

Efforts to address maritime security threats cannot be effective if lawmakers lack confidence that the policies they create through political processes will then be followed by proper implementation on the water. Where these efforts are undermined by corruption, ineffectiveness, inefficiency, and inconsistent application of the law, measures designed to improve maritime security will not achieve the desired results. In this way, strong rule of law at the national and local levels is a critical prerequisite for lasting maritime security.



WHY RULE OF LAW MATTERS FOR MARITIME SECURITY

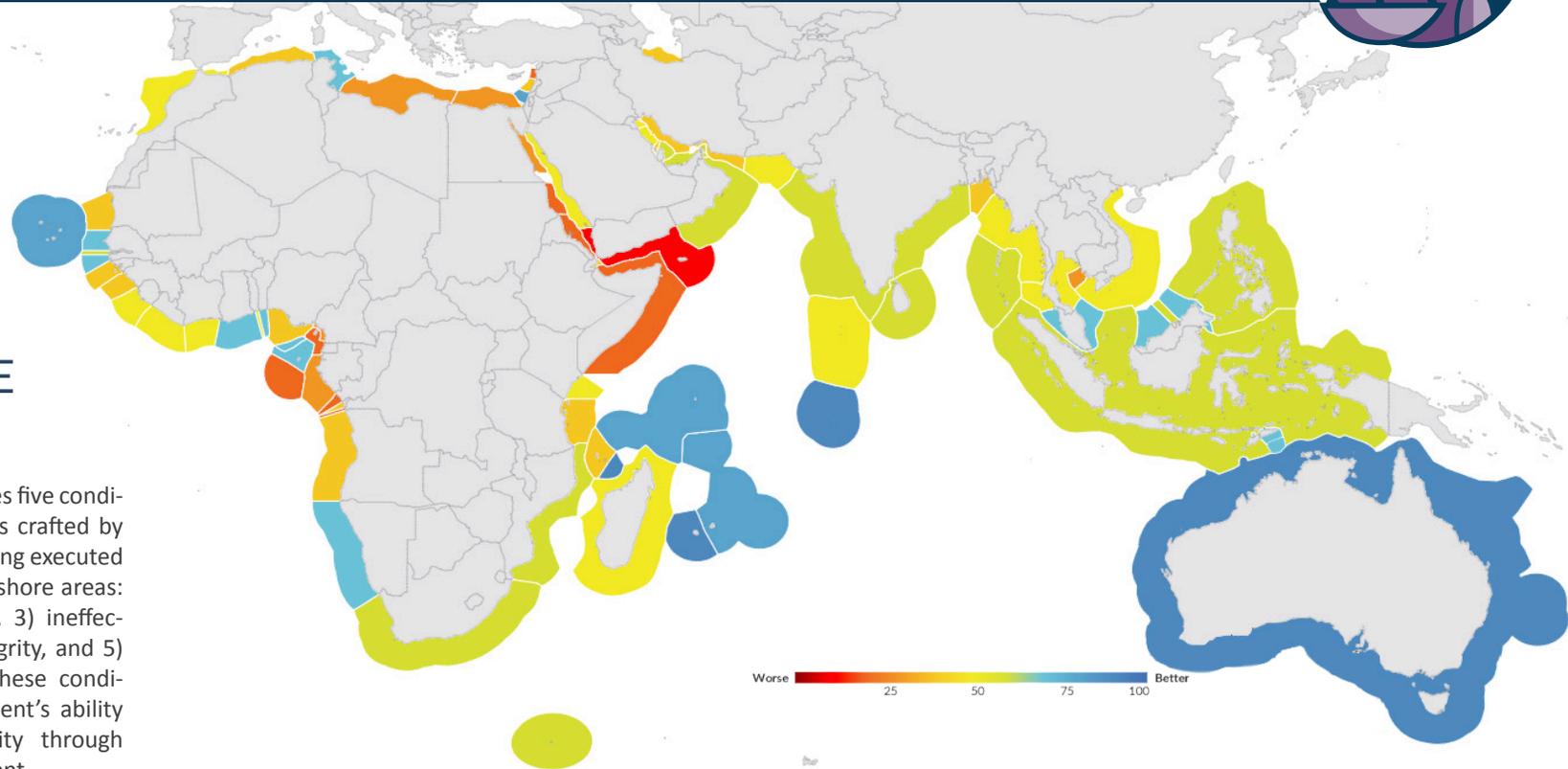
The Rule of Law score measures five conditions that prevent the policies crafted by governing authorities from being executed as intended in coastal and offshore areas: 1) corruption, 2) inefficiency, 3) ineffectiveness, 4) poor judicial integrity, and 5) political exclusion. Each of these conditions can hamper a government's ability to improve maritime security through lawmaking and law enforcement.

