

**6th HIGH-LEVEL MEETING ON THE IMPLEMENTATION OF
THE JEDDAH AMENDMENT TO DJIBOUTI CODE OF CONDUCT**

CAPE TOWN – REPUBLIC OF SOUTH AFRICA

Read Ahead Paper

Background

1 In November 2022, the International Maritime Organization (IMO), pursuant to the request of Signatory States to the Code of Conduct concerning the repression of piracy and armed robbery against ships in the western Indian Ocean and the Gulf of Aden (DCoC), the Signatory States to the Jeddah Amendment to the Djibouti Code of Conduct, 2017 (DCoC/JA), and States eligible to sign these instruments (Participants), convened a High-level Regional Meeting “Developing regional capability in light of diminishing international efforts, coupled with recent geopolitical events that have significantly influenced shipping patterns and vulnerabilities in the region” (the Jeddah High-level Meeting), within the context of the Jeddah Amendment.

2 The primary objective of the Jeddah High-level Meeting was to help signatory States to the DCoC and DCoC/JA to implement strategies and workplans that had been developed recently in order to strengthen maritime security in the western Indian Ocean and the Gulf of Aden.

3 The Jeddah High-level Meeting reaffirmed two resolutions from the DCoC High-level Regional Meeting on Implementation of the Jeddah Amendment to the Djibouti Code of Conduct, held in Dubai from 28 to 30 June 2022 (the Dubai Meeting): Dubai resolution 2 on “The Way Forward for DCoC Capacity Building”, and Dubai resolution 3 on “Re-energizing the DCoC Trust Fund”.

4 The Jeddah High-level Meeting adopted resolution 1 on “Enhancement of the DCOC/JA information sharing network (ISN)” adopted new mission and vision statements for the ISN and gave clear direction on the way forward with respect to development of national maritime information sharing centres, the information to be shared, general considerations and goals. Resolution 1 was further considered by the DCoC/JA Regional Workshop on Developing Standard Operating Procedures (SOPs) for the DCoC/JA Information Sharing Network (ISN) (the ISN SOP Workshop), held at the Jeddah Academy for Maritime Science and Security Studies, from 30 July to 10 August 2023. The report of the ISN SOP Workshop may be found here: <https://dcoc.org/wp-content/uploads/Final-Report-DCOC-NMISC-SOP-Workshop-Jeddah-30-July-to-10-August-2023.pdf>

5. The Jeddah High-level Meeting also adopted Resolution 2 on “Responding to evolving maritime challenges and security priorities of Signatory States to the Jeddah Amendment to the Djibouti Code of Conduct, 2017” related to maritime security in the wider context of supporting Signatory States’ maritime development and meeting sustainable development goals. This paper considers ways to translate Jeddah resolution 2 from words into concrete and effective actions by DCoC signatory States. The paper should be read in conjunction with Jeddah resolution 2.

Progress on Jeddah Resolution 1

6. The ISN SOP Workshop agreed mission and vision statements for NMISCs:

Mission:

The multiagency National Maritime Information Sharing Centre (NMISC) shall collect, analyse, and share maritime safety and security information in order to enhance maritime domain awareness and understanding. This will empower national maritime stakeholders and facilitate inter-agency cooperation to ensure safety, security, and economic prosperity in the maritime domain.

Vision:

1. *All national agencies with responsibility for aspects of maritime security actively collaborate and engage in seamless information sharing through the NMISC.*
2. *The NMISC actively facilitates inter-agency coordination, cooperation and communication and supports the implementation of the National Maritime Security and Facilitation Committee's policies through information exchange and the adoption of best practice.*
3. *The NMISC facilitates effective operational responses through the timely provision of accurate, actionable information to entities responsible for exercising direct command and control over maritime assets.*
4. *Through the full realization of its mission, the NMISC acts as the national focal point for international/regional information sharing and cooperation.*
5. *The NMISC achieves its mission through ensuring the highest standards of integrity, proactivity, professional training and motivation of its staff, supported by competent managers and effective equipment.*

7. The ISN SOP Workshop significantly progressed the work to develop SOPs for NMISCs. The draft SOPs are a work in progress. They will be further developed through correspondence with signatory States that were unable to participate in the workshop, experience gained in workshops and training events organized by resource personnel and will be revisited at the upcoming DCoC Maritime Information Sharing Workshop in India from 14 to 16 September 2023.

