

Maritime Safety and Security: Inter-Regional Cooperation

SYLLABUS

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PROGRAM OVERVIEW

Introduction

The Africa Center for Strategic Studies supports the United States' Africa policy by working with African countries to provide security for all Africans championed by effective institutions accountable to their citizens. Since its inception in 1999, the Africa Center has fostered democracy and enhanced professionalism in Africa's security sector through programs that promote productive interaction among senior military and civilian leaders, and establish viable professional networks. It has provided an academic-style forum for Africa's security-related professionals to identify and evaluate current and emerging security threats, agree on strategies and shared responsibilities for national and regional security, and reinforce internationally recognized best practices in their various spheres of activity. The Center's alumni program promotes peer networking among thousands of individuals who have participated in its programs by affording them an opportunity to continue the dialogue and collaboration on key security issues upon return to their home countries.

A decade ago, most discussions regarding maritime security in Africa featured the term "sea blindness," suggesting that despite Africa's extensive coastline and numerous island and archipelagic states, African countries had turned their backs to the sea and had failed to either secure their maritime territory or harness its resources. Through a mix of international attention on the issue of piracy, as well as the major increase in offshore oil and gas production, it is fair to say that African states are not nearly as sea blind as they were a decade ago. The African Union's Africa Integrated Maritime Strategy 2050 (AIMS 2050) provides a strong indication that the continent is taking its maritime space seriously, and there has been a tremendous proliferation of inter-regional, regional, zonal and national instruments focused maritime safety and security and security cooperation. But these efforts have not all been coordinated.

The building blocks for maritime safety and security cooperation have begun to emerge in different parts of Africa. In West and Central Africa, the inter-regional architecture set forth by the 2013 Gulf of Guinea Code of Conduct (Yaoundé Code) is beginning to materialize. In East Africa, the 2017 Jeddah Amendments to the Djibouti Code of Conduct infuse new life into the cooperative initiative born of the need to counter piracy and now sustained by the desire for comprehensive maritime development. But even while the AIMS 2050 provides a chapeau to all these initiatives, they remain more of a patchwork than a framework. And they remain isolated within their respective geographic spaces.

African states, both among themselves, and with the help of partners, have done a lot of work in recent years to improve maritime safety, security, governance and development. While there is still a long way to go, there is an immediate opportunity that has not yet been taken; to work together more comprehensively around the continent to continue to drive forward with this

maritime enhancement. African states and institutions must recognize that, regardless of the challenges on road ahead, Africa has already piloted some of the most novel approaches to maritime security cooperation on earth. The differing experiences around the continent need to be shared. On the one hand, there is extensive value in sharing those experiences with other parts of the world. But first and foremost, the time has come for states and regions around Africa to more consciously engage in the commerce of ideas and work collectively to effect continent-wide maritime safety, security, governance and development.

This seminar seeks to advance these objectives by convening an inter-regional dialogue. It will provide an opportunity to harness the best lessons of what has worked and what hasn't worked, from around Africa, and offer some immediate action points for how to drive forward on making Africa-wide maritime security cooperation a reality. This event will bridge the conceptual-operational divide and tease out reasons why "perfect" approaches on paper have not yielded anything close to perfection on the water. It will also examine how operators can help steer the strategic and conceptual work to fit seamlessly with the reality they face. While the seminar may raise more questions than it answers, it will seek to provide participants with the connections and the understanding to work toward a collective response to those questions. Africa is no longer as sea blind as it was even a few years ago, but there are still gaps and blind spots around the continent and the only way to resolve those vulnerabilities is through cooperative effort.

Seminar Structure

This seminar, spanning four days, will be comprised of both plenary sessions that draw on strategic, policy, academic, and operational expertise and discussion sessions where participants are encouraged to share freely on the topics that arise. The plenary sessions will either involve expert discourse on specific topics, or provide an opportunity to learn from experiences on the water – in Africa and elsewhere. The brief presentations will be followed by moderated question and answer sessions during which participants will be encouraged to share experiences, question assumptions and think through creative approaches. The small group discussions will focus on problem solving. Participants will be encouraged to share perspectives and learn from each other. A team of experienced facilitators will work with participants to this end.

All Africa Center programs are conducted under a strict non-attribution policy. This allows participants to contribute and exchange views without reservation, thereby creating an effective and productive learning environment. Simultaneous interpretation will be provided to allow the seminar to be conducted in English, French and Portuguese. All seminar materials will be provided in these languages.

