

# MARITIME DEVELOPMENT IN AFRICA

AN INDEPENDENT SPECIALISTS' FRAMEWORK



*Strengthening Africa's economic performance*

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Africa must decide  
how important  
its maritime  
environment is

### Executive summary

Maritime security is a key component of collective security and thus forms part of the foundation for economic development. Africa is the only major region in the world that does not have its own maritime policy or strategy, despite the acknowledged importance of this component of any national or regional economy. Given its unique continental needs, priorities and requirements, Africa therefore needs to develop its own maritime strategy to promote economic development for its people through improved maritime security, leading to improved global competitiveness for its goods and services.

In July 2008, the Brenthurst Foundation in partnership with the African Union Commission and the African Center for Strategic Studies in Washington established a research project on continental maritime security. As the initiative progressed, it became apparent that given the number of existing documents on the subject of African maritime safety, security and strategy, it would be of greater value to develop an 'umbrella' document, raising awareness of the subject and distilling the disparate components that make up the maritime environment – hence the title, *Maritime Development in Africa: An Independent Specialists' Framework*. The ideas outlined in this discussion paper have been developed through a consultative process among international specialists, and regional and national African stakeholders.

#### *The Paper's main findings are:*

- The importance of maritime trade to the economies of African states and its potential contribution to economic development through the creation of employment can be demonstrated by the simple statistic that almost 91 per cent by volume went by sea in 2008. There is no alternative given the nature of the imports and exports and the totally inadequate overland infrastructure. Africa's fishing grounds provide the single source of protein for the majority of its population and the rise of illegal activities, in particular piracy, are major contributory problems.
- Maritime security is a key component of collective security and thus forms part of the foundation for any economic development through the improvement of global competitiveness for its goods and services. However, Africa has yet to decide on the relative importance of its maritime environment against competing priorities – and allocate the requisite resources to ensure that it remains an asset.
- Africa has to begin to take the lead in controlling its own maritime domain.
- Partnerships with global players and established commercial institutions, eg, the oil industry, are crucial for maritime security.

- There is an overriding need for a formalised legal framework at continental level.
- In the long run, it is intra-African maritime partnerships that will determine Africa's capacity to address her maritime challenges.

This Discussion Paper is intended as a key introduction to what a broad-based African maritime strategy might entail. It attempts to show why such a strategy is needed; the extent of the African maritime environment; and which issues should be addressed as a matter of priority.

Africa has  
outsourced its  
maritime security  
to international  
or 'external'  
organisations

*For that which is common to the greatest number has the least care bestowed upon it. Everyone thinks chiefly of his own, hardly at all of the common interest; and only when he himself is concerned as an individual*

*Aristotle: 384 – 322BC*

## Introduction

The sea is the lifeblood of any country – and indeed of any continent. Nations that trade get rich – and the more they trade, the richer they get. Apart from being the provider of trade routes, the sea provides food, commodities, income from tourism and even moderates the climate. However, these very attributes result in exploitation – and illegal activities – in the absence of control. In very few cases are illegal acts perpetrated by neighbours – it is invariably by foreigners, who will continue to do so in a security vacuum. This will additionally impact on the cost of doing business, negatively impacting on trade and thereby on development and standard of living.

Of the fifty-four countries of Africa, thirty-nine are either littoral states or islands; therefore it is confidently expected that the continent is acutely aware of the impact of the maritime domain.

The importance, for example, of maritime trade to the economies of African states and its potential contribution to economic development through the potential for employment opportunities, can be demonstrated by the simple statistic that almost 91 per cent of continental trade by volume went by sea in 2008. There is no alternative given the nature of the imports and exports and the totally inadequate overland infrastructure. The present rate of degradation of the road systems in Africa, in spite of conscious efforts to improve them, means that coastal trade is going to grow – supplementing the expected growth of international trade in commodities.

Africa's fishing grounds are being pillaged; its coastal waters polluted and poisoned; and its marine environment destroyed. If these illegal and irresponsible actions are not stopped, Africa will starve. Why? Because very soon there will be no more fish; the population is increasing; agriculture is no longer able to provide sufficient food; and importation of food is unaffordable because the continent is becoming progressively poorer due to its inability to compete in international maritime trade.

The member states of the African Union (AU) have a collective responsibility to promote a new awareness and appreciation of the critical importance of the

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for ensuring  
that initiatives  
are launched

maritime domain and create an alternative vision where the continent utilises its opportunities to capitalise on its potential.

Maritime security is a key component of collective security and thus forms part of the foundation for economic development. Africa is the only major region in the world that does not have its own maritime policy or strategy, despite the acknowledged importance of this component of any national or regional economy. Given its unique continental needs, priorities and requirements, Africa therefore needs to develop its own maritime strategy to promote economic development for its people through improved maritime security, leading to improved global competitiveness for its goods and services. A continental security framework already exists in the form of the Common Defence and Security Policy, and this should facilitate the inclusion of a maritime security strategy without major policy changes, leading to the development of a wider, more comprehensive maritime strategy that will unlock the economic potential of the continent.

What emerges is that Africa must decide how important its maritime environment is – and allocate the required resources to ensure that this asset is protected. By necessity, this must be done nationally, regionally and continentally. It is accepted that given the relative absence of resources and competing priorities, enhancing maritime capability will take time, but developing the strategy that will guide the establishment of that capability should begin as soon as possible. The impact of inaction can be demonstrated by the attack on the French tanker *Limburg* off the Yemeni coast in 2002 which caused insurance premiums for the area to triple overnight; container traffic dropped almost 90 per cent; and an estimated 3 000 jobs were lost resulting in a cost of around US\$15 million per month to the Yemeni economy.

Research reveals that a great amount of valuable work in this domain has already been conducted. This extends from formal policy papers through regional strategy formulation to the resolutions adopted at the Sea Power Symposiums. In the longer term it will be important for these works to be collated and possibly integrated into a document that directs the continental approach to the challenge.

This Paper is not an all-encompassing maritime strategy guidebook; such a document, although deemed necessary, would be a major undertaking requiring a considerable investment in time. This Paper is intended as a ‘first steps’ look at what a broad-based Africa maritime strategy might entail. It attempts to show why such a strategy is needed; the extent of the African maritime environment; and which issues should be addressed as a matter of priority.

The maritime strategy ideas outlined in this document have been developed through a consultative process among regional and national African stakeholders,

Over the last three years, close to 100 vessels have been seized by pirate gangs operating off the coast of Somalia

with the Commission for the African Union directing the process. The AU has proposed a collaborative maritime policy, based on the clear recognition that all matters relating to Africa's oceans and waterways are interlinked, and that maritime-related policies must be developed in a coherent manner if the continent is to reap the desired results. This co-ordinated, multi-sectoral approach has been strongly endorsed by all stakeholders. Applying it will require reinforced co-operation and effective co-ordination of all maritime-related policies at the different decision-making levels.

It is hoped that this document, along with other key documents such as the African Union Maritime Transport Charter, will aid this policy process and create the basis for an African maritime strategy.

### Background

For most of the twentieth century, African security was couched in terms of the continent's terrestrial or landward security. National, regional, continental and transcontinental strategies were based on the core premise that land resources were to be used to counter land-based threats and to make the most of land-based opportunities. Now, however, the proliferation of maritime threats to Africa's security and the chance to exploit maritime opportunities underscore the urgent need for Africa to develop an African-owned and -developed maritime security strategy. The strategy could constitute a component of the land-based Common African Defence and Security Plan (CADSP); but the maritime security strategy should also be able to function as a stand-alone concept.

After Asia, Africa is the second largest landmass on earth; it is also the largest island on the planet, with the Suez Canal separating Africa from the Middle East. In excess of 90 per cent of Africa's imports go through ports before being forwarded to their final destinations via air, road and rail networks. Africa's fisheries play a vital role in trade, economic development and food security across the continent. Nor is Africa's sustainable development and security purely dependent on the continent's maritime waterways; inland waterways – lakes, dams and rivers – are equally important in providing for the livelihood of the continent's 700 million-plus people. Protecting Africa's water resources, waterborne trade and citizenry is vital, but it is clear that limited resources and perhaps a lack of recognition of the importance of this sector, have constrained the continent's ability to effectively protect its waterways from a variety of threats.