Corruption, for example, invites trafficking and smuggling through a nation's ports. Even the best foreign trade and customs policies are quickly undermined if port administrators can be bribed or coerced. This is one reason that the World Bank finds trading across borders to be significantly less efficient where governments are more widely perceived to be corrupt.

Port corruption is especially threatening in Africa and Asia because a large share of regional trade passes through a small number of major seaports. The concentration of goods in these seaports makes them economic chokepoints at which port administrators are uniquely positioned to demand bribes, permit illicit economic activity, and undermine good governance.

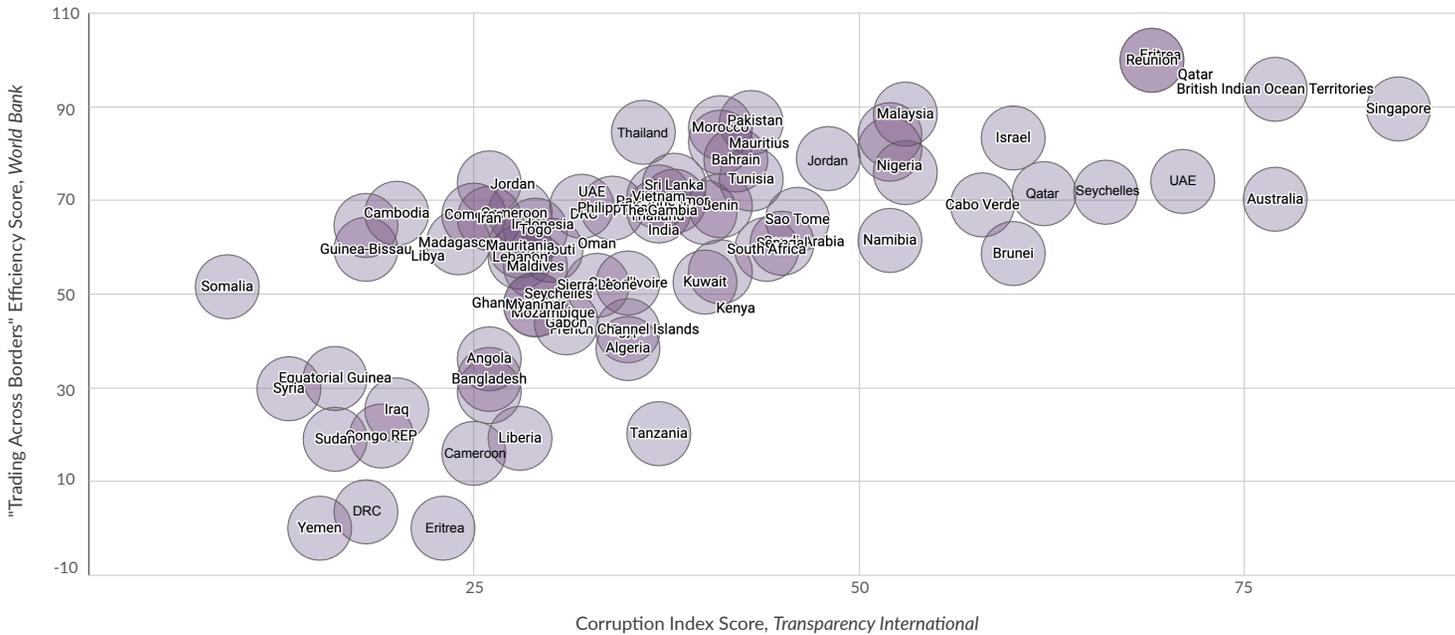
To effectively fight corruption and curtail bribe-seeking, states can review their bureaucracies and eliminate points where these activities are most likely to occur. Seaports should be a focal point in this search.

Corruption, poor judicial integrity, and political exclusion prevent policies from being effective in the maritime domain.



CORRUPTION AND PORT EFFICIENCY IN AFRICA AND ASIA

Corruption slows port operations and impedes trade

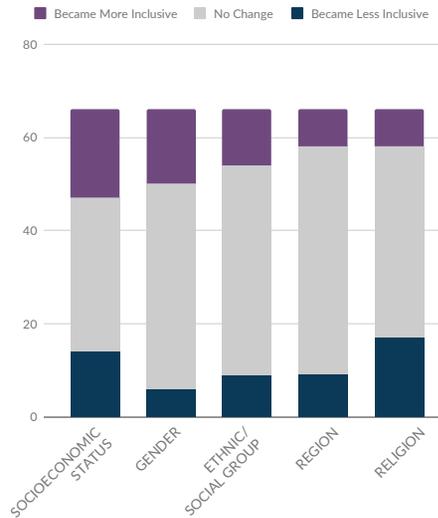


KEY TRENDS IN THE RULE OF LAW

Equal treatment under the law regardless of ethnicity, socioeconomic status, religion, subnational region, or gender is the basis of inclusive governance. Inclusive governance is important in coastal areas because marginalized groups are less likely to possess the resources and property rights needed to make a living wage through legal economic activities. Exclusion can therefore depress coastal economies and compel some to turn toward maritime crime and illicit economic activity. This is evident in many parts of Africa and Asia, from the Sulu Archipelago in the southern Philippines to the Bissagos Islands of Guinea-Bissau.