Academic Material

This document does not offer any definitive or comprehensive guidance on how to proceed with inter-regional cooperation, nor could it; this is still an emerging field. Instead, this document is

intended to provide a range of material and perspectives to facilitate dialogue, a key objective of the seminar. We have not covered all the perspectives, and count on participants' experiences, expertise and knowledge to supplement this document and further enrich the discussions. We therefore strongly encourage you to familiarize yourself with the material for each session and come prepared to share ideas and compare experiences (which may or may not be very different from what is presented in this document). Do not hesitate to articulate your views and to challenge the assumptions and arguments in this document. Arguably, this document covers more issues and materials than can be sufficiently discussed in the available time. There is no expectation that all or even most of the issues and questions will be discussed. We do hope that the materials will encourage critical thinking and evaluation of policy development across the continent, while also serving as useful resource material in the future.

All seminar documentation will be posted on the Africa Center website. You will receive an email with details of how to log on to this website. Please contact us if you have any difficulty accessing it. Ideally, we would like to initiate discussion about the key questions and objectives before the seminar starts. Our facilitators will be available to respond to your questions, discuss your perspectives on the topic and the academic materials, share experiences and examine relevant case studies.

Academic Preparation

Consultation and partnership are hallmarks of the Africa Center's program development process. Formal and informal consultative meetings were held with a wide range of national, regional and international experts, representatives of African governments, representatives of international partners, and stakeholders in relevant U.S. government entities to determine the scope and focus of this seminar. A number of academics and practitioners were particularly helpful in reviewing the content and relevance of the academic material for this seminar

SESSION 1: MARITIME SAFETY AND SECURITY – EVOLVING AND EMERGING CHALLENGES

Format: Plenary Presentation

Discussion Session

Session Objectives:

- Highlight the evolving nature of maritime threats and challenges and discuss how criminal behavior responds to a variety of factors including law enforcement efforts;
- Identify emerging or previously unexamined threats and challenges;
- Recognize the need for constant reflection on the nature of the threat and options to respond to it in order to not just solve old problems but be responsive to current issues and predictive of emerging concerns.

Piracy. Armed robbery at sea. Trafficking of narcotics, weapons and humans. Illegal unreported and unregulated fishing. For years, virtually every African maritime security event has focused on these threats, often revealing them as if the audience was learning of them for the first time. And for a while, it may well have been the first time the audience had heard of them. But African maritime security has made considerable progress. It is time for the discourse to progress as well.

By only focusing on the well-known threats, those responsible for confronting them – at both the strategic and operational levels – can end up blind to how those threats are evolving and to what new challenges may be entering the fray. Rehashing, for example, that Somali piracy happened on the high seas, but Gulf of Guinea piracy tends to actually be armed robbery at sea within twelve nautical miles of the coast is no longer accurate. While such a distinction used to be both helpful and accurate, repeating it today fails to account for the fact that most Gulf of Guinea piracy now is much farther out to sea. The consequence of ignoring that development means that law enforcement agencies stay focused on solving outdated problems, rather than the ones that are actually debilitating the state.

Once a state is able to regularly assess its challenges as they are, not as they were, it can begin to understand the back and forth dynamics between law enforcement and criminals. If law enforcement does X, and the criminals respond with Y, the law enforcement authority can begin to predict the responses to their actions. So next time the law enforcement does X, the responsible authority is also ready to respond immediately to Y with Z. This sort of approach is far more effective than a continuous response cycle. By pursuing X and Z almost simultaneously, the law enforcement is able to shift the criminal dynamic. Crime is always a risk-reward calculus. If the risk becomes too high, the criminals will cease to pursue the reward, at least temporarily. Thus, having an accurate understanding of the current criminal threats is vital to truly addressing them.

Discussion Questions

1. How have the maritime security challenges changed in your country or region in the last five years?
2. Have you noticed a response to law enforcement efforts?
3. Have you noticed new issues that haven't been discussed?
4. Are the regional threats different than the national threats?

Recommended Reading

Ian Ralby, "Cooperative Security to Counter Cooperative Criminals," Defence IQ, 2017, <https://www.defenceiq.com/naval-and-maritime-defence/articles/cooperative-security-to-counter-cooperative>.

Raymond Gilpin, "Examining Maritime Insecurity in Eastern Africa," Soundings, Jan. 2016, http://www.navy.gov.au/sites/default/files/documents/Soundings_No_8.pdf.

Additional Reading

"State of Maritime Piracy 2016: West Africa Overview," Oceans Beyond Piracy, <http://oceansbeyondpiracy.org/reports/sop/west-africa>.

"State of Maritime Piracy 2016: East Africa Overview," Oceans Beyond Piracy, <http://oceansbeyondpiracy.org/reports/sop/east-africa>.

Practitioner Panel: The Maritime Security Cooperation Architecture on Paper and in Practice

Format: Plenary Presentation

Discussion Session

Session Objectives:

- Review the continent-wide African maritime security architecture in terms of both strategies and institutions;
- Explain how maritime security cooperation is supposed to function on the water;
- Provide practical experiences of where the cooperative architecture has truly helped facilitate cooperation on the water, and where there is a disconnect between the idea on paper and the reality in practice.

