

**A Tale of Two Regions –
Comparative Analysis of Maritime Security
in East and West Africa**

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requirements of the University of Greenwich
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Declaration

I certify that the work contained in this thesis, or any part of it, has not been accepted in substance for any previous degree awarded to me, and is not concurrently being submitted for any degree other than that of Doctor of Philosophy being studied at the University of Greenwich. I also declare that this work is the result of my own investigations, except where otherwise identified by references and that the contents are not the outcome of any form of research misconduct.

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Abstract

The maritime environment in general and maritime security in particular have often been neglected in Africa. In recent years, there has been a new focus on maritime issues but the academic literature on the subject is largely related to counter-piracy operations in East Africa and, to some degree, West Africa. Problems related to illegal, unreported and unregulated (IUU) fishing have also begun to attract attention but have rarely been put in the context of maritime security. Moreover, the focus of many academic publications has been on issues important to the international community rather than actors in Africa itself.

This thesis is therefore an essential addition to the academic discourse. It underlines the economic potential of the maritime environment with key examples (offshore oil and gas production, maritime trade and fishing activities). Moreover, the thesis highlights that the economic potential is different on the national level. Solutions to improve maritime security will therefore have to be found by national governments first. Nevertheless, cooperation with neighbouring countries is necessary since a lack of maritime security is by definition a transnational problem.

Throughout this thesis, the involvement of different actors in the provision of maritime security is analysed, comparing and contrasting East and West Africa. These actors range from international governments to non-governmental organisations (NGOs) and private security companies. In both regions, international actors generally get involved based on their own priorities rather than those of regional governments. NGOs and the private sector can be valuable partners but a lack of transparency may cause problems. Comprehensive maritime strategies – including, but not limited to, maritime security – are therefore vital on the national level. These strategies are the foundation for regional cooperation and for maritime business plans that aim at reaping the benefits of the ‘blue economy’, increasingly recognised in East and West Africa.

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Abbreviations

2050 AIM Strategy	2050 Africa's Integrated Maritime Strategy
ASF	African Standby Force
ASYCUDA	Automated System for Customs Data
AU	African Union
CEEAC	Communauté économique des États de l'Afrique Centrale (English acronym: ECCAS)
CSCAP	Council for Security Cooperation in the Asia Pacific
DRTC	Djibouti Regional Maritime Training Centre
EAC	East African Community
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EEAS	European External Action Service
EEZ	Exclusive Economic Zone
EJF	Environmental Justice Foundation
EU	European Union
FAO	Food and Agriculture Organization
FEU	Fisheries Enforcement Unit

GDP	Gross Domestic Product
GGC	Gulf of Guinea Commission
GMA	Ghana Maritime Authority
IGAD	Intergovernmental Authority on Development
IMB	International Maritime Bureau
IMF	International Monetary Fund
IMO	International Maritime Organization
ISPS Code	International Ship and Port Facility Security Code
ITLOS	International Tribunal for the Law of the Sea
IUU	Illegal, Unreported and Unregulated (fishing)
JDZ	Joint Development Zone
KPA	Kenya Port Authority
LNG	Liquefied natural gas
MOWCA	Maritime Organization for West and Central Africa
MTISC-GoG	Maritime Trade and Information Sharing Centre – Gulf of Guinea
NEPAD	New Partnership for Africa’s Development
NGO	Non-governmental organisation

NIMASA	Nigerian Maritime Administration and Safety Agency
NMIOTC	Nato Maritime Interdiction Operational Training Centre
OAU	Organisation of African Unity
OCIMF	Oil Companies' International Marine Forum
OECD	Organisation for Economic Co-Operation and Development
PCA	Permanent Court of Arbitration
PCASP	Privately contracted armed security personnel
PFA	Pelagic Freezer-Trawler Association
PSMA	Port State Measures Agreement
RAPPICC	Regional Anti-Piracy Prosecutions and Intelligence Coordination Centre
REC	Regional Economic Community
REFLECS3	Regional Fusion and Law Enforcement Centre for Safety and Security at Sea
RFMO	Regional Fisheries Management Organisation
SAA	Secure Anchorage Area
SADC	Southern African Development Community
TEU	Twenty Foot Equivalent Unit

TNPA	Transnet National Ports Authority (South Africa)
UKMTO	United Kingdom Marine Trade Operations
UNCLOS	United Nations Convention on the Law of the Sea
UNCTAD	United Nations Conference on Trade and Development
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
WTO	World Trade Organization
WWF	World Wide Fund for Nature

Foreword

Addressing an under-studied subject

Until the lion has his own storyteller, the hunter will always have the best part of the story.

(Ghanaian proverb)¹

Many fascinating stories can be found on the African continent and storytellers have long been an integral part of many cultures. Unfortunately, the desire to talk about everyday occurrences or special occasions in life has not been translated into academic publications yet. An immense treasure trove of data, statistics and research on all kinds of academic subjects can be discovered at universities and a growing number of think tanks throughout sub-Saharan Africa. For the time being, however, it is often complicated to access such information without the assistance of more knowledgeable friends and fellow researchers.

During the course of my research, I have spoken to many people who provided insights on very specific subjects that have not been published anywhere, at least in none of the publications I had access to. One of the most important reasons has been mentioned time and again by my interview partners. Perspectives of academics, journalists and politicians in Western countries often dominate the discussion about developments in sub-Saharan Africa. Even in Africa itself, the political and economic status quo is widely accepted and has only been challenged by a growing number of researchers and practitioners in recent years.

During the London Shipping Week in 2015, I came across a perfect example of the way discussions about Africa are often conducted. I attended a seminar that was largely concerned with piracy off the Somali coastline and whether the danger of attacks

¹ The English version is the translation of a proverb attributed to the Ewe, an ethnic group living in modern-day Ghana, Togo and southern Benin. The original version reads as: Gnatola ma no kpon sia, eyenabe adelan to kpo mi sena (see African Proverbs 2006).

remains or may even increase in the coming years. Most people in the room agreed that it is essentially an African problem because root causes for piracy have to be addressed on land, creating the need for 'African solutions'. Of about 50 participants, however, most were middle-aged white men and not a single one was from Africa, hardly representative of a multicultural city like London or the multinational shipping industry.

Nevertheless, nobody even mentioned that this particular audience may not be perfectly qualified to find 'African solutions' to Somali piracy. When I mentioned this episode to a Nigerian friend, he quipped that my experience sounded a bit like the Berlin Conference, the infamous gathering of diplomats in 1884 and 1885 that formalised the European 'Scramble for Africa'. One of the most important outcomes of the conference was the declaration of borders that remain problematic, creating at least some of today's 'African problems' and making it much more complicated to find 'African solutions'. In an interview in 1890, Lord Salisbury, head of the British delegation to the conference, provided a poignant summary: '[We] have been engaged in drawing lines upon maps where no white man's foot ever trod, we have been giving away mountains and rivers and lakes to each other, only hindered by the small impediment that we never knew exactly where the mountains and rivers and lakes were' (Afrika-Rat 2010).

During the course of my research, I have lived in London which provided me with several advantages compared with many other cities. First and foremost, it was easy to get in touch with Africans travelling to the British capital for political meetings, conferences or simply to visit friends and family. Moreover, it is often easier to travel to African countries directly from London rather than between those countries. It is a sad reality and even though the continent seems to be changing, progress is often slow and frustrating.

During a speech at Chatham House in March 2016, Owelle Rochas Okorocho, governor of Imo state in Nigeria, presented his surprisingly positive summary of the current state of Africa. Most importantly, he refused to acknowledge that Africa is a poor continent. On the contrary, Okorocho pointed out that Africa is incredibly wealthy, blessed with natural resources and human capital. These riches, however, have rarely been put to good use and it is the challenge for politicians, religious leaders, academics, entrepreneurs and other Africans to turn their fortunes around in the years to come.

Personally, I have met a number of amazing individuals who are entrepreneurial, well educated and, most importantly, optimistic for Africa's future. This thesis owes much to their personal insights, whether during academic conferences or informal chats at bars and restaurants on the side of the road. Having been born and raised in Germany, I am

hardly qualified to provide a truly African perspective but with this thesis, I have tried to step away from western stereotypes, making at least some connections that have rarely been explored in the academic literature so far. I am looking forward to other works that will expand on the topics covered here and put them into a distinctly African context. That will be necessary to create sustainable solutions which will benefit the general population rather than a small circle of political and economic elites. Another proverb provides a succinct summary of the mindset needed to address challenges in terms of maritime security and in many other areas:

The best time to plant a tree is twenty years ago. The second-best time is now.

Chapter 1: Introduction

Research context and definitions

This thesis will analyse the current state of maritime security in East and West Africa. Unfortunately, governments throughout sub-Saharan Africa have more or less ignored the maritime environment for decades (Dunne 2015: 115-118, Potgieter and Walker 2015: 97-99). In recent years, however, two distinct developments have led to an increased interest in maritime issues on the continent: piracy off the Somali coastline and the growing importance of offshore oil and gas production. The African Union only held its first-ever maritime summit in October 2016 (Ndubisi 2016).

1.1 Reasons for undertaking the study

Even though research about topics related to the maritime environment in general and maritime security in particular has increased notably in recent years, academics and practitioners alike tend to concentrate on just some aspects of maritime security. There may be good reasons for such a narrow focus, yet more comprehensive observations of links between different actors and developments in the maritime environment are rare.

The 'bigger picture', however, is important for decisions in a broad range of areas. Increased oil production offshore, for example, can provide additional revenues for governments of exporting countries (Alike 2016, Ovadia 2016) yet challenges with financial transparency have to be addressed (Sharife 2016). Some of the money can be used to improve naval capabilities and to provide security around oil fields. At the same time, additional patrol boats may be used to identify and detain illegal fishing vessels, directly benefiting small-scale fishermen along the coastline suffering from the impact of foreign fishing fleets (Daniels, Gutiérrez, Fanjul et. al. 2016: 10-15). At the same time, offshore installations can affect traditional fishing grounds. Local fishermen, afraid to lose their livelihoods, may employ illegal fishing methods themselves or supplement their income through smuggling and other illegal activities at sea (Interpol 2014: 25-30).

This very short description illustrates the complex interplay of various actors at sea. Decisions in one area may lead to unexpected developments in another; the same area of the sea can be used for different purposes, ranging from fishing and coastal tourism

to merchant shipping and offshore oil production. Some of these purposes, such as small-scale fishing and coastal tourism, may complement each other, others are linked with each other. Some, however, are mutually exclusive, for example fishing and oil production (Douvere 2008: 763-766). While the maritime environment is not necessarily unique in that respect, it is a worthwhile area for academic research for several reasons.

On the national level, there are links between various government agencies, local communities and the private sector, comprising local and international companies. Local fishermen often know more about their immediate environment than naval or coastguard officers yet they are rarely mentioned in discussions about maritime security (Ghanaian navy staff officer, Interview 28, May 2015). Partnerships between the private and the public sector are necessary to fund large-scale infrastructure projects such as ports or offshore energy production yet private partners have to rely on the government to provide security (World Bank 2009: 39-41). The list of examples goes on and will be explored throughout this thesis.

Moreover, most developments at sea not only have direct implications on land in any given country, but also in neighbouring regions and countries, creating the need for enhanced cooperation on topics ranging from environmental regulations to joint naval patrols. Offshore oil fields can be found across maritime boundaries, for example between Nigeria and São Tomé and Príncipe (dos Santos 2015) or between Senegal and Mauritania (Stothard 2016). Migratory fish stocks are vulnerable to exploitation in one jurisdiction, impacting coastal communities in neighbouring countries (Bailey, Ishimura, Paisley and Sumaila 2013: 124-125). Increasing numbers of attacks against ships may have a knock-on effect on ports throughout the region, putting a higher price tag on maritime trade (Burlando, Cristea and Lee 2015: 525-526).

At the same time, maritime security – and security in general – is a public good, leading to basic questions: who pays for maritime security and who will benefit from improvements? Compared with security on land, governments may feel less compelled to invest because a lack of maritime security does not have a direct impact on the domestic population. The problem of free-riding has already been noted in a correspondent report on Chinese piracy, published on 4 February 1867 in *The London and China Telegraph*:

‘Besides we are not the only Power with large interests at stake. French, Americans, and Germans carry on an extensive trade [...] Why should we then incur singly the expense of suppressing piracy if each provided a couple of gunboats the force would suffice for the safety of foreign shipping which is

all that devolves upon [...] why should the English tax payer alone bear the expense?' (quoted in: Besley, Fetzner and Mueller 2012: 4)

As noted, maritime developments in general and maritime security in particular have not been the topic of much academic research in the past, especially with a view towards sub-Saharan Africa. There is a sizeable gap in the academic literature and it was only in the recent past that the region has received the increased attention of scholars and practitioners, outlined in more detail in the literature review in Chapter 2. Most of that attention, however, can be attributed to piracy and armed robbery at sea off Somalia and in the Gulf of Guinea. These are only one part of what should be an overarching discussion about maritime security. Nevertheless, both regions offer interesting case studies. Efforts to improve maritime security differ between the two regions, yet there are also similarities, explained in detail throughout this thesis.

Personal interest

On a personal level, the author's interest in maritime security was sparked by experiences as a naval officer. These have led to an interest in different aspects of maritime security. In many conversations with former and serving naval officers, the impression that few of them have ever learned much about the background of most vessels at sea was confirmed time and again even before the outline for this thesis had been finalised. Interactions between naval personnel and personnel on merchant vessels are rare. The same is true for fishing experts. Marine biologists are rarely invited to talk about the implications of illegal fishing at conferences about maritime security or at courses for naval officers. Even basic fishing patterns, which can have a direct impact on maritime security as will be shown with several examples in Chapter 5, are too often a mystery to officers on naval or merchant ships.

While there are exceptions to the rule, the situation has not changed significantly in recent years. Fishermen are widely regarded as a nuisance by naval personnel but rarely as a potential source of local knowledge. Boarding teams sent from a navy ship to a merchant vessel are often at a loss as military personnel are unable to read bills of lading, unfamiliar with the construction of merchant vessels and confused by the small crew. Off the coast of Somalia, Nato navies offered protection for convoys of merchant vessels, only to find out that ship operators would rather run the risk of a pirate attack than lose money by having their vessels spend more time at sea (Former staff officer serving in EUNAVFOR, Interview 1, November 2012).

By and large, security issues on land receive much more attention than security issues at sea, certainly in sub-Saharan Africa. Considering the ocean's economic potential, the discussion has to shift at least to an extent. Governments on the continent – as well as in other regions around the world – should try to maximise the potential of the 'blue economy'. From trade to tourism, from fishing to energy production, the sea offers vast opportunities. These have long been ignored, leading to a lack of security at sea. It is therefore important to analyse why the oceans have been neglected for so long and to draw lessons for the future.

1.2 Definitions

Exact definitions for the topics investigated in this thesis are hard to find. Geographic regions such as 'East' and 'West' Africa have to be defined in a way to allow meaningful research on all subjects covered in the following chapters. The definitions for both regions as they are used in this thesis are given below.

It should also be noted that other definitions are possible and equally valid. These will often depend on the nature of the research at hand. Arguably the key example in the context of this thesis is that of regional security complexes as introduced by Buzan and Wæver (2003), a more detailed discussion on this subject can be found in Chapter 2 (Section 2.1). Based on land-based security issues, Buzan and Wæver divide sub-Saharan Africa into a Southern African regional security complex, two proto-complexes in West Africa and around the Horn of Africa as well as a loosely defined Central African regional security complex (2003: 233-247). However, neither region covers the coastal states EEZs and island nations (Cape Verde and Sao Tomé and Príncipe in West Africa, Madagascar, Mauritius and the Seychelles in East Africa) are not included at all, meaning that different definitions of East and West Africa are required for the purposes of this thesis.

Furthermore, the term 'maritime security' also means different things to different people. No standard definition is available in the literature, a short definition of maritime security as it is used in this thesis can therefore be found below. Chapter 2 provides a more refined definition, based on a comprehensive review of the literature on the subject.

**Figure 1.1: Map of the African continent
(United Nations 2011b)**



West Africa

For any geographic region without distinct natural boundaries such as ‘West Africa’, it is not easy to find a clear definition. The United Nations Statistics Division (2016) includes 16 African countries as well as the British Overseas Territory Saint Helena in its definition. The list comprises all coastal states from Mauritania to Nigeria as well as the island nation of Cape Verde and three landlocked states (Burkina Faso, Mali, Niger).

McCaskie and Fage (2016) offer a slightly different definition in the *Encyclopædia Britannica*, leaving out Saint Helena but adding Chad among the landlocked states as well as Cameroon and Equatorial Guinea as additional coastal states for Western Africa. However, their article stresses that ‘West Africa is primarily a political and economic designation and comprises all the areas considered here except Cameroon, Chad, Equatorial Guinea, and the Saharan parts of Mali, Mauritania, and Niger’.

Judging from the member states of the Economic Community of West African States (ECOWAS), that statement is only partly correct. Cameroon, Chad, Equatorial Guinea and Mauritania are indeed not part of the organisation yet Mali and Niger belong to the economic community, partly because they are only two of eight ECOWAS members overall using the same currency (the West African CFA franc). The ECOWAS website points out that ‘[c]olonial boundaries are still reflected in modern boundaries between contemporary West African states, cutting across ethnic and cultural lines, often dividing single ethnic groups between two or more states’ (ECOWAS 2016), further complicating a definition of the region.

Creating a distinct definition of West Africa for the purposes of this thesis therefore requires an examination of political documents rather than geography. With a view towards maritime matters, the *Yaoundé Code of Conduct* (International Maritime Organization 2013), adopted in June 2013, is vital. The document will be analysed comprehensively in this thesis and it provides a highly useful definition of West Africa in the context of maritime security. The abbreviation of the title to *Yaoundé Code of Conduct* is based on the official signing during a summit of heads of states and governments in the Cameroonian capital Yaoundé.

As stated in the official title, the code is concerned with maritime security in West and Central Africa, but Central Africa is not easily identified. The UN Statistics Division, for example, provides a definition for ‘Middle Africa’ that contains nine countries: all coastal states from Cameroon to Angola as well as the island nation of São Tomé and Príncipe and two landlocked states (Central African Republic, Chad). All these countries are

indeed members of the regional economic community for Central Africa (Economic Community of Central African States, ECCAS²) but two other landlocked nations, Rwanda and Burundi, are also ECCAS members (CEEAC 2016).

For the purposes of this research, the *Yaoundé Code of Conduct* will be used as a guideline for a geographic definition of West Africa. Moreover, the author will simply refer to the region as 'West Africa' rather than use the more cumbersome term 'West and Central Africa', used in the full title of the document: 'Code of Conduct concerning the repression of piracy, armed robbery against ships, and illicit maritime activity in West and Central Africa'.

The code was adopted by all members of three regional organisations: ECOWAS, ECCAS and the Gulf of Guinea Commission (GGC). Since all GGC members are either part of ECOWAS or of ECCAS, the membership of the latter two organisations can be used as a regional definition for West Africa. For this thesis, the author will therefore refer to West Africa as comprising all coastal states between Senegal in the north and Angola in the south as well as two island nations (Cape Verde, São Tomé and Príncipe), using a different definition for the region than, for example, Buzan and Wæver (2003: 233-247).

East Africa

While West Africa as a region can be defined based on a political document directly linked with maritime security, the situation is more complicated in East Africa. In its definition for Eastern Africa, the United Nations Statistics Division (2016) includes 20 territories: all states along the coastline from Eritrea to Mozambique, several landlocked states (Burundi, Ethiopia, Malawi, Rwanda, South Sudan, Uganda, Zambia, Zimbabwe), the islands of Réunion and Mayotte (French *départements*) and four island nations in the Indian Ocean (Comoros, Madagascar, Mauritius and the Seychelles).

The *Encyclopædia Britannica* offers a different definition of Eastern Africa. Here, the region is defined as 'part of sub-Saharan Africa comprising two traditionally recognized regions: East Africa, made up of Kenya, Tanzania, and Uganda; and the Horn of Africa, made up of Somalia, Djibouti, Eritrea, and Ethiopia' (Marcus and Low 2015).

² Many countries in West Africa are francophone and the French name of the organisation is *Communauté économique des États de l'Afrique Centrale* (CEEAC). For the sake of consistency, only the English abbreviations of all regional economic communities in Africa will be used in this thesis.

Membership of the regional economic communities in the region recognised by the African Union does not offer much help regarding a definition for the region. These communities include the Intergovernmental Authority on Development (IGAD), the East African Community (EAC) and the Southern African Development Community (SADC). Several countries are members of different organisations, for example Kenya, South Sudan and Uganda (IGAD and EAC) or Tanzania (EAC and SADC). There are even overlaps between SADC and ECCAS as Angola and DR Congo are members of both organisations (CEEAC 2016, EAC 2016, IGAD 2016, SADC 2016).

Regarding security questions in general, several economic communities have made steps towards integrating military capabilities within their respective geographical areas. Cooperation at this level is largely related to the African Standby Force, a peacekeeping force that is supposed to be used by the African Union in response to armed conflicts on the continent (Aliyu 2014: 15-24). While the concept itself is not vital for this thesis, it is useful to note that both ECOWAS and ECCAS have pledged to participate and to develop the necessary capabilities by expanding regional cooperation within the existing frameworks. In East Africa, however, regional arrangements are very different due to the complicated organisational landscape (Aboagye 2012: 2-3). The same can be said for arrangements related to maritime security.

Another possible definition can be drawn from the *Djibouti Code of Conduct* (International Maritime Organization 2009), a similar document to the code for West Africa mentioned above. Contents of the code will be analysed in detail throughout this thesis but compared with West Africa, the document is not particularly helpful when it comes to a definition of the region, underlined by the full title of the document: 'Code of Conduct concerning the repression of piracy and armed robbery against ships in the Western Indian Ocean and the Gulf of Aden'. Overall, 21 countries were eligible to sign the document and only France (eligible because of the overseas territories of Réunion and Mayotte) decided not to get involved directly.

Signatories of the Djibouti Code of Conduct include all coastal states from Egypt to South Africa as well as landlocked Ethiopia, the island nations in the Indian Ocean (Comoros, Madagascar, Maldives, Mauritius, Seychelles) and several countries in the Middle East (Jordan, Oman, Saudi Arabia, United Arab Emirates, Yemen). Opening up the code to such a broad range of participants may have made sense at the time because the document was solely concerned with the effects of piracy in the Indian Ocean, analysed in more detail below. For the purposes of this thesis, however, the definition of East Africa as a region has to be slightly more condensed to allow for a

meaningful comparison with West Africa. The definition is still different from similar definitions, for example the regional security complex around the Horn of Africa as defined by Buzan and Wæver (2003: 233-247).

The thesis will focus on efforts in the African signatories of the Djibouti Code of Conduct. Two countries on the African continent are not included in the analysis, namely Egypt in the north and South Africa in the south. While a discussion about maritime security in these countries would certainly be important, the situation is entirely different from the region covered in this thesis. Both countries have relatively well-developed naval capabilities and can provide assistance to regional partners. At the same time, neither Egypt nor South Africa are affected by the same problems as other countries along the East African coastline or as the island nations in the Indian Ocean. These issues will be analysed in detail throughout this thesis.

Maritime security

Defining maritime security for the purposes of this thesis is cardinal because it is the central term for the analysis in all subsequent chapters. However, there is no readily available definition of maritime security as the literature review in Chapter 2 will underline in greater detail. In a nutshell, maritime security means different things to different people.

Naval officers in the United States may be concerned with the projection of power in and from international waters while their fellow officers in African coastal states are likely to concentrate on providing security in the immediate vicinity of the respective country's main port, traditionally regarded as a role for a coastguard rather than the navy. Definitions of maritime security within navies notwithstanding, private entities such as shipping lines or international oil companies want to protect their assets (merchant vessels or offshore installations including the people working there) from any kind of attack at sea, yet these companies do not care much about illegal fishing practices, a major concern for many coastal communities.

This is a short summary of organisations and people with an interest in the maritime environment, underlining how complicated it is to find a definition of maritime security that fits different perspectives. Finding common ground between all these issues therefore becomes easier when maritime security is defined in a positive way, underlining its potential on different dimensions. The literature review in Chapter 2 provides a comprehensive list of those dimensions, ranging from security for maritime

trade to the protection of fishing grounds in the Exclusive Economic Zone (EEZ), generally the area between 12 and 200 nautical miles from the baseline along the respective country's coastline³. It is therefore a step up from a negative definition of maritime security that is merely concerned with the absence of threats such as piracy, maritime terrorism or smuggling.

The *Yaoundé Code of Conduct* is immensely useful in this regard. Instead of dealing with the subject of maritime security as a conceptual matter, the document offers a highly useful link between academic analysis and strategic issues as perceived by politicians in West Africa. It may not include all aspects of maritime security that are relevant for countries around the world but it does address issues that have been identified by the signatories as threats to maritime security in the region (International Maritime Organization 2013: 5-12):

- Piracy and armed robbery at sea;
- IUU fishing;
- Transnational organised crime in the maritime domain (for example arms or drugs smuggling, human trafficking, crude oil theft);
- Maritime terrorism.

The definition of maritime security that emerges from the *Yaoundé Code of Conduct* is therefore largely concerned with the constabulary function of navies and other security agencies in the maritime environment. These agencies are to be employed mainly in three areas (International Maritime Organization 2013: 5-12):

- Monitoring of the respective state's maritime domain to create a comprehensive picture of vessel movements and other events at sea;
- Patrolling of the respective state's EEZ to ensure that natural resources such as oil, natural gas or fish stocks provide benefits to the national government (and, by extension, the population as a whole);
- Protecting ports, merchant vessels and offshore installations from any kind of attack, whether related to piracy and armed robbery at sea or to insurgent movements and maritime terrorism.

³ Under specific circumstances, states can apply for an extension of the EEZ along the outer continental shelf to a maximum of 350 nautical miles from the baseline.

The triad of monitoring, patrolling and protecting provides a simple and useful definition for activities related to maritime security in the context of sub-Saharan Africa. While the original *Djibouti Code of Conduct* did not contain a similarly comprehensive list of issues, the framework can nevertheless be applied to East Africa as well, confirmed by the adoption of the *Jeddah Amendment* to the code in January 2017 (Al-Sulami 2017). Finally, countries in East Africa are of course embedded within the same continental framework, underlined by a comprehensive maritime strategy adopted by the African Union in January 2014, the *2050 AIM Strategy* (African Union 2012), explored in detail in Chapter 6.

Chapter 2: Theoretical Considerations and a Review of the Literature

Defining maritime security and gaps in the literature

In this chapter, the concept of 'maritime security' as it is used throughout this thesis is defined. It is necessary to put maritime security into the context of 'security' in general and of contemporary uses of this term in particular.

Related ideas and literature are often dense and may even appear arcane, especially when it comes to different conceptual treatments. Different perspectives on maritime security are often linked with different perspectives on security in general. That is true for the theoretical context related to regional integration in general and regional security integration in particular, outlined in more detail below.

The increasing importance of economic developments at sea for security actors, particularly in Africa, is barely reflected in the academic literature so far. Specific topics related to maritime security, especially piracy off the Somali coastline, potential terrorist attacks at sea or disputes over maritime boundaries have been covered extensively as will be shown in this chapter. Other topics such as cooperation between actors from the public and the private sector, links between economic development and maritime security challenges or the implications and implementation of national maritime strategies in sub-Saharan Africa, however, have not received much academic interest.

Compared with the research conducted about challenges and developments on land, the maritime environment has long been neglected. It offers complex problems with a copious amount of military, para-military and civilian agencies involved. Moreover, the private sector plays an important role in the maritime environment. Shipping companies and oil majors not only benefit from a secure environment at sea, they may also have a – direct or indirect – part in the provision of security. In short, relations between public and private actors at sea may be very different than on land. Nevertheless, maritime security and other maritime matters have not been high on the agenda for academics or policymakers, neither in Africa nor in other parts of the world.

Comprehensive maritime security strategies published by the United Kingdom (HM Government 2014) and the European Union (Council of the European Union 2014) as

well as the African Union's broad maritime strategy (African Union 2012), all finally adopted in 2014, underline that maritime issues are receiving increased attention. All three strategies ultimately aim at harvesting the economic potential of the sea yet they are the first attempts at creating such strategies in the respective countries or regions. It remains to be seen whether ambitious goals can be fulfilled. Academic research will certainly play its part in determining success or failure of these and similar strategies and help to underline valuable lessons learned for the future.

Governments, international organisations and the maritime industry have all voiced concerns about the lack of maritime security in various regions around the globe. Two of the most prominent examples are East and West Africa, specifically the region around the Horn of Africa on the eastern side of the continent and the countries around the Gulf of Guinea on the western side. In both regions, piracy is arguably the most headline-grabbing phenomenon yet a lack of maritime security influences many other aspects of security as well which has been laid out by Vrey (2009). McNicholas (2016) has provided a comprehensive overview that includes, among others, irregular migration, transnational organised crime and even cyber attacks against ships and ports. Moreover, most security problems in the maritime environment have their roots 'in weak or fragile states' (Nincic 2009: 6), meaning that the situation on land has to be analysed in combination with the situation at sea.

This review of the available literature on the main subject of the thesis and wider academic discussions around maritime security will first look into the broad spectrum of theories related to regional integration. These theories provide the background for a brief discussion about security integration, specifically about the idea of regional security complexes originally proposed by Buzan and Wæver (2003). The next part looks at security as a theoretical concept and different dimensions of security, including a brief discussion of the impacts increasing globalisation in recent years has had on security. The final part of this chapter provides a definition of maritime security which will be used throughout this thesis as well as a broader discussion over the literature that is generally linked to security in the maritime environment.

2.1 Regional integration and integrated security policies

Many theories in the academic field of international relations (IR), some of them offering conflicting viewpoints, could be used to explain and analyse regional integration in general and security integration in particular. These may in turn be useful to analyse

recent developments in the maritime security environment in East and West Africa. Even though some of these theories, ranging from realism and neofunctionalism to liberal institutionalism and social constructivism, may be helpful to find explanations for certain aspects, there is no one-size-fits-all approach when it comes to maritime security in East and West Africa.

The existing theoretical framework in the field of IR has to be used carefully for the purposes of this dissertation. First of all, virtually all IR theories contain a largely Western perspective, 'based on a Euro-centric understanding of the past, the present and future' as Buzan (2009) has pointed out.

Secondly, IR theories are generally based only on a specific timeframe of European history, namely the so-called Westphalian era. As such, there is a preconceived idea of the world divided into sovereign states. However, in many regions around the globe, borders were imposed by colonial masters, disrupting existing political and societal structures. 'Africa was divided among the colonial powers like a piece of cake' (Afrika-Rat 2010). Borders in sub-Saharan Africa have rarely been shifted or redrawn after independence but are often less entrenched than in Europe (Nugent 2012: 448-506). Interactions on the political, economic and societal level therefore look genuinely different from similar interactions in the Western world, posing a major challenge to an analysis through a rather narrow Western perspective. Acharya and Buzan underline the problem, stating that 'history matters (...) (and) even a short reflection on Western IRT [international relations theory] quickly exposes that much of it is conspicuously drawn from the model provided by modern European history' (2007: 289).

When it comes to academic literature about the different aspects of security in Africa, an increase can be recognised over the past decade. Noteworthy examples include Adebajo (2003), Harbeson and Rothchild (2008), Møller (2009), Williams (2011), Kwesi and Pokoo (2014) or Collier (2015). Field (2004), Francis (2008), Vines (2013) and Engel and Gomes Porto (2014) have added publications focussing on the development of the African Peace and Security Architecture which has been developed by the African Union since 2002.

The overall amount of theory-building articles and books related to security in Africa, however, is still negligible compared to the amount of academic work available about topics such as security in the Third World in general (Ayoob 1995) or security cooperation within regions such as Europe or Asia. A similar picture emerges when the net is cast a little wider as James Meek has noted in his endorsement for Michael Peel's book *A swamp full of dollars*: 'Russia is an enigmatic petrochemical power with a

population of 140 million; Nigeria is an enigmatic petrochemical power with a population of 140 million. Last year [2008] the British Library added almost 500 new Russia-related titles to its collection, and fewer than three dozen about Nigeria' (Peel 2009: i).

Different approaches to analyse regional integration

Based on the general limitations of existing IR theory outlined above, this segment will provide a brief look at different strands and their limits when applied to regional integration in the African context. While it is not a far-reaching discussion of theoretical approaches, some of the shortcomings in relation to the topic of this thesis are pointed out to draw a very rough outline for potential further discussions and research. Unfortunately, similar attempts have been made with little success in the past. Examples and case studies are rarely used in IR discussions and African contributions to the debate are widely ignored (Nkiwane 2001: 279-281).

Realism is an important IR framework for regional security integration. In general, realist thinkers agree that the nation-state is the most important actor on the international stage and that any state strives to protect its national interests. Waltz has defined power in a realist sense as something that 'provides the means of maintaining one's autonomy in the face of force that others wield' (1979: 194). Mearsheimer has added that countries 'strive to gain power over their rivals' (2001: 56), both by economic and military means.

Modern realist thinkers base their assumptions on a concept largely rooted in the Cold War era, although states as anarchic actors which may form alliances long pre-date that. Following realist lines of thinking, the desire to control or fear of domination by another state induces nations to act. While it may be premature to argue that the international system after the Cold War cannot be analysed based on realist assumptions (Westad 2000: 7-11), these have never been high on the agenda of governments in sub-Saharan Africa. Henderson (2015) has tried to define an 'African Realism' yet his book is mainly concerned with international conflicts on the continent in the post-colonial era, largely leaving out domestic struggles and civil wars. By and large, however, regime security has been a much more pressing concern than the domination of other countries (Baimu and Sturman 2010: 39-42). The number of inter-state conflicts in sub-Saharan Africa has been dwarfed by the number of intra-state conflicts (Henderson 2008: 32), even though 'the nature of conflicts [since the 1990s] has changed significantly with the lines between criminal and political violence becoming

increasingly blurred' (Cilliers and Schünemann 2013: 2). It may be argued that neighbouring countries have often tried to exert influence by supporting rebel movements or militant factions (Hendricks 2012: 53-61) yet even in those cases, the roots of internal conflict are generally found within a certain country.

Liberalism challenges the idea of a nation-state with a certain set of national interests. While states are seen as important actors on the international stage, they are not regarded as unitary entities but rather as interdependent actors with a need to coordinate their actions through common rules and institutions. Bull (1985: 8-19) has defined the international order as a pattern of activity sustaining the goals of all nation-states. That includes maintaining the independence of individual states, preserving the system and limiting violent interactions. It is a fundamentally optimistic theory and regards cooperation on a regional or international level as potentially unlimited.

Again, this concept cannot easily be applied to regional security integration in Africa. Even if supported by political will for more integration, which has often been lacking, a lack of available capacities and resources has constrained states trying to achieve deeper integration (de Melo and Tsikata 2014: 7-11). Moreover, different views on the need for integration, for example in francophone and anglophone countries throughout Africa, can be traced back several decades and conflicts continue to linger, for example in West Africa, discussed in more detail below.

Growing interdependence between nation-states and the growing importance of non-state actors such as non-governmental organisations or multinational corporations has contributed to the development of institutionalism as another theoretical framework. It shares the positive assumptions about cooperation between international actors while emphasising the role of formal institutions. They provide a framework for negotiations and shared information yet they are not merely passive tools. Institutions matter because they can shape opinions, actions and political developments over time.

Even though the literature on institutionalism is constantly evolving, most publications are written based on developments within the European Union as the primary example for an institution that is constantly shaping politics in its member-states (see, for example, Rosamond 2000: 98-129). Regime theory provides a similar framework although it is based on realism. Krasner (1983: 141) has defined international cooperation, for example in areas such as security or trade, as regimes with certain norms, rules and procedures. These will then help to facilitate a convergence of states' expectations.

Some examples for integration through common rules and institutions can indeed be found in Africa yet they are few and far between. At the same time, the institutional capacity of regional and continental organisations is not on the same level as, for example, in Europe (Nganje 2015: 14-18). Regional economic communities such as ECOWAS in West Africa or the East African Community (EAC) may have a secretariat, but these organisations cannot rely on a pool of bureaucrats or subject-matter experts similar to the European Union. Instead, regional organisations in sub-Saharan Africa are often reliant on the host nation and on foreign donors, thus limiting their ability to actively shape political debates and to potentially define new regimes.

Functionalism offers a slightly different outlook on regional integration. This theory is first and foremost concerned with functional cooperation in non-controversial areas. Social, technical or humanitarian aspects could be discussed between national governments and the cooperation may spill over into other political fields. Initially, functionalism was introduced after the First World War, neofunctionalism later refined some of the assumptions (Mitrany 1976, Rosamond 2000: 50-73). Once again, it is a theory that is mostly applied to the development of the European Union but it has been used to explain the development of other international organisations, usually dominated by Western nations.

In the African context, similar limitations as those mentioned above with regards to institutionalism apply. Limited bureaucratic capacities restrict potential spillover effects of cooperation between governments. Furthermore, political will to initiate such cooperation in the first place is often lacking as the primary focus of many governments in sub-Saharan Africa is internal. In a private conversation, a diplomat from West Africa provided a vivid comparison: 'In West Africa, we are living like neighbours behind a fence and we barely talk to each other, even though we go to the same church. In Europe, there are arguments, but there are also celebrations, neighbours are invited for a drink and develop long-standing friendships' (Representative of West African government, Interview 14, February 2015).

No obvious theory for integration in Africa

This brief discussion of different approaches to analyse regional integration is not a complete list of ideas, assumptions and theories developed over the past decades. Nevertheless, it underlines that there are many different approaches which have been developed to explain why and how nation-states may decide to work together, even in

sensitive areas such as security politics. Realist theories aside, all concepts have one important feature in common: they replace simple power politics with a more international or, in some cases, a more supranational framework. In effect, they question the overwhelming importance of power politics, emphasised by realists as an answer to centuries of state-centred politics by European powers.

At the same time, the discussion above indicates fundamental shortcomings when regional integration in Africa is analysed through a lens that was, by and large, intended for the Western world. Limited institutional capacities, both on the national and the supra-national level, close political ties to former colonial powers rather than neighbouring governments and a pronounced focus on internal affairs, often related to regime stability, are just three distinguishing factors between states in Europe and in sub-Saharan Africa.

All in all, it may be possible to explain at least some political developments in East and West Africa with the help of traditional IR frameworks such as those mentioned above. Every analysis, however, will be flawed unless it takes note of the potential shortcomings of a theoretical approach used as a template to analyse developments in a unique setting for which it was not originally developed.

Predictions of future developments are equally complicated. Whereas the analysis of European integration may offer analytical background for future developments, regional integration in Africa often requires a distinctly different approach. Søren Dosenrode has even pointed out that 'when looking at the African Union and its high aspirations of African unity there is no theoretical framework to guide the statesmen embarking on it' (2010: 3).

Attempts to explain regional security integration

Whereas the previous section was concerned with theories related to regional integration in general, this part offers a brief overview over theoretical approaches to explain security integration on a regional level, a more specific policy area. In particular, it will briefly examine whether theoretical approaches are available to help explain security integration in East and West Africa. One of the key works in this area was written by Barry Buzan and Ole Wæver and published in 2003. *Regions and Powers: the Structure of International Security* is part of the Copenhagen School approach to IR theory and attempts to break up the world into so-called regional security complexes. Both East and West Africa are relatively well-defined examples as noted in Chapter 1

yet the exact definition of these regions is different to the one used in this thesis, largely because Buzan and Wæver have studied the development of regional security complexes based on developments on land. When drawing the boundaries of their regional security complexes, Buzan and Wæver (2003: 231) ignored states' EEZs and the – sometimes disputed – boundaries between them.

Before discussing the application of regional security complex theory as introduced by Buzan and Wæver, the failure of other theoretical frameworks to explain security integration should be mentioned. Various theories of European integration, notably intergovernmentalism or neofunctionalism, have long upheld the basic assumption that defence and security are policy areas with a specific character compared to more generic ones such as economic or environmental issues. National governments 'would not give up their autonomous decision-making power in these questions to common institutions or supranational authorities' (Ojanen 2002: 4) because defence and security are regarded as the core areas of national sovereignty.

Regional integration usually starts with enhanced economic cooperation between a core group of countries (Moravcsik 1998), ranging from ad-hoc agreements to customs unions and a common market. Most theoretical frameworks mentioned above have been used to explain spillover effects and the ever-deepening integration not just in the economic arena, particularly in Europe. Essentially, such integration is characterised by groups of countries with a liberalised intra-community trade and increased mobility for various factors of production, most importantly capital and the workforce. Put simply, national economies as a whole have much to gain and little to lose when governments lower trade barriers, giving them access to a larger market.

Most theories developed since the late 1950s were mainly concerned with these particular aspects of regional integration. The focus has been on processes and variables such as the number of member-states, the balance of power, leadership qualities of influential politicians or the style of decision-making. From an early stage, other theories have explained supra-national organisation as a process during which nation-states 'are persuaded to shift their loyalties, expectations and political activities toward a new centre' (Haas 1958:16).

