AFRICAN REGIONAL MARITIME COOPERATION: CHALLENGES AND FUTURE PERSPECTIVES

INTRODUCTION

1.   The maritime environment is a vital resource for life on Earth. It plays an important role in the survival of humankind as it holds a robust reservoir of living and non-living resources which are very good sources of food and energy. It also serves as highways for sea-borne international trade. Coastal states leverage on the aforementioned benefits of the maritime environment for their development and economic prosperity. The ability of these coastal states to effectively harness the benefits of the maritime environment is strongly dependent on the safe, secure and peaceful conduct of maritime activities which can only be achieved through the eradication of all threats prevalent within. This is considering the fact that the maritime environment is bedeviled with various such as piracy and sea robbery, crude oil theft, illegal bunk as well as Illegal Unreported and Unregulated (IUU) fishing. Other threats in the maritime environment include maritime terrorism/insurgency. proliferation of Small Arms and Light Weapons (SALW), marine pollution, militancy, as well as drugs and human trafficking. The complex and transnational nature of the aforementioned threats make it difficult for an individual agency or nation to tackle hence, the need for inter-agency, sub-regional and regional maritime security cooperation.

2.   The United Nations (UN) encourages nation states to cooperate amongst themselves to address the common problems of maritime insecurity in their regions. For instance, the UN through the passage of Resolution A922 (22) encouraged 10 member states of the Association of South East Asian Nations (ASEAN) as well as Bangladesh, China, India, Japan, South Korea and Sri Lanka to adopt the Regional Cooperation Agreement on Combatting Piracy and Armed Robbery against Ships (ReCAAP) in Asia in 2005 and establish an Information Sharing Center in Singapore in 2006[1]. The cooperation was aimed at pulling the resources and efforts of member

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[1] Natalie Klein, *Maritime Security and the Law of the Sea*, 242.

states together to checkmate the increasing spate of piracy and armed robbery occurring in the Straits of Malacca and Singapore. The implementation of the ReCAAP led to a reduction of piracy in the region from 80 in 2007 to 59 in 2016. A similar model of regional cooperation known as the Djibouti Code of Conduct (DCoC) was also adopted by 20 states bordering the Gulf of Aden and Western Indian Ocean in January 2009 to checkmate the increasing rate of piracy in these maritime environments[2]. The implementation of the DCoC caused a drastic reduction in acts of piracy in the region from 257 in 2010 to 73 in 2015.

3.   Following the successes recorded from the aforementioned cooperation models, some African countries were encouraged to cooperate within their regions to checkmate maritime insecurity. The setting up of such maritime security cooperation were preceded by certain actions such as the formulation and adoption of Africa's Integrated Maritime Strategy (AIMS) 2050 in January 2014. The replication of similar strategies at regional levels and delineation of maritime zones amongst others were aimed at enhancing the security of Africa's maritime environment. Despite the various maritime security cooperation and initiatives by African countries, threats such as piracy, armed robbery at sea, smuggling, drug trafficking and illegal migration amongst others continue to threaten Africa's maritime environment. The objectives of setting up the existing maritime security cooperation seem insufficient. It is against this backdrop that this paper seems to look into the various maritime security cooperations to assess their viability to tackle maritime insecurities.

4.   The purpose of this paper is to highlight the status of existing regional maritime security cooperation in Africa. The paper will cover geostrategic importance of Africa's maritime environment, maritime security threats in Africa and existing African regional maritime security cooperation. It will also cover challenges to Africa's maritime security cooperation and future Perspectives.

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[2] Anja Menzel ''Institutional Adoption and Maritime Crime Governance: The Djibouti Code of Conduct'' *Journal of the Indian Ocean Region*, Volume 14, (May 2018) 1

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5.   The aim of this paper is to discuss the challenges associated with Africa's regional maritime security cooperation with a view to proffering a way forward.

GEOSTRATEGIC IMPORTANCE OF AFRICA'S MARITIME ENVIRONMENT

6.   Africa covers about one-fifth of the Earth's surface with a total area of about 30.3 million square kilometres[3].   The continent is bordered to the North by the Mediterranean Sea, to the North East by the Red Sea along the Sinai Peninsula through the Suez Canal, and to the South East by the Indian Ocean. It is further bordered to the West and South West by the Atlantic Ocean[4]. The movement of ships across these oceans and seas surrounding the continent is both facilitated and yet, constrained by several key choke points such as the Suez Canal, the Gulf of Aden, the Bab el Mandeb (Gate of Grief), and the Mozambique Channel[5].   There are 55 countries on the continent, out of which 38 are either coastal or island states. The length of Africa's coastline including its islands, is over 26,000 kilometre while its total Exclusive Economic Zone is about 13 million square kilometre[6].