When drawn as a cascading set of either strategies or institutions, the maritime security architecture in Africa appears coherent and intentional in its design. When drawn as a timeline, however, the patchwork nature of both the strategies and institutions becomes evident. For example, the 2009 Zone D Technical Accord pre-dates the 2013 Gulf of Guinea Code of Conduct which predates the 2014 AIMS 2050. Yet when presented as a layered set of instruments, they would appear in reverse order. The processes of retrofitting these strategic documents and institutions into a functional framework has left a number of gaps. On the one hand, it is important to try to fill the gaps and ensure clarity on paper. But at the same time, the purpose of all the documents is to produce functional maritime security on the water.

The experience of operators working with and under the various cooperative arrangements is vital to both identifying problems with the approach taken by the documents, and revealing discrepancies – both good and bad – between what is intended and how things actually work. Too often, those who form agreements do not interact with the operators who are charged with implementation. The lack of a feedback loop between strategic actors and maritime security practitioners leads to unhelpful divides which undercut the effectiveness of strategies and cause operators to be blamed for not having implemented the good work done on paper. By bringing the practitioner voices to the discussion, the strategic activity can be reviewed in context.

When new institutions are developed and new strategies adopted – and particularly when those developments occur at a rapid rate – divergent views can develop as to the actual roles and responsibilities of the new institutions and as to the real meaning or intent of the strategy. Robust and honest discussion of how these instruments and institutions are understood to work is the only way to identify the discrepancies in views and seek to clarify roles, authorities, jurisdictions,

responsibilities and functions. Such a discussion is vital for the maritime security architecture in Africa to make a successful and sustainable transition from paper to practice.

Discussion Questions

1. Does a map or organizational chart of the instruments of maritime security in Africa mirror a map or organizational chart of the institutions of maritime security in Africa?
2. In your experience, what is the difference between maritime security cooperation on paper and maritime security cooperation on the water? How can the paper help improve the practice? How can the practice help improve what goes on the paper?
3. What are the key factors as to why an agreement is or is not actually implemented?
4. Can an agreement be made on paper after the cooperation already happens in practice or does there need to be written authority from the outset?

Recommended Readings

Ulf Engl, "The African Union, The African Peace and Security Architecture, and Maritime Security," Friedrich Ebert Stiftung, (2014) <http://library.fes.de/pdf-files/bueros/aethiopien/10878.pdf>.

Kamal-Deen Ali, "Maritime Security Cooperation in the Gulf of Guinea: Prospects and Challenges," Brill (2015).

Additional Reading

"National Maritime Strategy Toolkit," ACSS, <http://africacenter.org/wp-content/uploads/2016/07/The-Process-of-National-Maritime-Security-Strategy-Development-in-Africa.pdf>.

Session 2: Coordination Around the Continent in the AIMS 2050

Format: Plenary Presentation

Discussion Session

Session Objectives:

- Identify what AIMS 2050 prescribes regarding maritime security cooperation in Africa;
- Review what has been done thus far to implement the AIMS 2050 – at the AU and around the continent;
- Provide a better understanding of how existing initiatives help effectuate the Strategy.

On January 31, 2014, the African Union adopted the Africa Integrated Maritime Strategy 2050 (AIMS 2050). The Strategy ‘provides a broad framework for the protection and sustainable exploitation of the [African Maritime Domain] for wealth creation’.¹ It ‘is structured to address contending, emerging and future maritime challenges and opportunities in Africa, taking into account the interest of landly connected countries, with a clear focus on enhanced wealth creation from a sustainable governance of Africa’s inland waters, oceans and seas’.² This umbrella for all the maritime security strategic activity in Africa should help guide the regional and inter-regional efforts on maritime security enhancement and cooperation. Indeed, the AIMS 2050 establishes that the key building block for continental cooperation is whole-of-government or inter-agency cooperation within a state. Once a government can cooperate within itself, it can begin to cooperate with other states. The Strategy goes on to encourage a process that joins up the building blocks of cooperation around the continent.

Given that numerous maritime security initiatives, strategies, institutions and cooperation regimes predate the AIMS 2050, however, it is sometimes seen to sit in awkward juxtaposition to these older efforts. The patchwork of initiatives were not designed to fit under a continent-wide strategy, so some take issue with such a chapeau having been reverse-engineered. But the AIMS 2050 has the chance to be complimentary rather competitive, and supportive rather than hierarchical when it comes to maritime security initiatives at the national, zonal, regional, or inter-regional levels.

Considered thinking must be applied to how AIMS 2050 can assist rather than encumber the work that is already being doing at all levels around the continent. And national actors should look to see how their efforts can simultaneously augment the maritime security capacity and capability of their country, zone, region and continent at the same time. While it may not have been born of a parsimonious design the relationship between AIMS 2050 and the inter-regional, regional, zonal and national initiatives must be melded into a functional interplay. Given the vision that AIMS 2050 sets for a continent-wide

¹ 2050 Africa’s Integrated Maritime Strategy, Executive Summary, available at http://cggrps.org/wp-content/uploads/2050-AIM-Strategy_EN.pdf.