Looking at regional security integration, the theoretical framework is much less comprehensive. While integrated economic policies can be controversial anywhere, integration of security-related policies is infinitely more complicated. Belonging to a regional organisation may have economic and political advantages (Rowlands 1998:

917) but national governments are reluctant to give up sovereignty in one of the key areas defining a nation-state, the protection of its borders and its people.

Cooperation on a selective range of defence issues such as training, procurement or common operational standards aside, most academics and practitioners failed to foresee the current level of integration in foreign and security politics within the European Union. Today, the EU's Common Security and Defence Policy may not have reached the ambitious goals it once had but it has demonstrated that integration in this policy area is indeed possible and may be linked with other foreign policy strands (Koutrakos 2013: 210-247). Over the last decade, academics therefore had to adjust their theories to show that these are still useful and may be used to explain future developments in different areas of integration, including security.

Taking note of ongoing developments to develop an existing theoretical approach certainly is a valid method employed by many IR scholars. Regarding the application of these models in the African context, many shortcomings have been described above. Attempts to develop Euro-centric theories to explain developments – or the lack thereof – in African security integration are virtually non-existent, creating an enormous gap in the available literature on the topic.

One notable exception from the rule is the work of Buzan and Wæver mentioned above. Their premise is that most security threats will occur in a specific region as most interactions of states and other actors in these regions do not concern actors outside the respective region. These regional security complexes can then be regarded as micro-systems where different IR theories may be applied to explain, analyse and forecast interactions.

In the chapter about sub-Saharan Africa, Buzan and Wæver themselves acknowledge that 'the main focus of security in Africa is domestic – or more accurately substate' (2003: 228). Conflict formations and patterns of alignment can be found 'much more at the substate level than at the interstate one' (2003: 299), creating a somewhat murky situation that is unique to Africa. West Africa in particular has been 'characterized by relative international peace and by domestic war' (Kacowicz 1998: 125) since the former colonial masters granted independence to their former colonies.

Regions and Powers was published more than a decade before this thesis was completed and the security landscape developed during that time. Most importantly, the African Union created a framework to promote peace and security on the continent, built upon the existing infrastructure of regional economic communities. Whether the

description of both East and West Africa as proto-complexes that Buzan and Wæver provided in 2003 is still valid is therefore discussed in detail throughout this thesis.

Another essential issue for this thesis, however, has not been mentioned at all by Buzan and Wæver. Maritime security, defined in greater detail below, may bring together a different set of actors within a region or across the traditional borders of any security complex. Landlocked nations such as Mali or Chad in West Africa and Ethiopia or Uganda in East Africa may be important for the respective regional security complex, yet can be almost disregarded when maritime security is concerned. At the same time, island nations such as Cape Verde and São Tomé and Príncipe in West Africa or the Seychelles and Mauritius in East Africa are almost insignificant for developments on land but can make vital contributions to maritime issues.

One of the very few examples in which regional security complex theory has been applied in a maritime context is a book by Manoj Gupta, published in 2010. The author presents a comprehensive overview over different governance regimes in the Indian Ocean region and security regimes are only mentioned in one chapter in an attempt to 'establish intra-ocean patterns of relationship in conceptualising the Indian Ocean as a region' (Gupta 2010: 10). Four distinct regional security complexes (Horn of Africa, Middle East, South Asia and East Asia) had been identified earlier by Buzan and Wæver yet little interaction exists between those regions. The maritime focus Gupta employs does not change that but a certain degree of interaction can be identified, mostly based on common economic interests.

In this thesis, it will be discussed whether the application of regional security complex theory is appropriate and helpful when it comes to maritime security. Compared with other models in IR theory, it offers an entirely different approach as it is first and foremost concerned with the definition of certain regions where other IR models may then be applied to analyse specific situations. It therefore does not create a contest between competing attempts to explain security developments. Instead, it may be used to simply identify a certain region based on the interplay between different actors which can then be analysed by an appropriate theoretical framework.

2.2 Security as a theoretical concept

Theoretical works about security have rarely focused on the maritime environment, making it necessary to take a broader look at the academic debate about security. One of the most essential textbooks providing a summary of the current state of the

academic debate is arguably *Contemporary Security Studies*, edited by Alan Collins (2016). Even the most recent fourth edition does not contain a chapter concerned with maritime security alongside other chapters dealing with topics such as 'Health and Security', 'Societal Security' or 'Gender and Security'. Williams (2012), Terriff et. al. (2000), Buzan, Wæver and de Wilde (1997) offer an overview of conceptual developments in the field of security studies immediately after the end of the Cold War.

Contemporary debates over security as a concept, leading to the establishment of security studies as a sub-area of the broader academic field of international relations, began during the Cold War in the early 1980s. Discussions of security issues were no longer dominated by a military-strategic focus, particularly in Europe where the end of the Cold War led to a radical re-orientation of security analysis. Security of the state remained key but challenges to the well-being of communities and individuals within states as well as to security on the regional and the global level gained more and more recognition. Outside of the academic debate, the EU's European Security Strategy, published in 2003, also underlined the shift in perspectives. It is debatable whether the document should indeed be labeled as a comprehensive security 'strategy' (see, for example, Wyllie 2006). Nevertheless, it underlined the liberal and internationalist outlook of the European Union 'that relies mostly on socio-economic instruments' (Monteleone 2009: 144).

As early as 1991, Ken Booth pointed out that the academic field of strategic studies should be broadened and move on from its traditional narrow (military) focus. 'Strategic studies' and 'security studies' should be regarded as separate fields but are often used interchangeably, particularly by scholars in the United States (Walt 1991; Betts 1997). It is therefore necessary to identify an appropriate scope of security as a concept and, on a more general level, as a term itself. Just after the end of the Cold War, for example, Buzan (2007: 35-42) proposed to integrate interdependent dimensions of security, leading to an analysis on the individual, national and international level. Moreover, he defined five issue sectors: economic, environmental, military, political and societal security. Together with Wæver and de Wilde, Buzan (1997) later developed his levels of analysis into five entities: individuals, subunits (groups), units (actors), international subsystems and international systems. Other categorisations are possible but these can be subsumed in the original three dimensions.

Individual security

Emphasising this level of security includes a thorough look at the situation of individuals and communities on the sub-state level, for example religious, ethnic or other minority groups. The question here is whether the state can protect such groups from both internal and external threats. This level of analysis has been developed into the concept of human security (Scholte 2005: 279-315). On the one hand, the state has the power to improve the security of its citizens by providing economic opportunities, social welfare and a general level of law and order. On the other hand, the state or its agents may infringe on basic human rights or tolerate economic exploitation of certain groups.

Moreover, the balance between individual security and individual freedom can shift, depending on demands and requirements from citizens or by the state itself. After the end of the Cold War, Buzan (2007: 52-58) pointed out that the state itself can become a threat to individual security when it becomes too powerful, later underlined by a range of infringements on civil liberties after terrorist attacks, particularly those against the World Trade Centre and the Pentagon in September 2001 (Hicks 2005: 211-218).

Developments within one of the five issue sectors mentioned above can have contrary effects on different levels of security. Economic security, for example, may be threatened on the individual level by the impacts of globalisation and the free movement of goods as manual labour is shifted to cheaper countries. On the national level, however, the economy is likely to benefit from better access to international markets. Buzan realises the 'independent importance of the state and system levels of security analysis' and maintains that international and national security should be the 'main focus of analysis' (2007: 60).

National security

This level of analysis is the most noticeable one in day-to-day politics. Government representatives, interest groups and other actors use the term 'national security' for a broad range of topics, often to justify or to promote specific actions such as the introduction of new laws or increased funding for security agencies. The traditional focus has been on the military defence of the national territory as well as of areas or regions that were of strategic interest to the respective nation-state, questions of how well-defined these interests were notwithstanding. Since the end of the Cold War, however, concepts of national security have shifted to include a much wider range of

topics such as organised crime, economic security or climate change. All of these have been included in recent national security strategies published in the United States and the United Kingdom (The White House 2015, HM Government 2015).

In the early 1950s, Arnold Wolfers defined national security as ‘the absence of threats to acquired values’ (1952: 485), a definition that was still in use when David Baldwin expanded it more than four decades later. Baldwin has pointed out that it should rather be ‘a low probability of damage to acquired values’ (1997: 13), based on five subsidiary specifications:

- Security for whom?
- Security for which values?
- How much security?
- Security from what types of threats?
- Security by which means?

While Baldwin has underlined that not all of these specifications are necessary in every analysis, he believes that ‘means, costs, and time period must be specified’ to arrive at a ‘systematic comparison of policy alternatives’ (1997: 17). In short, governments will incur opportunity costs and diminishing returns during the provision of national security, reflected in debates about security budgets. Moreover, perceptions of security threats are likely to be different, ‘[w]hat makes one person or state feel insecure may make another feel secure’ (Wyllie 1997: 11). This gives rise to the ‘security dilemma’ where one party increasing its defences is seen by another as threatening (Tang 2009: 589-593).

International security

At this level, the analysis turns to the behaviour of states, the systemic factors influencing it and the implications for security. While there are other actors besides states, they are responsible for the provision of security inside their respective borders. International organisations such as the United Nations or the African Union may support states as well as actors on the sub-state level, for example through peacekeeping missions or the distribution of aid in emergency situations.

Actions of international organisations, however, are generally the result of collective state actions. By and large, governments are concerned with their sovereignty and the

monopoly on the legitimate use of force, even within the European Union where many decisions are now taken on a supra-state level. The state remains the central object of analysis within an international system that has been characterised as anarchic due to the absence of a formal government (see, for example, Waltz 1979: 88, Gilpin 1981: 7, Art and Jervis 1986: 7). Milner has criticised this view as simplistic and underlined that '[o]ther notions of government stress the existence of institutions and laws that maintain order' (1991: 73). Nevertheless, threats within the international system may have an effect on security on the international or the sub-state level but the state itself remains central for the analysis. Buzan and Wæver (2003) have also suggested that the (positive or negative) influence of states is mostly felt on the regional level within the respective security community. Neither security threats nor efforts to counter such threats travel well, an important theoretical addition to the different levels of analysis.

2.3 Different dimensions of security

Buzan (2007: 38) originally defined five dimensions of security and other authors have used similar categories. Two dimensions, political and military security, have been the dominant factors both on the national and the international level. In the context of this thesis, factors within those dimensions will be discussed throughout all chapters. One of the merits of the development of security studies as an academic area in its own right, however, was that the scope was broadened to include additional, non-traditional security dimensions. To underline the idea of these additional dimensions, three of these non-traditional dimensions identified by Buzan (economic, environmental and societal security) are briefly explained below.

Other dimensions have been described more recently, for example energy security (The White House 2015: 16, Raphael and Stokes 2016), transnational organised crime (HM Government 2015: 42, Giraldo and Trinkunas 2016) or cyber security (Carr 2016, Dunn Cavelty 2016). Overall, the fact that additional dimensions have been analysed by more and more scholars over the past decades reflects the widespread notion that different types of security are multidimensional and have to be addressed as such.

Economic security

On all levels of analysis, security has an economic dimension. The absence of basic necessities on the individual level, for example, can be analysed as a security threat.

Widespread economic insecurity can also lead to challenges in terms of national – and international – security because such conditions may be exploited by militant groups and other violent movements.

Economic security in East and West Africa has different maritime elements to it. On the national level, maritime trade as well as offshore oil and gas deposits are significant sources – and potential sources – of government revenues, meaning that ports and offshore installations are generally regarded as strategic assets. These will be discussed in detail in Chapter 4. On the individual and sub-state level, the economic security of coastal communities is threatened, for example by illegal, unreported and unregulated (IUU) fishing. Potential effects of IUU fishing in particular will be discussed in detail in Chapter 5.

Environmental security

Environmental issues include some of the threats that have been identified since the mid-1980s in an increasing amount of literature, often aiming to redefine the concept of security. An article written by Richard Ullman (1983) is one of the earliest examples. Barnett (2016) provides a comprehensive overview over how the discussion evolved over the course of the previous three decades as well as on attempts to identify links between environmental problems and violent conflicts or other security threats.

Contrary to other types of security threats, environmental security includes mainly slow-onset threats that have been described as ‘a threat multiplier for instability’ (Goodman 2012). The effects of climate change or water scarcity cannot be observed overnight, but more and more analysts have pointed out that such issues are likely to increase problems in other areas on all levels of analysis (see, for example, Matthew and McDonald 2004, Dupont and Pearman 2006, Biswas 2011).

In the context of this thesis, environmental security is largely disregarded. Problems caused by marine pollution or rising sea levels may have an impact on land but such ramifications are beyond the scope of this thesis and should be explored in detail in further research. Moreover, environmental issues as such may not be regarded as particularly pressing by policymakers despite their potential consequences, whether in economic or social terms. Levy has underlined that violent conflicts are hardly a direct result of environmental factors because ‘so many intervening variables have been added that it is difficult to see the independent contribution of environmental degradation’ (1995: 58).

Societal security

For Buzan, societal security may be threatened by minorities which are conducting (real or perceived) attacks on national culture and identity. Weak governments may turn against such minorities in the name of stability or national security, attempting to secure their power base (Buzan 2007: 50-54). Demographic factors may also develop into a threat to the societal cohesion of states, or to specific communities on the sub-state level. This issue has gained increasing recognition even in military circles, as Francis (2010: 3-10) has shown in his research about strategic interests of the United States on the African continent.

While societal issues may influence security on all levels of analysis, this dimension has been criticised for an inherent vagueness in key areas. National identity, for example, can mean many different things to different individuals and groups. Arcudi (2006: 99-105) has provided a comprehensive overview over the problems observed by academics since the definition was first provided by Buzan.

In the context of this thesis, societal security can be sidelined to some extent, quite simply because there is no permanent population at sea. That is not to say that coastal communities are immune from threats, but the implications are more likely to manifest themselves on land rather than at sea. Abbott and Renwick (1999) have tried to establish a link between maritime piracy and societal security in Southeast Asia but, except for stating that piracy can be partly linked to marginalised social groups, they have mainly analysed the political situation in the region. For sub-Saharan Africa, the only maritime element of societal security – or insecurity – that has been analysed to an extent is irregular migration (de Haas 2007).

Globalisation and its impact on security

The term 'globalisation' has become ubiquitous in academic papers, policy briefings and similar documents (for example Davis 2003; Coker 2004: 11-22; Kay 2004: 10-13; Hammes 2016). Although 'globalisation' is rarely well-defined, it has a definite connection with the term 'security', particularly with maritime security, because the sea is an essential link for regions such as East or West Africa as well as for the global community as a whole. Jan Aart Scholte has provided one of the best definitions of globalisation which he describes as a 'spread of transplanetary (...) [or] supraterritorial (...) connections between people' (2005: 59). Scholte's definition, however, underlines

the brittle nature of globalisation. Connections between disruptive forces can grow just as fast as the social and economic links between different countries or societies.

The need to defend the positive aspects of globalisation from potentially disruptive forces underlines that security has to be analysed not just on the national level. Ken Booth, one of the most vocal academics supporting that notion, believes that it is vital to develop 'ideas about global governance that will recapture a sense of the future and of a concept of progress in the interests of human needs' (1998: 345). In his view, challenges on all dimensions of security such as the negative effects of liberal capitalism, environmental damages or violations of human rights have contributed to a 'global insecurity community' (1998: 342). These challenges have to be addressed to introduce regional or even global governance forms and to counteract disruptions of those aspects of globalisation that he regards as positive.

Regional or global governance describes a system that is managed by international conventions or multinational institutions for the common good (Wilkinson 2005: 4-5). Globalist thinking has been advanced particularly by regime theorists and goes back to books published in the early 1980s (see, for example, Krasner 1983, Keohane 1984). It is beyond the scope of this thesis to discuss regional or global governance frameworks in detail. Nevertheless, this thesis adds to the discussion from a very specific angle, namely the international nature of the maritime environment. Given the unique characteristics of maritime issues, in Africa as well as elsewhere, these should be an important field for academic study. While other regions have received more attention, multinational maritime regimes in Africa have not been studied to a great extent so far.

One of the very few attempts is an article by Bueger (2013). Despite his desire to show an emerging maritime security regime in Africa, however, he fails to identify such a regime. Instead, his analysis relies on conferences, seminars or conventions sponsored by international organisations or individual countries, particularly the United States. Such initiatives may indeed be helpful yet they are unlikely to be sustainable unless participating nations are able to identify common needs and requirements. Moreover, the article is limited to the Indian Ocean region and mixes efforts with a genuine link to maritime security such as counter-piracy operations with aspects such as maritime search and rescue. Analyses of emerging maritime regimes in Asia over more than two decades (see, for example, Leifer 1991, Valencia 2000, Till 2007, Koo 2010) as well as more recently in the Indian Ocean region (Stephens 2016) show that this is an area that does provide many angles for academic studies, in part addressed with this thesis.

Regional security regimes are not only a key area of analysis. They also lead to the question whether security should be regarded as a global problem when there is no agreement over what has to be secured, how it can be secured and by whom (Gray 1994: 27-29). From this perspective, a detailed look into such regimes on a regional level can lead to essential conclusions for other regions, thereby creating an interconnected web of regional arrangements rather than a global one that cannot adequately address the requirements of highly different participants.

At the same time, maritime security in particular is an area that may be analysed differently on the regional and the global level. Based on a school of thought that goes back to American naval strategist Alfred Thayer Mahan writing in the 1880s and 1890s, the liberal economic and political global system – the cornerstone of globalisation – that had been built over several centuries has been analysed as a maritime system, centred on first British, then American naval dominance (Mead 2007: 85-86, Till 2013: 353-354). Mahan was the first to describe the strategic advantages of states which are able to project power from the sea, both during war and in times of peace, when he published *The Influence of Sea Power upon History, 1660-1783* (Mahan 1987, reprint of 1894 ed.: 25). In his book *Some Principles of Maritime Strategy*, originally published in 1911, Julian Corbett has also underlined the advantages of what he describes as ‘command of the sea’ (2004: 87-104), although in Corbett’s case naval forces are used more in a constabulary role with a wider distribution of forces while Mahan is more concerned with large-scale naval engagements.

Despite significant changes in military capabilities since Mahan and Corbett published their works in 1894 and 1911 respectively, the ability of states to project naval power continues to be one of the most prominent fields of academic analysis related to maritime security (see, for example, Gray 1992: 31-55, Friedman 2001, Gompert 2013, Lim 2014). It also continues to influence military thinking, underlined by the latest American maritime strategy published in March 2015. The preface, written by Secretary of the Navy Ray Mabus, stresses that ‘[s]eapower has been and will continue to be the critical foundation of national power and prosperity and international prestige’ (US Navy, US Marine Corps and US Coast Guard 2015: ii). In his analysis of the new strategy, Geoffrey Till has emphasised that ‘[n]avies both reflect and help shape the international context’ (2015: 34), pointing to an interdependency between political power and power projection from the sea.

Whether seapower does indeed play such a crucial role for national power is an open question but the debate is beyond the scope of this thesis. In the case of Africa, it

certainly seems wrong to suggest that maritime security is first and foremost related to the size and strength of national navies and to the ability to project power from the sea.

Perspectives of maritime security in sub-Saharan Africa should be markedly different from the traditional sea powers of the West and their heirs in South and East Asia. They need to be based on capabilities and requirements that have to be analysed on the national and the regional level. For a global power such as the United States, maritime security may require the ability to project power and deploy forces from the sea (Gray 2004: 20). African countries, on the other hand, have to overcome other maritime security challenges, notably patrolling and securing their EEZs, to begin to reap the economic benefits of globalisation. African navies and coastguards will not defend the liberal maritime order on a global scale when they are hardly able to secure their own waters in cooperation with neighbouring countries.

2.4 Defining maritime security

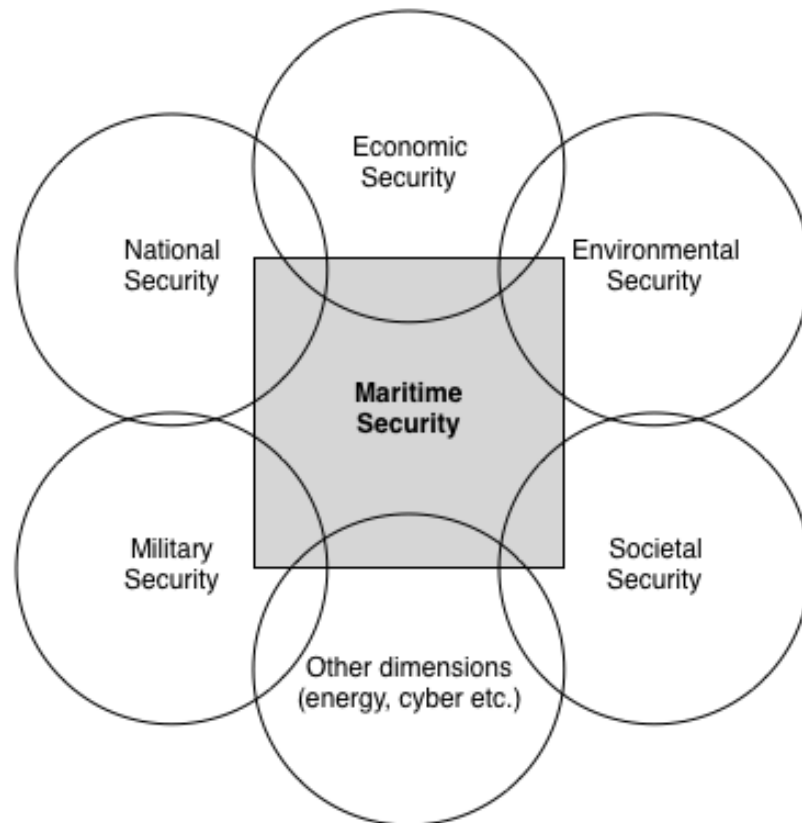
The term 'maritime security' has not been used in a systematic way in the literature purportedly related to the topic and means different things to different people. Geoffrey Till has underlined that more than two decades ago when he pointed out a 'particular need to be clear about what is necessary for future maritime security and prosperity' but acknowledged that it 'is a far from easy task since the phrase 'maritime security' comprehends so much' (1994: 5). In a more recent publication (*Seapower: A Guide for the Twenty-First Century*), Till has suggested a distinction between 'hard security' which regards the ocean as a 'source of power and dominion' while 'soft security' is more concerned with natural resources, maritime trade and transportation (2013: 310-311).

Other authors (for example Klein 2011: 2-11, Kraska and Pedrozo 2013: 12-15) have also pointed out that there is no general consensus about the definition of maritime security. On the one hand, it could be identified as yet another security dimension, adding to those outlined above. In the relevant literature, however, that view is not reflected as maritime security is generally not regarded as an issue of its own. On the other hand, various dimensions of security may also apply in the maritime environment as most of these dimensions possess – at least to a degree – a maritime element (Chalk 2008: 2).

It is therefore possible to analyse, among others, maritime economic security or maritime environmental security but even so, 'there appears to be no commonly accepted definition of what constitutes maritime security' (Rumley 2013: 58). This idea

is nevertheless consistent with the broader view of security explained above that has largely been developed in the post-Cold War era. The overlaps of ‘maritime security’ with other dimensions of security, some of which have already been identified above, are shown in Figure 2.1.

Figure 2.1: Maritime security in context of other dimensions of security studies (Author’s diagram)



Over the past decade, the view that there is no accepted definition of maritime security has gained traction, particularly due to the large number of publications related to specific aspects of it such as maritime terrorism and maritime piracy. In the aftermath of the terrorist attacks in the United States in September 2001, maritime security became an vital aspect of national security for the United States, reflected in the introduction of the ISPS Code to improve the security of international shipping (Mensah 2004: 17-18). Peter Lehr (2007) has edited a book in which several authors try to identify possible links between maritime piracy and terrorism, albeit largely limited to Southeast Asia.

The distinction between piracy and armed robbery at sea on the one hand and maritime terrorism on the other is first and foremost a legal one since the means used

by perpetrators may be similar or even the same. In Article 101, UNCLOS defines piracy as an act committed for 'private ends' and on the high seas (United Nations 1982: 60-61). The concept of the high seas used in UNCLOS goes back to the work of Hugo Grotius who was the first proponent of 'The Free Sea' (*Mare Liberum*) in the early 17th century (Grotius 2004, originally published 1609). By extension, acts classified as armed robbery at sea are similar in nature but take place within territorial waters.

Maritime terrorism is committed by individuals trying to make ideological or political points rather than acting for private ends (Diaz and Dubner 2004: 1-5), both in territorial waters and on the high seas. This legal lacuna was filled by the 1988 *Convention for the suppression of unlawful acts against the safety of maritime navigation* (often abbreviated as SUA convention; United Nations 1992), 'a specific convention relating to maritime terrorism' (Tuerk 2008: 343). By and large, however, terrorist attacks against merchant vessels or port facilities have remained a virtual threat (Murphy 2009: 185-189) while rising numbers of pirate attacks off Somalia underlined a different challenge to maritime security from 2007 onwards.

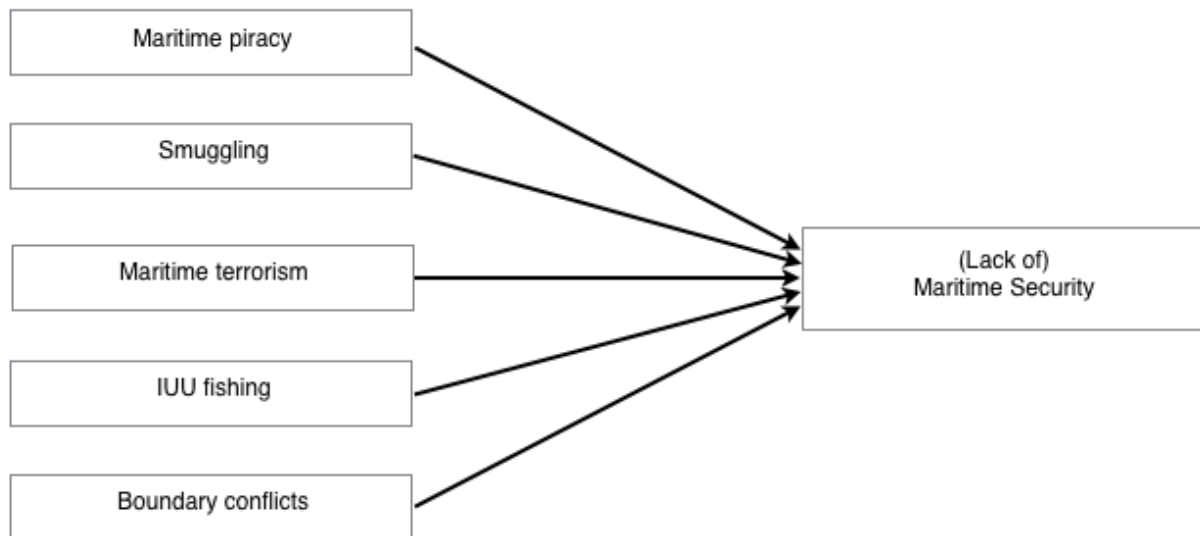
The threat of piracy for international shipping may have been exaggerated (Scheffler 2010: 9-10), but it helped to facilitate discussions about maritime aspects of security and challenges to 'good order at sea'. Even though this is often used as a catch-all phrase without a coherent definition in the literature (see, for example, Vrey 2009: 18-20; Bateman, Ho and Chan 2009: 7; Kraska and Pedrozo 2013: 16; Brits and Nel 2015: 51), it broadly describes the aspects analysed in this thesis: secure transport of goods by sea, protection of resources in and under the ocean as well as multinational cooperation to avoid exploitation of the sea by criminal or terrorist groups.

Furthermore, tensions between states in several regions around the globe, for example the Arctic or the South China Sea, have also increased attention for maritime security as a challenge with various dimensions rather than as just one additional dimension of security in general. Emerging powers, particularly China and India, have invested heavily in their navies, following a pattern set by the United States and, to an extent, Russia, increasing the attention to maritime security to a different level (see, for example, Ba 2011, Keil 2013 and Kirchberger 2015).

Broadly speaking, the term maritime security can therefore be defined in two ways. The negative definition (see Figure 2.2) refers to the absence of threats such as maritime terrorism, piracy, smuggling, IUU fishing or conflicts over maritime boundaries. Discussions concerned with maritime security often include some or all of these threats (Eltaher 2012; Mulqueen, Sanders and Speller 2014; Germond 2015; Bruns and Krause

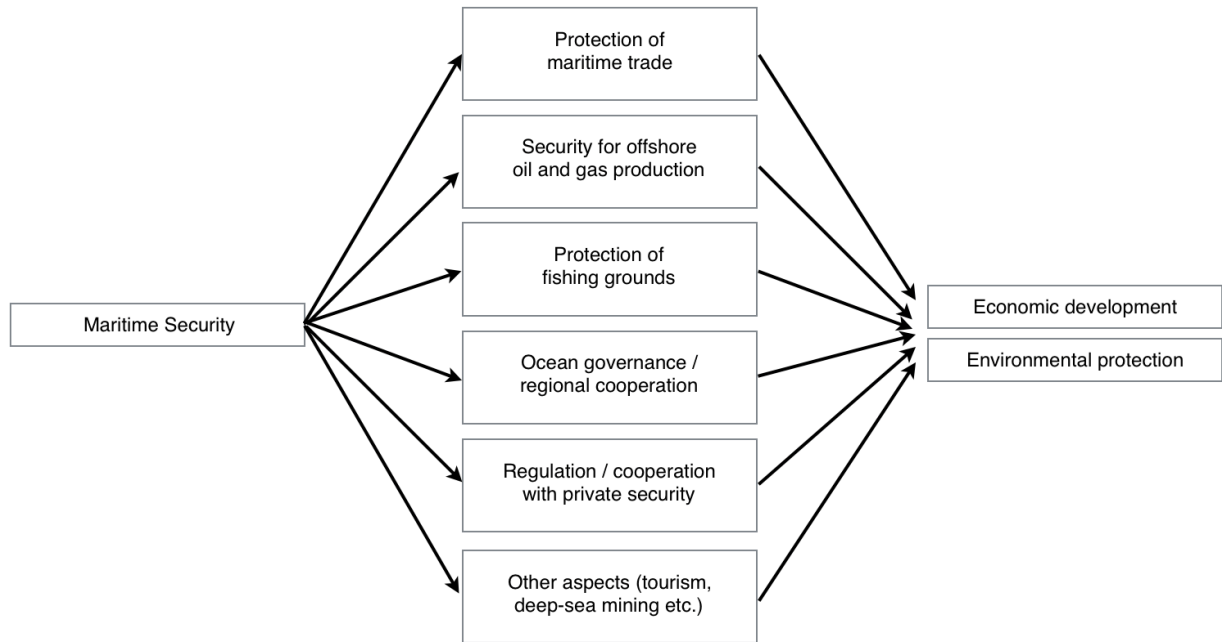
2016), but this approach is insufficient. Even neighbouring countries may prioritise different issues, further complicating cooperation to tackle a lack of maritime security. Moreover, the simple absence of threats does not provide any information as to how these issues may be linked or, more importantly, how they can be addressed to prevent them from occurring in the first place.

Figure 2.2: Negative definition of maritime security
(Author's diagram)



Defining maritime security in a positive way offers better opportunities for cooperation between national governments and other stakeholders in the maritime environment (see Figure 2.3). This approach defines the ocean – or at least the territorial waters and the EEZ of any given country – as an area where the rule of law is imposed on all stakeholders, ensuring that the sea does not become an ungoverned space (Kaye 2006: 347-349). Rather than the mere absence of threats, maritime security in this definition is a desirable end state with the specifics being up for debate among all stakeholders.

Figure 2.3: Positive definition of maritime security
(Author's diagram)



Bueger has criticised this approach for a lack of theoretical considerations. He has pointed out that ‘the discussion turns immediately to questions of how law enforcement at sea can be improved’ while almost no discussions take place ‘of *what* ‘good’ or ‘stable’ order is supposed to mean, or *whose* order it is intended to be’ (2015: 160). These questions, however, have already been addressed by international conventions and treaties, most notably the 1982 United Nations Convention on the Law of the Sea (UNCLOS). On the African continent, two codes of conduct have been adopted for East and West Africa respectively, discussed in greater detail throughout the subsequent chapters. These documents provide a comprehensive outline as to how national governments define maritime security for their respective regions. In other regions such as the Arctic or the South China Sea, governments may indeed have very different priorities yet it is *their* order, defined in negotiations and in line with the framework provided by international treaties such as UNCLOS.

Different perspectives on maritime security

For the purposes of this thesis, the positive definition of maritime security will be used because it is the most relevant definition in the African context. The African Union underlined that in its maritime strategy, adopted in 2014 and largely centred on the

economic potential of the sea (African Union 2012: 8-10). Both codes of conduct mentioned above fit neatly into this framework where maritime security challenges are mainly regarded as impediments to economic growth and development. Creating a stable environment at sea is therefore necessary to realise the potential of national economies and to improve the lives of ordinary Africans, not just of those in coastal communities.

Throughout the following chapters, different prisms are identified through which maritime security – as defined above – can be viewed in sub-Saharan Africa and, potentially, in other regions:

- protection of ports / anchorages and maritime trade routes;
- security for offshore oil and gas production;
- protection of fishing grounds throughout the EEZ;
- ocean governance, exemplified by regional cooperation;
- regulation of and cooperation with private security companies.

While this list is not exclusive, it does include those aspects of maritime security that are currently the most pressing concerns for many African governments. Other aspects could be added, for example the delineation of maritime boundaries or the protection of coastal tourism. Such issues may well be vital on the national level yet they are not overarching themes for an entire region such as East or West Africa. Moreover, all aspects mentioned above are interrelated and provide a comprehensive representation of different aspects of the same problem: provision of good order at sea and effective management of the maritime environment.

Protection of ports / anchorages and maritime trade routes

The first aspect of maritime security considered in this thesis reflects the focus on economic development that has already been mentioned. It is firmly placed in the area of economic security yet the protection of maritime trade routes has implications for societal or human security as well. These implications are beyond the focus of this thesis and may warrant further research. One comprehensive study related to the impact of piracy on seafarers has already been published by Seyle (2016).

Maritime piracy, particularly attacks against merchant vessels off the Somali coastline, has been the focus of academic and public debates in recent years. Maritime

security has often been reduced to the protection of merchant ships against attacks on the high seas and in territorial waters and on the prosecution of pirates, underlined by articles and books written by Mair (2011), Guilfoyle (2013) or Brits and Nel (2015).

Even though the focus is understandable given the large numbers of attacks and the headline-grabbing hijackings by Somali pirates, piracy on the high seas has never been a strategic threat for the global economy (Eklöf 2006: 100-101, Murphy 2009: 52-53) and even less so for coastal states in sub-Saharan Africa. Creating an international task force to conduct counter-piracy operations in the Indian Ocean was the equivalent of creating a police force that is solely responsible for high-profile crimes but does not investigate simple theft or burglaries.

For African nations, the real threat is much closer to home. Merchant ships are often attacked in the vicinity of ports or even at berth, security around anchorages is spotty at best and there are gaps between offshore and onshore security. Such an environment creates opportunities for criminals and corrupt officials. These 'onshore pirates' hamper economic development much more than pirates operating at sea (The Economist 2016).

Security for offshore oil and gas production

Offshore oil and gas production is another aspect of maritime security with a very specific economic impact. Unlike the protection of maritime trade, however, it is also often strongly linked to national security. For many governments in sub-Saharan Africa, particularly in West Africa, revenues from the oil and gas industry are vital, underlined by military protection for assets belonging to the industry (Representative of international oil company, Interview 19, March 2015). In East Africa, the picture looks slightly different as there is no established offshore oil and gas production in place yet. Exploration and future production sites are, however, considered to be of strategic interest to the respective governments (Representative of East African government, Interview 7, February 2014).

The situation is unlikely to change in the medium term and maritime security may become even more important for the industry because an increasing amount of oil and gas production is likely to be produced offshore. Considerable deposits have been found in the EEZ of countries as diverse as Ghana (Dontoh 2013), Equatorial Guinea (Fletcher 2014), Mozambique (Gismatullin 2014) and Tanzania (Manson 2014). Investments into further exploration and infrastructure have already started to flow (Keever 2013). Additional investments are expected despite significant challenges on

various levels, including the provision of adequate security around offshore installations and transport routes to onshore hubs used by the industry.

Effective provision of security requires not only national but also regional efforts. Offshore hydrocarbon deposits are often located close to maritime boundaries, for example between Nigeria and Equatorial Guinea, Ghana and Côte d'Ivoire or Mozambique and Tanzania as discussed in Chapter 4. In some cases, maritime boundaries still have to be defined, in other cases countries have to work together because production takes place on both sides of the maritime boundary and security incidents on one side could have a knock-on effect for other countries. The most prominent example is the Gulf of Guinea where Nigeria, Cameroon, Equatorial Guinea and São Tomé and Príncipe have to provide maritime security for the oil and gas industry in a confined area with various security threats. In many countries, the strategic importance of – actual or prospective – revenues from the oil and gas industry has led to an increased sense of vulnerability, creating a demand for better protection of offshore assets, despite the fact that these are generally owned and operated by private companies.

Protection of fishing grounds throughout the Exclusive Economic Zone

In many countries in sub-Saharan Africa, fishing is a vital source of income for coastal communities. Fishermen's livelihoods, however, are threatened by illegal, unreported and unregulated (IUU) fishing that takes place in the EEZ or even in territorial waters. Foreign fishing vessels are able to exploit fishing grounds off the African coastline because navies or coastguards often lack the necessary capacities to enforce rules and regulations at sea as discussed in Chapter 5.

The protection of fishing grounds is often regarded as an aspect of environmental security and has therefore received much less attention than efforts to fight against maritime piracy. However, fish can also be regarded as a natural resource that may provide many economic benefits (Stewart 2015; Polle 2016). Unlike offshore oil and gas, fish stocks can replenish themselves when they are managed and protected from unsustainable exploitation. Moreover, artisanal fishing provides much more employment than the oil and gas industry and is not susceptible to price swings on international markets.

All in all, the protection of fish stocks therefore plays a role in economic and societal security. It may even have an impact on national security because a lack of employment

opportunities in fishing communities can lead to migration, smuggling as another source of income, clashes within and between communities or even piracy.

Due to the nature of the problem, it is complicated to find reliable information on IUU fishing activities and to consider the actual impacts. Some studies have been published in recent years, often relying on new technologies which enable researchers to conduct surveillance of specific areas, helping them to gain valuable data and to draw inferences from that data about the amounts of fish caught without the knowledge of the responsible government agencies (Seisay, Sidibe and Nouala 2016 for Africa in general; Doumbouya, Camara, Mamie et. al. 2017 for West Africa in particular). Access to new technologies, however, often requires funding from outside organisations, underlined by a comprehensive survey of fisheries in West Africa that was funded by the UK's Overseas Development Institute (Daniels et. al. 2016). The US-based non-governmental organisation One Earth Future Foundation has sponsored a similar report concerned with the situation off Somalia (Glaser et. al. 2015).

Ocean governance, exemplified by regional cooperation

Since 1990, sub-Saharan Africa has been almost irrelevant in geostrategic terms. The continent had garnered interest as a proxy battleground during the Cold War but remained low on the political agenda in the Western world (Hassan 2015: 159-160). When the Soviet Union collapsed, African politics became even less important for international partners and the continent was by and large reduced to supplying resources and agricultural goods to industrialised countries.

More recently, the picture has started to change. High commodity prices in particular have fuelled economic growth in many countries throughout sub-Saharan Africa, leading to increasingly positive perspectives (Klare and Volman 2006: 609-611) and helping to create the 'Africa rising' narrative which was even underlined by an IMF conference in Maputo in May 2014. At the same time, Western nations have been carefully monitoring suspected terrorist activities, particularly since the turn of the century (Barnes 2005). In short, Africa is now firmly on the agenda of policymakers worldwide.

With countries in both East and West Africa suffering 'from weak maritime governance' (Baker 2011: 39), the security situation in those regions is at least worrying for international actors. Therefore it is vital to explore relationships between governments, regional and international organisations, the private sector and other relevant stakeholders. Security measures at sea may be necessary yet they are not

sufficient. Lasting solutions have to be found on land before they can be translated into effective law enforcement at sea, a theme that has been explored by an international conference in Dubai in 2011, organised in the wake of the rising threat posed by Somali pirates (Brannon and Rahim 2011).

Regional cooperation is the key to solving many problems that are causing worry both on the regional and the international level. Trafficking of drugs, weapons and human beings can create or exacerbate security challenges on land. Smuggling of all types of cargo, for example cigarettes or agricultural goods, deprives national governments of desperately needed revenues (Eklöf 2006: 100). Bilateral or multilateral cooperation ensures that operations at sea do not lead to a displacement effect where problems are shifted elsewhere rather than solved.

