime security.⁵

The terrorist attack of 2001 (9/11) in the United States, led to maritime security gaining unprecedented attention from the United States' National Security Council (NSC). The directives by president George W Bush in 2004; Homeland Security Presidential Directive – 13 (HSPD-13) and National Security Presidential Directive - 41 (NSPD-41), created a cooperative framework needed to support Maritime Domain Awareness (MDA) by formulating a United States National Strategy for Maritime Security.⁶

The amendments to the International Convention for the Safety of Life at Sea (SOLAS), 1974, led to the adoption of the International Ship and Port Facility Security Code (ISPS code), which became the most far-reaching maritime security framework approved by the International Maritime Organisation (IMO).⁷ ISPS code became the most recognised instrument that enhanced cooperation and implementation of maritime security responses that enshrined exhaustive security-related necessities for shipping companies, port authorities, and governments.

The surge in reported piracy incidents created an interest in having situational overviews that display both the location of all shipping and the probable location of suspected pirates. The institutionalization of cooperative security frameworks that encompass numerous state and non-state actors became a necessity to deal with the scourge of piracy. The 2050 Africa's Integrated Maritime Security Strategy (2050 AIMS), the Djibouti Code of Conduct (DCoC), and the Maritime Security Programme (MASE) became key instruments of wide-scale security projects in the region.⁸

Today African states are positioning themselves to benefit from the exploitation of marine resources by articulating and implementing strategies on continental, regional and national levels. The invention of the African Integrated Maritime Strategy (AIMS 2050) and African Charter on Maritime Security, Safety and Development in Africa/the Lomé Charter of 2016; set out clear maritime strategies that aim at pushing African countries in having a blue economy mind-set and also facilitate the strengthening of maritime security cooperation.⁹

Kenya's development of two strategic documents; Kenya Foreign Policy 2014 and Kenya Defense Policy of 2017 placed Kenya at a strategic position towards its pursuit of national security. The Defense Policy acknowledged the enormous potential of the Indian Ocean and the imperative of maritime security to Kenya's blue economy prospects. It identifies maritime interest as; Maritime Trade and Shipping, Ports and the offshore maritime economic resources.¹⁰ However, with limited maritime policies and absence of a maritime security policy, Kenya's engagement in maritime security is fashioned in an *ad hoc* and reactive posture.¹¹

Kenya, which relays on the international and regional maritime security strategies and projects to fill the existing vacuum of maritime security response, still lacks a long term and holistic maritime security policy and strategy. In most of the issues that have arisen in the maritime domain, the government has responded and addressed the issues on a case by case basis. However, the formation of the Presidential Blue Economy Task Force in 2017 increased Kenya's stakes and prospects in the maritime domain. It has become an important committee that has enhanced international, regional, national and local interventions; aimed at addressing the limited infrastructure, capacity to assure maritime security and prioritize the sustainable use of ocean resources.

The strategic aspect of maritime security is an indisputable reality for Kenya's social-economic development and human security. Human security, which encompasses physical security, social, cultural, economic, and psychological well-being, and always concerns non-military threats, which are key in enhancing the safety of societies, groups, and individuals.¹² Its actualization comes with a development perspective that comes through

⁴ Francois Vreÿ, "African Maritime Security: a time for good order at sea," *Australian Journal of Maritime & Ocean Affairs*, Volume 2, NO.4, 121-132, 2010, .p. 121.

⁵ Captain Brian Wilson, "Responding to Asymmetric Threats in the Maritime Domain: Diplomacy, Law and Naval Operations, Maritime Affairs," *Journal of the National Maritime Foundation of India*, Volume 5, No. 2, 68-85, 2010, p. 69.

⁶ Kathleen Hicks and Andrew Metrick, "Maritime Domain Awareness: Today and Tomorrow," in *Contested Seas MDA in the Northern Europe*, chapter 2, (Washington DC: Rowman & Littlefield 2018) p. 13.

⁷ IMO maritime security policy, Background paper, EEF.IO/3/08, Vienna, 28- 29 January 2008.

⁸ Hamad B Hamad, "Maritime Security Concerns of the East African Community (EAC)," *Western Indian Ocean Journal of Marine Science*, Volume 15, Issue 2, 75-92, 2016, p.75.

⁹ Africa Center for Strategic Studies, "The Process of National Maritime Security Strategy Development in Africa" (2016), pp.1-12.

¹⁰ GoK, Defence White Paper 2017.pp.15-21.

¹¹ Hamad, "Maritime Security Concerns," p. 80.

¹² Roland Paris, "Human Security: Paradigm Shift or Hot Air?" *International Security*, Volume. 26, No. 2 pp. 87-102, 2001, pp. 93-96.



improving sustainable exploitation of maritime resources which to a greater extent has a direct impact on the economy of the state.

The core challenge in maritime governance towards achieving the objective associated with maritime security is the coordination of the different governmental agencies towards implementing policies at sea and those societal actors that use the sea.¹³ The launch of Kenya Coast Guard Service in 2018 to augment the existing maritime security agencies, added to the existing challenges in the maritime environment, where maritime security agencies foster independent operational and tactical planning that has led to existing conflict and duplication of roles.

Kenya's national security depends on the secure use of the Indian Ocean. The absence of national maritime security strategy in Kenya has engendered persistent uncoordinated and unintegrated reactive maritime security responses that have enhanced maritime vulnerabilities and wastage of resources. This has prompted ineffective exploitation of the marine resources and all aspects relating to the use of the ocean, which has correspondingly aggravated the dismal situation ashore. Impacts that will continue to be felt due to the challenges that Kenya continues to face in the enforcement of law and order in the Indian Ocean Region (IOR).

1.1 Problem Statement

The period between 2008 and 2020, Kenya experienced multiple maritime security threats. Piracy alone led to a significant reduction in cruise liner visits to Kenyan waters from 35 in 2008 to zero visits in 2012, costing Kenya's economy, approximately US\$400 million and US\$15 million per annum on shipping and cruise liner tourism respectively.¹⁴ However, with the decline in piracy attacks since 2012, Kenya continues to experience an increase in transnational multifaceted maritime threats.

The persistent manifestation of these maritime threats had the government embrace emerging international and regional maritime security frameworks, which prompted the restructuring of Kenya's maritime security agencies to fit in with the dynamic operational environment. Kenya responded by setting up the Kenya Coast Guard Service (KCGS) in 2018 to enhance maritime governance as a centralized maritime law-enforcement agency. However, Kenya continues to experience maritime security threats.

Today, Kenya has several institutions/agencies tasked with enhancing maritime security, but still, the problems and challenges continue to persevere at the expense of Kenya's national security. Indeed the reactive responses vividly observable within the maritime sector, seems to be a factor that exacerbates these maritime problems. The study examined and analysed the maritime security practice in Kenya, challenges facing the maritime space, the existing legal framework, the existing institutional frameworks, policies, and strategies that guided the execution of maritime security. It responded to the following main question, why is Kenya maritime domain experiencing all these maritime security problems despite government interventions?

1.2 Objective of the Study

To examine and analyse how the existing policies and strategies shape the maritime security threats in Kenya.

1.3 Hypothesis

The containment of the maritime security threats is a function of implementing pragmatic maritime security strategy.

