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## TOWARD AN AFRICAN MARITIME ECONOMY

### Empowering the African Union to Revolutionize the African Maritime Sector

*Commander Michael L. Baker, U.S. Navy*

*A key source of American leadership throughout our history has been enlightened self-interest. We want a better future for our children and grandchildren, and we believe that their lives will be better if other peoples' children and grandchildren can live in freedom and prosperity. The belief that our own interests are bound to the interests of those beyond our borders will continue to guide our engagement with nations and peoples.*

NATIONAL SECURITY STRATEGY OF THE UNITED STATES, MAY 2010

**T**he high profile of Somali piracy has brought the issue of African maritime security to the attention of world leaders and citizens. This crisis, however, is not the only challenge facing Africa “in the maritime”; rather, it is a symptom of a much deeper problem—that Africa suffers from weak maritime governance

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and the lack of a harmonizing vision for an African maritime economy. Every year in Africa billions of dollars' worth of fish is illegally captured, billions of dollars' worth of drugs and arms are shipped overseas, pirates capture and hold for ransom hundreds of mariners operating commercial and private vessels, bandits steal maritime oil worth billions of dollars, and thousands of liters of waste are illegally dumped. Some of these crimes flow into Africa from abroad (including much of the illegal fishing and narcotics trafficking), while others (such as piracy) go from the inside out. These nefarious activities are global in their reach and require global action if we hope to eliminate their impact.

Africa's maritime realm has deep significance for African and international actors. The oceans, ports,

and inland waterways of the African continent are more than mere sources of food and energy; they are how Africa trades with the rest of the world. Accordingly, the African maritime sector holds the key to wealth and prosperity for the continent as a whole. If Africans hope to realize a prosperous future as stakeholders in an emerging market or even as global market leaders, they will need first to master the maritime domain. But for too long governments and institutions have turned blind eyes toward the African seas and allowed security problems, corruption, bureaucracy, and weak infrastructure to rob Africans and their honest partners of food, energy, wealth, and prosperity. Given the importance of the maritime in the global market, and hence in Africa, the United States and other international partners should consider ways to support maritime sector development in Africa, to help actualize plans, strategies, and partnerships that improve security, governance, infrastructure, and commercial investment. As the U.S. national security strategy clearly states, it is in the American interest to do just that. To highlight this reality, the National Security Council encouraged the Department of State and the U.S. Africa Command to hold an international conference to discuss the issues and solutions surrounding the African maritime domain in October 2010.

But more than simple collaboration on maritime security, the international community needs an African *strategy* for maritime development, a plan to tie together existing and future actions, to help establish an African maritime economy that creates wealth from the sea for Africans, and to mobilize international instruments so as to assist in implementing African maritime initiatives toward good governance. In short, we need to find a way collectively to revolutionize the African maritime sector and to chart a course toward an African maritime economy.

Putting complex, multinational plans into action is always challenging, especially on so large a scale—fifty-four countries are directly involved. Toward that end this article outlines some ideas, both immediate and long-term, for actualizing plans and coordinating efforts in pursuit of an African maritime economy. The central idea presented is that of an “International Charter for the African Maritime Sector,” an agreement by which a global coalition would empower the African Union (AU) and its regional economic communities to help Africans create a secure, well governed, and efficient maritime domain, one capable of attracting investment and enabling global trade. To accomplish these goals the charter would provide technical assistance, resources, checks and balances, and oversight for the implementation of strategies and plans across the maritime spectrum; it would tie resource distribution to compliance with AU maritime policies; and it would offer significant international assistance in establishing

and enforcing African maritime laws, thereby allowing Africans initially to concentrate their resources on improving their maritime infrastructures.

This article also offers a way to organize African efforts throughout the maritime realm and the continent as a whole through a “Special Representative for the African Maritime Sector” at the African Union. The office would provide clear leadership in the maritime domain, aiming to tie together currently disparate efforts in infrastructure, security, safety, governance, trade, and commerce under one overarching strategy.

There are other simple steps that can be taken now, like expanding combined patrols and improving information fusion and sharing; this article addresses these. But first, let us examine the idea of prosperity from the sea and make the case for a comprehensive approach to achieving it, then assess some of the key, but disconnected, efforts that Africans and international partners have already undertaken. Finally, we will delve into the proposals for an international charter and special representative.

## GROWTH AND PROSPERITY FROM THE SEA: THE CASE FOR A HOLISTIC APPROACH

In 2007 Africa accounted for a mere 2.7 percent of global trade, and less than 1 percent of African exports were in the form of manufactured goods (the lowest percentage of any region in the world).<sup>1</sup> Imports of manufactured goods from the European Union (EU), China, and the United States alone were nearly double the volume of African exported manufactures. Africa imported 14 percent of the total global agricultural trade (the highest percentage of any region in the world).<sup>2</sup> Raw commodities accounted for nearly 80 percent of all African exports, with oil representing close to 60 percent of that total.<sup>3</sup> If African states hope to break the cycle of poverty, they will have to spur real economic growth through more diversified trade and capture a greater share of the global market for manufactured and finished goods. It is one thing for, say, Exxon-Mobil to export oil in the present risky and inefficient maritime environment; it is a completely different matter for lower-margin companies like Gap Inc. to establish textile factories in that environment. In order to compete in the field of manufactured goods, African states will have to demonstrate to investors and companies that goods produced there can reliably get to market. The maritime sector, therefore, must feature prominently in any plans for sustained economic growth through the trade of manufactured goods.

