

# The Roles of Flag States in Maritime Security Governance: A Case Study of the East African Community

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#### Abstract

The roles of the flag state in maritime security have recently been increasing due to the escalation of maritime security threats caused by non-state actors such as piracy, armed robbery against ships, illegal fishing, and marine environment degradation. The nexus between maritime security and flag states is very strong. This is because flag states have exclusive jurisdiction over ships flying their flags and ships are the primary tool used in all non-state maritime security threats. This study investigates the possibility of the East African Community (EAC) utilising its flag states to cover up the existing maritime safety and security governance gap in the region. While that could be possible, the EAC lacks the necessary legal and institutional frameworks to do so. The study intends to encourage the EAC Secretariat and the politicians among the EAC member states on the importance of aligning civilian institutions such as maritime authorities with other maritime law enforcement agencies against regional maritime security threats.

**Keywords:** Maritime security governance; East African Community; Flag state

#### 1. Introduction

The EAC is an intergovernmental organisation (IGO). It currently comprises the states of Burundi, Kenya, Rwanda, South Sudan, Tanzania and Uganda. Kenya and Tanzania are the only coastal states of the Community; the rest are landlocked. In its current state, the EAC is not a federation. However, according to Article 5(2) of the EAC Treaty, the ultimate goal of the Community is to have a federal government (EAC Treaty, 1999). Until then, the EAC cannot be a flag state. It however, has some authoritative powers over the regional flag states of Kenya and Tanzania. That is a link where the EAC could take a leading role or at least consultative role in regional maritime safety and security.

Flag state is a professional term used to describe the process of the registration of commercial ships; a country that allows ships to fly its flag is known as a flag state (Mansell, 2010). A flag state has an overall responsibility for the implementation and enforcement of international maritime safety and security regulations for all ships granted the right to fly its flag (UNCLOS, Art. 94; Mansell, 2010). A flag state is one of the important coastal state institutions, dedicated to the civilian roles of maritime security. It is important to appreciate that flag state and Port State Controls (PSC) are important parts of the maritime authorities' broad responsibilities. The maritime security roles of a flag state have been broadened significantly in recent years to include maritime security governance in collaboration with other law enforcement agencies of coastal states.

The EAC as one of the eight recognised Africa's Regional Economic Communities (RECs) has a responsibility to protect its maritime domain including inland waters for security and economic welfare of its citizens as advocated by the 2050 Africa's Integrated Maritime Strategy (2050 AIMS). Unfortunately, the EAC has so far turned a blind eye to its own regional maritime security governance. The issue of maritime security governance has been left entirely with the individual coastal states, Kenya and Tanzania. At the Community level, the EAC has no specific roles in regional maritime security. Within the EAC, there is an excessive perception that maritime security governance is an exclusive role of navy and therefore maritime security nexus state sovereignty. While that might be true, there are some maritime security issues where roles of civilian institutions such as flag state are significant high. The EAC is no exception to that notion. Maritime security threats such as piracy, armed robbery against ships, human trafficking, illegal fishing and marine environmental degradation are predomiantly affecting the EAC maritime domain (Very, 2013) and are within the juridictions of civilian institutions including flag states of Kenya and Tanzania.

This study explores the flag state administrations of the EAC and how they contribute to regional maritime security governance. It also looks at whether the EAC could do more to strengthen its maritime security governance through the use of those regional flag states. The study starts by conceptualising the flag state and providing an overview of the EAC's maritime security governance, following this with an investigation into how the EAC could take a leading role in regional maritime security. The study continues by examining the role of the EAC's flag states in regional maritime security and ends with a conclusion.

# 2. Flag states in context

Flag state is a professional term used to describe the process of registration of commercial ships; a country that allows ships to fly its flag is then known as a flag state (Mansell, 2010, pp. 18-19). For that reason, the flag a ship flies legally indicates its nationality (UNCLOS, Art. 91). Once a certain ship is documented and registered



is allowed to fly a Tanzanian flag, for example, it becomes a Tanzanian ship, regardless of where it belongs or who owns it. A ship like a citizen holds a nationality. In the international customary law, this nationality is absolutely essential for the ship to sail on the high seas (Coles & Watt, 2009). A ships with no particular nationality, is regarded as a stateless ship. Equally, it enjoys no protection on the high seas and will be denied access to foreign ports; eventually the ship will not be able to trade internationally (Coles & Watt, 2009).