7.   The oceans and seas surrounding Africa are strategically important because they serve as shipping routes connecting the continent with all parts of the World. They also link the 421 sea ports on the continent to the sea ports on the other continents. The Mediterranean Sea connects Africa to Southern Europe and the Middle East while the Atlantic Ocean links Europe and America to West, Central and Southern Africa. Similarly, the Gulf of Aden through the Suez Canal provides a short route for ships transiting from Europe to the Indian Ocean while the Western Indian Ocean connects

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[3] Sayre, April Pulley, *Africa (The Seven Continents)*, (London: Twenty-First Century Books, 1999), 12

[4] 'Erastus Mwencha, 2010, ''The Geostrategic Importance of Africa's Maritime Domain: Opportunities and Challenges, Africa Maritime Safety and Security towards Economic Prosperity'' Conference, Stuttgart, Germany, 13-14 October 2010. https://au.int/sites/default/files/newsevents/workingdocuments/27459-wd-keynote_address.

[5] Alexander, Lewis M. "The Role of Choke Points in the Ocean Context." *GeoJournal* 26, no. 4 (1992): 503-09. accessed August 9, 2020. www.jstor.org/stable/41145437.

[6] Ulf Engel, ''The African Union, the African Peace and Security Architecture and Maritime Security'' (Addis Ababa, Friedrich-Ebert-Stiftung, (2004), 7,

Africa to North America, Europe and Asia[7]. The Indian Ocean also carries half of the World's oil trade and serves as a transit route for about 80 per cent of global oil exports.[8] Furthermore, the proximity of the Gulf of Guinea to Europe as well as North and South America makes the Atlantic Ocean one of the shortest routes for the transportation of low Sulphur crude oil from Africa[9], which is highly sought for globally.

8.   In addition to providing Sea Lines of Communication (SLOC) for shipping traffic, the continent's maritime environment is endowed with numerous marine life, natural minerals and hydrocarbon resources. The Indian Ocean is the world's second largest area for tuna production and accounts for nearly 20 per cent of the world commercial Tuna catch[10].   It is estimated that fishing alone contributes to food security for more than 200 million Africans[11]. Besides fishery resources, Africa's maritime environment is also endowed with enormous hydrocarbon resources. According to the United States Geological Survey (USGS), there are about 1.8 billion barrels of recoverable oil, 223 trillion cubic feet of recoverable gas, and 6 billion barrels of natural gas liquids in the Nile Delta Basin Province[12].

9.   The geostrategic importance of Africa's maritime environment to the continent's economic development cannot be overemphasized considering the critical SLOCs it provides to other parts of the world and the enormous natural resources contained therein. It is critical to state that the shipping activities and exploitation of the natural resources in Africa's maritime environment do not only contribute to

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[7] Frank van Rooyen, ''Africa and the Geopolitics of the Indian Ocean'', 2011 South African Institute of International Affairs, Occasional Paper No 78, Pg 6.

[8] Raj Mahabeer and Kate de Sullivan de Estrada, ''Strengthening Maritime Security in the Western Indian Ocean'' Policy Brief (2019), : *MASE* Project.

[9] Charles Ukeje and Wullson Muvome Ela, ''African Approaches to Maritime Security -Gulf of Guinea'' (Abuja: Friedrich-Ebert-Stiftung, 2013)

[10] Abiodun Eremosele, ''Protecting African Marine Environment'' *This Day Newspaper*, September 28, 2018, https://stopillegalfishing.com/press-links/protecting-african-marine-environment.

[11] Bene Christophe and Heck S, ''Fish and Food Security in Africa'' NAGA, Wild Fish Center Quaterly, accessed August 3, 2020, https://www.researchgate.net/publication/42763250_Fish_and_Food_Security_in_Africa.

[12] Kirschbaum, M.A., Schenk, C.J., Charpentier, R.R., Klett, T.R., Brownfield, M.E., Pitman, J.K., Cook, T.A., and Tennyson, M.E., 2010, Assessment of undiscovered oil and gas resources of the Nile Delta Basin Province, Eastern Mediterranean: U.S. Geological Survey Fact Sheet 2010-3027,

generation of income for coastal states but also contribute immensely to generation of jobs for the citizens of the states. The ability for most African countries to undertake shipping activities and exploit the natural resources in their maritime environment is largely premised on the provision of a secured maritime environment. To this end, it is important for African countries to continue to develop their monitoring, enforcement and legal capabilities to protect their maritime environments. Furthermore, considering the interconnected nature of the maritime environment, there is the need for more cooperation and collaboration amongst African states. The development of monitoring, enforcement and legal capabilities of individual coastal states to protect the maritime environment would go a long way to strengthening the aforementioned needed cooperation and collaboration among the Continent's littoral nations.

MARITIME SECURITY THREATS IN AFRICA

10.   The maritime security threats facing the African Continent vary from one region to the other and are largely influenced by geography and geopolitical considerations. As noted earlier, some of these threats include piracy and sea robbery, drug trafficking, illegal bunkering and crude oil theft. Others are human trafficking as well as IUU Fishing. These shall be discussed in detail.

PIRACY AND ARMED ROBBERY AT SEA

11.   Piracy is one of the maritime security threats that is prevalent in the African maritime domain particularly in the Gulf of Guinea, Gulf of Aden, Western Indian Ocean and Mozambique Channel. While there has been a significant drop in piracy in the Gulf of Aden due to successful counter-piracy operations (Operation EU NAVFOR ATLANTA) off the coast of Somalia, it still remains a potent threat to shipping in the

Gulf of Guinea[13]. For instance on 11 Nov 21, MV MERVIELLE was attacked about 65nm SW of Brass, Nigeria and 5 of its crew members were abducted[14].