² *Id.*

maritime security picture tied to maritime governance and development, there is no reason why that cannot happen.

Discussion Questions

1. How does your work, whatever it may be, fit within the AIMS 2050 and help contribute toward maritime security not just in your state or region, but throughout the continent?
2. Do you see value in tying the national, zonal, regional and inter-regional efforts to the AIMS 2050, even if those efforts predated it?
3. Should the AU play a bigger role in maritime security? If so, does it have a role in assisting the regions with coming together around the continent to cooperate on maritime security?
4. What can individual states do to help realize the vision of AIMS 2050?

Recommended Reading

Africa Integrated Maritime Strategy 2050, AU, http://cggrps.org/wp-content/uploads/2050-AIM-Strategy_EN.pdf.

Timothy Walker, "Reviving AU's Maritime Strategy," ISS Policy Brief, Feb. 2017, <http://dspace.africaportal.org/jspui/bitstream/123456789/36352/1/policybrief96.pdf?1>.

Additional Reading

Barthélemy Blédé and Timothy Walker, "Fulfilling the Promise of the Lomé Maritime Summit," ISS, 21 Oct. 2016, <https://issafrica.org/iss-today/fulfilling-the-promise-of-the-lome-maritime-summit>.

Session 3: Sharing Information and Maritime Security Responsibilities

Format: Plenary Presentation

Discussion Session

Session Objectives:

- Review the institutions of information sharing around the continent;
- Identify the examples of sharing maritime security responsibilities;
- Distinguish different forms of cooperation;
- Make the case for enhancing cooperation to include sharing of information and responsibilities.

“Information sharing” is routinely discussed in maritime security circles. Because threats in the maritime space ignore national borders and operate transnationally, the response to such threats must also overcome the challenges posed by national sovereignty. Information sharing is often seen as the key cooperative mechanism for doing so. But, as a number of examples around Africa have shown, it is not the only means of cooperating. States can choose to share responsibilities and work collectively as a transnational unit to address transnational threats. The same mechanisms for cooperating on information sharing can often also help facilitate more extensive cooperation.

Including sharing information and responsibilities, there are at least five different forms of cooperation.

1. Within governments (whole-of-government /inter-agency cooperation)
2. Between and among governments (bilateral, zonal and regional)
3. Between and among regions (inter-regional)
4. With international partners, both foreign states organizations (international)
5. With the private sector and NGOs (public-private)

Too often “information sharing” is mentioned, but no one clarifies what information, and with whom. The failure of the Maritime Trade Information Sharing Center (MTISC-GoG), for example, was partially due to the notion that it was a “private” initiative. But the question is why that matters if the information is helpful to law enforcement agencies. Information sharing or sharing of maritime security responsibilities should not be done simply for the sake of sharing. All involved must see and understand the benefits on both sides. A purpose-driven approach will always lead to more creative and productive means of accomplishing the desired end. Thus understanding what information is needed and why maritime security responsibilities are shared is fundamental to successful cooperation along all five lines of operation.

Discussion Questions

1. With whom do you cooperate for your work? What benefits have you experienced from information sharing at any level? Sharing of responsibilities?
2. What are the barriers to information sharing and sharing of responsibilities that you have encountered?
3. What added information or collaboration would help you in your work?
4. Do you engage with the private sector or NGOs?

Recommended Reading

Programme to Promote Regional Maritime Security (MASE), EU Documents, https://ec.europa.eu/europeaid/sites/devco/files/aap-financing-africa-india-af-20130508_en.pdf.

“New Reporting Center for Piracy in GoG Launched,” Safety4Sea, (June 21, 2016), <http://www.safety4sea.com/new-reporting-centre-for-piracy-in-gog-launched/>.

Sylvestre Fonkoua, “Informational Sharing in the Gulf of Guinea,” US Naval War College, [https://www.usnwc.edu/getattachment/Events/Regional-Symposia-\(1\)/RAS-Africa/Presentations/4-b-CAPT-Foukoua-INFORMATION-SHARING-IN-GOG.pdf.aspx](https://www.usnwc.edu/getattachment/Events/Regional-Symposia-(1)/RAS-Africa/Presentations/4-b-CAPT-Foukoua-INFORMATION-SHARING-IN-GOG.pdf.aspx).

Additional Reading

Office of the Chief of Naval Operations, “Maritime Operations Center,” U.S. Department of the Navy (April 2013) [file:///Users/ian/Downloads/NTTP_3-32-1_MOC_\(Apr_2013\).pdf](file:///Users/ian/Downloads/NTTP_3-32-1_MOC_(Apr_2013).pdf).

