

UNITED STATES COAST GUARD ACADEMY  
ADVANCED RESEARCH PROJECT (AFRICA)



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**ABSTRACT:**

This study provides strategies that East African states can employ to stem the flow of illicit drugs more effectively into their maritime domain. First, we open with why United States should care about the illegal drug trade in East Africa. Namely, the negative ramifications of illegal drug trafficking in East Africa for the United States are the bolstering of Mexican drug cartels, the financing of African insurgencies and terrorists, the threatened expansion of the trade into other illicit markets, the disruption of US good governance objectives, and the worsening of the drug trade in the United States. Second, we review all the relevant available data on the drug trade and maritime assets in Kenya and Tanzania. Despite an overall lack of public data on the matter, the data that is available exposes a worsening drug usage problem and stagnates drug seizure trends. However, it also shows a steady supply of new assets over the years. Our research question is “What strategies can east African countries employ to better enhance maritime coordination and security to prevent drug trafficking?” Our hypothesis is: improvement of the coordination structure among DCOC member states based on existing frameworks, such as JIATF-S, will lead to an increase in maritime drug interdiction, prosecution, and prevention rates. In the literature review, the research begins with an overview of the drug trade that flows from the Middle East, namely Pakistan and Afghanistan, in route globally to Europe, Africa, and the Americas. This portion highlights the recently heightened ‘southern route’ which travels south from these origins to the East Coast of Africa via boat, destined for consumption on the coast, along with movement up to Europe. Narcotics flows disrupt political stability in both Kenya and Tanzania leading to corruption and inefficient enforcement. Currently, maritime forces in Kenya and Tanzania have slowly fostered growth in their counter drug efforts with new assets and stations coinciding with a fall in regional piracy; however, this is routinely hampered by bureaucratic overlap. Nevertheless, efforts such as ‘Vision 2030’ continue to streamline aspirations to enhance MDA in the region with buy-in from a conglomeration of government agencies and foreign partners like the United States and Europe. Next, the research will analyze JIATF-S and other organizations with an overview of the governing bodies, participating countries, enforcement capabilities and legal framework. Then, the research will give an overview of the current information sharing regimes which exist through the DCoC. Through our final recommendations, we argue that modifications to the Djibouti Code of Conduct to increase information sharing, legal finish, and regional coordination will act as the best remedy to combat drug trafficking, build trust among members, and lead to positive outcomes for the United States.

**ACKNOWLEDGEMENTS:**

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Mr. Michael Fisher, DCO-I AFRICOM Regional Advisor (RA), USCG DCO-I

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LCDR Jonathan Tschudy, USCGA Department of Government

CDR Jennifer Runion, USCGA Department of Government

**ACRONYMS:**

|         |  |
|---------|--|
| ARP     | Advanced Research Project                                    |
| CB      | Capacity Building  |
| CBP     | Customs and Border Patrol                                    |
| CD      | Capacity Development   |
| CMF     | Combined Maritime Forces                                     |
| CTF     | Combined Task Force  |
| ECB     | Evaluation Capacity Building                                 |
| DCoC    | Djibouti Code of Conduct                                     |
| DOD     | Department of Defense  |
| DTO     | Drug Trafficking Organization                                |
| DoS     | US Department of State                                       |
| EAC     | East African Community                                       |
| EMCCDDA | European Monitoring Centre for Drugs and Drug Addiction (EU) |
| EU      | European Union   |
| IMB     | International Maritime Bureau                                |
| IMO     | International Maritime Organization                          |
| INCSR   | International Narcotics Control Strategy Report (US DoS)     |
| IORIS   | Indo Pacific Regional Information Sharing Platform           |
| JIATF   | Joint Interagency Task Force                                 |
| MASE    | Programme to Promote Regional Maritime Security              |
| RCOC    | Regional Coordination of Operations Centre                   |
| RMIFC   | Regional Maritime Information Fusion Centre                  |
| UN      | United Nations   |
| WDR     | World Drug Report (UN)                                       |

## PART I: THE EAST AFRICAN DRUG PROBLEM

### **Problem Statement: Why Should the United States Care?**

Illegal drug trafficking into the East African coastline has increased significantly over the past years, with growing rates of addiction among African populations to, notably, Heroin. For many reasons, the rising flow of illicit substances is becoming a major problem for the entire region.<sup>1</sup> This illicit activity is obviously a problem for the continent. What is less obvious, but equally true, is how detrimental the East African drug trade is to the United States. Existing research on the topic points to several reasons for the United States to care. First, the illegal drug trade in East Africa is strengthening the Mexican drug cartels, which actively work against U.S. interests just south of our border. Second, the illegal drug trade finances local African insurgencies, including violent terrorists that have vendettas against the United States, such as Al Shabab, Al Hijra, and M23. Third, drug trafficking encourages the expansion of other illicit markets, like the illegal arms trade, which further emboldens dangerous anti-U.S. groups. Fourth, good governance is negatively affected by the illegal drug trade, as governments come under the influence of DTOs and terrorist groups. This works against the U.S. stated policy objective of improving governance in the region. Lastly, the illegal drug trade further contributes to the drug epidemic in the United States, which kills tens of thousands of Americans each year. For all of the reasons listed above, there is no doubt that the United States should care about the illegal drug trade in East Africa.

## PART II: RESEARCH QUESTION, HYPOTHESIS, AND DATA

**Research Question:** What strategies can AFRICOM employ to improve the efficacy of Maritime Law Enforcement (MLE) among East African states, as part of an overarching effort to curb regional drug trafficking?

**Hypothesis:** Improvement of the coordination structure among DCOC member states based on existing frameworks, such as JIATF-S, will lead to an increase in maritime drug interdiction, prosecution, and prevention rates.

### **Data Collection Dilemma:**

One of the most pressing problems with research in Africa – Sub-Saharan Africa in particular – is the lack of data collection and sharing in the region. Specifically, Sub-Saharan Africa, which includes Tanzania and Kenya, suffers from data issues stemming from “...insufficient manpower and personnel involved in research and innovation, poor state of infrastructure, seemingly unnoticeable but apparent political nature of interference in access to data, insufficient research think tanks, lack of funding, as well as unavailability of centralized data banks which can be

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<sup>1</sup> Simone Haysom, Peter Gastrow, and Mark Shaw, “Tackling heroin trafficking on the East African coast,” *ENACT Policy Brief*, no. 4 (2018): 1.

consulted amongst others.”<sup>2</sup> Therefore, it is unfortunate but hardly unsurprising that there is little public data available regarding the drug epidemic and assets to fight against it in East Africa.

**Data on Seizures:**

Little public data is available to uncover the extent of the drug problem in East Africa. Even less data is available to formulate an idea of the successes of the Kenyan Coast Guard and the Tanzanian Naval Command related to drug interdiction. Kenya has more data on drug interdiction than Tanzania does; however, neither country has much useful data available. As of 2021, Tanzania has had more drug seizures than Kenya, leading Kenya in its seizure of Marijuana, Heroin, Cocaine, and Opiates.<sup>3</sup> Of note, neither country has particularly favorable trendlines in their seizure figures, suggesting that their handling of the situation has stagnated and lacked real improvement in recent years. Outside of publicly available data, the IMO collects data and works in close cooperation with Maritime Law Enforcement officials in East Africa. The general sentiment in the region is that the East Africa drug problem is getting worse.

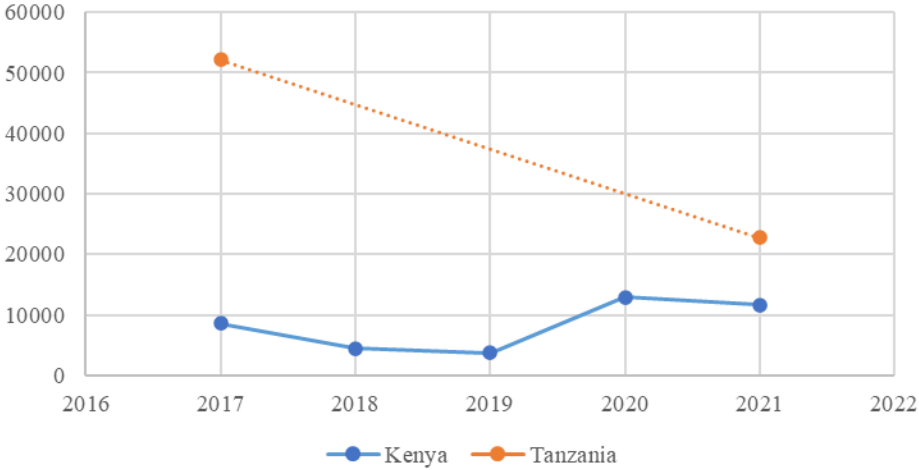
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<sup>2</sup> “Challenges of Access to Data in Africa: A Two-Way Conversation,” *Enyenaweh Africa*, accessed April 9, 2024, <https://www.enyenawehafrica.org/post/challenges-of-access-to-data-in-africa-a-two-way-conversation>.

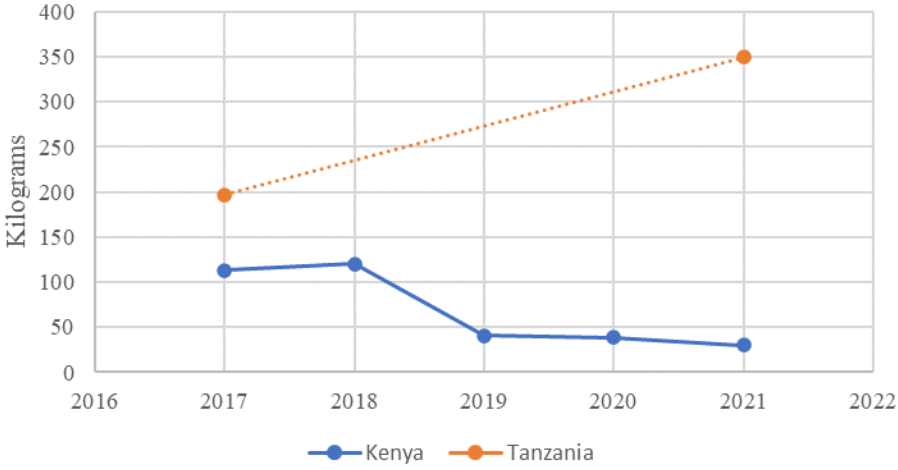
<sup>3</sup> “World Drug Report 2023 Annex,” *United Nations Office on Drugs and Crime*, accessed April 9, 2024, [https://www.unodc.org/unodc/en/data-and-analysis/wdr2023\\_annex.html](https://www.unodc.org/unodc/en/data-and-analysis/wdr2023_annex.html).



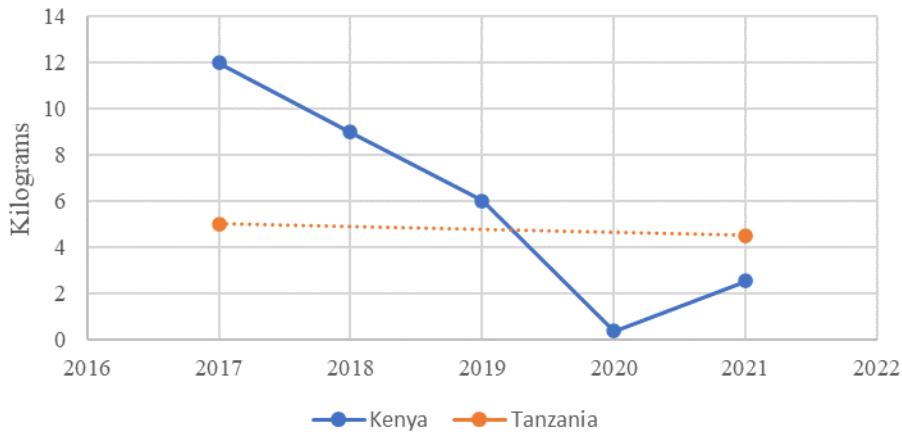
### Marijuana Seizures Kenya vs. Tanzania



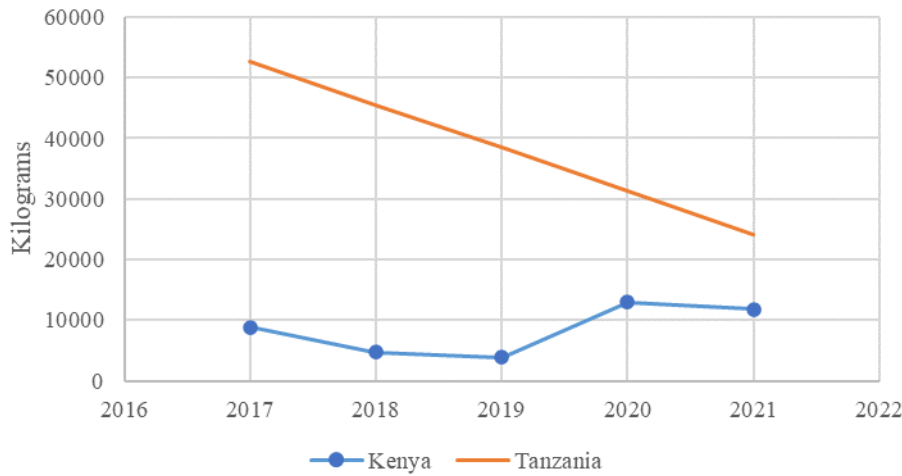
### Heroin Seizures Kenya vs. Tanzania



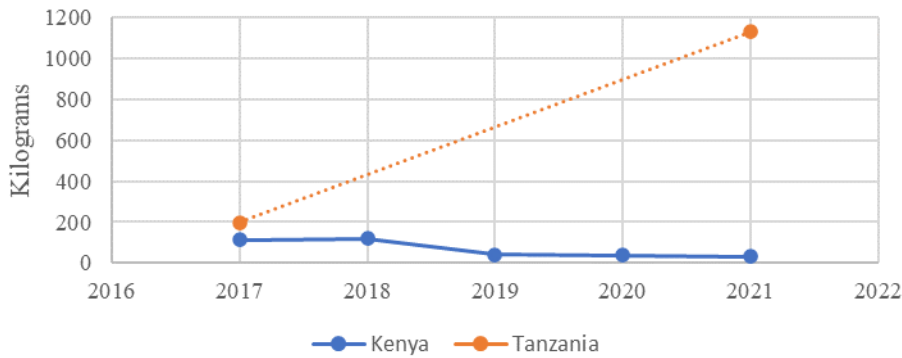
### Cocaine Seizures Kenya vs. Tanzania

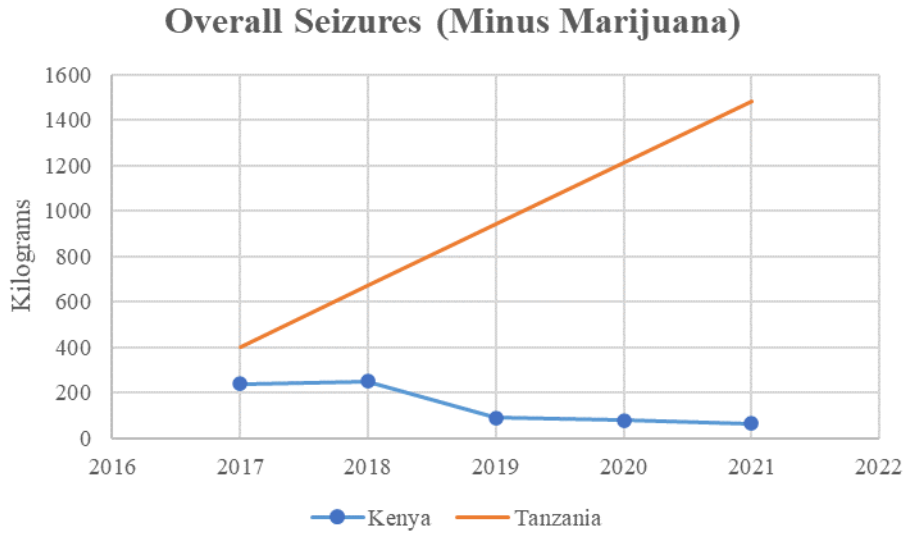


### Overall Drug Seizures Kenya vs. Tanzania



### Opiate Seizures Kenya vs. Tanzania





### Data on Drug Use:

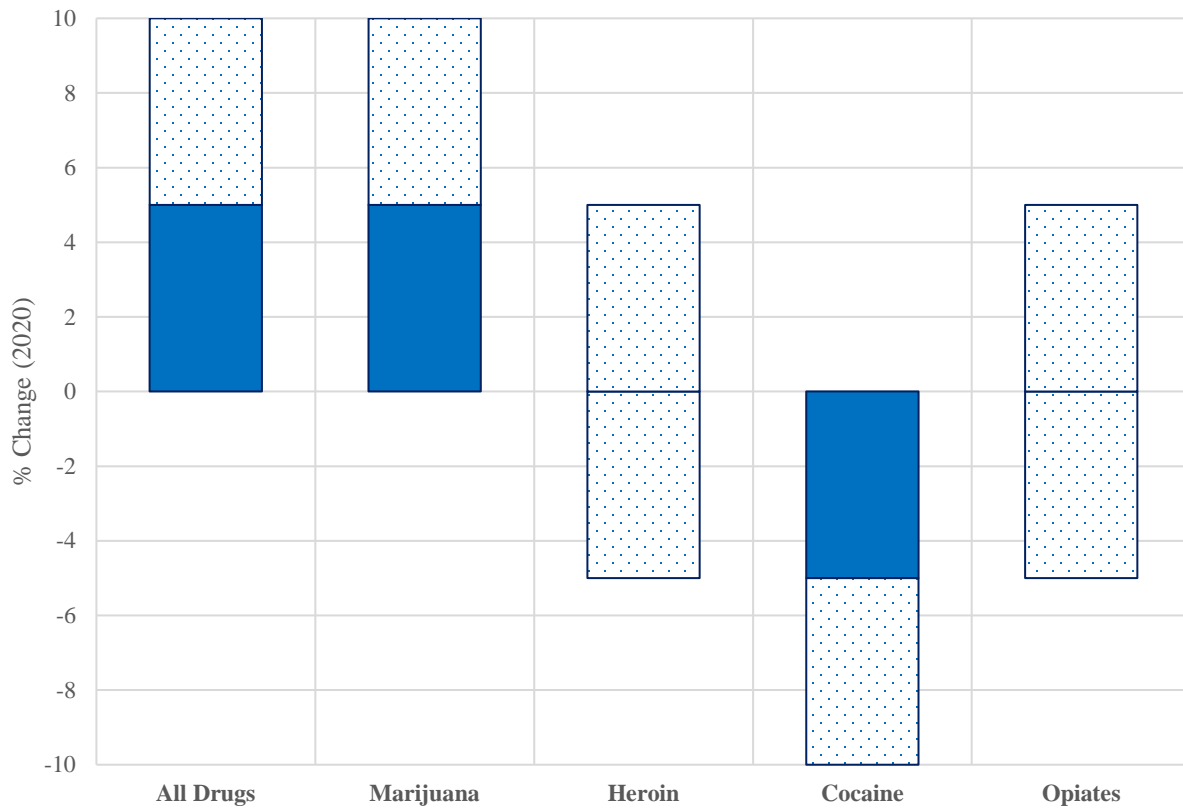
If the population's usage of drugs is any indicator of the country's success in stopping illegal drugs from entering its borders, then Kenya's struggling to adequately stop the flow.

Specifically, public data indicates that the usage of all drugs in Kenya increased between 5-10% in 2020.<sup>4</sup> Breaking it down by substance, marijuana usage saw an estimated increase of between 5-10%, Heroin and Opiate usage remained fairly stable, and Cocaine usage saw an estimated decrease of between 5-10%.<sup>5</sup>

<sup>4</sup> "World Drug Report 2022 Annex," *United Nations Office on Drugs and Crime*, accessed April 9, 2024, [https://www.unodc.org/unodc/en/data-and-analysis/wdr2022\\_annex.html](https://www.unodc.org/unodc/en/data-and-analysis/wdr2022_annex.html).

<sup>5</sup> "World Drug Report 2022 Annex," *United Nations Office on Drugs and Crime*, accessed April 9, 2024, [https://www.unodc.org/unodc/en/data-and-analysis/wdr2022\\_annex.html](https://www.unodc.org/unodc/en/data-and-analysis/wdr2022_annex.html).

## Drug Use in Kenya



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### Data on Tanzanian Naval Command:

The Tanzanian Naval Command (TNC) is a “mix of old and new acquisitions.”<sup>6</sup> The TNC currently has 28 vessels in service – 22 patrol craft, 4 fast attack craft, and 2 landing craft.<sup>7</sup> The service is the smallest of the country’s three-armed service branches, with their volunteer force boasting a strength of just over 1,000 soldiers.<sup>8</sup> Based on these statistics, the Tanzanian Naval Command has a fair number of physical assets to utilize for maritime law enforcement.

| Class        | Manufacturer      | Role                        | In service |
|--------------|-------------------|-----------------------------|------------|
| Shanghai II  | n/a               | Fast attack craft - gun     | 2          |
| Huchuan      | n/a               | Fast attack craft – torpedo | 2          |
| P77 Mwitongo | Poly Technologies | Patrol craft                | 1          |
| P78 Msoga    | Poly Technologies | Patrol craft                | 1          |

<sup>6</sup> Jane’s by IHS Markit, “Country Intelligence: Navy,” accessed April 9, 2024, [https://customer.janes.com/CountryIntelligence/Countries/Country\\_1049/navy](https://customer.janes.com/CountryIntelligence/Countries/Country_1049/navy).