The cost of meeting the required responsibilities is the reason most regularly used to argue against doing what needs to be done. Any investment, however small,

Africa must accept  
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as a link in the  
global drug chain

can be justified if compared to the cost of resource losses that Africa is experiencing; when the cost of reversing the continuous damage inflicted on the marine environment is determined, and the challenge of providing alternative food resources for those who depend on their food from the sea and inland waters is considered. Once these resources are protected and exploited in a sustainable manner, downstream savings will justify any upstream investment. In other words, the cost of inaction is unaffordable. Member states, regions and the continent need to explore ways of funding the requirements as an investment for the future, despite the demands for higher priorities, on which these scarce resources are invested, eg education, medical programmes, road and rail infrastructure, and housing. These will continue, certainly into the medium term, to exert a major influence on the allocation of resources towards maritime security

The lack of resources and of a comprehensive African-owned maritime security strategy has obliged Africa to 'outsource' many aspects of its maritime security to international or 'external' organisations in order to provide for its needs. This is most evident with regard to responses to piracy off the Horn of Africa. Africa is clearly the major stakeholder, but it is the global community that is driving the anti-piracy strategy and providing the naval resources to address the threat.

There is no doubt that bilateral and multinational maritime security partnerships are, and will continue to be, a crucial element in securing Africa's waterways. It will take time for the continent to build up its maritime resources to the point where it can take charge of its own maritime destiny. The process has already begun; many of Africa's littoral and island states are in the process of investigating, or developing, national maritime strategies to safeguard their assets. Generally speaking, there is a desire for 'good order at sea'; this 'good order', which requires the creation of a collaborative maritime security architecture, would allow the conduct of free trade, ie in a safe and secure environment. It will require the enforcement of maritime legislation to remove those factors that would negatively affect the free flow of goods. Maritime legislation would, in turn, strengthen the maritime institutions which are crucial for a maritime strategy. The combination of strengthened and coherent legislation and institutions would better regulate the fishing industry; it would enhance the policing of, and prosecution for, illegal acts, eg piracy, and the dumping of waste materials; pollution will be policed; smuggling and illicit trade could be countered; transnational or cross-border crime would be better monitored and reduced; and the safe navigation of shipping guaranteed.

There are also a growing number of bilateral and regional maritime co-operation agreements between/among African countries. This is important and is a recognition of three fundamentals:



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environmental  
degradation

- firstly, that Africa has to begin to take the lead in controlling its own maritime domain;
- secondly, that maritime security is a crucial element in maintaining Africa's economic resurgence; or, at the very least, in mitigating the worst effects of the global recession; and
- thirdly, that African states are aware that while African partnerships with global players are crucial for maritime security, in the long run, it is intra-African maritime partnerships that will determine Africa's maritime capabilities. Most importantly, there is an awareness at all levels that Africa needs a comprehensive, collaborative or even integrated, maritime strategy that addresses the various challenges and opportunities that the continent faces.

Despite the apparent criticism levelled at the continental attitude to the maritime environment, there is evidence that African states have been aware of the inherent importance of the seas and waterways – and a number have indeed initiated actions to address their utilisation and management. In 1994 the Organisation for African Unity (OAU) adopted The African Maritime Transport Charter, which recognised the importance of co-operation among African countries with the aim of finding appropriate solutions to the problems impeding the development of the maritime transport sector, as well as facing the related challenges. The Charter, which has been updated and subsequently ratified by the AU Heads of State, is a key policy document, particularly with respect to Africa's shipping. It will help to guide the development of the African maritime industry and facilitate the integration of safety and security considerations in maritime transport.

Fifteen years on however, there has emerged a greater number of role-players that must be recognised in approaching the regulation and management of maritime issues and resources – much wider and more complex than before. The wide variety of maritime related activities are inter-related to some extent, and all have a potential impact on the prosperity derivative through their contributions to security, stability and safety.

National, regional, continental and international organisations need to establish or improve existing mechanisms for 'maritime governance'. As an example, non-alignment or duplication of activities leads to unnecessary wastage or under-utilisation of resources. Important maritime tasks are not executed because functional delineation of authority and areas of responsibility have not been agreed to and legislated.

Nature conservation, fishing and tourism are very much interdependent and decisions in one discipline will have an impact on the others, and therefore need to be carefully managed to derive optimal benefits. The mining of dunes might

Demarcation of  
internal waterways  
has spurred a  
number of long-  
running disputes

similarly make mineral extraction sense, but might negatively influence tourism and/or nature conservation. The responsibilities and activities included under the broad concept of maritime transport must be aligned with all the other role players like sea fisheries, trade and industry, police and security services, customs, tourism, art and culture.

In recognising this, it is proposed that the AU should accept the responsibility for ensuring that initiatives are launched, in collaboration with existing regions and the member states, to more successfully manage the maritime affairs of Africa in the interests of economic prosperity for its peoples. A holistic approach will provide a coherent policy framework and contribute to the optimal development of all maritime-related activities in a sustainable manner.

### **Maritime Security and Strategy**

There is no single, universally applicable definition of maritime security. From an African perspective, a proposed definition could be '*anything that creates, sustains or improves the secure use of Africa's waterways and the infrastructure that supports these waterways*'. This would include inland water resources such as rivers, dams and lakes, as well as the seas off the African coast. Enhancing maritime security will become of vital importance as Africa strives to become a bigger stakeholder in the global economy.

A certain mindset exists that only littoral states are affected by and should be involved in, matters of maritime concern. There are strong arguments against this view. Landlocked countries also need to trade and where this is primarily commodities, there is a reliance on maritime trade because of the volume and weight involved. Evidence of inefficiency, corruption, crime, mismanagement and incompetence between source and destination have a major impact on cost – and therefore competitiveness of produce. But just as these factors adversely affect goods in transit to and from ports, this can be used to argue that landlocked or third countries should also make a contribution.

Maritime security encompasses a vast range of policy sectors, information services and user communities, including maritime safety, search and rescue, policing operations, operational safety for offshore oil and gas production, marine environmental monitoring and protection, and navy operations support.

It is proposed that a maritime strategy should be a plan or road map that outlines what objective Africa should pursue to create a sustainable, coherent, African-owned maritime security regime that will assist in the continent's economic development. Through their partnerships with international stakeholders, African

Africa is not  
alone in facing  
challenges in the  
maritime domain

countries and regions already have mutually beneficial strategies; but there is, as yet, nothing that is truly African owned or that is designed *primarily* for the benefit of Africans at the continental level. There are any number of internationally designed 'maritime strategies for Africa', but these are conceptually and practically different from an African maritime strategy. The former place African maritime security as a secondary consideration to the national security interests of the international partner/sponsor. The latter, while acknowledging that partnerships will remain vital, grounds the strategy in quintessentially African needs, perspectives and resources.

The ultimate goal of an African maritime strategy is to contribute to the sustainable economic development of Africa through the promotion of safety of passage, compliance with international obligations, and improvement in levels of competence, resulting in the increased competitiveness of goods and services. Subordinate objectives include the promotion of intra-African partnerships and regional co-operation, the protection of African sovereignty, countering criminality across Africa's waterways and associated infrastructure, and ensuring environmental governance. The strategy must, in the first instance, be discussed, developed and agreed to by African stakeholders, and the subsequent implementation process would be primarily driven by Africans.

#### *Why a collaborative approach?*

Increasing competition for marine space and the cumulative impact of human activities on marine ecosystems render the current fragmented decision-making in maritime affairs inadequate, and demand a more collaborative and integrated approach. For too long policies on, for instance, maritime transport, fisheries, energy, surveillance and policing of the seas, tourism, the marine environment, and marine research have developed on separate tracks, at times leading to inefficiencies, incoherencies and conflict.