Session 4: Inter-Regional Coordination – Yaoundé and Beyond

Format: Plenary Presentation

Discussion Session

Session Objectives:

- Provide both a history of and update on CIC Yaoundé;
- Share the content and new direction of the Jeddah Amendments to the Djibouti Code;
- Explore points of cooperation between the existing regional institutions around the continent;
- Identify concrete steps to help facilitate the functionality of inter-regional cooperation.

CIC Yaoundé has recently been reborn and, with a new leadership team, has the chance to serve as a model institution for inter-regional cooperation. But the challenges it has experienced since 2013 also offer valuable lessons on two levels. First, the trials of CIC Yaoundé should be instructive for what sorts of difficulties other such institutions may face. These include funding hurdles, personnel accountability, lopsided management structures, imbalanced participation from the regions, unclear roles, and the interference of minor issues with major efforts. The restart of CIC Yaoundé affords an opportunity to learn from the missteps and forge a new approach to overseeing inter-regional cooperation in Africa.

Not having a designated institution for inter-regional cooperation, however, does not preclude the regions from working together. At a minimum, open lines of communication can help share updates, new lessons and insight, as well as emerging concerns. The regions can take inspiration and heed caution from the activities of the other parts of the continent and allow for inter-regional cooperation to grow organically.

A key starting point for such transcontinental cooperation is to know what is happening in the different regions. Understanding the reinvigorated approach of CIC Yaoundé is important for the East, South, and Indian Ocean States. Similarly, understanding the substance of the recent Jeddah Amendments to the Djibouti Code of Conduct can allow the other regions to reflect on how those aims and objectives are pursued within their own part of the continent.

Familiarity with regional activities, however, is not, itself, sufficient to produce a movement toward maritime security cooperation all the way around Africa. Knowing not just the institutions involved, but how to get in touch with them is vital to ensuring that the commerce of ideas and the exploration for points of cooperation continues beyond a workshop or a conference. Designating points of contact and compiling such contact lists, establishing opportunities for discussion, becoming proactive in sharing lessons and warnings, and moving, at the inter-regional level, towards the sort of engagement now seen within regions requires the conscious and concerted effort of maritime stakeholders throughout Africa.

Discussion Questions

1. How can the regions not covered by the Yaoundé Code or the Djibouti Code cooperate even in the absence of a Code of Conduct?
2. What existing institutions and mechanisms might be useful for facilitating inter-regional cooperation, even without developing other CICs?
3. What is the value of geographically non-contiguous regions cooperating?
4. On what matters specifically should regions cooperate with each other?
5. What are the key roles and responsibilities of a center for inter-regional cooperation?

Recommended Reading

Gulf of Guinea Code of Conduct (Yaoundé Code of Conduct), June 2013,

http://www.imo.org/en/OurWork/Security/WestAfrica/Documents/code_of_conduct%20signed%20from%20ECOWAS%20site.pdf.

Jeddah Amendments to the Djibouti Code of Conduct, January 2017,

<http://www.imo.org/en/OurWork/Security/PIU/Documents/DCOC%20Jeddah%20Amendment%20English.pdf>

Additional Reading

Efthymios Papastavrids, “Combatting Transnational Organized Crime Committed at Sea,” UNODC, 2013, https://www.unodc.org/documents/organized-crime/GPTOC/Issue_Paper_-_TOC_at_Sea.pdf.

Critical Maritime Routes Programme, GoGIN, <https://criticalmaritimeroutes.eu/projects/gogin/>.

Case Studies in Africa: Zone D, Southern Africa and 5+5

Format: Plenary Presentation

Discussion Session

Session Objectives:

- Understand some of the key success stories to celebrate regarding maritime security cooperation in Africa;
- Distinguish the approaches that different regions have taken;
- Identify analytical and conceptual elements that are potentially applicable between the different regions, even in vastly different contexts.

Zone D is a remarkable success story, not just for West and Central Africa, but for maritime security cooperation globally. In 2009, the newly formed Zone D drafted a four page Technical Accord concerning the sharing of information and maritime law enforcement responsibilities. The four states of Cameroon, Equatorial Guinea, Gabon and São Tomé & Príncipe then implemented that agreement. With a maritime operations center in Douala, Zone D provides one of the best examples of maritime law enforcement cooperation on earth. In April 2015, ACSS hosted an event on security cooperation under the Yaoundé Code at which a collective decision was made to update the Technical Accord into a legal agreement. Zone E, while not operational on the water, had drafted a remarkable legal agreement that really stood in stark contrast to the Zone D Technical Accord. While the process of updating that Accord continues, Zone D offers an example of where only a thin document was needed to produce substantial operational cooperation. Once that cooperation became the norm, the states could reconvene to enhance the operations by essentially pre-resolving all the legal issues that might arise in the course of their operations. The discussion at that point, however, was not theoretical, but based on the actual day-to-day experience of operators. This back and forth between the paper and practice presents a different, and more successful approach than many other regimes have experienced.