<sup>7</sup> Jane’s by IHS Markit, “Country Intelligence: Navy,” accessed April 9, 2024, [https://customer.janes.com/CountryIntelligence/Countries/Country\\_1049/navy](https://customer.janes.com/CountryIntelligence/Countries/Country_1049/navy).

<sup>8</sup> Jane’s by IHS Markit, “Country Intelligence: Navy,” accessed April 9, 2024, [https://customer.janes.com/CountryIntelligence/Countries/Country\\_1049/navy](https://customer.janes.com/CountryIntelligence/Countries/Country_1049/navy).

|                               |  |                         |   |
|-------------------------------|--|-------------------------|---|
| Damen 3307                    | Damen, Singapore                             | Patrol craft            | 4 |
| Protector                     | FBM Marine                                   | Patrol craft            | 2 |
| FCS 3507                      | Damen Shipyards Group                        | Patrol craft            | 4 |
| Vosper Thornycroft 75 ft Type | Vosper Thornycroft                           | Patrol craft - coastal  | 2 |
| Defender                      | SAFE Boats International                     | Patrol craft - coastal  | 2 |
| n/a                           | Ugandan shipyard / Sea Spray Marine Services | Patrol craft - coastal  | 6 |
| Yuch'in (Type 068)            | n/a  | Landing craft - utility | 2 |

### Specifics on Tanzanian Assets:

Shanghai II – Built in 1962, the Chinese Type 62 frigate, or Shanghai class, is “mainly used for coastal fishing protection, escort, patrol, and vigilance tasks.”<sup>9</sup> The Type 62 has a range of 600nm and can last 7 days and nights at sea.<sup>10</sup> It comes equipped with two 37mm and two 25mm naval guns, has a maximum speed of 30kts, and can host a crew of up to 36 people.<sup>11</sup>

Huchuan – Built in 1966 by the former USSR, the Project 6625 Torpedo Boat, or Huchuan class, has a maximum speed of 54kts and an endurance of 550nm.<sup>12</sup> It can boast a crew of 16 and has two 14.5mm machine guns as naval guns.<sup>13</sup>

P77 Mwitongo and P78 Msonga – Built by China’s Poly Technologies, the P77 and P78 was commissioned on April 28<sup>th</sup> of 2015 and incorporated into the Tanzanian Naval Command to help combat illegal fishing and piracy.<sup>14</sup> The P77 and P78’s commissioning marked the continuation of good military relations between China and Tanzania.<sup>15</sup>

Damen 3307 – This aluminum-hulled patrol boat supports a crew of 14 and can reach a maximum speed of 30kts. This vessel, built by Damen Shipyards group, enjoys a range of 1,700nm.<sup>16</sup>

<sup>9</sup> “The Type 62 Shanghai-class frigate of the People's Navy of China,” *MZFXW*, accessed April 9, 2024, <https://www.mzfxw.com/e/action/ShowInfo.php?classid=18&id=115247>.

<sup>10</sup> “The Type 62 Shanghai-class frigate of the People's Navy of China,” *MZFXW*, accessed April 9, 2024, <https://www.mzfxw.com/e/action/ShowInfo.php?classid=18&id=115247>.

<sup>11</sup> “The Type 62 Shanghai-class frigate of the People's Navy of China,” *MZFXW*, accessed April 9, 2024, <https://www.mzfxw.com/e/action/ShowInfo.php?classid=18&id=115247>.

<sup>12</sup> “Project 6625 aluminum torpedo boat,” *Wayback Machine*, accessed April 9, 2024, <https://web.archive.org/web/20171107193513/http://www.haijun360.com/news/YLT/2011/527/1152720251115F1K406F60DDEB32C7C.html>.

<sup>13</sup> “Project 6625 aluminum torpedo boat,” *Wayback Machine*, accessed April 9, 2024, <https://web.archive.org/web/20171107193513/http://www.haijun360.com/news/YLT/2011/527/1152720251115F1K406F60DDEB32C7C.html>.

<sup>14</sup> “Tanzanian navy commissions new vessels,” *DefenceWeb*, accessed April 9, 2024, <https://www.defenceweb.co.za/sea/sea-sea/tanzanian-navy-commissions-new-vessels/>.

<sup>15</sup> “Tanzanian navy commissions new vessels,” *DefenceWeb*, accessed April 9, 2024, <https://www.defenceweb.co.za/sea/sea-sea/tanzanian-navy-commissions-new-vessels/>.

<sup>16</sup> Damen Shipyards, “FCS 3307 Patrol - Specifications,” accessed April 9, 2024, <https://www.damen.com/vessels/defence-and-security/stan-patrol-vessels/fcs-3307-patrol#specifications>.

Yuch'in – The Type 068, or Yuchin'in class, can reach a speed of 11.5kts and boasts a crew of 12. The Type 068 entered service in 1962 and has a range of 830km. It has two 14.5mm for its naval guns.<sup>17</sup>

### Data on Kenyan Navy:

While Kenya does have a Coast Guard, it is small and in its infancy. To truly measure its capabilities on the sea, it is important to consider Kenya’s Navy. Kenya’s Navy trounces Tanzania’s, with 124 patrol craft, 21 fast attack craft, 2 landing craft, and 2 tenders.<sup>18</sup> Kenya has historically been buoyed by U.S. donations. Specifically, “the US had made funding available for a series of coastal surveillance improvements, including new patrol boats and coastal radar... to help combat piracy, drugs, and arms trafficking.”<sup>19</sup> The Kenyan Navy has a high number of physical assets, especial relative to the rest of the region.

| Class         | Manufacturer                 | Role                        | In service |
|---------------|------------------------------|-----------------------------|------------|
| Nyayo         | Vosper Thornycroft           | Fast attack craft - missile | 21         |
| Jasiri        | Astilleros Gondán, Castropol | Offshore patrol vessel      | 1          |
| Defender      | SAFE Boats International     | Patrol craft - fast         | 9          |
| Archangel     | SAFE Boats International     | Patrol craft - fast         | 1          |
| 33 Relentless | Metal Shark                  | Patrol craft - fast         | 104        |
| Shupavu       | Astilleros Gondán            | Patrol craft - large        | 2          |
| P-400         | CMN, Cherbourg               | Patrol craft - large        | 1          |
| Various       | n/a                          | Patrol craft - inshore      | 6          |
| Galana        | Astilleros Gondán            | Landing craft - mechanised  | 2          |
| n/a           | Souters                      | Tender                      | 2          |

### Specifics on Kenyan Assets:

Nyayo – The Nyayo fast attack craft has a range of 2000nm and a max speed of 40kts.<sup>20</sup> Built by Vosper Thornycroft, these vessels have 7 naval guns.<sup>21</sup>

<sup>17</sup> “Type 068/069 (Yuchin Class),” *Military Weapon Systems*, accessed April 9, 2024, <https://militaryweaponsystems.nl/system/type-068-069-yuchin-class/>.

<sup>18</sup> Jane's by IHS Markit, “Country Intelligence: Navy,” accessed April 9, 2024, [https://customer.janes.com/CountryIntelligence/Countries/Country\\_1049/navy](https://customer.janes.com/CountryIntelligence/Countries/Country_1049/navy).

<sup>19</sup> Jane's by IHS Markit, “Country Intelligence: Navy,” accessed April 9, 2024, [https://customer.janes.com/CountryIntelligence/Countries/Country\\_1049/navy](https://customer.janes.com/CountryIntelligence/Countries/Country_1049/navy).

<sup>20</sup> “Kenya CF Nyayo,” *Navypedia*, accessed April 9, 2024, [https://navypedia.org/ships/kenya/ken\\_cf\\_nyayo.htm](https://navypedia.org/ships/kenya/ken_cf_nyayo.htm).

<sup>21</sup> “Kenya CF Nyayo,” *Navypedia*, accessed April 9, 2024, [https://navypedia.org/ships/kenya/ken\\_cf\\_nyayo.htm](https://navypedia.org/ships/kenya/ken_cf_nyayo.htm).

Jasiri – Built by Gondan shipbuilders, the Jasiri offshore patrol vessel was built in 2012.<sup>22</sup> The Jasiri has a range of 4500nm and a max speed of 28kts.<sup>23</sup> Designed to last 30 years, this vessel is outfitted with a 76mm, 20mm, and two 12.7mm naval guns.<sup>24</sup>

33 Relentless – Built by Metal Shark, the 33 Relentless is a twin-engine aluminum-hulled patrol craft.<sup>25</sup> The 33 Relentless was designed to offer quick acceleration and nimble handling.<sup>26</sup>

Shupavu – Built by Gondan shipbuilders, the Shupavu class is an offshore patrol vessel that is 60 meters in length and can reach a maximum speed of 25kts.<sup>27</sup>

P-400 – Sold to Kenya by the French, the P-400 has an endurance of 15 days at sea and is outfitted by a 40mm, 20mm, and two AA-52 machineguns.<sup>28</sup> The vessel supports a crew of 21, can reach a top speed of 24kts, and has an endurance of 3000nm.<sup>29</sup>

Galana – The Galana vessel is a landing craft built by Gondan shipbuilders.<sup>30</sup>

### **Years of Assets Commissioning:**

Despite drug seizure numbers stagnating and drug usage increasing, both Kenya and Tanzania have seen a steady flow of new assets getting commissioned to their respective navies. Tanzania saw eight new assets as recently as 2016, and Kenya saw ten new assets as recently as 2018.<sup>31</sup> Given the fact that assets continue to flow into Kenya and Tanzania, it appears unlikely that physical assets are the primary holdup in improving maritime law enforcement.

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<sup>22</sup> “Jasiri,” *Gondan Shipyard*, accessed April 9, 2024, [https://gondan.com/en/portfolio\\_page/jasiri\\_en/](https://gondan.com/en/portfolio_page/jasiri_en/).

<sup>23</sup> “Jasiri,” *Gondan Shipyard*, accessed April 9, 2024, [https://gondan.com/en/portfolio\\_page/jasiri\\_en/](https://gondan.com/en/portfolio_page/jasiri_en/).

<sup>24</sup> “Jasiri,” *Gondan Shipyard*, accessed April 9, 2024, [https://gondan.com/en/portfolio\\_page/jasiri\\_en/](https://gondan.com/en/portfolio_page/jasiri_en/).

<sup>25</sup> Metal Shark Boats, “33 Relentless,” accessed April 9, 2024, <https://www.metalsharkboats.com/33relentless/>.

<sup>26</sup> Metal Shark Boats, “33 Relentless,” accessed April 9, 2024, <https://www.metalsharkboats.com/33relentless/>.

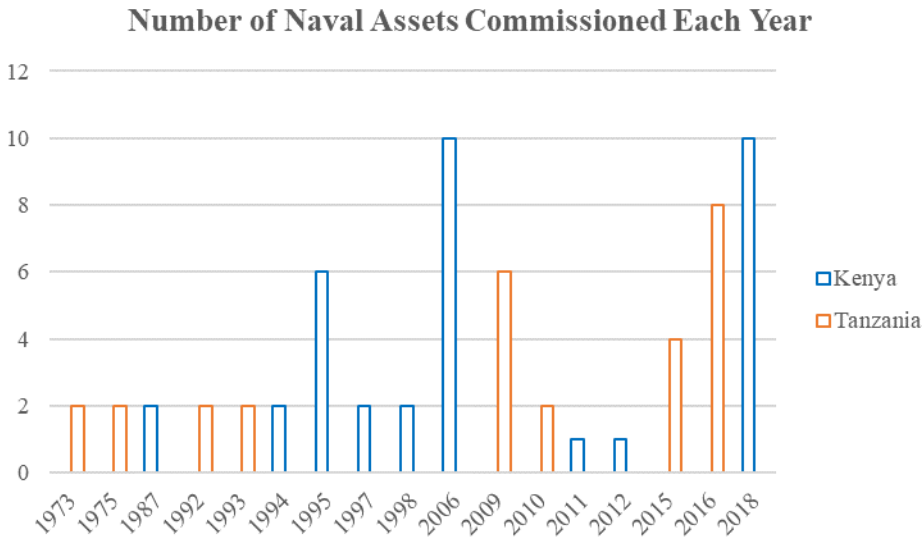
<sup>27</sup> “Shupavu,” *Gondan Shipyard*, accessed April 9, 2024, [https://gondan.com/en/portfolio\\_page/jasiri\\_en/](https://gondan.com/en/portfolio_page/jasiri_en/).

<sup>28</sup> “Cote d'Ivoire getting P400 patrol vessel,” *DefenceWeb*, accessed April 9, 2024, <https://www.defenceweb.co.za/featured/cote-divoire-getting-p400-patrol-vessel/>.

<sup>29</sup> “Cote d'Ivoire getting P400 patrol vessel,” *DefenceWeb*, accessed April 9, 2024, <https://www.defenceweb.co.za/featured/cote-divoire-getting-p400-patrol-vessel/>.

<sup>30</sup> “Galana,” *Gondan Shipyard*, accessed April 9, 2024, [https://gondan.com/en/portfolio\\_page/galana\\_en/](https://gondan.com/en/portfolio_page/galana_en/).

<sup>31</sup> Jane's by IHS Markit, “Country Intelligence: Navy,” accessed April 9, 2024, [https://customer.janes.com/CountryIntelligence/Countries/Country\\_1049/navy](https://customer.janes.com/CountryIntelligence/Countries/Country_1049/navy).



### PART III: LITERATURE REVIEW

#### **Overview of Drug Trade in East Africa:**

The detrimental effects of the East African Drug Trade both in the region and for global stability are clear, and it is integral to understand the background and history of the problem. First, the origins of these drug markets and the different methods which drugs are transported into East Africa will be outlined. Then the routes being used to transport the drugs, including the end goal which could include Africa and beyond. Lastly, the prevalence of each type of drug, and how that has changed over the years.

Where are these drugs originating from? Drugs found in East Africa are trafficked using the “southern Route” which originates in Afghanistan, and then comes through Pakistan or Iran, ending in the ports of East Africa.<sup>32</sup> Afghanistan has dominant control of opium production and the market as a whole, with almost 80% of global production attributed in 2014.<sup>33</sup> In addition to the southern route, the other two notable routes out of Afghanistan are the northern and Balkan routes. The northern route is less relevant and sends drugs through Afghani northern neighbors with end destinations of East Asia or Russia.<sup>34</sup> The Balkan route is the primary route for outbound opium products from Afghanistan, traveling by land through Iran, Turkey, and into Europe. This route has been used since it is the shortest distance and to limit interactions between producer and consumer. Due to increased interdiction and presence of law enforcement in that

<sup>32</sup> “Drug Trafficking Patterns,” accessed November 5, 2023, <https://www.unodc.org/easternafrika/en/illicit-drugs/drug-trafficking-patterns.html>.

<sup>33</sup> UN News Centre, “Opium harvest in Afghanistan hits new high in 2014.”

<sup>34</sup> Mili, Hayder, Saurabh Sati, and Jacob Townsend. *Afghan Opiate Trafficking Through the Southern Route*. United Nations Office on Drugs and Crime, 2015. 33



region, there has been more pressure on the southern route in recent years.<sup>35</sup> There is consensus among the literature that this change has been significant, but it has been difficult to quantify the change with the available data. One way this change can be seen is in the quantity of seizures per region, which has historically been concentrated to the western areas of Afghanistan and has shifted since 2013 to the eastern and southern regions.<sup>36</sup> This shift demonstrates a move towards the southern route due to closer proximity and ease of access.

*On the Data Problem:*

Writing about the difficulty in acquiring data and statistics in the region, a research study of African drug trafficking and organized crime focused on this issue.<sup>37</sup> The report illustrated that the quantitative analysis of drug trafficking is problematic, due to the data collection methods, results, and interpretation. The researchers argued that drug trafficking is difficult to analyze due to "...practical challenges, methodological inconsistencies, limited access to data sources, poor quality of data themselves, and the slippery terrain of numbers' politicization."<sup>38</sup> There are three main open sources for evaluating drug trafficking data, the US State Department International Narcotics Control Strategy Report (INCSR), the UN World Drug Report (WDR), and the EU European Monitoring Centre for Drugs and Drug Addiction (EMCCDDA). Out of these sources, the WDR is generally accepted as the most wholistic and reputable data due to the independent creation, lack of political framing, and more overall information.<sup>39</sup> Among the available literature, this trend of sub-standard data has been noted in almost every study. It is clear that there is a lack of complete data on drug trafficking, including that for the 2015 UNODC WDR, only 10 out of 54 African states submitted the data that they were required to submit. This data gap is incredibly important to the direction of this study to know where the data is coming from in addition to where and why gaps might be present. This is detailed by a study that looks at the problem at a more local level which noted that "This overreliance on fragmentary and unreliable seizure and arrest statistics has not only been instrumental in crafting the crisis narrative of drugs in Africa."<sup>40</sup> When analyzing how the United States Coast Guard could act in this situation, this framework and understanding of the current data will allow the research to not fall into this trap and remain objective for realistic solutions. As many of the reports have demonstrated, interviews, on the ground field work, and discussions with stakeholders is the best route for data, since the WDR and other drug reports can only paint so much of the picture. This report and others were not trying to dissuade further research in the topic, but rather to encourage more concrete localized data collection, and continued analysis of the available data. These reports

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<sup>35</sup> Ibid 10

<sup>36</sup> Ibid. 30

<sup>37</sup> Luca Raineri and Francesco Strazzari, "The Data That We Do (Not) Have: Studying Drug Trafficking and Organised Crime in Africa," *Trends in Organized Crime*, January 24, 2023, <https://doi.org/10.1007/s12117-023-09482-5>.

<sup>38</sup> Ibid 17

<sup>39</sup> Ibid 9

<sup>40</sup> Gernot Klantschnig, Margarita Dimova, and Hannah Cross, "Africa and the Drugs Trade Revisited," *Review of African Political Economy* 43, no. 148 (April 2, 2016): 167–73, <https://doi.org/10.1080/03056244.2016.1170312>.

also incentivized the research of this project to focus on conversations in country which were able to break down some of these gaps in the data and try to understand what is really happening in the country.

