Maritime Safety and Security: Whole-of-Africa Maritime Dialogue – Clarifying the Maritime Security Architecture in Africa

Program Summary

Windhoek, Namibia

13-17 May 2019

BACKGROUND AND EVENT SUMMARY

Building on a July 2017 workshop on Inter-Regional Cooperation for maritime security, the Africa Center for Strategic Studies launched a "Whole-of-Africa Maritime Dialogue" in March 2018. The success of that event in opening new lines of communication between African maritime professionals, and generating new ideas for how to successfully secure, govern and develop the maritime space around the continent led to calls to continue that exchange. From 13-17 May 2019, the Africa Center answered those calls with a second Whole-of-Africa Maritime Dialogue in Windhoek, Namibia. Focused on "Clarifying the Maritime Architecture Around the Continent," twenty-eight (28) countries were represented, along with key regional mechanisms, and the African Union.

Some key proposals were put forward to help clarify the security architecture around the continent, including:

- Reconceiving of the "Gulf of Guinea" as "Atlantic Africa" and expanding the Yaoundé Architecture to cover the entire Atlantic coast of the continent in order to place emphasis on "Safety and Security in Atlantic Africa" or "S2A2."
- Continent-wide engagement with landlocked or "landlinked" states in order to advance a truly whole-of-Africa approach to maritime security, as the absence of a coastline does not translate into a lack of interest in or reliance on a safe, secure maritime domain.
- Creating intentional overlaps in the architecture so as to not create seams at key points of geographic transition, particularly Morocco, Egypt, Somalia and South Africa.
- Supporting African Union stewardship of the Africa Integrated Maritime Strategy 2050 by sending regional representatives to the AU to cover the spectrum of maritime security, governance and development matters required to oversee continent-wide implementation.
- Extending the IORIS information sharing platform to all African Maritime institutions.
- Developing a network of legal professionals and formal arrangements for mutual legal assistance to share maritime legal experience and expertise among African states in pursuits of legal finish for maritime security operations.
- Enhancing training on overlooked security threats including human trafficking, maritime environmental crimes, and public health issues, but not merely as a long list of discrete issues, rather an interconnected network of challenges that have to be addressed holistically.

- Closing the gap between maritime the safety and security cooperative architecture whereby states, using the same equipment and same personnel as they do for maritime security, cooperate for search and rescue in different groupings than they do for security operations.
- Continuing the Whole-of-Africa Maritime Dialogue in Addis at the African Union.

Host Country

Namibia was an exceptional host, and helped all participants to understand its approach to maritime governance, and learn about its history through a visit to key sites in Windhoek. Opening with a summary of its bold and forward-thinking approach to maritime development, Namibia proved the ideal setting for discussing out to advance both the architecture and real-world practice of maritime safety and security throughout the continent. The Dialogue ended with tremendous energy to keep making progress and moving things forward.

ANALYTICAL OUTCOMES

1. Africa Must Not be Blind to Any Maritime Threats or Challenges

The traditional list of maritime threats is now well-known: piracy, armed robbery at sea, trafficking of drugs, weapons and humans, environmental dumping, illegal bunkering and illegal, unreported and unregulated (IUU) fishing. While that list already gives maritime law enforcement agencies plenty of work to do, there are other matters about which they need to be aware in order not to have exploitable blind spots. Resources are limited and prioritization is an unavoidable reality, but awareness of certain maritime matters can help both reduce the chance that that the maritime space is used, at will, by criminals for illicit gain, and limit the extent to which matters on the water pose significant or even existential threat to life on land.

Maritime health considerations are often overlooked. While the media has paid a lot of attention to Ebola and the concern of disease spreading from Africa, there is of course the concern of disease spreading within Africa, but also of disease coming from elsewhere to Africa. Whether the current Measles epidemic or another infectious disease outbreak, a public health crisis in another part of the world could easily make its way to Africa through both commercial and passenger vessels. Having clear health protocols in the maritime space, and seeking to confirm that all mariners know them is extremely important to avoid a public health crisis emanating from or heading to the maritime domain.