Ninety percent of global trade moves over the oceans, and containerized traffic accounts for an increasingly large share of total maritime shipments.<sup>4</sup> This means that African countries hoping to spur growth through global trade will

have to attract not only land-based companies but shipping firms as well. This poses a significant challenge for African countries, because the region's ports are currently the least efficient in the world; dwell times are nearly quadruple those of Asian ports, and no single African port ranks in the seventy most productive in the world.<sup>5</sup> One extra day in port can add \$35,000 to the operating costs of a shipping company.<sup>6</sup> The increasing rate of containerized traffic places an additional burden on small African ports, which often lack the equipment necessary to load and unload containers. In West Africa, movement of twenty-five containers per hour is the norm, compared to 425 in many Asian ports.<sup>7</sup> In addition, many ports in Africa cannot handle ships of even average size;<sup>8</sup> add to this shortcoming the fact that the world shipping industry has been quickly modernizing its fleets, replacing older and smaller vessels with newer "megacarriers," and the picture for African maritime transport looks bleak. Africa's countries must make large improvements in their port infrastructures through expansion, maintenance, and improvement in efficiency if they hope to attract leading shipping companies; if they fail, "several coastal countries in West and Central Africa could become 'de facto' landlocked, having to bear approximately the same costs as a landlocked country."<sup>9</sup>

Port efficiency, of course, is not enough to draw business; a country or region also needs safe and secure waters, coupled with transparent and convenient trade regulations, to attract investment and maritime shipping. As it is, high rates of piracy and armed robbery at sea in the Indian Ocean and the Gulf of Guinea have elevated insurance rates and have even caused some shipping companies to avoid particular routes to or around Africa. Poor dredging and inadequate navigational aids add to the risks of operating ships in many parts of Africa. All of this leads to low traffic, which in turn causes governments to levy high tariffs to generate sufficient funds for port operations further discouraging shipping companies from operating in Africa.<sup>10</sup> As if that were not enough, African governments apply more bureaucratic red tape to maritime trade than does any other collective region, aggravating inefficiency and increasing opportunities for corruption.<sup>11</sup> It is an ugly cycle and a difficult one to break.

Breaking this cycle will require a coordinated, sustained effort across a broad front, nothing less than a campaign to revolutionize the African maritime sector holistically, across its entire spectrum—improving safety and security, governance, and industrial infrastructure and efficiency. There is no evidence in Africa now of any national, regional, or continental strategy of this kind. As a result, for example, while some countries, like Nigeria, have made improvements in port efficiency, their advances are offset by poor security—and vice versa.

Safety and security create confidence in a market, by reducing physical risks, cutting insurance costs, and improving operating timelines. Good governance offers assurance that economic activity (hence investments) will be handled equitably and transparently, with no hidden costs or lengthy delays. Industrial infrastructure serves as the backbone of maritime ventures, providing the necessary ways to move goods efficiently to and from markets. These three elements are necessary components of a coherent and efficient strategy to attract capital investment so as to develop or enhance national markets. Markets being necessary for jobs, wealth creation, and growth generally, it stands to reason, once again, that a comprehensive strategy to develop the African maritime sector is important not only for that sector but for the future prosperity of the continent as a whole.

A number of governments and international institutions (including the African Union) have developed good ideas to improve, say, security or transportation but too often have not carried them out. A comprehensive strategy should aid actualization of those plans, sequencing action, prioritizing funding, and offering clear direction to regional economic communities and national ministries as well as a confident vision for the international community.

#### AFRICAN UNION (AND RELATED) EFFORTS

In January 2010, during the fourteenth African Union Summit, the AU heads of state endorsed the “African Union Maritime Transport Charter” and the “Maritime Transport Plan of Action,” and they affirmed the previous October’s “Durban Resolution on Maritime Safety, Maritime Security, and Protection of the Marine Environment.” (The charter and plan of action have gone to the fifty-three member states for ratification and will become official policy upon the approval of fifteen.) To those involved behind the scenes, the summit seemed a momentous occasion, a breakthrough for the maritime domain. After all, these documents are the culmination of a great deal of work by some individuals at the African Union, mostly within the Infrastructure and Energy Commission, who are certainly to be commended. Their titles sound both impressive and comprehensive. But in fact the papers beg for legitimacy due to a lack of inclusivity and weak enforcement mechanisms. Shortly after the AU summit other efforts to draft maritime strategies and plans started to emerge, but they have had little success, lacking the clear support of the African Union’s leaders. Nevertheless, despite their lack of leadership support and unifying strategy, these documents do contain some of the key elements of success.

*The Durban Resolution.* From 12 to 16 October 2009, African Union maritime transport ministers held a conference in Durban, South Africa. There they

endorsed the Maritime Transport Charter and the Maritime Transport Plan of Action, drafted previously (see below). They also issued what became known as the “Durban Resolution,” declaring their shared commitment to tackle the issues of maritime safety, security, transport, and environmental protection. Specifically, they condemned piracy and expressed concern over toxic dumping and maritime pollution. Through this resolution the ministers called on the AU to assume leadership of the efforts they had endorsed, encouraged regional organizations and states to start taking action on them, and invited international organizations and global partners to be active participants.<sup>12</sup> The resolution is significant mostly for the fact it clearly signals the African states’ wish—the latter confirmed by the heads of state at the annual summit—for AU leadership and their desire to partner with the international community. The resolution falls short, however, in terms of consensus, in that it came from a meeting of transport ministers only, with no coordination across other ministries before the conference.

*The Maritime Transport Charter and Plan of Action.* The charter adopted by maritime transport ministers in Durban in October 2009 was based on an original 1994 document updated between 2007 and 2009 by the African Union’s Commission for Infrastructure and Energy.<sup>13</sup> The charter addresses a multitude of such areas as “promoting the growth and development of African merchant fleets,” “encouraging” reform and efficiency in port operations, “encouraging” the expansion of information systems, and “promoting” the establishment of regional or national maritime funds for the development of maritime industry. The charter also calls for modernization and harmonization of maritime laws across subregions, expansion of maritime regulations, and improved transparency and accountability. Finally, it mentions the need to improve security capabilities and to counter piracy and armed robbery at sea.<sup>14</sup> Interestingly, it does not speak to illicit trafficking at sea or illegal, unregulated, and unreported (IUU) fishing. Also, and unfortunately, the charter fails to address adequately the dire condition of port infrastructure across the continent, which comes as a surprise, given that the African Union Commission for Infrastructure and Energy drafted the document.

Nonetheless, in a bold and important step, the Maritime Transport Charter proposes continental, regional, and national organizations that would carry out the maritime transport plan. Specifically, the charter urges the AU, the regional economic communities, and states to create a continental unit for the coordination of maritime activities at the African Union; regional and continental maritime administrations; maritime training institutions; councils to defend the interests of local shippers; and a fifteen-member continental “follow-up

committee” charged with holding periodic meetings to promote and monitor the implementation of the charter. The chief responsibility of these new bodies would be to carry out the Maritime Transport Plan of Action. Sadly, most of those bodies do not exist yet, and there is scant evidence that they are forthcoming. If the African Union and the regional economic communities do not implement and empower these oversight and representative bodies, there will be little reason to expect any positive effects from the Maritime Transport Charter or plan of action.