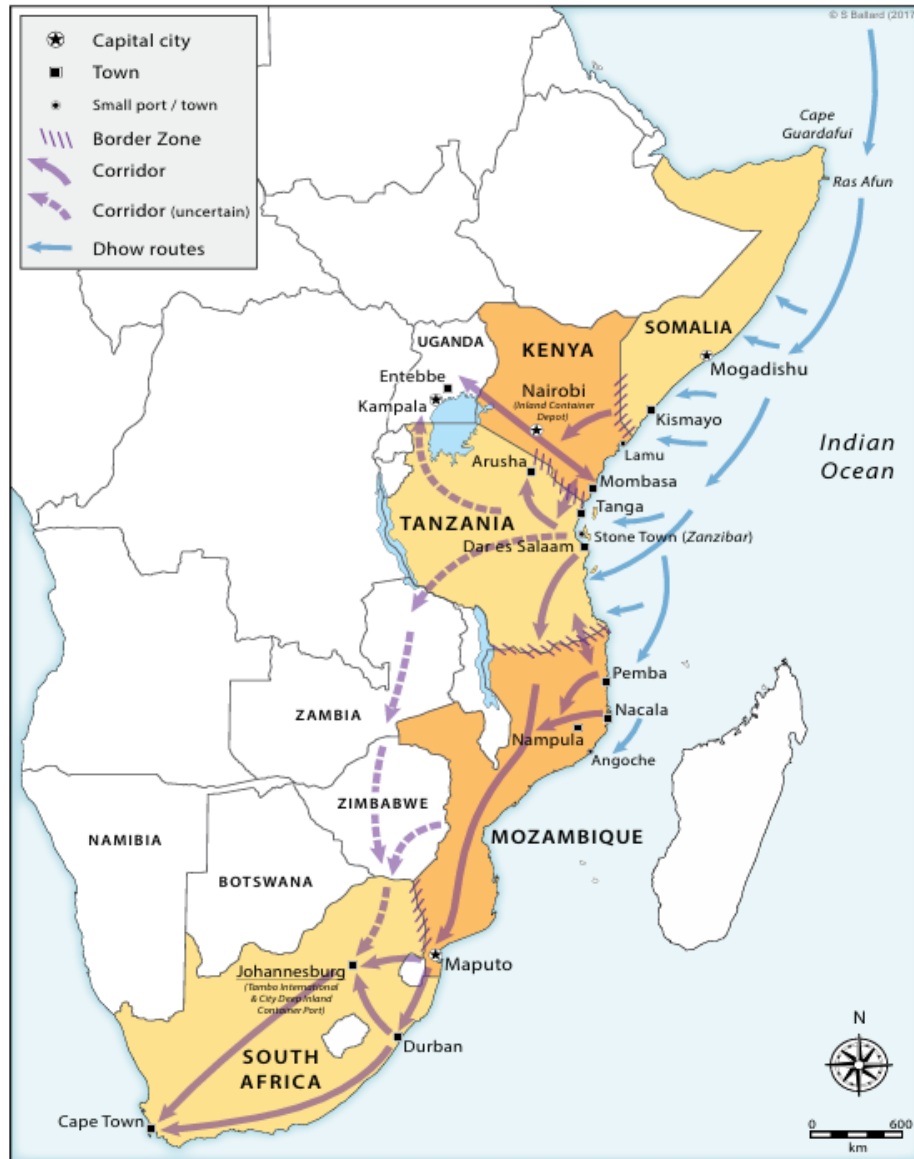
*Drug Trafficking Routes:*

The specific route for drugs to reach East Africa is through either Pakistan or Iran, and then south using either the maritime route or the land route through Somalia. The United Nations Office on Drugs and Crime released a report on the southern route, with analysis on each stage of the journey from Afghanistan to the end countries. The report details the different methods for transportation, including air, post, land, and sea. By air, this type of trafficking is on a much smaller scale and would include in luggage or cargo and on the trafficker. By post, the drugs are mailed in small amounts to be picked up by the trafficker at the other end. These two methods are much more direct and though less significant per instance, the overall scale and number of packages and traffickers leads to a greater overall issue. These two methods although important will not be examined in great detail within the context of the research but could be an area for further research. By land, the drugs are trafficked using many different vessels including vehicles and people, either through an unguarded border, or through some form of illicit border crossing. Lastly, and most directly tied to the scope of this paper's research, the sea route is primarily achieved through the use of traditional dhow vessels in addition to large scale commercial shipping including containers and other vessels. The drugs are either brought in using smaller fishing vessels to remote areas or private jetties, or otherwise brought in through containers with little oversight as to the contents or end location. The growth of maritime interdiction and increase in seizures by maritime forces demonstrate this methods importance in the overall trade.<sup>41</sup>

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<sup>41</sup> Mili, *Afghan Opiate Trafficking Through the Southern Route*. 18-19

Indicative overview of sea- and land-based heroin routes across the eastern African coastal states



Source: Global Initiative against Transnational Organized Crime, based on interviews across the region, September 2017

Source: Haysom, Simone, Peter Gastrow, and Mark Shaw. "The Heroin Coast." *A Political Economy Along the Eastern African seaboard* (2018).

Other regions which are either intermediary or final importers of the southern route include the Middle East, the Gulf states, and East Asian countries. These countries have historically acted as intermediaries for the drugs with a final destination being Europe or elsewhere but have increasingly become subjected to their own consumption problems.<sup>42</sup>

The UNODC report on the southern route gives a good overview of the region and specifically the maritime sector and interdiction. The maritime route begins on the Makran coast

<sup>42</sup> Mili, *Afghan Opiate Trafficking Through the Southern Route*. 56, 65

of Pakistan and Iran, and then proceeds south to the East African ports, avoiding the piracy along the coast of Somalia in route. In the middle of these routes which are completed primarily by dhow, the vessels will stop off the coast of Kenya or Tanzania and act as the mothership while smaller vessels will come and ferry in smaller quantities. In a report made for ENACT, which is a European Union funded NGO, the specific locations of drug landings are outlined for Kenya and Tanzania.<sup>43</sup>

In Kenya, there is the northern land route through Somalia, and then a southern land route through Tanzania, both of which are part of the eventual route to West Africa and European markets. The maritime route is concentrated around the Port of Mombasa, which is the largest port in East Africa, and a major container port.<sup>44</sup> The drugs come partially by container, which can be facilitated relatively easily since only a small portion of the freight is scanned. This is a point of emphasis and gap that could be looked into through our research, specifically through some form of prevention program similar to the actions taken by the United States Coast Guard Marine Inspectors. In addition, the dhows and local fishermen use smaller unofficial “ungazetted” ports which avoid the risks of enforcement authority.<sup>45</sup> These ports are under the prevue of the Kenya Maritime Authority, but it is noted in the ENACT report that these ports are not subject to international conventions and have other points of entry including jetties and airstrips.<sup>46</sup> The article mentioned that Kenya lacked a Coast Guard due to the 2018 publication date, and since then Kenya has created and developed a Coast Guard Service which is in large part the direct focus of this paper. In addition to Mombasa, the close proximity and infrastructure offered by Nairobi is enticing and efficient for trafficking once drugs are on land. Nairobi is also the capitol and center for political activities, which have been tied in many cases to the drug trade through reelection campaigns,

In Tanzania, there are similar trafficking patterns through the use of the Port of Dar es Salaam, island of Zanzibar, and remote landing sites similar to Kenya. There are land-based routes similar to Kenya which transit drugs south and west, through northern Mozambique and onto South Africa or west to Europe and West Africa.<sup>47</sup> The ports of Dar es Salaam and Tanga are both noteworthy smuggling hubs which use similar methods to the port of Mombasa. Zanzibar has historically been a hub of illegal smuggling including other goods and continues to be a median for the dhow and local mariners to smuggle goods into the smaller coastal ports. There is less available research on the role of the Tanzanian enforcement regimes both in the maritime domain and in the ports, which would be helpful to understand the trends and current actions to combat smuggling. Although not part of the scope in this paper’s research, there is a focus and

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<sup>43</sup> Simone Haysom, Peter Gastrow, and Mark Shaw, “Tackling Heroin Trafficking on the East African Coast,” ENACT 8-11.

<sup>44</sup> Ibid 9.

<sup>45</sup> Ibid 10.

<sup>46</sup> Ibid 11.

<sup>47</sup> Strazzari, “The Data That We Do (Not) Have,” 2-5; Haysom, “Tackling Heroin Trafficking on the East African Coast,” 11

shift present within the literature that would suggest Mozambique is growing its role as a regional actor, due to significantly less enforcement capability and significant instability in the northern region. South Africa is also not part of the scope but inevitably plays a large role in the trade towards Europe, but also in their domestic markets.

Within this region, one of the major actors in interdiction is the Combined Maritime Forces. “CMF is a 30 nation [2015] “naval partnership, which exists to promote security, stability and prosperity across approximately 2.5 million square miles of international waters”.<sup>48</sup> To demonstrate the power and importance of the maritime route, the report highlighted that in 2014, CMF made seizures of 16,000 kg of hashish and 2,200 kg of heroin. “This amount is greater than the total reported heroin seizures for all of Africa between 2010 and 2012.”<sup>49</sup> These statistics demand more research and are a major influence for the direction of this report. It is clear that with further development and analysis of the maritime sector, these interdictions could lead to significant changes in drug trafficking in the region.

Once in East Africa, the drugs continue on their journey via land either through South Africa or through West Africa and then onto Europe. The different methods are either on foot through traffickers, or in vehicles with other cargo to supplement. According to a report from the Global Initiative Against Transnational Organized Crime (Global Initiative) and a report on narcotics flows in eastern Africa, these routes are statistically significant in the global drug trade.<sup>50</sup> According to these reports, “South Africa is the largest consumer market for heroin in east and southern Africa, as well as a key transit point onward to Europe and the United States.”<sup>51</sup> After leaving South Africa, the trafficking has been linked to end markets in Europe, specifically the United Kingdom, Belgium, and the Netherlands. The drugs are typically sent using vehicles over land down to South Africa and then up the coast also by land eventually crossing the Maghreb region and entering southern Europe. Additionally, the drugs are trafficked using mules, with small quantities transported via air, or alternatively as air freight.

*Political and Economic Considerations Resulting from the drug trade:*

Historically, there has been a connection between the drug trade and political success in Kenya and Tanzania due to a number of related corrupt practices. In Kenya, the rise in infrastructure and technological development has helped flows of narcotics through the country over road, rail, and air. Beginning in the 1990s, certain powerful families controlled the trade, and there have been high level political figures connected to the trade, including multiple governors and MPs for regional governments.<sup>52</sup> Although it has been difficult to connect trafficking with certain candidates, there have been campaign funding from traffickers to curry

<sup>48</sup> Matthew R MacLeod and William M Wardrop, “Operational Analysis at Combined Maritime Forces,” 2015. 1

<sup>49</sup> Mili, *Afghan Opiate Trafficking Through the Southern Route*. 56, 65

<sup>50</sup> Julia Stanyard et al., “INSURGENCY, ILLICIT MARKETS AND CORRUPTION,” n.d.

<sup>51</sup> Boustati Boustati, “Narcotics Flows Through Eastern Africa: The Changing Role of Tanzania and Mozambique” (Institute of Development Studies, March 22, 2022), 4, <https://doi.org/10.19088/K4D.2022.074>.

<sup>52</sup> Haysom, Gastrow, and Shaw, “Tackling Heroin Trafficking on the East African Coast,” 15.

favor with the ruling elite and win more lenient restrictions on their business. To demonstrate the wide-reaching implications of this problem in Kenya in the context of this paper is the case of Harun Mwau. Mwau was a supermarket mogul and experienced political appointee with roles as the head of the anti-corruption agency and transport minister in charge of containers and the Kenya Ports Authority. After serving in these high-profile roles, Mwau resigned after being suspected connection with trafficking networks through his own container shipping company.<sup>53</sup> The current situation in Kenya can be characterized as political connections to drug trafficking through campaign funding and protection in exchange for more lenient policy. The situation is difficult due to a perceived barrier to entry for new political candidates that are not connected to illicit activities.<sup>54</sup>

In Tanzania, there are some similar trends, with a history of drug smuggling beginning on a smaller scale as mules and over time building into a politically connected problem. The island of Zanzibar began as the center of trafficking with wealthy elites controlling the market.<sup>55</sup> Zanzibar and much of Tanzania experienced a tourism boom in conjunction with economic growth following the implementation of multi-party rule during the mid-1990s.<sup>56</sup> This time period has been linked to the rise of drug trafficking and political connections, where traffickers were able to boost certain candidates in order to earn kickbacks in a similar way to Kenya. Some of the listed high-profile people connected to the drug trade were politicians, musicians, and businesspeople. Changes to the funding restrictions on political parties allowed for parties to be funded anonymously leading to significant suspected drug trafficking money in political funding.

There are significant effects at the local level as this drug trafficking has moved being a problem of trafficking to a problem of local abuse. The literature coming from these reports consistently discusses the heightened level of local drug abuse, and the growth of a local economy, where some of these drugs destined for Europe are kept in the region. This phenomenon is known as leaking, and the growth in the local markets has been noted in a range of literature, with analysis of local conditions and the negative and detrimental effects of this local drug epidemic on the local populations. Some of these effects include the physical health effects and rise in HIV/Aids through the use of injection drugs, but also the rise of instability and state corruption through the drug trade.<sup>57</sup> These local drug markets lead to the typical effects of drug use including the health effects, but in addition also cause ripple effects throughout the community, including violence, threats to youth development, and productivity.<sup>58</sup> Within Tanzania in particular, there is a phenomenon called the “Beachboys,” which has been

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<sup>53</sup> Ibid 16.

<sup>54</sup> Haysom, “Tackling Heroin Trafficking on the East African Coast,” 19.

<sup>55</sup> Ibid 20.

<sup>56</sup> Ibid 21.

<sup>57</sup> Boustati, “Narcotics Flows Through Eastern Africa,” 4.

<sup>58</sup> Merrill Singer, “Drugs and Development: The Global Impact of Drug Use and Trafficking on Social and Economic Development,” *International Journal of Drug Policy* 19, no. 6 (December 1, 2008): 472, <https://doi.org/10.1016/j.drugpo.2006.12.007>.

characterized as a major contributor to the drug trafficking epidemic.<sup>59</sup> The Beachboys are a sub-culture of younger men within Tanzania that due to economic conditions have chosen to stow away on container ships with small quantities of heroin and sell their product in ports around the region. This development is just one example of the institutional and civil decline that the prospect of drug trafficking and use can cause within a society. The local drug trade also creates political instability in a similar way that the international drug trade does, creating local “barons” of the trade that influence political decision making, elections, and the ability of the government to make informed choices. The proliferation of the drug trade into East Africa beyond its historical role as a stopping off point is having detrimental effects on the region and its future.<sup>60</sup>

*Drugs in the Region:*

The focus of this East Africa Drug Trafficking analysis has been on opium products and the heroin trade originating in Afghanistan. The reason for this focus is due to the specific role of East Africa in this trade, and the dominance of this specific drug type in the region. Although there are other drugs in the region including cannabis, hashish, cocaine, methamphetamine, and pharmaceuticals, they all play a more minor role in the overall trade.<sup>61</sup> The majority of the literature and analysis is focused on this heroin trade, the southern route associated with it, and the routes from East Africa to Europe and beyond.

The heroin that is being discussed in this context comes in two forms, brown sugar (heroin number 3) and white sugar (heroin number 4). Brown sugar has historically been the more common form of heroin in the region, which comes in the form of a paste, and is then heated and inhaled orally.<sup>62</sup> This is an important distinction with white sugar, which is heated and then injected using a needle. The percentages of each type of heroin used have changed over time, with an increasing prevalence of white sugar, which has more detrimental health effects including HIV/AIDS.<sup>63</sup> The role of cocaine in East Africa has not been stressed, but its role has been increasing. The West African cocaine trade from Latin America continues to dominate the rhetoric, but cocaine makes up a significant proportion of the overall drug breakdown in East Africa. This proportion is increasing and is at 20% of the overall market share according to a report between 2008-2017 that was completed by ENACT.<sup>64</sup> The cannabis trade within Africa is continental, without a specific focus region. There are significant exports of cannabis from the region and production within Kenya and Tanzania as well as Uganda and Nigeria. Although there is a significant market for this drug, and it is the most widely used across Africa, the law enforcement presence to interdict cannabis are not significant due to perceived priorities and more dangerous drugs which have more life-threatening consequences.<sup>65</sup> Hashish, or cannabis

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<sup>59</sup> Haysom, “Tackling Heroin Trafficking on the East African Coast,” 21.

<sup>60</sup> Singer, “Drugs and Development,” 474.

<sup>61</sup> Liana Sun Wyler, “Illegal Drug Trade in Africa: Trends and U.S. Policy,” *Congressional Research Service.*, 28.

<sup>62</sup> Ciara Aucoin, “Analysing Drug Trafficking in East Africa,” n.d., 3.

<sup>63</sup> Ibid 4.

<sup>64</sup> Ibid 4.

<sup>65</sup> Wyler, “Illegal Drug Trade in Africa: Trends and U.S. Policy,” 21–24.

resin, is concentrated in North Africa playing a minor role in the overall drug trafficking of East Africa. Lastly, the most significant recent development in the drug trade of East Africa is the rise of methamphetamine products, both in trafficking and local use. According to a different report from the Global Initiative, "Crystal meth is available for retail purchase and use in every country of eastern and southern Africa and is being manufactured in these regions in rapidly increasing volumes for both domestic consumption and for integration into international supply chains."<sup>66</sup> This is an alarming trend which will be important to note when completing data analysis regarding overall drug trafficking and implementing potential policy solutions.

### **Regarding U.S. National Security Objectives**

Existing research indicates that the East African drug problem critically undermines U.S. national security objectives in the region and at home. Namely, the effect that illegal drug trafficking in East Africa is having on Mexican drug cartels, the financing of local African insurgencies, the expansion into new illicit markets, good governance, and the drug epidemic in the U.S. all undermine U.S. security interests.<sup>67</sup>

#### *Effect of East African Drug Trade on Mexican Drug Cartels*

First, the illegal drug trade in East Africa hurts U.S. national security because it strengthens the Mexican drug cartels. It has been well-documented for many years that the drug trafficking organizations (DTOs) "operating in West Africa are the same ones that traffic drugs into the United States... [thus] these Africa-based operations [are] bolstering the strength of those DTOs operating on [the] southern border with Mexico."<sup>68</sup> Any contribution to the Mexican drug cartels from West Africa clearly hurts the United States, as the drug flow from Mexico kills thousands of Americans from overdoses every year, and hurts the U.S. financial system by creating an expansive black market economy.<sup>69</sup> However, these findings are centered around West Africa, so how is this information relevant to our topic?

The West African research is relevant because while the "global drug trade before the mid-2000s was generally limited to West African heroin distribution networks, the last several years has witnessed an unrelenting expansion of the drug trade throughout the continent."<sup>70</sup> What this means is that there are an ever-increasing number of routes and distribution networks across the entirety of Africa, including in East Africa. Notably, cocaine, which is produced in South America and distributed by the Mexican drug cartels, "arrived first in West Africa and more recently in East and Southern Africa."<sup>71</sup> If cocaine is being distributed in East Africa, and Mexican cartels own a near-monopoly on the distribution of the product, then it is highly likely

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<sup>66</sup> Jason Eligh, "The Evolution of Methamphetamine Markets in Eastern and Southern Africa," *Global Initiative* (blog), 2, accessed November 6, 2023, <https://globalinitiative.net/analysis/meth-africa/>.

<sup>67</sup> Ashley Neese Bybee, "The twenty-first century expansion of the transnational drug trade in Africa," *Journal of International Affairs* (2012): 70.

<sup>68</sup> Ibid 70.

<sup>69</sup> "Drug Overdose Deaths," Drug Abuse Statistics, accessed October 23, 2023, <https://drugabusestatistics.org/drug-overdose-deaths/>.

<sup>70</sup> Bybee, "The twenty-first century expansion," 71.

<sup>71</sup> Bybee, "The twenty-first century expansion," 74.



that the distribution of cocaine in East Africa is similarly bolstering the strength of DTOs on the southern border. Thus, the drug trade in East Africa is hurting U.S. national security by strengthening the Mexican drug cartels.

*Effect of East African Drug Trade on Funding Insurgencies*

Next, the United States' national security is undermined by the illegal drug trade in East Africa because it finances local African insurgencies. Currently, the "drugs entering Eastern Africa land in the ports of Djibouti, Eritrea, Kenya, Tanzania, Mozambique and Somalia" have been profitable for armed groups "on this route and seem to have a destabilizing effect in East Africa."<sup>72</sup> Of particular import is the finding that Al Shabab, which is a radical Islamist military group in Somalia and East Africa, is funded by drug money "in Somalia, Kenya and Tanzania."<sup>73</sup> Al Shabab openly calls for attacks on the United States, and has radicalized several Americans to join their ranks and conduct suicide attacks on African troops.<sup>74</sup> Additionally, the United States has engaged in a "shadow war against Al Shabab" for over a decade, and they are reportedly the strongest they have been in years.<sup>75</sup> In 2020 alone, they netted \$120 million for future terrorism and unrest in the region, and there has been no reason to believe that they have lost profitability since.<sup>76</sup> While Al Shabab is the most well-known insurgency group being funded by drugs money in East Africa, there are more of note. For example, Kenya's al Hijra and the Congolese rebel group M23 are also "examples of groups sustained through illegal maritime smuggling."<sup>77</sup> In short, the illegal drug trade in East Africa is financing terrorists and insurgencies in the region. The terrorist threat undermines U.S. national security, and much of this terrorism is financed by the drug trade in the region.

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<sup>72</sup> Yashasvi Chandra, "Illicit drug trafficking and financing of terrorism," *Journal of Defence Studies* 14, no. 1-2 (2020): 75.

<sup>73</sup> Ibid 71.

<sup>74</sup> Bergen, "How Big of a Threat Is Al-Shabaab to the United States?"

<sup>75</sup> Walsh et al., "A C.I.A. Fighter, a Somali Bomb Maker, and a Faltering Shadow War."

<sup>76</sup> Ibid

<sup>77</sup> Okafor, "Beyond Piracy on the East African Coast: Interrogating Illicit Trafficking," 21.



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Pictured: Kenya's Al-Hijra terrorist organization

### *Effect of East African Drug Trade on New Illicit Markets*

Not only does the illegal drug trade in East Africa finance local insurgencies, but it also risks expanding new illicit markets, such as illegal arms trading, in the region. The illegal drug trade is extremely profitable for organizations that can handle the trade. However, given the ugly nature of the illegal drug trade, DTOs need security to protect their share of the market. This is why “half a million weapons enter Mexico illegally from the U.S. [every year] ... that end up in the hands of drug cartels and other violent criminals.”<sup>79</sup> In short, the illegal drug trade expands the illegal arms trade. The same trend is true not only of DTOs but also terrorist organizations that are financed by the drug trade, “most of the funds received by terrorist groups are invested in increasing their organizational capacity, which includes the purchase of arms and ammunition.”<sup>80</sup> Thus, the United States should care about the illegal drug trade because it promotes the illegal arms trade. The illegal arms trade puts dangerous weapons in the hands of DTOs and violent extremist organizations that actively work against U.S. interests. Stopping this illegal arms trade is important to the United States, and it linked to the drug trade in East Africa.