12.   Similarly, on 25 Oct 21, a Panama-flagged cargo vessel, MV MSC LUCIA was attacked around the JDZ between Nigeria and Sao Tome and Principe by suspected pirates. Thankfully, no crew member was abducted, as a Russian Navy Ship AKADEMIK PANSHIN rescued the ship while the attackers fled the ship. It is noteworthy that the cases of pirate attacks in Nigerian waters significantly reduced in 2021, as only about 5 cases were recorded as against previous years. This is owing to the concerted effort by the NN to deploy its MDA facilities for maritime surveillance as well as having at least one capital ship on patrol in each of the Comd's AORs in line with the CNS Strategic Directive 2021 – 5. Accordingly, effort is being made to sustain this deployment.

DRUG TRAFFICKING

13.   Trafficking of illicit drugs through various sea routes in Africa's maritime environment is one of the maritime security threats facing the continent. Apart from strengthening transnational criminal networks, the availability of illicit drugs incapacitates significant portions of the working-age population and channels funds for terrorist groups[15]. There have been recorded cases of increase in the movement of heroin, cocaine and other illicit drugs to and from the Continent through the Mediterranean Sea as well as East and Indian Oceans in recent years[16]. The modus operandi for transporting these drugs to island countries in the Indian Ocean such as

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[13] João Paulo Borges Coelho, ''*African Approaches To Maritime Security: Southern Africa*'' (Mozambique: Friedrich-Ebert-Stiftung, 2013), 6,

[14] Godwin Oritse, ''Seven Kidnapped from MSC Container Ship'' Vanguard, March 25, 2020, https://www.vanguardngr.com/2020/03/seven-kidnapped-from-msc-container-ship/

[15] Andre Standing, '*Trends in Africa's Maritime Security*', Spotlight, Africa Center for Strategic Studies, (March 2019), 3.

[16] Francois Vreÿ, ''Turning The Tide: Revisiting African Maritime Security'' Scientia Militaria, South African Journal of Military Studies, Vol 41, No 2, 2013, pp. 1-23. doi : 10.5787/41-2-1065

Madagascar, Seychelles and Mauritius is through transhipment from larger vessels to small boats which offload the drug cargoes at informal ports or landing points.

14.   It is estimated that about two-thirds of the cocaine smuggled between South America and Europe passes through West Africa[17]. Similarly, about 40 tons of heroin transit the Western Indian Ocean into East Africa each year.[18] To lend credence to this assertion, the NN in collaboration with other security agencies, intercepted a merchant vessel, MV CHYANEE NAREE with about 33 kg of Cocaine in 14 Oct 21. This was following a tip off from the INTERPOL about the vessel which was transporting Sugar from Brazil.

ILLEGAL OIL BUNKERING AND CRUDE OIL THEFT

15.   Illegal oil bunkering and crude oil theft are twin related threats that are prevalent in the Gulf of Guinea, particularly in the Niger Delta area of Nigeria. Most of the perpetrators breach oil pipelines conveying crude oil and other petroleum products with the aid of sophisticated equipment. Such stolen products are either refined locally or sold to international buyers who evacuate the products for refining overseas. The proceeds from the sale is often used by organized criminal groups to procure arms and light weapons and engage in other criminal activities.

16.   The activities of crude oil thieves are a major source of environmental pollution in the Niger Delta region of Nigeria. Efforts by the NN to checkmate these acts led to the arrest of 23 vessels between Jan and October 2021[19]. Similarly, the NN, destroyed about 68 illegal refineries between January and October 2021.[20]   Despite the continuous discovery and destruction of illegal refining sites by the NN and other

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[17] 2017 UN World Drug Report.
[18] Raj Mahabeer and Kate de Sullivan de Estrada, *Strengthening Maritime Security*, 2.
[19] ENC Brief for House Committee on Navy Visiting for Oversight Function. Legislators Move to Enhance Naval Operations. www.von.gov.ng/amp2021/10/26/legislators-move-to-enhance-naval-operations.
[20] ENC Brief for House Committee on Navy Visiting for Oversight Function. Legislators Move to Enhance Naval Operations. www.von.gov.ng/amp2021/10/26/legislators-move-to-enhance-naval-operations

security agencies, the threat remains a recurring decimal and contributes to the environmental pollution and degradation of Nigeria's maritime environment.

HUMAN TRAFFICKING

17.   The struggle for survival in the midst of socio-political and economic crises on the African Continent has engendered high migration flow from one African State to another; from one African region to another, and from Africa to other continents[21]. To this end, the various oceans and sea surrounding the Continent are used frequently by human trafficking cartels to traffic persons within and out of Africa. The Mediterranean Sea is renowned for the trafficking of migrants from North Africa into Southern Europe. Similarly, countries such as South Africa, Mozambique, Zambia, and Lesotho are source, transit and destination countries for human trafficking in the Southern African region.

18.   The threats posed by human trafficking constitutes a serious challenge to the navies and coastguards of countries in Maghreb Africa and South European countries bordering the Mediterranean Sea. According to the United Nations Office for Drugs and Crimes (UNODC) Report of 2016, a total of 69 countries detected human trafficking victims from Sub-Saharan Africa between 2012 and 2014[22].