The Maritime Transport Plan of Action lays out seven objectives, with multiple sub-objectives: institutional and legal measures; capacity building; strengthening of maritime safety and security; enhancement of port performance; strengthening of inter-African and international cooperation; facilitation and financing of maritime transport and ports; and promotion of the development of maritime transport equipment.<sup>15</sup> The plan of action describes a host of necessary measures across a fairly broad spectrum of the maritime domain, and it assigns responsibility and timelines for each measure at the state, regional, or continental level. It does not, however, identify any means or priorities—a critical failure for anyone hoping to use the plan of action as a mechanism for maritime-sector development. It contains no sticks and no carrots.

All of these objectives and measures—we have mentioned only a few from a long list—come across more as lofty aspirations than as directives. The Maritime Transport Charter and its plan of action seem to lack authority, and their language begs the question of how institutions are to implement this broad agenda. Sure enough, though the African Union heads of state approved the Durban Resolution, the Maritime Transport Charter, and the Maritime Transport Plan of Action, these documents sit on a shelf, making no progress. Why? There are three likely reasons. First, as mentioned above, they are products of a single commission at the African Union—Infrastructure and Energy—and were approved through the meetings of transport ministers only. Other important organs of the AU, such as the Peace and Security and the Trade and Industry commissions, were not involved in their creation. Yet these three documents clearly creep into the “lanes” of other commissions and ministers, whose “buy-in” is required if they are to be implemented.

Second, as discussed above, while the documents call on the African Union to lead the implementation of maritime initiatives, the AU has no human or capital resources to assume such a role and has sidelined the creation of the “Continental Maritime Coordination Unit” mentioned above until a suitable donor takes an interest in funding it.

Finally, these documents on their own cannot convince Africans that revolutionizing the maritime sector is a worthwhile endeavor. They make no attempt



to show the value of maritime trade, the costs of unsafe and inefficient practices, or the risks posed by persistent maritime threats. They are not tied to any grand strategy that achieves commitment at the national and regional levels and coordinates multi-ministerial efforts toward a common goal of prosperity from the sea. That is understandable, since it is certainly not the role of the Infrastructure and Energy Commission to develop such a thesis, but it remains disappointing nonetheless, because the plan of action puts forth a good many necessary and specific bureaucratic actions. If coupled with an overarching vision for the African maritime sector, a robust plan for improving maritime security, and separate plans for governance, maritime commerce growth, and financial and oversight mechanisms, the maritime transport documents could succeed.

*The Draft "Maritime Strategy."* Perhaps recognizing the need for a unifying vision, the African Union contracted with the Brenthurst Foundation (a South African think tank) and the Africa Center for Strategic Studies (a U.S. Department of Defense research institute at Fort McNair in Washington, D.C.) to provide the union's deputy chairman a maritime strategy for Africa. The resultant vision paper made a good case for the overarching importance of the maritime domain.<sup>16</sup> It also identified a number of areas that should be addressed by the African Union and its member states to improve safety, security, and the maritime economy. That strategy, however, remains a white paper, not official AU guidance. What is more, since no commission within the AU participated in its creation, once again a noble effort has failed to gain a sense of ownership among various actors within the African Union itself.

*Experts Workshop on Maritime Security.* Barely had the ink dried on the draft maritime strategy before another group embarked on a similar project. Feeling that the Maritime Transport Plan crossed into its purview and considering the draft maritime strategy an outsider's project, the African Union's Peace and Security Commission held an "Experts Workshop on Maritime Security" in Addis Ababa on 6 and 7 April 2010. The conference organizers aimed to generate discussion leading to specific inputs to a continental strategy for maritime security.<sup>17</sup> To their credit, they invited representatives of other AU commissions, welcoming a notable speech on maritime immigration by the commissioner of social affairs. The delegates emphasized the problems of maritime safety, security, and protection of the environment. They also underlined the need for legislation, implementation of agreements, and enforcement, all the while stressing that regional and international cooperation is paramount to success. The delegates broadly agreed that they needed to get to work on areas already covered by resolutions and agreements but also to develop an extensive maritime strategy that would give structure to Africa's efforts in the maritime realm.

Beyond these conclusions, however, the workshop bore little fruit. The top leadership of the AU did not attend, and the agenda did not address any aspect of the earlier draft maritime strategy. Although invited, no business leaders or economists attended the workshop, and so the workshop did not touch the economic aspects of the maritime domain. It remains to be seen whether the Peace and Security Commission can draft a comprehensive maritime strategy and garner the active participation of other commissions; there are reasons to doubt its staying power. Already stretched thin across several pressing peace operations, the commission has dedicated only one officer to work on maritime security, as a collateral duty; at the next sign of continental conflict it will likely struggle to maintain any focus on the maritime strategy and find it difficult to continue to coordinate a broad array of actors.

*The Djibouti Code of Conduct.* Another instrument, though not a product of the African Union, should be mentioned here. The International Maritime Organization (IMO) sponsored a meeting in Djibouti (the capital of the Republic of Djibouti) on 26 January 2009 to forge an agreement to cooperate in the investigation, arrest, and seizure of people reasonably suspected of piracy and to conduct shared operations.<sup>18</sup> Fifteen countries have signed so far: the Comoros, Djibouti, Egypt, Ethiopia, Kenya, Madagascar, the Maldives, Mauritius, Mozambique, Saudi Arabia, the Seychelles, Somalia, Sudan, Tanzania, and Yemen. The signatories pledged to review their national maritime laws to ensure they are adequate for criminalizing piracy; however, to date only the Seychelles and Kenya have actively upheld their agreements to try captured pirates in their courts.