### *Effect of East African Drug Trade on Good Governance*

The United States' national security objectives are also undermined by illegal drug trade in East Africa because it hurts good governance in the region. For example, the illegal heroin

<sup>78</sup> Isaac Kaledzi, Al-Shabab Affiliate Al-Hijra, JPEG, AfricaFeeds, July 20, 2018, <https://africafeeds.com/2018/07/20/kenyas-al-hijra-declared-terrorist-organisation/>.

<sup>79</sup> Mineo, “Stopping Toxic Flow of Gun Traffic from U.S. to Mexico.”

<sup>80</sup> Chandra, “Illicit drug trafficking and financing of terrorism,” 77.

trade in Mozambique has made the state susceptible to bribery. Specifically, Mozambique is estimated to export 10-40 tons of heroin per year, and \$2 million per ton stays in Mozambique “as profits, bribes, and payments to senior Mozambicans.”<sup>81</sup> In return, the DTOs in the country receive so-called “political protection,” and there is a “tight integration between ruling party figures and traffickers.”<sup>82</sup> In other words, traffickers exercise an outsized influence on the political system in Mozambique. However, Mozambique is not the outlier in the region, as there is evidence that East African politicians are directly involved in trafficking efforts in Kenya.<sup>83</sup> This is detrimental to the United States because it impedes the U.S.’ ability to advance U.S. interests and exert geopolitical influence in the region. For example, the U.S. State Department conveys that “the United States and Mozambique share a commitment to security and stability, economic development, improved living standards, and good governance for all Mozambicans.”<sup>84</sup> However, how can the United States advance these ‘shared commitments’ to good governance if Mozambican politicians are accepting bribes from drug lords? Therefore, the illegal drug trade in East Africa is hurting good governance in the region, which goes against U.S. objectives.

### *Effect of East African Drug Trade on America’s Drug Epidemic*

The United States national security objectives are also hurt by illegal drug trade in East Africa because it contributes to the drug epidemic in the United States. While it is true that “most of the cocaine transiting Africa is destined for Europe, and little of it enters the United States, other illicit substances trafficking through the region, notably heroin and illegally traded chemical precursors used to produce illicit drugs, do enter the United States.”<sup>85</sup> Firstly, this reaffirms the previously made claim that Mexican drug cartels are benefitting from East Africa drugs, as chemical precursors are known to be sent from China and other places to DTOs in Mexico to produce fentanyl and meth.<sup>86</sup> Secondly, it is pertinent to the United States to stop drugs from entering into the states. The focus in the drug war has historically been Mexico and cocaine producing countries like Ecuador and Colombia. However, this fact does not mean that other sources of drugs fail to warrant U.S. involvement. For instance, “East Africa is the primary smuggling for moving heroin from Southwest Asia to Africa for further transshipment around the globe.”<sup>87</sup> If the United States is able to cripple the drug trade in East Africa, it would significantly deter the international flow of heroin, which, in turn, would reduce the number of American deaths from heroin overdoses. In short, the United States national security objectives

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<sup>81</sup> Joseph Hanlon, *The Uberization of Mozambique's heroin trade*, 2.

<sup>82</sup> *Ibid* 3.

<sup>83</sup> Chandra, “Illicit drug trafficking and financing of terrorism,” 82.

<sup>84</sup> “U.S. Relations With Mozambique,” United States Department of State, October 31, 2022, <https://www.state.gov/u-s-relations-with-mozambique/>.

<sup>85</sup> Liana Sun Wyler and Nicolas Cook, *Illegal drug trade in Africa: Trends and US policy*, Congressional Research Service, 2009, 2.

<sup>86</sup> InSight Crime, “How Precursor Chemicals Sustain Mexico’s Synthetic Drug Trade,” May 8, 2023, <http://insightcrime.org/investigations/chemical-precursors-mexico-synthetic-drug-meth-fentanyl/>.

<sup>87</sup> Wyler, *Illegal drug trade in Africa: Trends and US policy*, 6.

are hurt by drugs from East Africa because they end up in the states and result in American deaths.

### *Summary*

In summary, the East African illegal drug trade may be an ocean and continent away, but it severely undermines United States national security in a multitude of ways. First, the illegal drug trade in East Africa is strengthening the Mexican drug cartels, which actively work against U.S. interests just south of our border. Second, the illegal drug trade finances local African insurgencies, including violent terrorists that have vendettas against the United States, such as Al Shabab, Al Hijra, and M23. Third, drug trafficking encourages the expansion of other illicit markets, like the illegal arms trade, which further emboldens dangerous anti-U.S. groups. Fourth, good governance is negatively affected by the illegal drug trade, as governments come under the influence of DTOs and terrorist groups. This works against the U.S. stated policy objective of improving governance in the region. Lastly, the illegal drug trade further contributes to the drug epidemic in the United States, which kills tens of thousands of Americans each year. For all of the reasons listed above, there is no doubt that the United States' national security is undermined by the illegal drug trade in East Africa.

### **Regarding the Kenyan & Tanzanian Maritime Security Components**

The current status of the maritime law enforcement agencies in the respective nations of Kenya and Tanzania is one that is emerging but still limited by a variety of factors including lack of government support, lack of interagency coordination, and general inexperience in maritime law efforts. The current literature that exists on the capabilities of East African maritime security agencies is mostly comprised of foreign research efforts attempting to describe the status and need of the fledgling operations in Kenya and Tanzania. The further literature on drug enforcement in the region is extremely limited because of the relatively new phenomenon of a domestic drug problem that is no longer just passing through these coastal countries.

The Kenyan Coast Guard Service (KCGS) is the primary enforcement agency for counter narcotics operations in the Kenyan maritime sector. It is a relatively new service, with the advent of the agency occurring in 2018 with the Kenya Coast Guard Service Act.<sup>88</sup> According to this legislation, the KCGS is tasked with enforcing maritime security and safety, pollution control, prevention of trafficking of narcotic drugs and prohibited plants and psychotropic substances, prevention of trafficking of illegal goods, and search and rescue among other listed responsibilities. The service is headed by a Director-General and advised by a Technical Committee that is comprised of environmental, law enforcement, and defense officials.

The idea of the need for a Kenyan Coast Guard Service began in response to the threat of Somali Piracy off the Horn of Africa, which costed Kenya around \$15 million USD per annum

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<sup>88</sup> Kenya Law Reports, "Constitution of Kenya (2010)," Act No. 11 of 2018, accessed 28 April 2024, <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2011%20of%202018>.

in revenues from maritime tourism.<sup>89</sup> Previously, Kenya was overwhelmingly focused on land-based security initiatives and concerns. The growth of the blue economy in Kenya and its projected returns, which are to provide \$4.8 billion USD to Kenya's economy and create over 52,000 jobs in the next 10 years, have only served to grow Kenya's interest in maritime law enforcement.<sup>90</sup> The reality of Kenya's maritime security sector, however, is one that is relatively inexperienced and unprepared to match the proliferating drug trade off the East African coast. The KCGS is responsible for patrolling a 12-nautical-mile territorial sea, a 24-nautical-mile contiguous zone, and a 200-nautical-mile Exclusive Economic Zone (EEZ); this comes out to around 650 km of coastline on the western Indian Ocean, and an EEZ with a total area of over 110,000 km<sup>2</sup>.<sup>91</sup> Large sections of this coastline are unaccounted for due to a lack of electricity and government presence, leaving vast areas that can be exploited by traffickers.

The Kenyan Coast Guard Service currently only has one vessel, the M/V Doria, which makes enforcement of the coastline impossible with present equipment.<sup>92</sup> This lack of enforcement capability of the KCGS has led to a reliance on the Kenyan Navy and other maritime partners who do not have the legal standing to conduct law enforcement in Kenya's waters. In addition to the Kenyan Navy, other government agencies that are involved in maritime enforcement are the Kenyan Maritime Authority, National Environmental Management Authority; Kenya Defense Forces, Kenya Ports Authority, Kenya Police, Kenya Wildlife Service, Coastal Development Authority, the State Department for Fisheries and the Blue Economy (under the Ministry of Agriculture, Livestock and Fisheries); State Department for Maritime and Shipping Affairs (under the Ministry of Transport, Infrastructure, Housing and Urban Development); Kenya Marine Fisheries Research Institute, and the Office of the President.<sup>93</sup> Such a conglomeration of government entities has muddied the waters of maritime law enforcement by placing it in a struggle of power and funding from the central government to the respective agencies. An interview that researched the status of Kenya's maritime security domain through members of the respective agencies received the following response in regard to the overlapping issue: *"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*

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<sup>89</sup> International Crisis Group, "Kenya: Avoiding Another Electoral Crisis," Africa Report No. 183, February 22, 2012, accessed April 28, 2024, <https://www.files.ethz.ch/isn/138786/22Feb12Kenya.pdf>.

<sup>90</sup> NTU International, "Blue Economy in Kenya," accessed April 28, 2024, <https://www.ntu.eu/maritime/blue-economy-in-kenya/#:~:text=It%20is%20estimated%20that%20the,the%20protection%20of%20maritime%20ecosystems..>

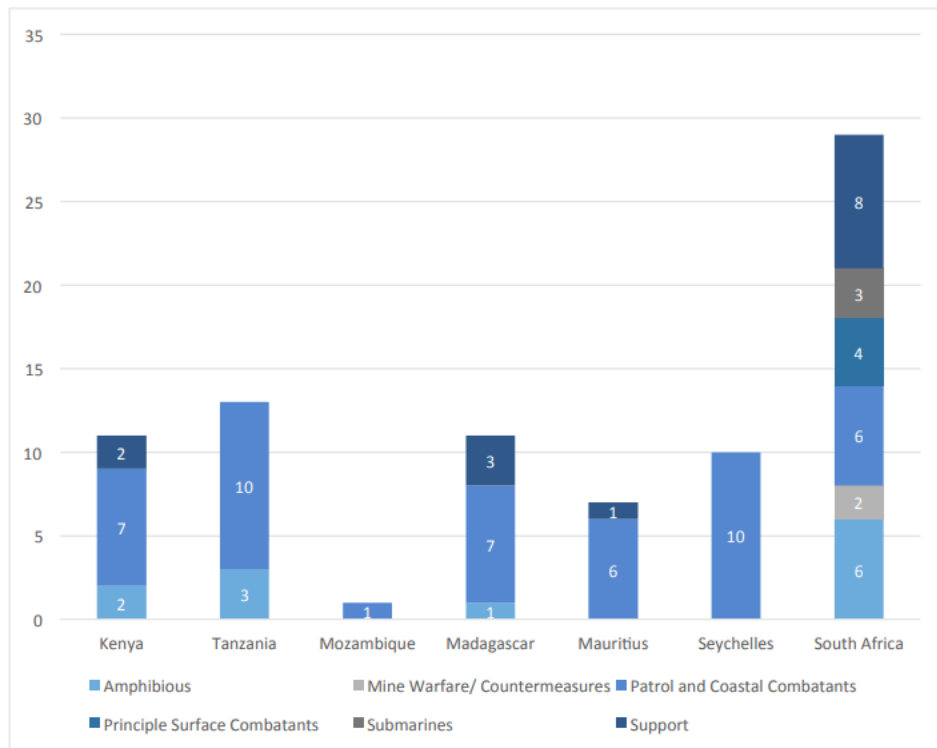
<sup>91</sup> Ruwa, Renison K., and KENYA MOMBASA. "Policy and governance assessment of coastal and marine resource sectors in Kenya in the framework of Large Marine Ecosystems." *Report to the ASCLME Policy and Governance Coordinator, ASCLME Project, Grahamstown, South Africa. 58pp* (2011).

<sup>92</sup> BBC News, "Kenya's Lake Victoria fishermen 'plagued' by sales of illegal nets," November 22, 2018, accessed April 28, 2024, <https://www.bbc.com/news/world-africa-46266978>.

<sup>93</sup> Isabel C. Ehrlich, "Blue Economy and Maritime Security in Kenya: Challenges and Opportunities," *Maritime Affairs: Journal of the National Maritime Foundation of India* 15, no. 2 (2019): 166-181, accessed April 28, 2024, <https://www.tandfonline.com/doi/pdf/10.1080/19392206.2019.1667053>.

*enforcement mandates leading to wastage of resources allocated to enforce.*”<sup>94</sup> This research suggests that service members are aware of overlap and are concerned by it; the lack of resources for the maritime security domain combined with agency competition is a belittling combination that only serves to hinder each agency. An official from the Kenyan State Department for Maritime and Shipping Affairs stated that, “The biggest maritime security concern for Kenya is enforcement of maritime laws, capacity building, monitoring and creating a common platform of knowledge for law enforcement for the entire process.”<sup>95</sup>

**Figure 4: East Sub-Saharan Africa Sub-region Military Balance: Naval Forces**



Source: Adapted from IISS, *The Military Balance 2016*, “Chapter 9: Sub-Saharan Africa.”

Recently, there have been increased calls to remedy Kenya’s bureaucratic overlap in the maritime sector by drafting a national maritime strategy that would specifically outline the expectations and powers of each agency. In March of 2022, the EU Port Security and Safety of Navigation project funded a forum in Mombasa for Kenyan agencies to convene to form a

<sup>94</sup> Charo, Alfred Mwangi. "Role of Maritime Policies and Strategies in Shaping the Maritime Security Threats in Kenya." *African Journal of Empirical Research* 2, no. 1&2 (2021): 115-131.

<sup>95</sup> Bueger, Christian, Timothy Edmunds, and Robert McCabe, eds. *Capacity building for maritime security: The Western Indian Ocean experience*. Springer Nature, 2020.

National Maritime Security Strategy.<sup>96</sup> Despite this commitment to drafting, however, there continues to be a lack of a strategy. The Kenyan government continues to advocate for economic measures that largely involve an increase in maritime security capability, however, with efforts such as the 'Vision 2030' document.<sup>97</sup>

The relative end to the threat of piracy in the East African region has shifted the Kenya's focus along with the KCGS to other transnational issues such as drug trafficking. This focus on maritime capacity building looks like enhancing coastal patrol capabilities, strengthening local and national courts ability to adjudicate and prosecute maritime crime, and the provision of additional training and equipment to fulfill supply needs.<sup>98</sup> The United Nations Office on Drug's and Crime (UNODC) has provided "specialized law enforcement training programs that focus on mentoring in practical and core skills such as seamanship, maritime policing, and engineering by experts embedded within maritime law enforcement authorities."<sup>99</sup> They also offer concentrated courses in counter drug measures and human trafficking to the Kenyan maritime security sector. The International Maritime Organization (IMO) is also working to expand Kenyan maritime security capabilities by conducting mock maritime scenarios with various government agencies and actors.<sup>100</sup> Such exercises are extremely beneficial for the KCGS because they display inherently coast guard functions to the other agencies and promote intergovernmental cooperation in maritime scenarios. The IMO is also conducting exercises at the Regional Maritime Rescue Coordination Center (RMRCC) in Mombasa for efforts in coordination between agencies in locating vessels and search and rescue efforts.

The most effective plan of action for benefitting the Kenyan maritime security domain is the bilateral treaties that they undertake with multiple nations such as both China and the United States. Currently, the United States has a multifaceted bilateral agreement with Kenya that includes a defense cooperation clause stipulating America's commitment to Kenya's maritime surveillance and visibility.<sup>101</sup> This commitment has taken the form of the Sea Vision program, which is a "web-based situational awareness tool that enables the exercise participants assigned to the joint operations center to view and share a broad array of maritime information that

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<sup>96</sup> Defense Council of Oceans (DCO), "Development of National Maritime Strategy Set to Boost Kenya's Blue Economy," accessed April 28, 2024, <https://dcoc.org/development-of-national-maritime-strategy-set-to-boost-kenyas-blue-economy/>.

<sup>97</sup> Ministry of Planning and National Development, "Kenya Vision 2030," accessed April 28, 2024, <https://www.planning.go.ke/kenya-vision-2030/#:~:text=The%20aim%20of%20Kenya%20Vision,a%20clean%20and%20secure%20environment.%E2%80%9D>.

<sup>98</sup> International Maritime Organization (IMO), Maritime Safety Division (MSD), Djibouti Code of Conduct (London: IMO MSD, 2015), i

<sup>99</sup> UNODC, "Global Maritime Crime Programme – Indian Ocean," <https://www.unodc.org/unodc/en/piracy/Indian-Ocean.html> (accessed March 10, 2019).

<sup>100</sup> IMO, "Supporting Kenya's Maritime Security," <http://www.imo.org/en/OurWork/Security/TC1/Pages/Kenya-April2016.aspx> (accessed October 22, 2018).

<sup>101</sup> U.S. Department of State, "Joint Statement on the Third U.S.-Kenya Bilateral Strategic Dialogue," accessed April 28, 2024, <https://www.state.gov/joint-statement-on-the-third-u-s-kenya-bilateral-strategic-dialogue/>.

improves maritime operations.”<sup>102</sup> This program has provided further visibility to the Kenyan RMRCC by giving authorities the ability to specifically identify vessels engaged in illicit activity that are in otherwise unpatrolled water by stretched Kenyan authorities. The United States also has made efforts to engage Kenya in the Cutlass Express exercises, which seek to expand maritime awareness through engagement with the U.S. Coast Guard (USCG) and the U.S. Navy.<sup>103</sup> The USCG has specialized in teaching law enforcement tactics to their Kenyan counterparts in the form of Visit, Board, Search and Seizure (VBSS), which includes training on guns, boat-handling, hand-to-hand techniques, medical, room clearing, and boarding measures. Further trainings with INTERPOL and the Navy Criminal Investigative Service (NCIS) have displayed to the KCGS and other players how to properly treat a crime scene and use the chain of command for proper adjudication of a case. These collusion efforts between U.S. maritime services and their Kenyan counterparts are a cornerstone of the growth of the Kenyan maritime security sector.

The nation of Tanzania does not have a Coast Guard service like Kenya, but instead relies on both the Tanzanian Navy and various maritime police elements to combat transnational crimes such as drug trafficking. The Tanzanian Naval Command is small in terms of ships and personnel and has very limited air capabilities to counter transnational maritime threats.<sup>104</sup> Its navy consists mostly of vessels purchased from China between 1969 and 1971 in terms of larger patrol boats; the United States has also donated smaller patrol craft in recent bilateral agreements.<sup>105</sup> Tanzania recently received equipment from the United States to help bolster its naval forces. In July 2013, the United States worked in conjunction with CJTF-HOA and soldiers from the Tanzanian Peoples Defense Force to install a boat ramp that gave the Tanzanian Naval Command the ability to launch small patrol boats for coastal operations.<sup>106</sup> United States Africa Command (AFRICOM) also supplemented the Tanzanian Navy and Maritime Police Unit by providing VHF Communications systems in 16 locations throughout the country in “Dar es Salaam, Zanzibar, Mwanza, Kigoma, Tanga, and Mtwara, as well as 182 handheld radios that are

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<sup>102</sup> U.S. Naval Forces Europe-Africa / U.S. 6th Fleet Public Affairs, "SeaVision: Improving Maritime Domain Awareness during Cutlass Express," accessed April 28, 2024, <https://www.dvidshub.net/news/401974/seavision-improving-maritime-domain-awareness-during-cutlass-express>.

<sup>103</sup> U.S. Naval Forces Europe-Africa / U.S. 6th Fleet Public Affairs, "Trawling, Trafficking, Smuggling, and Spoilage: East Africa's War on Illicit Maritime Activities," accessed April 28, 2024, <https://www.c6f.navy.mil/Press-Room/News/Article/3332878/trawling-trafficking-smuggling-and-spoilage-east-africas-war-on-illicit-maritim/>.

<sup>104</sup> Judd Devermont and Catherine Chiang, "Beyond the Homeland: Protecting America from Extremism in Fragile States," Center for Strategic and International Studies (CSIS), August 2016, accessed April 28, 2024, [https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/160801\\_ssa\\_indian\\_ocean.pdf](https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/160801_ssa_indian_ocean.pdf).

<sup>105</sup> Breuk Bass, "East Africa: More Than Just Pirates," Center for International Maritime Security, October 9, 2013, <http://cimsec.org/east-africa-more-than-just-pirates/>

<sup>106</sup> "United States Military Enhances Tanzanian Navy's Maritime Security Capability", Tanzania24, July 9, 2013, Accessed November 5, 2013, <http://www.24tanzania.com/united-states-military-enhances-tanzanian-navysmaritime-security-capability/>.



capable of encrypted digital end unsecure analog communications to increase intra-regional cooperation and counter drug efforts.”<sup>107</sup>

### **Regarding the Maritime Law Enforcement (MLE) Organizations in East Africa**

Current Maritime Efforts in the East African region of the Indian Ocean indicate a desire to stem the flow of piracy, trafficking, and IUU fishing in a handful of treaty organizations. However, these organizations seem to lack the physical capacity to thoroughly execute missions that comply with these objectives due to a lack of coherent cooperation in a centralized system that allows for these initiatives to take effect. Kenya and Tanzania routinely coordinate in law enforcement exercises, sign bilateral agreements, and receive equipment and fiscal support from a plethora of international efforts. Initiatives that Kenya and Tanzania are involved in and are embedded in the region include the Djibouti Code of Conduct (including the Jeddah Amendment), the Global Maritime Crime Program, the Cutlass Express Series, and the Blue Strategy.