8. The ISN SOP Workshop also agreed that any SOP developed should be tested and reviewed before being adopted.

Making headway with Jeddah Resolution 2

9. The Jeddah High-level Meeting agreed the DCoC/JA is a tool for achieving increased prosperity throughout the western Indian Ocean and the Gulf of Aden area, enabled by enhanced, coordinated, and increasingly shared approaches to combat maritime insecurity and strengthen law enforcement. Its successful implementation will also help signatory States to develop further their maritime sectors and sustainable blue economies; to meet their obligations under international law and treaties; and to meet aspirational goals and targets such as the 2030 Agenda for Sustainable Development and the Sustainable Development Goals.

10. Following Resolution 2 of the Jeddah HLM, the Republic of South Africa drafted a **None Paper** on *Measures to Strengthen the DCoC*, which includes the proposal to expand the scope of Working Group 2 (on Capacity Building and Coordination) in order to establish the necessary subgroups (sub WGs) responsible for coordinating various thematic areas encompassed by the code of conduct. This expansion aims to integrate existing mechanisms, thus avoiding any redundant efforts. For instance, a sub-working group dedicated to addressing IUU (Illegal, Unreported, and Unregulated) fishing could actively collaborate with existing initiatives and regional organizations, such as FAO, INTERPOL, the Indian Ocean Tuna Commission, and others. To ensure comprehensive coordination within the framework of the DCoC (Code of Conduct), signatory States will be invited to nominate Chairs for these sub-working groups who possess the relevant expertise. These appointed Chairs will play a vital role in assisting the secretariat in harnessing the contributions of the participating Friends of the DCoC and specialized programs.

The sub-working groups will assume a central role in facilitating effective communication, collaboration, and harmonization of regional endeavours under the DCoC/JA (Joint Action). They will act as intermediaries between participating states, the secretariat, and relevant stakeholders. By capitalizing on their knowledge and proficiency, these subgroups will ensure the coordination of ongoing projects, the dissemination of best practices, and the optimization of overall impact. Their position in the DCoC Organizational Structure is illustrated below:

DCoCJA Organizational Structure

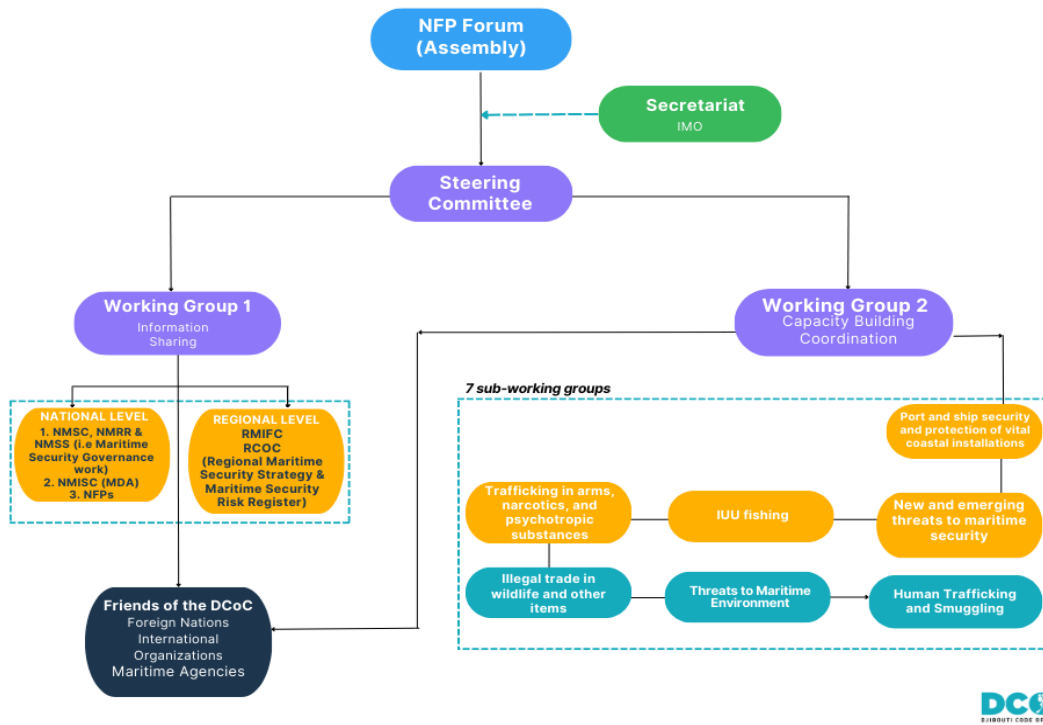


Figure 1. The DCoC/JA Organizational Structure with the newly proposed structure

11. Part of the challenge to full and effective implementation of the DCoC/JA at the national level is that maritime security and maritime law enforcement are seen as niche areas under the purview of a limited number of government departments. These departments have limited budgets and competing priorities but also have capabilities that could effectively contribute to a national effort. To this end, the Jeddah High-level Meeting also agreed that effective national organization is critical to addressing the evolving maritime challenges and security priorities of signatory States. In order to get the many agencies with a stake in maritime security to work effectively together, the leadership, commitment and support of the Head of State or Government is essential, as is a coordination mechanism such as a National Maritime Security Committee (NMSC) that can empower agencies within areas under their competence and that can enable inter-agency cooperation through a National Maritime Information Sharing Centre (NMISC).

12. The Jeddah High-level Meeting further encouraged those Signatory States that have not done so to review and/or develop their national maritime security strategy, within the context of the broader national maritime strategy.

Development of a DCoC signatory States' Maritime Security Strategy (DCoC MSS)

13. The Sixth High-level Regional Meeting on the implementation of the Jeddah Amendment to Djibouti code of Conduct, to be held in Cape Town in October 2023, will be invited to consider the development of a DCoC MSS as a collective effort to identify how signatory States can work together both nationally and as a region, for the benefit of all. The purpose of this DCoC MSS is to increase prosperity through enhanced maritime security and law enforcement throughout all DCoC signatory States.

14. The guiding principle for this MSS is maritime security for a purpose, as a means to an end rather than an end in itself. The strategic aim is increased prosperity through enhanced maritime security and law enforcement throughout DCoC signatory States. The way to achieve that aim is to adopt a multi-agency, multi-disciplinary approach to maritime security, governance, and law enforcement on both national and regional levels.

Threats and opportunities.

15. DCoC signatory States are subject to a diverse range of threats that affect each country in differing ways and degrees. They also stand to benefit from the opportunities offered by maritime trade and the blue economy, especially revenue from sustainable fisheries, tourism, and extraction of offshore oil, gas, and minerals, all of which require a secure environment in which to thrive. As revenue generators, and if properly managed, these industries should be able to fund the security measures that allow them to prosper.

16. Any viable strategy for increasing prosperity through enhanced maritime security and law enforcement will also need to take into account the States' rights and obligations conferred on them by the international legal instruments, regional agreements and other arrangements to which they are Parties; and aspirational objectives such as the 2030 Agenda for Sustainable Development and the Sustainable Development Goals.

17. Given the diversity of threats and opportunities, a major focus of the MSS is on interagency cooperation, coordination, and communication between all stakeholders at national and regional levels. The MSS aims to build on existing structures and where appropriate, to create new ones in order to refocus efforts on a holistic approach to maritime security and maritime law enforcement.

Ends, Ways and Means.