Political exclusion continues to be a significant problem throughout the region of study. Unfortunately, only 24 of the 66 countries for which data are available improved their political exclusion scores between 2000 and 2018, while 28 became less inclusive over this period. According to the Varieties of Democracy project, few countries became more tolerant of diverse religious groups between 2000 and 2018; 8 countries became more tolerant, but 17 regressed. On a more positive note, 16 countries increased women's inclusion while only 6 became less inclusive.

MOST COUNTRIES BECAME LESS INCLUSIVE BETWEEN 2000 AND 2018



HOW RULE OF LAW RELATES TO OTHER MARITIME SECURITY ISSUES

Statistical testing on data across the nine maritime security issue areas reveals that Rule of Law is one of the most central components of the Stable Seas Maritime Security Index, with strong correlations with five of the other eight issues. In fact, only Coastal Welfare, which is statistically linked to six other issues, is more closely associated with the other facets of maritime security.

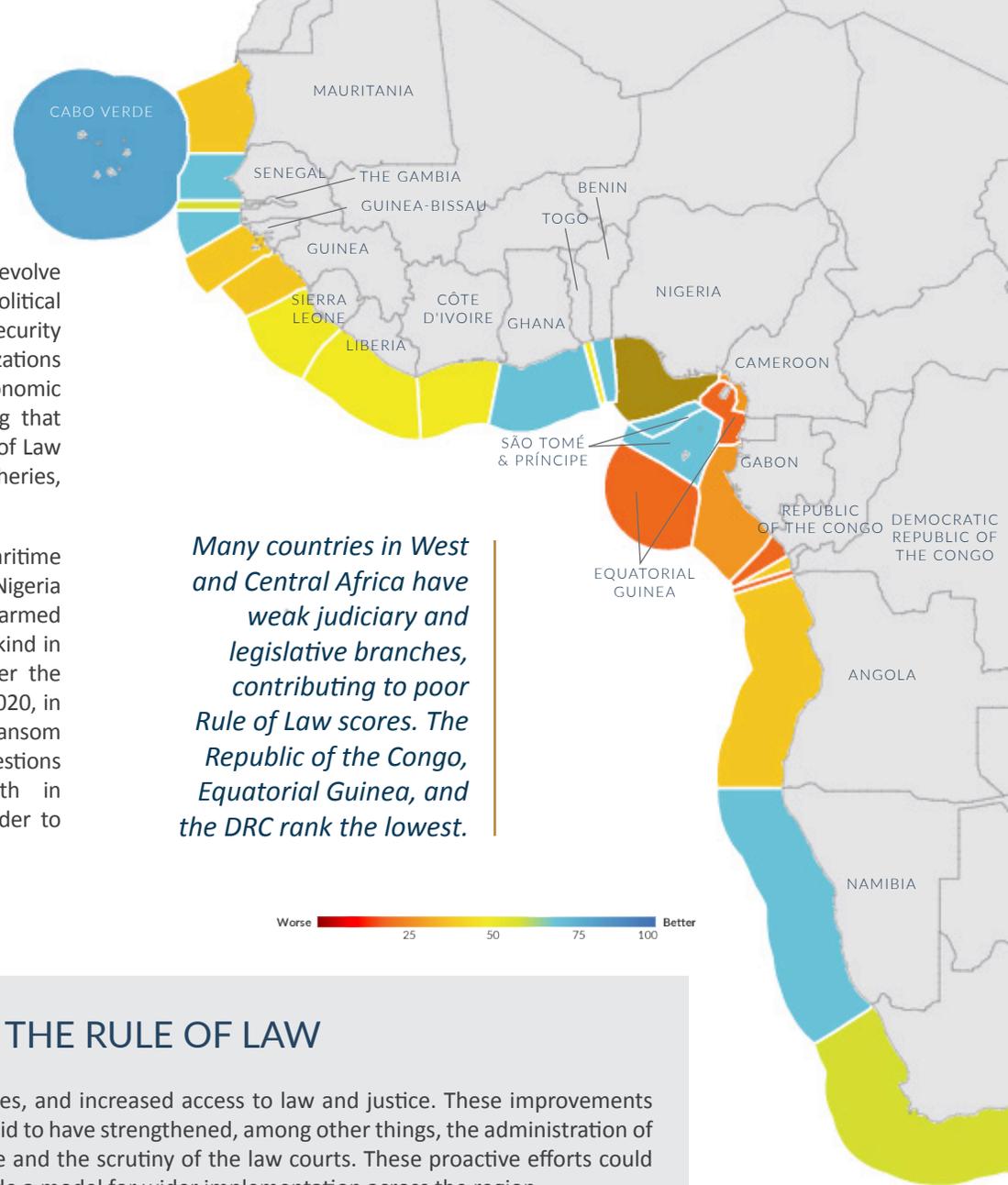
Unsurprisingly, strong Rule of Law scores occur where International Cooperation and Fisheries scores are also high. These scores are also based, at least in part, on the effectiveness of legislation enacted by the government. These links suggest countries with a strong rule of law in domestic politics also have stronger norms of multilateral cooperation and regional fisheries management. A strong Rule of Law score is also linked to superior maritime enforcement capacity and coastal welfare. This reinforces the idea that good legal frameworks form a foundation for legal economic activity and law enforcement. Finally, citizens are less vulnerable to human trafficking and exploitation where the rule of law is strong. Legal protections and greater inclusion are associated with better index scores for Maritime Mixed Migration.