II. LITERATURE REVIEW

2.1 Maritime Security

Maritime security has over the years transformed and evolved from the narrow perspective of national naval power projection by state naval actions to having a range of additional roles and functions related to contemporary non-conventional threats and the utilization of soft power instruments towards influencing the strategic operational environment.¹⁵ The earlier maritime theories were conceived based on the realist perspective, which denotes the importance of states to compete for power by building a naval force that can rival other states naval capabilities and

¹³ Christian Bueger, "Approaches to maritime governance: Coordination instruments in Seychelles and Kenya," *SAFE SEAS*, 2017.

¹⁴ Alex Benkenstein, "Prospects for Kenyan Blue Economy," *Southern African Institute of International Affairs*, Policy Insight 62, July 2018.

¹⁵ Sam Bateman, "India and Regional Security Activities," in Anit Mukherjee and C. Raja Mohan, editors, *India's Naval Strategy and Asian Security* (New York: Routledge 2016) pp. 215-236.



dominate the maritime space. The conception of maritime security by other scholars contend the presence of both traditional threats and non-traditional threats in the maritime domain.

Mahan acknowledges the significance of the maritime sector in the theory of the sea and national strategy with the *Influence of Sea Power on History, 1660- 1783*, and the *Influence of Sea Power on the French Revolution and Empire, 1793- 1812*, published in 1890 and 1892. He explains the evolution of power on land through the exploitation of the sea by recognizing the strategic significance of naval power in establishing command at sea as primary and equally important to the land strategy. His ideas about sea power were the dominance of the sea through naval superiority that was a necessity to the growth of national strength and prosperity, which was further enhanced by interconnectedness, maritime commerce and geography configuration of the state. He noted that given the relationship between affluence and maritime commerce, the sea is unavoidably the major dome of rivalry and confluent among nations seeking wealth and power.¹⁶

Corbett's theories of sea power favour Mahan's ideas of command at sea. While Mahan generally observed the command of the sea as an end in its own right, Corbett contended that it means nothing but the control of Sea Lines of Communications (SLOCs), regardless of whether for business or military purposes.¹⁷ In his theoretical treatise, *Some Principles of Maritime Strategy*, he recognizes the utmost focal point of all the naval actions should all be concerned with accomplishing the national objectives of the state. Till makes a structured approach to the constituent elements of sea power that contradicts what Mahan and Corbett designate as a command at sea. His analysis of sea power concentrates on having good order at sea as central to the prosperity and security of all nations in the twenty-first century, especially with the emergence of an increasingly globalized world trading system. Till's perspectives of good order at sea concern four attributes; the sea as its source of wealth, a medium for trade and communication, and a life-supporting system that faces risks and threats that impact its continued contribution to human development.¹⁸

Vreÿ approves Till's assertions and concedes that the good order at sea approach is the acme of the importance and utility of safe and secure access to what the oceans offer states and the international community at large.¹⁹ Rahman agrees with Till's good order at sea but analyzes maritime security in non-traditional and non-strategic aspects. He put his perspectives in a concept of five prisms that he identifies and affirm that the practical policy and operational responses by states to their maritime security, will need to incorporate aspects of more than one of these approaches - security of the sea itself, maritime border protection, military activities at sea, ocean governance and security regulation of the maritime transportation system.²⁰

Klein assertions view maritime security as a cadre of activities - legislative, executive, judicial, military, and police actions, which are designed to respond to a collective need for order and protection from internal and external threats which to a great extent corresponds to Rahman approaches. Maritime security to her is rarely defined categorically and instead tends to have a context-specific meaning that tries to identify what is commonly perceived as existing or potential threats to maritime security and the steps that have been, or need to be, taken to address these threats.²¹

Bueger identifies maritime security as a complex matrix of interdependence among several concepts, such as sea power, marine safety, the blue economy, and human security.²² These identifications uphold Klein's assertion that maritime security has no categorical definition. He agrees with Till, and argues that the main objective of maritime security remains good order at sea in allowing - uninterrupted maritime commerce, protecting maritime professionals and the prevention of collisions, sustainable exploitation of ocean-based resources by lawful actors, protection from environmental degradation and climatic changes, and broadly looks into the security of seafarers and the vulnerability of coastal populations to maritime threats.²³

Rao's concerns of maritime security diverge from not only concentrating on issues emanating at sea alone but need to perceive the maritime sector as a domain that only manifests the symptoms of problems that are interlinked to

¹⁶ Alfred Thayer Mahan 1660-1783, *The Influence of Sea Power Upon History*.

¹⁷ Sir Julian Corbett, *Some Principles of Maritime Strategy*, Classics of Sea Power Series. Annapolis, MD: Naval Institute Press, 1988.

¹⁸ Geoffrey Till. *Sea Power: A Guide for the Twenty-First Century*, Chapter 11, (London: Routledge, 2009)

¹⁹ Francois Vreÿ, "African Maritime Security: a Time for Good Order at Sea," *Australian Journal of Maritime & Ocean Affairs*, Vol 2, Issue 4, 121-132, 2010, p.122.

²⁰ Chris Rahman, "A strategic perspective on alternative visions for good order and security at sea, with policy implications for New Zealand," *Concepts of Maritime Security Discussion paper no. 07/09* (New Zealand: The Centre for Strategic Studies Victoria University of Wellington, 2009)

²¹ Natalie Klein, *Maritime Security and the Law of the Sea* (Oxford: Oxford University Press, 2011), p.11.

²² Christian Bueger, "What is Maritime Security?" *Marine Policy* 53 pp.159-164, 2015, p.159.

²³ Ibid.



complex networks of states and non-state actor's activities in the hinterland. He believes effective management of the coasts can only be achieved by adding civilian dimension to maritime security responsibilities through engaging the coastal communities by formulating an inclusive strategy that co-opts several stakeholders widely recognised by the onshore and offshore maritime agencies.²⁴ This he believed can further be enhanced by networking coastal communities and stakeholders into an integrated security regime to ensure a steady and secure maritime domain.

Maritime security at its core is designed to provide a stable and secure environment in which economic development can occur. But the maritime domain itself has increasingly become a platform that offers the greatest scope of non-military maritime concerns which are compelling in nature and only warrant cooperation among the various regional and global power because most of the insecurity issues in the maritime domain transcend national borders.²⁵ The characteristics and dynamics of maritime threats make maritime security not to be conceptualized as a simple phenomenon that can be guaranteed by a single coastal state or group.²⁶

All these theoretical conceptualizations still confirm that maritime security still exists as a contested concept whose emphasis is dependent on the state or region of the world.²⁷ It is also a broad and nebulous concept,²⁸ whose approach makes it insufficient to prioritize threats due to its failure in elaborating how maritime threats are interlinked for the benefit of a universal concerted response to maritime issues. It is these concerns that make maritime security in the contemporary domain to be understood as a concept that involves the amalgamation of policies, regulations, measures, and execution of operations to secure the maritime domain.²⁹

2.1 Maritime Security Strategies

The traditional approaches to maritime security strategies; both theories and concepts have for a century been dominated by the work of Mahan and Corbett. The two subsequently move the strategic land-based ideas of Jomini and Clausewitz into the maritime domain, which both respectively used to conceptualize sea power in a domain of naval strategies.