Ironically, the IMO also led a second meeting, this one of African and Middle Eastern maritime security specialists, just as the 12–16 October 2009 Durban meeting was going on, but in Victoria, the capital of the Seychelles. Representatives from East Africa, the African Indian Ocean islands, and from father abroad met to discuss implementation of the Djibouti Code of Conduct. Unfortunately, the African Union was not represented at those meetings, most likely because its maritime experts were in Durban. During the meeting, working groups identified the need for technical assistance in creating national laws and for steering committees to monitor progress of implementation of the code. The delegations agreed that adequate training at all levels of maritime administration and law enforcement was important but also stressed the need to obtain naval and coast guard assets to conduct law-enforcement operations. Finally, they agreed that the IMO should establish a Djibouti Code implementation team.<sup>19</sup> (The IMO recently created that team, and its work is under way. Its successes and failures in the future will offer valuable insight into this type of cooperative approach and may give reason to expand it beyond counterpiracy operations.)

These documents and efforts are largely technical in nature; they lack a defined end state, something that ties them together coherently and assures global partners that their resources would not be squandered. With its multiple, disparate initiatives in progress to develop specific strategies, charters, and plans of action, the African Union is in effect tackling symptoms, and in uncoordinated ways, without comprehensively addressing root causes—the lack of an authentically *African* maritime economy and of effective *maritime* governance. Whatever strategy or strategies emerge, it is clear that the AU and its members need a vision for the entire spectrum of the African maritime domain—and this would mean the involvement of every commission in the union, something that has not happened to date. Africa and its global partners need then some coherent technical mechanism to ensure consistent implementation of strategies, charters, and plans, as well as to distribute burdens. By endorsing the Durban Resolution, heads of state have called upon the African Union to lead efforts to improve the maritime sector. This leadership must produce guidance, oversight, and coherence for a wide variety of initiatives already ongoing at the national, regional, and international levels.

#### NATIONAL, REGIONAL, AND INTERNATIONAL INITIATIVES

Many African states and regional organizations, not waiting on leadership from the African Union, have embarked on a number of programs to address safety and security in African seas. Several of these efforts are visionary and effective; all suffer, however, from a lack of coordination among a broad set of stakeholders and therefore tend, as noted, to address only security symptoms rather than other core problems of governance and economic development. Nevertheless, all of them are commendable and could help to build momentum toward deeper, long-term solutions for the African maritime. The below are only a few of the most prominent examples.

*The ECCAS Maritime Safety and Security Strategy.* In October 2008, ECCAS, the Economic Community of Central African States, produced a study meant to help the regional bloc secure its economic interests in the maritime domain.<sup>20</sup> The draft offered an approach to protecting offshore oil resources, fisheries, and sea routes, as well as fighting a host of maritime crimes and achieving a reliable search-and-rescue capability.

ECCAS has conducted one combined maritime patrol, which is a step toward meeting its strategic vision for security. It has not yet undertaken a second patrol, however, which may be due to a lack of funds or to a lengthy planning process. In any event, ECCAS has focused on the security aspect of the operations, which is reasonable at this point. The real challenge will come when ECCAS tries

to tie security operations into law enforcement and judicial procedures ashore. Here it may benefit from the expertise and financial support of the AU or international partners.

***Southern African Development Community Statement on IUU Fishing.*** On 4 July 2008, in Windhoek, Namibia, the ministers responsible for marine fisheries in the Southern African Development Community (SADC) met to take action on illegal, unreported, and unregulated fishing. The meeting reaffirmed the commitment of their countries generally to cooperate in regulating and enforcing fishing laws and to take the following measures: review and harmonize national fishing laws, strengthen fishing regulations, share information, and improve the monitoring of fishing, including multinational patrols.<sup>21</sup> While it is not clear that much action has actually occurred in the areas of regulation and legislation, the statement has spurred some of the countries to conduct joint patrols to enforce maritime laws.<sup>22</sup>

***Southern African Joint Surveillance Patrols.*** Building on the momentum of the SADC statement on IUU fishing, in March 2009 the states of Kenya, Mozambique, South Africa, and Tanzania collectively sponsored the patrols in the Indian Ocean by the South African offshore patrol vessel *Sarah Baartman*, assigned to the environmental-protection service.<sup>23</sup> Embarked was an international team of eleven inspectors, with Kenya, Mozambique, and Tanzania each providing two inspectors, and South Africa five. During the one-month operation the team inspected forty-one vessels, levied ten fines, and seized six ships for violations of national maritime laws. In the highlight of the operation, the joint team seized a vessel in the Tanzanian exclusive economic zone carrying over three hundred tons of illegal tuna. Like the ECCAS patrol this operation focused on tactical procedures afloat; officials in Tanzania were left scrambling to determine what to do with the seized fish. In the end, they gave the fish to an orphanage, but with comprehensive planning at the outset they might have realized a greater gain by selling the fish on the market and donating some of the proceeds to the orphanage and applying the rest to continued operations.<sup>24</sup> As it was, funding challenges have caused these countries—including South Africa—to delay future plans to continue this type of operation. This is a possible candidate for international support.

***MOWCA Agreements.*** The Maritime Organization of West and Central Africa (MOWCA) has drafted a number of policies and initiatives to promote safe maritime transport and maritime security in the eastern Atlantic Ocean. On 31 July 2008 MOWCA members agreed to a memorandum of understanding implementing a regional coast-guard network. Fourteen of the twenty coastal

member states signed the agreement: Benin, Cameroon, Cape Verde, the Republic of the Congo, the Democratic Republic of the Congo, Côte d'Ivoire, Gabon, Ghana, Guinea, Guinea-Bissau, Nigeria, Senegal, Sierra Leone, and Togo. The memorandum established four operational patrol zones, stretching from Angola to Mauritania.<sup>25</sup> MOWCA aims to harmonize policy and regulation in West and Central Africa to comply with the International Ship and Port Facility Security Code, the Safety of Life at Sea Convention, the Search and Rescue convention, and the United Nations (UN) Convention on the Law of the Sea.<sup>26</sup> The organization is also working to establish an "Association of Maritime Administrations" in the region to promote harmonization and information sharing.<sup>27</sup>

So far, there is little evidence that MOWCA, without financial support and binding authority over member states, has achieved anything beyond formalizing its intentions on paper. But it is a potential regional leader for maritime issues on the Atlantic seaboard, and with funding and oversight it might be the regional agent for a number of the requirements in the AU's Maritime Transport Charter. Along these lines MOWCA specifically desires to create and manage a "Port Management Association of West and Central Africa," a "Union of African Shipper's Councils," an "Association of National Shipping Lines," and three maritime academies in West Africa (to be affiliated with the IMO's World Maritime University in Sweden).