The Djibouti Code of Conduct is a conglomeration of numerous states in the Western Indian Ocean who have expressed a united desire to enforce maritime security in the region. According to International Maritime Organization, “The Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, also referred to as the Djibouti Code of Conduct, was adopted on 29 January 2009 by the representatives of: Djibouti, Ethiopia, Kenya, Madagascar, Maldives, Seychelles, Somalia, the United Republic of Tanzania and Yemen. Comoros, Egypt, Eritrea, Jordan, Mauritius, Mozambique, Oman, Saudi Arabia, South Africa, Sudan and the United Arab Emirates have since signed bringing the total to 20 countries from the 21 eligible to sign.”<sup>108</sup> Though initial negotiations for a maritime law enforcement began in 2005, a rise in piracy and maritime robberies off of the Horn of Africa in 2008-2009 prompted the International Maritime Organization to convene a meeting of the regional littoral states to adopt a common resolution on enforcing maritime law in the Western Indian Ocean. These states comprise the center of the agreement and are accompanied by foreign contributors to the initiative such as France due to their overseas department of Réunion and its interests in the region.

Each state that has signed onto the Djibouti Code of Conduct has agreed to combine their maritime law enforcement efforts to counter robbery and piracy in the region. According to the Journal of the Indian Ocean, “Specifically, they agreed on adjusting their regional security operations, cooperating in the seizure and prosecution of suspects of maritime piracy or armed robbery by establishing a regional counter-piracy information infrastructure, and reviewing their

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<sup>107</sup> “Tanzanian People's Defense Force Naval Command, Police Force Maritime Receive New Communications System,” US AFRICOM Public Affairs press release, October 17, 2013, <http://www.africom.mil/Newsroom/Article/11363/tanzanian-peoples-defense-force-naval-command-police-forcemaritime-receive-new-communications-system>.

<sup>108</sup> International Maritime Organization. "Content and Evolution of the Djibouti Code of Conduct." International Maritime Organization. Accessed April 9, 2024.

national legislation on piracy prosecution.”<sup>109</sup> Additionally, the 2009 agreement yielded a Project Implementation Unit that ensured that each signatory state complied with the guidelines alongside a funding unit that has successfully received donations from exterior nations without territory in the region such as Japan and Denmark.



The Djibouti Code of Conduct has constructed and outfitted three information sharing centers for the purpose of providing intelligence to respective members concerning multinational maritime threats.<sup>110</sup> These are located in Mombasa in Kenya, Dar-es-Salaam in Tanzania, and Sana'a in Yemen, though the Yemeni location is currently vacant due to the ongoing tensions in the country. These centers utilize a web portal to communicate necessary information, and each member nation has a designated national agency that is a focal point for communication and dissemination of data.<sup>111</sup> The Djibouti Code of Conduct is also provided with training by the International Maritime Organization (IMO), which provides training staff in Nairobi and a Regional Training Center in Djibouti.

<sup>109</sup> Anja Menzel (2018) Institutional adoption and maritime crime governance: the Djibouti Code of Conduct, *Journal of the Indian Ocean Region*, 14:2, 152-169, DOI: 10.1080/19480881.2018.1467360

<sup>110</sup> "Information Sharing – DCoC." Accessed April 9, 2024. <https://dcoc.org/information-sharing/>.

<sup>111</sup> Bueger, C. (2013). Counter-Piracy, communities of practice and new security alignments. *Journal of Regional Security*, 8(1), 49–62. doi: 10.11643/issn.2217-995X131SPB27

Though originally intended to cover maritime law enforcement of multiple areas in general, the Djibouti Code of Conduct was only originally passed for Piracy and Armed Robbery because of political constraints from the various delegations. In 2017, however, the Djibouti Code of Conduct was revised to include more coverage for a variety of criminal activities on the High Seas.<sup>112</sup> This revision is known as the Jeddah Amendment, and it includes (a) Human trafficking and smuggling, (b) Illegal, unreported and unregulated (IUU) fishing, (c) Trafficking in narcotics and psychotropic substances, (d) Arms trafficking, (e) Illegal trade in wildlife, (f) Crude oil theft, and (g) Illegal dumping of toxic waste. Seventeen out of the twenty members of the Djibouti Code of Conduct have signed the Jeddah Amendment. The IMO stated, "This will include information sharing; interdicting ships and/or aircraft suspected of engaging in such crimes; ensuring that any persons committing or intending to commit such illicit activity are apprehended and prosecuted; and facilitating proper care, treatment, and repatriation for seafarers, fishermen, other shipboard personnel and passengers involved as victims."<sup>113</sup> A major part of the Jeddah Amendment's implementation is the requirement for nations to create a national maritime strategy including the Blue Economy which involved revenue generation, employment, and sustainability. Under new measures relating to the national organization of maritime security, participants commit to establishing multi-agency, multidisciplinary national maritime security and facilitation committees, with similar arrangements at port level, to develop action plans and to implement effective security procedures.<sup>6</sup> Additionally, the amendment advocates for state-to-state cooperation to facilitate rescue, interdiction, investigation, and prosecution. It is important to note, however, that the Djibouti Code of Conduct is not legally binding, though this is under review by a working group.

The Global Maritime Crime Program is a United Nations-led task force that addresses maritime law enforcement in Eastern Africa. According to the United Nations, "The Global Maritime Crime Programme was established in 2010 in response to United Nations Security Council resolutions calling for a concerted international response to address piracy off the Horn of Africa."<sup>114</sup> This assistance came in the form of a piracy prosecution model, which provided criminal justice assistance to participant nations for the adjudication of suspected pirates. Since the initial foundation of the program, the program has expanded to include a diverse set of maritime law enforcement elements from the Regional Office for Eastern Africa in Nairobi.

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<sup>112</sup> "Jeddah Amendment – DCoC." Accessed April 9, 2024. <https://dcoc.org/about-us/jeddah-amendment/>.

<sup>113</sup> International Maritime Organization. "The Jeddah Amendment to the Djibouti Code of Conduct 2017." International Maritime Organization. Accessed April 9, 2024.

<https://www.imo.org/en/OurWork/Security/Pages/DCoC.aspx#:~:text=The%20Jeddah%20Amendment%20to%20the%20Djibouti%20Code%20of%20Conduct%202017&text=The%20Jeddah%20Amendment%20recognizes%20the,%20C%20employment%20C%20prosperity%20and%20stability.>

<sup>114</sup> United Nations Office on Drugs and Crime, "Our Work in Eastern Africa," accessed April 9, 2024, <https://www.unodc.org/easternafrika/global-programmes/global-maritime-crime-prevention/index.html#:~:text=Our%20Work%20in%20Eastern%20Africa&text=Our%20activities%20include%20the%20following,specifics%20needs%20of%20the%20counterparts.>

The program is committed to support regional partners, through its mandate, to develop cooperation both at a regional and international level and build law enforcement capacity among member states to counter serious organized crime within the maritime domain. This is completed through a provision of support to the various levels of a national criminal justice system in the realms of law enforcement, prosecution, and detention. The legal mandate for the Global Maritime Program in East Africa is the Indian Ocean Forum on Maritime Crime (IOFMC), of which twenty-two nations are a member.

The law enforcement system of the Global Maritime Program runs a program called the Southern Route Partnership (SRP), which is a coordination platform between national drug enforcement agencies and international partners to identify areas that require action and focus on common objectives. The United Nations Office on Drugs and Crime stated that, "The program builds maritime law enforcement capacity and capability through the delivery of training courses and full-time mentorship, which are customized according to the specific needs of the counterparts."<sup>7</sup> The program also supports Maritime Domain Awareness (MDA) options by streamlining information technology through continued development for use by member nations.

The Global Maritime Crime Program has also developed a Prosecutor's Network for attorneys in the Indian Ocean region to conduct dialogue concerning prosecution of maritime crime. "The forum includes relevant training on topics such as mutual legal assistance, and the development of simulated trials to provide a coherent and coordinated approach to prosecuting and adjudicating regional maritime drug trafficking."<sup>7</sup> It also reviews the legal frameworks of participating nations and assists in the implementation of international agreements and conventions into those domestic legal frameworks. This is paramount to the integration of a legal structure into a problem area that is lacking the same in the majority of the regional organizations.

In Kenya and Somalia, the Global Maritime Crime Program has implemented the Prevention of Violent Extremism (PVE) program in the interest of improving security in detention centers. The program states, "the main thematic areas of engagement are focused on training and mentoring of Prison Staff dealing with Violent Extremist Prisoners (VEPs), delivery of physical, procedural and dynamic security, enhancing prisoner record management systems, rehabilitation and reintegration activities, including support to vocational training, education and moderate religious (counter-narrative) teaching programs, as well as the implementation of a robust risk assessment tool aimed at assessing risks of re-offending, recruiting and radicalizing amongst the prisoners."<sup>7</sup> Previously, the program was involved with providing detention services and advising to detention centers that held pirates.

The Program for the Promotion of Maritime Safety (MASE) is an effort conducted by the European Union in conjunction with the Intergovernmental Authority on Development (IGAD), which is the program's overall coordinator, the East African Community (EAC), the Common

Market for Eastern and Southern Africa (COMESA) and the Indian Ocean Commission (IOC).<sup>115</sup> MASE is funded primarily by the European Union in order to support maritime security efforts in the Western Indian ocean. The listed goals of MASE are “Alternative livelihoods through vocational development initiatives and advocacy against piracy are supported; maritime coordination mechanisms are reinforced in Somalia (IGAD), national and regional capacities in legal matters, legislation and infrastructure for the arrest, transfer, detention and trial of pirates are developed and / or strengthened (EAC), the regional capacity to break the financial networks of pirates and their sponsors and to decrease structural and sustainable economic impact of piracy are reinforced (COMESA), national and regional capacities for sea action are improved (IOC), and regional coordination and exchange of information are improved (IOC).”<sup>116</sup> The MASE program was initiated in 2013, and is supposed to be in full effect by 2020. It has yielded numerous joint exercises between the naval components of the European Union’s member states and their East African counterparts.

### **Maritime Capacity Building in East Africa**

When analyzing the feasibility of a new policy or institution for implementation in East Africa, a discussion of the literature surrounding development theory is integral. There were some specific buzzwords that were present in during visits to AFRICOM and DILS as well as in the literature surrounding East Africa. These words were capacity building and capability evaluation. On a broader scale, these topics are the essence of international development agendas and evaluation, and a major part of the debate regarding intervention by the United States and other developed countries in Africa. The United Nations, OECD, USAID, and many other international organizations complete capacity-building initiatives around the world, with the intent to improve some aspect of the countries in which they are working. In the literature, these terms are present, with a body of work available that analyzes and evaluates the rationale and future of capacity building. This literature is broad while looking at all capacity building efforts by NGOs and foreign governments, and more specific when discussing the maritime capacity building initiatives in East Africa, related directly to the countries which are being evaluated in this report.

#### **Definitions:**

Each piece of literature chose to define the terms of capacity building and capability in a number of different but albeit similar ways. These definitions were determined mainly by the general focus of the article and the organization or government being evaluated. The definition of capacity that was referenced in different pieces of literature was “Capacity is defined as the

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<sup>115</sup> East African Community, "Maritime Security: The Maritime Security Architecture Can Only Function Fully if There Is an Interconnection Between the National and Regional Levels," accessed April 9, 2024, <https://www.eac.int/press-releases/154-peace-security/2276-maritime-security-the-maritime-security-architecture-can-only-function-fully-if-there-is-an-interconnection-between-the-national-and-regional-levels>.

<sup>116</sup> European External Action Service, "Maritime Security," accessed April 9, 2024, [https://www.eeas.europa.eu/node/8407\\_en](https://www.eeas.europa.eu/node/8407_en).

ability of individuals, organizations or systems to perform appropriate functions effectively, efficiently and sustainably.”<sup>117</sup> The definition of mainstream capacity-building according to the United Nations is “... the process of developing and strengthening the skills, instincts, abilities, processes and resources that organizations and communities need to survive, adapt, and thrive in a fast-changing world.”<sup>118</sup> This definition is relatively close to the overall trend of the literature, with the idea of training, skills, and resources being at the forefront of the initiatives. This broad definition is made more specific in the context of East Africa and the maritime sector, with tenets related to training, asset allocation, policy creation, infrastructure, and other initiatives. An even more interesting point that came up in the literature is the actual term capacity building, where the more accurate and preferred term is actually capacity development. This is due to the preferred implication that these projects are not getting started from scratch and just implemented in a country without help from the locality, the intent is to build upon already completed or ongoing efforts.<sup>119</sup>

### History:

The history of capacity-building initiatives is important for the context of this paper and the evaluation of the practice as a whole. Following World War II and the beginning of the Cold War, the implementation of technical assistance programs began from the United Nations and other NGOs. This type of assistance was guided towards nations that had recently gained their independence following the war and was centered towards “advancing the economic and social development of the people of the world.”<sup>120</sup> This historical setting is relevant to East Africa, where independence movements were present in the early 1960s, and international involvement ramped up. In theory, these policies have been geared towards empowerment of the local populations, governments, and institutions to create locally cultivated success and autonomy in the future. Over time, the motivations for capacity building have shifted from strictly technical assistance or Cold War geopolitics to security guided, with a focus on failed states, humanitarian crisis, environmental factors, and threats to democracy.<sup>121</sup> This second wave of capacity building in the 1990s which has largely continued into today is the main point of emphasis for criticism of the practice, and a major sticking point for continued foreign intervention by the United States and other nations. This era and debate regarding capacity building is the major reason for its

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<sup>117</sup> World Health Organization. "What do we know about capacity building?: an overview of existing knowledge and good practice." (2001).

<sup>118</sup> United Nations, “Capacity-Building,” United Nations (United Nations), accessed January 31, 2024, <https://www.un.org/en/academic-impact/capacity-building>.

<sup>119</sup> “Capacity Development Evaluation: The Challenge of the Results Agenda and Measuring Return on Investment in the Global South - ScienceDirect,” 2, accessed January 31, 2024, <https://www.sciencedirect.com/science/article/pii/S0305750X15002739>.

<sup>120</sup> Webster, David. 2011. Development Advisors in a Time of Cold War and Decolonization: The United Nations Technical Assistance Administration, 1950–59. *Journal of Global History* 6 (2): 260.

<sup>121</sup> Duffield, Mark. 2007. *Development, Security and Unending War: Governing the World of Peoples*. Cambridge: Polity

inclusion in the literature review, to expand and evaluate the rationale of our own policy proposal, and the overall goals of this capstone project.

*Evaluating Capacity Building:*

One of the main points of scholarly debate regarding development is known as evaluating capacity building (ECB). This field involves the analysis and of capacity building efforts through varied methodologies. In one paper, researchers from the Netherlands penned “Capacity Development Evaluation: The Challenge of the Results Agenda and Measuring Return on Investment in the Global South.” This piece looked at the difficult decision making that needs to be made by organizations and governments when deciding to fund or continue funding a capacity building project. The key takeaway from this article is “The increasing pressure to deliver measurable CD results, or the so-called “results agenda,” is pushing the CD donor community to increasingly focus on projects with tangible (and mostly pre-defined) results.”<sup>122</sup> The article discusses different measurement mechanisms for creating results-oriented evaluation and makes some conclusions regarding the merit of this methodology. Generally speaking, the author purports that this methodology is adequate for reporting back to donor organizations and in measuring tangible aspects of the capacity building but is inadequate at looking at the wholistic picture of the development.<sup>123</sup> All of these observations are valuable to the understanding and thought process of our project, where the evaluation regarding success will be abstract and difficult to measure. Within the African ECB field, the main takeaway from a research report in the African Evaluation Journal regarding ECB is that the various methods of completing ECB are too far reaching to make conclusions about the strength of capacity building. This is a frustrating conclusion, as it essentially says that capacity building is hard to quantify, and the methods used to try to quantify it are hard to understand.

Capacity building literature has similar veins of emphasis, some of which being how to best move forward in future efforts and where pitfalls have been identified. In a review of public sector reform in development theory, WHO researcher Mick Moore put forth an alternative model for involvement from external actors, where different strategies were used.<sup>124</sup> According to this report from Moore, the previously emphasized capacity policies utilized external motivation, blueprint based, time-bound, and confrontation-based approaches. Instead of this methodology, the author suggests an internally motivated, experimental, incremental, piecemeal, and cooperative approach. These ideals are widespread in the development literature, and although seemingly logical and not contentious, they are important to note for this research project.

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<sup>122</sup> “Capacity Development Evaluation: The Challenge of the Results Agenda and Measuring Return on Investment in the Global South - ScienceDirect,” 6.

<sup>123</sup> Ibid 10.

<sup>124</sup> Moore M. Public sector reform: downsizing, restructuring, improving performance. Discussion Paper No.7. WHO, 1996.

*Pitfalls / Struggles with Capacity Building:*

Along the same lines, a major thread of discussion which was present in conversations with experts and in the literature regarded the understanding of the locale in which the capacity building would be taking place and understanding that the efforts would be effective without overlooking some key pitfalls. This could mean understanding the political and cultural environment of the country, the environmental impacts, economic conditions, and gender dynamics before deciding completely on a topic.<sup>125</sup> This is a key aspect of the capacity building in which we need to understand before making the recommendations regarding our project. It will be impossible to understand the interplay between all of the governments and institutions when proposing our regional agreement, but it is important to get a very good idea of the dynamics as a whole, and in particular the capacity and capability of these countries to implement our recommendations. Bringing together a number of criticisms of the capacity-building narrative, author Deborah Eade came to the important overarching conclusion regarding capacity-building, where "... disengagement is not an option. The gulf between rich and poor diminishes our humanity. Another world is possible, but only by building on the capacity of the most oppressed to repudiate injustice, and work for mutual respect and solidarity."<sup>126</sup>

When talking with the experts at the Defense Institute for Legal Studies (DIILS) at the U.S. Naval War College, one word that jumped out a few times when discussing these capacity building efforts is "bandwidth." This term in the context of this topic means the ability of a local partner to absorb all of the capacity building efforts going on at once and improve. In many cases, the DIILS staff discussed scenarios where different NGOs or foreign governments were completing capacity building efforts in the same way, leading to lack of interest or buy in from the local entity. When there is too much saturation from the international community in the same way, then the local partner is not going to be as interested in working with those international partners in the future. This was a very eye-opening discussion because it really shows that there is a lot of action and development being completed, but a lot of that development is being wasted through redundancy and oversaturation of the market. The only way to keep this problem from happening is through coordination and communication among aid organizations and nations, but it is much more easily said than done. When thinking about our project and the way that the recommendation will be perceived, this will be a very important talking point to ensure that any solution or recommendation provided does not go head-to-head with another already created project, leading to confusion, annoyance and decreased buy in from the local partner.

Many of the case studies which will be covered in the next section are directly related to the idea and literature surrounding capacity building. Information sharing regimes, joint patrols, and all of the external efforts to improve a countries abilities are considered capacity building.

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<sup>125</sup> Deborah Eade, "Capacity Building: Who Builds Whose Capacity?," *Development in Practice* 17, no. 4-5 (August 2007): 632-33, <https://doi.org/10.1080/09614520701469807>.

<sup>126</sup> Eade, "Capacity Building." 637



Examples of Capacity Building Efforts in Kenya:

In Kenya, there are significant efforts from the international community in maritime capacity building, from training of military members to creation of laws, to funding certain programs. The UNODC took on a particular role helping to enforce piracy law through their Counter Piracy Program (CPP). This program allowed for Kenya to be the site of prosecution for many of the piracy cases of the mid 2000s and 2010s. The UNODC built out the prisons to allow for the prosecution to happen in addition to more resources for the legal side. One of the major problems from this capacity building initiative was that there was not a significant thought put towards lifecycle costs of the assets that were being provided, for example the printers not working only a few years after donation due to lack of resources for ink and maintenance.<sup>127</sup> This trend is seen in a very similar fashion in the assets side of things, where the number of assets is likely adequate, it is the repair and usage of the vessels which is not working at the moment. After this success with the CPP, the UNODC moved onto the Global Maritime Crime Programme (GMCP), which focuses more on maritime law enforcement training and legal training.<sup>128</sup> This training includes the use of an expert in maritime law enforcement from the UNODC within the national services for training. The UNODC has done this same program with much of East Africa, and in speaking with representatives from the UNODC, it seems that the program is making an impact, especially on the operational law and legal finish aspects.