UNCLOS provides a degree of stability for a system of ocean governance that is constantly evolving. Aside from global conventions, however, there are no international solutions in sight to ensure the enforcement of such documents. Since the end of the Cold War, Gwyn Prins has imagined a naval force under 'effective international command and control in times of rising tension' (1993: 38-39) yet his idea is very likely to remain fantasy for the foreseeable future. Around the same time, Michael C. Pugh (1994) even edited a book that was mainly concerned with 'key concepts and practical policy issues to assess the potential for naval-maritime forces as instruments in promoting international order' (1994: 3).

Regional solutions are therefore necessary to enforce existing rules and regulations and to avoid an ever-increasing 'thickening' of coastal state jurisdiction (Ball 1996: 97), both in terms of maritime security and other areas. One of the major challenges for sub-Saharan Africa in particular is the fact that most governments lack the expertise, assets and human resources to effectively deal with maritime issues, including maritime security, on the national level as discussed in more detail throughout the following chapters.

The African Union has taken the first steps to improve ocean governance around the African continent, underlined by its maritime strategy adopted in 2014. Some of the Regional Economic Communities (RECs) on the continent have started to develop their own forms of cooperation that will be analysed throughout this thesis. The AU constantly emphasises that RECs have an essential role as these organisations are much better suited to finding solutions to common problems in their respective regions (African Union representative, Interview 38, April 2016). Developments related to maritime security, particularly the two codes of conduct for East and West Africa, are the perfect

example for opportunities and challenges related to this perspective on maritime security.

Regulation of and cooperation with private security companies

Private security companies have been active on the African continent for decades. By and large, their reputation is not particularly good and many governments are wary of sovereignty issues related to private involvement in the security sector. Nevertheless, private security companies have become an integral part of the maritime industry in recent years, particularly due to the provision of armed guards on merchant vessels passing through the Indian Ocean as discussed in Chapter 7.

While issues related to armed guards are largely a matter for flag states and port states, the increasing role of private security companies has also become an issue for governments in sub-Saharan Africa. International oil companies are often employing privately contracted security personnel to protect their offshore assets, in other cases there is cooperation between oil producers and government security forces which are effectively used as security guards for offshore assets. Some countries, notably Nigeria and to a lesser extent Togo and Benin, have entered into public-private partnerships to improve maritime security in specific areas.

Legal questions around the employment of armed guards on merchant ships aside, the role of private security companies in the maritime environment has not received a great deal of attention in the academic literature. Public-private partnerships have been mentioned in some reports such as the annual *State of Maritime Piracy by Oceans Beyond Piracy* (Oceans Beyond Piracy 2016) but a lack of transparency around such arrangements makes it complicated for researchers who are often relying on official documents and publications rather than personal interviews and practical examples to provide meaningful conclusions.

Regulation of private security companies in the maritime environment is not just a matter of economic security. From the perspective of most governments, not only in sub-Saharan Africa, this is a matter of national security because it touches upon one of the key areas for any sovereign state. At the same time, cooperation with private companies could improve maritime security because capacities might be increased quickly, helping navies and coastguards to fulfil a range of different tasks.

Synopsis

Different perspectives on maritime security outlined above are not an exhaustive list. Nevertheless, they are already a good indicator for the manifold topics for discussion related to the positive definition of maritime security which is used in this thesis. Moreover, they can be attributed to different dimensions of security in general.

One of these dimensions, military security, is notably missing from this list. It was omitted on purpose because discussions about naval power are almost irrelevant in the African context. In most countries in sub-Saharan Africa, the navy is hardly able to operate throughout the respective country's EEZ, let alone conduct military operations against other countries. Using a classification system proposed by Todd and Lindberg (1996: 56-57) that includes ten ranks of capabilities between global-reaching power projection and a token presence on inland waterways, naval forces in East and West Africa should generally be classified at or close to the bottom of the scale. By and large, it is extremely unlikely that African navies are able to affect the military security of neighbouring countries and equally unlikely that any navy could play a supporting role in a military campaign on land.

Maritime security as defined in this thesis therefore follows a non-traditional approach. The topic is analysed through several prisms with, on the one hand, unique characteristics. On the other hand, the different perspectives are interrelated, underlining that almost all types of maritime issues are generally linked, both on the national and the regional level. In Asia, that has been recognised already in the late 1990s with the *Guidelines for Regional Maritime Cooperation*, issued by the Council for Security Cooperation in the Asia Pacific (CSCAP). The CSCAP document underlines that 'issues of ocean management are closely interrelated and need to be considered as a whole' (CSCAP 1999: 3) and includes tasks such as search and rescue, maritime surveillance, protection of the marine environment, marine scientific research, among others.

From an international point of view, the perspective on maritime security in East and West Africa may be very different. In fact, counter-piracy missions in the Indian Ocean have been conducted as high-profile missions in recent years while other aspects of maritime security have been largely ignored by international partners. One of the research questions that is analysed in Chapter 6 is whether international actors are only concerned with security threats that have a direct impact on them. Answering this

question for different actors in detail is beyond the scope of this thesis but the research provides indications that may be the foundation for further research.

2.5 Summary

Due to the limited availability of academic literature detailed above and the nature of the topic, this thesis will employ a slightly different approach compared to most other dissertations and academic papers. Challenges related to maritime security in East and West Africa are constantly developing and perceptions of academics and practitioners therefore have to be similarly flexible. Any singular theoretical framework would necessarily limit the analysis without providing any benefits. Regional security complex theory can therefore be extremely helpful as it tries to define a geographical area rather than a theoretical framework to analyse developments in the respective region.

Moreover, maritime security, in the way it is defined for this thesis, has not often been featured in the field of security studies at all. In the past, most research has focused on questions around seapower or the implications of naval strategies. At the same time, the constabulary role that many navies play around the globe – and certainly on the African continent – has not been addressed with as much rigour. It is a curious omission because maritime security, as defined above, is the perfect example for potential dividends that relatively small investments can yield in the long term. Moreover, it is international by nature and has links with various sub-sets of security studies. Limiting an analysis of maritime security to questions around naval power might well offer a more focused discussion but provides an incomplete picture of the role of most navies which are in practice used as not much more than coastguards, not just in most countries in sub-Saharan Africa.

The African Union's maritime strategy as well as the two codes of conduct concerned with maritime security in East and West Africa are essential policy documents when it comes to the use of navies and other maritime agencies. All of these documents, however, have only been adopted fairly recently, giving academic researchers little time to provide comprehensive analyses. Moreover, there are questions as to how these documents are implemented in practice which have to be answered along the way, creating vital feedback for policymakers and practitioners. This thesis aims to offer a comprehensive analysis of maritime developments in various areas as outlined above, providing such feedback and creating a foundation for additional investigations about ongoing development of Africa's 'blue economy'.

Bearing in mind how little attention both regional security integration and maritime security in East and West Africa have received in the past, it is obvious that additional research in both areas is necessary. While this dissertation does not aim to fill in all the theoretical gaps, it is an essential contribution to academic discussions. It will add to the existing, but limited knowledge in both areas and at the same time identify potential areas for future research.

Chapter 3: Research Questions and Methodology

Addressing gaps in the academic literature

This thesis is an original contribution to the ongoing debate about maritime security in sub-Saharan Africa, an area that has received very little scholarly attention in the past. Since 2005, an increasing number of articles and books related to the subject have been published (for example Vrey 2009; Wambua 2009; Brenthurst Foundation 2010; Anyimadu 2013; Ali 2015). More often than not, however, these have a relatively narrow focus on counter-piracy strategies rather than a broader view of the importance of maritime security in general (for example Nincic 2009; Mair 2011; Bueger 2013; Otto 2015). In the literature review, the importance of various economic activities in the maritime environment, the impact (or potential impact) of maritime insecurity on these activities and the implications on both the national and the regional level in East and West Africa have been detailed.

Countries can generate huge economic benefits through the effective use of their maritime domains. While it is impossible to cover all potential benefits for all countries in sub-Saharan Africa, the three key economic factors are analysed in Chapter 4 and Chapter 5: offshore oil and gas production, maritime trade and fishing. These aspects are mentioned specifically in the *Yaoundé Code of Conduct* (International Maritime Organization 2013) which provides a useful tool for this thesis. Both chapters show that the 'blue economy' can provide many benefits for governments and the general population in coastal countries. Moreover, the analysis shows that improved maritime security is key to increasing those benefits in the medium to long term and that some aspects of maritime security may be more pressing concerns than others.

Maritime issues are by definition international and the thesis therefore analyses ongoing global efforts aimed at improving maritime security in East and West Africa. Regional integration as an example for ocean governance is an essential topic for both regions. The involvement of outside actors, ranging from national governments to international organisations, is vital for the analysis, discussed in Chapter 6. The *Yaoundé Code of Conduct* specifically mentions contributions from outside actors and welcomes initiatives such as 'training, technical assistance and other forms of capacity building' (International Maritime Organization 2013: 4).

Chapter 7 analyses the role of the private sector in the provision of maritime security. In relation to Somali piracy, private maritime security companies have been employed by many shipping companies to provide armed guards. Similar arrangements have also been reported in West Africa but the situation there is much more complicated (Oceans Beyond Piracy 2016). Nevertheless, several governments in both East and West Africa have formed different kinds of partnerships with private companies in order to improve the capabilities of their own security forces (West Africa maritime security analyst, Interview 36, April 2016). An analysis of opportunities and challenges of an increasing involvement of the private sector in the provision of maritime security is therefore a vital part of this thesis.

There are several other factors when it comes to security in the maritime environment. Smuggling on maritime routes is an important aspect for governments and security agencies. According to the *Yaoundé Code of Conduct*, drugs or weapons smuggling as well as human trafficking are particular concerns for many African governments (International Maritime Organization 2013: 2-3). Ostensibly legitimate cargoes may also be smuggled, for example agricultural goods, cigarettes or petroleum products, creating additional problems for customs and security agencies and leading to losses in recipient countries (African Union representative, Interview 38, April 2016).

Marine pollution or illegal dumping of toxic waste as well as other issues that may have an impact on the environmental security of coastal states are also addressed in the *Yaoundé Code of Conduct*, so are transnational organised crimes with a maritime dimension (International Maritime Organization 2013: 5). Creating necessary capacities to monitor, patrol and protect the maritime domain will have positive side-effects in combating all those issues, enabling national governments to address environmental challenges or problems caused by smuggling and other maritime crimes as well.

An essential part of the research is the implementation of theoretical aspirations 'on the ground', leading to conclusions about opportunities and challenges for maritime security in East and West Africa. In recent years, many African countries have begun to realise the potential of the maritime economy, highlighted – at least on paper – by a growing number of policy papers, treaties and declarations including the *Djibouti Code of Conduct* for East Africa, the *Yaoundé Code of Conduct* for West Africa and the *2050 AIM Strategy* on the African Union level (International Maritime Organization 2009; International Maritime Organization 2013; African Union 2012).

From outside Africa, such documents often seem highly – or even overly – ambitious because maritime defence and security capacities in most countries in sub-Saharan

Africa are limited at best. Nevertheless, they show that national governments in the areas examined in this thesis have at least begun to realise the potential of the sea and taken first tentative steps towards increased investments and cooperation. As the maritime environment is international by nature, security at sea can only be improved by common efforts. The AU's *2050 AIM Strategy* underlines the future importance of cooperation on maritime matters:

'In the maritime domain of Africa, the wide variety of related activities are inter-related to some extent, and all have a potential impact on the prosperity derivative through their contributions to social, economic and political stability, and safety and security. Notably, therefore, the approach to regulation and management of maritime issues and resources cannot be confined to a few select sectors or industries.' (African Union 2012: 7)

3.1 Research questions and areas for analysis

This thesis provides an original contribution to knowledge about the implications of ongoing developments related to maritime security in East and West Africa. This subject has not previously been covered by academic research as shown in the literature review in Chapter 2.

The primary aim of this thesis therefore is to: Compare and contrast issues and challenges related to maritime security in East and West Africa and to develop solutions to those challenges for both regions.

To achieve this aim, six specific research questions need to be addressed. The first is the question of how to define East and West Africa as regions for maritime security purposes which has already been addressed with the definitions outlined in Chapter 1.

The other five questions addressed throughout the following chapters are:

- What is the relationship between maritime security and the economic development of the maritime environment, specifically in terms of fishing, maritime trade, and offshore oil and gas production in East and West Africa?
- What are the key drivers for governments in East and West Africa to engage in discussions about improved maritime security in both regions?
- What is the role and what are the interests of international actors in both regions?
- Can the private sector play a role in the provision of maritime security in East and West Africa, even though security questions in general are an area that is traditionally regarded as the exclusive domain of national governments?

- Is it possible to define a developing maritime security complex or even a maritime security community in East and West Africa?

These questions are addressed by specific research in the following areas:

- Overview of the different government agencies responsible for the provision of maritime security, for example navies or coastguards, and their potential to complement rather than compete with each other;
- Investigation of overlapping interests and disagreements between different stakeholders in the maritime environment, for example government agencies, regional organisations, private companies;
- Implications of illegal, unreported and unregulated (IUU) fishing as one of the key aspects of maritime insecurity on affected countries;
- Potential implications of port expansions or additional oil and gas production on maritime security in East and West Africa;
- Differences between the involvement of international actors in East and West Africa;
- Analysis of the effects of a lack of maritime security in East and West Africa on stakeholders from outside the region;
- Developments within the private maritime security industry and the provision of additional security measures financed by private entities such as shipping lines or international oil companies.

Regional economic communities such as ECOWAS and ECCAS in West Africa or the EAC and IGAD in East Africa are a natural starting point for the analysis. Some of these communities have already pledged to the African Union that they are willing to take on more responsibility in security-related questions throughout the continent (Vines 2013: 89-93, Engel and Gomes Porto 2014: 136-138). Moreover, some of the regional economic communities have at least tried to tackle security problems within their own regions. While the maritime environment has been covered only to a small degree so far, these organisations already have the mandate from the African Union to work on such issues, discussed in Chapter 6.

In recent years, there has been much international involvement in the regions under review in this thesis. Other actors, including many that are not primarily active in the area of maritime security, have also provided their inputs. One of the best examples is

the International Maritime Organization (IMO), the specialised UN body for maritime matters. Several other international organisations and NGOs have also provided assistance with specific initiatives, outlined in detail throughout Chapters 4 to 7 (EJF 2012 and Daniels, Gutiérrez, Fanjul et. al. 2016 for initiatives against IUU fishing; World Bank 2013 and UNODC 2016 for the fight against piracy and maritime crime in Somalia). Former colonial powers must be included in the analysis as well due to their ongoing involvement in national politics in many countries throughout East and West Africa. The same is true for new bilateral partnerships, for example with China and India, discussed in various sections in the following chapters.

Questions about the capacity of states are not specifically addressed in this thesis but should at least be mentioned. Any regional security complex as defined in Chapter 2 – and, by extension, any maritime security complex – consists of states yet the Westphalian system of nation-states on the African continent is not as deeply rooted as in Europe (Williams 2007: 5). African states have even been interpreted as hybrid copies of the state as defined by Max Weber (Reno 1998: 18). While recognising the variety of more than 50 states on the African continent, states in sub-Saharan Africa share some common features, notably the fact that many have not yet completed the process of state-formation (Hyden 2007: 54-70).

In the context of maritime security – and of security in general – it is of particular importance to address challenges posed by weak or failing states. Rotberg (2003: 4-9) has provided a description that measures state capacity along a continuum, underlining that there is no clear distinction between weak, failed and collapsed states. Weak and failed states are often regarded as a threat for the international order (see, for example, Duffield 2007: 167) although the connection is often ambiguous (Patrick 2011: 242). An in-depth discussion about capacities of specific states is beyond the scope of this thesis but may be key for additional research on the topic. Limited state capacities will obviously lead to a lack of capacity in terms of regional security cooperation which in turn has an influence on the provision of maritime security on the regional level. Moreover, external actors can provide assistance to strengthen relevant institutions and the security sector is often one of the first to be addressed (Boege, Brown, Clements et. al. 2009: 17).

Overall, it is necessary to find out more about the capacities of and relationships between a broad range of very different actors. That includes, but is not limited to, national governments and government agencies in East and West Africa, regional organisations, governments and international organisations from outside both regions,

companies and industry bodies representing the private sector as well as coastal communities. The complex interplay between all these stakeholders is quintessential. On the one hand, they may have different requirements regarding maritime security. On the other, they may also provide inputs when it comes to the provision of maritime security, complementing the capabilities of other actors.

3.2 Research methodology

Gathering information for this thesis has been challenging and that is why the subject was chosen. Economic data is often scattered around various databases if it is available at all. Policy papers and similar documents published by governments and public institutions in sub-Saharan Africa are relatively rare and access is often a challenge. As the thesis is concerned not only with the current state of maritime security in East and West Africa, but also with efforts undertaken by various actors to improve the situation, different methods have to be used to cover as many angles as possible and to provide a comprehensive analysis of the topic. All methods used in the course of the research are discussed in detail below.

The thesis combines new and previously unused sources with the existing academic literature on the subject, a comprehensive summary of which has been given in Chapter 2. In many cases, new sources are necessary to further underline existing gaps in the literature or to show that some of the existing research offers only a superficial perspective on maritime security issues in East and West Africa.

One example can be found in Chapter 4 which analyses the impacts of maritime insecurity on merchant shipping and port operations. Attacks against merchant ships off Benin in 2011 prompted ship operators to move operations from the port of Cotonou to other ports in the region. During a maritime security conference in late 2011, one of the speakers later estimated the decrease in maritime trade for the port at 70 percent and was quoted in a magazine article (Hayduk 2011) before the figure found its way into the academic literature as well as into a report by the United Nations Office on Drugs and Crime (UNODC). Interviews with shipping agents familiar with the topic, however, show that the actual decrease in maritime traffic was rather between 10 and 20 percent (Tema-based shipping agency representative, Interview 29, May 2015), corroborated by an academic study in 2015 that put the decrease at 14 percent (Blédé 2015: 6-7)

Similar examples can be found throughout the thesis, underlining the need for personal communication with a broad range of people to complement information

available from official sources or academic papers which may simply quote and re-quote information coming from the same source. Obtaining first-hand information from academics and practitioners alike is absolutely essential to conduct meaningful research on a broad range of topics in sub-Saharan Africa, including, but not limited to, maritime security. Various reasons addressed below as well as throughout the subsequent chapters can be identified for the lack of readily available information, either from official sources or from academic researchers.

Some general challenges regarding academic research in sub-Saharan Africa were encountered during the research. Travelling to seminars or conferences is an issue for academics based in countries throughout sub-Saharan Africa. Costs for transportation and accommodation are often prohibitive and financial support from their own academic institutions is rarely sufficient if it is available at all. Lack of participation in academic events limits opportunities to contribute to conference proceedings or simply to network with fellow academics abroad.

Furthermore, lecturers may even have to subsidise their low incomes with secondary jobs, leaving little time for academic writing on top of their teaching commitments. In four personal communications with academic lecturers from various countries, including Cameroon, Ghana, Nigeria and Tanzania, the author gathered that lecturers generally receive salaries between US\$500 and US\$1000 per month, depending on the country and the level of experience (University lecturers from Cameroon, Ghana, Nigeria and Tanzania, Interviews 5, 27, 37 and 39, February 2014 to April 2016). While that is significantly above the average income in the respective countries, it leaves extremely little room for travel expenses that are not covered by academic institutions, particularly for academic events abroad.

Finally, the facilities at many universities throughout sub-Saharan Africa are not comparable with academic institutions in many parts of Europe, North America or Asia. There are very basic problems such as lack of internet access or teaching materials, underlining the problems that many of these institutions face when it comes to organising conferences on their own premises or paying travel expenses for their lecturers going abroad.

Review of academic literature

This thesis is based on an extensive review of the literature available on maritime security in East and West Africa, initially conducted in Chapter 2. The main focus during

the review of the academic literature was on publications concerned with ongoing efforts to improve maritime security in both regions, often published by or with assistance from international organisations and think tanks. Moreover, different approaches to maritime security as a concept that exist in the current literature were considered. These are scrutinised in Chapter 2, leading to a definition of maritime security for the purposes of this thesis.

Due to the nature of the topic, reviewing the academic literature was an ongoing process over the course of the research. Some of the most relevant documents such as the *Yaoundé Code of Conduct* or the *2050 AIM Strategy* were only adopted in June 2013 and January 2014 respectively. Other official documents are currently at the draft stage or in the process of being updated, most notably the *Djibouti Code of Conduct* which will be addressed in more detail in Chapter 6.

From an academic researcher's point of view, analysing a topic that is constantly evolving during the course of the research has been compared to 'painting a moving train' (Loden 2007: 297). Such a topic offers potential for an academic study that has never been conducted before, filling not simply a gap in the literature but rather a blank space that has appeared only recently. On the other hand, it is complicated and sometimes even impossible to find relevant academic publications and official documents concerned with the subject or information related to the implementation 'on the ground'. That reinforces the role of this thesis as an original contribution to knowledge.

Furthermore, research on any subject that concerns sub-Saharan Africa is often much more complicated and challenging than comparative research projects in other regions. Political processes are rarely transparent and publication records of national governments, regional organisations and even academic institutions are hardly comparable to similar organisations in Europe, Asia or North America. It is beyond the scope of this thesis to discuss the reasons for these shortcomings but they have to be acknowledged because a lack of available publications means that other sources have to be taken into account to ensure a comprehensive analysis. At the same time, it means that the original research is more valuable.

Overall, the ongoing review of the existing academic literature related to maritime security in East and West Africa was a necessary step to have a thorough understanding of the subject matter. It was also useful to enrich the research findings presented in this thesis with lessons learned by other authors.

Review of media articles

Due to the small number of academic publications (identified in Chapter 2) and the problems with access to official documents related to maritime security in East and West Africa, media articles formed important sources for this thesis. Regional maritime security strategies adopted by various organisations in West Africa are a good example for the lack of publicly available documents. Every organisation involved in the implementation of the *Yaoundé Code of Conduct*, namely ECOWAS, ECCAS and the Gulf of Guinea Commission, have agreed on their own maritime strategies (in March 2014, October 2009 and August 2013 respectively). Neither of these strategies, however, was available on the websites of these organisations as of December 2016, the information cut-off date for this thesis. Even the Interregional Coordination Centre (ICC) for the implementation of the code offered only the French version of the ECOWAS strategy. Neither the English version (which is equally valid) nor the strategies of the other two organisations were available in any language.

During the course of the research, it was often difficult to acquire other official documents, government communiqués or even transcripts of speeches given by government representatives. The same is true for regional non-government organisations, shipowners' associations or other groups representing the private sector. This thesis therefore includes many references to articles published by international media outlets as well as newspapers and magazines from East and West Africa. These were often the only sources, albeit second-hand, for announcements by politicians or representatives of relevant organisations.

There are difficulties when it comes to using articles in the general media as sources for academic research. Journalists may not be knowledgeable on highly specific topics, leading to misunderstandings or misrepresentations. Moreover, media outlets may not be neutral, particularly in countries where the government exerts a strong influence, leading to an overrepresentation of government announcements compared with other topics. Finally, corrupt practices can influence coverage on the individual and corporate level. In Nigeria, for example, monetary inducements handed out to journalists in exchange for positive stories are commonly known as 'brown envelope journalism' as cash payments are often provided in brown envelopes after media briefings (Representative of Nigerian private security company, Interview 6, February 2014).

Obviously, none of these potential issues with media articles are exclusive to news from and about Africa. For similar research topics in Europe, however, it is much easier

to corroborate or dismiss information published in the media because related documents are generally much easier to access. While it may not always be possible to analyse how accurate information provided in an article is, the information may be put into a larger context or may even be verified in parts, adding credibility to the remainder of the article.

When it comes to media articles related to maritime security in East and West Africa, it is rarely easy to corroborate the information provided. That certainly does not mean that it should be dismissed out of hand but it has to be treated with caution. Using such information within a solid overall framework did provide a partial remedy for the lack of access to official publications and documents. In most cases, articles published by general and specialist media outlets were corroborated with additional information. Where information obtained from media articles was deemed credible but impossible to corroborate it has been included in the thesis but the circumstances are noted.

Review of official records and statistics

From the outset, as noted, the intention of the thesis was a comprehensive examination and comparative analysis of the current state of maritime security in both East and West Africa. The example from the port of Cotonou mentioned above shows that a lack of maritime security can have a direct economic impact, putting pressure on governments to act. Identifying such relations between the maritime economy as a whole and maritime security in particular, however, can only be identified when official statistics are available as background information, potentially complemented with evidence obtained from other sources.

The main focus of this thesis was not on large quantitative surveys in different countries and on different subjects to gather data about traffic in ports, catch data of small-scale fishermen or the number of naval ships available for operations. Data included in the following chapters were therefore obtained from relevant official records and statistics, provided by national governments as well as regional and international organisations. Unfortunately, quantitative figures and statistics were very rarely readily available, yet it is impossible to find a simple explanation for the lack of easily accessible data. Several reasons can be identified for a problem that is not limited to maritime issues in sub-Saharan Africa.

National governments and regional institutions in East and West Africa often suffer from a lack of institutional capacities. That is particularly pronounced on the regional

level as national governments are reluctant to send some of their relatively few well-qualified civil servants to work outside the country. Moreover, the provision of figures and statistics often relies on funding from outside sources, making it almost impossible to conduct research based on national priorities. Jerven (2013) has provided a comprehensive discussion of statistical shortcomings in sub-Saharan Africa. Finally, governments often have much to gain and little to lose from a lack of transparency. Donors may not be interested in funding specific projects if information about similar projects that have been conducted in the past would be freely available (ECCAS representative, Interview 41, April 2016).

At the international level, a lack of knowledge about a specific country may even lead to misleading data. Figures from a comprehensive report about military capabilities – included and discussed in more detail in Chapter 6 – are a good example. The report puts the strength of Mozambique's navy at only 200 personnel and the overall strength of the armed forces is 11,200 personnel (International Institute for Strategic Studies 2016: 457-458). In a personal conversation with a former lecturer at Mozambique's staff college, however, it was pointed out to the author that the actual figure for naval personnel should be almost ten times as high since various units, most notably the naval infantry, were not counted as part of the navy (Portuguese navy staff officer, Interview 44, May 2016). Public information on the subject, however, is not available, neither for Mozambique nor for many other countries in East and West Africa. Without such information, it is almost impossible to verify the data in the report which therefore should be treated with caution.

Another example for the challenges the author had to face is the analysis of the current provision of maritime security. Capabilities of navies and coastguards have to be researched to conduct such an analysis. Several reports and databases offer information that seems to be relevant at first glance yet the data has to be interpreted carefully. For example, when it comes to naval capabilities, it is not enough to look at the number of vessels alone. Other factors such as technical equipment or operational readiness have to be taken into account. It is almost impossible, however, to find objective data on such aspects. Facts and figures therefore have to be combined with other sources, such as media reports or personal opinions by experts on the subject.

Similar problems occur when figures and statistics about economic sectors such as maritime trade or the oil and gas industry are concerned. Statistics provided by national governments or international organisations are often different from company figures, for example oil and gas reserves or cargo throughput in port. The publisher of the

respective data therefore has to be taken into account and again, it has to be cross-checked against information from other sources such as personal interviews or media publications.

By and large, official records and statistics provide some useful data and information. These were helpful to create a general outline of the current state of maritime security in East and West Africa and to identify the priorities of national governments. Such records, however, do not account for the full picture of maritime security in both regions and are therefore used to supplement rather than substantiate the research.

Quantitative data and analysis

During the research for this thesis, the author took part in a project concerned with the conduct of privately contracted armed security personnel on merchant vessels, conducted between January 2013 and December 2014. It was carried out by one of the five largest flag states in an attempt to gather data about private maritime security companies and their relationships with shipping companies. The data was subsequently used for internal purposes when regulations about the employment of privately contracted armed security personnel were issued.

While the data were collected under the condition of confidentiality, the flag state gave permission to use some of the results in an anonymised form. Details are discussed and analysed in Chapter 7. Overall, these figures provide an important background for the discussion about the employment of private maritime security companies and the regulation of their activities, a vital concern of national governments since the shipping industry has become comfortable with the employment of armed guards and has pushed for similar solutions to protect merchant vessels even in territorial waters.

Over a two-year period, more than 800 questionnaires were analysed as part of the project, originally sent from the flag state to shipping companies employing private security personnel. These questionnaires were concerned with the conduct of security personnel onboard and were completed by the masters of the respective vessels on a voluntary basis. Furthermore, about 2000 documents with detailed information about the employment of security personnel on merchant vessels were analysed as part of the project. These documents were a mandatory requirement by the flag state and sent to the respective shipping companies requesting approval for the employment of private security personnel by the flag state.

No similar research has been published so far except for some of the research conducted for this thesis that has been included in a report published by Oceans Beyond Piracy (2015). In general, the primary source information gathered by the author from questionnaires and flag state approvals provides a unique insight into the private maritime security industry. It would be virtually impossible to conduct similar research without the assistance of a large flag state's administration. In fact, no other flag state could provide the same amount of information about the employment of private maritime security companies on ships registered in the respective countries (Flag state representatives, Interviews 16, 20, 21, 35, February to November 2015).

Some of the figures gathered during this research project may not appear directly relevant to discussions about maritime security in East and West Africa at first glance. They are, however, an essential contribution to discussions about maritime security concerns of national governments and a potentially increased role for the private sector in the provision of maritime security. In light of the discussions about the use of armed guards on merchant ships, either contracted from private security companies or from government security forces, this part of the research provides more transparency for operations of private maritime security companies. Moreover, this research is potentially important for future discussions with and about the industry as a whole.

Qualitative data and analysis

This thesis highlights some of the operational shortcomings in the provision of maritime security and the consequences for different stakeholders, but also some improvements in terms of regional cooperation and operational capabilities that have been recorded in recent years. Much of that information had to be gathered in extensive personal interviews which often provided new insights or even information that, as noted, could not be found elsewhere.

More than 70 interviews were conducted between December 2012 and May 2016 but these were rarely held in a formal setting. Many of the people interviewed for this thesis agreed to conversations during conferences, seminars or similar events, for example during two maritime security seminars in Ghana and Cameroon attended by the author. Others were available based on personal introductions and often only on short notice, for example national or shipping industry representatives to the IMO who were in London for several days to attend IMO discussions. Sources included representatives from government agencies, security forces, regional organisations in East and West

Africa, international organisations, companies active in the maritime sector and specialist research institutions such as Chatham House or ISS Africa. The full list of interview partners can be found in the Bibliography.

A broad spectrum of sources from countries in East and West Africa has helped to create insights discussed throughout the following chapters. Interlocutors were citizens of or residents in Angola, Benin, Cameroon, Côte d'Ivoire, Equatorial Guinea, Ghana, Liberia, Nigeria, Senegal, Sierra Leone, Togo and The Gambia (for West Africa) as well as Djibouti, Kenya, Mozambique, the Seychelles, Somalia and Tanzania (for East Africa). Moreover, interview partners from outside either region but with knowledge on specific areas came from Canada, China, Denmark, France, Germany, the Netherlands, Portugal, South Africa, Sweden, Turkey, the United Kingdom and the United States.

All interviews were conducted on a non-attributable basis and on condition of confidentiality. Only information from interview partners who agreed to being quoted as representatives of their respective organisations was included in this thesis. However, views and opinions may not reflect the official policy or position of their respective organisations, explaining the need for confidentiality. Without such an assurance, it would have been very unlikely, if not impossible, to gather meaningful background knowledge that goes beyond information already publicly available.

For interviews that were arranged in advance, a list of questions was prepared, leaving sufficient room for additional conversation topics. In many cases, information gathered during the interviews was either completely new or even contradicting the author's existing knowledge so that structured interviews were not a useful tool. Many interviews, however, were conducted on an ad hoc basis, subject to the availability of interlocutors during events such as conferences or seminars. Those often rather informal discussions yielded vital results in the form of background information or introductions to other interview partners.

Information from other sources

The combination of sources mentioned above helped to create a thorough overview of developments related to maritime security in East and West Africa. Most of these sources, however, do not contain any operational information that can be used to analyse whether improvements are actually felt 'on the ground', helping to determine whether governments are translating their publicly stated maritime security concerns into practical policies.

In the context of this thesis, the author's work for a Denmark-based maritime risk consultancy has therefore been an invaluable addition to the research. The company works primarily for shipping companies, offshore oil and gas companies, maritime insurers and other clients from the maritime industry, providing advice related to various types of maritime security issues. The author has received a large amount of information that has been provided on condition of confidentiality, meaning that the information as such could not be included in this thesis. Nevertheless, it has often been possible to obtain publicly available information later on to verify and substantiate that provided confidentially. In other cases it was possible to use parts of the information provided in an anonymised form.

Much of the information provided was related to operational requirements such as short-term security issues at offshore installations or around specific ports. Such observations add insights to a thesis that is concerned with long-term developments in maritime security. Examples include changes in the security situation at sea observed by shipping companies over several months or developments in the response capacities of regional navies. Placed within the contextual framework of other sources, operational feedback from ship captains, naval officers and other practitioners provides invaluable insights that are otherwise very unlikely to be covered in the academic literature.

Chapter 4: Lubricants for Development

Maritime trade and offshore hydrocarbons

Providing security on land is widely regarded as one of the existential functions of any government. Any state is, by definition, a sovereign entity and it is the government's duty to defend its sovereignty against other states in exchange for having a monopoly on the use of force within its national boundaries (see, for example, Strayer 1970: 58; Civic and Miklaucic 2011: xvii-xviii). While states may be more or less stable, this general definition of a state has developed since the end of the Thirty Years' War and is now generally accepted by academics and practitioners alike. Hobsbawm (2012: 3-13) has provided a useful discussion about the distinction between states and nations, including an overview of the historic development of the respective concepts.

At sea, the situation is completely different. There is no permanent population and being present in any area of the sea is always a choice, often related to economic activities. Moreover, the territory is not as well-defined as on land, particularly in Africa where many countries have yet to delineate their maritime boundaries and ownership of offshore resources is often disputed once these resources are discovered (Roelf 2014).

While the United Nations Convention on the Law of the Sea (UNCLOS) clearly defines areas that may be claimed as territorial waters, contiguous zones or exclusive economic zones (EEZ), the definition is based on the distance from the coastline. Whether a land boundary should be continued in a straight line at sea or whether it should be drawn at a certain angle is an entirely different matter. Islands and specific coastal features may also have an impact on maritime boundaries, as do treaties between two or more governments and even between former colonial powers. Ghana and Côte d'Ivoire, for example, have referred their ongoing dispute over the maritime boundary to the International Tribunal for the Law of the Sea (ITLOS) in March 2015 but the case is complicated and the tribunal's final ruling is not expected before late 2017 (ITLOS 2015, Nyavor 2016), discussed in more detail below.

More often than not, maritime boundaries are only considered when economic interests are at stake, especially when oil or gas is found in an area off the coast that is claimed by more than one state. When it comes to maritime security, economic considerations may not be the only reason for national governments to provide the

necessary resources. Such aspects, however, are comparatively easy to quantify, much easier than the impact of insecurity at sea. Territorial waters and exclusive economic zones may be vital for the national GDP or for government revenues, making a lack of security a political priority. In short, economic potential is one of the key drivers of investments in maritime security.

The new need for maritime security

As long as the economic potential of the 'blue economy' remains untapped, scarce resources are more likely to be spent for security on land. There are almost no votes to be won and there is very little political capital to be gained by championing maritime causes. With few exceptions, maritime topics in general – including, but not limited to, maritime security – do not capture the interest of the media, the general public and, by extension, policymakers. That has been underlined, for example, by Chris Bellamy in his keynote address at the International Conference on Maritime Security and Defence 2012 in Hamburg (University of Greenwich representative, Interview 49, June 2016).

At the same time, the maritime domain often holds enormous economic potential for any given state. Moreover, it is directly linked to a broad range of political issues on land. Employment opportunities, government revenues, illegal migration, smuggling of drugs and weapons or food security are just a few of those aspects.

This chapter will show the maritime environment's importance in pure economic terms for states in both East and West Africa. While a comprehensive and detailed analysis of maritime economics, their impacts on growth rates or the overall GDP is beyond the scope of the analysis, it is essential to shine a light on some statistics because security is generally not an end in itself. That is especially true for countries in sub-Saharan Africa where a lack of security is a persistent problem even on land. Examples in West Africa include Nigeria and Cameroon where Boko Haram has carried out a large number of attacks against civilian and military targets (Oyewole 2015) while Côte d'Ivoire, Liberia and Sierra Leone are all still recovering from devastating civil wars (Sturm 2013, Huband 1998 and Jang 2012). In East Africa, Somalia has long been the prime example for a failed state (Hammond 2013: 183-185) while terrorist attacks in Kenya have, among other things, led to a decline in the tourism industry (Buigut 2015).

These examples have all been studied by academics and practitioners in great detail. Against such a backdrop of security problems on land, it seems obvious that national governments will look at maritime security merely as a side note. Unless a government

has compelling economic reasons, maritime security is unlikely to become a political priority. Many governments in East and West Africa already face a broad range of security challenges and are therefore unable to develop comprehensive frameworks specifically for the maritime environment. Actual implementation is another challenge, due to a lack of money and other resources.

More and more countries along the African coastline, however, have good reasons to look towards the sea. Offshore oil and gas deposits have been discovered in several countries that have previously been described as ‘under-explored’ or ‘frontier regions’, a comprehensive overview is provided below. Growth rates for maritime trade have been impressive, huge investments will further boost port infrastructure and add much-needed hinterland connections, also discussed in more detail below. Fish stocks are increasingly regarded as vital commodities that should not be exploited by foreign vessels, at least not without the necessary licences, discussed in more detail in Chapter 5. Maximising the potential value of all these aspects, however, requires sustainable investments in naval or coastguard capabilities and at least some degree of regional cooperation because maritime security problems are rarely limited to just one country.

Different economic activities at sea

This chapter covers two key aspects in terms of the economic potential in the maritime domain. The first is the offshore production of oil and natural gas. In some countries such as Angola, Equatorial Guinea and Nigeria, offshore production of hydrocarbons has been developed over decades but further expansion may still be possible. Other countries, for example Ghana, have started offshore production only recently while Mozambique and Tanzania have begun to address the challenges associated with the development of offshore gas deposits in the Indian Ocean. Maritime security is only one aspect amidst a comprehensive set of challenges but it is key to attract investments from international oil companies or indigenous sources. Such investments are necessary because state-owned oil and gas companies generally lack the expertise to exploit hydrocarbon reserves, particularly offshore (Parker and Kreuze 2013: 9-10).

The second aspect discussed in this chapter is the increasing value of maritime trade and the relevant infrastructure. Due to the importance of maritime transport, ports are vital for any economy as imports and exports depend on easy access to the sea. With GDP growth in many countries throughout sub-Saharan Africa forecast to be much higher than in high-income countries (see Table 4.1), trade volumes will also grow

substantially, reinforcing economic development as Gnoufougou (2013: 71) has summarised: 'Trade causes economic growth and economic growth also causes trade'.

Table 4.1: GDP growth in selected countries in %
(World Bank 2017a: 4, 174)

	2014	2015	2016*	2017**	2018**	2019**
Advanced economies	1.9	2.1	1.6	1.8	1.8	1.7
Euro area	1.2	2.0	1.6	1.5	1.4	1.4
United States	2.4	2.6	1.6	2.2	2.1	1.9
Japan	0.3	1.2	1.0	0.9	0.8	0.4
Sub-Saharan Africa	4.7	3.1	1.5	2.9	3.6	3.7
<i>West Africa</i>						
Senegal	4.3	6.5	6.6	6.8	7.0	7.0
Côte d'Ivoire	8.5	8.4	7.8	8.0	8.1	8.1
Ghana	4.0	3.9	3.6	7.5	8.4	8.4
Nigeria	6.3	2.7	-1.7	1.0	2.5	2.5
Cameroon	5.9	5.8	5.6	5.7	6.1	6.1
Angola	5.4	3.0	0.4	1.2	0.9	0.9
<i>East Africa</i>						
Kenya	5.3	5.6	5.9	6.0	6.1	6.1
Tanzania	7.0	7.0	6.9	7.1	7.1	7.1
Mozambique	7.4	6.6	3.6	5.2	6.6	6.6

*: estimate

**: forecast

As mentioned above, offshore hydrocarbons and maritime trade are just two factors with a potential influence on the economic value of any state's maritime domain. Both aspects are analysed together in this chapter as they share essential characteristics:

- Employment opportunities exist but the number of jobs directly generated by offshore or port operators is limited.

- Opportunities for indigenous companies (as service providers to the oil and gas industry or through the facilitation of international trade) can increase the impact of foreign investments in both areas, both in terms of employment opportunities and economic benefits for the host country.
- Indirect effects of investments are almost impossible to quantify, for example the use of oil or gas as domestic energy or the integration of domestic companies into global value chains.
- Both areas provide a direct source of revenue for national governments (in the form of taxes and royalties on oil and gas production or customs duties collected in ports).