*"Regional Strategy against Piracy and for Maritime Security in Eastern and Southern Africa and the Indian Ocean."* On 7 October 2010, a collection of ministers (mostly ministers of foreign affairs) of East and southern Africa held their second ministerial meeting of 2010 to address maritime security and piracy. This conglomeration of ministers met to bolster cooperation on maritime security among regional countries and with the European Union, as well as other international partners, such as the International Maritime Organization and the United States. This strategy is complemented by a "Regional Plan of Action." These two documents together are perhaps the best example of a comprehensive regional effort to tie functional areas of maritime security to strategic ends. The strategy has three main elements: addressing sources of Somali piracy inland in Somalia, bolstering international efforts, and improving African maritime security capacity.

*Maritime Centers of Excellence.* One can find maritime academies in each region of Africa—in Kenya, Côte d'Ivoire, Ghana, Nigeria, Egypt, and South Africa, to name a few—all aimed at delivering maritime education to port-authority administrators, merchant mariners, naval and coast guard officers, and marine police. International cooperation in these schools has been on the rise. Recently, for example, the Kenyan navy, the Global Maritime and

Transportation School, U.S. Africa Command, and the U.S. Naval War College have teamed to create a new curriculum at Kenya's Bandari Port Authority College, in Mombasa. These existing institutions could play important roles in standardizing maritime education across the continent and become key instruments in disseminating strategic guidance from the African Union for the improvement and coordination of maritime governance. As things stand now, however, these schools operate independently of one another, of the African Union, and of their associated regional economic communities.

*Counterpiracy Task Forces.* There are at least three multinational counterpiracy operations currently under way in the Gulf of Aden and the Indian Ocean near the Horn of Africa, as well as numerous other unilateral operations: the European Union's Operation ATALANTA, a NATO task force, Combined Task Force 151, the Chinese navy's Task Force 529, an Indian task force, a Malaysian task force, a Russian task force, and the Yemeni coast guard.<sup>28</sup> In all, more than thirty vessels are currently patrolling these waters to deter, prevent, and defeat acts of piracy, representing every continent except Antarctica and—despite the adoption of the Djibouti Code of Conduct—Africa. While these task forces bring the benefit of nonstop maritime patrols, they do not involve Africans in their operations, and they do not address crimes that are of high importance to Africa, namely, illegal fishing and illegal dumping. As a result, they do not forge trust and partnerships; rather, they are viewed with indifference in many parts of Africa, where governments and communities are very reluctant to take action against African pirates.<sup>29</sup>

*The Africa Partnership Station.* In 2007, U.S. Naval Forces Africa initiated a multinational effort to improve maritime safety and security in Africa through partnership with African navies and coast guards.<sup>30</sup> This initiative is known as the Africa Partnership Station (or APS);<sup>31</sup> it features engagement of a variety of types, including conferences, mobile training teams, and "banner ship" deployments, all geared toward building maritime awareness, capacity, capability, and regional cooperation.<sup>32</sup> U.S. Naval Forces Africa has led three Africa Partnership Station banner-ship deployments in West and Central Africa and one in East Africa; there have also been several deployments of smaller vessels for shorter durations. These deployments strive to train and exercise African maritime forces in tactics, techniques, and procedures so as to solidify their professionalism and, more broadly, address the need for maritime-sector development in Africa. Ships of the Netherlands and Belgium have flown the Africa Partnership Station banner on training missions in West and Central Africa, extending combined training and familiarization in these subregions, and helping to make the Africa Partnership Station a truly international effort. American agencies like the

National Oceanic and Atmospheric Administration (NOAA) have put representatives on board APS ships, where they work with fisheries agencies, scientists, and universities to address fisheries management, weather issues, and other nonmilitary maritime topics.

NOAA's presence on the APS missions is a good sign, but other agencies—like the U.S. Agency for International Development and the Commerce Department—are notably absent. U.S. Naval Forces Africa would like to expand the scope of APS deployments in order to address maritime-sector development more broadly, but it lacks two necessary elements for taking that step: guidance and authority from the U.S. government and guidance from and coordination with either the African Union, a regional economic community, or an African state. In short, “ownership” of this initiative has to move above and beyond U.S. Naval Forces Africa if it is to accomplish its more far-reaching goals. The Department of State could take the lead on this mission, in partnership with the African Union.

*African Maritime Law Enforcement Partnership.* The United States and the government of Cape Verde initiated the African Maritime Law Enforcement Partnership (AMLEP) in June 2008.<sup>33</sup> This operation pairs African maritime boarding teams and police with U.S. Coast Guard boarding teams and U.S. Coast Guard or Navy vessels in combined operations to enforce African maritime law, along the lines of the Southern African Joint Surveillance Patrols. AMLEP has been a successful operation, by which partners have built their own capacities and improved the management of their maritime environments through combined maritime law enforcement. It offers an immediate operational framework for small African maritime forces, extending their reach throughout their territorial seas and exclusive economic zones. AMLEP operations focus on illegal fishing, narcotics smuggling, and other illegal trafficking.

To date U.S. Africa Command and U.S. Naval Forces Africa have conducted five AMLEPs (June 2008 and October–November 2008, with Cape Verde; July–September 2009, with Cape Verde, Morocco, Senegal, and Sierra Leone;<sup>34</sup> December 2009, with Sierra Leone; and June–August 2010 with Cape Verde, Senegal, Morocco, and Sierra Leone). France has provided cueing support (i.e., surveillance and vectoring by maritime patrol aircraft based in Dakar, Senegal), and U.S. Africa Command has coordinated the operations, through the Maritime Analysis Operations Center–Narcotics in Lisbon, Portugal. Two AMLEP operations resulted in five fisheries interdictions, including the program's first seizure (a Taiwanese fishing boat, subsequently auctioned), which sent a strong message to illegal operators but also generated the payment of significant fines

to Sierra Leone. The United Kingdom has conducted two AMLEP-like operations with Cape Verde, and Spain and Malta have expressed interest in joining the initiative. To date, the partnership has focused predominantly on operations at sea and hence has mostly practiced military capabilities; attempts have been made to incorporate other important categories of stakeholders, such as customs agencies, port authorities, fisheries management, national police, and transportation ministries, but much still needs to be done on those lines.