The IMO has also played a role in Kenya with training related to maritime education, leading to inclusion on the 'white list' of countries that meet the IMO STCW convention guidelines for training proficiency.<sup>129</sup> The Djibouti Code of Conduct is also present in Kenya with the national center. A 2016 tabletop exercise in Mombasa allowed for members of all ministries to work on an integrated government approach with exercises between countries. The major recent development in capacity building within the IMO DCoC is the capacity building matrix which in 2022. It allows for countries to be evaluated on what they need and provide their own input of their requests and has allowed for 20 countries to cooperate and populate data on their own needs and what others assess that they need.<sup>130</sup> The issues that this could touch on relate to maritime governance, ISPS code compliance, and MLE issues. This is a very important step forwards because it really does a fantastic job at centralizing and coordinating efforts from different nations with their actual needs, not the thoughts of external organizations which this very report is providing. The requests of the countries should hope to also decrease the possible "pride dilemma" when countries do not want to ask for help or be perceived as having certain inadequacies. This program was extremely interesting to hear about and would be the ultimate

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<sup>127</sup> Ibid 184

<sup>128</sup> <sup>128</sup> Mboce, Harriet Njoki, and Robert McCabe. "Kenya: From 'Sea-Blind' to 'Sea-Vision'." *Capacity Building for Maritime Security: The Western Indian Ocean Experience* (2021): 186.

<sup>129</sup> Ibid 186

<sup>130</sup> "Capacity Building Coordination – DCoC," accessed April 17, 2024, <https://dcoc.org/capacity-building/>.

avenue for more capacity building projects, and a resource for aid organizations to allow for more targeted and efficient programs.

Kenya has more interactions with the international community on the capacity building front due to their UN connections, relative regional power, and willingness to open up to the international community. In the rest of East Africa, there are similar capacity building programs going on, some being the same programs from the UNODC and IMO. Many other capacity building programs are covered in other sections of this paper, specifically the case studies, and the analysis of the KCGS and DCoC.

## **PART IV: ORGANIZATIONAL COMPARATIVE ANALYSIS**

### **Joint Interagency Task Force-South**

One potential organization that East Africa might consider emulating is Joint Interagency Task Force-South (JIATF-S). JIATF-S has helped to restrict the flow of illegal drugs into the United States and is “responsible for more than 40 percent of global cocaine interdiction.”<sup>131</sup> Long-recognized as a success story in the law enforcement world, JIATF-S has “built an unparalleled network of law enforcement, intelligence, and military assets to focus on detecting the movements and shipments of narcoterrorism organizations.”<sup>132</sup> Touted as a model, JIATF-S is successful because of its integration, diverse set of metrics to measure success, and networking.

Part of JIATF-S’s success is due to its integration efforts. JIATF-S’s organizational structure allows for “representatives from DOD, Homeland Security, and the Justice Department, along with U.S. Intelligence Community liaisons and international partners, work as one team.”<sup>133</sup> This integration goes further than each community simply being included, as interagency personnel are “fully integrated within the command structure and serve in key leadership positions.”<sup>134</sup> For example, in years past the Director of JIATF-S was a Coast Guard rear admiral, while the Vice Director came from Customs and Border Protection (CBP).<sup>135</sup> The lower ranks are also fully-integrated. For instance, “it is not uncommon” to see CBP, Air Force, Coast, Guard, and Navy personnel all working together on the same operations watch floor.<sup>136</sup> Even further still, the JIATF-S also allows for international integration, with liaison officers from the “United Kingdom, France, the Netherlands, Spain and a host of Latin American countries”

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<sup>131</sup> Daniel Detzi and Steven Winkleman, “Hitting them where it hurts: A joint interagency network to disrupt terrorist financing in West Africa,” *Studies in Conflict & Terrorism* 39, no. 3 (2016): 235.

<sup>132</sup> Richard M. Yeatman, “JIATF-South: Blueprint for Success,” *Joint Force Quarterly: JFQ* no. 42 (Third, 2006): 26, <http://uscga.idm.oclc.org/login?url=https://www.proquest.com/trade-journals/jiatf-south-blueprint-success/docview/203637752/se-2>.

<sup>133</sup> Ibid.

<sup>134</sup> Ibid.

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

also being included.<sup>137</sup> In short, JIATF-S has mastered interorganizational and international integration, and this integration promotes trust and information-sharing.<sup>138</sup>

Next, JIATF-S has been successful because it has a diverse set of metrics that measure success. Specifically, while all agencies and departments collectively “work toward the common goal of stopping illegal narcotics destined for global markets, the metrics for success differ greatly among the organizations that contribute to the task force.”<sup>139</sup> Success looks differently to all the different parties involved. JIATF-S was created in the 1990s to “counter illicit cargo trafficking,” but there are many metrics that must be satisfied to successfully counter this activity.<sup>140</sup> For example, to the Department of Defense (DOD), success is based on drug seizures, while law enforcement cares more about the arrests and prosecutions of drug traffickers.<sup>141</sup> With different organizations working under the same command, it is not a surprise that each organization has different metrics for what constitutes success. However, while these objectives are different from each other, they also complement each other. For instance, it is a better overall outcome for everybody involved if seizures and prosecutions go up. Additionally, information-sharing and teamwork makes achieving these metrics easier for all parties involved, which is part of the genius of JIATF-S. Put plainly, JIATF-S can do more for each organization together than any one organization could do for themselves. Combining assets, brainpower, and metrics allows for all missions to be completed more efficiently.

JIATF-S is also a success because of its networking. Of note, JIATF-S is a U.S. Command under the DOD. Thus, it cannot conduct law enforcement operations.<sup>142</sup> However, what makes JIATF-S relevant is its ability to pass on the information that it collects and analyzes to organizations that *can* enforce the law. JIATF-S’s networking allows targets to be “handed off to partner nation authorities or to U.S. law enforcement entities... in many organizations, this process would cause a loss of continuity, impacting operations. However, because JIATF-S works so closely with U.S. law enforcement agencies and international partners, the handoff happens with little or no disruption.”<sup>143</sup> JIATF-S is not successful because it is a fusion center; rather, it is successful because it is able to adequately network information and analysis to entities that can enforce the law. This handoff of information is crucial for mission success, and it underscores the value of networking.

In conclusion, JIATF-S has been effectively interdicting illegal drugs bound for the United States since its creation. If East Africa would like to similarly stop the flow of drugs into the region, there are several takeaways from JIATF-S that may prove useful. First, JIATF-S has

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<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

<sup>140</sup> Chris Hoffman, “The Counter-Piracy JIATF: Getting AFRICOM into the Piracy Fight,” (2009): 15.

<sup>141</sup> Richard M. Yeatman, “JIATF-South: Blueprint for Success,” *Joint Force Quarterly: JFQ* no. 42 (Third, 2006): 26, <http://usega.idm.oclc.org/login?url=https://www.proquest.com/trade-journals/jiatf-south-blueprint-success/docview/203637752/se-2>.

<sup>142</sup> Richard M. Yeatman, “JIATF-South: Blueprint for Success,” *Joint Force Quarterly: JFQ* no. 42 (Third, 2006): 27, <http://usega.idm.oclc.org/login?url=https://www.proquest.com/trade-journals/jiatf-south-blueprint-success/docview/203637752/se-2>.

<sup>143</sup> Ibid.

mastered integration. This has led to improved cooperation and trust between different agencies. Second, JIATF-S has a diverse set of metrics to measure success. This has led to a more holistic approach to dismantling every aspect of the illegal drug trade, from seizures to prosecutions. Lastly, JIATF-S's networking has proven to be key. Although JIATF-S has no law enforcement capability, its ability to handoff intel to parties that can enforce the law has led to great mission success. If East Africa desires to reduce its drug trafficking problem, then JIATF-S is a model to emulate.

### **Combined Maritime Forces**

The Combined Maritime Forces (CMF) is the largest international naval partnership in the world, with 43 nations participating in the alliance. The organization was established following 9/11 and increased efforts to coordinate naval operations in the Middle East and to promote maritime security with a counterterrorism and anti-piracy focus.<sup>144</sup> Although the CMF is headquartered at the Naval Support Activity base in Manama, Bahrain, operations within the area of responsibility of the coalition intersect the barriers of U.S. Central Command (CENTCOM), U.S. Indo-Pacific Command (INDOPACOM), and AFRICOM. Following CMF's success in counterterrorism and counter-piracy efforts throughout the 2000s and 2010s, its focus slowly shifted toward counter-narcotics operations and encouraging regional cooperation.<sup>145</sup>

The CMF is currently the most effective international maritime governance structure in handling transnational criminal organizations within the Western Indian Ocean in its adherence to maritime law and a rules-based international order.<sup>146</sup> By understanding the CMF as an entity as a model for international maritime law enforcement, we can better predict ways in which the capacity of East African nations such as Kenya and Tanzania can handle maritime crime such as illicit drug trafficking at sea.

The CMF has five Combined Task Forces (CTF)<sup>147</sup>:

CTF 150 (Maritime Security Operations outside the Arabian Gulf)

CTF 151 (Counter-Piracy)

CTF 152 (Maritime Security Operations inside the Arabian Gulf)

CTF 153 (Red Sea Maritime Security)

CTF 154 (Maritime Security Training)

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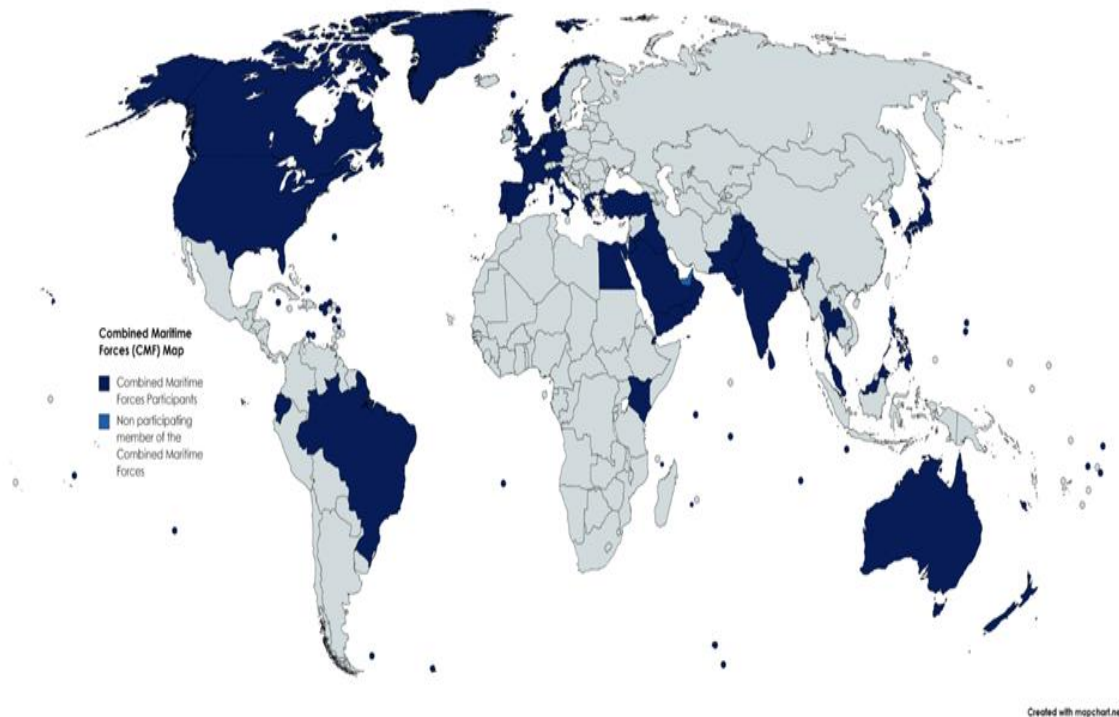
<sup>144</sup> Naval Sea Systems Command "FDRMC - Bahrain." Accessed April 30, 2024.

<sup>145</sup> Combined Maritime Forces (CMF). "Combined Maritime Forces (CMF)." Accessed April 30, 2024.

<sup>146</sup> Combined Maritime Forces (CMF). "Combined Maritime Forces (CMF)." Accessed April 30, 2024.

<sup>147</sup> Combined Maritime Forces (CMF). "Combined Maritime Forces (CMF)." Accessed April 30, 2024.  
<https://combinedmaritimeforces.com/>.

Each nation has the ability to choose whether or not to engage within the five task forces, and each CTF is led by one of the participating member nations, which rotates on a four-month basis.<sup>148</sup> Operations vary from training willing member nations how to board vessels to outright organizing patrols to counter piracy and maritime crime. Of the five task forces, the most important within the realm of East African maritime security is Combined Task Force 150. CTF 150’s mandated mission is to, “... disrupt criminal and terrorist organisations and their mandated related illicit activities by restricting their freedom of maneuver in the maritime domain.”<sup>149</sup> CTF 150 was the first task force stood up within the CMF with an inherent focus on using CMF resources in Operation Enduring Freedom of the Horn of Africa to counter terrorists and criminals by, “...countering the illegal movement of weaponry, people, and other materials.”<sup>150</sup> Maritime security operations in CTF 150 involve planned intelligence-based joint patrols in international waters to deter transnational criminal organizations from operating outside the Arabian Gulf.<sup>151</sup>



Source: Map created by Ms. Bourenane Chahine

Although there are three East African nations that are member states within the CMF (Kenya, Djibouti, and Seychelles), the CTF 150 operations are mostly comprised of naval forces outside of the region. The most active nations in maritime security operations include: Australia, Canada, Denmark, France, India, Italy, Netherlands, New Zealand, Pakistan, Spain, Saudi

<sup>148</sup> Combined Maritime Forces (CMF). “CTF 150: Maritime Security,” September 17, 2010.

<sup>149</sup> Combined Maritime Forces (CMF). “CTF 150: Maritime Security,” September 17, 2010.

<sup>150</sup> Schneller, Robert. “Piracy and HOA Operations.” Naval History and Heritage Command, n.d. Page 4.

<sup>151</sup> Combined Maritime Forces (CMF). “CTF 150: Maritime Security,” September 17, 2010.

Arabia, the United Kingdom, and the United States.<sup>152</sup> Open-source reports from CENTCOM and CMF media releases indicate that the majority of drug seizures come largely from the aforementioned nations. As each member nation of the CMF is not prescribed a necessary level of contribution to efforts within joint operations, this lack of reported seizures indicates lesser involvement from East African member states which can be caused by constrained resources and availability of assets.<sup>153</sup>

The most successful drug seizures in recent years came during the HMS Dragon's patrol of waters outside the Arabian Gulf in which £145m worth of drugs were seized across 8 different seizures including, "...15,246kg of hash, 455kg of heroin, and 9kg of crystal meth," were seized in the span of less than a year.<sup>154</sup> This achievement is a hallmark example of the type of success in maritime crime enforcement that can only be found through international cooperation schemes such as CTF 150. Most recently, CTF 150 has found renewed success in its attempts to halt drug seizures in the Western Indian Ocean via partnership with the Indian Navy and their seizure of over 940kg of drugs.<sup>155</sup> This effort demonstrates an increase in Indian interest in leading efforts to promote Indian Ocean maritime security through forums such as the CMF and its own information-sharing efforts through its Information Fusion Center, which includes CMF nations such as the United States, United Kingdom, Seychelles, and more.<sup>156</sup>

Success in the realm of drug seizures and interdictions is coordinated through the framework of CTF 150. However, the detection and dissemination of actionable intelligence from actors in regional waters is only possible through the support of the Regional Narcotics Interagency Fusion Cell (RNIFC) located in Manama, Bahrain. The RNIFC, created in 2014, is a "... joint Department of Defense and law enforcement team... comprised of personnel from U.S. Naval Forces Central Command, Combined Maritime Forces, and law enforcement agency partners."<sup>157</sup> This intelligence fusion cell is comprised of U.S. agencies and intelligence partners from Five Eyes nations (Australia, Canada, New Zealand, the United Kingdom, and the United States), which all contribute personnel and technology toward the collection and analysis of information into intelligence that partner navies can use for CTF operations. In addition to the RNIFC, the CMF works with other organizations internationally in the sharing of information, such as the European Union, Interpol, and NATO.<sup>158</sup>

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<sup>152</sup> Combined Maritime Forces (CMF). "Combined Maritime Forces (CMF)." Accessed April 30, 2024. <https://combinedmaritimeforces.com/>.

<sup>153</sup> Combined Maritime Forces (CMF). "Combined Maritime Forces (CMF)." Accessed April 30, 2024. <https://combinedmaritimeforces.com/>.

<sup>154</sup> Salkeld, Millie. "Royal Navy Type 45 Destroyer HMS Dragon Sails into Record Books after Seventh Drugs Bust Bringing Total Narcotics Haul to £145m." *The News*, n.d.

<sup>155</sup> U.S. Central Command. "Indian Navy Carries Out First Drug Interdiction as CMF Member." Accessed April 18, 2024.

<sup>156</sup> Press Information Bureau India Ministry of Defence. "MARITIME INFORMATION SHARING WORKSHOP 2023." Accessed April 30, 2024.

<sup>157</sup> U.S. Central Command. "U.S. Navy Opens New Interagency Counter Narcotics Facility in Bahrain." Accessed April 25, 2024.

<sup>158</sup> Mohammed Mubarak, Abdullah. "A Comparative Study of the Combined Maritime Force (CMF) and the Djibouti Code of Conduct (DCOC) Aimed at Maintaining Maritime Security in the Area of the Western Indian Ocean and the Gulf of Aden." World Maritime University, 2020. Page 49,

The most significant nexus between East African maritime law enforcement authorities and the CMF naval forces is in the realm of information sharing, albeit through third parties. International agencies such as the U.S. Drug Enforcement Agency, the European Union, and Interpol, which are all comprised of CMF member nations, are heavily relied upon to provide declassified intelligence that can be used freely by East African drug enforcement agencies. In addition to receiving intelligence from the RNIFC out of Bahrain, capacity-building efforts in information-sharing through the Maritime Security Program (MASE) led by the European Union and the Indian Ocean Commission have led to the development and support of the Regional Maritime Information Fusion Center in Madagascar and the Regional Center for Cooperation in Seychelles which offer intelligence sharing services with Djibouti Code of Conduct member nations via international liaison officers.<sup>159</sup> Despite these efforts, CMF intelligence-sharing capabilities are not integrated within the MASE framework.

The lack of intelligence-sharing structures between East African nations regionally and between nations in regimes such as the CMF hinders the ability of nations to enforce maritime crime, instead relying on CMF partner nations to interdict transnational drug flows. Although there are intelligence-sharing schemes between nations in the realms of international police and military cooperation focused on antiterrorism, such as through the East African Community's Protocol on Peace and Security and the East African Police Chiefs Cooperation Organization, there is no evidence that shows a strong emphasis on maritime specific related information sharing.<sup>160</sup> Increased partnership in the realm of intelligence sharing with partnership between East African nations and CMF forces would help to bridge a current gap in organizations focusing more on partnerships with individual nations in Africa versus a regional approach to information sharing.<sup>161</sup>

Aside from obvious differences between the DCOC and CMF, such as in the ability of the CMF to enforce maritime security through its naval coalition, the CMF's mission is also exclusively focused on maritime security to facilitate stable commercial shipping through the world's seas while the DCOC has been promoted to East African nations as a way to aid efforts to benefit from a "blue economy."<sup>162</sup> While both organizations focus on attempts to bolster the maritime economy, the CMF emphasizes security on a broader scale and organizes naval forces for patrols through mechanisms such as CTF 150. For this reason, the CMF continues to be at the forefront of naval coordination in interdicting illicit substances.

### **Information Sharing Regimes**

One of the main goals of this research project is to identify gaps in the current governance framework and gain a better understanding of what is currently being done in the

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<sup>159</sup> United States Navy. "Maritime Collaboration: RCOC's Support to Cutlass Express 2024." Accessed April 29, 2024.

<sup>160</sup> Cline, Lawrence. "African Regional Intelligence Cooperation: Problems and Prospects." *International Journal of Intelligence and CounterIntelligence* 29, no. 3 (June 12, 2017): Page 455.

<sup>161</sup> Cline, Lawrence. "African Regional Intelligence Cooperation: Problems and Prospects." *International Journal of Intelligence and CounterIntelligence* 29, no. 3 (June 12, 2017): Page 459.

<sup>162</sup> IMO. "Regional Maritime Piracy Agreement Broadened to Cover Other Illicit Maritime Activity." International Maritime Organization, n.d.

region from both a policy, intelligence, operational, and legal standpoint. From the intelligence standpoint, there are a few regimes which are widely used in East Africa which allow for countries and maritime services to monitor their territorial waters effectively. These systems are offered at no cost to the countries that opt-in and include training for the interface of the system. These systems are most notably designed for information sharing between countries, with functionality to complement and allow for interoperability between national services. In practice, the analysis shows that the issues with these information sharing products are not necessarily with the products themselves, but rather with the level of trust and transparency between the nations to allow for the systems to be used to their full potential. Similar to our conclusions about the asset capabilities of the East African countries, as a whole these systems could be incredibly effective at mitigating drug trafficking and other crimes if used to their full potential, but due to various factors, these systems are not being employed for all circumstances, leading to inefficiency and overall diminished results.