In today's world, the stateless ship suffers even more and severe consequences by being regarded as a criminal's ship that tries to evade jurisdictions (Klein, 2011). Because the high seas are for all mankind including landlocked states and out of any state's jurisdiction reach (UNCLOS, Art. 87); therefore, ships sailing on the high seas fall exclusively to their flag state's jurisdiction (UNCLOS, Art. 94). The world's commercial fleet consisted of 89,464 vessels; with a total tonnage of 1.75 billion dwt (UNCTAD, 2015, p. 30). The fleet is registered in over 150 nations and is manned by over a million seafarers of virtually every nationality (IMO, 2015). The Tanzanian flag, for example, holds approximately 0.67% of the total world tonnage (UNCTAD, 2015, p. 42).

The legislation of states for registration of commercial ships is divided into three categories. These are a closed registry, an open registry and a second registry.

# 2.1 Closed registry:

Closed registry or traditional registry as it used be known, is the one registered in the ship's homeland and fly a local flag (Coles & Watt, 2009). Close registries typically require a ship be owned and constructed by national interests, and at least partially crewed by its citizens.

# 2.2 Open registry:

Open registration is the process of allowing foreign owned ships to fly a national flag for some genuine reasons (Egiyan, 1990). These reasons might be to obtain some business opportunities and economy in shipping operations. Through savings in the shipping overhead costs, would eventually make the shipping companies competitive in the industry and eventual boosting their private revenue. Open registration offer potential on economic benefits for both open registry states and ship-owners. Economic benefits to a state operating open registry could be realised in the following ways: tonnage taxes and registration fees; franchise and/or royalty fees; and reduced government expense due to outsourcing.

However, if the flagging-out reason is for evading international shipping standards, then the process turns to be the flag of convenience. Flag of convenience (FOC) is a nickname for the open registry. In fact it's allegedly considered as a dark side of the open registry. There are some paradoxes however as to whether the open registry and FOC carry the same meaning and where exactly a line can be drawn between the two (Egiyan, 1990). However, that discussion is out of scope of this study and will not be extended. Nonetheless, FOCs are notoriously known for their ignorance of international maritime norms and therefore are regarded as part of broad maritime security problems posed by ships. More importantly, FOCs have repeatedly being seen engaging in illegal fishing and marine degradation.

## 2.3 Second Registry:

A second registry is an intermediate version of ship registry that lies between a national (closed) registry and an open registry. Second registries or international registries as they sometime used to be known may be described as "registries that allow for use of the national flag, albeit under conditions which are different for those applicable for the first national registry" (Tanaka, 2015, p. 162). Flag states maintain second registries simultaneously with their closed registries in attempt to claim back their national fleets that have been flagged out to open registries. The second registry is also aimed at encouraging ship owners not to flag out by offering them slightly relaxed regulations compared to a closed registry. These include some tax reliefs and more importantly less employment restrictions. Eventually, under second registries, foreign crews could be employed at international wages (Carlise, 2009).

The shipping industry is the most highly competitive and globalised industry of all, yet it is an undeniable fact that it is also one of the highly regulated industries. For that reason, ship owners have flexibility to choose where to register their vessels based on cost, convenience and the international and domestic regulations that would govern their operations (Goodman, 2009). Nevertheless, this freedom is sometimes abused and somehow ship owners end up in the hands of flag states that are incapable of enforcing international and national jurisdictions over their ships. Once again, these failed flag states are what are referred to as the FOCs (Mansell, 2010).

# 3. Role of the EAC in regional maritime security

Maritime security governance, at its most simple, relates to all measures a country or a region as a whole takes to prevent unlawful acts in the maritime Domain (Gilipin, 2007). The issue of maritime security governance has



been left entirely with the individual coastal states, Kenya and Tanzania. At the Community level, the EAC has very limited roles in regional maritime security. That is due to the lack of legal and institutional frameworks to support regional maritime affairs including maritime security. More importantly, the EAC does not have a maritime security strategy which would have formalised the regional maritime security governance and cooperation.

There is also a strong sense that maritime security nexus state sovereignty. While that might be true in hard maritime security issues such those relating to state's maritime borders and maritime terrorism which are an exclusive role of navy; roles of civilian institutions in softy maritime security issues are significant. The roles of flag states in softy maritime security issues such as marine environment, human and drags trafficking and illegal fishing, for example, are very important. The EAC is not exceptional to this, the flag states of Kenya and Tanzania are the ones playing a big role in the region maritime security governance, only downside they are doing it unilaterally.