ILLEGAL UNREPORTED AND UNREGULATED FISHING

19.   The endowment of Africa's maritime environment with numerous fishery resources has also attracted thousands of foreign fishing vessels, some of which engage in Illegal, Unreported and Unregulated (IUU) Fishing. Most of the fishing vessels, particularly those from Asia often fish without licenses, carry out fishing in protected

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[21] Paul O. Bello and Adewale A. Olutola, *''The Conundrum of Human Trafficking in* Africa'' (IntechOpen, 2020) 1, DOI: 10.5772/intechopen.83820. https://www.intechopen.com/online-first/the-conundrum-of-human-trafficking-in-africa

[24] UNODC. Global Report on Trafficking in Persons. New York: UNODC; 2016

areas, use prohibited fishing gear, and catch beyond limits or catch protected species[23]. In some instances, some licensed fishing vessels also do not report catches as required or underreport their actual catch. IUU activities are also often associated with other forms of highly organised crimes, such as tax evasion, human trafficking, forced labour, etc. which inflict additional financial damage and human suffering, using the legitimate cover of the fishing industry for illegal activities.[24]

20.   The diverse threats in Africa's maritime environment ranging from smuggling and crude oil theft to armed robbery and piracy has grave implications for national security, economic development as well as human and environmental security if left unchecked. The prevalence of these threats despite efforts by national navies and coastguards to checkmate them clearly indicates that the Continent's maritime environment is greatly under-policed and response capability of relevant maritime stakeholders would need to be improved upon. The availability of requisite and additional platforms for navies or coastguards to complement existing Maritime Domain Awareness (MDA) capability efforts cannot be over-emphasised in this regards. It is thus important for the NN to sustain its current efforts in platform acquisition and continue to collaborate with other navies in the region, particularly those in Zone E to improve capacity building and thereby enhancing the existing maritime security architecture for peace and security in Africa.

EXISTING AFRICAN REGIONAL MARITIME COOPERATION

21.   The increasing prevalence of security threats within the maritime domain of Africa's littorals necessitated several regional and sub-regional cooperation efforts towards combating these threats. These gave rise to the development of various maritime security architectures across the continent. Africa's maritime security architecture has continued to evolve since the setting up of the 5+5 Defence

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[23] Andre Standing 'Criminality in Africa's Fishing Industry: A Threat to Human Security' Africa Center for Strategic Studies, Africa Security Brief , No 33.
[24] Maritime Security: An Interview with Ioannis Chapsos, 14 August 2019

Initiative in the 1980s and the formulation of the 2050 Africa Integrated Maritime Strategy in January 2014 to address the Continent's maritime security challenges. Currently, the maritime security architecture, arrangements or initiatives to enhance maritime security in Africa are the 5 + 5 Defence Initiative, Maritime Security Programme, Djibouti Code of Conduct and the Yaoundé Code of Conduct. These maritime security initiatives and architectures are discussed extensively below.

THE 5+5 DEFENCE INITIATIVE

22.   The 5 + 5 Defence initiative is the maritime security architecture put in place between the 5 countries in Maghreb Africa and the 5 countries in Southern Europe bordering the Western Mediterranean Sea[25]. Member states of the Initiative from Africa are Algeria, Libya, Mauritania, Morocco and Tunisia while those from Southern Europe are France, Italy, Portugal, Spain and Malta[26]. The Initiative was first launched by France in 1983 but only took shape in July 1990 due to divisions amongst member states[27]. It was later re-launched in 2004. Since then, several meetings have been held by member states to periodically analyse the threats and challenges in the Mediterranean, particularly with regards to the issues of illegal trafficking of human beings, smuggling and maritime terrorism. Meetings are usually held annually or biannually on a ministerial basis amongst Ministers from the Ministries of Defence and Interior.

23.   The goals of its ideology are; to favour a mutual knowledge among member countries, strengthen the understanding and trust between them and develop

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[25] ''5+5 Defence Initiative'' Together Promoting Security in the Western Mediterranean'' accessed August 3, 2020, https://www.5plus5defence.org/
[26] Bruno Cardoso Reis and Alexandre Carriço, ''5+5 Defense Initiative: Confidence Building Measures under a 2020-2025 Horizon,'' (July 2014): 8, https://www.jstor.org/stable/resrep19103.2
[27] Garcia J, ''The Dialogue 5 + 5 and the 5 + 5 Defence Initiative''(October 2015):273-286 https://www.researchgate.net/publication/284779982_The_dialogue_55_and_the_55_defence_initiative.

multilateral cooperation in order to promote security on Western Mediterranean. The Initiative has no formal structure or architecture on maritime security and chairmanship of the body is done on a rotational basis amongst member states[28]. However, in order to build capacity and standardize operational procedures, the Initiative has a 5+5 Defence College in Paris that provides joint training for about 500 nationals of member States[29]. The 5+5 Defence Initiative also has a centre known as the Euromaghrebin Centre for Research and Strategic Studies in Tunis which conducts research projects periodically[30]. The focus of the Initiative in the last few years has been on strengthening relationships and cooperation activities in the areas of counter-terrorism, maritime surveillance as well as Search and Rescue (SAR).