RULE OF LAW WEST & CENTRAL AFRICA

Good maritime governance requires effective and efficient political institutions whose personnel are not easily corruptible and are therefore able to implement and enforce policies. In West and Central Africa, however, there are many factors undermining the rule of law. Many countries have weak judiciary and legislative branches, and others have remote coastal areas that are only loosely governed by federal authorities. Ghana, Senegal, Namibia, Benin, and Cabo Verde perform relatively well on Rule of Law measures, while the Republic of the Congo, Equatorial Guinea, and the Democratic Republic of the Congo possess the lowest scores in the region. These low scores are driven by poor marks for judicial integrity and corruption.

The social and political instability that evolve from ineffective and inefficient political institutions serve to weaken maritime security and offer opportunities for illicit organizations to fill the vacuum with subversive economic activities. It is therefore not surprising that countries in this region with poor Rule of Law scores also suffer from poor scores in Fisheries, Illicit Trades, and Coastal Welfare.

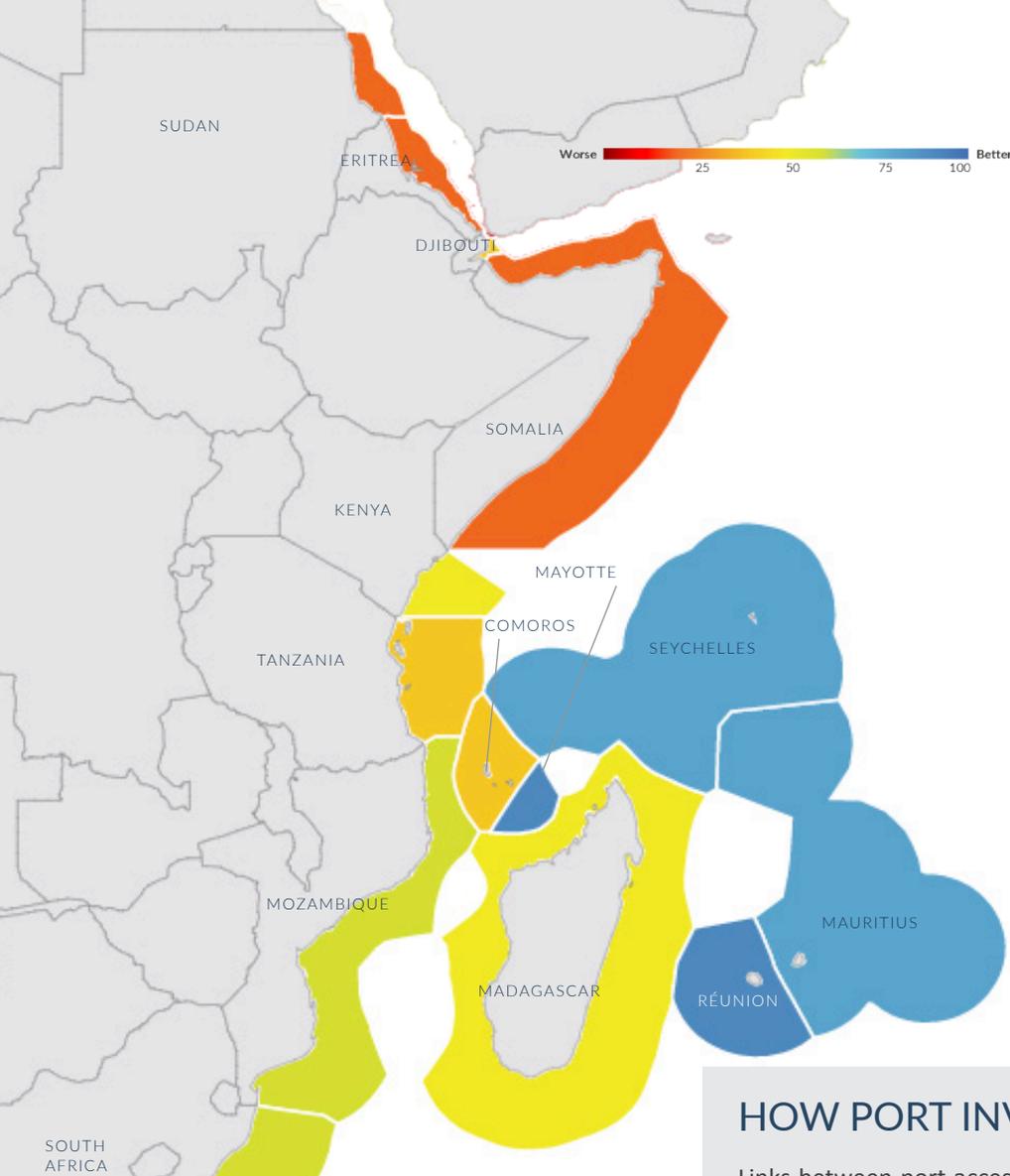
In a critical step to securing the maritime domain in the Gulf of Guinea, in 2019, Nigeria adopted a new law targeting piracy and armed robbery activity at sea—the first of its kind in the region. The first prosecution under the law came over a year later, in August 2020, in a period where successful kidnap-for-ransom incidents increased. This has raised questions about areas for improvement—both in enforcement and the law itself—in order to maximize its effectiveness.