### CRIMARIO II: IORIS

The first information sharing regime is the Indo Pacific Regional Information Sharing (IORIS) platform. This technology was developed through an EU funded Critical Maritime Routes Indo-Pacific (CRIMARIO) project, which was “created to enhance maritime domain awareness through information sharing, capacity building and training in the Western Indian Ocean region.”<sup>163</sup> Some of the key words that CRIMARIO stresses throughout their website and in conversations with representatives revolved around the MDA goals, along with the cost-effective approach to the enforcement dilemma. The CRIMARIO project is now onto its second phase, with goals of showing the “cooperation and complementarity amongst regional Information Fusion Centres (IFCs), Information Sharing Centres, Joint Operations Centres, national Maritime Operations Centres, regional organisations (IMO/DCOC, UNODC, IOC, IORA, PIFs).”<sup>164</sup> This goal is important because it uses the current frameworks and centers which were created through the DCOC and other previous initiatives and modernizes the approach through coordinated efforts. The first rendition of IORIS was created in 2018, and there have been two updates since then to improve functionality and features.

Operationally, the IORIS platform is given to participating nations at no cost with an included training team to allow for the best implementation. The IORIS platform has some very important features that are key for information sharing and trust building among nations, including a messaging function, AIS filters, mapping filters, Skylight layers, and file exchange.<sup>165</sup> The chat functionality allows for instant messaging within a Community Area (CA), and chat logs for prosecution, in addition to translation features that allow for different national services to communicate. The mapping feature allows for a wide range of functions which include overlays for vessel tracks, plotting features for intercept, and navigational data. Along with the mapping features, there is also the AIS and Skylight functionality, which

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<sup>163</sup> “CRIMARIO - Critical Maritime Routes Indo-Pacific,” 1, accessed April 11, 2024, [https://fpi.ec.europa.eu/projects/crimario-critical-maritime-routes-indo-pacific\\_en](https://fpi.ec.europa.eu/projects/crimario-critical-maritime-routes-indo-pacific_en).

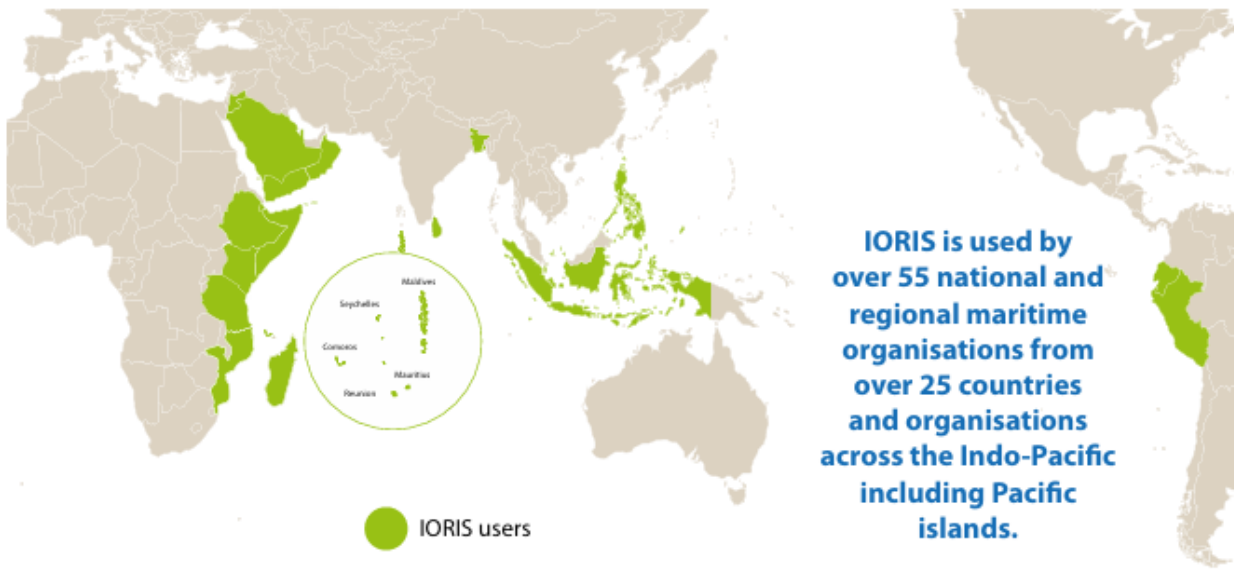
<sup>164</sup> “Mission and Objectives,” *Crimario II* (blog), 1, accessed April 11, 2024, <https://www.crimario.eu/mission-and-objectives/>.

<sup>165</sup> “Media,” *Ioris* (blog), accessed April 11, 2024, <https://ioris.org/media/>.



incorporates the vessel tracking data for visible vessels through AIS, and then the dark vessel tracking through Skylight. Lastly, the IORIS platform includes file sharing technology which would allow for participating nations to upload and encrypt data and files for the CA or wider region to allow for more seamless case packages.<sup>166</sup>

All of these features are very impressive, and the practicality of the no-cost and free training aspect is incredibly powerful for the region. This shows for the statistics of usage, with the entirety of East Africa enrolled in the program with some form of implementation occurring, as well as incorporation in the Middle East and Southeast Asia. Additionally, the platform is advertised for a broad range of illegal activities including Illegal, Unreported, and Unregulated (IUU) fishing, pollution response, and drug trafficking.



IORIS Platform is developed within the CRIMARIO project.



Funded by the European Union



Implemented by



Source: CRIMARIO II IORIS Factsheet

The IORIS platform is relatively new, with initial creation in 2018, and some updates since then. This is part of the reason why the system may be less useful at least thus far for the coordination between systems, along with cultural or political considerations. Through conversations with experts from DCOC, UNODC, AFRICOM, and CRIMARIO, this software has all of the potential to make true impacts in the regions, especially in conjunction with the other information sharing regimes which will be illuminated later on. Some of the pitfalls for the software that were identified were the young nature of the program, trust between nations regarding overall information sharing, and trust between the different information sharing networks. Since the program was revolutionary in many of its features, the uptake in many nations, in addition to the day-to-day information sharing, has not been completely successful.

<sup>166</sup> “Media,” 1.

This is an area of research that will need more research in the future, since there is no concrete data on the successes or failures of the data, other than conversations and interviews with experts who described some of the above pitfalls which were occurring. It is important to note that the software does not appear to be the issue (much like the “asset problem”), the usage is the issue. It became evident that trust between nations when dealing with sensitive crimes such as drug trafficking and IUU is not very strong due to a number of issues whether that be pride, or interest in keeping the image of the nation for tourism or national agendas. Even among the information sharing systems, there appeared to be some apprehension for interactions and interoperability, which needs to disappear in order to become ultimately effective.

### SeaVision:

The SeaVision platform is a program from the United States Department of Transportation Volpe Center. It was created in 2012 to enhance MDA in a similar way to the IORIS platform, but with different functionality. This program is one of many that the DOT has developed to through a “team of maritime domain awareness and logistics experts, made up of computer engineers, electronics engineers, analysts, and IT specialists, develops logistics and situational awareness information systems.”<sup>167</sup> The SeaVision program works in conjunction with other programs that were created through the DOT and updated through DOD partners. Similar to IORIS, this program is geared towards increasing MDA in the region, as well as information sharing between partners that participate. The focus of the SeaVision software is in vessel monitoring and information collection rather than direct communication with partners.

For functionality, the SeaVision platform is web-based system with free access to participating nations and free training to go along with the system. The major features include AIS tracking of thousands of ships globally, filtering, queries, sharing of information and data.<sup>168</sup> First, SeaVision employs AIS data from different sources on mapping software, with information about the vessels which is quarriable for route information etc. Additionally, the software incorporates satellite data, vessel data from Maritime Safety and Security Information System (MSSIS) which allows for manual inputting of data from partners, and spotting of suspicious vessels. Other tools to help with non-AIS targets include Visible Infrared Imagin Radiometer Suite (VIIRS), coastal radar, electro-optical imagery, radio frequency (RF) and event monitoring. These specific tools allow for more accurate monitoring of suspicious vessels that are not on AIS and may be intentionally avoiding monitoring. The targeting of light sources, partner radar, satellite imagery, and radio allows for much more specific targeting and monitoring of smaller targets which are typically going to be related to maritime crimes. Lastly, the program allows for updated regarding maritime and port risk assessments, and ship registry data. These allow for not necessarily vessel specific awareness, but a broader picture of what is happening, which is very important in MDA.<sup>169</sup>

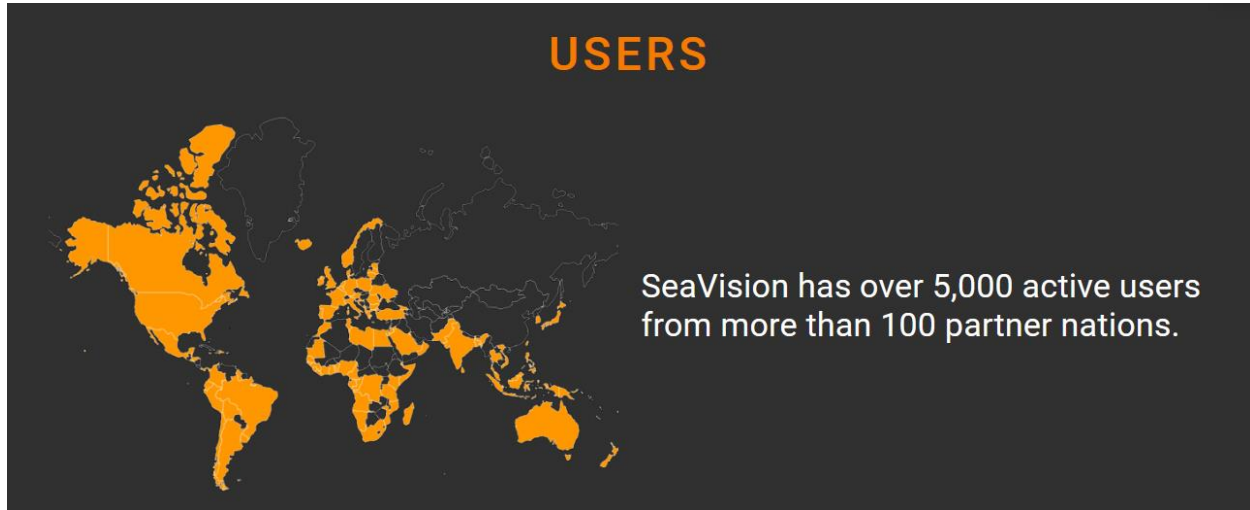
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<sup>167</sup> “Situational Awareness and Logistics | Volpe National Transportation Systems Center,” 1, accessed April 11, 2024, <https://www.volpe.dot.gov/our-work/infrastructure-systems-and-technology/situational-awareness-and-logistics>.

<sup>168</sup> “SeaVision: A Maritime Situational Awareness Tool,” accessed April 11, 2024, <https://info.seavision.volpe.dot.gov/#overview>.

<sup>169</sup> “SeaVision: A Maritime Situational Awareness Tool.”

These tools are also very impressive and useful to partner nations in their vessel tracking capabilities. In terms of usage, the SeaVision software is from 2012, and has had wider implementation as a result, with 5000 active users from over 100 partner nations. This includes all of North America, most of South America, much of Africa, Europe, Oceania, and Southeast Asia.<sup>170</sup> With no cost and widespread implementation, this program is also not connected with specific illegal activities, with application to almost any maritime crimes including IUU, piracy, drug trafficking, and more. This system is used in joint operations including Cutlass Express, which is a U.S. AFRICOM run East Africa maritime exercise to practice maritime domain awareness, information sharing and implementation of rule of law.<sup>171</sup>



Source: SeaVision Quick Reference Guides

After looking at both of these major information sharing regimes, it has been difficult to analyze their success due to the operational nature of the programs and the intelligence and security lenses. Other than interviews and discussions with experts from AFRICOM, CRIMARIO, DCOC, and UNODC, there is not much analysis from the literature to allow for more definitive analysis of the software. In a similar sense to the CRIMARIO IORIS platform, the technology does not seem to be the problem, rather the implementation and coordination between countries. The United States is giving a well-developed product to nations, but the trust between countries and coordination with intelligence has not been significant outside of the joint operations such as Cutlass Express. Additionally, it seems that the politicization of the different information sharing regimes is leading to detractions from the possible results. From talking to both AFRICOM and CRIMARIO experts, it seems that there is competition and some rivalry between the systems even though their combined system capabilities could be very effective for the participating nations. This is one of the key recommendations and outlooks from this research, it seems that at a fundamental level, these information sharing systems are all part of the overarching “capacity building” framework, so they should inherently be non-competitive, and the positive outcomes seen in the participating nations will be a win for all involved.

<sup>170</sup> “SeaVision: A Maritime Situational Awareness Tool.”

<sup>171</sup> “Cutlass Express,” accessed April 11, 2024, <https://www.africom.mil/what-we-do/exercises/cutlass-express>.

Other Information Sharing/MDA Programs:

In addition to this two major information sharing regimes, there are a number of smaller but equally relevant software products. Some of the products include MASE, Skylight, and MERCURY

Skylight:

This is a satellite and Artificial Intelligence (AI) based tool which allows partner nations using information sharing such as SeaVision or IORIS to gauge which ships may be suspicious based on their routes and activities. The system was created through the Allen Institute for Artificial Intelligence and is offered at no cost to the information sharing regimes to allow for better overall viewing of illegal activities. Their mission statement is “To deliver premier data and analytics in order to support enforcement and compliance actions toward reducing IUU fishing and other maritime crimes.”<sup>172</sup> This shows that this information sharing program is targeted towards IUU but is also able to be used for a variety of other crimes at sea to include drug trafficking, oil bunkering, and more. Their goal is to make their data widely available to all that would benefit and integrate it into SeaVision and IORIS, which it is already incorporated into the IORIS platform. The data sources for the program come from AIS contact routes, open-source satellite data, and commercial satellite data – specifically satellite radar, night light (VIIRS) optical imagery, and radio frequency.<sup>173</sup> This data is then able to analyze the possible routes of vessels with suspicious paths through all of these data channels and predict that it will be an enforceable situation.

The possibilities of this program especially in conjunction with the IORIS and SeaVision frameworks will allow for much better coverage of the vessels that are likely completing illegal activities. Integration into those systems is also very important to not overcomplicate the information sharing systems for national maritime forces.

MASE:

The Programme to Promote Regional Maritime Security (MASE) is funded through the EU and began in 2013.<sup>174</sup> This program is an MDA based initiative with some information sharing aspects which include the creation of two centers; “...a centre for regional information exchange will be based in Madagascar and a centre for the coordination of operations will be based in the Seychelles.”<sup>175</sup> The two centers are specifically named the Regional Maritime Information Fusion Centre (RMIFC) in Madagascar, and the Regional Coordination of Operations Centre (RCOC). These centers have the goals of completing MDA, monitoring the waters, organizing joint operations, and coordinating information sharing and cooperation in the

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<sup>172</sup> Allen Institute for Artificial Intelligence (AI2), “AI for Maritime Domain Awareness” Presentation at 6th HIGH-LEVEL MEETING ON THE IMPLEMENTATION OF THE JEDDAH AMENDMENT TO THE Djibouti Code of Conduct 24 October 2023, 2.

<sup>173</sup> Ibid 6.

<sup>174</sup> Christian Bueger, “Effective Maritime Domain Awareness in the Western Indian Ocean,” n.d., 5.

<sup>175</sup> Ibid 5.

region.<sup>176</sup> Although not part of the DCoC, these centers do help with the regional information sharing and play the role of regional centers in relation to the DCoC framework. In the absence of some of the DCoC centers due to instability in Yemen and Tanzania, these two centers from MASE have proved to fill an important role in the region. These centers also implement some of the previously mentioned information sharing software programs to complete their task including SeaVision, IORIS and Skylight.<sup>177</sup> One of the important parts of this information sharing regime is the lack of research and information regarding successes and failures as well as data analysis from their program. This is a running trend from all of our research that it was much more difficult to find quantitative data on these subjects, while qualitative data was very helpful at getting the big picture. It is very difficult to assess the capabilities of these systems with only interviews and some minor data to review their effectiveness.

### Information Sharing Systems Overall Analysis:

Through this case study approach, and through the in-person interviews with all of the stakeholders that use these tools, it seems that there are some ways that the system should be improved. All in achieving the goal of increasing information sharing, trust, and overall communication channels. It is evident through conversations with the local partners that these systems are all adequate at allowing for better enforcement, but the conflict between the systems and the lack of cooperation to make them compatible is hurting their full potential. It is clear that these systems are complementary, with the SeaVision system allowing for more satellite-based tracking and analysis, while the IORIS system is capable of more communication between nations. The lack of coordination in this respect is not a positive step forward for building trust with host nations and long terms usage. From the receiving nation's perspective, it could seem *disingenuous* or possibly imposing to be asked to use two similar systems by two major superpowers. This could be seen as possibly overbearing or overstepping boundaries of sovereignty or autonomy. Some of our recommendations are that these competitive relationships are cut off and that true capacity building initiatives continue with potential for more streamlining. The main takeaway from these case studies and a recommendation is the create a single software program that incorporates the best features of all of them. This would allow for more widespread and trustworthy interactions with host countries, as well as likely better results due to less confusion.

## **PART V: RECOMMENDATIONS**

### **Recommendations**

#### Regarding Information-Sharing and Building Trust

<sup>176</sup> Mohabeer, Raj, and Kate Sullivan de Estrada. "STRENGTHENING MARITIME SECURITY in the WESTERN INDIAN OCEAN." Indian Ocean Commission, 2020. [https://www.commissionoceanindien.org/wp-content/uploads/2020/03/2020\\_PolicyBrief\\_web\\_en.pdf](https://www.commissionoceanindien.org/wp-content/uploads/2020/03/2020_PolicyBrief_web_en.pdf).

<sup>177</sup> Christian Bueger, "From Dusk to Dawn? Maritime Domain Awareness in Southeast Asia," *Contemporary Southeast Asia* 37, no. 2 (2015): 176.

We recommend that current centers designed for the purpose to enhance information-sharing are restructured to promote building trust between Djibouti Code of Conduct (DCoC) member states.

The reality of the situation on the ground in East Africa is that the only operational DCoC center is in Mombasa and doesn't involve the remainder of the organization. The need for increased cooperation to curb maritime crime necessitates a DCoC response that is united in a singular and centralized location. The members of the DCoC need to commit to a physical integrated center where all manner of prevention and response can be conducted and discussed. A building that encompasses the entirety of the organization and allows for constant dialogue would change the composition of the organization into a unit that is responsive and innovative.

Ideally, this building would represent the entirety of the member states in a single location located in the Western Indian Ocean. This multinational fusion center would incorporate input from partner nations and international observers to allow for a swift interdiction of malefactors. Additionally, the building would permit a concentration of legal resources that would be enabled to discuss and prosecute maritime law efficiently. Furthermore, a concentration of information sharing platforms in one location will permit a smoother transition of vital data from one entity to another. A shared fusion center also enables ship reporting to go to a centralized location that will make data analysis and dissemination far quicker and efficient.

Specifically, we recommend that the command structure is changed from being nation-dominated to being a shared command. For example, national centers in Kenya currently have an all-Kenyan command. We assess that this discourages information-sharing and reduces trust among non-Kenyans. Instead, we propose that these national centers have Kenyans, Tanzanians, Ethiopians, and other nationalities from the DCoC share command and power within these centers. Likewise, we recommend that various agencies share command and power as well. In other words, we believe that one agency dominating a center similarly reduces trust. For instance, a national center dominated by the Navy discourages participation from other stakeholders, such as Intel, Army, and Coast Guard officials. In addition, different agencies view success differently, which enhances overall mission success. For example, officials from the Kenyan Department of Justice would likely view mission success as being able to prosecute drug runners and put them behind bars, whereas Navy officials may view mission success as simply interdicting more drugs. Having different agencies and perspectives will increase mission success.

Next, we assess that lobbying efforts by the United States and the European Union to DCoC member states to use IORIS and SeaVision, while serving the purpose of delivering critical applications to enhance MLE, can enhance mistrust and raise skepticism that the U.S. and the E.U. have DCoC states' best interests in mind. Therefore, we recommend that these programs are promoted through a third-party source instead. In other words, we believe that IORIS and SeaVision being promoted through an international forum, such as the IMO, would produce greater trust and less skepticism.

We also recommend that the process of de-classifying intelligence at centers should be altered. Currently, there is a strict "need to know" approach to intelligence collection at centers

that works against the centers' primary purpose to enhance information-sharing. Trust between different nationalities and agencies working at these centers is impeded by a strict "need to know" approach; thus, more intelligence should be shared without such strict classification standards.

#### Legal Finish:

One of the main goals of our recommendations is to allow for a wholistic approach to interdiction and one of the recurring trends in the research and interviews were the roadblocks in prosecution and legal facets of illicit trafficking. As a result, our legal finish recommendation is to create a common prosecution location for dealing with maritime crimes in East Africa that would otherwise remain unprosecuted. This location would be in conjunction with the information center in one shared, centralized place for coordination and interaction.