The last aspect, though rarely acknowledged, should not be disregarded. Throughout sub-Saharan Africa, the tax base is much smaller and less stable than in developed economies (Ebeke and Ehrhart 2011: 3-7; for developing countries in general: Besley and Persson 2014: 100-115). Governments therefore have to rely on other sources of income. Negative effects of an over-reliance on revenues generated through the export of commodities have been thoroughly analysed (see, for example, IMF 2011, Readhead 2016) but customs duties have rarely been looked at. Nevertheless, revenues collected by customs officers may be vital for governments and ports are generally vital hubs for imports and exports. This chapter therefore provides a comprehensive analysis of available data and looks at the negative impact of a lack of security at sea on maritime trade.

When it comes to the EEZ's economic value, fishing is another factor, discussed in Chapter 5. Fish stocks are a vital asset for many countries in East and West Africa but there are significant differences between offshore hydrocarbons and maritime trade on the one hand and the fishing industry on the other hand:

- Artisanal fishing creates employment, both direct and indirect, particularly in rural communities along the coastline.
- Well-managed fish stocks enhance food security and allow subsistence fishermen to provide for their families,
- Direct revenues for the government are generally limited, even with a comprehensive licensing regime.

While the three aspects mentioned above may be key sectors affected by a lack of maritime security in general, other factors may gain importance on the national level in

the short to medium term. Marine biotechnology and ocean energy, for example, have been identified by the European Commission as two of the sectors which ‘could deliver sustainable growth and jobs in the blue economy’ (2012: 7). Without the required level of security, however, it will be impossible to harness the potential in African waters.

Relevant initiatives in these areas are currently limited in sub-Saharan Africa due to a broad range of factors yet the number of examples is growing. An African Development Bank study, for example, has pointed out that environmental conditions in Angola, Mozambique and Tanzania would allow for large-scale offshore wind farms (Mukasa et. al. 2013: 3). Coastal communities could also benefit from small-scale tidal energy generation which has been underlined by a research project in Nigeria, funded by the UN Industrial Development Organisation (Osu 2015). Another example is the African Centre for Capacity-Building in Ocean Governance which has partnered with the World Maritime University ‘to support the sustainable use and management of marine and coastal resources across Africa’ (World Maritime University 2013). Similar cooperations have led to several conservation projects in coastal communities, for example in Kenya or Liberia (Fauna & Flora International 2015).

Renewable energy generated offshore or coastal conservation projects may not have an obvious link to maritime security issues. Without protection, however, supply vessels for offshore wind farms are just as vulnerable as ships employed by the oil and gas industry. Meanwhile, coastal ecosystems face severe threats by bottom-trawling fishing vessels and other unsustainable practices such as dynamite fishing. Overall, a lack of security and law enforcement in the maritime environment has many implications beyond the widely published effects of piracy and armed robbery at sea.

National requirements: no size fits all

There is no shortage of economic activities at sea and the ‘blue economy’, as Hassan (2016) and Dewar (2016) have pointed out, is likely to become even more prominent in the future. Not all countries, however, face the same security challenges. In West Africa, offshore oil and gas production has long been established in Angola, Equatorial Guinea or Nigeria (Peel 2009: 23-31, Blas 2014, Koning 2014) but not in Togo or Benin where maritime trade is much more important (Gnoufougou 2013, Blédé 2015). Ghana, on the other hand, faces a broad range of issues as the country is affected by IUU fishing (Koranteng 2014), has developed into a regional hub for maritime trade and wants to expand offshore oil and gas production (Dontoh 2013).

In East Africa, Mozambique and Madagascar suffer from IUU fishing (WWF 2014, Le Manach et. al. 2012) while offshore gas deposits are under development in Mozambique and Tanzania (Brock 2015, Doya 2015). In the Seychelles and in Kenya, coastal tourism has been severely affected by Somali piracy (Akwiri 2015, World Bank 2013: 35-56). Even after a decline in the number of piracy incidents in the western Indian Ocean, only one cruise ship arrived at the port of Mombasa in 2014, no such vessel called at the port in the first nine months of 2015 (Mwita 2015).

More detailed analysis for specific countries is provided below and in subsequent chapters. Overall, however, requirements for maritime security are varied. Domestic policymakers may prioritise legislation related to the offshore oil and gas industry, even though outside actors may lobby for a legal framework to prosecute suspected pirates. On a practical level, national navies may need different assets, depending on whether they are used to protect oil installations and supply vessels in a limited area or to protect fish stocks throughout the EEZ, requiring surveillance and enforcement capacities. Such national demands then need to be brought in line with regional coordination.

Chapter outline and limitations

This chapter establishes the economic importance of offshore oil and gas production as well as maritime trade for countries throughout East and West Africa. First it examines the developing recognition of both aspects on the academic and the political level. Both aspects affect the provision of security, at least on the tactical level which includes, among other things, the deployment of patrol vessels in specific areas or the collection of information through coastal radar stations and other means of surveillance. Moreover, offshore oil and gas production as well as maritime trade may be a direct source of revenue for governments. Investments may therefore reap short-term rewards and better security may indeed have a direct impact on government budgets.

4.1 Governance of Africa's 'blue economy'

Ocean governance or the governance of the maritime environment is distinctly different from legal frameworks on land. Differences between 'private' and 'public' or the extent of ownership of plots on the surface are irrelevant at sea. Instead, interests at sea are usually categorised based on certain activities such as fishing, exploration and production of offshore hydrocarbons or shipping.

Governments may award exploration blocks to oil companies and grant licences to fishing trawlers for the same area. Ownership, however, will remain with the government, turning the EEZ into an asset. Depending on how well this asset is managed, it may yield a stable annual income. Hoegh-Guldberg has attempted to analyse the ocean's economic value on a global scale and has estimated that the 'annual "gross marine product" (GMP) – equivalent to a country's annual gross domestic product – is at least US\$2.5 trillion' (2015: 7). In other words, the global ocean's economic output is larger than Brazil's and only slightly smaller than France's GDP.

Whether Hoegh-Guldberg's figures are accurate is impossible to prove. The author himself admits that 'the analysis did not include valuable intangibles' and that the economic value of the sea was therefore underestimated (Hoegh-Guldberg 2015: 7). Nevertheless, the example shows that national governments, in sub-Saharan Africa as well as in other regions, could generate desperately needed financial resources from their EEZs. So far, however, these areas have not been regarded as assets for countries in East and West Africa. In many cases, they have not been acknowledged at all, underlined by a '[l]ack of appropriate policy, legal and institutional frameworks for governance of the maritime zones' (Wambua 2009: 48).

Challenges are not restricted to inadequate legal and institutional frameworks. Enforcement capabilities, provided by navies, coastguards or other security agencies, are generally poor in East and West Africa. Severely limited search and rescue capabilities as well as a lack of equipment to deal with environmental problems such as oil spills are not part of the analysis offered in this thesis but should also be addressed in broader maritime initiatives.

Slow change in national perspectives

African governments are starting to pay attention to maritime issues. Following two table-top exercises conducted by the International Maritime Organization (IMO) in 2012, governments in Ghana and Liberia began to work on national maritime strategies (International Maritime Organization 2015). Mozambique has received assistance from a consortium including the World Maritime University, largely financed by the World Bank. The main objective of the project was a comprehensive review of the current legal framework for all maritime activities in and affecting the country as well as suggestions for potential updates and improvements (World Maritime University 2015).

Nevertheless, many problems related to the governance of the maritime domain on the national level persist, beginning with basic issues. Maritime zones have not been declared consistently by African nations and maritime boundaries are often not clearly defined. Somalia made progress when the government declared an Exclusive Economic Zone of 200 nautical miles in June 2014 (United Nations 2014). The maritime boundary with Kenya, however, is disputed. The case was brought to the International Court of Justice in August 2014. Kenya wants the maritime boundary to be a straight line running parallel to the equator, Somalia argues that the land border should continue to the southeast at sea (International Court of Justice 2014a: 1-2), shown in Figure 4.1. The final decision will take years, creating legal uncertainty for companies interested in oil and gas exploration in the region.

Figure 4.1: Maritime boundary claims by Kenya and Somalia
(Based on: International Court of Justice 2014b)



The situation in West Africa is even more complicated. Togo and Benin, for example, claim an EEZ of 30 and 200 nautical miles respectively (United Nations 2009 and United Nations 2010), even though both countries have signed and ratified UNCLOS. Maritime boundaries are another potential stumbling block for regional cooperation. Lingering conflicts between Equatorial Guinea and Cameroon even resulted in an almost decade-long stop of oil exploration. An oil company had been awarded a

concession for offshore exploration but declared *force majeure* in 2005, due to legal uncertainty. The declaration was only lifted in January 2014 (Sterling Energy 2015).

At the same time, West Africa offers positive examples. The Joint Development Zone (JDZ) between Nigeria and São Tomé and Príncipe has created an environment for oil companies to invest in exploration and production of crude oil. Biang (2010) has provided a comprehensive analysis of the JDZ treaty, signed in 2001.

Ghana and Côte d'Ivoire are another example for peaceful conflict resolution. In November 2013, both governments agreed to start negotiations to settle a long-standing dispute over their maritime boundary, trying to 'defuse sometimes tense relations and smooth the way for oil and gas exploration' (Coulibaly 2013). Preliminary negotiations did not lead to an agreement, instead the case has been submitted to the International Tribunal for the Law of the Sea (International Tribunal for the Law of the Sea 2015), a ruling is expected in 2017. Related to this case, it is important to note that the maritime boundary only became an issue after oil was found in a disputed area in 2007. Before that discovery, there was no interest from either side to define it, even though both countries had been independent since 1957 (Ghana) and 1960 (Côte d'Ivoire) respectively (Ghanaian navy flag officer, Interview 48, June 2016).

Uncertainty over maritime boundaries and claims over maritime zones which are incoherent with definitions laid out in UNCLOS are just two symptoms of the underlying problem. Many African countries have signed up to international conventions related to the maritime environment, particularly UNCLOS and the International Ship and Port Facility Security (ISPS) Code. Ratification of such conventions, however, needs to be translated into national laws and implemented on the ground. African countries have often failed to introduce the necessary legislation, mostly due to a lack of political will and shortcomings in terms of overall maritime expertise (Liberian Maritime Authority representative, Interview 32, October 2015).

Even though the situation is slowly changing and governments are trying to address some shortcomings, another problem remains. Bilateral and regional cooperation in Africa is often complicated by many factors, including questions of sovereignty, different colonial heritages and personal rivalries between political leaders. There is no question that it will be challenging to improve cooperation over maritime matters when countries have little experience of working together even on land-based issues.

In the best-case scenario, maritime questions may be a stepping stone for enhanced cooperation between countries or regional economic communities. Implementation of the *Yaoundé Code of Conduct* by members of ECOWAS and ECCAS is a good

example for an attempt at fostering cooperation and integration, a more detailed analysis will be offered below. Implementation, however, may also be hampered by rivalries and institutional differences between, for example, francophone and anglophone countries (Dumbuya 2008, Bagayoko 2012), mistrust between regional powers and other factors which had a negative impact on deeper economic and security integration in the past (Møller 2009b: 17-18). Such differences complicate political discussions, but also cooperation between security agencies on the operational level.

Initiatives on the continental level

Efforts to improve maritime security in East and West Africa need to be observed at the national and the regional level. Such efforts, however, cannot be analysed without addressing the overall state of the maritime environment. As mentioned above, 'security' is rarely an end in itself. Maritime security has been ignored by most African governments for decades. Economic interests in the maritime environment have been limited and security concerns on land, including threats to regime survival, have generally been more pressing. Countries with an established offshore oil production, notably in West Africa, are exceptions to an extent. Even there, however, maritime security has generally been limited to offshore installations, terminals and other infrastructure related to the oil industry (West Africa maritime security analyst, Interview 36, April 2016).

In recent years, initiatives have been made on the continental level to make better use of the ocean's economic potential. In July 2009, The Assembly of the African Union stated its support for 'initiatives undertaken by the Commission to develop a comprehensive and coherent strategy' (African Union 2009a) to improve security in all maritime spaces around Africa. Just over three months later, a conference of transport ministers from the African Union adopted the *Durban Resolution on Maritime Safety, Maritime Security and Protection of the Marine Environment*, calling on the AU to 'accelerate the implementation of various United Nations instruments relating to maritime safety, maritime security and the protection of the maritime environment' (African Union 2009b: 4). Member states were encouraged to start taking action, most notably by budgeting for the necessary resources. Moreover, national governments and regional economic communities were urged to improve their cooperation of maritime efforts.

Another tangible outcome of the conference in Durban was the *African Maritime Transport Charter* and the accompanying action plan, adopted by the Assembly of the African Union in July 2010. It was the updated version of an earlier charter which had been adopted already in 1994 (Organisation of African Unity 1994) without generating any interest from policymakers. It took until 2007 for the first AU-level conference of ministers responsible for maritime transport to agree upon an action plan to implement the charter (UN Economic and Social Council 2009: 6). It was the first time that maritime transport was officially recognised ‘as a key component of an African socio-economic development policy’ (Economic Commission for Africa 2010: 339).

The new action plan adopted in 2010 included a number of ambitious objectives yet the AU, its member states and the RECs were left with a lack of clear directives. More importantly, capacities to implement the stated aims were mostly non-existent, both within the AU and the various RECs. Very little actual work was therefore possible without the assistance of donors with a declared interest in maritime affairs (African Union representative, Interview 38, April 2016).

In 2009, the AU had already partnered with the Brenthurst Foundation, a South Africa-based think tank, and the African Center for Strategic Studies, a US-based research institution largely funded by the Department of Defense. Throughout 2009, the Brenthurst Foundation conducted four workshops as part of a project that was supposed to examine links between maritime piracy and trade. The main outcome of those workshops was a discussion paper, published in 2010, that underlined the links between maritime security and long-term economic development and the need for an overarching framework that was not just concerned with a narrow definition of security at sea. Instead, the authors pointed out that a maritime strategy should ‘provide a coherent policy framework and contribute to the optimal development of all maritime-related activities in a sustainable manner’ (Brenthurst Foundation 2010: 10).

Considering the lack of maritime expertise at the African Union’s headquarters in Addis Ababa and the amount of input necessary for such a broad strategy, the AU’s efforts in the following years were impressive. In January 2014, the African Union Assembly, composed of heads of state and government from all member states, adopted the new *2050 Africa’s Integrated Maritime Strategy (2050 AIM Strategy)*. Annex C to the strategy, the *Plan of Action for Operationalization*, had already been adopted in December 2012 by the second AU-level conference of ministers in charge of maritime-related affairs. According to the document, the action plan is subject to a review every three years that will include necessary updates.

Whether the new maritime strategy will be implemented as planned is an open question. First signs have been promising, the African Union's Chairperson of the Commission, Nkosazana Dlamini Zuma, has even stressed the importance of the new document by referring to the 'blue economy' as 'the Maritime dimension of African Renaissance' (African Union 2013). Nevertheless, one major challenge for the *2050 AIM Strategy* is fragmentation as it covers a 'wide variety of sectors and a complex array of institutions, initiatives and programmes' (Benkenstein 2015: 3). Moreover, it is unclear whether the necessary budgets will be made available by governments, RECs, the AU and other institutions. Resources are often scarce and competition with other policy areas is fierce, particularly on the national level.

The link between economics and security

In a speech at Chatham House in June 2014, the foreign minister of the Seychelles once again underlined Africa's maritime potential. Realising the opportunities the 'blue economy' has to offer, however, means that the focus can no longer be solely on the establishment of fishing agreements, the production of oil and gas or similar activities. Rather than simply extracting resources, the ocean has to be developed sustainably and African governments will have to increase their research budgets to create a solid foundation for future investments (Adam 2014: 2-3).

All these aspects are included in the *2050 AIM Strategy*. Nevertheless, calculating the economic value of the maritime environment is complicated, even on the national level. While the strategy aims at 'addressing seaborne challenges to Africa's maritime domain and sustain more wealth creation from the oceans and seas' (African Union 2010: 8), it is unclear how to measure wealth creation, even in purely economic terms.

At the same time, the often quoted concept of the 'blue economy' itself lacks coherence. There is no standard definition, the term is often used to include all kinds of economic activities which are linked in one form or another to the sea or even to inland waters. The term was originally coined by the economist Gunter Pauli in his book *The Blue Economy: 10 years, 100 innovations, 100 million jobs* (Pauli 2010). Pauli, however, did not include an explicit link to maritime economic activities. His concept was rather a step up from the Green Economy, his main idea can be described concisely: 'Blue Economy is where the best for health and the environment is cheapest and the necessities for life are free thanks to a local system of production and consumption that works with what you have' (Pauli 2015).

Even though the term has been adopted by academics and politicians alike, there is usually no link to Pauli's original ideas. Increased attention to the economic potential of the oceans has instead led to a rather different use, synonymous with terms such as ocean economy or maritime economy. The potential of maritime activities to create new jobs as well as the sustainable management of maritime resources, particularly of fish stocks, are often mentioned yet, by and large, Pauli's original ideas are not part of discussions about the 'blue economy' in Africa. In the context of this thesis, the term will be used in its adopted meaning, referring to the maritime economy. It includes, but is not limited to, the following aspects:

- offshore oil and gas production;
- shipping and port operations;
- commercial and artisanal (subsistence) fishing;
- coastal tourism, including cruise ships;
- building, maintenance and repair of ships.

Despite its vagueness, the term has already served one purpose. African politicians are increasingly aware of the maritime environment and its economic potential. In many countries, 'sea blindness' is finally being addressed, albeit often slowly due to resource constraints, political and institutional rivalries, a lack of existing capacities and other factors.

Following in the footsteps of the AU, and in some areas even preceding its actions, African RECs have started to draw up their own maritime strategies. Such documents are important steps but are often hampered by a lack of cooperation on practical matters. Moreover, 'waving a strategy won't protect our fish, stop pirates or build a maritime economy' (Walker 2015). Nevertheless, policymakers have at least started to realise that there are no fences or border posts at sea, offshore oil and gas deposits often stretch across two or more EEZs, schools of fish swim across maritime boundaries and smugglers may use different jurisdictions to their advantage. In the next step, it is essential to ask why maritime security should even be on a government's agenda. Chris Trelawny, head of the IMO's maritime security section, has pointed out that discussions should include the perspectives of recipients, not just of security providers. Coastal states or the shipping industry profit from a secure environment at sea, 'maritime business plans' (Trelawny 2013: 51) should therefore be the foundation for any maritime security strategy as well as for the development of relevant capacities.

Various economic activities at sea can be the foundation of such maritime business plans. On the national level, the emphasis may be strikingly different, even in neighbouring countries. In Nigeria, for example, offshore oil production takes place even close to the maritime boundary with Benin while no offshore oil deposits have been discovered in Benin's EEZ. For Benin's government, providing a secure environment in and around the port of Cotonou is the key aspect of security at sea as imports are vital for the national economy and customs duties collected in the port are a major source of income for the government (Blédé 2015: 6). Many goods destined for Nigeria arrive in Cotonou, many shipping companies try to avoid the nearby port of Lagos due to a combination of factors, e.g. security considerations and congestion problems (Hoffmann and Melly 2015: 8-17).

In terms of maritime security, such differences might lead to very different strategies. Benin's government is first and foremost concerned with a limited area off Cotonou. Nigeria has to protect ports and anchorages as well as offshore oil installations which are often much further offshore. Among other things, the Nigerian navy therefore needs larger vessels to conduct patrols further out to sea. Cooperation with oil majors is also necessary as these companies generally have comprehensive security requirements and may even charter security vessels, manned by Navy personnel (Representative of Nigerian private security company, Interview 6, February 2014).

This is just one example of the multifaceted links between economic interests and maritime security requirements. More detailed examples and analyses are discussed throughout this thesis. One fundamental difference between operations within the oil and gas sector and shipping activities, however, cannot be ignored. Ship operators generally prefer a stable and secure environment for their activities as crews on merchant vessels are unable to defend themselves against attacks. Some measures can help to mitigate the problem yet these are expensive and will increase the costs of maritime trade (Norwegian Shipowners' Association representative, Interview 11, October 2014). For oil companies, security does not come cheap either but expenses pale in comparison to other costs for offshore operations (Representative of international oil company, Interview 19, March 2015). Oil companies are therefore able to provide assistance for governments to protect offshore installations or supply vessels operating from specific ports.

The following two subchapters provide an overview over the importance of offshore oil and gas resources in various countries in East and West Africa. Furthermore, the economic potential of ports and maritime trade is analysed, including the direct impact

of maritime trade on government revenues. Both aspects are grouped here due to the nature of government income that may be generated by them. Improving security at sea may not directly increase those revenues but any investment into maritime security ‘can be justified if compared to the cost of resource losses’ (Brenthurst Foundation 2010: 8).

4.2 Offshore production of hydrocarbons

Production of crude oil and natural gas is a vital source of revenue for many countries in sub-Saharan Africa, even though the actual amount of production is relatively low compared to other regions. In 2014, about 7.31% of the world’s oil and about 2.92% of the world’s natural gas were produced in the region. These values have remained stable in recent years, shown in Table 4.2 and Table 4.3.

Table 4.2: Crude oil production (including lease condensates) in selected countries, thousand barrels per day (US Energy Information Administration 2016)

	2012	2013	2014
World total	76,120	76,247	78,044
Sub-Saharan Africa	5630	5672	5705
Nigeria	2520	2367	2423
Angola	1787	1803	1742
Republic of Congo	280	261	262
Equatorial Guinea	289	270	260
Gabon	230	220	220
Ghana	78	98	105
Cameroon	63	63	75
Other countries combined	383	590	618
Share of sub-Saharan Africa	7.39%	7.43%	7.31%

**Table 4.3: Natural gas production in selected countries, billion cubic feet
(US Energy Information Administration 2016)**

	2012	2013	2014
World total	128,540	148,073	143,844
Sub-Saharan Africa	4227	4349	4201
Nigeria	2996	2812	2736
Angola	383	380	362
Republic of Congo	328	337	313
Equatorial Guinea	296	318	284
Mozambique	n.a.	186	198
Côte d'Ivoire	63	63	74
All other countries	161	253	234
Share of sub-Saharan Africa	3.28%	2.93%	2.92%

Table 4.2 shows that in absolute numbers, only Nigeria and Angola are major producers of crude oil and only Nigeria produces natural gas on a large scale. Production in both countries has been fairly stable whereas oil production in Equatorial Guinea or the Republic of Congo has declined in recent years, largely due to mature oil fields. Other countries such as Ghana and, to a lesser extent, Cameroon have increased their production to keep overall oil production in sub-Saharan Africa at a stable level. Table 4.3 provides a similar overview for natural gas production. Mozambique and Côte d'Ivoire are among the five largest producers in sub-Saharan Africa but the overall amounts produced in both countries are almost insignificant on the global scale.

Absolute numbers alone, however, are not enough to understand the importance of oil and gas production for national economies. In relative terms, the sector is an essential contributor to the overall GDP in several countries that are otherwise regarded as small-scale producers, shown in Table 4.4. Moreover, oil revenues make up a significant portion of government revenues, shown in Table 4.5.

Table 4.4: Oil rents (Percentage of GDP)
(World Bank 2017b)⁴

	2012	2013	2014	2015
Rep. of Congo	54.5	42.2	36.2	18.2
Equatorial Guinea	33.9	30.6	26.9	14.7
Gabon	41	33.2	26.3	9.9
Angola	41.2	34.5	27.2	10.7
Nigeria	14.7	11.3	8.7	3
Cameroon	6.9	5.7	4.8	1.4
Ghana	5.5	5.5	5.7	1.7

Table 4.5: Public finances in percentage of GDP at current prices for 2014
(African Economic Outlook 2016)

	Total revenues and grants	Tax revenue	Grants/oil revenues	Factor Tax revenue : grants/oil revenues
Equatorial Guinea	33.6	2.8	29.1	1 : 10.39
Nigeria	14.6	2.8	10.6	1 : 3.79
Angola	30.1	6.5	22.1	1 : 3.4
Rep. of Congo	41.2	11.7	29	1 : 2.48
Gabon	26.1	13.1	12.6	1 : 0.96
Cameroon	18.2	12.2	4.3	1 : 0.35
Ghana	21.8	17.2	0.7	1 : 0.04

Table 4.4 shows that the Republic of Congo, Equatorial Guinea, Angola and Gabon are highly reliant on oil rents, underlining that the national economies have not been diversified away from the oil industry. The large drops in 2014 and 2015 are largely due to lower oil prices compared to previous years and, in the case of Nigeria, to the rebasing of the Nigerian economy. In 2014, Nigeria's National Bureau of Statistics recalculated the GDP based on production patterns from 2010, providing a much more

⁴ Oil rents are defined as the difference between the value of crude oil production at world prices and total costs of production.

accurate view of the current makeup of the economy in the country (Magnowski 2014). Previous GDP calculations had been based on the economic structure in 1990, creating a completely outdated image.

Large contributions to GDP cannot be directly translated into government revenues. Table 4.5, however, shows the importance of revenues collected from the oil industry for overall government income. In Equatorial Guinea, the relation between tax and oil revenues is particularly unbalanced (Baca 2016). For every dollar collected in taxes, social security contributions and customs duties (which are all included in the overall tax revenue), 10.39 dollars are collected from oil and gas companies⁵. In Nigeria, Angola and the Republic of Congo, revenues collected from the oil industry are also higher than overall tax revenues, underlining the reliance of governments on these income streams. Gabon, Cameroon and Ghana provide a slightly different picture but oil revenues are still important for government revenues. Significantly lower average oil prices in 2015 and 2016 compared with previous years have likely led to a better balance in government revenues but a significant drop in oil revenues cannot be replaced in the short term.

All countries analysed in Tables 4.4 and 4.5 are in West Africa yet the situation in East Africa may develop in a similar manner. Major gas discoveries have been announced by various companies, mostly off Tanzania and Mozambique (Helman 2014). These have 'led to predictions that the region could become the world's third-largest exporter of natural gas over the long-term' (KPMG 2013: 17) yet it will take years to develop the necessary infrastructure. In terms of government revenues, these projects will very likely create a situation similar to present findings from West Africa with royalties from gas production adding significantly to national budgets, particularly in Mozambique where the overall GDP is much lower than in neighbouring Tanzania although growth rates are forecast to be significant as shown in Table 4.1.

Offshore production is the obvious link between the oil and gas industry and maritime security. In general, it is almost impossible to find detailed figures about the amount of offshore production in individual countries. Nevertheless, offshore production is gaining importance throughout sub-Saharan Africa. Ghana and Equatorial Guinea only have offshore fields, Angola produces only a tiny fraction of its overall oil output on land. In

⁵ Table 4.5 shows a combination of grants and oil revenues because the data is not provided separately. It can be assumed, however, that grants do not make up a significant proportion of government revenues in oil-producing countries, particularly those classified as upper-middle-income economies by the World Bank such as Angola, Equatorial Guinea and Gabon (World Bank 2016a).

other oil-producing countries, a larger percentage comes from onshore fields but these are often mature. Governments and oil companies have been trying to add production capacity by developing new fields which are mostly offshore. The situation in East Africa is similar with huge gas deposits off the coasts of Mozambique and Tanzania and further potential along the coast towards Kenya and Somalia (Representative of international oil company, Interview 19, March 2015).

Maritime security problems are not necessarily a limiting factor for offshore operators if the economic outlook for oil or gas production in a certain region is otherwise positive. Offshore projects require huge up-front investments and production can only start after years of exploration and infrastructure development. Oil discoveries in the Jubilee field off Ghana, for example, were made in 2007, commercial production started in December 2010. Developing a new oil field on this scale in about three years was considered as fast by industry standards (Dittrick 2010).

With such a time lag between large investments and the first income from the sale of oil or gas, it should not come as a surprise that oil majors are capable of contributing significantly to the security of their offshore assets. For the Jubilee field, operator Kosmos Energy chartered a number of vessels and two of these patrol boats are at sea around the clock, keeping the 500 metre security zone around all oil installations clear from fishing vessels and other threats to safety and security. Patrol boats are manned by personnel from the Ghanaian navy (Ghanaian navy staff officer, Interview 28, May 2015). Similar arrangements are also in place in other countries, for example in Nigeria or Cameroon, a more in-depth discussion of these can be found in Chapter 7. Such arrangements, involving private security providers and government security forces, have to be based on national laws and regulations but oil majors generally have the necessary leverage to lobby governments and to ensure their requirements are met.

Another aspect related to the oil and gas industry are changes in ship traffic patterns related to economic growth and investments into refineries. Despite a long history of oil production and an increase in demand for all kinds of oil products from fuels to plastics, refining capacities throughout Africa are relatively low. In the short term, additional supply of oil products will have to come from imports. Fleming (2013: 26-27) has pointed out three main reasons for a challenging investment climate:

- Worldwide capacity expansion in recent years has led to low margins for refineries, creating financing challenges for large-scale projects.

- Most domestic markets in Africa are not large enough to sustain refineries with a competitive capacity.
- Political will to invest in refineries is lacking in many countries as importers of oil products yield much influence, often linked to corruption.

Overall, Fleming concludes that ‘investment in oil products supply will take place, but it will be investment in far less financially risky import, storage and distribution logistics’ (2013: 28), leading to an increased need for the use of relatively small – and vulnerable – product tankers. Such developments can already be observed in Gabon and Equatorial Guinea where governments have signed deals with private companies to set up storage facilities for crude oil and oil products (Nzuey 2015, Nsehe 2015). These facilities are supposed to be used to encourage intra-African trade, avoiding long-range transport of oil products to rapidly growing markets in sub-Saharan Africa.

Additional oil storage capacities, however, are not the only aspect pointing to a medium-term shift in trade patterns for crude oil and oil products. Investments into additional refinery capacities are also taking place, for example in Nigeria (Cohen 2014), Angola (Starling 2015), Côte d’Ivoire (Ecobank Research 2013: 5-6) and Kenya (Stevenson 2013). Increased electricity generation will further increase demand for natural gas and oil products.

Situation in West Africa

Major oil and gas producers in West Africa are shown above in Table 4.2 and Table 4.3. Similar to other world regions, the most promising areas on land have largely been explored already, future oil and gas prospects are generally located in less accessible environments, particularly in deep and ultra-deep water.⁶ Offshore exploration is ongoing in various countries, including existing oil producers such as Gabon and Equatorial Guinea. Promising discoveries have also been made off Liberia and Senegal while experts believe that Sierra Leone and Côte d’Ivoire may have offshore hydrocarbon deposits that could be exploited on a commercial scale (EYGM 2014: 9; Haun 2016).

⁶ There is no standard definition for deep and ultra-deep water and actual water depths have developed over time, in line with technological capabilities. Common definitions are water depths of between 500 and 1499 metres for deep water and 1500 metres and more for ultra-deep water.

Largely due to the low oil prices since mid-2014, decisions about new investments have been postponed by international oil companies in 2015 and 2016, hence there is currently no definite timeline as to when new discoveries of oil deposits will be translated into additional oil production. Governments in general and national oil companies in particular have to rely on partnerships with international oil companies because they often lack the expertise and the necessary resources to develop offshore oil fields without these partners (Representative of international oil company, Interview 19, March 2015).

Large time lags between final investment decisions and the start of production in new offshore fields, however, mean that projects that had already been sanctioned before mid-2014 will be finalised. Put simply, it is too expensive for oil companies to pull out of such projects because a large part of the overall investment has already been spent. Three countries in particular are likely to receive large-scale investments in offshore production until 2019, shown in Table 4.6.

Table 4.6: Predicted offshore investments in US\$ billion, West Africa
(Infield Systems representative, presentation and Interview 22, May 2015)

	2016	2017	2018	2019	Total
Angola	8.7	11.1	11.9	6.5	45.2
Nigeria	3.6	6.1	6.7	7.6	26.9
Ghana	3.5	1.9	2.5	3.5	13.6

These figures have been compiled by Infield Systems, a London-based research and analysis firm specialising in offshore energy projects. Overall, analysts at Infield Systems believe that about 20 percent of global capital expenditures for offshore oil and gas projects will be invested in sub-Saharan Africa until 2019. The largest portion of these expenditures will be used to realise new or expand existing offshore projects in West Africa (Infield Systems representative, presentation at shipping industry seminar and Interview 22, May 2015). Moreover, in the three countries mentioned in Table 4.6, the structure of the offshore industry is fundamentally different:

- Ghana is a relatively new producer, oil production is currently limited to the western part of the EEZ. Offshore installations and oil-related facilities on land have caused negative impacts on coastal communities, particularly on artisanal fishermen around

Takoradi (Koranteng 2014) but attacks against oil-related vessels and installations have not been observed so far. One of the key tasks of the Ghanaian Navy is the protection of offshore assets (Ghanaian navy staff officer, Interview 28, May 2015), further strengthening the country's bid to become a regional hub for the offshore industry (du Venage 2015).

- Angola has a long history of offshore oil and gas production, the official end of the civil war in 2002 has led to an increase in activities. Virtually all Angolan oil comes from offshore fields, mainly off the coast of the Cabinda enclave (Koning 2014: 81). The military is heavily involved in the protection of related infrastructure on land. No maritime attacks against the oil and gas industry have been recorded so far although the product tanker "Kerala" was hijacked off Luanda in January 2014 (Slavina 2014).

- Nigeria has a long history of oil production, mostly on land and in shallow water in the Niger Delta. In recent years, oil and gas production has moved further offshore, partly motivated by security problems on land. These issues continue to have a large impact on maritime traffic in the region with small tankers, offshore supply vessels and other slow ships particularly at risk of being attacked. Attackers often target specific cargoes or kidnap crew members and hold them hostage on land, generally in well-coordinated operations conducted by groups of up to 20 heavily armed men (West Africa maritime security analyst, Interview 36, April 2016).

Although potential terrorist attacks are often mentioned by commentators and analysts (see, for example, Onuoha 2012: 4, Kyrou and Wallace 2014), no such attack at sea has been recorded in the Gulf of Guinea. These threats are, however, often used to generate publicity or to underline the need for additional resources by security agencies. At the same time, attacks by militant groups are possible and ship operators as well as oil companies have to think about mitigation measures against such threats.

One such attack was reported in February 2015 when a tanker was attacked approximately ten nautical miles off the Nigerian coastline. According to the official report that is available through the IMO's GISIS database⁷, two crew members saw an approaching speedboat and 'after a while the unknown persons on the boat were seen lighting up an object and throwing it towards the tanker. The object hit the rail, and fell into the water, a loud explosion ensued and the boat moved away.' Similar attacks had

⁷ Available for free but based on registration on the IMO website (<https://webaccounts.imo.org/Common/WebLogin.aspx?App=GISISPublic&ReturnUrl=https://gisis.imo.org/Public/PAR/Default.aspx>).

been recorded in the vicinity of the Niger Delta before but not after an amnesty programme brought an end to the insurgency in the region in 2009. It has remained an isolated incident and is regarded as a show of force prior to the Nigerian elections rather than a terrorist attack but it does show that militant activity can be a threat to merchant ships, particular those related to the oil and gas industry.

Nigeria in particular has seen a large number of attacks against ships, generally attributed to various militant groups in the Niger Delta. Other countries in the region, for example Cameroon, have also experienced such attacks and governments regard oil-related infrastructures as strategic assets that require protection by police or military forces (West Africa maritime security analyst, Interview 36, April 2016). Hawkes notes that ‘the offshore industry can attract the attention of criminal and political elements not because of *what* it represents, but rather because of *whom* it represents’ (2012: 143).

Oil and gas assets may even be targeted to put economic pressure on the companies operating them, although such actions in West Africa have so far been limited to the Niger Delta. Revenues from crude oil production there have ‘not been translated into the development of the region in terms of the provision of infrastructural facilities, functional health care, and access roads’ (Osumah 2013: 251) and large parts of the population are resentful both towards their own government as well as international oil companies.

Other factors related to offshore oil and gas production could also influence the future of maritime security in West Africa. The dispute over the maritime boundary between Ghana and Côte d’Ivoire (Laary 2015) has been a threat to the relationship between both countries and to commercial interests of oil companies. Protecting the interests of shareholders as well as national sovereignty were reasons for both countries to agree on arbitration by an international court. Several other countries in the region have not defined their maritime boundaries and conflicts over natural resources may trigger conflicts (Ali and Tsamenyi 2013: 95-98). On the operational side, a lack of security provision has led to cooperation between oil companies and national militaries. Examples from Ghana, Nigeria and Cameroon show that oil companies may charter vessels which are then manned by naval personnel, discussed in detail in Chapter 7.

Situation in East Africa

East Africa is generally described as a frontier region for the oil and gas industry because there is almost no history of production in the region. Mozambique is an

exception but currently, natural gas is only produced on land and on a small scale. Until recently, there was no prospect for offshore production but huge natural gas discoveries off the northern region of Mozambique and, on a slightly smaller scale, off southern Tanzania have led to optimistic predictions by industry analysts. Mozambique could even become the third-largest LNG exporter by the mid-2020s (Bowker 2015).

Before these discoveries were made, little exploration had taken place in East Africa. Mozambique's civil war only ended in 1992 and infrastructure was only rebuilt slowly, creating a challenging environment for oil and gas production. While neighbouring Tanzania and Kenya have been politically stable for decades, a lack of existing infrastructure meant that there were more promising regions for international oil companies to try and find new deposits (Manson 2015). More recently, exploration activities were hampered by attacks from Somali pirates, underlined by a vessel that was targeted in October 2011 off Tanzania, leading to the arrest of seven men. Only six months earlier, the Tanzanian government had decided to use the armed forces to escort ships searching for oil and gas offshore (Ng'wanakilala 2011).

Until 2019, both Mozambique and Tanzania are likely to see significant investments into offshore gas production, shown in Table 4.7.

Table 4.7: Predicted offshore investments in US\$ billion, East Africa
(Infield Systems representative, presentation and Interview 22, May 2015)

	2016	2017	2018	2019	Total
Mozambique	0.1	1.2	2.7	2.7	6.8
Tanzania	n.a.	n.a.	0.6	1.4	2

Figures for East Africa are significantly lower than for West Africa. These differences are based on project structures and investments covered by Infield Systems in their market forecasts. Figures covered in Table 4.7 reflect only genuine offshore investments such as platforms for gas production and pipelines to transport gas to the coast. Transporting natural gas on tankers, however, requires large liquefaction facilities where it is cooled and stored. These facilities represent the largest part of the investments for the companies involved but are not covered as capital expenditure for offshore facilities.

For Mozambique in particular, a new port and additional infrastructure also has to be built in a remote region that is considered as largely neglected by the central government. Offshore projects in Tanzania are likely to start a few years after

Mozambique because discoveries were made later and have so far been on a smaller scale, requiring additional exploration activities to justify infrastructure investments.

Whether revenues and other benefits from natural gas production will be a blessing or a curse for Mozambique remains to be seen. Gqada (2013) points out that the government should use these revenues to diversify the economy and offers a number of suggestions. According to figures from Mozambique's national statistics institute, more than 70 percent of the workforce are currently employed in the primary sector, mostly engaged in subsistence agriculture and fishing (Club of Mozambique 2013).

Fishing activities are 'vulnerable to damages from oil and gas exploration' (Nazerali 2014: 5), making diversification even more urgent as it 'will protect the future economy from the shocks normally experienced in the natural resource export market, while also boosting those sectors most closely, and traditionally, associated with sustainable livelihoods' (Gqada 2013: 24). Activists in local communities are concerned: '[W]hile the influx of workers [in Palma, the region where LNG onshore sites are planned] has been good for fish prices, (...) gas drilling is pushing fish farther out to sea' (Maylie and Gilbert 2014) and fishermen are now banned from their traditional fishing grounds. Nevertheless, Mozambique's government awarded further offshore exploration rights in October 2015 and expects investments of about US\$700m over four years while companies are hoping for additional oil and gas deposits (Mucari and Golubkova 2015).

Mozambique's navy lacks the capacities to provide even basic security at sea, including in areas where exploration takes place. These problems were underlined by an agreement with South Africa, resulting in South African naval vessels patrolling in the Mozambique Channel as part of *Operation Copper*. The mission was established in 2011 when South African warships began patrols after a Mozambican fishing vessel was hijacked and the navy lacked the necessary assets to provide protection against additional attacks (Martin 2014).

Buoyed by the economic potential of the country's EEZ, the government has reacted and is in the process of increasing naval capabilities and maritime expertise. Tanzania is in a similar position with increasing demands straining an ill-equipped navy but the government is trying to add more capacities (a more detailed analysis of procurement programmes in East African countries can be found in Chapter 6). Moreover, the Tanzanian navy has started cooperation with a security company to improve training for personnel deployed on vessels chartered by oil companies. The same company has also run training courses for naval personnel in Madagascar (Husband 2013; representative of private maritime security company, Interview 12, November 2014).

Except for Mozambique and Tanzania, there has been little offshore exploration in the region. Some companies appear to be interested in the potential along the Kenyan coastline but the conflict between Kenya and Somalia over the maritime boundary has created legal uncertainty. Further north, the problematic security situation in Somalia coupled with a lack of even the most basic infrastructure on land remain barriers for offshore exploration. No offshore activities have so far been recorded around the island nations in the Indian Ocean (Madagascar, Seychelles and Mauritius).