Other overlooked concerns include environmental crimes, certain types of trafficking and both cyber and technological concerns. With the help of technology it is now becoming clear that there are rampant and systematic violations of the International Marine Pollution Regulations (MARPOL), and particularly Annex I on ship to ship transfers. Lax enforcement has made Africa an attractive area for illegal transshipment and considerable work is needed to counter that in order to reduce the already costly spilling that occurs from such operations. There is a significant amount of potential money in enforcement of MARPOL through assessment and collection of penalties, but it has to be taken on by the law enforcement agencies. Additionally, in advance of IMO 2020 and the MARPOL Annex VI change in sulfur content of fuel, there is likely to a spike in fuel contamination in an effort to cut costs. Outright dumping is also an ongoing concern that is not being policed, but has dramatic impact on the blue economy. And both offshore mining and nearshore sand mining and illegal dredging have huge environmental impact, but go almost completely unchecked.

In terms of trafficking, drugs and, to a lesser extent, weapons, are receiving considerably more attention in Africa, but other forms of trafficking need great attention, as well. Human trafficking is discussed, but little is done to counter it – as mentioned further below – and smuggling of benign goods have gone underappreciated until recently. Charcoal, honey, sugar, and fuel are all seemingly innocuous goods, but all have been used as funding streams for transnational organized crime groups and terrorists alike. Similarly, antiquities and cultural property trafficking is on the rise and Africa, without vigilance, could be susceptible to being used for transshipment.

Cyber threats are on the rise around the world, and the maritime space is extremely vulnerable, particularly as it becomes more automated. African states need to be prepared to address maritime cyber threats of all sorts – from spear phishing to navigational spoofing to complete hacking of systems – and should develop protocols to address cyberattacks. Furthermore, submarine data cables carry 95-97% of all telecommunications – both phone and internet – data, making them vital to our way of life. Without conscious protection and resilience plans, national stability and security could be jeopardized by a careless fishing operation, a dragged anchor or a criminal with a scuba suit. Submarine cables must be part of the maritime security consciousness of all states in Africa.

2. Age-old Threats Must be Revisited

Even though the well-known threats are easily repeated at every program on maritime safety and security, identifying them and addressing them, both on the water and in the courts, is not

necessarily so easy. While it is universally acknowledged that human trafficking is a grave maritime crime, and while many states would like a more favorable rating on the United States Department of State's annual trafficking in persons report, it turns out that very little capacity building work has been done regarding maritime human trafficking. In many cases, maritime security officials have never been trained to recognize or address human trafficking, and, consequently, would not effectively handle such cases. Similarly, there is general awareness about environmental crimes like dumping or illegal bunkering, but little familiarity with what is needed to interdict and prosecute such offenses. In all the flurry of counter-piracy work, and the rapid development of strategic and operational architecture, it is vitally important that all maritime law enforcement agencies in Africa have the legal, and practical familiarity to be able to successfully confront age-old threats, as well as the emerging and evolving ones.

3. Maritime Law Enforcement Requires Legal Creativity and Commitment

Illegal, unreported and unregulated (IUU) fishing is not fisheries crime – it is considered a matter of fisheries management – but may be an indicator of fisheries crime. Fisheries crime involves criminal use of the entire fishing sector, including on land. Consequently, there may be all sorts of ways of using laws like money laundering provisions, fraud or false statements that could help address IUU fishing by rooting out other criminality in the sector. Similarly, with MARPOL violations, falsified log books may be more relevant than an actual oil spill to prosecuting the case. Legal flexibility and creativity, particularly in the absence of good, clear and comprehensive maritime laws are vital skills to providing legal finish. At the same time, maritime law enforcement senior leaders must make the case that laws, like boats or radar, are necessary assets for them to do their jobs. In other words, they need the legislature and regulatory bodies to provide them with the legal tools necessary to establish and maintain the safety and security of the maritime space.

4. The Gulf of Guinea Architecture is Picking Up Speed

The Gulf of Guinea architecture is picking up speed. With Zone E and F having developed operation MOUs in the last several months, Zone G is working on one now (and already conducting combined operations at sea). Zone A is beginning to take shape, and both CRESMAC and CRESMAO are actively involved in coordinating regional activities. The Inter-Regional Coordination Center (CIC) is providing regular information and helping drive forward

on the architectural advancement. The time has come, as well, to revisit the Code of Conduct to confirm whether it remains fit for purpose.