18. In order to achieve the overall strategic objective of the Strategy - "to increase prosperity through enhanced maritime security and law enforcement throughout all DCoC signatory States", Signatory States will be invited to consider Goals (or "Ends"), Objectives (or "Ways" of achieving those goals) and Approaches (or "Means" of delivering those objectives). Once the Goals, Objectives, and Approaches (Ends, Ways and Means) are agreed in principle, the individual approaches or means can be further examined in order to develop a comprehensive delivery and action plan.

19. It is proposed that in the wider context of increasing prosperity, there are three key objectives:

Objective 1. To protect the population of DCoC signatory States from illegal and dangerous activity, including serious organised crime and terrorism.

20. Within the context of the overall aim of the MSS, “to increase prosperity through enhanced maritime security and law enforcement throughout DCoC signatory States”, the first objective is to protect the population of DCoC signatory States from illegal and dangerous activity, including serious organised crime and terrorism. Such protection will include addressing direct threats to citizens’ lives resulting from criminal activity; threats to quality of life resulting from the breakdown of law and order; negative impacts to livelihoods including environmental damage and reputational damage; and failure to appreciate the earning potential of the maritime sector.

21. In order to understand the scale of the challenges and opportunities ahead, it will be necessary to gain a comprehensive overview of what is going on in the region including both legitimate and illicit activities; the current and emerging maritime threats and how best to address them. Objective 1 will thus be met through complementary activities including **collection, analysis and sharing understanding** of the maritime threats; establishing **maritime domain awareness**; identifying and implementing **international best practice** to counter maritime security threats; implementing regional and national **training and education** programmes; and **addressing regional crime issues with regional capability**.

Objective 2. To develop maritime governance capacity and capability of DCoC signatory States including promoting the enhancement of regional operational coordination, cooperation, and communication.

22. DCoC signatory States do not have the resources to address individual threats on a single agency basis, nor would this be a sensible way forward. A large number of Government agencies and other stakeholders from the public and private sector have a legitimate stake in maritime security and maritime law enforcement.

23. In order to address a range of maritime security-related threats, including emerging threats and changing priorities, a multidisciplinary, whole-of-Government approach is needed at both national and regional levels. Key to ensuring effective cooperation, coordination and communication between stakeholders is political will at the highest level of Government. If the maritime sector and blue economy are viewed as opportunities that warrant investment and protection, that political will may follow. This is necessary for **securing regional commitment to the MSS**.

24. Once the MSS has political buy-in, it then becomes important to establish national and regional cooperative mechanisms, for example maritime security and facilitation committees, with focal points to enhance communication and coordination of efforts. This will help to **match regional capability against the assessed maritime threats and opportunities**, and to identify gaps in coverage.

25. **Increasing the rate of successful prosecutions** and bringing cases to a legal finish across the region will serve as a deterrent to and disruptor of criminal activity and will be a metric for analysing the success of the strategy. Improving and harmonizing legal capacity including national criminal laws and legislation enabling the implementation of international and regional legal instruments, will be a priority for the successful implementation of the MSS.

26. Another key feature of the strategy is to facilitate effective maritime security and law enforcement through **increased interoperability** between agencies and States at national and regional levels. In addition to harmonizing legal frameworks, this should also include standardization of equipment, joint and/or shared training programmes, implementation of standard operating procedures and sharing of information, both for situational awareness and to promote best and promising practices. (This work should build on the outcomes of the ISN SOP Workshop).

Objective 3. To protect DCoC signatory States, their citizens, and economies by supporting the safety and security of ports and offshore installations, other infrastructure and DCoC signatory States' flagged passenger and cargo ships.

27. The third objective focuses on protecting the critical elements of the maritime sector and blue economy. These include safeguarding countries' abilities to trade through **protection of communications infrastructure**, including subsea cables; to enhance the **security of port infrastructure** and to ensure that border controls in ports are implemented as effectively as possible; to **protect marine resources** from theft and damage thus contributing to food security and revenue from tourism; to enhance the development, protection of and revenue generation by sustainable fisheries throughout the region; to **protect people** through more efficient regional search and rescue and humanitarian and disaster response programmes; to create national cyber safety and security response plans, including regional response capability to assist in the event of an incident; and to **ensure the security of national borders** through effective border management procedures, including those for receiving and processing mixed migrants by sea, enhanced facilitation of border controls and community engagement.