HIGHLIGHTING TOGO'S EFFORTS TO IMPROVE THE RULE OF LAW

Keen to improve its rule of law, the Togolese government has initiated different programs related to institutional governance and aimed at improving transparency and efficiency. One such program is the implementation of the National Plan for Modernizing the Judicial System (PNMJ). As part of PNMJ implementation, there has been increased capacity-building for court staff, better equipping of courts and chancellery

services, and increased access to law and justice. These improvements are said to have strengthened, among other things, the administration of justice and the scrutiny of the law courts. These proactive efforts could provide a model for wider implementation across the region.



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RULE OF LAW EAST AFRICA

Rule of Law scores in East Africa generally improve heading north to south, with South Africa, Réunion, Mauritius, Mayotte, and the Seychelles outperforming most other states in the region. In the northern part of East Africa, Somalia, Sudan, and Eritrea all lag behind regional averages. Many components of the Rule of Law score follow this general pattern, including Transparency International's assessment of corruption perceptions and the World Bank's evaluation of the ease with which transnational businesses can trade across borders.

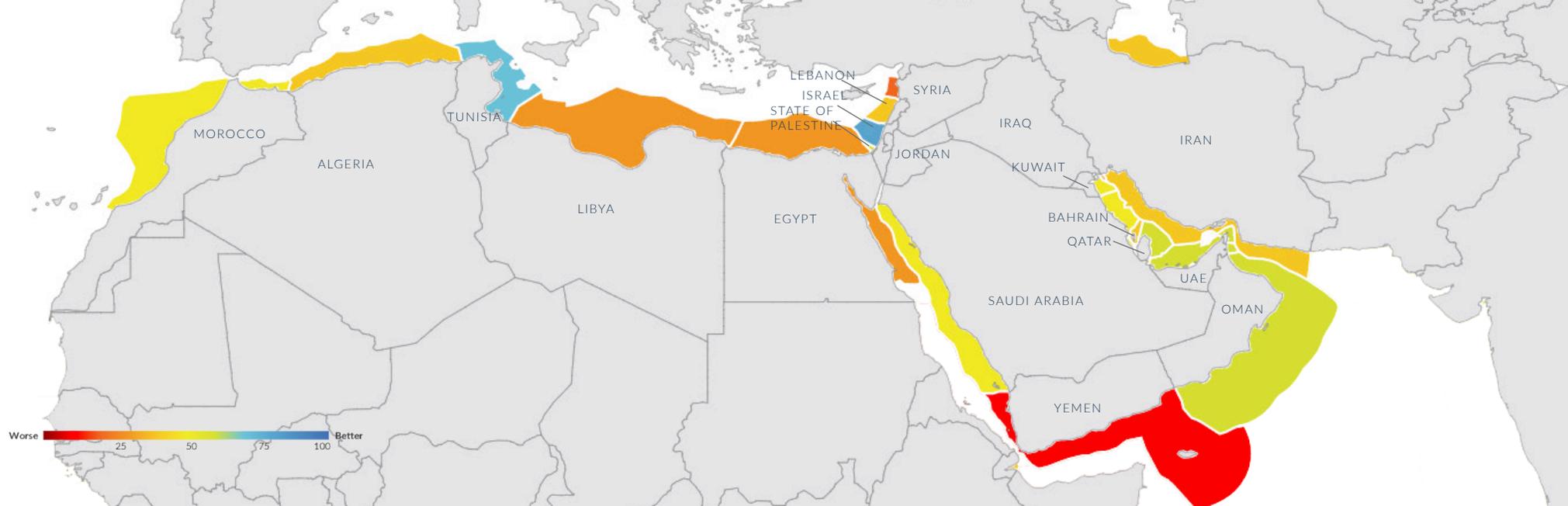
However, it would be an oversimplification to state that rule of law universally improves from north to south. Eritrea has one of the lowest scores in the region this year. In neighboring Sudan, what began as political protests in Spring of 2019 resulted in the ousting of Omar al-Bashir, who had been in power for decades. In October 2020, the transitional government that