While AMLEP is ahead of the counterpiracy task forces in involving Africans, it lags behind in presence, patrolling only about two months a year. Given current financial constraints, global donors will have difficulty mustering the political will to extend missions of this type without confidence that investments will pay off in long-term stability and new markets. Given, however, an international mechanism that coordinates support efforts, offers transparent oversight of maritime governance reform, and ties funding to performance, donor countries may find reasons to sustain and expand joint maritime patrols in African waters.

#### A VISION FOR THE LONG-TERM DEVELOPMENT OF THE AFRICAN MARITIME ECONOMY

To take on a challenge as daunting, and as necessary, as developing maritime economies and solidifying maritime governance, infrastructure, safety, and security, the African Union, its commissions and regional economic communities, and its member states will need considerable participation from global stakeholders. Indeed, developing strategies and plans is no small feat, but it is far easier than converting ideas into realities, especially considering the resource and structural challenges that the AU and its members face. To complicate matters, the African maritime is marked by a variety of interdependent but different, unlinked, and uncoordinated policies, resolutions, codes, and activities. The scheduling of simultaneous meetings on major maritime issues in Durban and Victoria mentioned above was but one sign that the right hand is not working with the left. The contrast between operational success at sea and procedural disarray ashore in handling seized fish in the instance cited is another indicator of poor coordination and planning. Moreover, the very fact that the African Union initiated a workshop to develop a maritime security strategy during the same week that two think tanks delivered an independent draft strategy at the request of the AU itself reveals lack of clear vision and leadership. Add to all of this the absence of any plan to revitalize African maritime commercial sectors—or of any mechanism for oversight or enforcement of the continental maritime agreements that already exist—and one sees that haphazard attempts to address security issues can go nowhere.



Yet some of the strengths of the African Union, such as its global profile and power to create mandates, could allow it to organize continental efforts to improve the maritime sector as a whole. Indeed, as we have seen, the African maritime transport ministers at the Durban conference called on the AU to exert just such leadership. To get things moving the AU could use its influence to broker a formal international agreement to coordinate and facilitate global participation in African maritime development, with an eye to empowering the AU itself to lead this revitalization. The International Maritime Organization has signaled an intention to do something of this nature in support of the Djibouti Code of Conduct, and the signatories of both that code and the Durban Resolution have encouraged global partners to take active roles.

One way to combine the efforts of global partners with those of Africans would be to create an “International Charter for the African Maritime Sector,” under the combined leadership of the AU, the IMO, and the UN.<sup>35</sup> Under the International Charter global partners, both public and private, would acknowledge both their interests in the African maritime and their responsibilities toward it and would pool their resources, fiscal and material. The African Development Bank and the World Bank could jointly manage fiscal resources, releasing them only when the AU, IMO, or UN directed. African states or regional maritime organizations could choose to become members of the International Charter in order to contribute to the pool or to have access to its resources; the charter would establish requirements that states and organizations would have to meet. The African Maritime Transport Charter already identifies most of the requirements. The International Charter would simply construct a basic set of rules to enforce implementation; in other words, it would put teeth into the Maritime Transport Plan of Action and other relevant plans of action. If wisely constructed, these rules would in turn enable African states and organizations to develop good, noncorrupt maritime structures in accordance with the transport charter. The African Union and regional organizations like MOWCA or SADC would then be able to apply not only political oversight in goading members slowly into action but fiscal control—to stimulate implementation and, coupled with routine inspections, ensure honest practice. Global partners could also do more than just donate money, materiel, and systems: they could cooperate in maritime law enforcement.

It is one thing to patrol territorial seas occasionally and conduct random inspections. It is something else—involving a completely different level of governance—to regulate activity at sea transparently, monitor that activity effectively, and enforce laws consistently. Some governments would be tempted to invest immediately in maritime-response forces to take quick advantage of potential revenue from fines and sales of seized contraband. While this benefit is certainly

important, enlarging coast guards would require extensive capital investment and developed maintenance capabilities. Rather, under the International Charter global partners might form combined task forces in order to enforce African or international maritime law. Operating along the lines of the Southern African Joint Surveillance Patrols and the African Maritime Law Enforcement Partnership, these task forces would include African boarding teams, seamen, officers, information systems, and, where possible, vessels. Most of the principal ships, however, would come from global partners, distributing the costs and reducing immediate financial burdens on African states and organizations. Meanwhile, African maritime law-enforcement and security forces would increase their skills through continuous participation in these task forces.

Revenue obtained from fines and seizures generated by task force operations might go into an “African Maritime Trust” (managed, again, by the African Development Bank and the World Bank); global partners might match those funds if African states and organizations demonstrated good governance in the maritime. An African member state could request to withdraw funds from the trust to build elements of maritime governance, infrastructure, and administration, or, having met the regulations and rules, to upgrade and maintain its own weapon and law-enforcement equipment.

The idea here is that global partners (like South Africa, the United States, the United Kingdom, India, France, Brazil, China, Russia, NATO, and the EU, as well as companies like Maersk, Chevron, and Dubai Ports World) would provide operational platforms in the near term so that Africans could focus their time and money on other areas necessary to maritime economies and governance. These partners would also agree to provide maritime security assistance and capacity-building resources only through the International Charter. The AU, the IMO, and the UN would lead the charter, and the African Development Bank and World Bank would manage all finances. Eventually, after establishing elements of maritime governance and administration, and with the approval of the AU and the IMO, African states could access monies directly to enable them to increase their roles in the combined task forces, gradually replacing the global partners. With help of economists from the World Bank and the African Development Bank, the International Charter could loosely predict how long a state should need assistance—meaning that it would not have to represent an open-ended commitment from global stakeholders.

Agreement of major global partners to join the International Charter and provide maritime security assistance through its auspices only could have a resounding impact on the African maritime sector as a whole. This system would create a series of checks and balances, distribute the burden globally, and encourage fiscal responsibility and good governance. At the same time, it would

relieve African states of some of the costs of security and enable them to invest first in maritime infrastructure, institutions, laws, regulations, and processes. This charter, in other words, would provide a road map, complete with ways and means, to establish authentic maritime economies and governance. To realize this goal the African Union will need to establish, at its headquarters, in its commissions, and within its regional economic communities, a strong foundation for maritime-sector development.