Overall, pirate attacks by Somalia-based groups had an impact in the region and most governments have realised that a lack of maritime security has to be addressed to attract further interest for offshore oil and gas production. By and large, however, additional capacities are added on the national level. Large-scale international involvement in counter-piracy operations has created opportunities for trainings with navies from outside the region. Maritime security cooperation within East Africa is hampered by various factors and offshore hydrocarbons have not created an incentive for governments to increase efforts in this area. Instead, governments in Mozambique and Tanzania have started to work on national strategies for the security of offshore assets (International Maritime Organization representative, Interview 9, May 2014).

4.3 The critical role of ports

Maritime trade is an important measure for the economic development of any country or region. Over the last decades, both container and bulk cargo traffic has grown significantly worldwide, reflecting better maritime connections between regions and rapid economic growth in many developing countries. Africa, however, has so far failed to reap the potential benefits of maritime trade, cargo volumes have grown significantly less than in other developing economies, shown in Figures 4.2 and 4.3.

Figure 4.2: World seaborne trade 2007-2015 by country group and region; goods loaded in millions of tons
(UNCTAD 2016: 8-9)

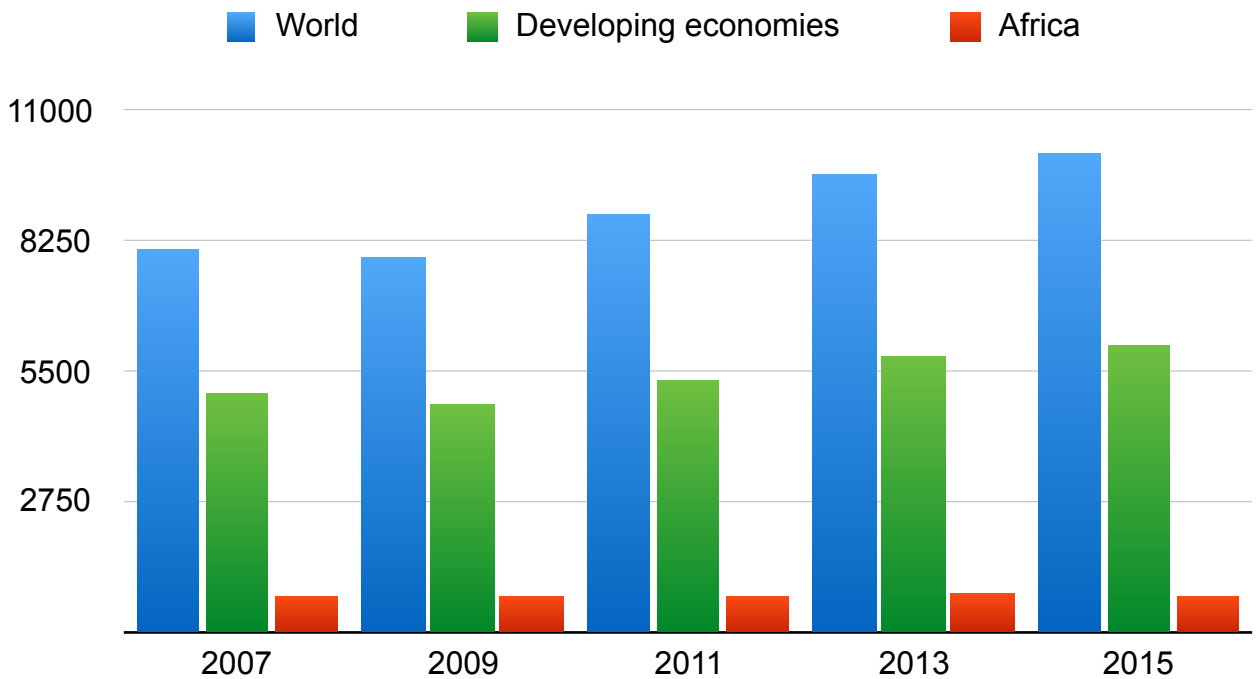
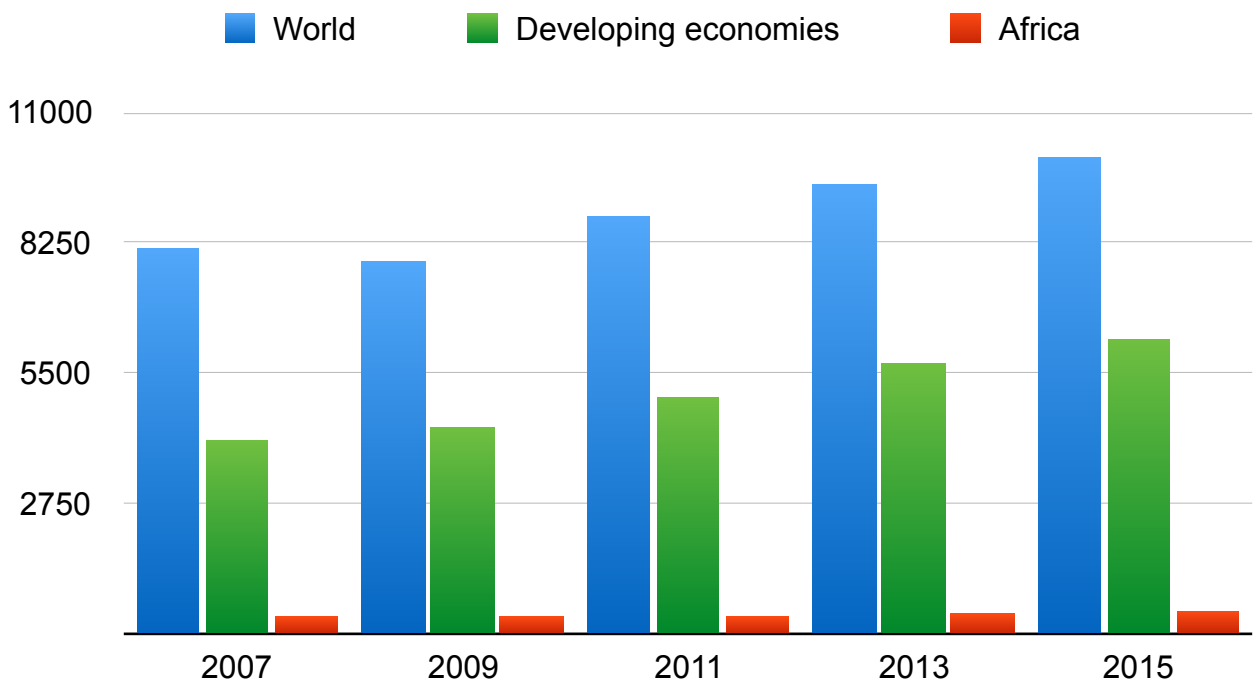


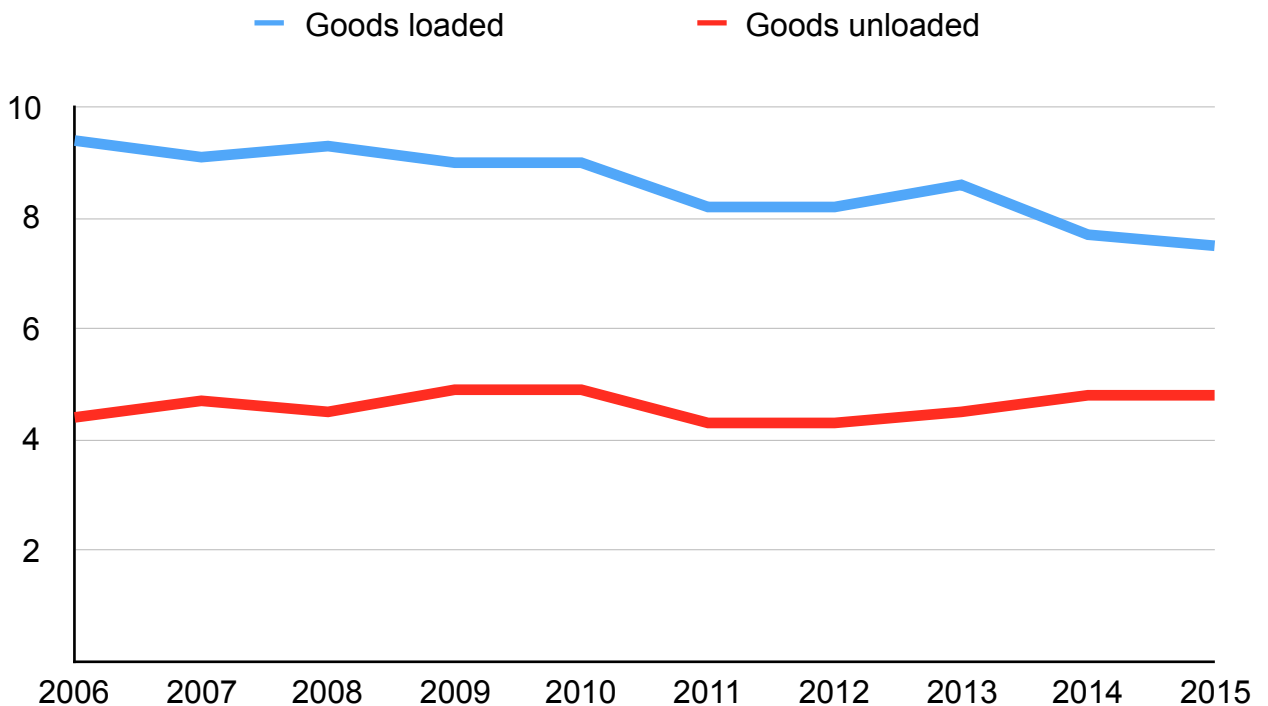
Figure 4.3: World seaborne trade 2007-2015 by country group and region; goods unloaded in millions of tons
(UNCTAD 2016: 8-9)



From 2007 to 2015, world seaborne trade in terms of goods loaded grew by 25.1 percent. Growth in developing countries overall was slightly lower at 19.4 percent yet Africa only reached 3.3 percent growth. These figures include not only sub-Saharan Africa but also North Africa and low figures in 2015 can partly be explained by decreasing crude oil exports from Libya. Even between 2007 and 2013, however, growth in Africa was much lower than in developing countries overall (11.4 and 15.1 percent respectively).

The contrast between developing countries in general and African countries in particular is even more pronounced in terms of goods unloaded. From 2007 to 2015, worldwide figures rose by 23.3 percent. Developing countries reached a growth rate of 53.2 percent while Africa only reached 27.3 percent growth. Over the same period, Africa's percentage share of maritime trade has even decreased in terms of goods loaded (9.1% in 2007, 7.5% in 2015) and remained almost on the same level in terms of goods unloaded (4.7% in 2007, 4.8% in 2015), shown in Figure 4.4.

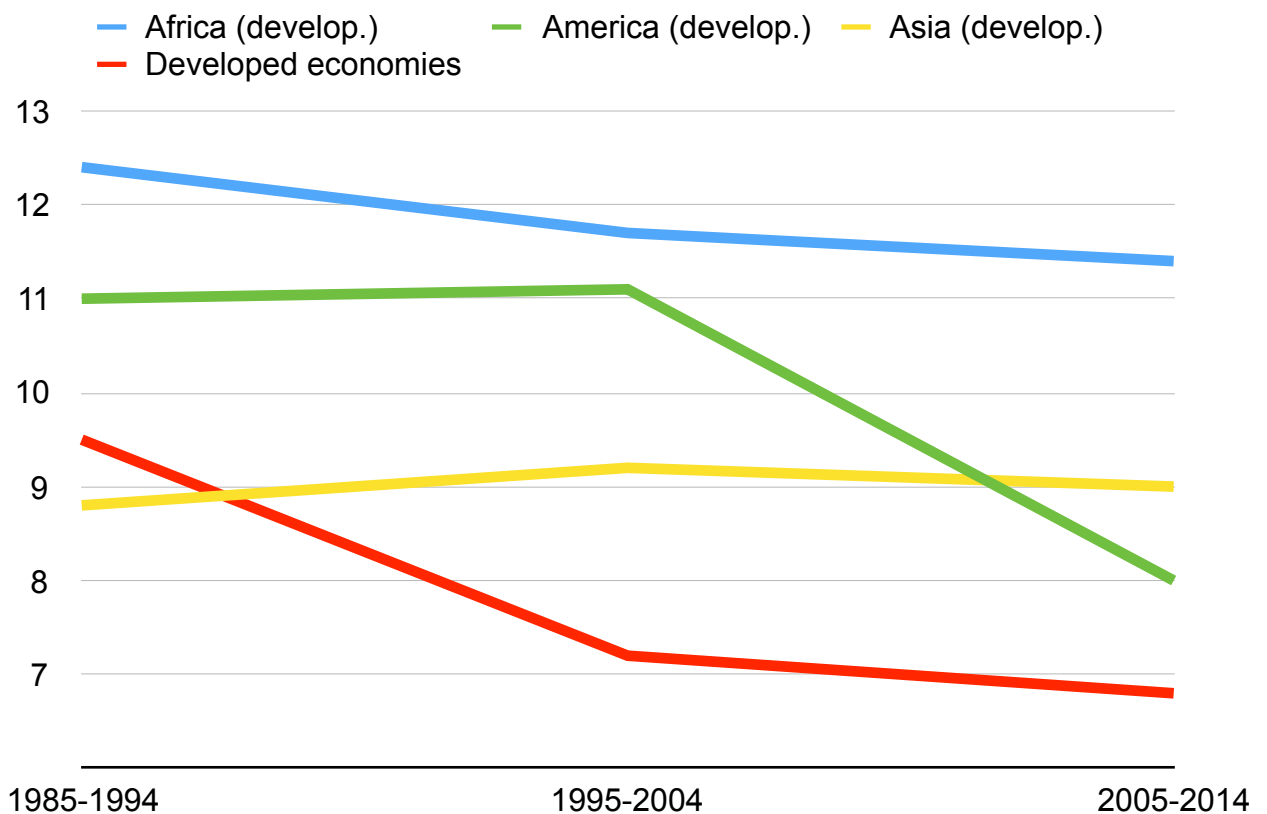
Figure 4.4: World seaborne trade 2006-2015, percentage share of Africa (UNCTAD 2016: 8-9)



Regarding countries in sub-Saharan Africa, these figures are not entirely accurate because the statistics include North African countries. Nevertheless, potential for growth in terms of maritime trade can easily be derived from these statistics. Moreover, the *Review of Maritime Transport 2015*, an annual report published by the United Nations

Conference on Trade and Development (UNCTAD), points out that Africa is the least connected region worldwide and that ongoing investments into port infrastructure have long been overdue. An obvious example are transport costs for imports to Africa which remain higher than in any other world region, shown in Figure 4.5.

Figure 4.5: Freight costs as percentage of value per imports, ten-year averages, 1985-2014
(UNCTAD 2015: 55)



High transport costs for imports create barriers both for regional and international trade. Values shown in Figure 4.5 are even positively influenced by countries outside of sub-Saharan Africa, particularly Egypt and Morocco. Due to their favourable geographical location, both countries are well integrated into major international trade routes whereas sub-Saharan Africa is disadvantaged.

Costs of maritime transport are influenced by a number of factors but at least some of these can be influenced by political decisions, helping to create an attractive environment for private enterprises. Investments and reforms, particularly in ports, customs administrations and hinterland connectivity, could lower transport costs considerably. 'Unlike distance [between ports], port efficiency can be influenced by

policymakers' (UNCTAD 2015: 54). Many governments are also 'encouraging officials and the operators to attain the 72 hours target time frame' (Dogarawa 2012: 73) for ship-port turnaround, down from a current average of about seven days in many ports in both East and West Africa.

Productivity of ports is limited by physical, organisational and institutional factors. Investments into additional infrastructure are therefore only worthwhile if bottlenecks are not simply shifted within the system. In the past, investments in ports have often been postponed until existing capacities were not sufficient anymore. This view is changing, shown by a number of ambitious investments outlined in detail below. Moreover, national port master plans are now widespread in sub-Saharan Africa and many governments are trying to be proactive when it comes to investments into port infrastructure (World Bank 2009: 26-28). Overall, policymakers have recognised that '[t]ransport infrastructure is critical if Africa's linkages to the global economy are to be improved and economic integration within the continent is to be encouraged.' (Jones and Viros 2014: 25).

Addressing infrastructural challenges is essential but other factors also have to be taken into account. Cooperation between the Kenya Port Authority (KPA) and South Africa's Transnet National Ports Authority (TNPA) is a good example. Both organisations signed a memorandum of understanding, aimed at boosting intra-regional trade by sharing best practices and providing specific training programmes (Magwaza 2014). The agreement is related to a new free-trade zone, ranging from Egypt along Africa's eastern coastline to South Africa. Once ratified by national parliaments, the agreement could improve intra-African trade and have a 'catalytic role in achieving economic integration at pancontinental level' (Zamfir 2015: 7). Maritime transport along the East African coastline will have a crucial role to reap the benefits from the agreement.

One stumbling block for any free trade agreement on the African continent, however, is often overlooked. Cantens, Raballand and Djeuwo (2011) have pointed out that customs duties are a major source of income for many governments in sub-Saharan Africa, representing a relatively large portion of government revenues as shown in Table 4.8. Free trade arrangements may have direct ramifications for the national budget and the performance of customs agencies is likely to be measured in terms of revenue collection rather than in terms of clearance time. The resulting lack of focus on the efficiency of customs agencies often adds additional costs to trade as bulk cargoes and containers are held up in port before they can be transported onwards.

Table 4.8: Customs duties in tax revenue for selected countries in %
(World Customs Organization 2014, 2015, 2016)

	2013	2014	2015
West Africa			
Cape Verde	13.1	20.9	n.a.
Liberia	21.0	34.1	n.a.
Sierra Leone	22.3	22.3	n.a.
Ghana	18.0	17.4	16.2
Togo	20.4	21.7	23.1
Cameroon	13.1	18.3	15.4
Republic of Congo	21.7	21.7	n.a.
Angola	35.3	40.7	n.a.
East Africa			
Kenya	7.1	6.8	n.a.
Madagascar	9.2	10.2	8.8
Mozambique	7.9	7.6	7.7
Selected countries as comparison			
Germany	0.7	0.7	0.8
Japan	1.9	2.0	1.9
United States	1.7	1.1	1.1

Table 4.8 shows that for countries in East and West Africa, customs duties are a much more important source of revenue than for developed economies. By and large, the overall tax base is relatively low and customs duties are easy to collect at the point of entry. Maritime transport is the most widely used means of transportation for both exports and imports, ports are therefore vital economic hubs.

Customs administrations generally play a crucial role in sub-Saharan Africa, much more so than in developed economies. Attempts to reform these organisations often have broader political implications. High-ranking customs officers yield significant political leverage yet even convincing them about necessary reforms may not be enough as 'corruption and bad practices induce a strong asymmetry of information between the head of administration and their grassroots officials who are, on the field, in

charge of applying the new procedures during a reform process' (Cantens, Raballand and Djeuwo 2011: 1).

Cameroon provides an interesting example. In 2007, the government began a modernisation process for the customs administration by implementing the Automated System for Customs Data (ASYCUDA), a software developed by UNCTAD and currently used in more than 90 countries (ASYCUDA 2015). In an effort to improve the performance of customs procedures and limit the scope for corruption, performance contracts for customs officers were introduced in 2010. Supported by the World Bank, French Customs and the World Customs Organization, initial results were promising: revenue collection increased and declarations were assessed faster than before.

Nevertheless, a comprehensive study showed that such a reorganisation should not be regarded as a 'trade-off between trade facilitation and revenue collection' because '[t]ax is socially and politically significant so that the way of collecting it is never neutral' (Cantens, Raballand and Djeuwo 2011: 4). The study underlined that private companies have an interest in minimising waiting times as well as taxes and duties while the state has an interest in maximising profits. Efficient customs procedures are supposed to limit the contact between exporters and importers on the one side and officials on the other. Low-ranking customs officials, however, will then have fewer opportunities to ask for bribes, creating a strong incentive for opposition to restructuring efforts. Due to their knowledge of activities 'on the ground' and their executive powers, customs officers have a lot of leverage in political terms, but also within their own administrations (Refas and Cantens 2011).

At first glance, a lack of efficient infrastructure and customs procedures is not an obvious security problem. These factors are, however, inextricably linked to congestion problems which in turn create opportunities for small-scale thieves and organised criminals who may attack ships at berth or at anchor when they are easily accessible.

There is no question that Africa's minor role in the world economy is due to a number of factors but 'the present inefficiencies of the majority of Africa's ports weigh heavily on trade, severely compromising competitiveness and siphoning of revenues to noneconomic uses such as idling trucks, idle employees, delayed ships, and monopoly rents' (World Bank 2009: xiv). African countries have to improve and expand ports, but also 'streamline maritime bureaucratic procedures and improve maritime security' (Ncube and Baker 2011: 64) to realise their economic potential. Insecurity at sea in general and maritime piracy in particular can undermine the reputation of ports and lead to additional strains on maritime trade. 'Ports reputedly vulnerable and located

in high risk areas will likely suffer from profit margin erosion resulting from a loss in traffic, overcapacity and high operating costs' (UNCTAD 2014: 22), questions related to maritime security are therefore a vital part of any port expansion plan.

Situation in West Africa

Port structures in West Africa can be traced back to the colonial period. European empires relied on maritime trade to exploit colonies, ports were therefore linked to the hinterland in the respective colonies, not across colonial borders. This heritage led to a number of relatively small ports throughout the region, consolidated by national planning policies in the period after independence. Competition was not an issue as ports were regarded as integral parts of national infrastructure (Debrie 2012: 3). West African countries have therefore struggled to create economies of scale, particularly important for container ship operators but also beneficial for other types of cargoes. Transport costs for imports and exports are even higher than in other parts of Africa (shown in Figure 4.5), both for containerised and general cargoes (World Bank 2009: 44, ISEMAR 2008).

Limited infrastructure and a lack of efficiency are not the only problems that have hampered port operations in West Africa in the past. Security has also been identified as a problem throughout the region. In fact, the very first IMO resolution concerned with piracy was issued in the early 1980s, based on a spate of attacks that left ship operators concerned. 'The high incidence of piracy and armed robbery in certain notorious areas of the world, particularly around West Africa has caused great embarrassment to governments in these areas, and has increased the reluctance of some shipping lines to operate along their coasts' (International Maritime Bureau 1985: 6) and seafarers' unions even threatened to boycott vessels trading in West Africa.

Another more recent example of problems created by a lack of security at sea is the port of Cotonou in Benin. Beginning in 2011, a crackdown on maritime criminals by the Nigerian authorities led to a displacement effect for these activities. Between March and September 2011, ten product tankers were hijacked off Cotonou. None of those ships was further than 70 nautical miles away from the coastline, some where even anchored or drifting in the vicinity of the port, shown in Figure 4.6. These attacks led to a decline in maritime trade as ships used the nearby ports of Lomé and Tema instead.

Figure 4.6: Ship hijackings off Nigeria, Benin and Togo in 2011**(Source: Risk Intelligence / MaRisk)**

Verifying the extent of the decline in maritime traffic is impossible. During a regional maritime security seminar in 2011, one presenter mentioned a 70 percent decrease in ship activity (Hayduk 2011). Even though this figure has often been quoted since by politicians and security officers from the region and even by UNODC officials during various conferences, local shipping agents believe that a decrease of 10 to 20 percent is more realistic. Blédé (2015: 6-7) analyses data from the port authority and shows that the number of ships in the port in 2012 was 14 percent lower than in 2010 (1073 ships in 2012, 1245 ships in 2010). Exact figures notwithstanding, Benin's government quickly realised the severity of the challenge, agreed to joint patrols with the Nigerian navy in September 2011 and brought the situation to the attention of the UN Security Council (a more detailed analysis of the political events can be found in Chapter 6).

Some of the issues outlined above, for example the organisation of customs services and the timeframe required for the clearance of cargoes, can create additional security problems. For example, the efficiency of Nigerian ports is limited due to the import prohibition list. It was created to protect the domestic market and is regularly updated but changes are frequent and in many cases, 'traders find abandoning full containers less expensive than paying penalties and fees for destroying them. The port cannot dispose of these containers for a given period, which creates congestion in port' (Nathan Associates 2013: 108), leading to more ships waiting off the coast where they are most vulnerable.

Dwell times in port are therefore not just an economic challenge as berths cannot be used efficiently and ships have to wait in port or at the anchorage. From a security point of view, these bottlenecks lead to unnecessary threats. Short-term mitigation measures are often expensive, limiting the capacity to introduce long-term solutions, illustrated by two examples:

- Ship-to-ship transfers of oil products are often carried out in the vicinity of West African ports. Due to a large number of attacks against small tankers off Benin and Togo in 2011 and 2012, the number of these operations off the port of Tema increased significantly as the Ghanaian navy provides additional protection for a designated area. Access to this area, however, involves a fee and costs quickly became prohibitive for ship operators. In 2015, very few ship-to-ship transfers were handled off Tema as shipping companies were drawn by much lower costs in Togolese waters (Tema-based shipping agency representative, Interview 29, May 2015).
- In cooperation with a private security company, the Nigerian navy introduced a secure anchorage area off the port of Lagos. Patrol vessels are owned and maintained by the private company but registered as naval vessels with half of the crew being provided by the navy as well. Representatives from the shipping industry have criticised this model as they fear a privatisation of security by the Nigerian authorities and ship operators do not want to pay an extra fee for such a service. At the same time, the navy points to budget constraints and argues that it would be impossible to maintain a presence of patrol boats around the clock without this public-private partnership (Representatives of Nigerian private security company, Nigerian navy and shipping organisations, West Africa maritime security analyst, Interviews 6, 18, 25, 36, 45, February 2014 to May 2016).

As mentioned above, discussions about a lack of maritime security in West Africa can be traced back for more than three decades. Failure to address these challenges, including the root causes of insecurity at sea, is likely to enhance the problems. West Africa will probably see an increase in maritime traffic over the coming years, coupled with large-scale investments into port infrastructure. Moreover, private terminal operators will demand a secure maritime environment as they are seeking a return on their investments and want to attract as many ships as possible. Examples for investments into ports in West Africa are listed below:

- In Togo, the container terminal in the port of Lomé has undergone expansion since November 2012, increasing its eventual capacity to about 2.2 million TEU. The US\$380 million scheme was the largest infrastructure project in the country's history (Rogers 2015).
- In Côte d'Ivoire, the port of San Pedro has seen cargo throughput rise from one million tons in 2010 to almost five million tons in 2014. Large-scale investments will even increase capacity to 50 million tons, providing benefits not just to the local economy but also to neighbouring Guinea, Liberia and Mali. Moreover, about 15 percent of Ivorian customs revenues are currently collected in the port and the government is hoping to further increase direct revenues (Lamizana 2015).
- Cameroon is investing into deepwater ports at Limbé and Kribi to ensure access for larger vessels. Douala is currently the country's hub for imports and exports but draft limitations and problems with congestion have made it necessary to add additional capacities elsewhere (Deiss 2015). Investments at Limbé amount to about US\$600 million (Nyuylime 2015), the first phase at Kribi is estimated to cost around US\$570 million (Divine Jr. 2015), the second phase around US\$680 million (Ngala 2016).
- In São Tomé and Príncipe, a new deepwater port will be built in cooperation with the state-owned China Harbour Engineering Company. Operations are supposed to start in 2019, the overall investment is estimated at US\$800 million (Jiang 2015).
- In Nigeria, expansion has already created additional capacities in different terminals in Lagos, ambitious plans for several additional ports along the coastline have also been suggested. Moreover, it is expected that new laws will allow increased private participation in the ports sector while Nigerian shipowners are pushing for reforms of cabotage rules (Shipowners Association of Nigeria representative, Interview 31, September 2015).
- Liberia's National Ports Authority, in cooperation with private partners, has invested into navigational facilities to allow operations around the clock in the ports of Monrovia and Buchanan (Daygbor 2015).

Several other investment programmes for ports throughout the region have also been suggested or are ongoing such as in Ghana (Tema and Sekondi-Takoradi, Money 2016), Republic of Congo (Pointe-Noire, Caslin 2015) and Sierra Leone (Freetown, Spurrier 2015).

Overall, these examples show that governments in West Africa are trying to address an investment backlog that has built up over many years. Improved port infrastructure,

better hinterland connectivity and administrative reforms are likely to lower costs for transporting goods, stimulating regional and international trade. Security aspects may not be an obvious requirement but a secure maritime environment will make it easier to attract shipping companies. Moreover, additional maritime trade translates into more customs duties collected in ports, creating an incentive for governments to engage with neighbouring countries and to invest into naval assets and personnel.

Situation in East Africa

Port structures in East Africa share some characteristics with the western side of the continent. The history of some ports in the region can be traced back to ancient trading routes in the Indian Ocean region (Phillips and Sharman 2015: 67-101), but influences from the colonial period can be seen until today. Colonial powers had to rely on maritime transport for the export of goods produced in the region. Connections were therefore constructed between ports and the hinterland, road and rail links across colonial borders were almost nonexistent (Kavashe 2015).

By and large, ports and hinterland infrastructures were not significantly upgraded when countries in the region became independent. For the island nations in the Indian Ocean, there was no immediate need to improve their maritime connectivity, coastal states on the continent had other priorities and limited resources. Competition between ports in different countries was no issue due to limited trade opportunities within the region. Similar to West Africa, countries in East Africa have struggled in recent years to create economies of scale. High transport costs, shown in Figure 4.5, continue to be an impediment to trade.

Before the rise of Somali piracy, maritime security had not been regarded as a problem in the region. Small-scale attacks against ships were reported from time to time but these were usually just thefts from vessels at berth or at anchor. In February 2003, for example, a report in the IMO's GISIS database⁸ describes an attack against a container ship at berth in Dar es Salaam. The ship was boarded by several men despite the presence of five shore watchmen. When the crew raised the alarm, the attackers 'jumped overboard and escaped with the ship's stores. Local authorities were informed but took no action.'

⁸ Available for free but based on registration on the IMO website (<https://webaccounts.imo.org/Common/WebLogin.aspx?App=GISISPublic&ReturnUrl=https://gisis.imo.org/Public/PAR/Default.aspx>).

Increasing numbers of attacks against ships in the Indian Ocean from 2007 onwards quickly became a more serious threat than thefts and robberies in ports. Shipping companies charged higher rates for calling at ports in East Africa due to higher insurance premiums and the overall threat level in the region. In response, the Kenyan navy created a maritime security zone in 2010 off Mombasa to protect vessels at anchor through enhanced patrols (Kenya Maritime Authority 2010). For the Seychelles, Somali piracy also posed a threat. The archipelagic nation receives very few tankers but problems with the supply of petroleum products were an important factor for the country's involvement in international anti-piracy efforts (Foreign ministry official, Republic of Seychelles, Interview 10, June 2014).

Another example for the importance of maritime issues is a report published by the Indian Ocean Commission, referring to its five member-states (Comoros, Réunion, Madagascar, Mauritius and Seychelles). The authors have underlined that 'the priorities for these countries are: to diversify their economies, increase their export base, develop their infrastructure, and increase their underexploited maritime trade' (Indian Ocean Commission 2013: 37).

East Africa is a vital case study for research about maritime security. Efforts throughout the region have been almost solely linked to anti-piracy operations, led by an international coalition rather than countries from the region itself. Moreover, the *Djibouti Code of Conduct*, discussed in detail in Chapter 6, brought together a diverse range of countries from Africa and the Middle East. By and large, maritime trade to and from these countries was affected but governments in Europe, North America and Asia were arguably more concerned by the piracy threat close to a major shipping route.

In the future, however, maritime security is likely to gain political significance as countries in East Africa are beginning to realise the economic potential of the 'blue economy'. Large-scale infrastructure projects are perfect examples of an increasing awareness of maritime issues. Even Mozambique where no major port investments are currently planned has been identified as a country that 'has an advantage in maritime transport that can serve neighbouring landlocked countries' (African Center for Economic Transformation 2014: 193).

Mombasa, Kenya's second-largest city and East Africa's busiest port, has developed into a regional hub. Between 2002 and 2012, cargo volumes in the port grew on average by 11.6 percent per year, compared to 7.1 percent growth globally (Mumero 2012), despite size limits for ships calling at Mombasa. Investments in hinterland infrastructure are ongoing and president Uhuru Kenyatta has underlined that his

government is determined 'to turn the Port of Mombasa into the largest, busiest and most business-friendly seaport on the East African coastline' (Mbogo 2013).

Tanzania's main port in Dar es Salaam will be upgraded through a US\$750 million project, largely financed by a World Bank loan, the UK's Department for International Development and Trademark East Africa, a not-for-profit company to support the growth of trade. Over two phases, port capacity will be expanded to 28 million tonnes by 2020 and 34 million tonnes by 2025, a significant increase from about 12 million tonnes in 2013 (Ratcliffe 2015). The port is key for the national economy, but also for landlocked neighbours Rwanda, Burundi and Uganda.

In the south of the country, the port of Mtwara was constructed by the colonial government in the 1950s in a bid to develop the remote region. More recently, the small port has become a hub for Tanzania's fledgling offshore gas industry (Barasa 2014). Cargo capacity will also be expanded, buoyed by a new US\$600 million cement plant, commissioned in October 2015. With a capacity of three million tons of cement per year, it is the biggest such plant in East Africa and ease of access to maritime trade routes was an essential factor when the location was chosen (Guenioui 2015).

Island nations are also setting their sights on maritime growth, for example Mauritius. The Mauritius Ports Authority is investing US\$115 million to upgrade and expand capacities at Port Louis, anticipating a 'surge in container traffic, in line with the country's ambitious agenda [of achieving high-income status by 2025]' (Oirere 2015). By 2025, Port Louis is expected to have a capacity of one million TEU, including 750,000 TEU for transshipment, roughly doubling the current capacity. Meanwhile, Madagascar's government has set its sights on an expansion of the port in Toamasina. In 2008, the Japanese aid and development agency had agreed to conduct and finance a feasibility study (Japan International Cooperation Agency 2008) but the project was stalled after a coup d'état in 2009. In May 2015, it was reported that the agency remains interested in providing financial support of up to about US\$500 million for the project (Razafindramiadana 2015).

Several other ambitious projects can be found in the region but financing is largely dependent on external investors. That includes port construction in Lamu in the north of Kenya and a new port in Bagamoyo in Tanzania that would even dwarf Mombasa's capacity. Construction work in Bagamoyo started in October 2015 but it is unclear when the US\$10 billion project will be finished. Investment comes from Oman's State General Reserve Fund and from China Merchant Holdings (International), the largest operator of ports in China (Ng'wanakilala 2015). Concerns remain about the commercial viability of

another major port in a country with other gaps in infrastructure (Honan 2015). On the other hand, growth forecasts for Tanzania's population and GDP are high and new port capacities may further stimulate the economy by offering cheaper access to maritime trade routes.

4.4 Summary

There is an increasing awareness for the economic potential of the maritime environment among policymakers in East and West Africa, underlined by ongoing and planned investments into port infrastructure and offshore energy. At the same time, economic aspects are underlying factors for the growing acknowledgement of maritime issues in general and maritime security in particular.

Economic potential is often the precursor for investments into maritime security, analysed in more detail in Chapter 6. Ghana and Mozambique are good examples for countries where budgets for navies were increased after the discovery of offshore hydrocarbons. In Togo, Benin or Mauritius, an increase in naval spending can be linked with the significance of maritime trade for the economy in general and for government revenues in particular.

Despite an increasing awareness of maritime issues, their importance remains relatively low in both East and West Africa. Investments in maritime security are rarely political priorities as governments have to address many problems that seem to be, at least in the short term, more urgent. Investments into education, healthcare or infrastructure on land are much more visible for the general population whereas expenditures related to maritime security often require a long-term perspective. Even in cases where direct revenues can be increased, for example through royalties or customs duties, such increases will not be available overnight.

Investments into port infrastructure, coupled with relatively high GDP growth rates, will very likely lead to more maritime traffic. Larger vessels, particularly container ships, will be able to call at ports in both East and West Africa, first examples can already be observed in West Africa (Wackett 2016). One shipping company has already redeployed 8000 TEU ships to the region while another one has replaced 3000 TEU ships on the route from Asia to West Africa with 5500 TEU vessels. Between 2010 and 2015, the average size of container ships on routes from Asia to West Africa has grown from 4100 TEU to 5100 TEU. Additional feeder services for intra-African trade are planned or have

already been introduced (Bonney 2015), underlining significant potential for new or expanded ports.

Infrastructure investments are long-term projects and maritime security is only one of many aspects related to the economic viability of such projects. Even though security may not be an intangible factor, consequences caused by a lack of security are hard to quantify. Min (2012) proposes a comprehensive model to manage maritime security, aiming to provide assistance to ship operators and port authorities at the same time. While it may not always be easy to bring private and public interests in line, improved security may be an essential factor to attract additional ships to a certain port. 'A viable maritime security program is good business' (Alexander and Richardson 2009: 268) and port operators as well as national governments have to consider that long-term benefits, for example increased cargo throughput and port revenues, are likely to be significantly larger than short-term costs.

From an operational point of view, maritime security related to ports as well as security for the offshore energy industry is linked to specific areas. For ports, patrols should provide security for vessels at berth or at anchor and, in some cases, for designated areas for ship-to-ship operations. For oil and gas production at sea, platforms and stationary vessels used for storage and production have to be secured, as well as tankers lifting crude oil or LNG. Supply ships have to be taken into consideration as well. Offshore supply vessels generally operate according to pre-defined schedules and their construction leaves them vulnerable to attacks.

Providing protection for such assets only requires limited capabilities, notably small patrol boats and the capacity to respond to distress calls. Comprehensive surveillance of larger areas or even the whole EEZ is not necessary. Surveillance will add to the operational picture but implementation and maintenance are expensive. Any thorough cost-benefit analysis will likely show that relevant capacities beyond limited areas are not a strategic priority for navies with limited budgets.

Looking at the offshore industry in East and West Africa, differences can be identified in the scope of projects. West Africa already has an established offshore industry, the majority of existing and upcoming projects is concerned with oil production. In East Africa, the offshore industry had to start from scratch and concentrates on gas rather than oil. From a commercial point of view, investments for gas projects are even higher than for oil, including huge up-front costs to build the related infrastructure. Security for all assets is therefore necessary yet costs are almost negligible in relation to the overall expenditures for construction of offshore and onshore installations. In both regions,

cooperation between national governments and oil majors is already taking place and partnerships are likely to be extended.

When it comes to maritime trade, one noticeable difference between East and West Africa is the number of large ports. In West Africa, several major ports can be found close together along the coastline, particularly along the corridor from Abidjan to Lagos. Further to the south, ports are not so close together but there are several relatively large ports in countries between Cameroon and Angola. On the eastern side of the continent, there are fewer countries and even Kenya and Tanzania, the largest economies in the region, currently rely on just one major port each. Both Mombasa and Dar es Salaam are also hubs for landlocked neighbouring countries, expansions and improved road and rail connections are therefore necessary to stimulate trade and economic growth.

Adequate levels of security, particularly in and around ports, will be quintessential throughout Africa as port operators are trying to attract new business. Some similarities can be identified between different ports but local factors have to be taken into account:

- Proximity to naval bases; is such a base already part of the port?
- Vessel density; does an increase in maritime traffic lead to additional targets?
- Coastal topography; are there areas from where potential attackers can launch their operations?
- Documented incidents; is security mostly concerned with simple theft, violent armed robberies or even hijackings of vessels?

Private port operators should also be taken into account when security strategies for ports are devised. They have an interest in attracting more traffic, creating an incentive for them to provide assistance for initiatives aimed at improving maritime security.

Finally, it has to be noted that the shipping industry operates differently in East and West Africa. In East Africa, the Gulf of Aden and the western Indian Ocean are vital trade routes but most traffic only passes through the region. The same is true for ships sailing around the Cape of Good Hope which are often too big for the Suez Canal, for example capesize bulk carriers (typically above 150,000 deadweight tonnage) or large crude oil tankers sailing from the Middle East to Europe. In West Africa, most ships are calling at ports in the region, transits are often short and take place between those ports. Moreover, several countries have an established offshore oil and gas industry, leading to additional traffic between offshore installations and ports used as logistics hubs such as Takoradi in Ghana, Port Harcourt in Nigeria or Port-Gentil in Gabon.

Chapter 5: A Victimless Crime

Widespread implications of IUU fishing

The preceding chapter was concerned with two key economic activities in the maritime environment in both East and West Africa. Offshore oil and gas production is a vital source of income for many national governments. Ports provide direct income in the form of customs duties yet they also fulfil a wider role for the national economy as hubs for imports and exports. This chapter analyses a different type of economic activity at sea. Fishing may be conducted by artisanal fishermen from Africa's coastal nations but also by crews on industrial fishing vessels, mostly owned by European or Asian companies.

Both artisanal and industrial fishing are intended to be profit-making activities yet the former is often one of very few opportunities to earn an income. Fishermen on industrial vessels, on the other hand, are working for employers who may try to exploit unprotected natural resources for private gains. As the fishing industry is completely different from both the energy and the maritime transport sector, these actors further accentuate the diverse economic potential of the ocean. Moreover, fish stocks are entirely different from oil and gas deposits. They are a 'gift that keeps on giving', a natural resource that is self-replenishing if it is protected from over-exploitation.