The original Djibouti Code of Conduct was created in 2009 largely to combat the string of illegal piracy and armed robbery cases that were prevalent in the region at the time. This version of the DCoC allowed for the successful prosecution of piracy in Kenya, Mauritius, Seychelles, and the United States. As of 2017 with the Jeddah Amendment to the original agreement, that mandate has broadened to include other illicit crimes including trafficking and IUU.<sup>178</sup> This newer amendment is the rationale for our recommendation; to essentially broaden the prosecution that was occurring for piracy in the region to include other crime including trafficking. This recommendation is also partly based on the ideas of JIATF-South, and their ability to interdict, prosecute, and sentence criminality within the region with adequate evidence collection and overall legal backing.

In Kenya, Mauritius, and the Seychelles, there has been success with prosecution of pirates, even from outside of the territorial waters. Some of the statistics from a UN report indicate that there were "1,186 global prosecutions for piracy from 2006 to 2012, with Kenya accounting for 137 cases, Seychelles 105, and Somalia 290). As of August 2014, the Seychellois courts have prosecuted 133 suspected of piracy with 129 convictions and 4 acquittals."<sup>179</sup> The reason for their success from a legal perspective can partially be attributed to "universal jurisdiction as permitted by international human rights law, which allows any nation to prosecute a captured pirate, even if that country lacks a connection to the crime."<sup>180</sup> Kenya created an act called the Maritime Shipping Act, "which not only defined more comprehensively and extensively the offence of piracy, but also extended the jurisdiction of Kenyan courts to try piracy committed by non-nationals."<sup>181</sup> The idea of universal jurisdiction is really the crux of the feasibility of the legal recommendation. Since piracy is viewed as a universally illegal act (albeit

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<sup>178</sup> "Djibouti Code of Conduct," accessed April 17, 2024, <https://www.imo.org/en/OurWork/Security/Pages/DCoC.aspx>.

<sup>179</sup> U.N. Secretary General, Report of the Secretary-General Pursuant to Security Council Resolution 2020, ¶ 44, U.N. Doc S/2012/783 (Oct. 22, 2012)

<sup>180</sup> Stephen Macedo, UNIVERSAL JURISDICTION: NATIONAL COURTS AND THE PROSECUTION OF SERIOUS CRIMES UNDER INTERNATIONAL LAW. 47-49 (Stephen Macedo Ed., 2004).

<sup>181</sup> Paul Musili Wambua, "The Jurisdictional Challenges to the Prosecution of Piracy Cases in Kenya: Mixed Fortunes for a Perfect Model in the Global War against Piracy," *WMU Journal of Maritime Affairs* 11, no. 1 (April 1, 2012): 95, <https://doi.org/10.1007/s13437-012-0021-6>.

with varying definitions based on action and territory committed) it is prosecutable anywhere and most courts around the world subscribe to this point. This could be a point of difficulty for the region in trying to incorporate drug trafficking as a “universal crime,” but that is where the DCoC should be able to act as a bridge between nations. The framework of the DCoC could be altered such that the member nations agree to common prosecutorial authority in a neutral space.

In terms of choosing this neutral space, an article from The University of Washington looking at the challenges of piracy prosecution in East Africa contended that Kenya and Seychelles were perfect candidates for continued piracy prosecution. Their reasoning for Kenya was it “...has therefore demonstrated a historical capability, capacity, and willingness to prosecute, more so than any other potential trial State.”<sup>182</sup> Their reasoning for the Seychelles; “one of the only States to actively engage in prosecution on a large scale, formally undertaking both domestic and international programs via UNODC in an effort to expand its ability to prosecute and detain pirates.”<sup>183</sup> These analyses of countries possible for prosecution of piracy could correlate directly into which countries would be well suited for prosecuting other crimes, and conveniently, the Seychelles and Kenya are some of the countries already with information sharing centers, either through DCoC or MASE.

One of the other major drivers for this policy along with the intelligence sharing in a centralized hub is the JIATF-South model. A cited reason for success is “In exchange for intelligence, personnel, funding, aircraft, or other assets, they get credit for drug seizures or prosecutions, making partnering with JIATF–South a productive investment.”<sup>184</sup> This idea fits directly into how the central hub could be incentivized for the participating nations as a way to have more success and market their countries as safer and more productive. In this way, instead of being apprehensive to give up sovereignty or autonomy, countries may be afraid not to join for fear of losing out on the benefits. Additionally, the central hub would allow for some of the general legal problems to be solved potentially. When thinking about the problems or illicit trafficking from a coordination and legal perspective, a key problem is that each nation does not always have adequate MLE guidelines, domestic prosecution capabilities, or legal frameworks to follow through with evidence and punishments.<sup>185</sup> The JIATF-South model would help with all of these facets and involve coordination in training and best management practices.

Lastly, the centralized prosecution hub would also facilitate through their prosecution teams incentives and decrease roadblocks to reporting. In many meetings with experts and stakeholders, the merchant fleet is not inclined to report due to fear of retribution, lack of evidence, or the potential for a long trial period waiting to testify. Some suggested solutions related to this were to offer financial incentives to captains to report these crimes, and then to

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<sup>182</sup> Natalie Block et al., “The Challenge of Piracy off the Horn of Africa: U.S. Policy in Dealing With Criminal Elements and Dangerous Non-State Actors,” 2012, 43, <https://digital.lib.washington.edu:443/researchworks/handle/1773/19664>.

<sup>183</sup> Block et al., 45.

<sup>184</sup> Munsing, Evan, and Christopher Jon Lamb. *Joint interagency task force-south: The best known, least understood interagency success*. Vol. 5. Washington, DC: National Defense University Press, 2011.

<sup>185</sup> Okechukwu Oko, “The Problems and Challenges of Lawyering in Developing Societies,” *Rutgers Law Journal* 35, no. 2 (2004 2003): 573.



work on digitizing the evidence. This would be either through a team which would deploy to vessels for video interviews, or otherwise less lag time in an effort to increase reporting.

All of the recommendations are meant to build off of each other and intertwine, and the legal perspective plays right into the information sharing centralized center. The strengthening of legal codes, inclusion of trafficking as a universal crime within DCoC countries, and the streamlining of reporting procedures should help to make the overall legal process more effective.

### Operational Coordination of Maritime Forces

Under the current auspices of the most recent update to the Djibouti Code of Conduct via the Jeddah Amendment of 2017, nations may cooperate between member nations via "...arrangements such as joint exercises or...educational and training programmes,"<sup>186</sup> Article 13 specifies that any participant may request the assistance of others at any time. Despite this provision, the lack of strong diplomatic ties between nations in East Africa has prevented nations from combining efforts to combat narcotics flows – a significant problem for a trade that thrives from evading authorities via circumventing enforcement authorities across borders. The United States has combatted this issue successfully in its efforts to combat narco-traffickers in the Caribbean operationally, via the JIATF-S organizational structure, as well as diplomatically, via shiprider agreements, or diplomatic treaties that allow host-nation maritime law enforcement teams to use assets from the USCG or US Navy and effectively deputize the foreign asset to enforce host-nation law enforcement authority against illicit maritime activity.<sup>187</sup>

There is one large issue aside from regional competition and disputes that specifically impedes cooperation between East African nations in the seas: maritime boundary disputes. With up to 39% of all maritime boundaries in the world disputed this makes cooperation between maritime crime enforcement authorities challenging at best and outright impossible at its worst.<sup>188</sup> Most notably in East Africa, Kenya and neighboring Somalia were in the midst of an international legal dispute through the International Court of Justice regarding their maritime border which led to dissatisfaction and the temporary severing of diplomatic talks from Somalia due to the results of the arbitration.<sup>189</sup> Despite these challenges over maritime boundaries, it should also be noted that maritime cooperation is not outright impracticable, as evidenced by the combined patrols by nations in Western Africa such as Cameroon, Equatorial Guinea, and Gabon.<sup>190</sup> Two suggestions for alteration within the DCoC that would more easily facilitate maritime cooperation under the model that West African states operate in (under the Yaoundé Code of Conduct) is to designate specific zones for cooperation within waters that cross maritime

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<sup>186</sup> MO. "Jeddah Amendment to the Djibouti Code of Conduct 2017." International Maritime Organization, n.d., 47.

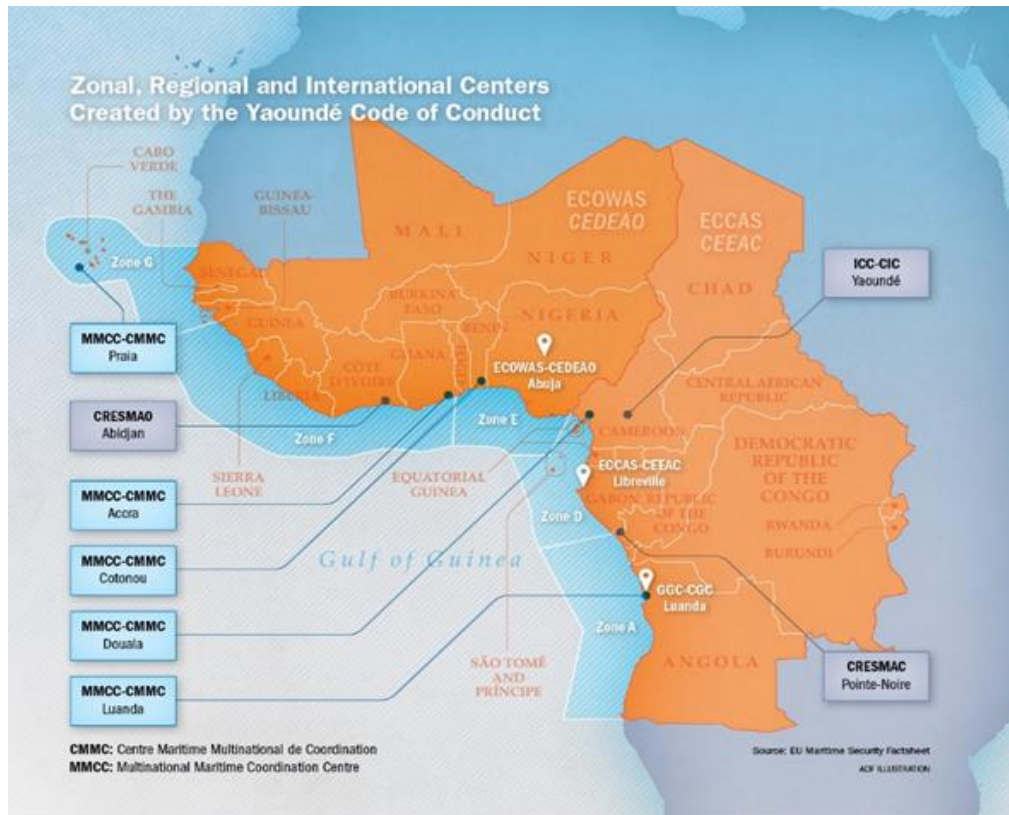
<sup>187</sup> idwell, Alan C. "Shiprider Agreements Making Headway." *CANZPS*, March 6, 2024.

<sup>188</sup> sthagen, Andreas "Troubled Seas? The Changing Politics of Maritime Boundary Disputes." *Ocean & Coastal Management* 205 (May 2021): 105535. Page 1.

<sup>189</sup> Schofield, Clive. "The World Court Fixes the Somalia-Kenya Maritime Boundary: Technical Considerations and Legal Consequences | ASIL." Accessed April 22, 2024.

<sup>190</sup> ADF. "A Decade of Maritime Security." *Africa Defense Forum*, July 18, 2023.

boundaries and promote regional patrols as well as to specifically mention shiprider agreements within the code itself.



Source: EU Maritime Security Factsheet

Despite legal challenges between East African states, cooperation in the form of increased shiprider agreement is still in the best interest of promoting stability in East African waters and should be sought through alternative means if inter-African bilateral shiprider agreements are not plausible due to political circumstances. Moving forward, one avenue of potential collaboration in promoting enhanced capability for East African maritime states would be in promoting bilateral shiprider agreements between DCOC member states and Combined Maritime Forces member states. In doing so, the DCOC would benefit from the resources that the CMF brings to maritime law enforcement operations and a broader area of enforcement with CMF forces able to pursue crime inside of DCOC member nation waters. A result of this would be increased opportunities for East African maritime law enforcement agencies to collaborate in drug seizure efforts already taking place along key drug routes into Eastern Africa, such as CTF 150 Focused Operation Crimson Barracuda.<sup>191</sup> Ship rider bilateral agreements between CMF member nations and East African DCOC member nations would help reinforce training already provided by nations in CMF, such as the multinational yearly maritime exercise known as Operation Cutlass Express.

<sup>191</sup> U.S. Central Command. "Indian Navy Carries Out First Drug Interdiction as CMF Member." Accessed April 18, 2024.

While dhows are the main form of transportation for drugs starting in the Makran Coast and going along the coasts of East Africa, container shipping is also known to be an effective and particularly illusive method in illegally transporting narcotics to the African continent. Especially when considering that over 750 million containers are shipped globally around the world yearly and that only 2% of these containers are inspected to ensure safety and customs protocols.<sup>192</sup> This comes at a time when European Union policymakers have announced that drug cartels have infiltrated shipping supply chains and are even coercing crews to take part in the smuggling of illegal narcotics.<sup>193</sup> For these reasons, it is imperative that maritime law enforcement development efforts not solely focus on training African nations to intercept dhows but strengthen the port state by honing capacity-building efforts to prevent drug flows and promote oversight over the shipping industry.

A large problem in the capacity of some East African inspection authorities is in the pressures for ships to leave port as soon as possible due to the high cost of staying in port any longer than necessary, especially considering the two-week delays that container ships currently experience in the ports of Dar Es Salaam and Zanzibar, according to shipping data from GoComet.<sup>194</sup> Prompt, thorough, and efficient inspections will not only ensure the safety of mariners in their voyages to trade with East African nations but also allow authorities more opportunities to intercept illegal narcotics smuggled in through ports. If nations with strong port authority regimes, such as the United States, helped to organize trainings for Djibouti Code of Conduct member nations specifically to impart technical knowledge on inspection best practices, there would likely be an uptick in narcotic interdictions via container ships.

While entities such as the United States Coast Guard already offer programs such as the International Port Security Liaison Officer program, these are specific to liaising best security practices related to the International Ship and Port Facility Code.<sup>195</sup> An enhanced exchange program of USCG officers holding trainings with governmental port authorities regarding the development of policy to streamline the processing of container ships and supporting the technical expertise in the inspection of ships in port. Training could also potentially focus on boarding vessels for inspections while they wait offshore to avoid delays while in port.

Alongside strengthening the capacity of the port state in East African nations, there should also be consideration of investing in and sharing technology that would streamline the tracking of containers. For example, a digitalization push in implementing electronics customs seals and the promotion of standards set by the UNODC Container Control Program would help authorities better track drugs in the maritime domain. According to the UNODC, success in this realm via standardization of cargo tracking has helped East African nations crack down on illegal shipments of narcotics from Latin America in airports.<sup>196</sup>

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<sup>192</sup> Ramírez, María Fernanda. "Container Shipping: Cocaine Hide and Seek." InSight Crime, February 9, 2021.

<sup>193</sup> Financial Times. "Drug Gangs Have Infiltrated Shipping Supply Chains, Warns Maersk Executive." Accessed April 17, 2024.

<sup>194</sup> GoComet. "Tanzania Port Congestion / Delay Status Data - GoComet." Accessed April 17, 2024.

<sup>195</sup> United States Coast Guard. "International Port Security Program FAQ." Accessed April 17, 2024.

<sup>196</sup> United Nations Office on Drugs and Crime. "UNODC Container Control Program Annual Report 2023." UNODC, n.d. Page 14.

International cooperation in the maritime domain in East Africa between nations with disparate priorities starts with gathering stakeholders together and emphasizing the benefits that multilateralism can bring toward furthering nation-specific goals. The Riyadh Amendment did so in 2017 via emphasizing the importance of a shared set of policy objectives toward developing the “blue economy” of East African states.<sup>197</sup> This first step in maritime multilateralism in the region was just the beginning and leaves the opportunity for increased operational cooperation in the maritime domain via gathering state-specific maritime agencies to start a dialogue to promote cohesiveness in combatting the issues that arise from transnational maritime crime.

In other areas of the world with maritime governance schemes, such as in the Arctic, summits that include nation-specific maritime law enforcement agencies such as Coast Guards have been proven to help in the coordination of joint operations, alignment of maritime priorities, and sharing of best practices. The Arctic Coast Guard Forum, created in 2015 with the support of the United States Coast Guard, is the regional model which currently works to successfully unite agencies in coordinating search and rescue exercises, facilitating information sharing, as well as tackling transnational environmental issues.<sup>198</sup> A similar scheme for East African Maritime Law Enforcement Agencies could work well for nations in the Djibouti Code of Conduct as a further means to promote regional cooperation.

Every year, member nations of the Djibouti Code of Conduct convene in a high-level meeting to discuss priorities in the implementation of the specific articles within the code via working groups that focus on areas of interest such as information sharing and capacity-building coordination.<sup>199</sup> Furthermore, such a diplomatic forum would encourage Djibouti Code of Conduct member states to coordinate their own maritime law enforcement joint exercises in the future and allow for regional stakeholders to cooperate amongst themselves without the prompting of organizations such as the IMO. While current efforts to cooperate on a diplomatic level appear present, further integration of maritime agencies in diplomatic dialogues would work to promote the voices of agency leaders on challenges they face while operating in the Indian Ocean.

## **PART VI: FUTURE CONSIDERATIONS**

### **Future Considerations:**

Based on the scope of our research, there were some gaps that could be filled by future research groups, through the USCGA Africa ARP Capstone or otherwise. These gaps can be summarized as data collection techniques, drug routes, ocean freight container shipping, and domestic naval forces review. When completing our research, some of these topics were not fully

<sup>197</sup> MO. “Regional Maritime Piracy Agreement Broadened to Cover Other Illicit Maritime Activity.” International Maritime Organization, n.d.

<sup>198</sup> Østhagen, Andreas. “The Arctic Coast Guard Forum: Big Tasks, Small Solutions.” The Arctic Institute - Center for Circumpolar Security Studies, November 2, 2015.

<sup>199</sup> Maritime Africa. “Strategic Approach to Implementing Djibouti Code of Conduct on Maritime Security.” *Maritimafrika* (blog), October 31, 2023.

developed to allow for more focus on the ideas which would lead to the best product for AFRICOM.

Data collection techniques showed to be a major problem within the overall drug trafficking dilemma, where the lack of available data lead to contradictory conclusions regarding the best way to tackle this issue. Although this is not a complete research paper on its own for the scope and funding purposes of AFRICOM, this could be an interesting aside to go even further into seeing why this data is not being shared and how this could be improved. We were able to complete a short section on this and talked extensively with local partners, but this was still a mystery in large part to the group.

What goes along with this data dilemma is the idea of “trust” which came up frequently while in country talking with professionals from the development community at the UN, IMO, and US bodies. This could alternatively be another interesting piece of future research which looks into how to increase trust in the maritime sphere. This trust would allow for a bunch of positive outcomes including information sharing, coordinated interdictions, and overall higher rates of interdiction and success. Although a broad topic, and possibly the “end goal” of all international activity in East Africa, this research on trust could be focused on certain policies or organizations.

While completing background research on the origins and drug routes, it became clear that there are still large gaps in the research regarding how these drugs are entering the country. In a number of articles, the overview of the “Southern Route” was given with maps and general knowledge about the methods and techniques of smugglers, but the real details of the smuggling were unknown. In speaking with experts, there was a discussion of ocean freight shipping and the prevalence of drug smuggling through container ports due to a lack of regulation and inspection. This could be a focus of a future group, with the already established connections through the USCG-IPSO program, which would allow for the connections to be made in each member country. There was not a large body of work in this field, and although it makes sense in the context of the larger issues, this intelligence-focused research could be very valuable in capacity-building efforts and targeting funding and resources.

Lastly, while in-country, we were not able to complete the interviews and interactions with the local nationals from the naval forces, whether that be the Navy or Coast Guard. This would have been a great addition to our research and a good voice to hear in discussing from the most important viewpoint how things are going and how the overall coordination was in the region. While we were focusing on the Djibouti Code of Conduct and recommending amendments to improve their coordination, a future team could look more at specific countries and follow through with talking to the local naval counterparts. This research gap, which we encountered, is not a research project in itself but more of a critique of the overall methodology while we were in the country and an improvement that could be made for the future. It is important to get all viewpoints on these topics, not just those of the countries and organizations completing capacity building that don't necessarily have the same on-the-ground experience.

There were certainly other areas which could be investigated further in addition to the aforementioned topics. Even while reading this report, other areas of interest may come to the

reader's attention, which would be helpful for crafting an original and substantive project that will give AFRICOM the best product.

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