5. The "Gulf of Guinea" May be an Outdated Geographic Concept

Part of revisiting the Code of Conduct is to consider its possible expansion both northward and southward. While the focus of the Yaoundé Code was the Gulf of Guinea, there is no compelling reason to limit the geographic scope of the cooperative architecture. Morocco and Mauritania encounter some of the same challenges as Senegal and Cabo Verde, but are not a part of the cooperative mechanism. Similarly, Namibia, which is the only coastal country outside the Djibouti Code, Yaoundé Code and 5+5, could benefit greatly from cooperation with the rest of the Atlantic seaboard of Africa. The Yaoundé Architecture for Maritime Safety and Security (YAMSS) could therefore be extended to Morocco and Mauritania as Zone H, and Namibia as part of Zone A in order to create a more extensive cooperative mechanism for Safety and Security in Atlantic Africa (S2A2). There seems to be interest and willingness to explore this approach.

6. The Eastern Southern and Indian Ocean Comprehensive Approach is Working

While the Djibouti Code in 2009 initiated the cooperative approach to maritime security in the Eastern, Southern Africa and Indian Ocean (ESA-IO) region, the MASE program has really established the architecture that is now providing results on the water. With the Regional Center for Operational Coordination (RCOC) and the Regional Maritime Information Fusion Center (RMIFC) both operational, the expansion of the cooperation is now proceeding rapidly. The comprehensive approach – to include land based development matters and illicit financial flows – does provide an inspiring model for reducing the possibility for gaps in either visibility or governance that can be exploited. In furtherance of this highly cooperative approach, the IORIS sharing platform, used throughout the ESA-IO region, was extended at the workshop, as a free offer, to all maritime institutions in Africa.

7. Landlinked States Need to Be Part of African Maritime Security

 While it is often said that "No Shipping, No Shopping" applies for landlocked or landlinked states, as well as coastal, island and archipelagic states, there is still a relative lack of engagement

with the African states that do not have a coastline. Hearing their experience, however, provided inspiration for further engagement as there are numerous ways in which cooperative architecture can benefit from their involvement and how they can benefit from being involved. Land blindness is in some ways a form of sea blindness. Just as fisheries crimes may be committed hundreds of miles inland through an illicit supply chain, but manifest through IUU fishing, law enforcement support by landlinked states can help root out maritime crime. Furthermore, landlinked states can even provide, in some cases, both operational and physical support to maritime security operations, recognizing that access to maritime commerce is vital for their economies. A whole-of-Africa approach to maritime security, therefore, must not be limited to Africa's coastline.

8. The North Looks in Several Directions

A key difference between the rest of Africa and the North is the "next door" interaction with Southern Europe. While both the Mediterranean and Red Seas connect Africa to other regions, the Red Sea community is only beginning to develop. At the same time, threats emanating from sub-Saharan Africa and the Middle East enter the North African maritime space, both through the water and across the land. Consequently, North Africa has to look in every direction to address maritime threats, but the architecture at the moment is primarily focused on Europe. Engagement with Africa, therefore, is necessary, and both Morocco and Egypt need to serve as transitional states between differing sets of architecture.

9. Sharing Case Studies from Different Regions Helps Everyone

A key feature of this program was that each region shared a recent case in order to examine how the architecture – both in that region and in others – can help to address real-world matters. The sharing of the scenarios was well-received and sparked considerable debate. Knowing what sort of challenges one region is facing is helpful to the other regions, as issues tend not to stay localized. Furthermore, collaborating on ideas for solving problems can provide creative and effective approaches that have not been considered. More opportunities for sharing and discussing scenarios should be explored.

10. Cooperation on Maritime Safety is Different than Cooperation on Maritime Security

The map of maritime security cooperation in Africa is focused on the two Codes of Conduct and the 5+5. The map of maritime safety cooperation, centered on Search and Rescue, however, is totally different. While the operators and assets involved may be the same, the groupings are different. Given that hundreds of thousands of people drown at sea each year – far more than die in maritime security incidents – greater cooperation to address safety and security in union might produce an amplifying effect on both. Furthermore, some of the cooperation that arises out of safety, including IMO and AU engagement, may provide benefit to security operations, as well. In fact, every state in Africa is invited to nominate maritime ambassadors to both the IMO and AU, but, to date, only four have done so.