assumed power following Bashir's deposal formalized with rebel groups a peace deal to end violence, but it remains to be seen what this means for rule of law in Sudan.

Meanwhile, the rule of law is being challenged along the southwest Indian Ocean coastline. A well-documented increase in illicit drug and wildlife trafficking in Mozambique and Tanzania could undermine local authorities while enriching transnational criminal networks and criminal organizations. These groups include Ansar al-Sunna, the jihadist organization which, in the fall of 2020, captured and held the strategic port of Mocímboa da Praia in Mozambique. South Africa is the most economically developed country in the region, yet the eastern port city of Durban is an important hub in the global drug trade and suffers relatively high levels of crime.

HOW PORT INVESTMENTS CAN REDUCE CORRUPTION

Links between port access and political corruption have begun to unravel in East African countries like Tanzania. Dar es Salaam, Tanzania's largest maritime port, provides critical access to transportation and economic ventures that coastal and inland communities rely on for survival. Tanzania approved extensive upgrades to Dar es Salaam to increase port efficiency and port security in September 2014. Recent improvements include implementing the Tanzania Customs Integrated System (TANCIS) to reduce import and export times and improve system efficiency. Further progress has stalled due to various anti-corruption scandals plaguing Tanzanian officials from the energy sector to the Port Authority head responsible for updating Dar es Salaam. Led by President John Magufuli, Tanzania has advanced anti-corruption initiatives that aim to eliminate corrupt practices and officials within the country, indicating initial positive strides toward advancing the rule of law in the maritime space.



RULE OF LAW MIDDLE EAST & NORTH AFRICA

Rule of Law scores vary widely in North Africa, with Tunisia and Morocco among the top performers in the region while Libya and Egypt fare much worse. These scores reflect the very different conditions that exist along different parts of the southern Mediterranean coastline.

Libya does not have the capacity to oversee the entire coastline, but it is also perceived as having the greatest problem with corruption, according to Transparency International. Its score for government efficacy is also among the worst on the continent. Egypt's overall Rule of Law score matches that of Libya, though conditions there are much different. The World Bank finds that Egypt and Algeria have the region's lowest marks for ease of trading across borders, indicating inefficient port

processes and unnecessary red tape that hinder the shipping sector while also creating ideal conditions for corruption and bribe-seeking.

In the Middle East, Yemen and Syria received the lowest Rule of Law scores due to the ongoing violent conflicts and lack of stable government in both countries. Several stable countries, including Saudi Arabia and Oman, perform well in some areas of Rule of Law, yet face low marks for political inclusion. Meanwhile, Israel, the United Arab Emirates, and Jordan score relatively well.

Perhaps the strongest component of the rule of law in this region is judicial integrity. Across much of the Arabian Peninsula, experts perceive the judiciary to be

relatively free of corruption and bribe-seeking. Scores for judicial integrity are especially high in Saudi Arabia, Oman, the United Arab Emirates, Jordan, and Qatar. A strong judiciary is necessary for the proper trial and prosecution of maritime crimes, including piracy and trafficking.

Judicial integrity was almost uniformly the strongest component of the rule of law across the Middle East and North Africa.