# 4. Survey of Flag states of the EAC: Can they form a unified flag state?

The EAC is not yet a federation. For that reason, each of its six members has its own flag state administration. Only Kenya and Tanzania have flag states whose meanings fit the context of this study. This is because they are coastal states, IMO state parties, have ships on the seas and have ratified a good number of international maritime conventions. These conditions are absolutely essential for a country to run a flag state. The EAC's landlocked states have some ships on rivers and lakes; none of them has any ship on the seas. According to Article 90 of the United Nations Convention on the Law of the Sea (UNCLOS), landlocked states can be flag states and sail ships on the high seas through their own flags (UNCLOS, Art. 94). However, that would require landlocked states to have the necessary jurisdictions and capacity to put ships on the high seas in the first place. None of the EAC's landlocked states appears to have such capacity at the moment.

## 4.1 Kenya

Kenya Maritime Authority (KMA) is an official flag state of Kenya. As of January 2015, there were nine Kenyan flagged ships on sea of 19,000 dwt (UNCTAD, 2015, p. 35). The Kenyan fleet comprises tugs and pontoons mostly working in the Kenyan internal waters. The fleet is predominately owed by the Kenyan government. For that reason, the fleet fall under non-SOLAS vessels category. According to SOLAS XI-2 and ISPS Code, SOLAS vessels are a) passenger ship of any size that is engaging on international voyage and b) cargo ships of 500 GT and upward that is engaging on international voyage. There are three Kenyan flagged ships in the Lake Victoria of 2,200 dwt. Kenya register ships through the Merchant Shipping Act of 2009 as amended in 2012. Kenyan Railway Corporation has also some mandates to register ships in inland waters. The Merchant Shipping Act of Kenya does not allow for international registration. This is one of the reason why Kenya it does not have an international registry. In addition to ratifying the UNCLOS and Maritime Labour Convention (MLC), Kenya has already ratified 33 IMO's conventions.

# 4.2 United Republic of Tanzania (URT) and its the dual-flag system

The URT has a dual-flag-state system. The dual-flag-state system in the URT is the result of a union taking the form of a two-tier governance system instead of a federation. The URT is a union of two sovereign states, formally made in 1964 between the (then) Republic of Tanganyika and the People's Republic of Zanzibar. The union was not meant to be all-encompassing; it only deals with specific matters known as "union matters", of which maritime affairs is not one. As a result, flag state administration as an important part of the URT's maritime affairs, has been seriously affected by the two-tier governance system. For that reason, the URT finds itself with two maritime administrations using two different sets of maritime law. Eventually, in the URT, there are two flag states, two local ships' registries and one international ships' registry, all of which fly the same URT flag. Notably, one of these flag states is under the Tanzania Mainland maritime administration, known as the Surface and Marine Transport Regulatory Authority (SUMATRA) and the other is run by the semi-autonomous islands of Zanzibar through the Zanzibar Maritime Authority (ZMA).

# 4.2.1 The governance of the dual flag states in the URT

Having two flag states and three registries in a single country has never been an easy task. With respect to local registries, the SUMATRA and the ZMA work largely in harmony through a high level of technical cooperation between themselves. However, the international registry is what poses many of the administrative, diplomatic and political problems within and outside the URT. The URT is the only body recognised by the IMO with respect to Tanzanian maritime affairs, but sadly it does not have a flag state of its own. Instead, the SUMATRA wears two hats by assuming both the URT's role and that of Tanzania Mainland. To ease the situation, the URT, SUMATRA and ZMA, through IMO supervision, have all tacitly agreed to allow the SUMATRA to represent the URT (including Zanzibar) on all flag state issues that need international attention.



#### Tanzania Mainland flag state

The SUMATRA is Tanzania Mainland's multi-sector regulatory agency established by Act of Parliament CAP 413 to be a regulator of rail, road, ports and marine transport services. Because it is responsible for maritime transport services, it has become the flag state representing the URT and Tanzania Mainland. In executing its ship registration role, the SUMATRA uses the provisions of the Merchant Shipping Act no. 21 of 2003. Currently, the local register at the SUMATRA does not have any SOLAS vessels (i.e. vessels of more than 500 gt engaged on international voyages). About 58 per cent of its 97 vessels operate on inland waters and 42 per cent predominately operate within URT territorial waters (EAC, 2014). The average age of the Tanzanian Mainland fleet is approximately 30 years with a total tonnage of approximately 70,000 dwt. Tanzania has ratified 21 IMO's conventions in addition to the UNCLOS. Currently has not yet ratified MLC which is an important convention to support the seafarers' welfares.