Many organisational entities are involved in maritime activities, which collectively contribute to the management of the maritime environment. All of them need to be aligned in order to contribute to a common maritime strategy – aimed at facilitating beneficiation for the member states. This can perhaps be illustrated by viewing the various 'disciplines' of the AU as a house, consisting of a number of different rooms, and the maritime component being the plumbing or wiring that interconnects them. The creation of a conducive (safe and secure) environment for commercial enterprise, which is the primary generator of wealth, should be given due priority.

A Maritime Strategy for Africa requires a number of common arrangements to be agreed to at AU Summit level. It will realise its potential only if similar,

An in-depth assessment or audit of Africa's current needs should be conducted

supporting arrangements are also adopted and implemented by the member states, in line with the supplementary principle, to provide for the improved co-ordination of all maritime-related affairs.

A collaborative Maritime Policy would greatly enhance Africa's capacity to coherently face the challenges of globalisation and competitiveness, climate change, degradation of the marine environment, maritime safety and security, energy security and sustainability. It should preferably be a knowledge- and resource-based collaboration between member states, within the regional context, guided and directed at the continental level, and supported by applicable research, efficient management, technology utilisation and innovation.

#### *Goals and objectives of an African maritime strategy*

The overarching *goal* of an African maritime strategy is to incrementally secure Africa's inland, coastal and oceanic domain in order to promote economic development, human security, cohesion and sovereignty.

The *objectives* which will support this goal, should include:

- strengthening international and intra-African co-operation;
- enhancing transport and infrastructural capacity;
- strengthening Africa's collective security architecture to ensure safe passage;
- protecting resources;
- giving Africa increased leverage and competitiveness in the global economy;
- strengthening Africa's position in negotiating and implementing multinational security and development partnerships;
- ensuring that Africa is well represented in international maritime law; and also ensuring that Africa has its own maritime law framework. African maritime law would not be aimed at countering international maritime law. It would complement international law, while allowing for specific provisions relevant to African needs and capacities; and
- compliance with international commitments, standards and obligations.

#### **Current and Future Challenges to African Security and Growth: The Maritime Link**

Africa faces a variety of threats, which can be roughly grouped into 'security' and 'non-security' categories; both have an impact on economic growth.

National and regional maritime resources will need to be better co-ordinated

*Security challenges:*

- **Piracy:** Over the last three years, close to 100 vessels have been seized by pirate gangs operating off the coast of Somalia and more than US\$200 million has been paid out to hijackers. The piracy epidemic has militarised the Gulf of Aden. It has also highlighted the fact that Africa's lack of maritime security capacity has forced Somalia and the African community to surrender maritime sovereignty – and the appropriate response – to the global community.
- **Smuggling:** Weapons, drugs and people smuggling (human trafficking) are major problems, particularly, but not exclusively, off the West African and Horn of Africa coasts. It has been estimated that an average of 300 Africans die every year during the hazardous and illegal crossings to Cape Verde, or in the Mediterranean and the Red Seas, as they venture in search of what they believe to be a better life. A variety of weapons and ammunition are smuggled through Africa's porous land borders or through the maritime domain, fuelling existing conflicts. Finally, regarding the sensitive issue of drugs, not only does this constitute an increasing threat to stability and the social fabric of African societies, but Africa must accept international responsibility for addressing its role as a link in the global drug chain.

**Piracy in African waters**

The rapid increase in incidents of piracy off the Somali coast led to four meetings of the United Nations Security Council during the second half of 2008 and to the adoption of Resolutions 1838 and 1851 encouraging nations to commit themselves to the active combating of piracy in the area and even to the legalisation of hot pursuit operations ashore – onto sovereign Somali territory. This is a measure of the lengths the international community would go to in addressing the threat to commercial activity in one of the world's busiest waterways.

Since 1984, the year in which the International Maritime Organisation (IMO) started keeping records, there have been over 500 reported acts of piracy off the Somali coast and the Gulf of Aden. These statistics show that 124 took place in 2008 and 147 up to November 2009. Actions designed to combat the threat have resulted in attacks taking place further from the coast and much further south than previously, eg the *Sirius Star* was hijacked 450 miles south-east of Mombasa. This has resulted in a rise in insurance premiums of 12–15 per cent for applicable general cover and an increase from US\$500 to US\$20 000 for special risk insurance for ships transiting the Gulf of Aden.

More and better-trained coastal police forces (coastguards) are required

Notwithstanding the requirement to address the causes of piracy as opposed to the symptoms, piracy provides an important source of income, providing employment and opportunities for many people. There is no guarantee that, should fishing become viable again, it would lead to the disappearance of piracy.

However, piracy is not confined to Somali waters. Weak coastal states located near choke points or busy anchorages become havens for pirates. A case in question is the Gulf of Guinea, where, in spite of the presence of the Nigerian Navy, piracy remains a major problem – although this is categorised as ‘sea robbery’ by the regional states. Forty-one attacks were recorded by the International Maritime Bureau (IMB) in 2008 and 19 up to November 2009. Putting this into perspective, in 2006 the former chief of the Nigerian Navy admitted that ‘in its present state, [the navy] could not protect the nation’s territorial waters because it was ill-equipped and underfunded’. In areas like the coastal waters of Cameroon, in the absence of any credible deterrent, piracy is expected to grow unchecked towards Angola.

- **Terrorism:** Considered as primarily a land-based challenge (most terrorist incidents, such as the infamous embassy bombings in Nairobi and Dar es Salaam in 1998, have occurred on land), there is little doubt that there remains a high risk of terrorist incidents occurring at sea, or around coastal facilities such as ports and offshore oil wells.

### Drug trafficking in Africa

Drugs do not necessarily follow the most direct routes between source and destination. A major factor is that of weak states – those whose law enforcement organisations are under-resourced and subject to corruption. Since 2005 it has become evident that the vulnerability of certain African states is being exploited, borne out by the increasing volume of cocaine passing through West Africa to markets in Europe. In spite of improving stability in the region, there are areas that lend themselves to the role of transit zones. In addition to cocaine, the region has been used for the trafficking of heroin and cannabis resin – once again for the reason that traffickers can act with relative impunity, as opposed to any geographical benefit.

Given that the profits generated by the drug trade exceed the security budgets of some of the smaller West African states, countering the threat is a major challenge. Statistics would indicate that traffickers realise around US\$450 million

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and information  
infrastructure is of  
utmost importance

per annum. Added to this is the threat to the local communities created by the fact that payment by the producers is primarily in the form of drugs, thereby placing them at risk from 'drug wars' and a growth in addiction. To illustrate this, prior to 2005 the entire African continent seized less than one ton of cocaine annually, compared to 46 tons in West Africa alone since 2005. An analysis of seizures in Europe indicates that 27 per cent (approximately 40 tons) of the cocaine consumed annually transits through West Africa. This is estimated to be worth US\$1.8 billion at the wholesale level.

- **Bunkering:** Illegal oil bunkering – long prevalent in the Niger Delta – has become a sophisticated operation no longer requiring the collaboration of oil company staff to operate equipment at wellheads or provide access to pipeline junctions. The 'bunkerers' tap directly into pipelines away from oil company facilities and connect up to barges before transporting this oil to a receiving vessel. The downstream effect of this illegal activity is a major loss of revenue to the state, the generation of demand for illicit weapons and the escalation of violence in the area.