11. Gaps Should be Addressed, but Overlaps May Be Useful

Gaps in architecture can create blind spots and blind spots are often recognized and exploited by criminals. Eliminating unintentional gaps – or at least no gaps that aren't carefully monitored – must be a continent-wide priority. Overlaps, however, can be one of two things. On the one hand, overlaps could imply unnecessary and wasteful duplication where multiple institutions or mechanisms are trying to do the same thing in the same space. In some cases, clarifying roles, responsibilities and means for mutual assistance – as the Yaoundé architecture has recently done with regard to the Maritime Organization of West and Central Africa (MOWCA) – can resolve such unhelpful overlaps. On the other hand, though, overlaps can be vital to closing seams, and, particularly for states that are forced to address threats from multiple directions, can help provide more thorough situational awareness. It may, therefore, be better to have points of intentional overlap in places like Morocco, Egypt, the wider Red Sea arena, and South Africa, where geography forces a different approach.

12. The African Union Has a Leadership Role to Play

The African Union promulgated the Africa Integrated Maritime Strategy (AIMS) 2050 in 2014. In conjunction with Togo, it produced the follow-up Lomé Charter in 2016. To date, both the uptake and express implementation of them have been highly limited. The content is less the issue than the lack of stewardship of maritime matters at the AU. While the blue economy is gaining traction, the security and governance aspect of the maritime domain remain largely ignored by the AU. But, as was argued, much of the work on maritime safety and security at the national, regional and inter-regional levels could be considered a form of implementing AIMS 2050. At this point, the AU could helpfully coordinate cross-continental exchanges and

help Africa build on its current maritime momentum. Plans are now afoot to hold an Africa-wide maritime dialogue at the AU later this year.

RECOMMENDATIONS AND POINTS OF ACTION

The following are some of the key recommendations and points of action arising out of the workshop:

1. Expand the "Gulf of Guinea" into "Atlantic Africa," inviting Morocco and Mauritania to join as Zone H, and inviting Namibia, and potentially South Africa, to join as part of Zone A. This would create intentional overlap in Morocco and Mauritania as part of the 5+5 and part of the Yaoundé Architecture, closing the seam between the West and the North, and allowing for more comprehensive architecture to foster "Safety and Security in Atlantic Africa (S2A2)." Furthermore, it would bring Namibia into the wider conversation so that the rest of the Atlantic Coast can learn from Namibia's experience in maritime governance, and so that Namibia can have greater visibility of the threats in the region, as well as mutual support from other states in confronting them. The Inter-Regional Coordination Center will be following up on this expansion.

2. Develop analytical mechanisms for reducing the chance that threats are overlooked. Threat blindness presents a serious danger to African states and continent-wide cooperation is needed to make sure that no maritime threat, or even threat emanating from land that could impact the maritime domain, is overlooked.

3. Provide widespread training on handling of traditional maritime crimes including human trafficking and environmental crimes in a holistic fashion. While a lot of capacity building efforts have focused on countering piracy and drug trafficking, other matters – notably human trafficking and environmental crimes – have been lost in the mix. These crimes constitute serious threats to maritime governance and development in Africa and must be addressed in a manner that underscores their interconnectedness.

4. Develop continent-wide networks for mutual legal assistance, and encourage creative approaches to overcoming legislative and regulatory deficiencies. Legal finish is the goal of maritime law enforcement operations, yet it is often elusive in Africa. Part of that is blamed on bad laws or the lack of legal infrastructure, but in many cases, such deficiencies could be overcome by creative legal practice, and the mutual assistance of experts in other states.

5. <u>Increase interaction between maritime safety and maritime security professionals</u>, as search and rescue networks may be supportive of efforts on maritime security and maritime security cooperative mechanisms could support maritime safety more effectively.

6. <u>Explore interoperability of sharing platforms by using IORIS</u>. The generous offer from the ESA-IO to open up the platform to all African maritime institutions presents an immediate opportunity for exploring how to promote the free flow of information, ideas, lessons, good practices and cautionary tales around the continent.

7. <u>Support the AU by exploring both national ambassadorial appointments and regional expert appointments</u>. By sending maritime experts of different sorts from each of the five main regional economic communities, the regions could build the maritime cell at the AU to enhance its leadership on maritime security. Furthermore, national appointments of maritime ambassadors to the AU have only been taken up by four states, presenting another opportunity for building maritime momentum at the AU.

8. <u>Engage the landlinked states in maritime security</u>. There is tremendous mutual benefit to having landlinked states part of the cooperative architecture of maritime security in Africa.

9. <u>Continue the Whole-of-Africa Maritime Dialogue at the African Union</u>. While the Africa Center has been honored to establish this Dialogue, help convene a productive conversation, and foster Africa-to-Africa capacity building, participants would welcome the AU to convene a Whole-of-Africa Maritime Dialogue. for all member states.