MARITIME SECURITY PROGRAMME

24.   The Maritime Security (MASE) Programme is a European Union (EU) funded programme to promote maritime security and safety in the Indian Ocean[31]. Member states are drawn from regional organisations such as East African Community (EAC), the Common Market for Eastern and Southern Africa (COMESA) as well as Indian Ocean Commission (IOC) and countries of Eastern and Southern Africa. The programme's maritime security architecture is based on 2 Regional Agreements to exchange and share maritime information arising from surveillance and early warning arrangements of various member states as well as the coordination of operations at sea in line with relevant international

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[28] Bruno Cardoso Reis and Alexandre Carriço, ''5+5 Defense Initiative: ''Confidence Building Measures'' 4.

[29] 5+5 Defence College, ''5+5 Defence College'' accessed August 3, 2020, https://www.5plus5defence.org/Pages/5-5-Defence-College.aspx

[30] Miguel Ángel Romeo Núñez, ''5+5 Initiative. Mediterranean Security: Shared Security'' Framework Document (August 2012)

[31] Christian Bueger, ''Effective Maritime Domain Awareness in the Western Indian Ocean'' Institute of Strategic Studies, Policy Brief 104 (June 2017), 5

conventions[32].   It allows littoral member states to play a prominent role in shaping the future of the Western Indian Ocean.

25.   In order to operationalize the programme, MASE has a Regional Maritime Information Fusion Centre (RMIFC) in Madagascar and a Regional Maritime Coordination Centre (RMCOC) in Sychelles. The core objectives of RMIFC is to deepen Maritime Domain Awareness by parties, monitor maritime activities in real time to accelerate the planning and organisation of control operations at sea, improve the capacity of parties to appropriate maritime information fusion knowledge and technology. The objectives of RMCOC are to promote cooperation and coordination, to conduct missions of regional interest in accordance with the provisions of the agreement, and strengthen individual and institutional capacities (training)[33]. The 2 centers are equipped with Maritime Awareness Systems (MAS) which enables data fusion and in-depth analysis to build the most complete maritime picture possible and to deliver actionable intelligence.

DJIBOUTI CODE OF CONDUCT

26.   The Code of Conduct concerning the Repression of Piracy and Armed Robbery against ships in the Western Indian Ocean and the Gulf of Aden otherwise referred to as the Djibouti Code of Conduct (DCoC) is a multilateral agreement on maritime security amongst states bordering the Gulf of Aden and the Western Indian Ocean[34]. The Code which was adopted in January 2009 requires member states to investigate, arrest and prosecute persons who are reasonably suspected of having committed acts of piracy and armed robbery against ships; to interdict and seize suspected ships and property on board such ships and to share and report

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[32] Christian Bueger, ''Effective Maritime Domain Awareness''
[33] Laura Pillay, '' RCOC on Course to be Fully Operational by Year-End'' *Seychelles Nation,* December 6, 2019,
http://www.nation.sc/articles/2695/rcoc-on-course-to-be-fully-operational-by-year-end.
[34] International Maritime Organisation, Djibouti Code of Conduct, 2009.

relevant information on piracy amongst others[35]. In order to achieve this latter objective, member states established 3 Information Sharing Centres (ISCs) in 2011. These are: Regional Maritime Rescue Coordination Centre (RMRCC) in Mombasa, Kenya; Maritime Rescue Coordination Centre (MRCC) in Dar es Salaam, Tanzania; and Regional Maritime Information Sharing Centre (ReMISC) in Sana'a, Yemen[36]. These have helped to sustain the early warning capabilities in the region. All member States were further required to designate National Maritime Information Sharing Centres (NMISCs) in their respective countries to facilitate communication and transmit alerts on maritime crimes between the ISCs and other focal points.

27.   A Regional Training Centre (DRTC) was established in Djibouti to support the regional training endeavours of member states. Funding for the operationalization of the Code is mainly through the Djibouti Code of Conduct Trust Fund which is a multi-donor voluntary fund. The need to broaden the scope of the Code beyond piracy and cater for other maritime crimes necessitated a review in Jeddah, Saudi Arabia in 2017. The new Code which is referred to as the Jeddah Amendment to Djibouti Code of Conduct calls on signatory States to cooperate to the fullest possible extent to repress transnational organized crimes in the maritime domain such as maritime terrorism, IUU fishing and other illegal activities at sea"[37]. This would be most effectively addressed by keying into the various continental early warning systems in the African maritime region.

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[35] Ibid Pg 2

[36] Anja Menzel ''Institutional adoption and maritime crime governance: the Djibouti Code of Conduct'' *Journal of the Indian Ocean Region,* Volume 14, 2018.

[37] International Maritime Organization, "The Jeddah Amendment to the Djibouti Code of Conduct 2017," 2018, London: United Kingdom.

YAOUNDÉ CODE OF CONDUCT

28.   The desire by the countries of the wider Gulf of Guinea to tackle piracy and other maritime security related crimes in the Gulf of Guinea necessitated the formation of the Yaounde Code of Conduct in 2013.   The Code sought the cooperation of 26 member states extending from Senegal to Angola in checkmating all forms of maritime crimes in the Gulf of Guinea[38].   The maritime security architecture to implement the Code was further facilitated by the already existing maritime zones created by Economic Community of West African States (ECOWAS) and Economic Community of Central African States (ECCAS) to cover all the coastal and landlocked countries of the 2 regions.