## Zanzibar flag state

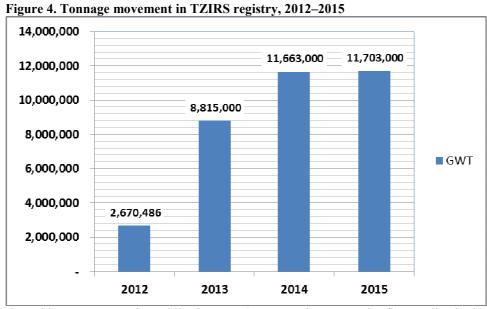
The ZMA is specifically crafted to deal with the maritime transportation issues of Zanzibar. Since it does not deal with multi-sector tasks like the SUMATRA, it is therefore perceived to be more efficient than its mainland counterpart. The ZMA came into force on 30 March 2009 through the Zanzibar Maritime Authority Act no. 3 of 2009. The ZMA uses the provisions of the Maritime Transport Act 2009 in all of its ships' registration processes. Compared to the SUMATRA's the Merchant Shipping Act that allows only local registry; the provisions of the Maritime Transport Act allow the ZMA to run both a local and an international registry.

### The local registry

The Zanzibar-based local registry is known as the Tanzania Zanzibar Register of Shipping (TZRS). As of December 2014, the TZRS had 70 vessels having approximately 54,175.8 dwt in total (EAC, 2014). Despite having dual flag states and, of course, two local registries, the running of two local registries in the URT does not pose many serious problems. The two registries maintain very close cooperation on virtually everything relating to maritime safety and security, including technical cooperation. Since all the ships under the two local registries sail within Tanzanian maritime waters, the act of flying the same flag does not create any significant problems. However, this is absolutely impossible for the international registry.

# The international registry

In addition to the local registry, the ZMA operates the international registry, which is known as the Tanzania Zanzibar International Registry of Shipping (TZIRS). In 2015, TZIRS was named by UNCTAD's review of maritime transport report as the world's 23rd largest registry by tonnage and the second largest in Africa after Liberia's (UNCTAD, 2015, p. 42). As shown in Figure 1, by January 2015 the TZIRS had 1,313 ships, with 11,773,000 dwt (data sourced from annual reports of 2012 to 2015).



The evidence suggests that while the TZIRS tonnage increases, the flag quality is decreasing. For many years, the Tanzanian flag has been blacklisted and marked as being among the high-risk flags on every PSC regime. A lack of manpower capacity and excessive reliance on business agencies to run the flag have been pointed out as the main factors leading to the flag's bad performance. The non-ratification of important maritime conventions such as the MLC is also a factor that undermines flag quality. To analyse the risk profile of the TZIRS, we decided to use the PSC regimes of Tokyo and Paris because they are using the same evaluation criteria (excess factor as risk factor), which allows good comparison. Table 1 shows the performance of the



Tanzanian flag as measured by the Paris and Tokyo MoU in the period of 2012 to 2014 (data sourced from annual reports of 2012 to 2014).

Table 8: Tanzania PSC Performance on Paris and Tokyo MoU, 2012–2014

	Paris MoU	Tokyo MoU						
2014	Blacklisted	✓	✓					
	High risk ✓		✓					
	Excess factor	3	4.18					
2013	Blacklisted	✓	✓					
	High risk	✓	✓					
	Excess factor	3.58	4.26					
2012	Blacklisted	✓	✓					
	High risk	✓	✓					
	Excess factor	2.78	3.1					

The excess factor (EF) is used in PSC regimes to make flags' performances comparable. The EF values indicate the approximate relations of the number of inspections and resultant detentions, as well as the risk profile of a specific flag ship. The higher the excess factor, the riskier the flag is. The statistics in Figure 2 support the allegation that the TZIRS is one of the riskiest flags in the maritime world. On average, 24 per cent of TZIRS ships are detained on PSC inspections across the world. As previously explained, despite these deficiencies, the TZIRS is the second largest register in Africa after Liberia's. Ship registration is a national pride and business too. It generates many jobs and earns foreign income for many developing countries. For example, the Liberian ship registry contributes about 5.1 per cent to national GDP (MoF, 2011). In the EAC's shipping industry, ship registration in particular could be developed to realise the regional ambitions of the blue economy.