Mahan's ideas of maritime strategy understood that naval strategy and tactics were a war-winning in their own right as they were centred on decisive battles as was with Jomini's perspective of military strategies by land forces. Mahan's concepts of maritime strategies were centred absolutely on the fleet and his ideas of sea power inferred on maintaining naval supremacy with an emphasis on having the largest and most powerful fleet that seek the enemy and destroy its navy and commercial fleet.³⁰

Corbett, whose ideas lie at the heart of British maritime doctrine and strategic principles, refute Mahan's ideas of sea power as one centred on naval strategy. He defines maritime strategy as 'the principles which govern a war in which the sea is a substantial factor'. His assertions which are in line with Clausewitz's proclamations that military strategies are controlled by political objectives, believed that maritime strategy was a part of the wider national effort, which posits naval strategy as a part of the state's maritime strategy that is inherently joint due to the unfeasible nature for naval actions to ever become decisive in war.³¹

Strachan approves Corbett's ideas that maritime strategy is not a 'military strategy'. He sees maritime strategy formulation as a complex undertaking that faces acute challenges in its definition. He further recognises the importance of the state's geographical disposition as alluded by both Mahan and Corbett because he found it as a crucial element in providing continuity to the formulated strategies by states. Strachan advocate that the objectives of a maritime strategy need to be explicit and easily understood because for him "if the web and woof of maritime strategy remain closer to policy than to traditional strategy, then this should be recognized for what it is, and not shoved under the carpet."³²

²⁴ P.V Rao, "Indian Ocean Maritime Security Cooperation: the Employment of Navies and other Maritime Forces," *Journal of the Indian Ocean Region* Volume. 6, No. 1, 129-137, 2010, p.137.

²⁵ Lee Cordner, "Rethinking maritime security in the Indian Ocean Region," *Journal of the Indian Ocean Region*, Volume. 6, No.1, 67-85, 2010, pp.68-80.

²⁶ P.V. Rao, "Managing Africa's maritime domain: issues and challenges," *Journal of the Indian Ocean Region*, Volume.10, No.1, 113-118, 2014, p.114.

²⁷ Edwin Egede, "Maritime Security: Horn of Africa and Implementation of the 2050 AIM Strategy," in Demessie Fantaye, editor, *Maritime Insecurity Dilemmas amidst a new Scramble for the Horn? Horn of Africa Bulletin Volume 30 Issue 2*, (2018), p.7.

²⁸ Joseph Busiega, "Harnessing Maritime Security and Resource Exploitation: Role of Maritime Diplomacy in Kenya" Research Project (Nairobi: University of Nairobi, 2016), p.7.

²⁹ Basil Germond, "The Geopolitical Dimension of Maritime Security," *Marine Policy* 54, pp. 137-142, 2015, pp.138-139

³⁰ Mahan, *The Influence of Sea Power*.

³¹ Corbett, *Some Principle of Maritime Strategy* pp. 13-14.

³² Hew Strachan, "Maritime Strategy," *The RUSI Journal*, Volume. 152, No. 1, 29-33, 2007, p.33.



Hattendorf makes an assertion that conforms with both Corbett and Strachan's ideas by identifying maritime strategy as a section of a national grand strategy. He defines maritime strategy as "the direction of all aspects of national power that relates to a nation's interests at sea". He, however, insists that the definition of a maritime strategy is still a complex undertaking that is highly determined by history which alerts to different times, different outlooks, different ideas, different problems, different mindsets, different capabilities, different decision making structures and different technologies.³³

Ahmad's understanding of maritime strategy is based on having the adopted strategy determine the development and management of the elements of sea power, while the naval strategy mainly deals primarily with one element i.e. the naval forces. His ideas which are in line with Hattendorf's definition of maritime strategy denote that the relevant aspects of national power include both civil and military national maritime capabilities.³⁴ Sea power to him is greatly influenced by policies that include inter alia the economic, trade, energy, defence, and foreign policies.

The objective of the maritime strategy is therefore meant to regulate all the elements of sea power despite the difference in means and ways among the states. It is of these concerns that undergird the core principles of maritime strategy which apply to all states with the maritime frontier in regardless of their size and challenges. It is prudent then for states to understand the problem and formulate a proper response that avoids unintended consequences that come with its wider concept of adopting strategic views of the interactive and holistic nature of risks in an increasingly globalized world.³⁵ The effectiveness of maritime security strategy will only be made possible by it being strategic, proactive, flexible, multidimensional, and possessing the capacity to integrate all plans and activities in the maritime environment in a global perspective.

1.1.1 The Perspective of National Maritime Security

The analysis of various national maritime security approaches takes into considerations the regional and global outlooks of the state's maritime security. This consider the maritime strategies employed by France, India and the African continent, which has emerged as a new dominant force towards pursuing the blue economy by rallying the African nations towards exploiting the underutilized maritime resources. France is a concern because of the several regions it controls in different maritime spheres, whereas India has continued to project itself as a dominant and formidable force within the Indian Ocean region through continuous cooperative frameworks with African states and likely minded strategic partners.

The France National Strategy for Security of Maritime Areas was formulated to assert France's rights by assuming its rightful duties in ensuring free, safe and sustainable use of seas, through coherent and coordinated actions in line with its maritime power and economic developments through the seas. It affirms the maritime domain as a strategic area that is essential for its national security. The perspectives of this maritime security strategy are based on two concepts; '*state action at sea*' and '*coast guard functions*'. It makes the two concepts very critical in ensuring all government's efforts concentrate on controlling maritime areas, the safety of French nationals and their ships, fighting illegal trafficking at sea, defending economic interests, and promoting a safe international domain.

This strategy is an extension of the Defense Policy and National Security Policy and hence does not concern with issues of military threats, but support the Defense Policy through intelligence. The main security concern in the maritime areas is to offer a coherent national inter-ministerial framework that will improve the fight against maritime insecurity issues that impact France's strategic interest and those of its partners in the short or medium terms.

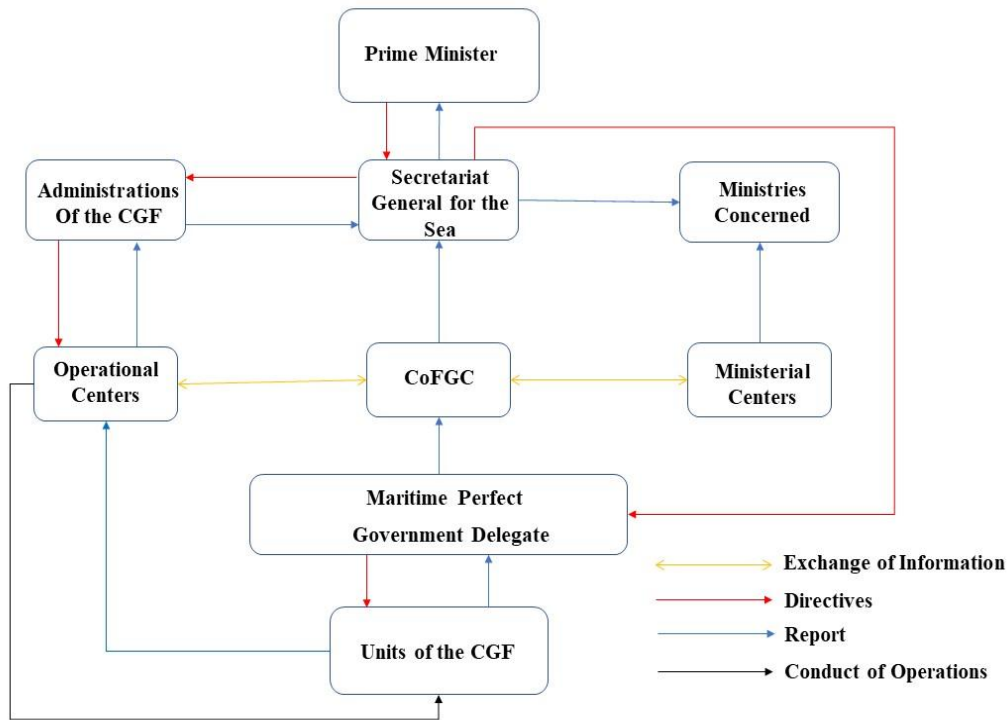
In strengthening the coherence of the Coast Guard functions, France has a Secretariat General for the sea, who works directly under the Prime Minister and who brings together the executive committee of the Coast Guard function under its chairmanship as depicted by the Figure I.