Southern Africa presents a different model of cooperation. South Africa, concerned about piracy moving southward from Somalia, has, since 2011, deployed a rotating force of offshore patrol vessels, frigates, and maritime patrol aircraft to the Mozambican Channel. Since that deployment began, piracy seems to have been effectively deterred from entering Mozambique's waters. Known as Operation Copper, this mission was recently extended on April 1, 2017 for an additional year on the grounds that the threat is now the greatest it has been since 2010. That said, this approach to sharing – a country with resources, providing protection to countries with far more limited capacity – has been extremely effective in safeguarding an entire region.

Finally, the 5+5 is a cooperation regime that does not normally enter the discussion of maritime security in Sub-Saharan Africa. This North African-Southern Europe arrangement brings the states of Portugal, Spain, France, Italy, and Malta together with Mauritania, Morocco, Algeria, Tunisia, and Libya. Not only

is this an example, initiated in 1983 and operational since 1990, of broad spectrum cooperation that goes beyond maritime security, it is also an example of how states can cooperate at the inter-regional level despite bilateral tensions. The border between Morocco and Algeria has been closed for decades and relations between the neighbors remain strained. Yet Morocco and Algeria are able to cooperate with each other on maritime security through their participation in the 5+5. While in many cases, maritime security cooperation has only occurred because of the relationships between certain states and even certain individuals, the 5+5 shows that the shared benefits of maritime security cooperation can actually inspire states and individuals to overcome animosity and pursue a common interest collaboratively.

Discussion Questions

1. What lessons from these other parts of Africa might be applicable in your region?
2. Discuss the effects of defense corruption on state institutions. How does corruption undermine national security objectives?
3. What oversight institution in your country identifies corruption? Is it effective in preventing and punishing corruption? If not, why not?
4. What has been the role of local civil society in measuring and countering corruption in your country?

Recommended Reading

Republic of South Africa, Defence Department, "Operation Copper: Maritime Security in the Mozambican Channel" http://www.dod.mil.za/operations/international/operation_copper.htm.

"5+5 Defence Initiative: Together Promoting Security in the Western Mediterranean" <https://www.5plus5defence.org>.

Additional Reading

Ian Ralby, "A Human Security Approach to Maritime Security in the Gulf of Guinea," *Comparative Jurist*, 31 Aug. 2016, <https://comparativejurist.org/2016/08/31/a-human-security-approach-to-maritime-security-in-the-gulf-of-guinea/>

Sam Bateman, "Cooperation is key to security maritime security in the Indian Ocean," *The Conversation* (7 Nov. 2016) <http://theconversation.com/cooperation-is-key-to-securing-maritime-security-in-the-indian-ocean-67989>.

Case Studies Outside of Africa: The Caribbean, Southeast Asia, Inter-Continental

Format: Plenary Presentation

Discussion Session

Session Objectives:

- Learn about maritime security cooperation regimes outside of Africa;
- Identify key elements of security cooperation that have worked in other parts of the world that might be applicable to Africa;
- Recognize how Africa's approach differs from what has been done elsewhere;
- Emphasize the growing global recognition of maritime security cooperation as vital for protecting the maritime domain *against* security and environmental threats, as well as protecting the maritime domain *for* the enrichment of states and the improvement of life on land.

Maritime security cooperation is perhaps the principal focus of maritime capacity building efforts in Africa. But maritime security cooperation is, by no means, unique to Africa. In other parts of the world, it is, at this point, just how things are done. The United States and Canada cooperate extensively across their borders on both coasts and have a standing legal arrangement for how to do so. The states of Europe have come together in recent years to establish EU Naval Forces to work collectively on common maritime security threats. NATO's Allied Maritime Command is a transatlantic cooperative maritime force. The Combined Maritime Force (CMF) in the Middle East is a cooperative maritime security, counter-terrorism and anti-piracy initiative among 26 states. The North Pacific Coast Guard Agencies Forum is an effort that brings together the maritime security forces of the North Pacific states including Canada, China, Japan, Korea, Russia and the United States – not a group of states that normally all work together. The list could go on. A few examples, though, show how this can work, and what the challenges may be.

In 2003, the Agreement Concerning Cooperation in Suppressing Illicit Maritime and Air Trafficking in Narcotic Drugs and Psychotropic Substances in the Caribbean Area, also known as the Treaty of San José, created a new regime for maritime security cooperation in the Caribbean on the issue of trafficking. The 2008 CARICOM Maritime and Airspace Security Cooperation Agreement expanded that regime to a broader maritime security focus. In both cases, the agreements provide for the states parties to share maritime law enforcement responsibilities, even entering each other's territorial waters in order to achieve the aims and objectives of collective maritime security as agreed.