#### WHAT THE AFRICAN UNION CAN DO NOW

To make the International Charter for the African Maritime Sector a reality and actualize the African Union's existing maritime plans, the AU should take some important steps immediately. At the top of the list lies establishing clear leadership for the development and organization of an African maritime economy. The chairman of the union could designate one of the commissioners as the continental "lead" for maritime sector development; alternatively, the chair could appoint a "Special Representative for the African Maritime Sector"—a civilian from the private sector of strong character and well-known connections and background (ideally including maritime business experience)—who does not come from any of the AU's commissions but has the experience and authority to ensure authentic involvement from each. First, the special representative should form the Continental Maritime Coordination Unit and Maritime Transport Review Committee, as established by the Maritime Transport Charter. Next, the special representative should organize and mobilize the rest of the AU to play productive roles in the maritime domain; to date only two of the eight departments have done so—Energy and Infrastructure and Peace and Security. Maritime issues cut across the AU, and every commission has an important role to play, as the sidebar shows.<sup>36</sup>

After organizing the AU to deal more fully and aptly with the African maritime, the special representative should immediately begin engaging the private sector. The special representative will need to induce private enterprises to invest in African maritime industries and provide their perspectives and expertise in the development of African maritime plans and strategies. Maritime businesses will play decisive roles in the success of the maritime sector as a whole; African maritime businesses would benefit themselves in particular by helping policing efforts at sea, through the distribution of information and pressuring governments to implement standard regulations, invest in maritime governance, and (at least to the degree that it is in their respective interests) enforce maritime laws.

Next, the special representative should set the Maritime Coordination Unit four immediate tasks. First, the unit should begin assessing maritime laws across the continent and work to improve their harmonization. This is an important

## AFRICAN UNION COMMISSION AND MARITIME ISSUES

*Peace and Security:* common security and defense policy

*Political Affairs:* civil society, refugees, human rights, transparency, and accountability

*Infrastructure and Energy:* transport (including maritime transport in its core function); tourism; energy; infrastructure (ports); cooperation on safety, security, and environmental protection; tariff harmonization; promotion of public/private partnership for transport, communications, tourism, and energy; interlocutor with IMO for maritime safety

*Social Affairs:* drug control and related crime, migration, and labor

*Human Resources, Science, and Technology:* information management and exchange, hydropower development

*Trade and Industry:* increased intra-African trade, access to global markets, and economic diversification

*Rural Economy and Agriculture:* fish management, protection, and regulation; management of natural resources and environment; water resource exploitation; protection of rivers and lakes from pollution

*Economic Affairs:* resource mobilization; vision and assessment for economic development; promotion of the private sector; coordination of development of African economies; monetary and fiscal policies.

step toward attracting investment and improving maritime governance; it would also support combined maritime law-enforcement operations or other forms of cooperative security and follows guidelines already established by the Maritime Transport Charter.

Second, the Maritime Coordination Unit—working with all African Union commissions, the regional economic communities (subregional treaty organizations recognized by the AU), and the private sector—should develop a clear strategy for a maritime economy that includes the enabling elements of governance, infrastructure, trade, safety, and security and plainly tells global partners where they can best contribute. Each AU commission and each regional economic community should then write a plan of action to achieve its particular responsibilities. Continental and global partners need a clear indication of priorities and key tasks, and the AU commissions need guidance for their roles.

Third, the Maritime Coordination Unit would naturally encourage the regional economic communities to involve themselves in their respective regional maritime administrations as established by the Maritime Transport Charter to promote standardization, integration, and implementation of plans and strategies. The AU can provide strategic leadership, but the regional economic communities will have to lead implementation on the regional level.

Fourth, the AU's Maritime Coordination Unit should immediately emphasize the fusing and sharing of maritime information in and among the continent's five early-warning centers. Maritime domain awareness is simply critical for understanding the maritime environment and the development of maritime governance. A great deal of "maritime domain awareness" capability already exists in Africa but is underutilized and ineffective. Fusing information in regional

centers would encourage better use of equipment at the national level, encourage sharing of information at the regional level, and make a significant contribution to maritime regulation, maritime safety, and law enforcement.

With the Maritime Coordination Unit working on these measures, the special representative should focus next on maritime law enforcement. Both the Djibouti Code of Conduct and MOWCA's Gulf of Guinea Coast Guard network agreement call for combined maritime patrols to enforce international and African maritime laws. A host of global partners are involved in such operations, but the efforts are not well coordinated and African participation is spotty. The special commissioner should coordinate and formalize these partnerships to help provide an immediate law-enforcement capability, build African human capacity, and realize immediate financial gains from the enforcement of laws. Again the regional economic communities could play roles here, especially in brokering patrol agreements in sovereign waters.

Once the African Union establishes clear, strong leadership, it will be well positioned to lead the International Charter for the African Maritime Sector. The special representative can then begin the hard task of developing the technical mechanisms of the International Charter. The good news is that the other immediate actions, taken by now, will have built confidence in global partners.

Certain of these actions—law assessment, strategy development, information fusion and sharing, and combined operations—are relatively easy, inexpensive measures that would immediately demonstrate the African Union's sincerity and resolve to improve the African maritime sector. They would encourage global partners to join the International Charter and go a long way toward addressing maritime issues in and of themselves. Furthermore, the AU does not need to wait for the development of an overarching maritime strategy to begin taking some of these steps; there is already a charter to review the maritime laws, and the regional economic communities provide frameworks for fusing and sharing maritime information. Admittedly, and as noted below, coordinating global combined task forces may involve political or legal challenges, but it is important and should not be pushed aside for that reason. Adding African mariners to combined task forces should be easy (it is already being done, as mentioned above) and will pay big dividends in building human capacity.

#### WHAT GLOBAL PARTNERS CAN DO NOW

Global partners can continue and expand their efforts to provide platforms for African maritime law enforcement through current protocols, efforts, and relationships. They can also assist AU efforts to fuse and share information. Both are in the mutual interest of the international community and African partners.