³³ John Hattendorf, "What is a Maritime Strategy?" *SOUNDINGS No.1* Sea Power Centre - Australia Department of Defence, 2013.

³⁴ Azhar Ahmad, "Maritime Power and Strategy," *NDU Journal*, pp. 23-42, 2014, pp. 30-32.

³⁵ Lee Cordner, "Risk managing maritime security in the Indian Ocean Region," *Journal of the Indian Ocean Region*, Vol. 10, No. 1, 46-66, 2014, p. 48.

Figure 1
 The organization Structure of the Coast Guard Function



The strategy has a functional mechanism that ensures that it adapts to the dynamic operational environment by having laid down procedures in keeping up to date to the risks and threats. The steering group under the Secretariat General meets once in a year to make the necessary assessment of the strategy and any proposals made are presented by the Secretary-General every after five years to the national maritime conference and the executive committee of the CG functions before being submitted to the inter-ministerial committee for approval. After validation, the strategy, with the governmental priorities and action plan arising from it, will then be applied by each ministry and maritime zone. The implementation and updating of the strategy will require monitoring and regular updates to the assessment of maritime risks and threats as depicted by Figure 2

Figure 2
 Implement the Maritime Security strategy





The Indian maritime security strategy (2015) that aims at ensuring secure seas envisages a coordinated and cooperative set of actions, shaped and determined by the contemporary multifaceted and unpredictable challenges in the maritime domain. It bestows the Indian Navy as the prime maritime force, but the implementation of the strategy is undertaken by a broader framework that synergies comprehensive maritime actions with other stakeholders that have distinct roles and responsibility in maritime security.

The Indian maritime strategy tenets are more confined to military concepts by encompassing diplomatic, constabulary and war fighting elements. It is, in effect, a combination of five constituent strategies that aim at accomplishing matching maritime security objectives - The strategy for deterrence, the strategy for conflict, Strategy for shaping a favourable and positive maritime environment, the strategy for coastal and offshore security and the strategy for maritime force and capability development.

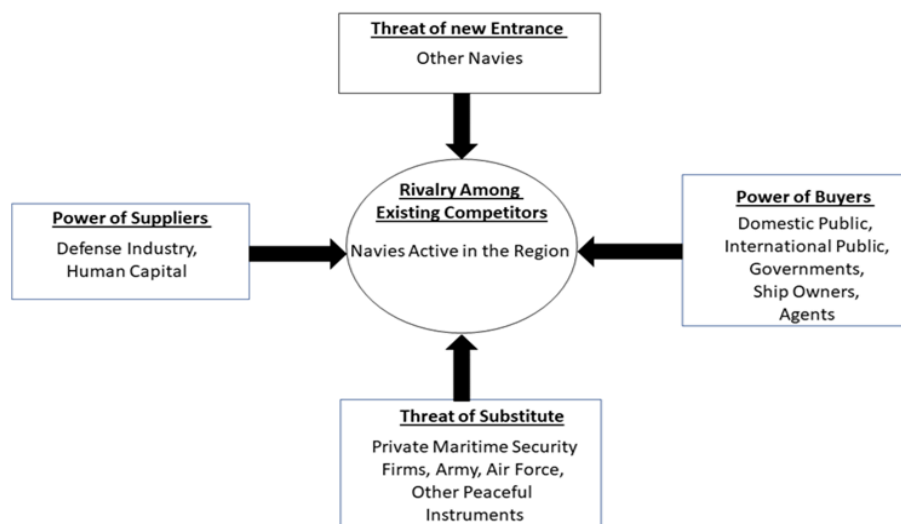
Africa's Integrated Maritime Strategy 2050 is a regional maritime strategy whose main concern is to foster affluence from Africa's oceans, seas, and inland waterways by developing a vibrant and prosperous maritime economy. It recognizes the common maritime challenges and opportunities among the member states that arise from the vast and potential Africa maritime domain. The strategy advance for a human-centred approach towards development as it sees it as a fundamental aspect of enhancing human security. It consists of principles that are all-encompassing, determined and coherent with the long-term multi-layered course of actions that are significant in generating and inculcating desirable political will that ensures successful implementation. The Strategy also stipulates a broader framework in providing protection and sustainability in the exploitation of Africa maritime domain for wealth creation by developing effective measures to address Africa's maritime challenges for sustainable development and competitiveness. With an increase in Africa's population, the strategy affirms that the preservation of Africa's marine environment is vital to growing its GDP, share of global and regional trade, competitiveness, long term growth, and employment.

1.2 Theoretical Framework

This study is based on justifying the importance of maritime security strategy in a competitive operational environment. In doing so, it has adopted a theoretical framework that is drawn from Michael Porter's Five Forces model that identifies and analyse the five competitive forces that shape a corporate strategy by helping in determining the weakness and strengths within the industry's structures. The model identifies five undeniable forces that play a part in shaping the operational environment by measuring competition intensity, attractiveness and profitability of a market.

The five forces used for this analysis are; the power of supplier, power of buyer, competition in the industry, the potential of new entrants into the industry and threat of substitute products. Porter's five forces as a framework for analysing the company's competitive environment had Ugur Yetkin use the model as an investigative tool to comprehensively assess the post-modern navies. He uses this model to analyse the maritime security environment even though the driving forces are diverse from that of the business industry. Yetkin maritime driving forces are depicted in Figure 3.

Figure 3
Yetkin's Application of Porter's Five Forces to the Maritime Security Environment





He argues that the increase in technological advancement, which has had a great influence on globalisation, have resulted in an increase in the information flow and sea traffic and hence needs a state to implement a maritime security strategy that has a global outlook rather than confined within the state's territorial jurisdiction.³⁶ Yetkin asserts that the formulation of a maritime security strategy as a strategic initiative needs careful analysis of the problems affecting the maritime domain. It is crucial because it helps those that are engaged in strategic planning to come up with solutions to the problem by effectively understanding the dynamics of the operational environment. The choice of postmodern navies by Yetkin in this analysis comes with their dealing with asymmetrical threats, which demand formulation and implementation of a collaborative maritime security framework that enhances a collective world outlook with an international orientation.