Protecting fish stocks has long been a low priority for governments and, by extension, navies or coastguards. Marine biologists are rarely invited to discussions about maritime security, exemplified by a conference in June 2016, organised by the *NATO Maritime Interdiction Operational Training Centre* (NMIOTC). Even though the theme was defined as 'Challenges to maritime security derived from transnational organised crime at sea', topics discussed included trafficking of illicit goods, maritime terrorism, piracy and armed robbery as well as hybrid warfare and cyber threats (NMIOTC 2015). Fishing activities were not even mentioned as a security challenge, even though there are at least potential links between the over-exploitation of fish stocks and criminal activities of (former) fishermen struggling to make a living as their catch declines as analysed below.

Whether the protection of fish stocks is a question of maritime security is open for debate. In recent years, however, more and more academics and practitioners have

argued that it should be regarded as a security matter rather than just an environmental issue (see, for example, Anyimadu 2013: 14-16, Palma-Robles 2014, Lewerenz and Vorrath 2015). Moreover, fishing often takes place in areas used by merchant vessels or the offshore industry. Conflicts of interests are common but even more important are perceived threats resulting from a lack of knowledge about operational patterns in other sectors. Some incidents are presented below.

This chapter provides a brief overview over multifaceted links between fishing activities and maritime security. The first part contains definitions, descriptions of different fishing activities and a general discussion about potential impacts as well as examples of actual incidents. The second part offers a closer look at the situation in East and West Africa, underlining problems caused by foreign and domestic fishing vessels and the need for better law enforcement at sea. Finally, it is shown how IUU fishing is currently being addressed, particularly along the African coastline. The summary includes recommendations to improve the current situation and issues that should be prioritised to ensure sustainable catches for future generations.

Definitions and general problems

In many media reports and academic articles, uncontrolled activities of fishing vessels are generally covered under the term 'illegal fishing' (see, for example, Copeland 2014, York 2015, Cosgrow 2015). Using such a simplified term makes sense because the technical definition, established by the United Nations' Food and Agriculture Organisation (FAO), can lead to confusion. It is not restricted to illegal fishing, rather it includes illegal, unreported and unregulated (IUU) fishing as separate parts (FAO 2001: 2-3). Illegal fishing activities are:

- conducted in waters under the jurisdiction of a state but without permission or in contravention of relevant laws and regulations;
- conducted by vessels registered in countries that are members of a regional fisheries management organisation (RFMO) which operate in contravention of measures adopted by the RFMO or by relevant provisions of international law.

Unreported fishing, as defined by the FAO, are all activities that have not been reported or have been misreported to relevant authorities. Fishing under these circumstances may not be illegal because fishing vessels can have the necessary

licences while a lack of reliable reports makes it almost impossible for scientists to define sustainable catch levels. Finally, unregulated fishing is defined by the FAO as fishing that takes place in areas where no conservation or management measures are in place. In short, the respective national government or the RFMO has not defined any requirements for fishing licences or similar permits. Such activities are therefore not taking place in contravention of any law. Nevertheless, it is very unlikely that unregulated fishing will be limited to sustainable catch levels.

Greenpeace Africa has highlighted another less visible form of IUU fishing (Greenpeace Africa 2015). Their report showed the consequences of under-declaring the tonnage of fishing vessels when applying for a licence:

- Trawlers may fish closer to the coastline in areas otherwise out of bounds for vessels of a certain size;
- Vessel owners pay lower licence fees, limiting one of the key sources of revenue for fisheries management agencies;
- Sustainable fisheries management is undermined as the actual and declared capacity of fishing vessels varies.

There is often a fine line between legal and IUU fishing. Some fishermen comply with all relevant laws and regulations, others may fail to report the entire catch or discard bycatch unreported as long as they feel safe from getting caught. Lack of oversight leads to more leeway for fishermen. Finally, some vessel owners will simply try to maximise their short-term profits and ignore all relevant regulations.

As early as 1995, the FAO adopted its *Code of Conduct for Responsible Fisheries* as a voluntary instrument (FAO 1995). The document includes a number of goals and principles, national governments are encouraged to incorporate those into national legislation and fisheries policies. It is a blueprint for the development of sustainable fisheries and aquaculture on the national – and regional – level. Adhering to these principles is a quintessential prerequisite to catching sustainable amounts of fish every year. By and large, governments subscribing to the code regard fish stocks as a regenerating natural resource which has to be protected for future generations.

Unfortunately, implementation of sustainable fishing practices has not made much progress, certainly not in East and West Africa. Even for industrialised countries, it is complicated to investigate details about catches of fishing vessels operating in certain

areas or targeting specific species. Information is often based on estimates rather than actual catch data collected by fishing companies, port operators or national authorities.

Providing precise figures for the amount of IUU fishing is impossible, partly because there is not even enough data about legal catches. Researchers have to collate data from national fisheries agencies to find approximate figures yet these organisations may not have reliable information themselves. Trade figures and estimates by scientists or professionals from the fishing industry are also used to shed light on the size of the problem. Fieldwork is often a helpful tool but research expeditions are expensive and usually limited to certain countries or areas. Finally, anecdotal evidence from local fishermen may not be the most reliable data source but such information is often invaluable to establish an overall picture of the situation in a certain country or sea zone.

Overall, a broad range of sources helps to obtain insights into the state of the fisheries sector on the national level and the possible extent of IUU fishing. The fact that some of these sources may not collect much data notwithstanding, research about IUU fishing is hampered by other factors as well (Expert on fisheries research, Interview 13, November 2014):

- Data from different sources may not have been collected based on the same methodology, creating difficulties for researchers trying to establish a general picture.
- Sales of fish or fish products on the black market are not covered in trade statistics, adding another layer of uncertainty.
- Bycatch is often not recorded; even when fishing vessels provide information about bycatch, it is impossible to verify unless fishing inspectors are present during fishing operations. Estimates about bycatch are often made based on past experiences with certain types of fishing gear yet even with a vast amount of experience, fishing inspectors are not able to provide exact data.
- Basic information about the marine environment and about different species that can be found in a designated area is often missing. Such information may be available for the few species targeted by fishermen but a more thorough understanding of the marine environment is necessary to maintain a sustainable level of fishing.

The fact that little data about the volume of catches is available does not mean that these are indeed low. Nunoo, Asiedu, Amador et. al. (2014) have tried to estimate catches in Ghana's EEZ for the period between 1950 and 2010. Their estimate is 1.8

times higher than figures reported to the FAO by Ghana's government. In a similar study for Guinea, Belhabib, Copeland, Gorez et. al. (2012) have estimated that actual domestic catches between 1950 and 2010 were 8.3 million tonnes while the government reported only two million tonnes to the FAO. Over the same period, the study shows that foreign vessels accounted for catches of 22.6 million tonnes, more than three times the maximum sustainable catch estimated by government authorities. Estimates for Equatorial Guinea are similarly alarming (Belhabib, Hellebrandt da Silva, Allison et. al. 2016).

One of the most frequently quoted articles on the extent of IUU fishing worldwide has been written by Agnew, Pearce, Pramod et. al. (2009). Based on thorough reviews of data from more than 50 countries and for the high seas, the authors have tried to estimate losses caused by IUU fishing. On a global scale, estimates range between 11 and 26 million tonnes of fish which translates into losses between US\$10 and 23.5 billion per year, underlining huge statistical uncertainties. Furthermore, the article covers the period from 1980 to 2003 and does not include unregulated catches by artisanal fishermen which further emphasises the urgent need for better data.

Despite such limitations, the figures have been widely used. Examples include articles written by journalists such as Marc Gunther (2015) for the *Guardian* or Rose George (2016) for the *New Statesman*, publications from environmental organisations such as the *World Wide Fund for Nature* (WWF 2015) and even government organisations such as the *National Oceanic and Atmospheric Administration* in the United States (NOAA 2016). It is beyond the scope of this thesis to provide more detailed insights into the extent of IUU fishing but the wide circulation of figures from just one article which itself was hampered by a lack of reliable data shows the limited amount of research on the subject.

Research shortcomings and a lack of reliable data have repercussions for legal fishing activities as well. IUU catches have been estimated by Agnew, Pearce, Pramod et. al. (2009: 2-4) to be as high as 40 percent of the overall catch in West Africa. When the overall volume of these catches is unknown, however, it is very likely that too many fishing licences are handed out by national governments. It is impossible to determine sustainable quotas unless the extent of IUU fishing is factored in and the problem may even reinforce itself. IUU fishermen often target high-value demersal species which are living near the bottom of the sea, for example shrimps, grouper or rockfish. When quotas for such species are restricted due to overexploitation, fish prices are likely to

rise and unscrupulous IUU fishermen can find even more lucrative business opportunities.

Statistical uncertainties notwithstanding, the financial value of IUU catches is undoubtedly high. Even those figures, however, fail to show social and environmental costs of overfishing. In many coastal countries in sub-Saharan Africa, 'fisheries represent a critical source of employment, trade and food and nutrition security. In West Africa, up to a quarter of jobs are linked to fisheries' (Africa Progress Panel 2014: 89) and fish is an important part of many people's daily diet.

In a nutshell, IUU fishing is attractive because it offers high rewards and a low risk. Countries in sub-Saharan Africa are particularly affected due to a combination of rich fish stocks and weak governance, accentuated by rampant corruption, inadequate legislation and a lack of capacity or political will to enforce existing legislation (Expert on fisheries research, Interview 13, November 2014). As rewards are determined by market prices (or black market prices) for fish and fish products, this part of the equation is hard to influence. Governments therefore have to increase the risk for operators of IUU fishing vessels. Eliminating incentives for IUU fishing means that various problems on the national and regional level have to be addressed (Researcher from Senegal-based think tank, Interview 24, May 2015):

- Purchase and maintenance of patrol vessels and aircraft is expensive yet these assets are necessary to provide a credible deterrent against IUU fishing and to ensure enforcement of relevant laws and regulations throughout the EEZ.
- Government authorities often lack adequately trained personnel and a strong legal framework for their actions.
- Salaries of public officials are generally low, creating incentives for public officials to accept bribes from vessel owners or masters trying to avoid fines after they have been caught during IUU fishing operations.
- Investigations are often complicated, vessel owners are deliberately trying to obscure ownership and history of their vessels through shell companies in tax havens or the use of shipping registries unable or unwilling to control their operations.
- Foreign investors sometimes register fishing companies and vessels in countries affected by IUU fishing. Through domestic companies, it is possible to circumvent licensing requirements for foreign vessels, meaning that the catch will be legal even though little or none of it will actually be landed in the respective country.

Many African governments suffer from a lack of resources and have to prioritise expenditures. Enforcement of fishing regulations is rarely regarded as a political priority, making it almost impossible to address these problems. Controls in ports could help to alleviate the problem yet these are only effective when there are no loopholes. Even in the European Union and the United States, however, it is often impossible to verify the origin of the catch. Progress has been made in recent years but an investigation for *Al Jazeera* in 2014 revealed that fish caught illegally off Somalia by four vessels registered in South Korea had been landed in Oman and exported to Italy as well as several other countries. According to the investigation, fish valued at about US\$40 million had entered the European Union since 2006 (Hickman 2014). In the United States, it is estimated that up to a third of wild-caught seafood imports are attributable to IUU fishing (Pramod, Nakamura, Pitcher et. al. 2014: 102-104).

Main problems identified in both cases are opaque supply chains and a lack of traceability of fish to the source. Authorities in ports are rarely certain about where fish was caught, fishing methods employed or even the vessel that actually caught the fish. Moreover, ports generate income from ships landing their catch but receive no compensation when these vessels are turned away and not allowed to use the port facilities. Operators of fishing vessels can exploit such weaknesses because they rarely have to fear consequences for engaging in IUU fishing due to a lack of surveillance and response capacities in source countries (Researcher from Senegal-based think tank, Interview 24, May 2015).

Economic impacts of IUU fishing

IUU fishing is first and foremost driven by economic reasons. It would hardly make sense to send fishing vessels to another country if fish could be caught closer to home under a comprehensive licensing regime. Unfortunately, the financial rewards for unscrupulous businessmen to engage in IUU fishing are tempting. Illegally caught fish is often very valuable, potential fines are generally no credible deterrent. Moreover, crews or captains may even be able to bribe government officials, enabling them to continue their operations even after their vessels were caught during IUU fishing operations (Fessy 2014).

By its very nature, the size of the problem in East and West Africa is almost impossible to calculate. Further efforts are required to gather relevant data but these are beyond the scope of this thesis. In recent years, however, several attempts have been

made to quantify the economic impact of IUU fishing on the African coastline. The OECD (2012: 4) estimates the total value of IUU fishing in sub-Saharan Africa at US\$0.9 billion per year. That seems to be a conservative figure compared with another estimate which puts the economic losses only for West Africa – defined as all coastal states from Morocco to Cameroon – at US\$1.3 billion (Copeland 2014: 20-21). Attempts to estimate the economic impact on the national level have been made for Senegal by USAID (2013) and Belhabib, Koutub, Sall et. al. (2014). Both studies came to the conclusion that IUU losses could be as high as US\$300 million per year, equivalent to about two percent of Senegal's annual GDP.

Measuring the extent of IUU fishing is difficult due to various factors. One of the methods to measure the value of IUU catch is a comparison of recorded catch and traded quantities of a certain species. Such an analysis, however, is complicated. Riddle (2006) uses Patagonian toothfish as an example which is traded under various names on international markets, for example *bacalao de profundidad* in Chile, *Chilean sea bass* in North America and *róbalo* in Spain. Moreover, other species are traded under those names as well, resulting in 'statistical inaccuracies of the "real" picture' (Riddle 2006: 268).

Despite these uncertainties, there can be no doubt that IUU fishing causes severe economic losses in countries where significant parts of the population already live in poverty. Moreover, the figures 'understate the real social, economic and environmental costs of overfishing. Fisheries are crucial (...) in terms of livelihood and food security' (Spooner 2015).

Regarding the importance of the fishing sector for national economies, a report published by the Bank of Ghana in 2008 offers essential insights. The sector had already been in relative decline for more than a decade but still contributed an estimated 3.9% to the national GDP and employed more than 500,000 people directly and indirectly, ranging from fishermen to fish processors and traders. According to Nunoo, Asiedu, Amador et. al. (2014: 6), artisanal fishery alone currently employs about 200,000 fishermen who are the main or sole source of income for about two million dependants.

Reasons for the declining trend are varied, ranging 'from factors such as the declarations of exclusive economic zones by neighbouring West African nations, globalisation of the fishing sector, overfishing and lack of good management systems for the fishery resources, lack of infrastructure and modernisation of the industry, and poaching by European distant water fleets' (Bank of Ghana 2008: 31). Anecdotal

evidence also suggests that fishermen throughout Ghana are unable to catch as much fish as they used to and that they have to go further out to sea than ten or fifteen years ago (Representative of organisation for artisanal fishermen in Ghana, Interview 23, May 2015). Moreover, relying on 'incomplete and substantially under-reported national data puts the fisheries authorities at serious risk of over-licensing fishing access, underestimating the contributions of Ghana's fisheries and mismanaging the marine ecosystems' (Nunoo, Asiedu, Amador et. al. 2014: 21), problems faced by governments in most coastal countries in sub-Saharan Africa.

Finally, it should be noted that it is possible to improve the situation for small-scale fishermen as well as larger – domestic – fishing vessels. In a comprehensive study based on field research in Nigeria's Lagos state, Akanni reports that catch levels can be increased significantly yet 'more labor, credit facilities, and cold storage facilities need to be used' (2010: 314). The study only covers a small geographical area but the situation of fishermen in other African countries is similar. They often lack financial resources to invest in boats and equipment while inadequate facilities make it impossible to sell not only on local markets, limiting the potential income. Similar problems have been observed in Somalia where the *Fair Fishing* project has started to work with local fisherman and helped them to build infrastructure needed to increase their incomes (Thaarup 2015: 6-9).

Overall, it is important to combine efforts against IUU fishing, mostly conducted by foreign vessels, with capacity-building of small-scale domestic fisheries. If these efforts go hand and hand, long-term benefits for the general population are likely to outweigh expenditures for enhanced surveillance and law enforcement throughout the EEZ.

Environmental and social impacts of IUU fishing

From January 2010 until July 2012, the Environmental Justice Foundation (EJF) conducted extensive fieldwork in Sierra Leone. Together with local fishermen, EJF staff recorded vessels fishing illegally in Sierra Leone's EEZ, trying to raise awareness in countries where the catch of these vessels is eventually consumed. Aside from various other problems of IUU fishing, EJF researchers made one particularly alarming observation: about 90 percent of the recorded ships were so-called bottom trawlers, 'vessels that drag heavy equipment along the seabed, catching all marine life in their path' (EJF 2012: 7). Such practices make it almost impossible for depleted fish stocks to regenerate, creating long-term ramifications for coastal communities.

Table 5.1 provides an overview over different types of fishing gear, used to target different species. It is not a comprehensive list as there are other more specialist types but those mentioned in the table are the most widely used varieties.

Table 5.1: Usage and impact of different types of fishing gear (FAO 2016)

Type of gear	Species targeted	Method	Environmental impact
Pole and line	Tuna	After a school of tuna has been located, baitfish is scattered from the boat, tuna is then fished with hooks (one man per rod)	No bycatch (except for baitfish which is usually caught just before a fishing trip)
Purse seine	Pelagic; tuna and other schooling fish, e.g. sardines, mackerel, anchovy	Net is set in a circle around a school of fish, then the bottom is closed off and the net is hauled in	Generally low but purse seines sometimes target fish that are found with other non-targeted species
Longline	Pelagic (large species such as tuna or swordfish) or demersal (e.g. cod, sablefish, grouper)	Long main line with smaller lines with baited hooks; can be set at any depth and remain in the water for days	Large amounts of bycatch, seabirds and marine mammals also go after the hooks
Gillnet	Pelagic or demersal (various species)	Net wall hanging vertically in the water; mesh size is large enough for head of the fish but not the body, fish are then entangled	Large amounts of bycatch in the same size range; nets often entangle marine mammals, sea turtles, birds, larger fish species
Dredge	Demersal, generally used for shellfish (e.g. clams, prawns)	Dredge consists of metal frame and collection bag; frame is dragged along the sea floor for up to one hour	Negative effects on the sea floor, potential destruction of breeding habitats for various fish species, large amounts of bycatch

Type of gear	Species targeted	Method	Environmental impact
Trawl	Pelagic or demersal (various species)	Cone-shaped net is trawled by one vessel or two boats as mid-water or bottom trawl	Large amounts of bycatch, particularly for shrimp trawls; bottom trawling can destroy habitats on the sea floor

Naval and coastguard officers as well as seafarers should at least have a broad understanding of differences shown in Table 5.1 because fishing operations have distinctive characteristics and can impact other vessels, underlined by some incidents described below. Moreover, the list shows that environmental impacts of fishing are profoundly different. Modifications are often possible to reduce the impact on the marine environment. Ensuring that such modifications are used in practice, however, requires well-trained officials and patrol boats to conduct controls at sea.

Unfortunately, the most destructive techniques, particularly dredging and bottom-trawling, are also among the most effective ones. Large amounts of bycatch are of no concern when limits or quotas are disregarded, destruction of marine habitats is equally insignificant for crews on IUU fishing vessels because they can simply move to other fishing grounds. These patterns have been summarised by York (2015) who has written about fishing activities off West Africa where ‘foreign trawlers, with huge bottom-dragging nets that scoop up every living thing, have engaged in so much illegal overfishing that they threaten the livelihoods of thousands of West African fishermen’.

It is little wonder that clashes between industrial fishing vessels and artisanal fishermen are common along the African coast. Fishermen in various countries can share stories about small-scale fishermen who lost their nets and even their boats because large vessels were fishing close to the coastline (Representative of organisation for artisanal fishermen in Ghana, pers. comm, May 2015). Competition often results in large fishing vessels running over nets or even ramming small canoes (Kende-Robb 2014, Gulled 2015; representative of organisation for artisanal fishermen in Ghana, Interview 23., May 2015) and may even lead to security problems on land in the medium term, underlined by Tesch (2011).

In Nigeria, fishermen in Bayelsa and Rivers states have even reported gun attacks from foreign vessels. Chinese trawlers in particular have been singled out (Okhomina 2016). While it is almost impossible to verify such claims, they cannot be disregarded

because similar attacks have been reported by several sources in Southeast Asia (Palmer 2014). Moreover, many attacks against all kinds of ships, including fishing vessels, have been reported in recent years off Nigeria (Shipowners Association of Nigeria representative, Interview 31, September 2015). Such a high-risk environment means that it is at least reasonable to assume that crews on foreign fishing vessels have weapons onboard to defend themselves.

Extreme cases aside, IUU fishing has ‘wider impacts on food security, social welfare, fish stocks, marine environmental health, endangered species or the potential for political unrest in coastal communities’ (Copeland 2014: 20). In poor coastal communities throughout the developing world, including many countries in East and West Africa, fish provides up to 90 percent of the intake of animal protein yet the ‘vital importance of fish as a component of diet is often not recognised’ (Noone, Sumaila and Diaz 2012: 7). At the same time, fishing is commonly referred to as one of very few potential sources of income in coastal communities.

Economic diversification is often talked about yet little has been done to translate small projects in selected countries into large-scale development. Interests of fishermen may even be contrary to other economic activities in the maritime environment. Traditional fishing grounds in Ghana, for example, have been closed for offshore oil production (Representative of organisation for artisanal fishermen in Ghana, Interview 23, May 2015). In Mozambique, conflicts between fishermen and tourism companies promoting diving holidays are common, ‘[f]ishermen do not reap enough of tourism’s economic benefits to control or reduce their catch’ (Izen 2013).

Additionally, Akyeamong points out that indigenous knowledge within fishing communities is often marginalised and ‘discussions of diversifying coastal communities away from fishing seem to view fishing as just a livelihood and not a culture or a way of life’ (2007: 173). This way of life, however, is threatened by IUU fishing and African governments will have to invest in better security at sea to protect and manage their EEZs. So far, these zones have often been ignored by politicians and the general public, even though they hold the potential to be vital sources of income and employment for a large part of the population.

Security incidents caused by fishermen’s behaviour

As shown in Table 5.1, fishing vessels operate with different types of gear, resulting in distinctive fishing patterns. Being able to distinguish such patterns from vessel

movements that could signal an immediate threat, particularly in areas where attacks against merchant ships are relatively common, requires a certain amount of knowledge on the subject. Seafarers, however, are often ill-informed about typical movements of fishing vessels, resulting in misunderstandings and even incidents regarded as security threats.

One good illustration is a report from a merchant ship to MTISC-GoG, a former information-sharing centre for the waters off West Africa (Representative of West African shipping company, Interview 25, May 2015). When the ship was at anchor off the port of Tema in Ghana, the captain noticed another vessel on the radar approaching his ship slowly in a circular movement. Visual identification was impossible as the incident occurred after dusk, radio contact could not be established either. Due to the prevalence of maritime security incidents in West Africa, the captain was alarmed and immediately notified MTISC-GoG.

Operators in the centre assured the captain that the suspect vessel was simply a so-called purse seiner in the process of putting out the net. Moreover, they were able to contact the Ghanaian owner of the fishing vessel who provided a mobile phone number, enabling both captains to get in contact directly.

In this case, the situation was quickly resolved but only after it had led to a tense situation for the crew. Moreover, it was a lucky coincident that the owner of the fishing vessel could be contacted directly. Finding contact details for the owner of a foreign vessel on extremely short notice may have been impossible and it is even more unlikely that contact could have been established with an IUU fishing vessel. At the time, there was no navy ship available to investigate at sea, leaving the crew of the merchant vessel in an uncertain situation.

Fishing canoes used by artisanal fishermen can also be a cause for concern, particularly in countries around the Gulf of Guinea. At night, lights of merchant ships at anchor or around offshore platforms attract fish, drawing in fishermen. Fishing close to anchorages or within exclusion zones around offshore installations is officially forbidden due to security concerns. Such restrictions, however, are widely ignored and fishing in and around anchorages in particular is widespread due to a lack of enforcement capacities. Exclusion zones around offshore installations are also breached from time to time (Ghana News Agency 2015).

Fishermen put themselves at risk when they steer small canoes into anchorage areas where many large merchant ships are waiting for a berth in port. Accidents can easily happen and may be fatal but, except for anecdotal evidence, there are no official

statistics because such accidents are rarely reported to national authorities (Ghanaian navy officer, Interview 15, February 2015).

Other incidents involving fishing canoes at anchorages may almost be regarded as amusing. Due to the predominantly southeasterly current in the Gulf of Guinea, it is relatively easy to predict where fishing nets will drift in the water. Some artisanal fishermen use the current and let their nets drift towards the propellers of anchored vessels over night. In the morning, they alert the crew and offer help with the entangled nets while asking for some form of payment in return. Such 'donations' may be crates of beer, cigarette cartons, paint buckets or tools (Ghanaian navy officer, Interview 15, February 2015). For captains who want to take their ship into port, such assistance is invaluable, especially when they are pressed for time. It is easy to see, however, that such small-scale incidents may have serious implications. After all, it is a crude method to ensure that a merchant ship cannot be manoeuvred safely.

Finally, crews on ships passing through the western Indian Ocean have long been wary of potential pirate attacks. When these attacks in the region reached unprecedented peaks in 2011 and 2012, discussed in more detail in Chapter 6, approaches by small vessels were generally regarded as suspicious, an attitude that can still be observed. More often than not, however, small boats sailing in the wake of large merchant ships are simply fishing vessels rather than mother ships used by potential attackers. Fish are attracted by turbulences around a ship's propeller, fishermen will therefore follow in search for a good catch. Fishermen may also try to protect their nets or crews on small boats feel disturbed during smuggling operations. In his weekly report, the merchant navy liaison officer at UKMTO has pointed out that '[a]lthough these incidents may appear to be piracy related, the majority actually are not and have been assessed as non-piracy related activity common to the pattern of life in the area' (UKMTO 2016). Table 5.2 shows selected reports about such suspicious vessel movements.

Table 5.2: Selected security incidents (Indian Ocean), reported by UKMTO

Date	Position	Description
28 January 2015	21:31.00N 067:23.00E (Arabian Sea, around 110 nautical miles off the coast of Gujarat, India)	Master identified four skiffs ahead of the ship at a distance of about 8 nautical miles. Skiffs came closer to about 5 nautical miles, then split up (two skiffs to port, two to starboard). One skiff with four persons on board started to close on port side and came to within one nautical mile. One man with binoculars was observed on the skiff but no weapons or ladders could be seen. Armed security team on the merchant ship showed presence on deck, all skiffs finally turned away.
4 February 2015	13:30.00N 049:54.00E (Gulf of Aden, around 75 nautical miles southeast of Al Mukallah)	Master reported one boat with ten persons on board at a distance of 3 nautical miles, sailing at 7 knots and towing four skiffs. The boat approached to a distance of one nautical mile, then stopped but neither weapons nor ladders could be observed. Armed security team showed presence on deck but no further approach was made.
3 August 2015	12:09.00N 045:58.00E (Gulf of Aden, around 75 nautical miles southeast of Aden)	Watch officer observed a small target on the radar, distance about 3 nautical miles, sailing at about 25 knots; visual identification was impossible due to the weather conditions. Merchant vessel increased speed to about 25 nautical miles for about 20 minutes. Speed was reduced again when target could not be identified on the radar anymore (closest distance was around 2 nautical miles).
29 August 2015	12:04.00N 044:46.00E (Gulf of Aden, about 45 nautical miles southwest of Aden)	Merchant vessel reported two skiffs at a distance of 0.5 nautical miles, each with five persons on board. One ladder was allegedly observed but no weapons could be identified. Armed security team on the merchant vessel showed weapons, then fired flares and finally warning shots toward the skiffs which finally moved away.
3 March 2016	14:23.3N 052:41.9E (Gulf of Aden, around 120 nautical miles north of Socotra island)	Vessel reported suspicious approach of three skiffs and mother vessel approaching with high speed; merchant vessel conducted evasive manoeuvres to avoid attack. Embarked security personnel showed weapons and skiffs withdrew. Information was passed on to a nearby naval vessel. Investigation showed that no weapons or ladders could be found on skiffs or mother vessel, incident was confirmed as a non-attack.

The incidents (or non-incidents) listed in Table 5.2 show that crews on ships in the western Indian Ocean continue to regard certain movements of small vessels with more suspicion than elsewhere, largely due to the recent history of piracy off the Somali coast. Better knowledge about fishing patterns in the region could help to alleviate at least some concerns about perceived threats. During the incident on 29 August 2015, armed guards onboard the merchant vessel even fired warning shots towards two skiffs. At a distance of about 0.5 nautical miles (about 900 metres), it is unlikely that these were even heard by the crew of the skiffs, given the background noise from the sea and the outboard engine. Nevertheless, the crew on the merchant vessel probably appreciated the presence of armed guards, creating a sense of improved security in a region perceived as prone to pirate attacks.

Armed guards, however, have been responsible for severe incidents. Even though few incidents have been officially reported, that is more likely due to low reporting standards than to a lack of actual incidents involving the use of weapons (Representative of private maritime security company, Interview 12, November 2014). Arguably the most prominent incident involving armed guards on merchant ships occurred in February 2012. Italian marines, acting as an embarked security team to protect the tanker *Enrica Lexie*, opened fire on an Indian fishing vessel about 20 nautical miles from the Indian coastline, seemingly mistaking them for pirates. Details of the case are contentious and beyond the scope of this thesis; a comprehensive summary of the case has been provided by Ireland-Piper (2014). It is undisputed, however, that two men onboard the fishing vessel were killed by bullets fired from rifles onboard the *Enrica Lexie*, although the case is even more complicated because the embarked team on the tanker were military personnel rather than privately contracted armed security personnel. In November 2015, the case was brought to the attention of the Permanent Court of Arbitration in The Hague (PCA 2015).

It is impossible to say with certainty that no other fishermen have been injured or killed in comparable circumstances. The table above, however, suggests that the potential for tragic incidents remains and it cannot be verified whether incidents that have been reported as suspicious approaches were indeed attempted attacks or simply misinterpreted movements of other vessels. Even if weapons were actually spotted on the approaching vessel, the incident may not be as dangerous as it looks at first glance. Due to the threats fishermen in the region have to face on a daily basis, many boats have weapons onboard yet these are used for self-defence rather than attacks against merchant ships.

5.1 IUU fishing on the national level

Situation in West Africa

West Africa is often mentioned as a region particularly affected by IUU fishing. On the one hand, rich fishing grounds attract fishing companies from all over the world, including IUU vessels. On the other hand, there are a number of institutional challenges, some of which have already been mentioned above. Very few naval assets are available to enforce existing regulations, there is 'a lack of clarity over which agency has jurisdiction, and when vessels are caught enforcement is often not matched by judicial penalties' (Copeland 2014: 20).

On the regional level, fisheries management is further complicated by undefined maritime boundaries, insufficient sharing of information and little harmonisation of legal frameworks. Corruption is another obstacle on the path towards the sustainable management of marine resources. Crews and owners of foreign vessels may not be prosecuted, even though they have been caught during IUU fishing operations. Foreign businessmen do not even have to resort to illegal fishing when they are able to gain legal access to lucrative fishing grounds through corrupt public officials. Finally, corruption is often linked to the highest levels of society, for example in Angola where 'fisheries officers rarely report the illegal catches of boats owned by politicians' (The Economist 2012).

Senegal, on the other hand, shows that progress is possible on the national level despite a range of problems. When president Macky Sall was elected in 2012, one of the first announcements of his new government was the cancellation of 29 licenses for foreign industrial fishing vessels. Taking action against overfishing had been one of Sall's election promises and the government received praise from environmental organisations as well as from cooperatives for artisanal fishermen (Vidal 2012). Unfortunately, Senegal is a unique example. Small-scale fishermen in the country are well organised, allowing them to put pressure on politicians and the newly elected president was eager to keep his election promises. After all, votes from many fishermen helped him to win the election (Researcher from Senegal-based think tank, Interview 24, May 2015).

The significance of the fisheries sector in Senegal is underlined by a report published by the Institute for Security Studies (Blédé, Diouf and Compaoré 2015). In a thorough review of fishing activities in the Ziguinchor region in the south of the country,

complaints from local fishermen about industrial vessels fishing for shrimps are investigated. These vessels were found to catch up to five tonnes of bycatch for a mere 200 kg of shrimps. At the same time, the authors point out that artisanal fishermen are also guilty of breaking the rules. Traditional canoes have been seized in the region because their owners were caught fishing in protected areas, other fishermen have been arrested for illegal fishing in Guinea-Bissau, The Gambia and Mauritania.

Sierra Leone offers additional examples for the importance of artisanal fishing. In Goderich, a suburb of the capital Freetown, fishing provides employment 'in a community where formal jobs are scarce to come by and where the average community youth drops out of school early' (Bangura 2015). Small-scale fishermen cannot compete against large foreign trawlers. They claim that their nets are often damaged and their canoes even destroyed in collisions with industrial fishing vessels (Booth 2011). Such problems, however, are unlikely to be addressed as long as the responsible ministry lacks the capacity to conduct effective patrols of the rich fishing grounds along the country's coastline (Expert on fisheries research, Interview 13, November 2014).

The lack of control exerted over fish stocks could have serious ramifications for food security in the country. Fish provides about two thirds of animal protein intake in Sierra Leone (FAO 2008: 64) but inshore fishing by pirate vessels threatens to displace artisanal fishers and affects the regeneration of fish stocks (EJF 2012: 7). Fishing therefore has become an even more dangerous occupation than in the past and sustainability is of little importance for small-scale fishermen trying to make a living: 'As fish stocks continue to decline (...) local fishermen have been forced to look for their catches on the high seas, where they risk being attacked by the trawler operators, or else in protected zones closer to home, which further threatens fish stocks' (Lazuta 2013: 6).

Foreign trawlers are often regarded as main culprits for IUU fishing yet little information is available about these vessels. The Dutch Greenpeace section has conducted research about individual vessels, addressing the so-called 'monster boats' in particular (Sykes, Roberts and Mercoulia 2014), some of which are owned by members of the Pelagic Freezer-Trawler Association (PFA), an industry organisation for large-scale fishing vessels. In addition to detailed information about these high-capacity floating fish factories and the companies behind those ships, the authors provide details about EU subsidies that have helped many of the companies to expand their operations, despite the negative impacts in developing nations. One of the comparisons included by the authors points out the dramatic differences between industrial and

artisanal fishing vessels in West Africa where 'it takes more than 50 traditional Mauritanian pirogues a whole year to catch as much fish as a PFA vessel can capture and process in a single day' (Sykes, Roberts and Mercoulia 2014: 27).

Subsidies, whether from the European Union or national governments, are one key aspect. Within the European Union in particular, the situation has begun to change in recent years. More efforts have been made to ensure that no fish caught by IUU vessels is imported to the EU. These efforts had direct consequences in several countries, for example in Ghana where the Fisheries Enforcement Unit (FEU) was formed in 2013 to avoid EU sanctions on fish caught or processed in the country (Crabbe 2013). Sanctions had become a threat after the EU Commission identified Ghana as one of the countries not doing enough to tackle IUU fishing, both within the Ghanaian EEZ and for vessels registered in Ghana but fishing elsewhere (Archison 2015). The FEU consists of personnel from navy and air force as well as from the attorney general's department, the fisheries commission and the Ghanaian police. Relations between fishing communities and the FEU are not always easy, FEU personnel have even been attacked by fishermen when they tried to seize illegal nets and generators (Asiedu 2014, Ghana News Agency 2014).

Guinea-Bissau, on the other hand, is set to receive more assistance from the European Union. As part of the fisheries agreement between the EU and the government of Guinea-Bissau, the country has received support to purchase a new patrol boat and two smaller speedboats, improving surveillance capacities and enabling fishing authorities to act against widespread IUU fishing (European Parliament 2015). In cooperation with the World Bank, 40 newly trained fisheries observers are supposed to use the new vessels to reduce IUU fishing in the country's EEZ (World Bank 2016c).

On the national level, additional efforts have been made to improve livelihoods of small-scale fishermen, exemplified by a Spanish initiative in Angola. In September 2015, construction for the Centre for Professional Fisheries Training started. The project is supposed to cost about US\$98 million, financed through a loan from Spain's government (Agência Angola Press 2015). Such an investment underlines that the Angolan government has recognised the importance of fisheries as a part of an effort to diversify the economy. According to the FAO, fisheries represented around 1.7 percent of the Angolan GDP in 2012 and provided direct or indirect employment for at least 100,000 people in a country with a population of about 22 million. Moreover, artisanal fisheries 'are the main or sole means of livelihood and food supply for a large part of the population in coastal areas' (FAO 2014). In recent years, the government has also

made progress in terms of enforcing fishing regulations, reducing the negative effects of IUU fishing both from artisanal and industrial vessels (Sjöstedt 2014: 278-279).

Cameroon has not yet made similar efforts but attention for problems caused by IUU fishing is growing. Forbinake acknowledges that 'investing in security in our high seas is a matter of urgency if the animal protein needs of the citizens have to be met' (2015). The country currently imports about 200,000 tonnes of fish per year but wants to boost domestic production by encouraging investments in different sectors of the fishing industry. Besides, government representatives have stated that they want to crack down on IUU fishing activities. During a conference in March 2015, the minister for livestock, fisheries and agriculture even announced that the ultimate goal of Cameroon's government is to become a net exporter of fish (Ayuketah 2015).

Most countries in West Africa will face a difficult choice over the coming years. It is very likely that current catch levels – including legal and IUU fishing – are unsustainable. Artisanal fishing, however, is almost impossible to restrict because it offers employment opportunities and improves food security (for a general discussion about the links between food security and IUU fishing see Srinivasan, Cheung, Watson et. al. 2010). Licences to foreign vessels may be reduced yet income from these licences is a direct source of government revenue. Competing interests may therefore clash, complicated by a lack of surveillance and enforcement capabilities, commercial interests and corruption.

Situation in East Africa

Potential links between IUU fishing and the rise of piracy off the Somali coast are notable examples for the connection between 'soft' and 'hard' maritime security issues. Extensive IUU fishing around Somalia has often been used as an explanation for pirate attacks in the region. 'Somali fishermen are unable to compete because the foreign fishers are better equipped and better skilled. Some Somalis believe that the only way to protect their resources and make a living is by committing piracy' (Gulled 2015) and in some cases, incidents classified as piracy by outsiders are simply regarded as self-defence by Somali fishermen (Hari 2009).

It is beyond the scope of this thesis to explore whether IUU fishing has indeed led or contributed to the large number of pirate attacks recorded in recent years. Potential links should nevertheless be mentioned because IUU fishing activities have been used

as a symbol by Somali pirates, enabling them to justify their criminal activities with a popular narrative, at least within communities in Somalia (Awad 2016).

Accusations of IUU fishing may be based on real events, underlined by a comprehensive study published in 2015. From the early 1990s, 'destruction of locals' fishing gear, use of violence by foreign vessels, concern over lost livelihoods, and the perception that the international community was acquiescent to illegal fishing led to the formation of groups of fishers who targeted foreign fishing vessels' (Glaser, Roberts, Mazurek et. al. 2015: 14) and attacks quickly escalated. In late 1994, two fishing vessels were hijacked and released when the ransom was paid by the owners (Kulmiye 2001), several years before the same criminal business model was extended to hijackings of merchant ships. Glaser, Roberts, Mazurek et. al. have also pointed out that 'foreign IUU vessels catch three times as many fish as the Somali artisanal fishing sector, and many of those vessels cause significant environmental damage' (2015: xiii), leading to grave concerns about the sustainability of Somali fisheries.

In other countries in East Africa, the situation is similar. In Kenya, artisanal fishermen often use outdated technology and equipment, restricting them to the area close to the shore. Even so, the sector provides supports up to 800,000 people, ranging from fishermen to traders, processors and other service providers as well as their family members (Mbaru 2012: 11). Landings of many species have declined in recent years, one particularly stark example is that 'Kenyan fishermen now catch an average of 3kg lobster on each trip, compared with 28kg in the 1980s' (The Economist 2012). Decreasing catches are attributed to several factors, including overexploitation, destructive fishing techniques and degradation of natural habitats but research is limited 'by inadequate financial and technological resources as well as expertise' (Fondo, Kimani, Munga et. al. 2015: 153) while authorities are not equipped to counter the problem through surveillance and enforcement activities at sea.

Mozambique has also experienced challenges in recent years. Again, these are not only attributable to industrial fishing vessels although such vessels are active throughout the country's EEZ. At the same time, a significant increase of artisanal fishing has led to severe pressure on marine resources in a country where about 85 percent of landed catches come from artisanal fishermen (Swennenhuis 2011: 2) which may lead to conflicts between small-scale fishermen and the country's nascent tourism industry. Overfishing 'has led to a dramatic drop in fish and marine biodiversity' (Izen 2013), threatening the country's reputation as a prime destination for diving holidays.