45 40 35 % of inspections 30 25 20 Paris MoU 15 Tokyo MoU 10 5 Med MoU 0 IOMoU 2010 2011 2012 2013 2014 2015 Paris MoU 9.6 23.1 14.5 19.6 14.6 Average Tokyo MoU 10.0 18.2 20.8 29.0 18.2 11.1 Med MoU 35.1 23.8 16.2 27.3 IOMoU 33.3 41.7 34.6 26.3 36.8 40.0 Average 22.0 26.7 19.5 27.6 23.2 25.6

Figure 5: % Inspection with detention of TZIRS, 2010–2015

# 4.3 Is it possible for the EAC to form a unified flag state?

An IGO such as the EAC does not qualify to be a flag state. In fact, there is no any IGO's flag that serves as an official "ensign" on commercial ships in the world. This is because IGOs do not have a statehood qualification which is a flag state's prerequisite condition. A flag state must be able to ratify and enforce international and regional maritime instruments on ships flying its flag. IGOs do not have such ratification and enforcement capabilities of their own, but rather serve as rule making bodies (Lillie, 2006). Despite the lack of statehood and enforcement capabilities, IGOs have powerful and influential position over its members when it comes to ratification of important international maritime conventions and their enforceability. Because of such influential powers they have, IGOs allowed to be IMO observatory members. The African Union (AU) and European



Union (EU) are the best examples of the IGOs that have IMO's observatory members and a big impact on regional maritime governance. Nevertheless, the AU and the EU cannot be flag states and there flags have never been flown on commercial ships as an official ensign.

Under certain circumstances, such as a ship on a peace-keeping mission, a ship offering humanitarian assistance or a ship seeking protection and the like, Article 93 of the UNCLOS allows ships to fly the flags of the United Nations or its specialised agencies and other IGOs. A commercial ship may opt to fly the UN flag, for example, alongside its own flag or a UN flag alone. Whatever the case, the jurisdictions of that ship are always determined by its flag state. In 2004, for example, there were massive pressures for the EU to establish its own ship registry, which would allow its flag to be flown on commercial ships. The initiative was, however, rejected by the European Parliament because it was using the EU flag as an 'ensign' on commercial ships, which would contradict the provisions of Article 91 (1 and 2) of the UNCLOS (Schmöger, 2004). Article 91 insists that all ships have a particular nationality, which should be demonstrated through the flag that is flown by them. The EU had good reasons to reject this proposal because it is neither a state nor a supranational organisation.

## 5. Roles of a flag state in maritime security: How does the EAC fit in?

Traditionally, flag states' roles were limited to ensuring the safety and security of ships flying their flag while on the high seas. In recent years, however, the nexus between flag state and maritime security has been expanded and become an important issue in the maritime world and, of course, international relations (Hosanee, 2008). As argued by Goodman, the rights of flag states have remained largely unchanged since the original evolution of the concept (Goodman, 2009, p. 157). But the list of their responsibilities has grown exponentially in areas ranging from ship safety standards and crew training to marine pollution, maritime security and seafarers' welfare (Goodman, 2009). This is partly due to the escalation of the maritime security threats caused by non-state actors, such as piracy, terrorism, illegal fishing, and the trafficking of narcotics, light weapons and humans. The criminals in these categories of maritime security threats use ships as either potential targets or a means to deliver their attacks. This suggests that most maritime crimes that take place at sea involve ships in one way or another. For this reason, flag states are taken as important institutions in the war against maritime security threats, at both the national and international levels (Murphy, 2007).

A flag state has an overall responsibility for the implementation and enforcement of international maritime regulations for all ships granted the right to fly its flag. However, that would require a flag state to have a maritime authority that is capable of executing those responsibilities, as stipulated by Article 94 of the UNCLOS. A flag state is required to "effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag" (UNCLOS, Art. 94). It is further required to maintain a register of all the ships flying its flag, also assuming jurisdiction under its national law for both the ship and its crew in relation to administrative, technical and social matters. In addition to the general roles that flag states have under the UNCLOS, there are some specific roles relating to maritime security through a range of international maritime conventions. Some of these conventions are: MARPOL 73/78, for the marine environment; the SOLAS conventions for the safety of life at sea, including ship and port security; the SUA conventions for maritime terrorism; and the MLC for the welfare of seafarers and the like.