### Bunkering

Under the Nigerian Constitution, all minerals, oil and gas in Nigeria belong to the Federal Government. Oil extraction outside of the framework of an agreement with the Federal Government is illegal – as is possession of crude oil by anyone without a licence. Yet theft of crude oil, known as bunkering, is estimated at over 10 per cent of Nigeria's daily production and is a highly organised operation. The illegally bunkered oil is sold to refineries in Nigeria, neighbouring West African states and commercial vessels in the anchorages. Illegal bunkering leads to the loss of billions of dollars in public funds that could be used to fund social services, education and training, and reduce violence in the area. Because of the financial value of the activity, the struggle for control of bunkering has significantly escalated the levels of violence in the Delta and led to human rights abuses among the population. It is effectively Nigeria's most profitable private business, selling at around 20 per cent of the market price with no capital costs involved – as the Federal Government owns the infrastructure. Over the years, the government has tried a number of measures to address the demand side of the equation, including closing its borders with neighbours, signing contracts for the supply of oil products to ensure sourcing from lawful suppliers, and publishing records and



Africa's coastline  
faces serious  
environmental  
threats

revenue collection. In another initiative to contribute to this effort, Shell proposed the certification of oil exports based on chemical fingerprinting of crude oil to trace any oil being sold on the open market – similar to the Kimberley Process for tracing rough diamonds.

- **Insufficient coastal protection capacity:** The African coastline has an approximate length of 31 000 km, including North and sub-Saharan Africa. The latter accounts for approximately 18 000 km. Given the naval resources at the continent's disposal, it is impossible for the entire coastline to be permanently patrolled; but the littoral nations' lack of coastal patrol vessels means that vast stretches of Africa's coastline are, in effect, ungoverned spaces. Every African state faces specific challenges on its terrestrial and/or oceanic domain, and it is important to differentiate among them; but there is a group of challenges that are common to most. In general, it can be said that a lack of specific domain vessels means that Africa's coastlines are vulnerable to criminal activities, over-fishing and environmental degradation.
- **Lack of 'deep water' patrol capacity:** True blue-water navies, ie navies with a global, deep-water operations capability, have been used for a variety of purposes: to protect maritime commerce and shipping; to support landward operations (expeditionary operations) in time of increased tension; to use sea power as a means of projecting economic power; to protect the coastal and oceanic domains from threats; and, in days gone by, to project 'imperial' power. For Africa, the priority must be to build up its coastal vessel capacity, but the continent also requires a significant regional capability, or the ability to operate out of sight of land and away from its home-base support. Some of the Horn of Africa pirates operate hundreds of miles from the coast and can only be successfully combated by deep-water ships.

### Capacity of African navies

To the length of coastline should be added the exclusive economic zone (EEZ) – of increasing economic importance with regard to the United Nations Commission on the Limits of the Continental Shelf, which is due to debate claims for increased maritime territory (see the next box). The capacity to control these zones lies in the capacity to patrol and enforce state authority. There is a major imbalance in the maritime resources available to African states. The northern states – those that border on the Mediterranean – have the majority of the assets and these



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will need to  
be embedded  
within regional  
and continental  
organisational  
frameworks

are not practically available for deployment in sub-Saharan waters. In general, to patrol the 7.8 million km<sup>2</sup> of EEZs south of the Sahara, there are:

- 5 frigates;
- 7 medium-range patrol aircraft;
- 18 coastal patrol vessels;
- approximately 60 craft capable of conducting limited offshore patrols; and around the same number of inshore patrol craft.

This assumes an operational status that permits these vessels to be deployed as needed – which is not the case. The key factor here is that most countries are simply too poor to develop or support adequate naval or maritime enforcement forces, raising the necessity for co-operation and regional allocation of forces to a priority.

### **Territorial rights and the ‘scramble for the sea’**

The United Nations Convention on the Law of the Sea (UNCLOS) legislates the territorial claims of coastal nations. The most important aspects of UNCLOS are the Convention on the Continental Shelf (which defines maritime boundaries); and the EEZs, which allocate maritime resource exploitation rights. The UN Commission on the Limits of the Continental Shelf is scheduled to meet in New York from 10 August to 11 September 2009. The meeting will discuss applications from countries that would like to extend their territorial waters beyond the EEZ maximum of 200 nautical miles. More than 50 countries worldwide have made full or preliminary submissions to the UN to increase their maritime territory. They include Kenya, Ghana, South Africa, Mauritius, Nigeria, Togo, Benin, Somalia and Gambia. If successful, these applications will add hundreds of thousands of km<sup>2</sup> of maritime territory to each country. It will also encourage the search for energy and mineral resources on the sea bed. These nations will formally change their status from ‘coastal states’ to ‘oceanic states’. Critics of the process say that it will lead to resource stripping and environmental pollution at sea and on land, and should be resisted, by force if necessary. This contentious ‘scramble for the sea’ is likely to be one of the major challenges for African maritime security during the 21st century.

Human resource  
development is  
a fundamental  
component of any  
maritime strategy

*Growth challenges:*

- **Securing inland waterways:** Africa has approximately 300 000 km<sup>2</sup> of inland waterways (rivers, lakes, etc). Again, given the lack of naval assets, it is not possible to constantly patrol such a large area, but inland waterways face a similar range of security challenges to coastal and ocean areas, including piracy, terrorism, illegal fishing, gun-running, trafficking in illicit goods and environmental degradation. Insecurity on the inland waterways is directly related to inter- and intra-state conflict, either as a cause or an effect. This has a 'cascade effect' on efforts to better integrate development efforts, particularly within the transport sector, leading to uncompetitive costs. Lack of control of the inland maritime superstructure costs Africa billions of dollars in lost revenue – which it can ill-afford. Arms smuggling and cross-border movement of paramilitary groups generate violence, heighten political instability and have a major negative effect on economic growth.
- **Inter-state resource conflicts:** The demarcation of internal waterways has spurred a number of long-running disputes between member states of the AU. There are several examples: Botswana and Namibia have had differences over Kasikili (Sedudu) island; Congolese troops on the disputed Rukwanzi island attacked Ugandan prospectors who were conducting resource surveys in Lake Albert; and Migingo island is the subject of territorial claims by both Kenya and Uganda. As further discoveries are made of major mineral deposits, particularly where they extend across borders, inter-state tension will increase as a result of competition for access.
- **Inefficient and insecure commercial ports:** The incapacity of commercial port structures to move imported and exported goods without delays and unjustifiable added costs results in prices that are uncompetitive on the global market. Anchorages and approaches that are poorly surveyed and dredged, coupled to outdated navigational information and non-functioning navigational aids, lead to increased danger to shipping and subsequent increased insurance costs.
- **Sub-optimal integration of road rail, air and sea transport networks:** Regional organisations such as SADC, COMESA, IGAD and ECOWAS have made conscious efforts to liberalise continental trade, with varying degrees of success. Nevertheless, African countries generally face high transport costs, due to poor infrastructure and institutional deficiencies. High transport costs act as a form of taxation on profits generated by exports; they also increase the cost of imports. Insecure and/or inefficient port facilities are a major contributor to the high costs. Port facilities are the maritime component of what should be an integrated transport network that includes road, rail and port facilities. If one or

It is Africa, not  
its international  
partners, that  
should be setting  
the agenda

the other element in this chain is deficient, it has a negative effect on the entire transport system. This in turn impacts on international trade and intra-African trade and development. Improved transport networks on land, sea and air are integral to Africa's development, and also to Africa's participation in the global economy. The continent has a wealth of natural resources, but the weaknesses in infrastructure reduce the continent's competitive advantage.

- **Tourist industry:** Africa has long advocated that tourism is a foundation stone of its continental economy. Blessed with an abundance of drawcards and diversity, the industry should prove to be an economic driver. However, the bulk of tourists to Africa are those from the richer economies who enjoy higher living standards – and expect these standards to be maintained to a large extent at their tourist destinations. This would include good port facilities, safety of passage, efficiency of personnel, low rates of crime, effective anti-pollution measures and environmental awareness.