The five forces help strategists to evaluate an operational environment by understanding its dynamics and know which force has a more profound effect on the industry. By understanding these forces, it enables one to understand the power that comes with each driving force and at the same time helps to identify the players that have a role in each of the forces.

According to Yetkin, the power of suppliers in his analysis of the postmodern navies is the defence industries and the human capital, which both can determine how efficient the navy can accomplish the mission (product). The defence industry helps to build the navy and also assist in enhancing its operational capabilities through a continuous supply of spares. In the cases of developing countries, with no defence industries in their country, they always depend on importation of spares from these defence industries to enable sustenance and serviceability of their seagoing vessels. In this kind of scenario, the defence industries end up becoming very powerful and as a result, they end up determining the efficiency of these countries' navies. The labour force power comes with the lack of readily available qualified professionals because many fear the intrinsic hardship and working conditions at sea, and with the presence of several numbers of jobs in the private sector, the majority tend to prefer working for the ashore establishment rather than go to work in the navy at sea.

The power of the buyers in the maritime environment is dependent on the product (mission accomplished) by the navy. There are several possible buyers in the maritime domain; the domestic public, ship owners/ agents, the international public and the governments in the different regions. The citizens, who are the beneficiary of the maritime security provided by the navy, are certainly the first buyer. This is because of their undeniable power to determine the budget allocated to the navy through their representative in the parliament. Even though they do not have any choice for the provider of maritime security, the ability to control the budget determines how efficient the navy can execute their role. In the postmodern navies, the global public is a powerful buyer as a result of media reporting and the invention of social media that made it possible for issues impacting the maritime domain to get the needed attention and response, by having the global public to push their powerful navies to take action. The actions taken are those that involve the protection of the Sea Lanes of Communication (SLOC) to ensure efficient flow of ships in the maritime threats infested areas. In undertaking these actions, the navies enhance the actions of other buyers; ship owners and ship agents through confidence building to continue with their shipping operations. Ship owners and the agents' actions mostly end up determining the cost of shipping, if they opt to change the route as a way of avoiding the high risks area in the maritime domain as was evident with the upsurge of piracy, where their actions led to an unprecedented increase of the insurance premium. Yetkin argues that governments in the different regions have weak buying power and hence they cannot determine response rendered by the international community, which in this they lack the power of choice and they are made to accept the assistance under the terms of the powerful state.

Rivalry among existing competitors, especially with that of other navies, will always determine how maritime security of the state will be implemented by the navy. The contemporary domain has seen an increase in asymmetric threats that are paradigmatic, sticky, transboundary and interdependent, hence demand collaboration among the navies that are engaged in eliminating these non-traditional threats. This result in a positive-sum competition, a condition where navies do not see each other as enemies but allies. However, the navies may choose to cooperate in case of a common global threat but again end up engaging in a zero-sum competition in other areas where they tend to see each other as enemies. In this regard, countries should understand their strategic operational environment, especially the nature of naval competition within the region before they conceptualize their maritime security strategy.

The threat of entry among the navies determines how a country analyse the operational environment and the dynamics therein. Navies always take into consideration how other navies and the international actors will react before coming up with a maritime security strategy. However, the expansion and the outlook of the navy are dependent on

³⁶ Ugur Yetkin, "Revealing the Change in the Maritime Security Environment through Porter's Five Forces Analysis," *Defence Studies* Volume 13, No.4, 2013, 458-484, p.460.



the national policies, which is the main determinant of the kind of force that will be used to respond to a certain incident. The capital requirement needed to support the type of navy a country want will also play a great deal on the type of maritime security strategy it will adopt. A county may opt for land-based airpower, anti-ship missiles on land or deploy naval vessels to take defensive roles, but depending on what it chooses, it will need to align with the national policies which determine the strategic option that will be adopted by the navy in overcoming the challenges brought about by the maritime threats.

The threat of substitutes comes when other security agencies have also the capabilities to provide maritime security. However, the protection of maritime interest in a country is a primary role of the navy, which is directly related to the sovereignty and the survival of the state. Maritime security being the only product that the navy can deliver to the domestic public, many contemporary challenges and threats keep on impacting how the navy accomplish its mission. The contemporary maritime security challenges have had the postmodern navies to incorporate the army and air force to deliver maritime security product. However, in most cases, they are limited in terms of their operations at sea and hence make it a necessity to always have the navy platforms present. The private military security forces did provide a substitute during the time of piracy, however, the binding laws at sea and other challenges, led to the ineffective execution of maritime security. Dealing with threats on land before they impact the sea seem to be a good option that needs the economic, political and social measures to be put in place by all actors involved instead of over-reliance on the naval operations.

Yetkin argues that in the maritime domain, complements are factors that need to be evaluated with already existing factors. The army and air force may be a weak substitute, but they can be effectively used as complementary factors to enhance the navy capabilities. The air force can deploy maritime patrols, while the army helps with setting a coastal defence and anti-ship cruise missile ashore. This complementarity makes the contribution of the army and air force to maritime operations pose a high-level entry barrier to adversaries in the modern navy mission. Other military services, government organisations and Non-Governmental Organisations (NGO) while posing as a substitute, as part of peaceful solutions, they have vital complements to the postmodern navy's mission, while appropriate actions by other governmental agencies can be taken to bolster stability in the region.

Military planners while determining long term maritime strategy, they need to find a way to decrease the buyer and supplier powers, to adopt a positive-sum game and overcome the entry barriers in coming up with a competitive strategy that is pragmatic to the strategic operational environment of the state.

1.3 Research Design and Methodology

1.3.1 Research Design

This study espoused exploratory research design. The study took place along the Kenyan coastline, Mombasa, Kwale, Kilifi and Lamu. It focused on Kenya's Indian Ocean jurisdiction, covering at least the major maritime governing agencies, policymakers, implementers, and all the stakeholders concerned with maritime security and policy formulation. The target population was key stakeholders in maritime security. While the unit of analysis was stakeholders in maritime security, the units of observation were the Kenya Coast Guard Service, Kenya Maritime Authority, Kenya Defence Forces (Kenya Navy), Sea fearers, Kenya Ports Authority, Ministry of Tourism, Dock Workers Union, National Intelligence Service, Fisheries Department, Ministry of Foreign Affairs, Kenya Revenue Authority, Kenya Forestry Service, and others stakeholders. From these, the 260 senior and middle-level officers from these agencies were targeted.

The study sampled 10% of participants in each category of the target population. The sample size of 10% is guided by Kasomo who said that a sample size of 10% is representative of the study population.³⁷ When applied to each category of the target population, the sample size as presented in Table 2 will thus be 26, because the concerns of the study was mainly on the strategic aspects of Kenya's maritime security and desired to collect data from only those key people holding strategic positions in the targeted departments.

The study utilized two sampling techniques: proportionate stratified and snowballing sampling techniques. In this regard, the study participants were sampled proportionately (10%) from each stratum (Targeted Department). Besides, the study used the snowballing technique to sample the study participants based on their work, knowledge and experience in the field of maritime security and involvement in the repositioning of the blue economy matters.