29.   The states in the 2 regions are grouped into maritime zones with countries in ECOWAS designated from Zones E to G and countries in ECCAS from Zones A to D[39]. The Zones in each of the region are further placed under a Regional Maritime Security Centre to facilitate coordination of the Multinational Maritime Coordination Centers (MMCCs) at the regional level. The Regional Maritime Security Center for West Africa (CRESMAO) is situated in Abidjan and Cote d'Ivoire while that for Central Africa (CRESMAC) is situated in Pointe Noire.[40]. The activities of the 2 Centres is further coordinated by the Inter-Regional Coordination Center in Yaoundé, Cameroon. Four of the 5 MMCCs Zones cutting across the 2 regions are currently operational with MDA equipment to monitor the Gulf of Guinea.   The operationalization of the ECOWAS Maritime Security architecture has largely been aided by international partners from the United States and European Union. For instance, the German Government through its technical

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[38] Adre Standing '*Trends in Africa's Maritime Security*', 3.

[39] , Africa Center for Strategic Studies, ''*Maritime Security in the Gulf of Guinea*'', (May 2015) 5.

[40] Adeniyi Adejimi Osinowo, ''Combating Piracy in the Gulf of Guinea'' Africa Security'' Brief No. 30, February 28, 2015.

support agency, Gesellschaft für Internationale Zusammenarbeit (GIZ) provided equipment and mini-buses for the Headquarters of MMCC Zones E and F and G[41].

SOUTHERN AFRICAN MARITIME SECURITY ARCHITECTURE

30.   The Southern African Maritime Security Architecture has continued to evolve since the 11 member states in the region signed the Southern African Development Commission (SADC) Maritime Security Strategy in Luanda in 2011[42]. Several countries within the organisation have signed cooperation agreements to improve maritime security in the Indian Ocean. These include agreements to establish Maritime Domain Awareness Centres (MDACs) in Mozambique and Tanzania, which will be linked with other centers in Durban and Cape Town as well as the signing of a cooperational framework amongst Botswana, Lesotho, Zambia, Zimbabwe and Malawi. South Africa, Angola and Namibia are also finalizing a memorandum of understanding on maritime cooperation, which will address maritime security on the west coast[43].

31.   The implementation of some of SADC cooperation agreements have culminated in South Africa, Mozambique and Tanzania working closely together in anti-piracy and other maritime security operations in the Indian Ocean. The South African and Mozambican navies periodically carry out combined patrols along the Mozambique Channel in an anti-piracy operation dubbed '**Operation COPPER'[44].**

32.   It is evident that the nature of threats and geopolitical considerations are 2 main factors that were taken into consideration by African countries in setting up

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[41] ''Germany Supports Strengthening of ECOWAS Maritime Security Architecture',' last modified May 3, 2017, accessed https://www.ecowas.int/germany-supports-strengthening-of-ecowas-maritime-security-architecture/
[42] Andrea Royeppen, ''Rethinking Challenges to SADC Maritime Security Model'', Institute for Global Dialogue
[43] Liesl Louw-Vaudran, ''What does Ensuring SADC's Maritime Security mean for South Africa?
[44] David Rider, Operation Copper Still Going, Maritime Security Review, 2018

the maritime security architectures in the subregion. This can be attested to from the 5 + 5 Defence Initiative which was mainly established at the behest of the 5 Southern European nations bordering the Mediterranean to checkmate illegal migration and other maritime crimes that are facilitated through the Mediterranean Sea and the YCOC which was primarily established to checkmate maritime insecurity in the Gulf of Guinea. Similarly, the large membership composition of DCoC also suggests that there are a lot of stakeholders outside Africa whose maritime interests was at stake by the threats posed by Somalin pirates to shipping in the Gulf of Aden and Indian Ocean.

33. The inter-regional maritime security architectures such as DCOC are well-funded compared to others like YCOC where there are relatively few maritime stakeholders. This further buttress the fact that most African countries place a low premium on maritime security. Although some of the maritime security architectures are well structured from national to regional levels than others, low response capability to meet the objectives of setting up the architecture remains a major challenge that needs to be addressed. There is therefore the need for African countries to place a high premium on maritime security and increase response capabilities to meet the objectives of establishing the maritime security architectures.

CHALLENGES TO REGIONAL MARITIME COOPERATION IN AFRICA

34. The challenges to implementing Africa's regional maritime cooperation are numerous. Some of these challenges are poorly defined maritime security architecture, lack of a broader maritime culture, limited capabilities of navies or coastguards, mutual distrust amongst member states and inadequate legal framework.

POORLY DEFINED MARITIME SECURITY ARCHITECTURE

35.   The maritime security architecture of some RECs are not clearly defined and lack structures to promote and encourage information sharing. The maritime security architecture of the Eastern African Community (EAC) for example is not clearly defined as other regions. Apart from having from having only 2 littoral states (Kenya and Tanzania), some states have overlapping membership in other regional groupings and blocks[45].