The Association of Southeast Asian Nations (ASEAN) established in 1994 the ASEAN Regional Forum (ARF) for addressing matters of regional concern. Through the ARF, the community of states have piloted and developed a number of regional maritime security initiatives. One of the most successful initiatives in the region has been the Regional Cooperation Agreement on Combatting Piracy and Armed Robbery Against Ships in Asia (ReCAAP). With 20 members, this undertaking has, for relatively little

cost, established a regional information sharing center based in Singapore that has helped not only compile a joined-up regional picture about maritime security threats and challenges, but help coordinate responses to them. Perhaps the most successful and sustainable regional center of its kind, ReCAPP has also now signed cooperative agreements with a variety of international and industry bodies including IMO, BIMCO, INTERTANKO and others. The complimentary capacity building efforts of ReCAPP help to ensure consistent development across the entire region.

Globally, the trend in maritime security is moving toward inter-regional cooperation. And that includes cooperation between governments and industry. The experience of the multinational forces in the Northwest Indian Ocean to address piracy off Somalia has somewhat helped to galvanize that trend. The navies of states with incredibly strained relations were able to find neutral intermediaries like the EU NAVFOR through which to communicate and cooperate to collectively address the scourge of piracy. Our common interest in securing the safety, security and sustainability of the seas should make cooperation possible in almost any context.

Discussion Questions

1. What other examples of maritime security cooperation have you encountered?
2. States in Africa are often encouraged to cooperate as a means of sharing resources to overcome their lack of capacity. Why, then, would the largest states in the world be so actively engaged in maritime security cooperation, as well?
3. What are the main benefits of maritime security cooperation?
4. What can African states and regions learn from these other examples?
5. What could these other parts of the world learn from Africa?

Recommended Reading

Treaty of San José, <https://www.state.gov/s/1/2005/87198.htm>.

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Ohara Bonji, "Multilateral Maritime Security Cooperation in East and South Asia," Tokyo Foundation, (March 25, 2015), <http://www.tokyofoundation.org/en/articles/2015/maritime-security-cooperation-in-asia>.

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Christian Bueger, "Regional Information Sharing II: A Visit to the ReCAAP ISC," Bueger, (March 14, 2014), <http://bueger.info/regional-information-sharing-ii-a-visit-to-the-recaap-isc/>.

Gaye Christofferson, "China and Maritime Cooperation: Piracy in the Gulf of Aden," Institut für Strategie- Politik- Sicherheits- und Wirtschaftsberatung Berlin, 2009, https://www.files.ethz.ch/isn/111041/Piracy_Gulf_Aden.pdf.

Additional Reading

Edmund Dillon, "Security Cooperation in the Caribbean," Notre Dame, <http://www3.nd.edu/~ggoertz/rei/reidevon.dtBase2/Files.noindex/pdf/0/dillonpaper.pdf>.

Aleeza Mosley, "The Implementation of International Maritime Security Instruments in CARICOM States," UN, 2010, http://www.un.org/depts/los/nippon/unnff_programme_home/fellows_pages/fellows_papers/moseley_0910_barbados.pdf.

Anthony T. Bryan, "Building Regional Security: Cooperation in the 21st Century," Western Hemisphere Strategic Analysis Center, 2011, <http://digitalcommons.fiu.edu/cgi/viewcontent.cgi?article=1045&context=whemsac>.

EU-Asia Dialogue, "Maritime Security and Piracy: Common Challenges and Responses from Europe and Asia," Konrad Adenauer Stiftung, 2014, http://www.kas.de/wf/doc/kas_40560-1522-2-30.pdf?150227050158.

Session 5: Strengthening Information Sharing and Law Enforcement Cooperation

Format: Plenary Presentation

Discussion Session

Session Objectives:

- Recognize the challenges – practical, diplomatic, legal, etc. – that occur when states share information and law enforcement or security responsibilities;
- Make the case that the best time to resolve legal disputes is before they occur;
- Recognize the need for cooperation beyond government actors;
- Identify steps toward inter-regional information sharing in Africa, and opportunities for law enforcement cooperation.

It is one thing to talk about what has been done and what problems have arisen, it is another to look for ways to resolve issues and move forward on enhanced cooperation for enhanced security. The examples from other regions of Africa and other parts of the world provide some key lessons for how to make information sharing as valuable as possible and how to make maritime law enforcement cooperation a functional reality on the water. But, as Mark Twain famously quipped, “When your only tool is a hammer, every problem looks like a nail.” Just because something has worked in one place doesn’t mean it will work elsewhere. It may need to be altered, or something completely different may be needed to accomplish the same end in a different context. A key component, therefore, of making maritime security cooperation successful is to understand the particular legal, political and cultural nuances which need to be considered in devising a functional system.