ANNEX: BASIS FOR DEVELOPING PLANS OF ACTION

DCOC SIGNATORY STATES' MARITIME SECURITY STRATEGY: STRATEGIC FRAMEWORK

Goals (“Ends”)	Objectives (“Ways”)	Approach (“Means”)	
(a)	(b)	(c)	
1. To protect the population of DCoC signatory States from illegal and dangerous activity, including serious organised crime and terrorism.	1.1 To collect, analyse and share understanding of the maritime threats	1.1.1 Enhance, empower, and strengthen DCoC Steering Committee	
		1.1.2 Conduct a biennial DCoC signatory States’ Maritime Threat Assessment	
		1.1.3 Review and promulgate academic and industry publications and articles that cover Regional maritime security topics	
		1.1.4 Maintain a generic list of DCoC signatory States’ maritime security threats	
		1.1.5 Create and maintain regional maritime crime databases and share with all stakeholders	
		1.1.6 Conduct yearly exercises to test the flow of information amongst stakeholders	
	1.2 To understand and visualise the activities carried out in DCoC signatory States maritime domain (MDA) as a key enabler to counter maritime security threats	1.2 To understand and visualise the activities carried out in DCoC signatory States maritime domain (MDA) as a key enabler to counter maritime security threats	1.2.1 Create a multi-source, multinational maritime surveillance, and information centre in DCoC signatory States (MDA, RMP, MOC)
			1.2.2 Enhance the network of sensors and sources that contribute to this picture, both regional and national
			1.2.3 Create a national point of contact (focal point) through which all information flows in and out at the national level
			1.2.4 Conduct national maritime capability gap analyses
1.3 To identify and learn lessons from national, international and global	1.3 To identify and learn lessons from national, international and global	1.3.1 Improve the effectiveness of the DCoC Focal Point and ISN for	

Goals (“Ends”)	Objectives (“Ways”)	Approach (“Means”)	
(a)	(b)	(c)	
	activity to counter maritime security threats	the exchange and sharing of lessons, best practice and insights	
	1.4 To create regional and national training and education opportunities and coordinate the scope, range and type of such opportunities in partnership with providing nations	1.4.1 Conduct a training needs analysis (TNA) at both regional and national levels to identify training gaps	
		1.4.2 List the existing regional and national training activity, as well as the training delivered by partners from outside the region and international organisations	
		1.4.3 Generate new training and education opportunities and facilities within the region	
		1.4.4 Influence external training and education providers to offer resources and courses which are most needed and are harmonised with this strategy	
	1.5 To address regional crime issues with regional capability	1.5.1 Resource a regional vessel or fleet manned by a regional crew	
		1.5.2 Conduct sub-regional maritime patrols	
		1.5.3 Facilitate bilateral and multilateral ship-rider agreements to enable multi-national patrolling	
	2. To develop maritime governance capacity and capability of DCoC signatory States including promoting the enhancement of regional operational coordination, cooperation, and communication.	2.1 To secure regional commitment to the strategy	2.1.1 Secure political commitment of States through a regional agreement in support of the strategy.
			2.1.2 Promote the establishment of national maritime security and facilitation committees.
2.1.3 Designate a national focal point to facilitate information flow between states.			
2.1.4 Establish national information sharing mechanisms to share intelligence and information.			
2.1.5 Establish national action plans to implement MSS lines of operation			
2.2 To match regional capability against the assessed maritime threats and identify gaps		2.2.1 Conduct regular analysis and wargaming of the threats to identify regional capability gaps	
		2.2.2 Resource key capability gaps	
		2.2.3 Create mechanisms whereby national resources can be shared	