DEMOCRACY, THE RULE OF LAW, AND MARITIME SECURITY

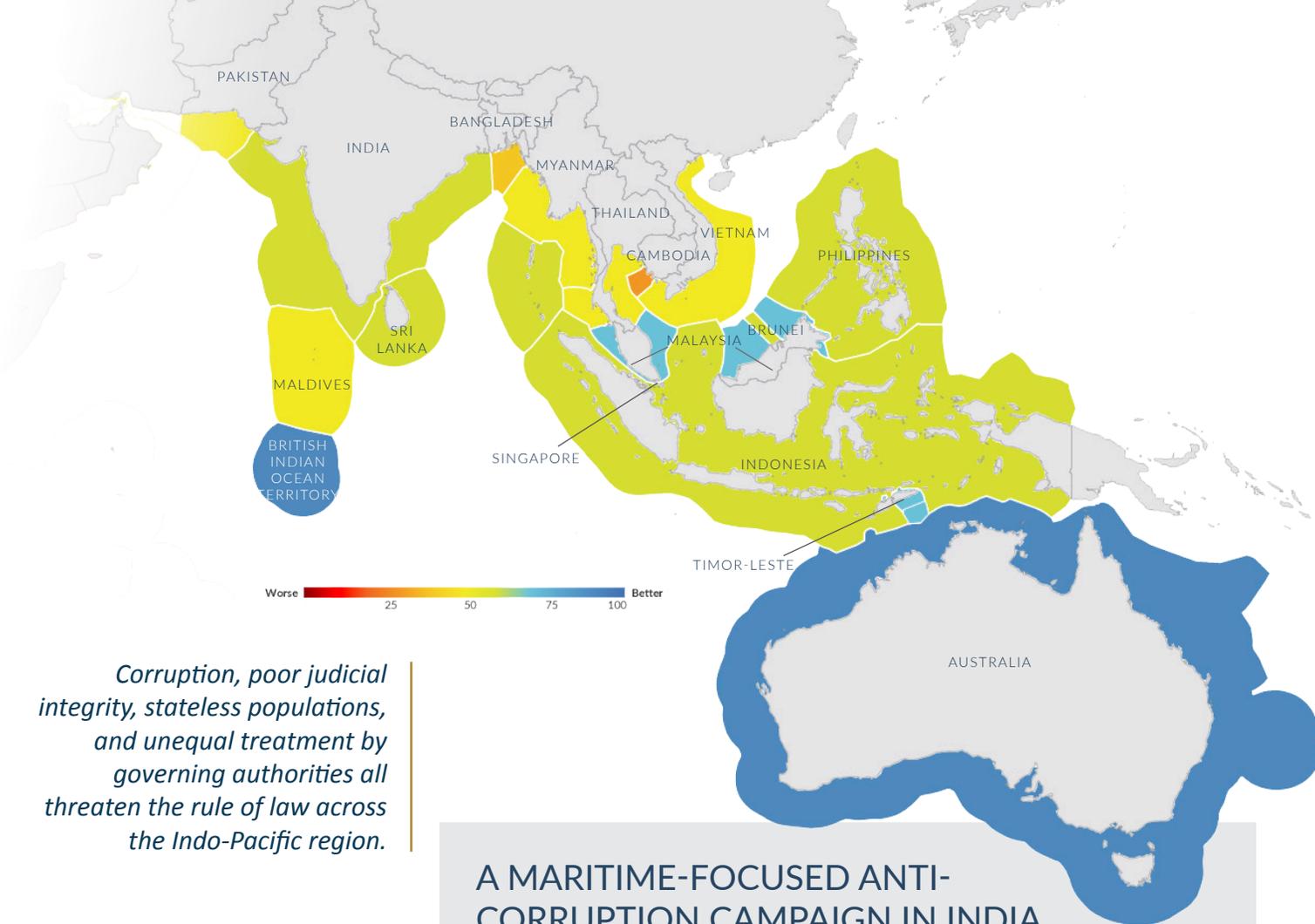
Researchers sometimes conflate a strong rule of law with liberal democratic political processes, but in the maritime domain the most important aspects of the rule of law relate to governance at major seaports. Many nondemocratic countries in this region receive poor political inclusion scores, yet have strong rule of law scores due to the professionalization of port administrators and the integrity of customs and judicial systems. Data from the Stable Seas Maritime Security Index confirm that sound processes at seaports dissuade illicit maritime crime and that a strong rule of law can contribute to a secure maritime environment, regardless of political regime type. Political inclusion is important, as excluded groups are more likely to turn to black market economic activity that can undermine the legal economy. However, open and inclusive societies must also prioritize corruption-free and efficient commerce in major seaports.

RULE OF LAW INDO-PACIFIC

Corruption, poor judicial integrity, stateless populations, and unequal treatment by governing authorities all threaten the rule of law across the Indo-Pacific region. However, many states are working to improve port governance and the strength of the rule of law with a very diverse set of government initiatives.