From a legal standpoint, for example, information sharing can actually be quite tricky. The line between information sharing and intelligence sharing is often quite thin. Once a piece of information becomes classified by a government, sharing it becomes much more legally challenging – even within that government. In the context of maritime information sharing, therefore, it is important to keep the distinction in mind, and not trigger the legal challenges that arise when trying to share information between states and regions. Given the need to share information with the maritime industry, the distinction between information and intelligence is all the more important. At the same time, when there are, perhaps, bilateral tensions or even legal concerns such as an embargo, caution must be heeded on what information is shared. States must carefully weigh the potential concerns of sharing information against the potential benefits. At the end of the day, most states, even states that do not normally cooperate, have found positive returns on making the effort to share information on maritime security.

One aspect worth noting, that does not come into the picture as much as it should, is that cooperation is also incredibly important for maritime safety. More people die from maritime safety issues each year than maritime security incidents. The same channels of information sharing and operational cooperation can be helpfully deployed to save lives and protect the marine environment as they are to guard against

security threats. Thus the benefits to cooperation must be viewed more expansively than merely a matter of security.

Given the opportunities presented by maritime cooperation, contrasted against the potential legal and political challenges that could arise, one lesson to draw from many of the successful regimes is to seek to pre-resolve legal disputes and to clarify likely points of contention. It is far preferable to address controversial topics like hot pursuit, vessel identification procedures, ship rider agreements, asset forfeiture, jurisdiction and authority and other such matters on land in comfort in advance of when they arise on the water amid an emergency. There are different ways of doing so, but it seems that a partial approach, followed by implementation, followed by a more complete approach is the best way. In other words – try to agree on major issues, then start working to actually cooperate on the water, then return to the table and deal with the details, informed by the operational experiences.

Discussion Questions

1. What are the key disputes that are likely to arise in the coming years within your region or between your region and neighboring parts of African with regard to information sharing and maritime law enforcement cooperation?
2. Whose responsibility is it to convene a process to address those disputes?
3. What legal disputes have you encountered that could have been pre-resolved?
4. Reflecting on Session 3 on information sharing and sharing of security responsibilities, Session 4 on AIMS 2050, and the two sessions on African and non-African case studies, what do you think could be tried in your region that has worked elsewhere? What has worked elsewhere that might not work in your region and why?

Recommended Readings

Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations Between the Government of the United States of America and the Government of Canada, May 2009, <https://www.state.gov/documents/organization/207334.pdf>.

Multilateral Agreement Regarding the Creation of Zone E of the Maritime Region of West Africa and Cooperation to Suppress Illicit Activities at Sea, Maritime Crime and Justice Primer, http://africacenter.org/wp-content/uploads/2016/03/Gulf_of_Guinea_Maritime_Security_and_Criminal_Justice_Primer.pdf.

Additional Reading

Sam Bateman, “Capacity Building for Maritime Security Cooperation: What are we Talking About?,” 2005, <http://ro.uow.edu.au/cgi/viewcontent.cgi?article=1433&context=lawpapers>.

Plenary Discussion: Moving Forward Sustainably

Format: Facilitated discussion.

Session Objectives:

- To identify actionable lessons from the week;
- To brainstorm key steps on the road ahead for inter-regional cooperation in Africa;
- To harness new ideas for how to raise the level of maritime security cooperation around the continent;
- To canvass ideas for what would be most helpful in facilitating inter-regional cooperation.

Too often a workshop, seminar or conference ends without any clear trajectory. This final session is an opportunity for participants to engage in a facilitated discussion about what they have learned and what they intend to do with it. It is also a chance to clarify points that may have been unclear earlier in the week, or follow-up on questions that were posed. But the main focus is to engage with the participants collectively. There is tremendous value in actually articulating what lessons one may take away, and almost equal value in hearing colleagues express as much. As the aim of this seminar is to contribute to the momentum concerning maritime security cooperation in Africa, a key aim of this session is to hear participants identify not just what they think should happen next, but what they actually intend to do, in their own roles, to realize the vision of AIMS 2050, to implement applicable inter-regional, regional or national strategies, and, generally, help enhance maritime security cooperation around the continent. This final session is also an opportunity for participants to suggest what external support would be helpful in the future. This chance to make requests is tempered by the recognition that the process must be African led, externally supported, rather than the other way around. Finally, it is an opportunity to pose questions to the audience about how success should be measured. In summary, this final discussion aims to ensure that the seminar as a whole is a means to an end, not just an end in and of itself.

Discussion Questions

1. What are some of the key things you learned this week?
2. What did you expect to hear this week that you did not? What did you hear this week that you did not expect?
3. What needs to happen next to make inter-regional cooperation around Africa a reality?
4. What are you, in your own role, going to do to further that end?
5. What can external partners do to help in the future as you push forward with enhancing pan-African maritime security cooperation?
6. What would benchmarks of success look like?
7. What can be done to ensure the current momentum continues?