*Environmental challenges:*

- **Threats to Africa's fisheries:** The fishing sector is divided into two sectors – capture fisheries, where fish are caught; and aquaculture, where fish are farmed or raised. Although aquaculture presently accounts for over 30 per cent of the world's fish production, it is confined mostly to eastern Asia and, to some measure, to southern Africa. Most scientific opinion agrees that fish farming is the most logical and practical solution to meet the rapidly growing global demand for fish, and not the traditional fishing grounds. These include over-fishing, poaching, and contamination of inland and ocean fisheries. Although estimates vary, it is estimated that Africa's fishing industry earns the continent around US\$10 billion annually through internal trade, global exports and fishing licences to foreign operators. The fisheries are also a key element in the provision of food, and any threat to the security of Africa's fisheries is a fundamental threat to the food security of the continent. Aside from the spectre of potential widespread hunger, there are the 'secondary' effects of Illegal, Uncontrolled and Unreported (IUU) fishing – loss of state revenue and resulting job losses, poverty and the associated social problems like criminality, drug abuse and the erosion of community values. There is a strong opinion that it was the uncontrolled looting of the fishing grounds that has led directly to the emergence of piracy off the Somali coast.

### The African fishing industry

The African fishing industry is widely considered to be in crisis, with over-fishing and a lack of investment threatening its long-term future. Annual exports worth around US\$3 billion, a reliance of approximately 10 million Africans on deriving an income from fishing and the dependence of some 200 million people on fish as a source of inexpensive protein provide an indication of the importance of this industry to the continent. The World Fish Center estimates that in 2006 the fishing grounds of the three primary West African fishing states, Mauritania, Senegal and Guinea-Bissau, lost approximately US\$140 million worth of fish to IUU fishing. The same estimate put the loss to sub-Saharan Africa at around US\$1 billion, and has critically depleted fish stocks. In Senegal the fishing industry contributes 7 per cent to the GDP, constitutes 33 per cent of exports and contributes 75 per cent of the people's animal protein intake. But the problem is not only restricted to the sea – Uganda's fishing industry involves about 50 000 people with close to a million indirectly dependent on it. It is forecast that the industry will cease to exist within the next five years unless drastic measures are implemented to reverse the trend. The destruction of this food source will also have an adverse effect on the other countries bordering Lake Victoria. This does not only threaten a temporary loss of income and employment for the fishermen, but potentially the permanent disappearance of their livelihoods.

- **Natural disasters:** Floods or droughts have proved to be highly destructive, and generally the continent lacks the resources to tackle natural disasters, which may require mass evacuation initially, treatment of casualties, temporary shelter and also the capacity to rebuild the damaged infrastructure. To minimise the impact of natural disasters, it is a priority task to build a containment and reaction capacity.
- **Climate change:** The threat of climate change with its accompanying violent weather is a challenge for Africa in the near future. Unseasonal weather conditions, including unusually prolonged droughts and recurrent flooding, have been experienced in the recent past, and this has serious implications for water security, agricultural areas adjacent to rivers and the fishing on which millions of Africans depend for their food. The changes are also affecting Africa's demography, with more and more formerly rural Africans moving to the coastal regions and cities in search of employment. This will place stress on urban economies and escalate the incidence of financially related crime – and in many cases is

already doing so. Arguably not an immediate priority, this threat to stability needs to be considered and methods found to mitigate the economic and societal effects of climate change.

### **Institutional Implications**

Whatever decisions are taken regarding the formalisation or restructuring of an existing organisation or the creation and establishment of a new one, there are institutions that are integral to the status quo and will have to be carefully assessed to ensure that they are not disadvantaged by the proposed changes. Additionally, there are institutions that have perhaps declined as a result of the very reasons that have encouraged the envisaged changes, and these should be considered as potential facilitators in effecting the changes.

#### **The oil industry in Africa**

The upstream oil industry in Africa is a key component in any strategic assessment of the continent. With reserves estimated at 117 billion barrels, or 9.5 per cent of the world's reserves, and production of 12.6 per cent of the world's output, it has the potential to play a major role in any future scenario. Five countries dominate production – namely Nigeria, Angola, Libya, Algeria and Egypt – together accounting for 85 per cent of the continent's production. To this should be added the group of declining producers and those in the ascendancy who will leverage political power and influence from their positions.

The downstream industry comprises 44 refineries in 25 countries with a capacity equal to 4 per cent of the world's total, again with five countries dominating – Egypt, Algeria, South Africa, Nigeria and Libya – accounting for 78 per cent of the continent's output.

All the major oil companies are present in Africa and should be considered as important stakeholders in any discussions – as separate from the oil-producing countries.

#### **Challenges facing the African maritime Industry: Shipping and shipbuilding**

Apart from South Africa, there is very little capacity in sub-Saharan Africa for major ship repairs. Facilities in all the major South African ports cater for large ships to be dry-docked and others to be attended to on floating docks – a quicker

and cheaper option. For small vessels, typically up to 1 000 tons, all harbours have slipways and a selected few have synchro-lifts that will cater for ships up to 2 000 tons. Walvis Bay has been equipped with a floating dock to supplement its synchro-lift and should be considered as having the core requirements for a ship repair industry. Facilities do exist in the major ports in Africa, but should form the subject of a review to establish their operating status, as these will form growth points for any maritime strategy geared to economic growth.

Shipbuilding is in an even more parlous state. What capacity that did exist in the past has been effectively lost, with Durban retaining a minor facility (Dormac) that will concentrate on tugs and bunker barge-sized vessels, but with the potential to grow.

Unless investment is made in infrastructure, eg dry-docks, manufacturing capacity, dependable supplies of materials for the work, sufficient power, and training facilities where skills can be generated, this rich source of beneficiation will remain under-utilised.

Not all challenges have a negative connotation, however. There are those that, due to a specific situation or environment, negatively affect one party, but create an opportunity for another party to exploit the situation for their own benefit. The impact of the global economic downturn is such an opportunity or challenge within the international institutional environment that can be turned to Africa's advantage (see the box below).

### **Challenges facing the African maritime industry: Maritime regulation**

The global shipping industry has been hard hit by piracy and the global recession. Shipbuilding contracts have been cancelled, while maintenance and port infrastructure costs are increasing. It is estimated that more than 30 of the major shipping companies will go into liquidation or receivership in 2009–10. This will leave a hole in maritime shipping that Africa will need to fill, to ensure that capacity in haulage, etc. is maintained. In addition, the crisis is an opportunity for African states and businesses to find a niche in regulatory security. Many ship owners are failing to pay for the ships that they already have, or have ordered. A number of ship operators are failing or refusing to operate the ships that they have on charter. This has led to the re-emergence of regulatory authorities and contract guarantors to assist claimants to get their money back. The Admiralty

Jurisdiction Regulation Act is designed to clarify rights of states or companies in terms of commercial maritime liabilities. The Act enables the arrest of ships to obtain security for claims to be pursued in arbitration abroad. South Africa has emerged as a leader in the field, but Africa as a whole could stand to gain by more proactive interventions. Ship owners are increasingly reluctant, or unable, to pay port fees, and there has been an increase in the number of ships' crews (some of them African) that have not been paid or are in payment arrears. Taking the cue from South Africa, it is therefore important for Africans to ensure that they are paid for their maritime services by international operators. In addition, the recession shows that it is vital for Africa to acquire more commercial vessels and train the crews to run them. It will also be beneficial for Africa to invest in ship repair and maintenance facilities.

### **Non-state actors: Private security companies**

The private security industry in Africa is large – and growing. However, relatively little is known about it, despite it being a highly pervasive and rapidly expanding industry worth an estimated US\$13 billion and growing at around 8 per cent per annum. As an indicator, Group4Securicor, Africa's largest private security company, employs some 82 000 personnel. The drivers for this rapid rise in the developing world, and particularly in Africa, include an increase in state policies that are more accepting of outsourcing what was previously considered a state responsibility; and public dissatisfaction with the quality of service provided by state institutions. As privatisation of service provision has become more popular, the traditional boundaries between public and private have started to blur and the concerns over possible social fragmentation developing from a confrontation between the public and private sectors have reduced. However, the proposal under consideration, that commercial vessels transiting high-risk areas like the Gulf of Aden or the Somali coast, embark private security personnel as protection, has not only legal implications in terms of international maritime law, but could lead to an erosion of government credibility and an abdication of state sovereignty.