The study used Key Informant Interviews (KIIs) in data collection. These were qualitative in-depth interviews with people who know what was going on in the community or researcher's area of interest. It involved the collection of information personally from the sources that include a wide range of people from different sectors, who held critical positions in their departments. The KIIs contained questions pegged to the study objective.

³⁷ D. Kasomo, *Research Methods*, Egerton University Press, Egerton (2006).



Secondary data was collected from published research projects, policies and strategies. This helped to capture what had already been done on maritime security from a global, regional, and national and up to the local level, with information gathered helping to create a deeper understanding on the maritime domain security which is critical in informing policies and strategies.

The collected data was sorted and analysed using the content analysis technique. Content analysis is a form of qualitative research and method of analysing written, verbal or visual communication messages.³⁸ In this regard, the findings obtained were described in prose and the meanings arising highlighted and presented in verbatim. The emerging findings were then derived and analyzed against the existing body of knowledge.

IV. RESULTS AND DISCUSSIONS

4.1 Introduction

In this chapter, the findings of the study are presented. These findings are presented in line with the study objective which was to examine and analyze how the existing policies and strategies shape the maritime threats in Kenya. Data was collected using interviews and document analysis.

4.2 Response Rate

Out of the 26 interviewees targeted, 21 participated. This makes a response rate of 81%; which was considered enough to represent the study.

4.3 Existing Policies and Strategies Shaping the Maritime Threats in Kenya

The objective of the study was to analyze how the existing policies and strategies are shaping the maritime threats in Kenya. The respondents were presented with numerous questions on this subject.

4.3.1 Policymakers Appreciation of the Maritime Space

To begin with, the respondents were presented with the question: “How do the decision-makers; the policymakers and legislators appreciate the maritime sector and how do their decision-making undermine or enhance the roles of your organizations?” The responses obtained indicated how for a very long time majority of the policymakers had been oblivious of the overall importance of the maritime environment and the resources therein. However, the narrative changed in March 2015 during the National Maritime Conference (NMC 2015) which was attended by Kenya’s President and the Secretary-General of the IMO. During the conference, there was a rallying call for a renewed focus in the maritime domain following NMC 2015, and it was made clear that there exist in the “Blue Economy” living and non-living resources which present a new frontier for the country’s economic development. There were also urgent calls to protect and secure these resources. This was confirmed by one of the respondents who said: *“The decision-makers are yet to fully appreciate the critical role of the maritime security. For a very long time, the focus had been largely on revenue collection at the Port of Mombasa. However, the current regime has made some critical policies such as the establishment of Kenya Coast Guards to enhance maritime security”*³⁹

The appreciation and perspective of the maritime space have been varied based on the experience, knowledge and field of specialization of the individual. However, the concerns of resource allocation and legislation had a part in influencing the formulation of maritime policies and strategies. The resultant decisions by legislators consequently impacted on the functions of various maritime security organizations. To this, one of the interviewees confirms that: *“It is evident that most of the members in the legislative house and the executive do not know what exactly happens in the maritime domain. How then can they be effective in legislating and policymaking? Just look at how resources are allocated among the security agencies. More funds are apportioned to the land forces than is to the forces at sea. The same is replicated with the difference in numbers that make up these forces. However, things are changing but still, there is a need to inculcate maritime culture among the decision-makers because without it, then the maritime domain will continue to receive the least attention than it deserves.”*⁴⁰

The findings show that the maritime sector was challenged by inadequate policymaking and legislation, as a result of having the government institutions authoritatively making decisions that were not consistent and appreciative of the dynamic strategic operational environment. An institutional approach that forced Kenya to adapt to the nature of

³⁸ Haradhan Mohajan, Qualitative Research Methodology in Social Sciences and Related Subjects, Journal of Economic Development, Environment and People, Vol-7, Issue 01, 2018, pp. 23-48. p. 15.

³⁹ KII on April 29, 2020, Mombasa.

⁴⁰ KII on April 4, 2020, Mombasa.



threats by forming new maritime agencies; evident with KCGS. This to some extent has resulted in the duplication of roles among the maritime agencies, which has gone into limiting the implementation of the various mandates by Kenyan maritime security organizations. It is a factor that is attributable to inadequacy in harmonization and rationalization of the various functions of these organizations. In this regard, an interviewee said: *“There is very little effort put towards protecting maritime space while at the same time allowing for proper use of its resources. The KCGS was meant to marshal resources and end this duplication. However, some agencies are still clinging on their initial enforcement mandates leading to wastage of resources allocated to enforce.”*⁴¹

It is also noted that during policy formulation of the marine aspect; for the holistic decision-making process, all key agencies are involved through the task force and steering committees, as an approach to deal with the issues holistically and address foreseen opportunities and threats related to coastal and ocean regimes. This is a multidimensional and interlinked that strengthen stakeholder’s relationship.

4.3.2 Sea blindness

The interviewees were presented with the question: “What is sea blindness? How can you contextualize to Kenya’s maritime prospects?” The responses obtained show that indeed there were serious challenges related to sea blindness in Kenya. It was evident that until 2015, the successive regimes after Kenya’s independence were less considerate of Kenya’s blue economy, hence the reason for inconsistent and minimal development of the maritime domain. Sea blindness in Kenya’s case, therefore, was both in economic and security dimension, with the piecemeal economic development of Kenya’s ocean space as was evident by most of the developments that took place along the coastline of Kenya.

Even though there have been some gains on MDA among the Kenyan decision-makers, collectively the appreciation is rated as average in comparison with states like Seychelles and Mauritius. In this regard, a respondent reported that: *“It is the lack of exploitation of the sea resources and opportunities availed by the sea. Kenya’s maritime prospects have leapt in the recent years but it is still myopic. It has not been approached in a holistic manner capable of unlocking its full potential. Out of the eighteen economic clusters of the blue economy, Kenya has only scratched the ground of about seven clusters. The remaining eleven clusters have not been thought about. Also, the investment in the blue economy has not been prioritized as it is urgently required. It needs to be supported by the top leadership and prioritized for the sector to yield substantial benefits.”*⁴²

The Legislation is equally impacted by the issue of sea blindness and which it has a bearing on the implementation of the divergent mandates by respective maritime security organizations. The effects of sea blindness prevented decision-makers from allocating enough financial resources for the exploitation of the ocean space. This sea blindness also caused them to ignore the need for modernizing the Kenya Navy through hiring and training personnel and acquiring equipment and ships. This was alluded by one of the interviewees affirm: *“In Kenya, this has been a problem which stems from inadequate legislation towards maritime security and subsequent poor funding and inadequate personnel to the maritime sector. The problem is aggravated by short-sighted politicians who view maritime security from a local perspective as opposed to the international level. The result is poor funding and ineffective legislation to the maritime sector.”*⁴³

In the same accord, one interviewee argued that issues of sea blindness were a real challenge facing the country. It affected policy formulation since the absence of knowledge on what is at stake affects such processes. Sea blindness is a problem that cut across from the strategic to the local level; hence the respondent supported his argument by asserting: *“Kenya’s populous is no exception with sea blindness, and the majority do not realize how maritime issues affect their daily life. A lot of sensitization should be done to deal with misinformation and myths.”*⁴⁴

In this context, there was a need to put in place concerted efforts and mechanisms aimed at creating maritime domain awareness that emphasize on reducing the consistent sea blindness that continues to have a bearing on policy deliberations and legislation on issues of maritime security. It is a problem that Kenya needs to adopt an incremental approach to reduce the risks and uncertainty in a slow but progressive manner because if it is not eliminated, it will go into impacting maritime security engagements from the strategic level to the tactical level.