Any of the existing counterpiracy task forces could include African boarding teams, thereby enabling African participation and ownership while improving African capacity. The most difficult impediments are likely legal factors surrounding the handling of captured pirates; after nearly two years of operations, however, these should not be insurmountable challenges. Of equal importance, global partners should work with the International Maritime Organization and the AU to consolidate these various task forces into one, coordinated organization in order to improve efficiency and simplify command and control. Under the leadership of the AU, the UN, and African states, such a force should expand its mandate to embrace the enforcement of international and African maritime laws, including those concerning illegal fishing and illegal dumping.

The Southern African Development Community and the United States could continue and expand their support in maritime law enforcement in, respectively, South and East Africa and West and Central Africa. Other partners—whether from Europe, Asia, the Americas, or Africa itself—could join these efforts by sending vessels and boarding teams to operate with Africans, expanding the breadth and duration of the patrols. Global partners could also formalize standing combined task forces; one might envision three to four combined task forces, aligned with the African Union's African Standby Forces (organized and managed by the regional economic communities), operating nonstop to help enforce international and African maritime law. These task forces could even be considered United Nations missions and the personnel employed allowed special UN mission pay and allowances, to encourage participation.

Global partners could provide technical and financial assistance to help the AU and subregional organizations fuse and share information. That would not only help African maritime domain awareness but provide valuable intelligence to maritime law-enforcement operations and improve safety for mariners. Taking these two steps would also enable the IMO, the AU, and the latter's members to begin work on the International Charter for the African Maritime Sector, as well as to concentrate on building and improving maritime governance, trade, commerce, and economies in Africa—leaving the more costly tasks of building coast guards and navies for the middle term.

Finally, there is no reason that stakeholders should delay training programs. Global partners should act quickly to dedicate money specifically to training maritime professionals in the military, police, and civilian sectors—especially in the areas of governance. Investing in human capacity could be as easy as incorporating more African ship riders on the existing international task forces or brokering exchanges of personnel between port authorities, and it is surely one of the most important aspects of building maritime institutions.

Safe and secure African seas, governed by fair and transparent regulations, are on the global agenda. African military and maritime leaders recognize the importance of the matter and have taken some steps to address a few issues. The policy documents, statements, and plans of action they have produced are important tools for organizing action—and combined patrols are important in and of themselves—but Africa lacks an overarching vision that could tie the various efforts together and strike at core problems (development and governance) rather than merely the symptoms (such as piracy). The world needs a strategy for an African maritime economy—a regime led by Africans with committed global partnership, a maritime economy benefiting African national economies and the global market. The African Union has taken some steps in this direction, especially through its Maritime Transport Charter. It is time, however, to move beyond policy papers and on to strategy-based action. Establishing a continental maritime economy—with improved governance, trade, infrastructure, safety, and security—is not an easy task, especially since it involves the laws of fifty-four countries and implies adherence to those laws by the rest of the world.

Establishment of an International Charter for the African Maritime Sector would be a way to meet these ends. Its goals would be to help African member states establish a regional maritime economy with capacity and capability in all maritime sectors; to provide security and law-enforcement support in the short and middle terms; to create a trust to fund improvements; and to erect checks and balances to promote good governance and noncorrupt, efficient, modern maritime structures. While Africa and the rest of the international community works to establish this charter, the African Union and its global partners should inculcate maritime leadership at the AU, review maritime laws, improve information fusion and sharing, and continue to enforce African maritime laws through combined operations. With these bold steps the African Union, its sub-regional organizations, its member states, and its global partners can make great progress toward an African maritime sector that generates the security, confidence, and efficiency necessary to spark the investment, trade, and jobs vital for the continent's prosperity.

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#### NOTES

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3. *Ibid.*, p. 160.
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5. Gylfi Pálsson, Alan Harding, and Gaél Raballand, *Port and Maritime Transport Challenges in West and Central Africa*, Sub-Saharan Africa Transport Policy Program (SSATP) Working Paper 84 (Washington, D.C.: SSATP, May 2007), p. 11, available at [www4.worldbank.org/](http://www4.worldbank.org/).
6. *Ibid.*, p. xiii.
7. UNCTAD, *Review of Maritime Transport 2009*, p. 164.
8. Most sources use the measure of the TEU, or twenty-foot equivalent unit. According to UNCTAD (*ibid.*, p. 38), the average vessel is now 2,618 TEUs. Pálsson, Harding, and Raballand, *Port and Maritime Transport Challenges in West and Central Africa*, reports (p. 9) that West African ports typically receive ships of 1,000–2,000 TEUs, due to inefficiency and poor dredging.
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26. *Ibid.*



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28. Christian Ménard, "Sur la piraterie maritime" (Paris: Assemblée nationale, Constitution du 4 octobre 1958, Treizième Législature, 13 May 2009).
29. Only Kenya and the Seychelles have taken any action against pirates, agreeing to try captured pirates in court.
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31. See Kathi A. Sohn, "The Global Fleet Station: A Powerful Tool for Preventing Conflict," *Naval War College Review* 62, no. 1 (Winter 2009), pp. 45–58, available at [www.usnwc.edu/press/](http://www.usnwc.edu/press/).
32. U.S. Naval Forces Africa uses the term "banner ship" to refer to large-deck platforms that deploy to Africa exclusively to conduct maritime safety and security training under the auspices, or "banner," of the Africa Partnership Station. To support "banner" ship deployments, Naval Forces Africa hosts multinational planning meetings involving each African and global participant in order to determine capacity or capability needs to be addressed during the cruise.
33. The author is a primary source of information on this topic.
34. Morocco and Senegal did not use boarding teams operating from American vessels; rather, the U.S. Coast Guard cutter *Legare* (WMEC 912) operated with partner-country craft.
35. Paul Collier discusses the concept of international charters in detail in his *The Bottom Billion: Why the Poorest Countries Are Failing and What Can Be Done about It* (New York: Oxford Univ. Press, 2008). The concept of the International Charter for the African Maritime Sector is derived from Dr. Collier's work.
36. African Union, *Report of the 3rd Ordinary Session of the Executive Council on the Proposed Structure, Human Resource Requirements and Conditions of Service for the Staff of the Commission of the African Union and Their Financial Implications* (Maputo, Mozambique: 4–8 July 2003), available at [www.africa-union.org/](http://www.africa-union.org/). Departments are listed in order as found in the Maputo document. The word "maritime" is found in only two places in this document—pages 85 and 86, in the description of the duties of the Department of Energy and Infrastructure.