The effective governance of the security sector is a crucial issue in most countries – particularly in the emerging democracies of Africa. Although it may still be too early to make any predictions, the rise of the private security industry and its continued growth in the medium term should not be considered a threat to the state unless there is an absence of a regulatory framework. The presence of

the industry should rather be viewed as creating a new intra-state power relationship that will have an impact on understanding security sector reform in the future.

The ultimate aim should be to ensure that security forces and services are governed according to the principles of democratic control.

- **International collaboration:** Collaboration with international institutions must be accepted. Africa is an integral component of the global maritime environment and must make every effort to remain there. It should be clearly understood that Africa is not being rejected by the international maritime community; rather, it is being asked to improve the environment to permit free trade and movement of goods. International organisations like the International Maritime Organisation (IMO), the International Hydrographic Office (IHO), the International Maritime Bureau (IMB) and the International Chamber of Shipping (ICS) are strictly regulated and answerable in the public domain. They have been created to serve a purpose and entering into partnership with them raises the profile and the status of the partner. It should, however, be recalled that the same strict standards by which they are judged will be expected from members in terms of commitment, compliance and obligations, eg the responsibility for international search and rescue placed on member nations. This is not one-way traffic, as major resource commitments are made in turn, as illustrated by the establishment of the Maritime Rescue Coordination Centres (MRCCs) around the African coast, funded in large part by the IMO. There are presently four MRCCs – in Mombasa (2006); Cape Town (2007); Lagos (2008); and Monrovia (in May this year). These are linked to two sub-centres in Dar es Salaam and the Seychelles. There is a plan on the table for an eventual 26 such centres.

### Other Regional and National Experiences

Africa is not alone in facing challenges in the maritime domain. Other regions have experienced these challenges; evaluated the benefits of action against the cost of immobility; and made national, regional and, in some cases, international commitments to solving the problem. In virtually every example it has been the economic consequence of doing nothing that has galvanised these countries into action. Because of the nature of the maritime environment, they have been prepared to subordinate their national interests to those of the region – invariably reaping the



benefit with the passage of time and the increasing success of the measures that were introduced. Africa has the opportunity to learn from these successful initiatives and adapt their approaches/strategies, thereby saving time and resources that may have been spent on 'reinventing the wheel'. As this is a continual process, other regions are now looking at methods to improve their regimes, providing Africa with a potential rich source of experience on which to draw. Caution is urged not to try and 'take a step too far', as Africa is looking at *establishing* a regime, as opposed to *improving* it.

### South-East Asia

Given the effects of increasing piracy and lawlessness in their high-density shipping zones, Singapore, Malaysia and Indonesia have adopted a comprehensive approach to maritime security, encompassing safety, port security, freedom of navigation, security from piracy and terrorism, and the combating of marine pollution. Despite the lack of an agreed definition of maritime security, the participants signed a 'Statement on Cooperation against Piracy and Threats to Maritime Security' at the 36th ASEAN Ministerial Meeting in Cambodia in June 2003, referring to maritime security as 'an indispensable and fundamental condition for the welfare and economic security of the region'. This provided a focused approach to the priority problems and facilitated success in reducing the number of incidents. Later recognising the narrow approach, the ASEAN countries established a formal Security Community at the 37th Ministerial Meeting in June 2004, emphasising the importance of regional co-operation and a wider view, including the aspects of territorial disputes; major power rivalries; environmental degradation; weapons proliferation; and arms, drugs and human trafficking. An indication of the success of the agreement is the fact that in 2004 the Malacca Straits were considered the region most prone to pirate attacks, with 103 incidents. As a result of these countries' efforts, this number was reduced to 32 in 2008. The region continues to direct its strategy and plans at ministerial level and facilitate execution at departmental level.

### European Union (EU)

A maritime strategy driven by needs of a totally different nature is that adopted by the EU. Recognising the vital importance of the maritime spaces and coasts to the well-being and prosperity of Europe as trade routes; climate regulators; sources of food, energy and resources; and favoured sites for its citizens'

recreation, the EU Commission has launched a comprehensive consultation programme, which it calls an Integrated Maritime Policy for the EU. This is based on the recognition that any such policy cannot succeed unless it is interlinked and is pursued in an integrated, inter-sectoral manner. Its focus is on safety and security of passage, competitiveness, climate change, degradation of the environment, energy security and sustainability. Again, the programme will be directed at the ministerial level and executed at the departmental level.

### Process: Matching Resources to Needs

*The strategy must be the result of a stakeholder effort to ensure representation, contribution and commitment. It should address the requirement, 'WHY' a maritime strategy; the spectrum or field of the environment, 'WHAT' should be addressed and 'WHAT' is to be achieved. The subsequent phase will be to develop the implementation plan that will address 'HOW' it is to be achieved.*

It is accepted that most African states are constrained by a lack of funds, or as mentioned earlier, by a lack of priority for maritime matters. In fact the two are closely interlinked and one invariably can be used to justify the other. The GDP of sub-Saharan Africa in 2007 was some \$691 billion – approximately the same as the Netherlands; only 7 countries, excluding South Africa and Nigeria, had a GDP in excess of \$10 billion. It is very difficult to run a country on less than \$10 billion – let alone make an allocation to maritime interests. However, it should also be recognised that inaction or abdication of action for whatever reasons, will contribute to an unaffordable situation with the passage of time. Additionally, it can be argued that Africa, despite its public pronouncements on common interests, has a tendency to think nationally. It is a continent of independent states with a measure of regionalism where this is of mutual or communal benefit. This mitigates against the development of regional solutions to problems – let alone continental solutions. Although collaboration is increasing across many sectors in Africa, the underlying competition between nationalism, regionalism and continentalism sometimes makes regional/continental solutions more difficult to achieve.

*Audit*

Seen against the preceding statements, it is therefore recommended that an in-depth assessment or audit of Africa's current needs be conducted as a first step in developing a comprehensive maritime strategy; but concurrently, a review should be conducted of existing resources or maritime assets. The subsequent step could be a comparison to determine the shortfall and an assessment of the impact of this shortfall. This would need to be a consultative process at the national, regional and continental levels. Through the consultative process, stakeholders will identify what they see as the key African maritime security needs. They will also be able to identify what resources are available, and what is needed in order to achieve the objectives.

**Issues to be addressed**

- **Maritime legislation and regulations:** Africa's national; bi-lateral; regional and continental maritime regulations need to be more coherent. The penalties for piracy, for example, must be the same wherever the offence is committed in African waters. International maritime legislation and regulations also have to be taken into account to ensure continental and international legislation are not at variance with each other. A maritime regulatory framework will underpin and strengthen Africa's maritime institutions. It will also reduce the likelihood of maritime conflicts of interest.
- **Naval forces:** As indicated previously, African navies with more than ten operational vessels are the exception, and only South Africa has a genuine regional navy. Most of Africa's littoral states have small, limited capacity comprising inshore or coastal patrol boats. In general terms, Africa will need to increase its inland and coastal waterway capacity, and create a collaborative or cooperative deep-water capability. This will entail more and better coastal patrol boats, and greater investment in ships and maritime patrol aircraft to assist in supervising and controlling marine borders. In summary, national and regional maritime resources will need to be better co-ordinated.
- **Coastal and port police forces:** More and better-trained coastal police forces (coastguards) will be required, particularly for countries that already face threats such as piracy; inland waterway-based military insurgency; and drugs, weapons and people trafficking, eg the Gulf of Guinea. Coastal and inland police are also integral to environmental protection and to safeguarding tourist industries. In this regard, the police and other security forces may be the organisations best placed to accurately describe and motivate their resource requirements.