⁴¹ KII on April 19, 2020, Mombasa.

⁴² KII on April 12, 2020, Mombasa.

⁴³ KII on April 29, 2020, Mombasa.

⁴⁴ KII on April 28, 2020, Mombasa.



4.3.3 Best Approaches to Enhance Kenya's Maritime Security

The respondents were presented with the statement: "What is the best approach toward enhancing Kenya's maritime security?" The responses obtained show that this could be achieved through a national security policy. A security policy that envisages multinational cooperation to address pertinent maritime security issues at the national, regional and global dimensions because the maritime domain is one that is shared by all humanity. This then means with national security policy in place, it will go into informing the country's maritime security strategy that is crucial in creating a platform that can push for a regional maritime security strategy. This will eventually enhance and strengthen the regional commitment towards common maritime interests. This is evidenced in the words of one of the respondents who said: *"First and foremost Kenya needs a national security policy to enhance Kenya's long term strategic approach to issues of national security. The national security policy will be decisive in identifying threats to the national interests and key towards informing the adopted strategies. Significantly, the strategies adopted needs to engender region-centric approach by first building strong collaborative frameworks with other countries within the East African region."*⁴⁵

In emphasizing the importance of maritime security, one interviewee was of the view that: *"Kenya needs to formulate a National Integrated Maritime Policy to address the various sub-sectors, including their challenges and opportunities. Following the Policy, there should be drafted sector-specific strategies, for instance, the National Maritime Security Strategy which will then be followed by enacting relevant legislation and perhaps amending existing laws."*⁴⁶

Other respondents saw the best way towards enhancing maritime security is through a multi-agency approach. This was affirmed by one of the interviewees who said that: *"Multi-agency approach is the best approach to tackle most of the existing maritime threats and security challenges. It is very expensive to equip every agency to full capacity capable of effectively operating independently. In this respect, multi-agency is a necessitated approach to bring about the needed synergy using the limited available resources."*⁴⁷

Inter-agency cooperation and coordination were reiterated by a majority of the respondents as the best approach towards enhancing Kenya's maritime security, this includes the need to develop a Standard Operating Procedures (SOPs) for the interagency operations, to ensure its binding and strengthen loopholes from every agency for effective and efficient monitoring. However, other interviewees posit that as much as multi-agency collaboration is the way to go, legislations need to be in place to ensure its effectiveness. The assertions were reinforced by these sentiments that: *"There is a need for a maritime security strategy to merges all SOPs that guide the maritime security agencies. The Multi-agency concept should be put into law so that various agencies are tied to it as opposed to the current scenario where they operate on goodwill."*⁴⁸

In this context, it is evident that one of the best ways in which Kenya's maritime security could be achieved was through the enactment of a national security policy to inform the maritime security strategy. In the context of a sector-specific approach, the formulation of a National Integrated Maritime Policy to address the maritime sector challenges and opportunities will suffice. This will go into improving the already existing *ad hoc* multi-agency approach. Is to ensure it brings into perspectives all the concerns of maritime security from the national, regional and local levels, to effect concerted efforts among all stakeholders.

4.3.4 Multiagency Approach towards Maritime Security Engagement

The respondents were presented with the questions: "Do you understand the concept of a multiagency approach? Does the maritime security agencies undertake this approach and how best can it be approached in the maritime sector?" It was evident that Kenya's maritime domain has many State and non-State actors involved in various activities including the exploitation of marine living and non-living resources; maritime commercial activities; defence and security; conservation and management of the marine resources; and enforcement of customs, fiscal, immigration, shipping, and sanitary laws. This was evident by one respondent who said; *"Multi-agency approach is a current technique used by the government and private agencies in managing marine resources and towards addressing the overlaps and gaps. It is a multidimensional approach involving many forms of partnerships and multi-sector, which involves a multiplicity of agencies in the conduct of maritime security operations."*⁴⁹

⁴⁵ KII on April 4, 2020, Mombasa.

⁴⁶ KII on April 29, 2020, Mombasa.

⁴⁷ KII on April 15, 2020, Mombasa.

⁴⁸ KII on April 29, 2020, Mombasa.

⁴⁹ KII on April 27, 2020, Mombasa.



It is one of the most current approaches used by most national security agencies towards enhancing effective governance of resources within the maritime domain. The Kenya Coast Guard Service (KCGS) established in 2018 is conceptualized as a multi-agency approach to MDA, maritime security, maritime law enforcement. KCGS is pooling the limited resources and capacity, creating synergy, and enhancing interoperability of the State actors. KCGS impact will enhance Kenya's maritime safety and security, as it tries to apply this approach with key maritime agencies through the formulation of an inter-agency memorandum of understandings.

The findings show there was multiagency cooperation. The adoption of the multiagency approach by the government has yielded a lot and different maritime security agencies are today reading from the same script and breaking away from the silo mentality. This has been achieved through timely sharing of information, pooling of resources and integration of systems at the Joint Operations Centre. In this end, one of the interviewees elaborated this by asserting: *"The Security Amendment Act 2014, Sec.75 saw the establishment of the Border Control and Operations Coordination Committee (BCOCC). The Act gave a provision for establishment of sub-committees Border Management Committee (BMC) along the Kenyan borders to implement on its directives. As a pilot stage, Joint Operation Centers (JOC) was established in three locations; air, land and sea borders to support the operations of the BMCs that hold their meetings fortnightly. By August 2016, the concept of JOC was introduced following a resolution by the BCOCC to maximize coordination between agencies, improve understanding, increase information and intelligence sharing and strengthen and streamline the border operations and enforcement process at the Mombasa Point of Entry (POE). The JOC which is located at the port of Mombasa incorporates agencies directly involved in the border operations/enforcement process as well as those agencies that serve in a support capacity which are vital to the success of these activities, functions and procedures. JOC is a one-stop collection, research, compilation and dissemination entity designed to enhance operations, security and information/intelligence sharing at and in-between the ports of entry/exit. All the maritime law enforcement agencies by their Act, have their presence in the BMC and hence coordination of any operation at the sea, becomes easier especially where different agencies have diverse capabilities and mandate at the sea."*⁵⁰

Multiagency approach among the concerned agencies is not effectively implemented especially in managing the broader concept of maritime security. To achieve a harmonized cooperation, there should be a legal framework to guide these maritime security organizations. This was reiterated by one of the respondents who affirm that: *"If given the support it deserves, it would enhance and facilitate maritime security engagements within the maritime sector. The Multi-agency approach as much as it produces very good results, there is a need to expand its security scope and come up with ways on how best Kenya can effectively utilize its maritime sector. This will need broadening the concept of maritime security that continues to inform the scope of the maritime multi-agency approach."*⁵¹

From the findings, it is evident that there were gaps in the existing policies and strategies, when compared to countries like France and India, who have national security policies that inform the national maritime strategies. This has had a direct consequence on the maritime threats in Kenya. The main challenge was the lack of national security policy, which is a requirement to provide a strategic intention of the country in the aspects of national security. In this regard, the country often relied on *ad hoc* national security policy that is limited to issues that concern the maritime sector. This then put the country in a reactive posture instead of engendering proactive posture to the maritime security issues that arise in the country. It was evident that there is no uniform SOPs that guides the conduct of maritime security. As a result, each organization has its modus operandi. The multiagency cooperation seems to be effective in responding to issues concerning the border but limited in other maritime security dimensions. However, the scope of the multiagency responses needs to be expanded and at the same time legalize to ensure various stakeholders are incorporated and tied to it as opposed to the *ad hoc* practices. The inherent sea blindness among the policymakers and legislators has also had an input in the conduct of maritime security. Failure to acknowledge the critical role of maritime security towards the national security and its relationship to economic prosperity puts the country's maritime security engagements under limited strategic approaches that continue to be incapacitated by the inadequacy in legislation.