In Mozambique, IUU fishing is often conducted by domestic fishermen. In theory, that should give the authorities the chance to improve the situation as most of the catch is landed in the country. In practice, however, fisheries management is heavily reliant on community fisheries councils which have to balance long-term sustainability with concerns of their own members who are facing a daily struggle to catch enough fish to survive. Moreover, agricultural land in coastal areas is scarce and an 'increasing number of people [is] driven to the sector as a last resort' (IRIN News 2014).

These examples show that problems with IUU fishing are different on the national level. Measures adopted in one country may not be a perfect fit elsewhere. Just across the Mozambique Channel, the island nation of Madagascar suffers from a different set of challenges. IUU fishing there is mainly conducted by foreign vessels, putting pressure on small-scale fishermen (Le Manach, Gough, Harris et. al. 2012: 218-219). Fisheries authorities lack even the most basic resources to protect the domestic fishing sector. 'Madagascar's exclusive coastal zone, which is subject to extensive illegal fishing by Asian fleets, is overseen by 3 small monitoring vessels, 8 speedboats, 18 inspectors and 22 observers' (Africa Progress Panel 2014: 92), completely insufficient for an island that stretches more than 1500 kilometres from north to south.

Another island nation in the Indian Ocean has realised the value of the fisheries sector. In the Seychelles, efforts to stop foreign vessels from fishing within the archipelago's vast EEZ of about 1.3 million square kilometres of ocean have yielded positive results. The value of inter-agency cooperation has been underlined when three small vessels from the Comoros were detained in December 2015. They were intercepted by rangers working for the Seychelles Islands' Foundation, a public trust responsible for two UNESCO world heritage sites, assisted by coastguard personnel (Fardial 2015). Just a few weeks earlier, the coastguard had intercepted two vessels from Madagascar which were escorted to Port Victoria for further investigations (Uranie 2015).

Improved coastguard capabilities are important for the Seychellois government in its bid to develop the fisheries sector and to create additional employment opportunities. In January 2016, finance minister Jean-Paul Adam announced plans for 'blue bonds' worth US\$10 million (Richardson 2016). Generating financial resources through government-backed debt is an innovative solution but investors are likely to ask questions about the security of their investments. Providing an environment where IUU fishing is subject to rigorous prosecution was deemed to be a key selling point for the new bonds.

5.2 Tackling the problem

One essential step in the fight against IUU fishing went almost unnoticed. In April 2015, the International Tribunal for the Law of the Sea published an advisory opinion (ITLOS 2015b) which is a major leap forward for coastal states in Africa – and elsewhere – with limited resources to protect their respective EEZs. The tribunal had been called upon by the West African Sub-Regional Fisheries Commission (SRFC), comprised of Cape Verde, Mauritania, Senegal, The Gambia, Guinea-Bissau, Guinea and Sierra Leone. ITLOS judges unanimously underlined that countries have ‘the obligation to take necessary measures (...) to ensure compliance by vessels flying its flag with the laws and regulations enacted by the SRFC Member States’ (ITLOS 2015b: 60). Moreover, the tribunal confirmed that flag states are obliged to investigate reports about IUU fishing by SRFC members and to take necessary actions.

Several environmental organisations have pointed out the importance of the advisory opinion. John Tanzer, director of the WWF’s International Marine Programme, gave a succinct summary from his organisation’s point of view: ‘No longer will we have to try to combat illegal fishing and the ransacking of coastal fisheries globally on a boat by boat basis’, summarising the ruling as ‘a real game changer’ (Battle 2015).

Whether Tanzer’s analysis will indeed be true remains to be seen. What is certain, however, is that IUU fishing is now widely acknowledged as a problem for many coastal countries, in East and West Africa as well as in other regions. Additional attention on marine resources led to the Port States Measures Agreement (PSMA), adopted by the FAO in 2009. The PSMA is regarded as a ‘critical tool in the worldwide fight against illegal fishing’ (Lopez 2015). It has entered into force after the agreement was finally ratified by 25 countries in 2016 (United Nations News Centre 2016) with the European Union counting as one country due to its common fisheries policy. Table 5.3 shows the countries that had ratified the PSMA as of December 2016.

Table 5.3: Ratification of Port State Measures Agreement as of December 2016 (Pew Charitable Trusts 2016)

Ratifying country	Date of ratification
Myanmar	November 2010
Sri Lanka	January 2011
European Union	July 2011

Ratifying country	Date of ratification
Norway	July 2011
Chile	August 2012
Uruguay	February 2013
Seychelles	June 2013
Oman	August 2013
Gabon	November 2013
New Zealand	February 2014
Mozambique	August 2014
Iceland	June 2015
Australia	July 2015
Mauritius	August 2015
Palau	November 2015
Somalia	November 2015
St. Kitts and Nevis	December 2015
Costa Rica	December 2015
South Korea	January 2016
Barbados	February 2016
South Africa	February 2016
United States	February 2016
Guyana	March 2016
Cuba	March 2016
Dominica	May 2016
Sudan	May 2016
Thailand	May 2016
Tonga	May 2016
Vanuatu	May 2016
Cape Verde	June 2016
Grenada	June 2016
Guinea	June 2016
Indonesia	June 2016
St Vincent and the Grenadines	June 2016
Overseas Territories of France	July 2016

Ratifying country	Date of ratification
The Gambia	July 2016
Bahamas	October 2016
Ghana	November 2016
Panama	November 2016
São Tomé and Príncipe	November 2016
Togo	December 2016

Long before the PSMA entered into force, the question has been raised as to whether the agreement will be effective in practice. Implementation has been regarded as the main problem. Mistakes and unsustainable solutions ‘will provide continued loopholes for illegal operators’ (Flothmann et. al. 2010: 1236). Even representatives from the Pew Charitable Trusts, a non-governmental organisation and one of the most vocal PSMA supporters, agree that potential shortfalls remain because ‘a treaty is only as good as the parties that ratify and enforce it’ (Pew Charitable Trusts 2014). FAO representatives are trying to ensure that the PSMA will be an effective instrument. The organisation has held several workshops around the world, including one in Cape Verde in July 2015 for representatives from West Africa. Together with 50 participants from 16 African countries, experts from the IMO, the European Union, fisheries management organisations and NGOs discussed implementation strategies (FAO 2015).

Any country that ratifies the PSMA agrees to provide designated ports for foreign vessels and block ships which are believed to have been involved in IUU activities from entering its ports. Moreover, information has to be shared with relevant authorities abroad. Many governments in West Africa have been worried that they lack the necessary tools and capacities, explaining the reluctance to go through the ratification process. Shortcomings, however, continue to be addressed and politicians have begun to realise the urgency of the problem (Participant of FAO Cape Verde workshop, Interview 30, August 2015).

One of the initiatives that have helped to create awareness for problems related to overfishing is the World Bank’s *West Africa Regional Fisheries Programme*. The programme has helped regional governments to generate evidence about unsustainable activities of industrial fishing fleets. An article published by the World Bank has even stated that ‘fishery specialists are heralding the possibility of a new era’ (Kondo 2015) which may be overly optimistic yet developments in the European

Union and South Korea are certainly good news for fish stocks in West Africa and elsewhere.

South Korean involvement in IUU fishing led to a 'yellow card' issued by the EU in November 2013. Fishing vessels registered in the country or owned by South Korean companies had been 'identified as the key culprits in illegal fishing both inshore and deep offshore in West Africa, and are now viewed as being the main aggressors by fisheries authorities in the region' (2014: 16). While the trade of South Korean fish to the European Union, estimated to be worth around US\$100 million, could be replaced by additional trade with other countries, the Korean government has reportedly been worried about reputational damage to the country (Business Korea 2014).

In April 2015, South Korea was cleared by the European Commission (European Commission 2015a) after the country had taken unprecedented measures to prevent and deter IUU fishing:

- Korean fishing vessels are now required to employ a Vessel Monitoring System (VMS), giving authorities the capability to track their activities;
- fishing vessels are fitted with an electronic logbook, enabling captains to share information on operations and catch in real time;
- a new Fisheries Monitoring Centre, operated around the clock, began operations in May 2014;
- serious infringements of the new Distant Water Fisheries Development Act are now a criminal offence with potential prison sentences of up to five years for masters and vessel owners.

For West Africa in particular, the government of South Korea will negotiate fishing licenses at the government level. Private licensing agreements, which have been criticised in the past for a lack of transparency and the potential for corruption, are no longer allowed (EJF 2015).

In June 2014, the South Korean government also signed a Memorandum of Understanding with the Environmental Justice Foundation (EJF), a non-governmental organisation that has long been involved in the fight against IUU fishing, particularly in West Africa. EJF experts have provided advice to the South Korean government. Steve Trent, the organisation's executive director, praised the comprehensive efforts in January 2015, adding his hope 'that other states will follow Korea's lead' (EJF 2015).

Likewise, the European Commission has announced a system to improve the visibility of fishing vessels flagged in EU member states. New regulations may come into effect in 2017, requiring all EU vessels to obtain authorisation from the respective flag state before fishing in a third country's EEZ or in areas beyond national jurisdiction. Various criteria are considered to be essential by the EU, 'for instance that they have an International Maritime Organisation (IMO) number and a valid fishing licence, and have not been found guilty of infringements' (European Commission 2015b).

Several factors have contributed to the development of the regulation proposed by the European Commission, most notably the ITLOS advisory opinion. Potential implications have been underlined by evidence of illegal fishing by vessels flagged in EU member states, gathered by Liberia's Bureau of National Fisheries (BNF). Investigations by BNF experts have been conducted within the framework of the World Bank-funded project mentioned above. Additional resources have enabled specialists to use satellite-based technology to monitor fishing activities off the Liberian coast. Suspicious activities, including transshipment of illegal catches, has been tracked and individual vessels have been identified (Jackson 2015).

The fact that new EU regulations will require fishing vessels to obtain an IMO number shows that monitoring of fishing activities may finally become a real possibility, even for nations without enough naval assets to conduct patrols in the EEZ. While the ITLOS judgement has underlined that flag states are responsible for all vessels in their registries, it is likely to take years until all registries implement the necessary measures. Even for merchant vessels, there is no single global supervisory standard but national authorities can at least track and identify those vessels. For fishing vessels, there are currently no international regulations requiring fishing vessels to obtain a unique identification number.

Fishing vessels have some identifying features such as names or call signs but these can be changed if owners want to disguise the identity of suspect vessels. For national authorities, it is therefore almost impossible to identify and track them unless they are prepared to commit vast amounts of resources. Environmental organisations have recorded a number of cases of fishing vessels operating with impunity despite having been involved in other regions – or even in the same country – previously (EJF 2012).

In Senegal, for example, information about the illegal activities of Russian fishing vessels has been gathered by Greenpeace rather than national authorities. Some of the material has been used as evidence when a Senegalese court fined the owners of one

vessel a record US\$12 million for repeated violations of licensing requirements (African Progress Panel 2014: 94).

While this case can be regarded as a success in the fight against IUU fishing, it also underlines constraints on the national level. Authorities in virtually every African country suffer from severe limitations regarding personnel and other resources, making it almost impossible for them to commit to lengthy investigations with an uncertain outcome. Meanwhile, two countries in West Africa have embarked on a novel approach. In August, 2016, São Tomé and Príncipe has followed Gabon's example and joined forces with *Sea Shepherd*, an environmental organisation engaged in the fight against IUU fishing. Since April 2016, *Sea Shepherd* has provided one of its vessels as a platform for Gabonese officials to patrol the country's EEZ (Sea Shepherd 2016). Neighbouring São Tomé and Príncipe has already detained a Spanish fishing vessel for illegal shark fishing (Stansfield 2016). The detention has been a direct result of the unique partnership that brings together national authorities and an environmental organisation.

Overall, most efforts to tackle the problem of IUU fishing have been concentrated on land, exemplified by the Port State Measures Agreement. After all, fishing vessels have to land their catch to make operations commercially viable. For African governments, however, ensuring compliance at sea within their own EEZs is vital. Loopholes are likely to remain for some time and fishing vessels will not be strictly monitored and regulated for years. Chinese fishing vessels in particular have been linked to IUU fishing off the African coastline (Greenpeace Africa 2015). Owners of these vessels are attracted by 'lack of rigorous fishing management and enforcement', especially in West Africa, creating 'an attractive destination for large Chinese companies with the resources to send boats to distant waters' (Anderlini 2015).

African leaders are increasingly aware of the problem. As early as 2005, the *Fish for All Summit* in Abuja brought together most heads of state and government from the continent. They signed the *Abuja Declaration on Sustainable Fisheries and Aquaculture in Africa* (NEPAD 2005a) and endorsed the *NEPAD Action Plan for the Development of African Fisheries and Aquaculture* (NEPAD 2005b). Both documents are the framework for fisheries governance in Africa which has progressed since through a number of forums and policy processes on the regional and continental level, coordinated by the *Partnership for Africa's Fisheries*, a NEPAD programme.

Whether a Common Fisheries Policy in Africa, similar to the EU, can be achieved remains to be seen but there have been encouraging signs. In 2010 and 2014, African ministers of fisheries and aquaculture met at conferences, trying to build on the

proposals announced in 2005. These initiatives were primarily driven by the Partnership for Africa's Fisheries within the New Partnership for Africa's Development (NEPAD) secretariat. NEPAD is a technical body of the African Union, established to assist socio-economic development on the continent. More recently, the Inter-African Bureau for Animal Resources, another AU-associated organisation, has started to play a bigger role. Management of marine resources, however, has to be combined with surveillance and enforcement at sea and 'fisheries governance efforts also incorporate a host of regional fisheries bodies, research projects and institutions' (Benkenstein 2015: 3). Regional cooperation is essential and different security and technical agencies have to be involved, both on the national and regional level.

The critical role of fisheries in many African countries is now widely recognised. 'Fisheries directly support the livelihoods of up to 10 million Africans, while about 200 million Africans rely on fish as their primary source of protein' (Benkenstein 2014: 2) and about 95 percent of all fishermen on the continent are employed in small-scale fisheries, providing more than 90 percent of the fish consumed in Africa. Improving security and law enforcement at sea will provide direct benefits for fishermen and consumers throughout the continent and ensure that future generations will be able to profit from rich fish stocks along Africa's coasts.

5.3 Summary

This chapter has contextualised links between fishing in general and IUU fishing in particular, illustrated with several examples. It has also described some of the problems caused by IUU fishing but it is beyond the scope of this thesis to cover these problems, including knock-on effects on land, in all their facets. There are, however, direct links between maritime security and IUU fishing which have to be analysed in depth on the national level first. Moreover, it has been discussed how international efforts such as the Port State Measures Agreement or improved supervision by flag states are necessary to reduce and eventually eradicate IUU fishing.

Four features of IUU fishing in relation to maritime security deserve particular emphasis: the disconnect between naval, merchant and fishing operations, the paucity of reliable data, the unwillingness of national governments to address IUU fishing as an organised crime rather than a minor offence, and the need for improved regional cooperation coupled with novel solutions to improve surveillance and enforcement throughout the EEZ.

Ghana provides a good example that illustrates why it is vital for seafarers and naval officers to know more about fishing patterns. Small-scale fishermen in Ghana generally stay ashore on Tuesdays, a tradition that many captains of merchant vessels in the region are unaware of. On any other day of the week, fishing around anchorages takes place, even though it is illegal and Ghana's navy is trying to stop fishermen from entering these areas. Such activities are first and foremost a safety threat yet it is easy to see how small canoes close to merchant ships at anchor may also become a security threat. Captains regard it as normal when canoes approach anchored vessels off the ports of Takoradi or Tema yet the crew should be particularly alert on a Tuesday because such a canoe is unlikely to be manned by genuine fishermen.

On a more general level, IUU fishing is particularly problematic because it is a 'victimless crime' that can lead to a vicious circle. Small-scale fishermen suffer when industrial trawlers engage in unsustainable fishing, forcing them to use illegal nets or fish in protected areas simply to survive. The 'tragedy of the commons' is especially pronounced in the management of fish stocks. Individual fishermen have little or no incentive to manage marine resources in a sustainable manner. On the contrary, individuals even gain short-term profits from exploiting marine resources whereas the general public (and future generations) have to bear the costs. As an open-access resource, fish stocks are particularly vulnerable to exploitation and most coastal states in East and West Africa lack the capacities and resources to enforce compliance with existing regulations. Moreover, '[t]hey are weakened by the inaction of states that are unwilling or unable to carry out their regulatory responsibilities' (Kende-Robb 2014).

Subsidies for the fishing industry add another layer of complexity. Peter Allgeier, former US ambassador to the WTO, points out that debates about fisheries subsidies at the WTO level are different from traditional subsidy negotiations. Not only do they cut across the regularly seen north-south divide, they do not even fit into normal WTO regulations which are usually concerned with internal policies or border measures. Fishing takes place within national EEZs as well as in areas beyond national jurisdiction and fish species move between these two areas. Finally, subsidies in the fishing sector may have unintended consequences. 'In areas such as agriculture or manufacturing, one country's subsidised production (...) gives the subsidising country's producers a competitive advantage. In the fishing sector, (...) such practices rob the other countries of production resources by depleting the fisheries that are everyone's resource base' (Allgeier 2014: 8-9), leaving no country with an advantage in the long term.

Considering the potential ramifications, IUU fishing should not be regarded as a trivial offence. It should rather be treated as transnational organised crime, even though law enforcement agencies worldwide do not regard illegally caught fish as a matter of urgency similar to drugs or weapons. In recent years, however, several reports have outlined the scale of the problem (Stølsvik 2011), linked IUU fishing to other criminal activities and organised crime (UNODC 2011, Witbooi 2017) and underlined that African fisheries are suffering particularly severe losses (Phelps Bondaroff 2015: 48-49). In October 2015, activists and Interpol officials celebrated positive news as the *Thunder* case was brought to a close (Interpol 2015). Three crew members of the *Thunder* were convicted for their involvement in illegal fishing operations, even though the crew had scuttled the vessel off São Tomé in a bid to destroy evidence (Roelf 2015).

Politicians worldwide are increasingly aware of the need for action. In November 2015, Indonesia's minister for maritime affairs has pointed out that 'IUU fishing distorts good governance and jeopardises economic growth' (Salim 2015) and called on the international community to recognise it as organised crime to simplify cooperation between law enforcement agencies. IUU fishing in Indonesian waters has also been described as a more pressing concern than piracy (Lubis 2016). US secretary of state John Kerry has even underlined that '[t]here is a direct line between black-market fishing, black-market drugs, smuggling and human trafficking' (Green 2016).

Maintaining sustainability through the enforcement of regulations will be a major challenge for African governments in the short and medium term. Artisanal fishing is often practised by thousands of fishermen dispersed over large areas. Mozambique, for example, has about 600 landing sites along a coastline of about 2700 kilometres (Benkenstein 2013: 8). At the same time, industrial fishing has to be regulated and illegal fishing practices have to be stopped to ensure that there is enough fish left for small-scale fishermen.

Activities at sea, including research and law enforcement, are the most expensive part of fisheries management. Inter-agency cooperation is also required as fisheries inspectors often have to rely on ships operated by the navy yet these are needed for other tasks as well. New technology may help to protect fish stocks from IUU fishing. Satellite surveillance technology has improved dramatically in recent years, creating opportunities for governments to use the data and target specific areas instead of patrolling the whole EEZ (Gunawardene 2016). One of the most notable initiatives so far has been funded by the Pew Charitable Trusts but the organisation wants to convince

governments of countries affected by IUU fishing to employ the technology as a tool for law enforcement at sea (Mathiesen 2016).

Sharing information about suspect vessels with neighbouring countries is another cost-effective method to counter IUU fishing, even though it is often complicated by a lack of flag state oversight (Miller and Sumaila 2013). In West Africa, progress has been made in recent years based on the *Yaoundé Code of Conduct*, analysed in more detail in Chapter 6. In the western Indian Ocean, there is no similar infrastructure in place but the initiative FISH-i Africa is supported by eight coastal and island nations (Comoros, Kenya, Madagascar, Mauritius, Mozambique, Seychelles, Somalia, Tanzania) together with international partners. Started in 2012, enhanced cooperation between national agencies resulted in fines of almost US\$3 million within less than two years as well as a perceived decrease in IUU fishing (Cosgrow 2015).

These examples show that maritime security can be improved without spending vast amounts of money. Moreover, investments into management and protection of fish stocks are likely to pay dividends sooner rather than later: 'Restructuring fisheries management can increase economic output and efficiencies and improve livelihoods and food security by aligning the socioeconomic incentives of fishermen and fishing communities with the biological health of fish stocks' (Global Environment Facility 2014: 131). Well-managed fish stocks in any country's EEZ provide food, jobs and the potential for economic growth but in many African countries, such opportunities have been squandered in the past.

Finally, an often overlooked aspect are the potential implications of a lack of economic opportunities in fishing communities. Observers have urged industrialised countries to step up their efforts in the fight against IUU fishing and '[t]he best way to find the cash would be to point out the security costs of unhappy fishing communities to rich governments. Somalia's piracy problem began in part as an armed response to illegal fishing in Somali waters. Some banditry in Nigerian waters started as a protest against the threat to fishing from the oil industry' (The Economist 2012a).

Governments unwilling to spend money on maritime security are likely to face substantial problems – and much higher costs – in the medium term. Capacity-building to improve maritime security in general and tackle IUU fishing in particular will be a long-term process but in the long term, benefits for populations of coastal countries in East and West Africa will very likely outweigh the costs.

Chapter 6: Growing Together

Benefits of improving maritime capacities and regional integration

This chapter assesses the current state of maritime security and regional cooperation efforts in East and West Africa. It offers essential insights for academics and practitioners alike, enabling them to improve the current situation. In some cases, only minimal efforts are required to remove blockages caused by a lack of political will or leadership rather than a lack of resources. The chapter also emphasises deficiencies in how the international community interacts with governments and regional organisations in Africa and discusses options for outside actors to provide better assistance.

Much of the information in this chapter comes from open-source documents such as bilateral and multilateral treaties, policy papers, speeches, media reports and academic papers. Such information, however, is not always easily accessible as many organisations and governments in Africa have limited resources. Even a superficial glance at the websites of regional organisations such as ECOWAS, ECCAS or IGAD shows that there is much less information available than on comprehensive online portals offered by organisations such as the European Union or NATO.

Moreover, general information gathered in the context of the research has to be put into context and compared with the situation 'on the ground'. Just because politicians sign a treaty, there is no guarantee that aims and ambitions laid out in the document will be realised in due course. The chapter therefore relies on background knowledge gathered during conferences, seminars and interviews conducted during the research for this thesis. Interviews, personal visits and informal chats are key to understanding the current state of maritime security in East and West Africa.

Uneven quality of available information, scarce resources for navies, coastguards and similar agencies as well as other, often country-specific, issues may vary significantly on the national level. It is impossible to define one single standard of maritime security that can be a measure for all countries. Local adaptation depends on available resources, capabilities and requirements. Nevertheless, enhanced cooperation with neighbouring countries or international partners can be a boost for capabilities on the national level. This chapter therefore provides an overview over cooperation efforts – or the lack thereof – in different areas in East and West Africa.

The chapter begins with a description of how maritime security has started to attract more interest than in the past, both on the political and practical level. Procurement of naval assets has picked up in recent years and some political shortcomings that have hampered African countries in the past have finally been addressed. At the same time, it remains complicated to find reliable data about even the most basic issues, for example the number of attacks against merchant vessels at sea or the extent of IUU fishing which has been discussed in Chapter 5.

The second part of the chapter takes a closer look at the codes of conduct that have been adopted in 2009 (for the western Indian Ocean region) and 2013 (for West and Central Africa) respectively. These documents are among the most tangible outcomes of an increased awareness of problems caused by a lack of maritime security but have to be analysed within the broader context of regional cooperation in the maritime environment.

6.1 A new topic of interest

Pirate attacks in different parts of Africa have made many headlines in recent years. *Time* magazine has explained 'How Somalia's Fishermen Became Pirates' (Tharoor 2009), *The Economist* has analysed 'The ungoverned seas' around Africa (2014), the *BBC* has added an article titled 'Danger zone: Chasing West Africa's pirates' (Harper 2014) while *Mail & Guardian Africa* has looked at 'How East African piracy ended, and lessons West Africa can learn to end crime on its waters' (Mungai 2015).

Once a peripheral issue, piracy and armed robbery at sea has been recognised as a strategic concern, 'driven primarily by the rapid escalation of maritime security incidents in the Gulf of Aden' (Osei-Tutu 2016: 5) from 2007 onwards. As a consequence, attacks against merchant ships in West Africa have also received more attention from the media, politicians and academics alike. Claims have even been made to the effect that more and more ships are being attacked in West Africa after the problem had seemingly been brought under control in East Africa (see, for example, Hirsch 2012, Dyer 2014). This perception, however, is not based on reality. In fact, the very first IMO resolution concerned with piracy and armed robbery at sea was adopted as early as 1983, mainly because attacks against merchant vessels in West Africa had caused great concerns for ship operators (International Maritime Organization 1981).

On the surface, piracy and armed robbery at sea may be understood as a problem that is similar in different regions – a 'tropical disease' affecting, among others, East and

West Africa. Many differences, however, can be observed and there is no 'one size fits all' solution. More importantly, many politicians and practitioners seem to have suffered from the fallacy that piracy is the key symptom of a lack of maritime security. Pirate attacks may indeed be the only aspect of insecurity at sea that can attract a large amount of attention in the media and the general public but such attacks are merely one indicator. Moreover, it is inherently difficult to compile reliable statistics about piracy and armed robbery at sea, explained in more detail below.

As shown in Chapters 4 and 5, the effect of pirate attacks on maritime trade may not be the most important aspect of insecurity at sea. Increasing security for offshore oil and gas production, improving fisheries management or reducing opportunities for smuggling along maritime routes may all be priorities for African politicians, despite the focus western governments and the shipping industry have placed on the fight against maritime piracy. Limiting smuggling opportunities as well as cracking down on illegal migration, however, is only possible when government agencies have a solid understanding of anything that happens in the maritime domain of the respective country. Regional problems with transnational organised crime have been identified for both East and West Africa (UNODC 2013a and b), providing another reason for governments to strengthen maritime capabilities.

By and large, African countries do not have a good reputation when it comes to maritime security. Navies and coastguards are perceived to 'lack the equipment and the necessary training' (Representative from NIMASA during a seminar at London International Shipping Week, September 2013). Maritime matters have rarely even featured on the agenda of governments or regional organisations in Africa; discussions about security have traditionally focused on land-based issues.

In recent years, there has been a gradual shift towards enhanced awareness of maritime security issues due to different reasons on the national level. Investments into port infrastructure have grown in both East and West Africa as shown in Chapter 4, spurred by economic growth and international trade links. In some countries, offshore oil and gas production has led to increased attention on maritime matters, others have recognised the significance of fish stocks and the need to protect them, outlined in Chapter 5. Governments in both regions have thus taken first steps towards addressing the shortage of naval assets and new vessels have been ordered or already commissioned in recent years. Examples are outlined in Table 6.1 (East Africa) and Table 6.2 (West Africa).

Table 6.1: Selected examples of naval procurement in East Africa*(Compiled by author)*

Country	Announced measures
Djibouti	Two 20m patrol boats for use of coastguard delivered in December 2015, donated by Japan (Binnie 2015)
Kenya	Plans to establish coastguard 'to supplement the Kenya Navy' (Mwakio 2014) announced during launch of new oceanographic survey vessel in January 2014; navy received six 4.7m rigid-hull inflatable boats as US donation (Nkala 2015)
Mauritius	Government signed contract for new offshore patrol vessel (74.10 metres, 1,300 tonnes) in March 2011, built in India and delivered in 2015 (PTI 2015); ten 14.5m fast interceptor boats commissioned in March 2016 (Nkala 2016)
Mozambique	Government raised US\$850 million with bond issue and signed contract with French shipyard over delivery of 24 tuna fishing boats and several patrol vessels (Korby, Burkhardt and Pronina 2013); the so-called 'tuna bond' created controversy due to opaque structure (England and Moore 2016)
Seychelles	New coastal radar system inaugurated in March 2016, aimed at protecting the archipelago's waters against IUU fishing activities (Bonnellame 2016)
Somalia	Coastguard could be established with assistance from European Union (Hale 2013), vehicles and training already supplied to Somaliland Coast Guard in November 2013 (EUCAP NESTOR 2013), development hampered by infighting between Somaliland, Puntland and central government
Tanzania	Government wants to improve 'naval defence capabilities to defend newly-found offshore hydrocarbon resources and secure its territorial waters against economic crimes such as illegal fishing' (Kruger, Martin 2013); two new patrol boats were commissioned in April 2015 (Mazumdar and Binnie 2015)

Table 6.2: Selected examples of naval procurement in West Africa*(Compiled by author)*

Country	Announced measures
Benin	Three 32m patrol vessels delivered in 2012, one year after the country received two surveillance aircraft from France; another small patrol boat handed over by US in June 2014 (Defence Web 2014)
Cameroon	Navy started to update exercises and strategies to cope with new security challenges in the Gulf of Guinea (Efande 2013) while government discussed potential for further cooperation with France (Hilton 2013). Naval capabilities bolstered by two new Spanish-built 24m patrol vessels and one landing craft in November 2013 (Martin 2013) as well as two new Chinese-built patrol vessels in April 2014 (Bala and Onana 2014)
Equatorial Guinea	Country has close links to the Israeli defence and security industry, underlined by delivery of two 72m patrol vessels in 2011 (News24 2011); in June 2014, new flagship of the navy, a 107m frigate, commissioned (Nkala 2014)
Ghana	Four new Chinese-built vessels delivered in 2012, the first new vessels the Ghanaian navy had received in 32 years (Dadzie 2011); two former German patrol boats commissioned in July 2012 (Ghana Armed Forces 2012), changes in strategy and operations underlined by announcement to set up special boat units (Nonor 2013)
Côte d'Ivoire	Purchase of about 30 inflatable speed boats and three larger patrol vessels to rebuild navy, 'damaged by 10 years of political upheaval (...) [and] a brief civil war in 2011' (Bavier 2014) approved by United Nations (due to arms embargo); third patrol vessel commissioned in February 2016 (Defence Web 2016)
Nigeria	Navy received former US naval and coastguard vessels (Defence Web 2013), government started to develop shipbuilding capacities, launching first Nigerian-built navy ship in June 2012 (Ross 2012); four new vessels commissioned in February 2015 (Ejiofor 2015)

These are only the most visible purchasing decisions. Many governments have also increased spending on recruitment, training or small-scale equipment necessary for day-to-day operations. In particular, most navies and coastguards throughout Africa are in desperate need of modern and reliable communications and surveillance equipment

to improve maritime situational awareness (Former staff officer serving in EUNAVFOR, Interview 1, November 2012).

At the same time, naval procurement should be put into perspective. Throughout Africa, navies are generally the ‘little brothers’ of armies and security is first and foremost land-focused. Table 6.3 shows the size of navies in various countries based on naval personnel in relation to the overall size of the armed forces. Personnel strength alone may not be a perfect measure because the naval budget as a percentage of the overall defence budget may be higher while other services may also have naval responsibilities, for example the air force conducting surveillance at sea. Moreover, the organisation of armed forces and civilian agencies such as the maritime police or the *gendarmerie navale* (in francophone countries) may also be different. Nevertheless, Table 6.3 is an indicator for long-term political priorities.

Table 6.3: Naval personnel in relation to armed forces personnel
(International Institute for Strategic Studies 2016)

Country	Personnel armed forces	Naval personnel	Naval personnel (in % of armed forces overall)
<i>West Africa</i>			
Angola	107,000	1,000	0.9%
Benin	6,950	200	2.9%
Cameroon	14,200	1,300	9.2%
Cape Verde	1,200	100 (coastguard)	8.3%
Côte d’Ivoire	25,000	1,000	4%
DR Congo	134,250	6,700	5%
Eq. Guinea	1,320	120	9.1%
Gabon	4,700	500	10.6%
Gambia	800	70 (marine unit)	8.8%
Ghana	15,500	2,000	12.9%

Guinea	9,700	400	4.1%
Guinea-Bissau	4,450	350	7.9%
Liberia	2,050	50 (coastguard)	2.4%
Nigeria	80,000	8,000	10%
Rep. of Congo	10,000	800	8%
Senegal	13,600	950	7%
Sierra Leone	8,500	200	2.4%
Togo	8,550	200	2.3%
<i>East Africa</i>			
Djibouti	10,450	200	1.9%
Eritrea	201,750	1,400	0.7%
Kenya	24,100	1,600	6.6%
Madagascar	13,500	500	3.7%
Mozambique	11,200	200	1.8%
Seychelles	420	200 (coastguard)	47.6%
Sudan	244,300	1,300	0.5%
Tanzania	27,000	1,000	3.7%

Even in countries where the maritime industry is an essential part of the economy, the maritime environment is rarely a priority for the armed forces. In West Africa, the navy's share of the overall personnel in the armed forces reaches 12.9% in Ghana, Gabon and Nigeria (10.6% and 10% respectively) are the only other countries where the navy employs at least one tenth of the personnel in the armed forces. In East Africa, only the Seychelles, an archipelagic nation, employ a sizeable portion of the armed forces for maritime duties. Even Madagascar, another island nation, has a navy that consists only of about 3.7% of all military personnel.

By and large, Tables 6.1, 6.2 and 6.3 underline the need to use the relatively few available assets as efficiently as possible. Procurement may have picked up in recent

years yet it will take years to increase national naval capabilities and improve regional integration. Moreover, governments will have to ensure a sustainable budget for new and existing assets, including expenses for maintenance and operations.

Donations as a problem, not a solution

Tactical and operational shortcomings may be the easiest obstacles to be removed. In other areas, navies and coastguard in sub-Saharan Africa often have to overcome formidable problems that are not entirely home-made. Recently purchased new equipment aside, navies still have to make do with many vessels that are merely hand-me-downs from Western navies.

Several former US warships are prominent examples. In 2012 and 2014, the Nigerian Navy received two former US Coast Guard cutters as a donation under the *Excess Defense Articles Program*: *NNS Thunder* (former US Coast Guard cutter *Chase*) and *NNS Okpabana* (former US Coast Guard cutter *Gallatin*). According to US officials, these vessels 'have bolstered maritime security in Nigeria' (US Diplomatic Mission to Nigeria 2016) and followed several other ships that have been transferred to Nigeria over the last decade (Defence Web 2013). Both vessels, however, were originally commissioned in 1968 and on its official website, the US Coast Guard points out that it 'has avoided a total of \$64 million in disposal costs' for decommissioned vessels since 2009 through the *Excess Defense Articles Program* (US Coast Guard 2013).

In the past, both sides have profited from such donations. Politicians from western countries can easily create positive news and strengthen political ties without spending a huge amount of money – or anything at all – when they hand over ships which have already been decommissioned. While such vessels can certainly remain in service for some more years, these donations come with a catch.

Operating a ship that has been in service for decades is much more expensive than a new vessel. Fuel and maintenance costs add to the overhead costs which are the responsibility of the new owners. These are somewhat offset by the fact that there is no need purchase a brand-new vessel but money is only one part of the equation. The longer a vessel remains in service, the harder it is to find replacement parts, especially for the engine or the technical equipment onboard. Allegations about donated navy vessels that are not actually being used should therefore not come as much of a surprise (Kenyan navy staff officer, Interview 5, January 2014).

Another problem with donated ships is not as obvious yet it may be even more detrimental to naval operations. Western navies have originally commissioned warships as part of purchasing programmes based on strategic and operational requirements. According to these requirements, specific weapons systems and operational capabilities were added, either from the beginning or during refitting programmes later on. Using these capabilities requires naval personnel with the necessary training and additional exercises, specifically designed to make the best use of the respective platform. Furthermore, most ships have been part of a complicated logistics chain, spare parts have usually been provided for several ships of the same class.

Donating a decommissioned vessel means that only a platform is handed over. The receiving navy has to take care of the logistics necessary for day-to-day operations, even though procedures may not yet be in place. Training of crew members is also an issue, especially for larger platforms such as offshore patrol vessels. Some of these issues may be addressed to an extent before the actual handover by inviting the first crew to train on the respective vessel but that is hardly a replacement for all processes required to operate and maintain a warship in the long term (Ghanaian navy officer, Interview 15, February 2015).

Finally, well-meaning donations by Western governments often lead to a hotchpotch of various ship types rather than a carefully assembled fleet to address actual maritime security requirements in the respective country. In turn, it may not be surprising that navies in East and West Africa have often appeared to be an appendix rather than an integral part of the security forces in the past. Donated ships are hardly the ideal method to improve the current situation.

Piracy statistics distort the overall picture

Even though piracy and armed robbery at sea may not be the most pressing concern for many governments, attacks against merchant ships are arguably the most visible illustration for an insecure maritime environment. It is far from easy, however, to find reliable information about the actual number of attacks, making it complicated to analyse the current threat level or identify trends.

The problem is particularly pronounced in West Africa. In East Africa, the overwhelming majority of attacks in recent years, especially since 2007, have been aimed at hijacking ships together with cargo and crew and then to negotiate a ransom. It would have been almost impossible to keep a successful hijacking secret although it is

very likely that not every attempted attack in the region has been reported to relevant authorities (Representative of London-based law firm, Interview 4, November 2013).

Under-reporting has been addressed to an extent because many shipping companies have used the services of security companies to protect their vessels, discussed in more detail in Chapter 7. Armed guards on any ship are likely to report suspicious incidents to their own company as well as to relevant authorities. In fact, they have even been accused of over-reporting to portray the current situation as more dangerous than it actually is, creating the potential for additional business opportunities (Representative of shipping industry organisation, Interview 18, February 2015).

Circumstances in West Africa are completely different. The International Maritime Bureau (IMB) is often regarded as the most important source of figures about piracy and armed robbery at sea worldwide. The IMB's efforts, however, are hampered by a lack of reports about attacks submitted to the organisation. Regarding the situation in West Africa, the annual IMB report for 2014 underlines that '[t]here is considerable under reporting of incidents in the Gulf of Guinea' (International Maritime Bureau 2015: 29). Pottengal Mukundan, the IMB's director, assumes that about 70 percent of all incidents in West Africa are not reported (Oceans Beyond Piracy 2015: 37).

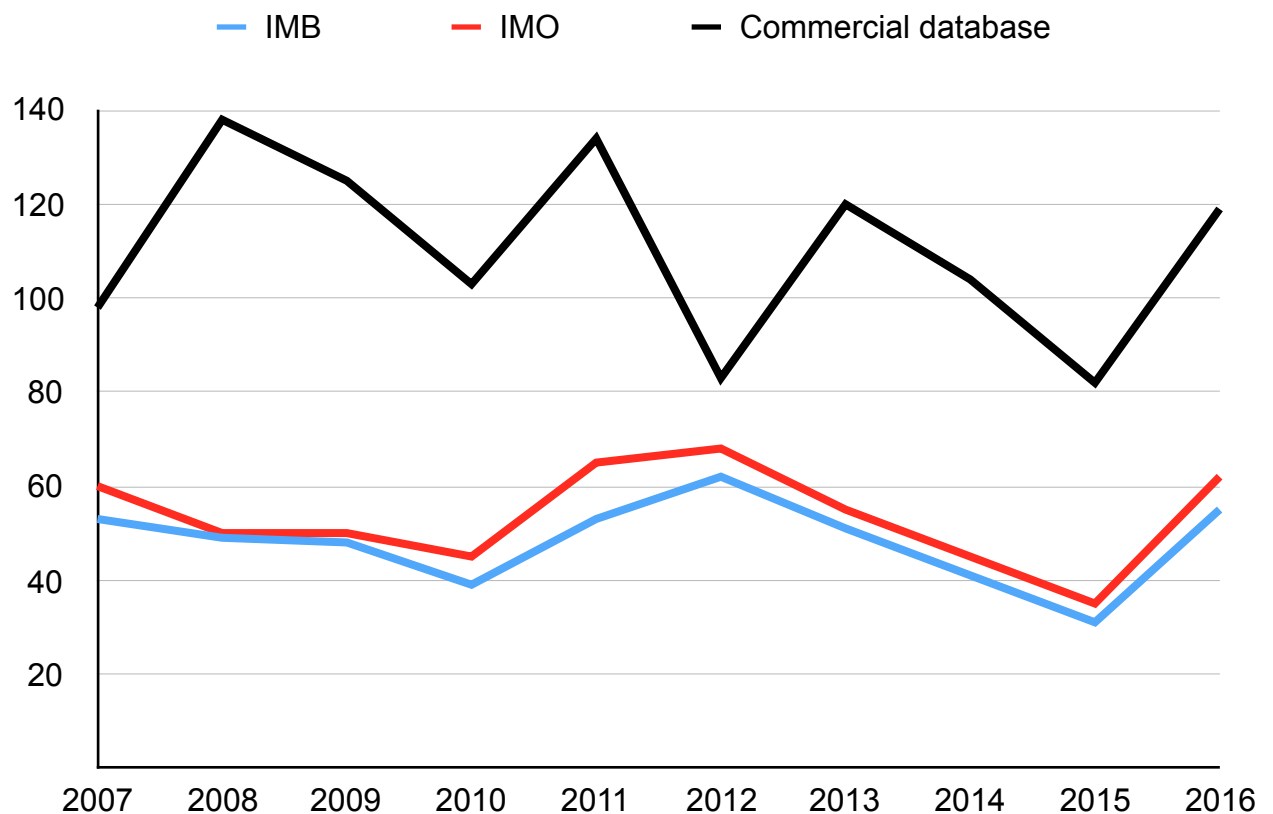
There are two main reasons as to why shipping companies may decide not to report attacks against their vessels. First and foremost, ship operators are concerned about their reputation. Reports about an attack against one of their vessels may have negative commercial implications. Furthermore, masters and ship operators generally lack confidence in law enforcement agencies throughout West Africa. Widespread corruption in the region combined with a lack of expertise and resources to investigate and prosecute crimes hamper most security agencies. In a personal conversation, a former captain has summarised the general feeling among seafarers: 'When we report theft in port or at the anchorage, we end up with three or four agencies on the ship and are not allowed to leave for a day or two. When something more serious happens, the last thing you want is police or military on your ship because the crew has already gone through a lot and agencies here [in West Africa] are not exactly subtle' (Representative of West African shipping company, Interview 25, May 2015). In short, ship operators have much to lose and little to gain from submitting reports to relevant authorities.