Goals (“Ends”)	Objectives (“Ways”)	Approach (“Means”)
(a)	(b)	(c)
		regionally between participating nations
		2.2.4 Promote contributions to regional funding mechanisms (including the DCoC Trust Fund) to support implementation of the strategy
	2.3 To increase prosecution success across the region	2.3.1 Identify gaps in national legislation which complicate the delivery of successful prosecutions
		2.3.2 Support legal drafters in the drafting of new national legislation
		2.3.3 Deliver legal training to legal personnel and maritime law enforcement officers
		2.3.4 Enhance regional evidence collection, handling and presentation techniques, resources and equipment
		2.3.5 Create regional legal fora within which to share best practice
		2.3.6 Promulgate regional legal guidance on emerging legal issues
		2.3.7 Develop best practice and guidance for the regional implementation of international treaties and conventions
	2.3.8 Implement generic, standardised tariffs for equivalent crimes within the region	
	2.4 To increase interoperability	2.4.1 Encourage the procurement of common or interoperable capability
		2.4.2 Set regional standards and draft regional SOPs (building on the outcomes of the ISN SOP Workshop)
		2.4.3 Coordinate regional approaches to emerging threats
		2.4.4 Build an all-inclusive regional vessel database
2.4.5 Execute a regional maritime security communication plan		
2.4.6 Promote exchange of liaison officers between organisations and agencies, regionally and nationally		

Goals (“Ends”)	Objectives (“Ways”)	Approach (“Means”)
(a)	(b)	(c)
		2.5.7 Conduct regular regional exercises (both live and synthetic)
3. To protect DCoC signatory States, their citizens, and economies by supporting the safety and security of ports and offshore installations, other infrastructure and DCoC signatory States’ flagged passenger and cargo ships.	3.1 To protect communications infrastructure	3.1.1 Encourage and assist states to develop a national resilience plan for submarine cables
		3.1.2 Baseline the regional communications infrastructure
		3.1.3 Establish regional guidance on approaches to submarine cable protection
	3.2 To enhance port security	3.2.1 Develop regional interagency port security processes, regulations and SOPs to harmonise operational procedures ¹
		3.2.2 Update and exercise counter-terrorism procedures, regionally and nationally
		3.2.3 Identify and plug regional vulnerable locations/ports that are exploited by criminals
		3.2.4 Focus resources on pleasure craft and facilities
	3.3 To protect resources	3.3.1 Enhance the capabilities of CRFM through CARICOM IMPACS
		3.3.2 Establish inter-agency training opportunities to harmonise law enforcement efforts with those of fishery departments
		3.3.3 Develop interagency SOPs for fisheries protection
		3.3.4 Develop communications mechanisms for fishing communities to report crime and suspicious activity
		3.3.5 Prevent dumping of garbage and petroleum products at sea
	3.4 To protect people	3.4.1 Enhance coordination of regional search and rescue (SAR)
3.4.2 Enhance coordination of regional Humanitarian Assistance and Disaster Response (HA/DR)		

¹ In accordance with the Facilitation Convention, SOLAS Chapter XI/2 and the International Ship and Port Facility Security (ISPS) Code, the ILO/IMO Code of Practice on Security in Ports and other guidance.

Goals (“Ends”)	Objectives (“Ways”)	Approach (“Means”)
(a)	(b)	(c)
		3.4.3 Establish regional command and control arrangements for SAR and HA/DR
		3.4.4 Establish the legal arrangements and protocols for sharing capability in the wake of HA/DR events
	3.5 To protect from cyber threats	3.5.1 Develop regional and national cyber security policies specific to the maritime domain
		3.5.2 Establish on-call expertise 24/7 on a regional basis
		3.5.3 Identify regional cyber security vulnerabilities and mitigate them
		3.5.4 Create a regional cyber incident response team.
	3.6 To ensure the security of borders.	3.6.1 Identify key routes used by illegal migrants
		3.6.2 Interdict migrant traffic
		3.6.3 Establish regional policies to handle migrant issues
		3.6.4 Establish national community engagement programmes between civil society and law enforcement agencies



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