4.4 Hypothesis Testing

The hypothesis of the study was: the containment of the maritime security threats is a function of implementing pragmatic maritime security strategy. This hypothesis was also accepted. This emanates from the fact that there is the duplication of roles among most maritime security organizations; a function of legislation that has led to unhealthy competition, mistrust and acrimony. The reactive maritime responses that have been consistently glaring,

⁵⁰ KII on April 26, 2020, Mombasa.

⁵¹ KII on April 12, 2020, Mombasa.



especially with the way the maritime security agencies dealing with the crisis depicts lack of strategic response that is well conceptualized to inform proactive responses in dealing with maritime security issues. It was further elaborated that the scope of the multi-agency approach towards maritime security was narrow as it dealt with maritime border security. This has rendered limited interagency coordination frameworks within the broader view of maritime security, which has gone into contributing to failure in dealing with divergent security risks, vulnerabilities and threats.

4.5 Discussion of Findings

This section discusses the findings obtained from the field study and the existing body of literature. The study confirmed that the Kenyan constitution under article 10 has ensured that policymaking and implementation adhere to the national values; participation of the people and transparency. It has further made policy formulation to be in two folds; at the national level and county levels. This makes the ministry of devolution and planning to play a key role in policymaking and planning for both the national and county governments. In the maritime domain, the study shows that Kenya has an Integrated Ocean Policy that informs the strategic aspects of Kenya on issues of maritime decision making.⁵² It also confirmed that the majority of the policymakers and legislators seemed not to know what was happening in the maritime environment. It was a difficult situation because their input is what has led to the maritime environment to take shape but in a slower manner. Subsequently, this limited knowledge of how what happened at sea affects policy and strategy formulation.

Policy formulation in Kenya is also challenged by poor appreciation among the policymakers and legislators' reluctance in providing adequate resources.⁵³ This indicates little effort to protect the maritime environment as evidenced by poor capacities among the maritime organizations to implement their mandate; a factor that is attributable to limited legislative decisions and policies. In this context, there was a need to put in place mechanisms aimed at enhancing MDA from the tactical to the strategic level, and at the same time expound the scope of the multiagency approach to other maritime security challenges. There was also a need to strengthen the multiagency approach by legally constituting a formal structure of coordination to enhance the existing *ad hoc* maritime security committee with clear guidelines on how the agencies involved will conduct themselves.⁵⁴

Best approaches to enhance Kenya's maritime security were also suggested. In this regard, a strategic approach towards enhancing maritime security; needs the country to formulate a national security policy that recognizes the importance of strengthened bilateral, regional and multilateral engagement.⁵⁵ A national policy that informs a region-centric national maritime security strategy will garner the support of the neighbouring countries towards the governance of the shared maritime resources. This will create a platform that may trigger the pursuit of an East African Maritime Strategy to strengthen regional support and implementation of the national security policy frameworks.⁵⁶

Kenya's maritime security could also be strengthened through national and regional policies aimed at enhancing inter-agency cooperation and coordination. In this context, it is evident that one of the best ways in which Kenya's maritime security could be achieved was through the enactment of policies that appreciate the importance of maritime security from a region-centric approach through coming with a collective security mechanism as envisaged by Cordner in "Rethinking maritime security in the Indian Ocean Region."⁵⁷

4.8 Limitations of the Study

The findings may not relate to the challenges anticipated in other maritime resources within Kenya, especially those with similar dynamics such as the shared waters of Lake Victoria and Lake Turkana. Also, it may be hard to understand the level to which the findings of the study relate to inland water bodies because some of which are not closely monitored by the maritime organizations under investigation in this current study due to their limited jurisdictions and capacities. The study was also limited to some extent in collecting data from the strategic leadership views due to the COVID-19 pandemic that made it difficult to conduct an interview with those who are key in handling strategic issues in the maritime domain. In some of the cases, the senior leadership directed me to their juniors, who took part in my study, but some of them were limited in understanding issues concerning the strategic leadership levels. However, some of the strategic key issues were from secondary data. The findings of this study are

⁵² Integrated Ocean Management Policy of 2009.

⁵³ Mbugua and Mwachinalo, "An Assessment of Maritime Insecurity" pp. 28-31.

⁵⁴ Mbugua and Mwachinalo, "An Assessment of Maritime Insecurity" p.24.

⁵⁵ Kenya Foreign Policy November 2014, pp. 29-32.

⁵⁶ Hamad, "Maritime Security Concerns of the East African Community (EAC)," p.75.

⁵⁷ Cordner, "Rethinking maritime security in the Indian Ocean Region," pp.68-80.



also cross-sectional in nature and relate to the state of affairs as of 2020. They may not thus cast light on the ever-changing dynamics of the maritime environment. Longitudinal studies may thus avail different findings.

V. CONCLUSION AND RECOMMENDATIONS

5.1 Conclusions

The study establishes that the absence of a strategic national security policy and a national maritime security strategy puts the national interests at stake and under consistent threats that engenders reactive responses among the national security agencies. This has also impacted on regional maritime security cooperation resulting in limited coordination towards common maritime interests, hence an enabler to the multifaceted maritime threats and crimes that went on unabated. There is need to identify the gaps in capacity and centre on strengthening local mechanisms in dealing with maritime security by ameliorating the vulnerabilities, which comes by formulating pragmatic policies and strategy that engenders bilateral, regional and multilateral engagement as key in the maritime governance.

5.2 Recommendations

The study has shown clearly that Kenya needs a strategic national security policy and a maritime security strategy based on the conclusion. Secondly, while Kenya embarks on infrastructural development as a platform to the blue economy aspirations, decision-makers must understand that Kenya's strategic location brings both risks and opportunities in the maritime domain. It is clear that with Kenya's fragile core strategic operational environment that has seen an influx of foreign States and non-state actors; an indication of a likely increase in threat dynamics and intensity in the foreseeable future. The distinguishing characteristic of the maritime environment; interconnectedness, liminality, transnational and cross-jurisdictional in nature, demands the need for shared responsibility due to common interests. This needs Kenya's defence policy and foreign policy to give greater attention to the Indian Ocean due to the increased non-traditional threats and strategic uncertainties, increased maritime transport that makes 92% of Kenya's international trade and the fact that the government is also undertaking vital strategic blue economy infrastructural developments. This can emulate Indian maritime security strategy that puts the Indian Navy as the leading agency in ensuring secure seas.

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