The EAC's flag states of Kenya and Tanzania are responsible for almost all the civilian maritime security of the region. Through their Merchant Shipping Acts, they are responsible for vigilance against maritime security threats such as piracy, armed robbery against ships, illegal fishing and marine environment degradation. The only downside is that the capability of these flag states to enforce those regulations is rather low. These flag states, for example, are the ones supposed to have coastguard (or equivalent) units for maritime law enforcement. Unfortunately, the region does not have a single coastguard unit. In the absence of coastguard units, regional navies assume both warfare and law enforcement roles. This is an overwhelming task for young navies, such as those of Kenya and Tanzania, given their assets and manpower capacities. Additionally, navies find it difficult to work with civilian institutions such as the KMA, the SUMATRA and the ZMA.

Perhaps the biggest contribution of the KMA and the SUMATRA to regional maritime security governance comes in the form of maintaining information sharing centres (ISCs) at Mombasa, Kenya and Dares-Salaam, Tanzania. The KMA and the SUMATRA operate the Regional Maritime Rescue Coordination Centre (RMRCC) in Mombasa, Kenya and the Maritime Rescue Coordination Centre (MRCC) in Dar-es-Salaam, Tanzania (IMO, 2015). These ISCs serve as regional coordinators on search and rescue missions, as well as piracy ISCs. These centres make a big contribution to the war against piracy and armed robbery in the EAC and the wider region.

Kenya and Tanzania are two of the 19 member states of the Indian Ocean Memorandum of Understanding (IOMOU). Table 3 shows that Kenyan and Tanzanian contributions to PSCs constitute 6 per cent of the total PSC inspections undertaken by the IOMOU from 2010 to 2015 (IOMoU, 2015). As a region, 6 per cent is not a bad number given the number of ships calling. However, concerns surround the ability of Tanzania to undertaken PSC inspections. Tanzania has only conducted 3 per cent of the total inspections conducted in the



EAC region; the rest were carried out by Kenya. In those inspections, a total of 683 ships were found to have deficiencies and 83 were detained in the EAC region. This is one step forward in regional maritime security governance and is one of the most important requirements of the 2050 AIMS.

Table 9: PSC efforts by the KMA and the SUMATRA, 2010–2015

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	2010	2011	2012	2013	2014	2015	Total			
Kenya	168	258	123	443	446	456	1,894			
Tanzania	<u>29</u>	<u>23</u>	<u>2</u>	<u>0</u>	0	<u>0</u>	<u>54</u>			
EAC	197	281	125	443	446	456	1,948			
Total of IOMoU	5,513	5,550	5,051	5,320	5,575	6,253	33,262			
EAC as % of IOMoU	4%	5%	2%	8%	8%	7%	6%			

Source: (IOMoU, 2015)

In recent years, following the escalation of Somalia-based piracy, the world has seen the task of a flag state as being to provide security to the commercial vessels flying its flag. This can be regarded as the primary obligation of the flag state, but it is increasingly being transferred to ship owners, who are allowed to hire privately contracted armed security personnel (PCASP) on board their ships while transacting in high-risk areas (Schmöger, 2004). The IMO has issued general guidelines applicable to PCASP practice in relation to embarkation, disembarkation and vessel calling (IMO, 2015). However, the overall management of the practice rests with the coastal state in collaboration with the flag state and the port state.

Both Kenya and Tanzania have strict regulations applicable to armed commercial ships calling at regional ports. The regulations are also applicable to a ship that intends to make a transit passage through EAC waters while armed. Prior notice is required before a ship can make a call to EAC maritime waters. The governance of a ship carrying armed guards is coordinated by the Kenyan and Tanzanian flag state with close cooperation from their respective armed forces. Among the important pieces of information required by these authorities are: a) authorisation from a flag state that a ship has been allowed to be armed; b) verification from the private maritime security companies in relation to adequate training procedures; and c) security clearance/a certificate of good conduct from Interpol/the police.

#### 6. Conclusion

The future of the EAC's blue economy ambitions depends on how far the Community can strengthen its maritime security governance. For various reasons, there have been difficulties in putting regional navies together in maritime security governance. These include a lack of national and regional maritime security strategies. However, there is a significant hope that the civilian institutions responsible for maritime security, such as flag states, might work together despite this. Nonetheless, that would require EAC initiatives to strengthen their legal and institutional frameworks in the first place. The EAC's flag states have many maritime security responsibilities in their jurisdictions. The only downside is that they lack enforceability capacity. Harmonising the flag states' jurisdictions and putting them together with the goal of achieving regional maritime security governance could be a big push towards enabling security and safety in the EAC's maritime domain.

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