36.   The littoral states in such regional groupings fail to develop harmonized maritime policies at national levels that will seamlessly key into regional maritime security architectures. Conversely, some landlocked states in such regional groupings relegate the importance of the maritime environment to national development and as such are sometimes less committed to playing an active role in any collective maritime security arrangement[46].

LACK OF A BROADER MARITIME CULTURE

37.   The lack of a broader maritime culture has also made most African leaders to ignore the importance of the maritime environment to national development[47]. Most African countries particularly coastal states are land-centric in their approach to national development and as such often rely on countries outside the Continent to develop their maritime sectors.

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[45] Nchonyagi Christantus Begealawuh, ''Challenges of Maritime Security and Policy Development in the East African Community: The Cases of Kenya and Tanzania''(June 2019): 4

[46] Dirk Siebels, A Tale of Two Regions, ''Comparative Analysis of Maritime Security in East and West Africa''(PhD diss, University of Greenwhich,2017), 11

[47] Timothy Walker, How Can Africa Improve Maritime Security? Accessed August 3, 2020, https://www.weforum.org/agenda/2015/10/how-can-africa-improve-maritime-security/

38.   Where an appreciation of maritime security is made in Africa, it is traditionally framed from the perspective of counter-piracy[48]. This perspective needs to be changed and broadened significantly to include an appreciation of the economic potential of the seas to national development.

LIMITED CAPABILITIES OF NAVIES/COASTGUARDS

39.   The capability of the navies in most African countries is limited and as such cannot guarantee the security of their maritime environments or respond to threats effectively. Most navies and coastguards lack extensive maritime air surveillance capabilities and satellite imagery to monitor their territorial waters and Exclusive Economic Zones (EEZ) affectively[49]. Apart from Nigeria and to a lesser extent Angola, no other GoG country can boast of any significant naval or coastguard capability to constitute effective deterrence or countermeasure against growing maritime security crime.[50]

40.   The navies of some countries within a region may bear more burden in any collective security arrangement to respond to threats in the region and ensure maritime security. For instance, apart from the South African Navy, the naval capability of most countries in SADC is limited. This can be clearly attested to from the lead role that the South Africa Navy is playing in Operation COPPER, the tripartite operation with Mozambique and Tanzania to guarantee maritime security in the Mozambique Channel by deterring attacks from Somali pirates.

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[48] Dirk Siebels ''African States don't Prioritise Maritime Security – Here's Why They Should'' September 3, 2017,
[49] Walker, ''How Can African Countries''
[50] Ukeje and Ela, *African Approaches to Maritime Security,* 10.

MUTUAL DISTRUST AMONGST MEMBER STATES

41.   Trust amongst nation states in any collective security arrangement is very vital to achieving organizational goals. Arguably, some African states have mutual distrust for one another either as a result of boundary disputes or fear of dominance amongst others.

42.   Some countries have their own priorities and often disagree with certain provisions in the multilateral agreements to establish maritime security architectures. For instance, the open policy of membership into ReCAAP made Indonesia and Malaysia, which are 2 of the countries most affected by piracy in Southeast Asia not to accede to the Agreement citing concerns over their territorial sovereignties[51].

GAPS IN SCOPE

43.   The provisions in the multilateral agreement on maritime security signed by member states of RECs or blocks are sometimes not broad enough to cover other aspects of maritime crimes beyond piracy and sea robbery[52]. Apparently, the prevalence of these 2 maritime crimes seems to be the focus of most multilateral agreements entered by contracting parties.

44.   It was the realization of the narrow focus of the Djibouti Code of Conduct on piracy and armed robbery at sea that necessitated member states to expand its scope to cover other maritime crimes in the Jeddah Amendment that was signed by member states in 2017[53]. There is thus the need for member states in any collective

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[51] Anja Menzel, ''Regional Maritime Security Governance and The Challenges of State Cooperation On Piracy,

[52] Menzel, *Regional Maritime Security Governance and the Challenges of State Cooperation on Piracy.*

[53] International Maritime Organization, "The Jeddah Amendment to the Djibouti Code of Conduct''

security arrangement to thoroughly assess the provisions contained therein to ensure that their national interest is captured.

INADEQUATE LEGAL FRAMEWORK

45.   The existing legal framework of most African countries covering actions at sea and policies to address maritime crimes is inadequate. Consequently, it is often difficult for some states to prosecute persons arrested for crimes at sea due to non-existence of appropriate laws to deal with the cases or differences in national laws. In Kenya for example, the judiciary is still struggling to understand maritime security issues.[54]

46.   Closely related to the issue of legal framework, are issues of hot pursuit transiting maritime boundaries of contiguous littoral states that require common agreement. This requires close consideration for improved security in the regional maritime domain.   There is thus the need for member states to consider the enactment of national maritime legislations to regulate activities at sea and harmonize such legislation at sub-regional levels to boost cooperation amongst member States in the quest for maritime security. This is particularly so considering that maritime security architectures were basically set up because of the transnational nature of maritime crimes and need for synergy amongst states to tackle them.