In Singapore, strong national policies concerning maritime trafficking and smuggling have enabled the country to attract substantial maritime trade and create secure port facilities. While Singapore still contends with illicit trading, its national government is actively limiting opportunities that undermine the legal maritime shipping sector.

In the Philippines, violent non-state actors like the Abu Sayyaf Group create an unsafe environment for civilian governing authorities and disrupt the legal economy. To strengthen the rule of law in these coastal communities, the Philippines has initiated several maritime programs through the National Coast Watch System (NCWS). These efforts promise to increase coordination and information-sharing between maritime enforcement agencies, which should strengthen the government's presence in the region and strengthen the rule of law in the southern Philippines.



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Challenges to the rule of law are directly contributing to maritime crime in other regions. For example, the [Stable Seas: Bay of Bengal](#) report traces how inadequate port infrastructure and customs inefficiencies are causing long wait times at anchorages like Chittagong, in Bangladesh, which then results in elevated risk of armed robbery of vessels. Improving this aspect of the rule of law would drastically reduce these opportunities for crime against vessels at anchorage.

A MARITIME-FOCUSED ANTI-CORRUPTION CAMPAIGN IN INDIA

India's Maritime Anti-Corruption Network (MACN), an organization consisting of over 110 private companies dedicated to tackling maritime corruption, is launching a national port integrity campaign. Working alongside local industry stakeholders, international organizations, and the Indian government, the campaign will strive to improve efficiency in Indian ports by reducing transit times and unnecessary costs associated with corruption. To tackle corruption, MACN plans to implement integrity training for port officials and establish clear escalation and reporting processes. This pilot program, which is based in Mumbai, was initiated in July 2019 and concluded in October 2019. Expansion is planned for other ports along India's coastline. This kind of focused anti-corruption campaign could serve as a model that will greatly improve the rule of law in the maritime context.

METHODOLOGY

We measure the Rule of Law Score with five equally weighted components:

Corruption

Corrupt officials fail to enforce policy and thus enable transnational crime and corruption in maritime governance. Maritime trade is especially affected because nearly all of Africa's international trade transits the maritime space. Many organizations have created corruption measures already, so we adapted the [Corruption Perceptions Index by Transparency International](#) to create the Corruption Component. This measure averages 13 other corruption variables, with more corrupt countries earning lower values.

Efficacy

Ineffective governments cannot enforce policy, and this hinders a state's ability to secure its maritime space and prevent illicit maritime activities. We measure efficacy by rescaling the Functioning of Government indicator from Freedom House. The Freedom House Functioning of Government indicator ranges from 0 to 12, with the most efficacious governments receiving higher scores.

Government Efficiency

Governments with unnecessary administrative and bureaucratic hurdles provide more opportunities for bribery and corruption, especially as these systems relate to trade, customs, and international migration. Each year, the World Bank Doing Business report gauges government efficiency in several areas, one of which is Trading Across Borders. This indicator is computed from expert estimates of the amount of time and money required to move a standard shipping container into the country. The measure is especially relevant for efficiency in African maritime governance, as the region's international trade transits almost exclusively through seaports.

Judicial Integrity

Judicial integrity is important to the enforcement of existing laws and ensuring that the de jure regulations are de facto conditions. Where judges are bribed and laws go unenforced, the rule of law is too weak for policies aimed at the maritime domain to be effective. We created the Judicial Integrity Component using three indicators from the Varieties of Democracy

Project (V-Dem), a leading dataset on the strength of governance around the world: Judicial Attacks, Judicial Accountability, and Judicial Bribery.

Inclusion

We gauge political inclusion with five indicators from the Varieties of Democracy Project. These cover unequal treatment under the law according to social group identification, subnational region, religion, socioeconomic status, and gender. These are measures of equal treatment under the law, and not of the absolute provision of liberal and transparent governance. Non-democratic states can score well if the law is equally applied across all five of these social divisions.

More information on Maritime Security Index scoring is available in the [Index Code Book](#).

STABLE SEAS

stableseas.org 

Stable Seas, a program of One Earth Future, engages the international security community with novel research on illicit maritime activities such as piracy and armed robbery, trafficking and smuggling in persons, IUU (illegal/unregulated/unreported) fishing, and illicit trades in weapons, drugs, and other contraband. These activities perpetuate organized political violence and reinforce each other to threaten economic development and the welfare of coastal populations.

ONE EARTH FUTURE

oneearthfuture.org



One Earth Future (OEF) is a nonprofit 501(c)(3) which incubates programs designed to foster sustainable peace, partnering with innovative world leaders, global development agencies and communities to see complex problems at the root of conflict in new ways and solve them together through orchestrated collaboration. OEF is structured as a portfolio of peacebuilding programs, each of which work towards sustainable solutions to a specific problem, while gathering and sharing lessons about cooperative governance more broadly.

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