- **Integrating maritime security into Africa's overall security architecture:** Guided by the Constitutive Act of the AU, the Common Defence and Security Policy (CDASP) is a framework for implementing a collective African security strategy. The CDASP is primarily a land strategy that aims to enhance African development through security, as evidenced in the African Standby Force and the Regional Brigades. As one of the primary objectives of this policy, and its resultant organisations, is to address the need for continental Peace Support and Peacekeeping Operations (PSO/PKO) when required, a maritime strategy for Africa would need to consider its contribution to the CDASP. This could be achieved at the existing regional policy-making bodies, with specialist development by the associated regional maritime forums.
- **Sharing of information and intelligence:** National and inter-state pooling of intelligence resources and information is already a major part of Africa's collective security agenda. It will also be important for maritime security. Specific African countries already have bilateral intelligence agreements with international partners such as AFRICOM, the EU, Interpol and the Serious Organised Crime Agency (SOCA). Inter-African maritime intelligence resources will need to be identified and planning sessions will need to be held to see how best the limited resources can be optimised. The aim would not just be to contain military challenges, but to make environmental challenges, such as risk assessment and forecasting for environmental disasters, also fall within the provenance of maritime intelligence.

Availability and easy access to a wide range of natural and human-activity data on the oceans is the basis for strategic decision-making on maritime policy. Given the vast quantity of data collected and stored all over Africa for a wide variety of purposes, the establishment of an appropriate maritime data and information infrastructure is of utmost importance. This data should be compiled in a comprehensive and compatible system, and made accessible as a tool for better governance, expansion of value-added services and sustainable maritime development. There is also a need for improved socio-economic data on the maritime sectors and coastal region as difficulties in obtaining this information are limiting the ability of regional stakeholders to develop rational, long-term plans and investments.

This is a considerable undertaking with many dimensions, and will need to be developed according to a clear and coherent plan. The AU Commission should, in collaboration with lead nations in this field and international organisations, like the International Hydrographic Organisation (IHO), the International Maritime Organisation (IMO), and NGOs and/or civil society

organisations, complement its processes, eg the multi-dimensional mapping of Africa's waters, in accordance with IHO prescripts, in order to improve the access to quality data.

- **Disaster relief, humanitarian assistance and environmental management:** As mentioned above, intelligence sharing will play an important role in predicting environmental crises. But securing Africa's water environment will require specific scientific equipment and more trained personnel. Africa's coastline faces serious environmental threats; for instance, the amount of fish in West African waters has diminished by up to 50 per cent over the past three decades. Coastal pollution off the West African and South African coasts has also increased by approximately 40 per cent in the former case and 30 per cent in the latter over the same period. Somalia faces the risk of massive coastal pollution if there is a collision or destruction of oil tankers; a threat heightened by the fact that ships are increasingly crowded into the dangerous waters off the Gulf of Aden. Inadequate planning in the development and utilisation of Africa's coastline and the ocean floor (below the high water mark) has led, in many cases, to irreversible damage to the coastline – too often the sea is used as a dumping ground for untreated effluent because refuse removal from adjacent urban areas does not exist and the streams running into the sea serve as a cheap and efficient alternative. Existing planning appears to focus on optimal land use with little consideration of how it may affect the sea and vice-versa with major consequences given the potential contribution of maritime transport, fishing, aquaculture, leisure activities, off-shore energy production and other forms of ocean floor exploitation. Many of the coastal wetlands and coastal forests have been lost, particularly on the coast of West Africa. Rivers and lakes are drying up due to climate change and human pressures, and are also becoming more polluted. It will therefore be important to quantify just how serious the environmental threat is at the national, regional and continental levels. Resource inventories can then be assessed and collective capacity building can be implemented to contain the problems.

Maritime spatial planning is therefore a fundamental tool for the sustainable development of marine areas and coastal regions, and for the restoration of Africa's seas to environmental health. Many countries in Africa do have a sound environmental planning regime, but more needs to be done to reverse the damage that has taken place. Responsible decision-making in this area lies with the member states and the necessary competencies need to be developed. A commitment to common principles and guidelines to facilitate the process in a flexible manner is required. This will help to ensure that regional marine

ecosystems, that transcend national maritime boundaries, are recognised, respected and protected.

- **Continental collaborative mechanism:** The maritime strategy will need to be embedded within regional and continental organisational frameworks. Overall, it is the AU that should be the initiator of the process and the regulatory authority. But implementing the strategic vision that would have to be agreed to by the member states of the AU might be the task of specific regulatory and implementary bodies within the AU and regional organisations.

An AU Collaborative Maritime Strategy will require a fresh approach to how member states/national governments manage the various sectors, the way Regional Economic Communities (REC) and Regional Mechanisms (RM) facilitate co-ordination of the interrelated issues and how both these levels interface with continental legislative organisations. Compartmentalised policy development and decision-making will not suffice – a ‘multi-agency’ approach is required.

It is proposed that the AU should

- define the key issues,
- develop a programme of work, with clear statements for quality, quantity and timeframes within a coherent policy framework, and
- create an entity that is authorised to monitor commitments; rewarding achievements and assisting in cases of non-delivery.

The African Maritime Transport Charter encourages the formation of a multi-sectoral or inter-agency approach to planning, implementation and monitoring. These groupings should be organised on the principle of inclusivity, ensuring that all agencies, departments or bodies that are affected by the maritime sector or that make a contribution to it, are represented.

Although pursuing differing objectives and interests, member states and commercial business should consider the establishment of public/private partnerships (PPP) to address their objectives ie shipbuilding, -repair, training, and associated services like maritime centres of excellence, to provide for the needs of the maritime industry. This should be extended to structures like the national port authorities of member states where partnership agreements can be concluded to support the use of available resources at sub-regional, regional and continental level. These multi-agency groupings should be based on the principle of *from Africa for Africa* to retain and re-invest the required maritime expertise.

In this regard, it is also important that when agreements are signed, the stakeholders commit themselves to full implementation of what has been agreed

to, with as little 'slippage' as possible. Examples of uneven continental implementation are the Nairobi and Abidjan Conventions, which task the respective regions with protecting their coasts. The Nairobi Convention, which includes the countries of East Africa, has been relatively successful, with the relevant countries contributing financially and pooling their resources. The Abidjan Convention, referred to generally as the Maritime Organisation of West and Central Africa (MOWCA), is being heavily supported financially and infrastructurally by external players, and continues to make progress (see box). A co-operative initiative that is showing great progress is the AFRICOM-initiated Africa Partnership Station (APS), which has expanded in a short period of time from the successor to a programme called WATC, confined to the West coast of Africa, to military assistance programmes conducted along the coast as far as Kenya. It is argued that a maritime security strategy could work as an 'umbrella' to conventions and agreements that are already in place; but care needs to be taken that such a strategy is empowered, and not overwhelmed, by effective bureaucracy and that adequate funding is made available for implementation.

However, the relative success of collaborative or co-operative agreements is not necessarily an indication of value to the continent, eg the Mediterranean Union (see box).

### **The Mediterranean Union**

Initiated in July 2008 by President Sarkozy of France as a development of the Euro–Mediterranean Partnership (also known as the Barcelona Process), the Mediterranean Union unites member states of the EU with selected North African states that border on the Mediterranean. They would deal with a range of subjects, including energy, security, counter-terrorism, immigration and trade. The Union would work together with the EU on a common judicial area to fight corruption, terrorism, organised crime and human trafficking. Criticism of this agreement is centred on the divisive role it plays in Africa – encouraging the North African or Arab states to 'look north to Europe instead of south to Africa'.