FUTURE PERSPECTIVES OF AFRICAN REGIONAL MARITIME COOPERATION

47.   There is a fairly hopeful future for regional maritime cooperation in Africa. However, the numerous identified challenges facing the implementation of the

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[54] Nchonyagi Christantus Begealawuh, 'Challenges of Maritime Security and Policy Development in the East African Community: The Cases of Kenya and Tanzania'

Africa's maritime security architecture would need to be addressed to improve maritime security in Africa. Accordingly, the need for strong political will, provision of adequate resources, and strengthening of intervention capacities were identified as way forward.

NEED FOR A PROPERLY DEFINED MARITIME SECURITY ARCHITECTURE

48.   The importance of having a properly defined maritime security architecture that meets the peculiar threats in a maritime environment cannot be overstressed. Where such architecture exists, the roles and responsibilities of all maritime stakeholders both at the national, zonal and regional levels will be clearly spelt out.

49.   A properly defined maritime security architecture further allows for easy identification of capability gaps and areas to improve upon in ensuring effective maritime security. There is thus the need for member states to periodically review the provisions contained in the agreements setting up regional architectures. The review of Djibouti Code of Conduct by member states to cover other maritime crimes beyond piracy and armed robbery at sea clearly attest to this fact.

NEED TO SENSITIZE THE POLITICAL CLASS AND PROMOTE MARITIME CULTURE

50.   The lack of knowledge on the importance of the maritime environment to economic and national development can largely be attributed to sea blindness. Most African leaders are land centric in their approach to issues of security and as such often neglect maritime security[55].

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[55] Anja Menzel, ''Regional Maritime Security Governance and the Challenges of State Cooperation on Piracy'' Journal of the Indian Ocean Region, Volume 12, 2019.

51.   Some maritime stakeholders particularly in Africa consider naval forces or coastguards as solely being responsible for the security of the maritime environment. There is thus the need for scholars as well as African navies to sensitize relevant stakeholders including the political class on the importance of the sea to national development.

STRENGTHENING OF INTERVENTION CAPACITY

52.   The building of effective intervention capacities of African navies, coastguards and other relevant maritime stakeholders will ensure effective deterrence or response to maritime security threats. Unfortunately, the navies of most countries lack air surveillance capability and sophisticated platforms to intervene. This in turn affects the capabilities of such navies to make any meaningful contribution towards strengthening regional maritime security architecture.

53.   It is important for African leaders to improve the capability of their navies to meet contemporary threats in the maritime environment. Furthermore, African navies and coastguards will need to sustain cooperation with international partners to develop capacity through participation in multinational exercises such as Exercise OBANGAME EXPRESS and Exercise NEMO[56]. In the same vein, African navies with capabilities within their respective regions would need to play lead roles in organizing and conducting regional exercises.

PROVISION OF FUNDING

54.   Most African governments would need to increase the funding spent on their navies and coastguards if they desire to improve maritime security in their

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[56] Anja Menzel, ''Regional Maritime Security Governance''3

respective maritime domains. Relatedly, the lack of funds is adversely affecting the ability of most countries in the regions to implement their maritime security architecture projections.

55.   Most of the RECs rely on funding from international partners to equip their MMCCs and Regional Maritime Control Centers. For instance, the German GIZ played a central role in equipping the MMCCs in Cotonou and Accra. The non-operationalization of some of the MMCCs can be attributed to lack of funds and political will to actualize the architectures.

ENACTMENT OF COMMON LAWS

56.   The enactment of common laws that deal with maritime crimes across the zones or regions in Africa will facilitate unhindered prosecutions of criminals. For instance, the common fishery law in the European Union makes it easier for any member state to prosecute a fishing vessel engaged in IUU[57].

57.   West African countries can enact common laws to prosecute perpetrators of economic crimes in the maritime environment. Such laws would however need to be harmonized and ratified in the domestic laws of member states. This will facilitate the prosecution of criminals in any of the member states irrespective of nationality.

CONCLUSION

58.   The diverse threats in Africa's maritime environment ranging from smuggling and crude oil theft to armed robbery and piracy brought to fore the need for African countries to improve on the response capability of their navies or

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[57] Okarfor Yarwood, Ifesinachi'' The Duplicity of the European Union Common Fisheries Policy , Evidence from the Gulf of Guinea (2018)

coastguards through the acquisition of more assets. Also highlighted was the importance for NN to sustain current efforts in platform acquisition and collaboration with other navies in Zone E to improve capacity building.

59.   The need for African countries to improve on their maritime governance structures and be more financially committed in actualizing the objectives of setting up regional maritime security architectures was highlighted because of the difficulty in prosecuting maritime crimes and over reliance on international partners for funding. The need for the NN to enlighten other maritime stakeholders on their roles in actualizing the maritime security architecture of Zone E was reiterated because of the misperception that it is purely a naval affair.

60.   Poorly defined maritime security architecture, lack of broader maritime culture, limited capabilities of navies/coastguards and mutual distrust amongst member states were identified as some of the challenges militating against effective maritime security architecture in Africa. The need for properly defined maritime security architecture, sensitization of the political class and promotion of maritime culture as well as strengthen intervention capacities of navies/coastguards and provide adequate funding and enactment of common maritime laws were highlighted as way forward for overcoming the challenges militating against effective maritime security architecture in Africa.