### **Maritime Organisation of West and Central Africa (MOWCA)**

Established under the Charter of Abidjan in 1975, MOWCA consists of 25 African states, including five landlocked countries, and was created with the aim of providing an inter-governmental institution for co-operation in the



field of commercial shipping, the port industry, maritime safety and security, transport to and from landlocked countries, marine environmental protection, and the implementation of international conventions. Of interest in this grouping is that it is not confined by regional boundaries – extending from Mauritania to Angola – and elicits the assistance of international partners like the International Maritime Organisation and the USA, France, Canada and the UK. Current projects include the integrated Sub-Regional Coastguard Network; the Information and Communications Centre; facilitation of transit transport; and the development of the Regional Maritime Fund and Bank. What sets this initiative apart is the concept of co-operation and collaboration regarding the utilisation of assets – as opposed to a system attempting to combine the assets under a form of unitary command or control. These projects are very much in line with the objectives of a continental maritime strategy, but are confined to a ‘super-regional’ area.

### **Current African Union (AU) security and related architecture**

The quest for a peaceful Africa as an integral part of the world community lies at the heart of the AU, as provided for in the Constitutive Act and further specified in the Protocol on the Establishment of the Peace and Security Council. In order to fully assume this responsibility, the AU has devised the establishment of a continental architecture for the maintenance of peace and security as one of the prerequisites for development of the continent. This continental architecture includes the Peace and Security Council, the African Common Defence Mechanism, the African Standby Force (ASF), the Continental Early Warning System, and the Panel of the Wise.

The military component includes the Military Staff Committee and the five Regional Brigades that are in the process of being established, with support from the international community, where requested. The ASF will additionally be composed of a military and a civilian component. A matter for debate is that the Regional Brigades, which are by design a peace support force, have, through their regional structures, entered into agreements with external actors, eg AFRICOM/APS and MOWCA. As this could conceivably lead to a conflict of interest, the relative hierarchy of responsibility should be clarified.

External role players, looking for an opportunity to assist in Africa, tend to have made their approaches at a national or regional level. Is this perhaps



due to an undefined continental structure or the relative simplicity of bilateral agreements?

Whatever the reason, there is a requirement to integrate the spectrum of these initiatives and programmes in order to align them in the common interest.

- **Commercial interface:** It is important to assess what resources are available in terms of maritime facilities. Maritime security must include the protection of maritime commerce and infrastructure. However, much of the infrastructure at ports is in need of upgrading, and the regional integration, repair and maintenance of transport networks will be a priority. This will necessitate reviewing both the physical infrastructure and the human capacity in order to improve efficiency, save time and cut costs.
- **International and legal responsibilities and requirements:** Most of the globally binding maritime security agreements are under the auspices of the UN and its maritime body, the IMO. Africa, like other global stakeholders, is bound by a variety of international maritime treaties and conventions. The most important include UNCLOS. This convention is designed to regulate shipping and clarify the territorial jurisdiction of coastal states. UNCLOS recognises the right of 'hot pursuit' of suspect vessels in sovereign waters, provided the host country or region has agreed to this. Other global conventions include the Suppression of Unlawful Acts against the Safety of Maritime Navigation Convention (SUA) and the International Ship and Port Facility Security Code (ISPS). The ASEAN region has the South East Asia Regional Port Security Cooperative (SARPSCO). Africa may need to learn from the Asian and Latin American experience and craft maritime legislation and treaties that are appropriate for specific African needs and conditions (while also having international validity).
- **Soft infrastructure:** People, training and systems are required, as any strategy is only as good as the people who are tasked with implementing it. Human resource development is a fundamental component of any maritime strategy. This includes training for personnel in their specific tasks and how best to integrate their roles with personnel from commerce. Systems integration and technological upgrades may also be required. Public awareness of the inherent value of maritime resources is fundamental to success – and understanding the impact of human activities on the maritime systems should lay the foundation for responsible utilisation of these disappearing resources. Credible information is essential in the forming of opinions therefore marine science, technology and

scientific research will be required to educate students and the general public on the sustainable development requirements of the world without contributing to environmental degradation. Of pivotal importance to any continental maritime initiative is the visibility and image the AU generates for the maritime environment in Africa, and ensuring the perspective and approach to the oceans and seas is reflected in regard to Africa's inland waters and the challenges faced by island states.

- **Maritime awareness and education:** Maritime training and education in both the commercial and naval sectors is vital for Africa's development and security. Africa has a number of naval academies and educational institutions which provide training and develop maritime skills. There is also evidence of national and regional initiatives, however, more needs to be done to improve co-operation and funding for maritime education. It is also important to encourage the participation of land-locked states. The AU and regional bodies thus need to promote the design of a system providing Africans with better and wider career prospects in the maritime disciplines. This will include broadening the scope of maritime studies and enhancing the skills and qualifications for the maritime professions. During the development of this document, valuable information has emerged of work in progress that should be exploited, the details of which have not been included here in the interests of brevity.
- **Budget:** There will need to be a costing for a maritime strategy. It is perhaps too early to say at this stage how this would be done. Much would depend on whether the maritime strategy is essentially incorporated into strategies and budgets that are already in place (for instance, if it were formally incorporated into the AU's CDASP, then less budget revision might be needed). If the maritime strategy were more of a 'stand-alone' initiative, then it is likely that a larger, specific budget would need to be allocated.

#### **Existing awareness and commitment**

At the Third Sea Power Symposium held in Cape Town in March 2009, the chiefs of the African navies publicly adopted the following resolutions:

- **Continental and regional co-operation:** There is an urgent need for structured continental and regional co-operation to address matters of maritime security and governance, including surveillance, law enforcement, inter-agency co-operation, civil society structures, hot pursuit agreements, data sharing, command and control integration, hydrography, and training. This should be expanded to address search and rescue, humanitarian crisis

response and disaster relief. A commitment must be made to capacitate the Maritime Office of the AU.

- **International co-operation:** Collaboration with international partners must improve to eradicate illegal use of the sea around Africa, improve competence and exchange information.
- **Capability and force design:** ‘Harmonisation’ of regional and continental force structure elements, designs, technologies and support must take place.
- **Policy and governance:** There is the need for the development of a comprehensive maritime security policy for Africa; the collective continental ownership of all issues pertaining to maritime governance; and the integration and development of common laws or the common application thereof to assist in the prosecution of crime.
- **Landlocked states:** Landlocked states are called on to support the maritime initiatives and commit themselves to being included in all agreements pertaining to maritime security.
- **Securing a mandate:** ‘An overriding obligation is placed on all African countries to bring to the attention of their people and their governments the critical importance of the maritime domain to their economic well-being.’ ‘An obligation is placed on delegates to present the proceedings of the Symposium, together with associated resolutions, to their principals in order to achieve endorsement and support by own governments.’

## Conclusion

Awareness of the importance of the maritime environment is evident, but unfortunately not at the level that would raise its profile or change its priority. The object of this initiative is to work towards this goal.

The danger of addressing an all-inclusive maritime strategy at the outset that would benefit the economies of the continent is that the task will appear and prove to be complex and daunting, reducing its chances of success. For this reason, it is argued that this should be a cumulative process, commencing with those components that enjoy the highest priority and commensurate visibility. This will permit concentration of effort – of particular value where resources and funding can be expected to be in short supply.

Developing and implementing a comprehensive African maritime strategy is not something that can be done overnight. It needs to be a consultative process and one that is rooted in the ethos of collective security and development. There can be

no prescriptive formulas; there is no 'silver bullet'. Nevertheless, as events off the Somali coast and Gulf of Guinea have shown, Africa's development cannot truly be sustained if it has to outsource its maritime security to international stakeholders because it lacks capacity. Africa, like other continents, will always have to form alliances with other stakeholders in the face of mutual challenges and opportunities in an interdependent global economy. But it should not be a mere 'recipient' of maritime strategies crafted outside the continent.

It is Africa, not its international partners, that should be setting the agenda and outlining the vision. Moreover, international stakeholders often frame Africa's maritime and general security challenges in apocalyptic terms. Threats are seen as nearly insuperable obstacles and Africa's capacity to influence its own security is often downgraded. Developing an African-owned maritime security strategy will frame the challenges in an altogether more positive light and present an opportunity for the continent to control its own destiny.