Except for the IMB, other organisations also collect information about attacks against merchant ships. The IMO operates the GISIS database which contains information about piracy and armed robbery at sea based on reports submitted by flag states. By and large, the statistics are similar to IMB figures yet some differences can be identified.

Commercial providers do not have to rely merely on official reports, instead they can use other sources such as information in local media or reports submitted in confidence by their own clients. In general, credible commercial databases are operated on the basis of independent verification by two sources if possible. Figure 6.1 shows a comparison of reports about incidents in West Africa between 2007 and 2016.

Figure 6.1: Maritime security incidents in West Africa (Senegal to Angola) recorded by different organisations, 2007 to 2016

(Compiled by author)



Exaggerated reporting of incidents does not apply for credible commercial databases. Such databases are generally operated by companies offering security analysis but not armed guards. As a consequence, these companies have less of an incentive to dramatise the current situation. Furthermore, clients such as shipping companies or offshore service providers have direct operational experiences and would not be willing to pay for a service that they consider unreliable. In fact, some ship operators consider the lack of maritime security as an even bigger risk than analysts (Representative of shipping industry organisation, Interview 18, February 2015). Even commercial providers are not able to gather information about every single attack

against ships in any given region although the range of sources makes under-reporting less of a problem for them.

Altogether, it is hardly surprising that the overall number of security incidents shown in Figure 6.1 is higher in a commercial database than in IMO and IMB figures. Much more significant, however, are short-term and medium-term trends. Deeper analysis of incident types also shows that shipping companies have to worry about several kinds of threats which can be significantly different in certain areas. For example, attacks against tankers to steal parts of the cargo have often been highlighted (see, for example, Ben-Ari 2013, Starr 2014: 23, Harper 2014) but not all ship types have been affected. Crude oil tankers are very unlikely to be hijacked whereas small and medium-sized product tankers carrying petroleum or other refined products are much more at risk because these cargoes can easily be sold on the black market.

By and large, reports published by the IMB are valuable because they are widely published and create attention for a problem that affects shipping companies and seafarers in their daily lives. As the IMB points out, these reports are 'vital to ensuring that adequate resources are allocated by authorities to tackle piracy' (2015: 30). For academic analysis, however, the figures are unsuitable, even though many academics use them for their own analysis (see, for example, Nincic 2009: 2-5, Onuoha 2010: 196-200, Anyimadu 2013: 4-5, Forster 2014: 1258-1267, Otto 2015). As for the IMO, the organisation has repeatedly pointed out that the GISIS database should not be used for operational purposes such as voyage threat assessments or route planning. Reporting is often delayed because of limited capacities at the secretariat or bundling of incident reports by flag states.

The methodology used by commercial providers is completely different. For example, neither IMO nor IMB include attacks against oil and gas infrastructure or against fishing vessels and passenger boats close to the coastline. In Nigeria, however, such attacks have often been the precursor for later attacks against merchant vessels as criminals steal engines or boats that can then be used as mother vessels. In June 2015, for example, an attack against an armoury operated by Nigerian Marine Police has been reported in the local media, the perpetrators seized several weapons as well as two gun boats used for patrols on the Calabar River (Darlington 2015). The attack has neither been recorded by the IMB nor by the IMO. Nevertheless, it has been a direct concern for offshore operators in the region.

Figure 6.1 only shows data collected by one company, other providers may show some differences. Based on available sources and client needs, 'the interpretation of

maritime security in the Gulf of Guinea can differ significantly' (Steffen 2015). When it comes to risk management requirements for shipping companies and offshore operators, such details are vital.

At the same time, such detailed analysis can be a valuable tool for strategic planning and policy decisions on the national and regional level. IMB or IMO statistics leave much room for uncertainty. There is room for misinterpretations by academics as well as political controversy. Attacks against merchant ships should also be analysed thoroughly rather than lumped together by category or region to find the lowest common denominator. Main threats and threat levels can be strikingly different even in neighbouring countries. For example, offshore supply vessels have regularly been attacked off the south-eastern Nigerian coastline in recent years yet such attacks have not taken place across the maritime boundaries with Cameroon and Equatorial Guinea, even though the same vessel types are operating there (West Africa maritime security analyst, Interview 36, April 2016).

Simply put, numbers alone are not enough when shipping companies eschew reporting if possible, distorting the overall picture. Thoroughly analysing the intelligence provided by a range of sources takes time but is necessary to create the strategic foundation for the sustainable provision of maritime security in any region.

Shortcomings on the political level

Naval assets and related equipment are key tools to fulfil everyday tasks related to maritime security. Much more work, however, remains to be done on other levels, including national and regional politics. Naval officers cannot act when governments lack the political will to provide funding and the legislative framework for operations. In the past, rules and regulations for the maritime domain have often been neglected, illustrated by problems surrounding the prosecution of Somali pirates in East Africa (Ramsey 2011, Guilfoyle 2012) or the case of eight Nigerians, arrested by the Ghanaian navy in January 2015 and deported one year later (Da Costa 2016).

Creating the necessary legal environment to enable prosecution of attacks against ships is often mentioned in relation to governments in East and West Africa. Some countries in East Africa have made progress and have agreed to conduct piracy trials for suspects arrested by international naval forces in the region. Most of these trials have been conducted in Kenya, the Seychelles and Mauritius (Sterio 2012, UNODC 2014: 8-13) and it has been pointed out that the conviction of pirates is an essential

deterrent (UNODC 2015). At the same time, national governments received assistance from international partners desperately trying to avoid criminal trials at home and it is at least debatable whether it was positive to hand over prosecution to countries with an already stretched justice system (Obuah 2012, Somers 2012).

In West Africa, the situation is fundamentally different and there is even less need to introduce new laws. The legal environment is often mentioned as one of the key aspects to improve maritime security (see, for example, Boot 2009: 104-106, Tepp 2012: 183-188) yet it would only be relevant for genuine piracy cases with ships being attacked outside of territorial waters. Many attacks against merchant vessels, however, take place within territorial waters and can be prosecuted based on existing laws dealing with theft or armed robbery. Beyond territorial waters, enforcement capabilities of regional navies are relatively low, creating challenges for the proper conduct of any investigation. Moreover, relevant cases in recent years have been relatively high-profile (see, for example, Da Costa 2015, Busari 2016) yet the actual number of such cases has been very low.

Providing the legal basis for piracy trials, is only one of many aspects. In general, establishing maritime legislation and related oversight mechanisms is complicated and time-consuming, especially when maritime matters are not high on the political agenda. While all this is true for any country, a lack of maritime security in the waters off East and West Africa has put these regions into the international spotlight. Several factors have led to the current situation. Governments in sub-Saharan Africa have had almost no incentives to engage in maritime matters. The continent has largely been on the sidelines of maritime trade as explained in Chapter 4. Moreover, the EEZ of most African nations has been not much more than a line on a map, if it has been defined at all, frequently used for no other purpose than the sale of fishing licences.

At the same time, a lack of expertise as well as historic limitations have made it even harder for governments to address maritime issues. Colonial history in many parts of Africa has led to governments and businesses looking to former colonial powers rather than neighbouring countries first. West Africa is a good example as anglophone (such as Ghana or Nigeria), francophone (such as Togo, Benin or Côte d'Ivoire) and lusophone (such as Angola or São Tomé and Príncipe) nations can be found in close proximity. More often than not, political influence from and ties with former colonial powers in Europe have complicated regional cooperation in various areas, including security questions (N'Diaye 2009).

In recent years, the picture has finally started to change. Statistics show that Africa's involvement in international trade is growing fast, albeit from a low level (World Trade Organization 2013: 19-23). Offshore energy production is another noteworthy factor, analysed in detail in Chapter 4. IUU fishing, discussed in detail in Chapter 5, has reached unsustainable levels, leading to security problems on land as coastal communities feel the effects directly (Valdmanis and Akam 2012; Chatham House 2013: 3-5). Somali pirates have even presented themselves as fishermen trying to protect their fishing grounds against factory ships from Europe and Asia (Hansen 2009: 8-13).

Ghana and Nigeria offer examples for ambitious efforts to improve maritime governance. When the Ghana Maritime Authority (GMA) was established in 2002 by an act of parliament, a new organisation 'with the responsibility of monitoring, regulating and coordinating activities in the maritime industry' (GMA 2014) was created. Services provided by the GMA include flag state and port state control, examinations of seafarers as well as search and rescue activities. Moreover, the agency is responsible for security-related questions such as compliance with the ISPS Code or the Vessel Traffic Management Information System (VTMIS) that has been set up to monitor Ghana's coastline and the country's EEZ. The VTMIS, purchased in February 2011, is a major step towards better maritime situational awareness (GMA 2012: 20-25). It is finally possible to monitor vessel traffic in Ghana's coastal waters and the system has an effective operating range of more than 25 nautical miles.

Nigeria has taken a similar step in August 2006 when the National Maritime Authority and the Joint Maritime Labour Industrial Council were merged to form the Nigerian Maritime Administration and Safety Agency (NIMASA). NIMASA's primary tasks include the development of merchant shipping and regulatory matters, the provision of maritime and safety courses, search and rescue services as well as surveillance operations (NIMASA 2014).

By creating new maritime administrations, both Ghana and Nigeria have tried to centralise maritime expertise within a single government body, allowing for more specialisation and trying to avoid overlaps between different agencies. Ghana in particular has grown its maritime capabilities after the discovery of offshore oil in 2007 and the start of commercial production in December 2010. The most visible assets to improve maritime security are four new patrol vessels for the Ghana Navy, commissioned in February 2012 (Defence Web 2012). Nigeria is also trying to improve maritime security, especially in the Niger Delta region which has been volatile for many years (Akinola 2011). These efforts are complemented by NIMASA which combines

much of the maritime expertise in the country within a single government agency and tries to improve the image of Nigeria's maritime industry abroad, exemplified by workshops held during the London International Shipping Weeks in 2013 and 2015.

Ghana and Nigeria are not the only two countries with maritime authorities and in both cases, there are still other agencies with maritime competences, for example covering ports or fisheries management. Nevertheless, both countries have achieved a lot in a relative short period of time because maritime affairs have featured relatively high on the political agenda. Ghana in particular has made impressive steps towards improved maritime governance in recent years and the GMA has played its part. In Nigeria, NIMASA officials including the former head of the agency have been embroiled in a corruption scandal after new president Muhammadu Buhari took office in 2015 (Oluokun 2015). Day-to-day work, however, has hardly been affected and one of the administration's vital tasks remains the provision of maritime security in the restive Niger Delta region.

Reorganising maritime authorities should be an essential step towards improved regional or even continental cooperation. While that is the case in almost every political area, it is of particular concern in the maritime environment where many aspects are international by nature, for example maritime trade or migratory fish stocks.

Common values and interests will be necessary to foster maritime cooperation and particularly cooperation in the field of security. Several problems, including the rising number of piracy incidents, have led to the recognition of at least some shared interests. Insecurity at sea affects countries on a regional level. Two codes of conduct for enhanced regional cooperation in East and West Africa respectively are the most visible signs for the growing recognition of shared interests, analysed in the next section.

6.2 Different codes of conduct for East and West Africa

Situation in East Africa

When piracy off the Somali coastline made more and more headlines, it seemed to be a wake-up call for the international community. In 2008 alone, the UN Security Council passed four resolutions on the topic (1816, 1838, 1846 and 1851). Various governments then took action, leading to a unique scenario with warships from the European Union, the United States, Japan, China, Russia, India and several other countries operating in similar roles in the western part of the Indian Ocean.

Around the same time, many representatives from within and outside the region realised the need for additional efforts to tackle a range of issues on land that had contributed to the piracy problem. Concerns about criminal activities at sea had already been growing for some time within the region, leading to discussions between an increasing number of regional governments. From 2005 onwards, three high-level meetings took place in Sana'a, Muscat and Dar es Salaam respectively. Participants discussed a broad range of subjects from smuggling to IUU fishing. Discussions, however, were overshadowed by pirate attacks against merchant ships in the western part of the Indian Ocean. The attacks had 'such a strong impact that the region chose to concentrate its efforts solely on the repression of piracy' (Holihead 2013: 1).

In January 2009, an agreement was signed by representatives from nine countries in East Africa. Eleven additional countries from the region around the Horn of Africa, including from the Arabian peninsula, have become signatories to the agreement since. The official title of the document, *Code of Conduct concerning the repression of piracy and armed robbery against ships in the Western Indian Ocean and the Gulf of Aden*, clearly shows its narrow focus. The conference during which the code was officially adopted took place in Djibouti, hence its name was shortened to *Djibouti Code of Conduct* (DCoC).

The code went into effect on 29 January 2009, the date it was signed. It relates to the four UN Security Council resolutions mentioned above and 'promotes those aspects (...) which fall within the competence of the IMO' (International Maritime Organization 2014a). As a UN sub-organisation, the IMO had been involved in the regional maritime security discussions from the beginning. IMO representatives had even pushed for a much more comprehensive document, addressing a broader range of maritime security issues. By late 2008, however, governments inside and outside the region were looking for an agreement to coordinate efforts in the fight against piracy, the most pressing concern at the time. Instead of risking drawn-out negotiations about various maritime matters, East African nations agreed to combine their efforts in the fight against piracy, lured by the prospect of receiving technical assistance and financial aid (International Maritime Organization representative, Interview 9, May 2014). In fact, a resolution passed during the meeting in Djibouti requested the IMO as well as other international organisations such as the UN or the European Commission to provide contributions, enabling countries in the region to implement the provisions set forth in the DCoC.

Even when the DCoC was originally established in 2009, it was easy to understand why signatories were able to quickly agree on the content. Negotiations had already

taken place but piracy was by now be regarded as a common threat. No country actually profited from it but economic repercussions could be felt throughout the region, affecting both tourism and maritime trade. In a comprehensive report, the World Bank later tried to assess the impact of Somali piracy on the tourism industry in East Africa, showing that the number of tourists as well as the average spending per visitor decreased following the rise in pirate attacks. Regarding maritime trade, the authors of the World Bank report provided a series of calculations, concluding that the worldwide financial impact of Somali piracy amounted to about US\$18 billion per year (World Bank 2013: 15-27) albeit figures were not calculated for the region in isolation.

All in all, disagreements over the general need for measures against piracy seemed unlikely. Politically sensitive provisions such as the necessary measures at the national level were deliberately left out of the DCoC. Western governments knew that East African countries lacked capacities to live up to the commitments made in the new code. Funding for regional information sharing centres, the establishment of coastguard capabilities and other measures to assist merchant shipping and enhance maritime law enforcement therefore had to be provided by international donors. In short, the DCoC gave East African governments no incentives to prioritise maritime matters on the domestic level. New infrastructure and capabilities were largely based on donations, putting their sustainability in doubt. Moreover, little progress had been made after two years when the first review of the DCoC was due.

By 2011, most improvements could be recognised in the legal arena. Western governments were anxious to conduct trials in the region rather than at home where suspected pirates could have pleaded for asylum (Dutton 2011: 240-241). Most trials were held in Kenya and the Seychelles before it was finally possible to conduct trials to international, or rather Western, legal standards in Somalia (UNODC 2013c).

Relatively few measures were necessary to provide the legal framework for piracy trials in Kenya and the Seychelles. Some investments had to be made to upgrade prison facilities to standards acceptable to Western governments but the actual costs were relatively low and covered by financial and technical support countries in East Africa received from the international community (Ramsey 2012).

Situation in West Africa

Reaching an agreement on a document for West Africa comparable to the DCoC required several years of negotiations between governments and regional

organisations. The *Code of Conduct concerning the repression of piracy, armed robbery against ships, and illicit maritime activity in West and Central Africa* was finally signed in June 2013. Like the *Djibouti Code of Conduct*, it has been set up as a non-binding agreement. Representatives of 22 countries formally adopted the code during a heads of state meeting in Cameroon's capital Yaoundé and the city's name has since been used to create an abbreviation for the cumbersome official title. IMO representatives provided assistance when the *Yaoundé Code of Conduct* was drafted. Moreover, the organisation continues to provide assistance and expertise to help countries in the region implement the various provisions, for example through table-top exercises (International Maritime Organization 2013c). Such exercises help to underline the importance of inter-agency cooperation on the national level (Dabugat 2014).

While the negotiations took several years, the resulting document was much more comprehensive than its counterpart for East Africa. It is not just limited to piracy and armed robbery against ships, instead the *Yaoundé Code of Conduct* addresses a broad range of illicit activities at sea. Governments underlined that they are concerned about 'transnational organized crime in the maritime domain' (International Maritime Organization 2013: 4) and the code mentions activities such as illegal fishing, drug trafficking or crude oil theft. Overall, signatories have clearly acknowledged the international character of most criminal activities at sea and have agreed that regional cooperation is necessary for effective countermeasures.

Comparison

A comparison between the *Djibouti Code of Conduct* and the *Yaoundé Code of Conduct* shows significant differences, both in purpose and scope as well as on a more practical level. First and foremost, signatories of the *Yaoundé Code of Conduct* were cautious to avoid actual or potential infringements of national sovereignty. The document therefore states that signatories 'should carry out their obligations and responsibilities (...) in a manner consistent with the principles of sovereign equality and territorial integrity' (International Maritime Organization 2013: 5). In comparison, the *Djibouti Code of Conduct* contains no similar specifications. Actors from outside the region such as EU or NATO naval forces were invited from the outset to conduct operations and to 'provide assistance, either directly or through IMO, to those states which require support in the effective implementation of the Djibouti Code of Conduct' (International Maritime Organization 2014a).

Measures supposed to be undertaken on the national level are clearly defined for signatories in West Africa. The code specifically calls for governments to implement national maritime policies and provide an overarching legal framework for the maritime environment. This provision can be traced back to a Memorandum of Understanding on the integrated coastguard function network in the region, developed in 2008 by the IMO and MOWCA (MOWCA 2008). Including this aspect in the *Yaoundé Code of Conduct* means that national governments are able fulfil the demands of UN Security Council resolutions 2018 (adopted in 2011) and 2039 (adopted in 2012). These resolutions have called on national governments to develop a comprehensive regional strategy and a framework to counter piracy and armed robbery at sea, based on existing initiatives.

Regarding the legal framework, it should be noted that many nations in West Africa – and in other regions – did not have the necessary legislation to arrest pirate suspects and put them on trial (Kraska 2011: 105-106). In theory, pirates were therefore able to exploit legal gaps and the lack of cooperation between different states (Guilfoyle 2011: 97-98). In practice, however, prosecutions can be carried out under other applicable laws but are hampered by a lack of capacities in national judicial systems and problems with the collection of evidence in the maritime environment (Representative of London-based law firm, Interview 4, November 2013).

Despite the academic attention the topic has received, it is largely a symbolic issue. Arrests on the high seas will only be made in exceptional circumstances. If suspects enter territorial waters with a hijacked ship, they will be subject to the relevant laws in the respective country. Such circumstances pose specific problems, for example for law enforcement officers who are not trained to gather evidence on ships. Moreover, prosecutors may lack the capacity to deal with complicated cases in which many witnesses are foreigners while courts are already overstretched. Nevertheless, several countries have amended their laws since the introduction of the *Yaoundé Code of Conduct*. During a seminar in Copenhagen attended by the author in October 2015, a representative from the Ghana Maritime Authority has pointed out that Ghana did so after an incident in January 2015. Eight Nigerians were arrested when the Ghanaian navy boarded a hijacked tanker but they were later deported to their home country. In Nigeria, suspected pirates have also been arrested on several occasions. In December 2015, security forces even received help from a civilian task force and were able to arrest one member of a notorious gang based on Bonny Island. Security agencies attributed a number of attacks against offshore supply vessels and local passenger boats to the group (Sweeney 2015).

Several other key aspects can be found in the code for West Africa. Measures to repress IUU fishing or the seizure and forfeiture of assets used for illicit maritime activities are completely missing in the original *Djibouti Code of Conduct*, the same is true for stipulations about maritime training and education activities. By contrast, governments in West Africa specifically expressed their desire to establish programmes 'for the management of the marine environment' (International Maritime Organization 2013: 11), including safety at sea as well as preservation and prevention of pollution, showing another large gap in terms of scope between both codes.

Regarding regional cooperation and information sharing, the *Djibouti Code of Conduct* mentions 'participants' while the *Yaoundé Code of Conduct* includes the word 'signatories'. What seems like semantic nitpicking underlines a fundamental contrast. When the *Djibouti Code of Conduct* was signed, different centres for the exchange of relevant information were already in place such as the Maritime Security Centre Horn of Africa (MSCHOA), financed by the European Union, and UKMTO, financed by the Royal Navy. In West Africa, no comparable infrastructure was in place when the *Yaoundé Code of Conduct* was signed. Even on the national level, many signatories lacked a designated focal point capable of receiving and responding to alerts and requests at all times (Cameroonian navy staff officer, Interview 43, April 2016). Governments have therefore recognised the need to introduce such infrastructures, including the physical construction of regional information-sharing centres.

When the code was signed in June 2013, some discussions about a regional centre similar to those in the Indian Ocean region had already taken place. The Oil Companies International Marine Forum (OCIMF) had agreed to provide substantial funding for a centre to be established in Ghana. OCIMF's assistance was based on its membership structure that comprises of international oil companies with their own tanker fleets. These companies have a commercial interest in better coordination of regional navies, product tankers in particular are among the most lucrative targets for well-coordinated attacks.

The first successful trial of the new Maritime Trade and Information Sharing Centre for the Gulf of Guinea (MTISC-GoG) took place in early 2013. The Ghanaian government finally agreed to host the centre which was established on the campus of the Regional Maritime University in Accra. From the beginning, OCIMF representatives made it clear that MTISC-GoG was an initiative from the region (OCIMF 2013), supported by the shipping industry. MTISC-GoG was a good example for the general aim of the *Yaoundé Code of Conduct* but the centre was closed in June 2016 and

replaced by another initiative under the guidance of navies in France and the United Kingdom (Oceanus Live 2016). Political sensitivities have been the main reason for the closure of MTISC-GoG and the transfer of coordination with the shipping industry to a centre outside the region (Ghanaian navy flag officer, Interview 48, June 2016). The episode has underlined the problems with security cooperation which remains highly controversial.

In East Africa and the wider western Indian Ocean region, few efforts to improve security cooperation have come from within the region. The lack of existing regional institutions with the necessary expertise made it necessary for governments in East Africa to request international assistance when the *Djibouti Code of Conduct* was adopted. Maritime expertise in general and maritime assets in particular are hard to find in the region. Long-term efforts as well as a broader scope than just a limited focus on piracy will be needed to build these capacities (Kenyan navy staff officer, Interview 5, January 2014).

It has taken more than five years after the adoption of the *Djibouti Code of Conduct* until a ministerial review has finally 'recognized the need to develop a mechanism for the region to run its own counter-piracy agenda' (International Maritime Organization 2014b). Except for commitments on paper, however, almost no efforts have been made so far. Moreover, even the review in 2014 did not address the fundamental flaw of the DCoC, namely its narrow focus on piracy. In November 2015, signatories finally 'agreed to work towards extending its remit to address other illicit maritime activity that threatens safety and security in the region' (International Maritime Organization 2015c). The *Jeddah Amendment* was then approved at a conference for signatory countries of DCoC in January 2017 (Al-Sulami 2017).

6.3 Broader context for regional approaches

Different codes of conduct in East and West Africa are not the whole story, but they offer insights into problems related to maritime security. In both regions, many states with different interests and administrative structures have to cooperate to provide a secure maritime environment. At the same time, maritime matters in general are often not high on the political agenda. By and large, maritime security issues only come into the spotlight when immediate problems such as pirate attacks have to be addressed or when newly discovered offshore resources offer potential revenues (African Union representative, Interview 38, April 2016).

Security cooperation in general is a highly contentious topic for governments around the world. Even members of the European Union with a long history of cooperation in other political areas are extremely sensitive about security-related questions. The EU's Common Security and Defence Policy, for example, has been designed to allow for deeper integration, for example through enhanced cooperation in procurement programmes or the pooling of military assets. Despite shrinking defence budgets in many EU countries, few examples of deeper cooperation can be identified. Proposals to combine efforts within an EU military headquarters for common missions have been widely criticised, underlined by reactions to the speech given by EU Commission president Jean-Claude Juncker in September 2016 (Macdonald 2016). Decisions about capability development remain 'almost entirely national' (Syrén 2009: 7), even the connection between civilian and military resources is complicated. While there has been some progress and officers in EU militaries 'increasingly take into account the civilian dimension of crisis management' (Davis Cross 2010: 18), the different nature of these resources means that the gap cannot be bridged easily. Military assets are designed to be kept in a state of preparation whereas civilian resources are designed to be used constantly.

Part of the reason for a lack of cooperation in security questions is the historic development of the nation-state. Providing security for its own citizens is regarded as one of the core functions of modern states. Even though it is a Euro-centric concept that has mostly been developed in the 17th and 18th century, it has become a mainstay of security policy around the world. After two devastating wars in the first half of the 20th century, Europeans began to work closer together and over the course of several decades, the European Union has developed into an organisation which has transferred more and more responsibilities from the national to the supranational level. Despite remarkable progress in other areas, security politics are still dominated by national governments and politicians remain hesitant to agree on measures that could be interpreted as infringements on national sovereignty.

In Africa, economic cooperation on the continental or even the regional level has been very limited in the post-colonial period. Influential figures such as Ghana's former president Kwame Nkrumah promoted Pan-Africanism in the 1950s and 1960s but the concept never gained traction during the Cold War. Most African governments instead aligned themselves with the United States or the Soviet Union. Furthermore, most newly independent countries 'were tied so closely to the financial or commercial leading strings of their former rulers as to enjoy little but the appearance of

sovereignty' (Davidson 1992: 351). Draper (2010) has conducted a comprehensive study on the development of regional economic integration in Africa.

Economic cooperation on the continent was not encouraged by the superpowers and African governments were unable to find agreements among themselves. The Organization of African Unity (OAU), established in 1963, was quickly divided into rivaling factions. The Casablanca Bloc was looking for a federation of all African countries while the Monrovia bloc did not support a political federation and called for more economic cooperation instead (Duodu 2013). It was the first of many internal quarrels that led to the organisation being regarded as nothing more than a 'toothless talking shop' (Murithi 2005: 26) without any real power.

When the African Union (AU) in its current format replaced the OAU in July 2002, one of the organisation's key objectives was 'to promote peace, security, and stability on the continent' (African Union 2014). Regional Economic Communities (RECs) such as ECOWAS in West Africa or IGAD in East Africa are supposed to play a major role. Their members usually share a larger set of common interests than the member-states of the African Union as a whole.

An example for the complications of cooperation on a larger scale is the Abuja Treaty, signed in 1991. It established the African Economic Community (AEC) as a framework for political and economic integration on the continent and included ambitious goals to create an African Central Bank and an African Monetary Union by 2028. These goals were to be achieved by using the RECs as building blocs but progress has been slow. Many countries have reservations about giving up sovereignty in monetary policies to a supranational institution (Tavares and Tang 2011, Kimenyi and Karingi 2012).

In recent years, the apparent inability – or unwillingness – of African governments to overcome political fragmentation has drawn increasing criticism. In the announcement for the African Economic Conference in October 2013, the African Development Bank underlined that 'Africa's stunted growth has mostly been attributed to the absence of large economic space' and called for 'large markets [that] drive competitive production to satisfy demand and supply, facilitated by appropriate public policies' (Njoku 2013).

With progress in terms of economic integration being slow and subject to seemingly endless negotiations, it is unlikely that enhanced security cooperation will be easier. In Europe, it has taken more than half a century to develop a tentative community for limited economic cooperation into a supranational organisation with its own foreign and security policy yet this area is still dominated by national rather than European interests. Moreover, European countries were, by and large, established as nation-states by the

end of the Second World War, making it relatively easy to engage in any kind of negotiations in the first place.

Sub-Saharan Africa has entirely different characteristics. Many countries still suffer from borders randomly drawn by colonial powers that have led to armed conflicts within and between states and to huge difficulties for governments to assert their security monopoly within national borders. Examples in West Africa include conflicts between Nigeria and Cameroon over the Bakassi peninsula, discussed comprehensively by Konings (2011), or between Equatorial Guinea and Gabon over the Mbanié, Cocotiers and Congas islands (Oduntan 2015). In East Africa, examples for conflicts include the Ogaden territory which is disputed between Ethiopia and Somalia (Opalo 2010) or the Ilemi Triangle, formerly disputed between Kenya and Sudan, now between Kenya and South Sudan (Johannes, Zulu and Kalipeni 2014).

As long as sovereignty is threatened from within, it is almost impossible for governments to transfer it at least partly to a regional or a continental organisation. Steps towards enhanced cooperation in this policy arena will therefore have to be tentative at first. Both codes of conduct discussed above, especially the one for West Africa, show that progress is nonetheless possible. The AU's Peace and Security Council has commended the signatories 'for their historic approach aimed at boosting maritime safety and security in the African Maritime Domain' (African Union 2013b) and has called upon other RECs to adopt similar strategies, particularly in the context of the increased attention for the potential of the 'blue economy'.

Cooperation between security agencies in day-to-day operations is a closely related issue. Nigeria's Chief of Naval Staff has provided an essential example when he pointed out that suspects who were arrested by the navy and handed over to the police have been released repeatedly. 'There is no Standard Operating Procedure between the military and other security stakeholders and the Nigerian Navy is in the process of developing one' (Ogbeche 2016), underlining difficulties related to law enforcement. Cross-border cooperation between security agencies is further complicated by different organisational structures, for example in francophone and anglophone countries (Bagayoko 2010: 54-66).

Security agencies also have to face a lack of resources that are available for day-to-day operations. In Mombasa, one of the largest ports in East Africa, Kenyan security agencies have to rely on open boats with small outboard engines to conduct patrols, shown in Figure 6.2.

Figure 6.2: Patrol boat in the port of Mombasa
 (Source: Risk Intelligence)



In Ghana, several small boats have been donated to the marine police but there is almost no budget for maintenance and operating costs, marine police officers therefore have to embark on naval ships instead (Ghanaian navy staff officer, Interview 28, May 2015). In several countries, fisheries management is almost impossible due to a lack of surveillance capacities. 'Radars do not function due to unreliable electricity supplies, vessels are not fit to go out to sea at times when industrial vessels can still fish (bad weather, rough seas, night)' (Lenselink 2002: 51), problems that have not been addressed over the past decade (Participant of FAO Cape Verde workshop, Interview 30, August 2015).

Regional institutions in West Africa

Four different institutions have been involved in discussions over maritime security in West Africa that led to the *Yaoundé Code of Conduct*: the two AU-recognised RECs ECOWAS and ECCAS as well as the Maritime Organization for West and Central Africa (MOWCA) and the Gulf of Guinea Commission (GGC). They cooperated with the IMO

to draft the code and other documents on which it has been based. The IMO has stated that it will continue to provide assistance to ensure implementation of various measures. Membership between all four organisations overlaps to an extent yet no country is a member of both ECOWAS and ECCAS.

ECOWAS has arguably been the most visible REC on the African continent in recent decades. The organisation was established in 1975 but the founding treaty has been revised in 1993 to reflect changes in the African political landscape. The revision confirmed that some of ECOWAS's goals are to promote integration 'in all fields of socioeconomic activity (...), monetary, financial and fiscal policies' as well as 'to safeguard and consolidate relations conducive to the maintenance of peace, stability and security within the region' (ECOWAS 1993).

ECOWAS consists of 15 member states, including eleven coastal states from Nigeria in the east to Senegal and the island nation Cape Verde in the west. The organisation's first experience in security cooperation came when its anglophone members created ECOMOG in 1990 as an intervention force in the Liberian civil war (Adebajo 2002 provides a comprehensive summary). Although the integration of security policy as a concept has not been developed further, ECOWAS is one of the five RECs responsible for the provision of its own contingent to the African Standby Force (ASF). Concept and development of the ASF have been discussed in detail by Cilliers (2008), Dersso (2010) and Bachmann (2012).

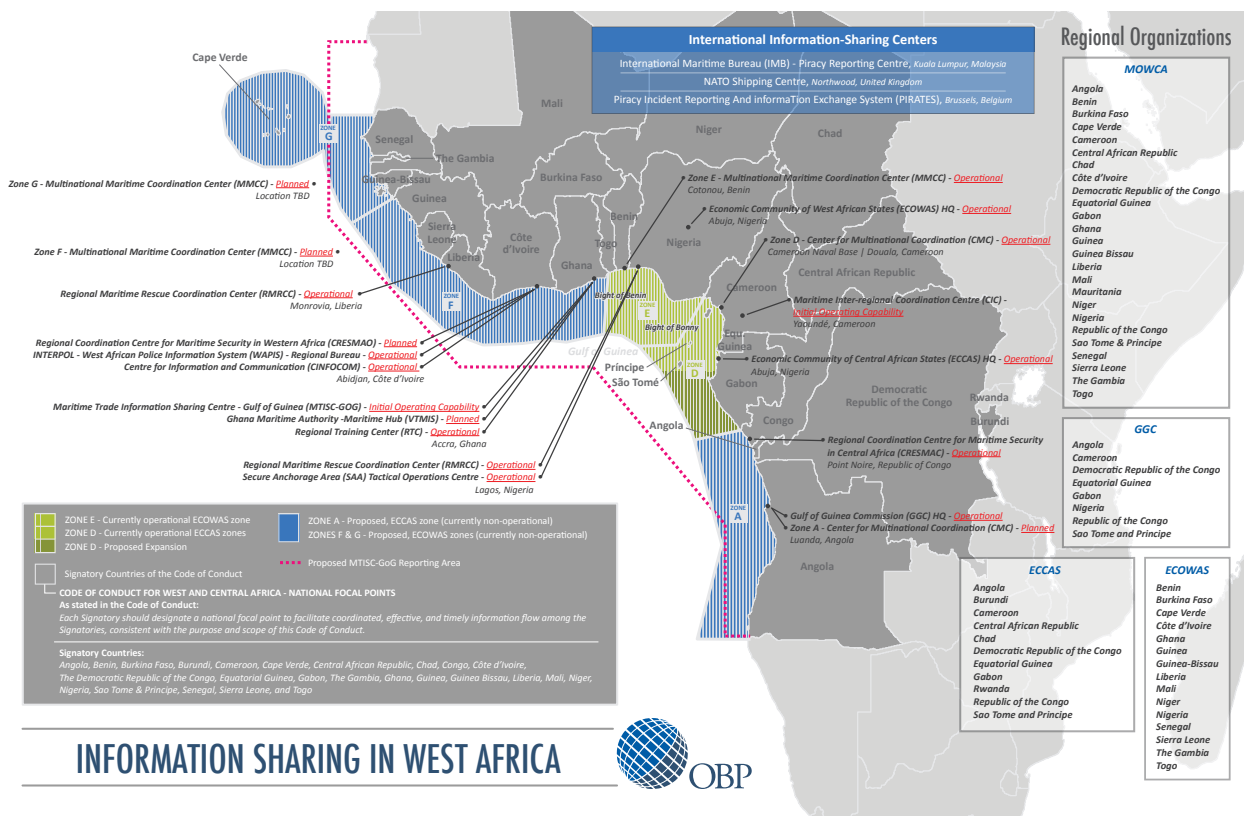
Another part of the ASF is supposed to be provided by ECCAS, the REC for Central Africa. It has been established in 1983 to 'promote and strengthen harmonious cooperation and balanced and self-sustained development in all fields of economic and social activity' (CEEAC 1983). The organisation's membership consists of ten states of which three are landlocked, the other seven are coastal or island states (from Cameroon in the north to Angola in the south). The structure of ECCAS is similar to ECOWAS and there have even been tentative steps towards cooperation in terms of maritime security.

After a growing number of criminal incidents, including a seaborne attack against the presidential palace in Equatorial Guinea's capital Malabo, the ECCAS members most affected (Cameroon, Equatorial Guinea, Gabon and São Tomé and Príncipe) agreed on a surveillance plan (SECMAR 1) in 2009. Shortly after, joint patrols and the establishment of a regional cooperation centre for all ECCAS members in Pointe-Noire in the Republic of Congo was initiated. In February 2011, military commanders agreed on SECMAR 2, a broader maritime security plan (United Nations 2011a: 9). Operational

experiences and new mechanisms for regional information-sharing will be included in the updated SECMAR 3 (Allam-Mi 2016) which is supposed to be published in 2017.

ECCAS members have divided the south of the Gulf of Guinea into multinational zones which have since been complemented by the same structure for ECOWAS countries, shown in Figure 6.3. Zone D, made up of the four countries that have originally joined forces under SECMAR 1, is the northernmost part and the area most affected by criminal activities at sea, joint patrols were therefore introduced first. All four countries are contributing personnel and naval assets for a joint operations centre in Douala where patrolling activities are coordinated and at least one ship is supposed to be operational around the clock (Cameroonian staff officer, Interview 43, April 2016).

Figure 6.3: Maritime security zones based on the Yaoundé Code of Conduct
(Source: Oceans Beyond Piracy)



After the first two years, ECCAS reported that ‘the implementation of the strategy in Zone D has yielded positive results’ (United Nations Security Council 2012: 13), despite bilateral disputes over maritime boundaries between Cameroon and Equatorial Guinea as well as Equatorial Guinea and Gabon. All countries are even conducting operations against IUU fishing within territorial waters of participating nations, albeit hampered by resource constraints (Cameroonian Navy staff officer, Interview 43, April 2016).

Successful cooperation demonstrated by ECCAS was the main reason why the summit during which the code of conduct for West Africa was adopted was held in Yaoundé, the capital of ECCAS member Cameroon.

Despite the positive results, financial restrictions and a lack of available ships have been limiting factors from the outset. Similar problems on land have been highlighted by Meyer (2011) in her study of security cooperation among ECCAS countries. Participating nations have therefore tried to find support elsewhere. The multinational ECCAS peace mission in the Central African Republic (MICOPAX) was seen as an example. MICOPAX was launched in July 2008, financed largely by the European Union with troops from ECCAS countries (EEAS 2013: 3-4).

Another institution with a maritime remit in West Africa is the Gulf of Guinea Commission (GGC). It has been established in July 2001 by Angola, the Republic of Congo, Gabon, Nigeria and São Tomé and Príncipe. Cameroon and the Democratic Republic of Congo joined in 2008. Three more states – Côte d'Ivoire, Ghana and Liberia – were invited to the third heads of state summit because they had declared their interest in joining the GGC (GGC 2013). Institutional capacity has been improved in recent years. The GGC's secretariat has only been set up in 2007 after the first heads of state summit one year earlier and still has few permanent staff members.

In the past, the GGC could justify its existence as a go-between for maritime affairs within ECCAS and ECOWAS, even though Nigeria remains the only GGC member from the ECOWAS region. Within the Yaoundé structure, however, a new coordination centre has been established in Yaoundé, adopting that position. Whether the GGC can find another role within the Yaoundé framework is unclear but no attempts have been made so far to merge it with the new inter-regional coordination centre or to dissolve the organisation.

Finally, the Maritime Organisation of West and Central Africa (MOWCA) should be mentioned as another maritime institution in the region. Members include five landlocked and 20 coastal states, the structure almost exactly overlaps with ECCAS and ECOWAS. MOWCA has been established in 1975 as a framework for cooperation in questions related to maritime transport without any security-related objectives. Since 1999, MOWCA has focused its efforts and 'has initiated several programmes to strengthen cooperation in the shipping industry, to tackle issues of vessel and littoral security and to improve maritime policing' (United Nations Security Council 2012: 15).

The most notable project has been the integrated coastguard function network, brought about in cooperation with the IMO. Work on the draft began in 2006, leading to

a memorandum of understanding in 2008 (International Maritime Organization 2013b). The term ‘coastguard function’ was deliberately used as nations were encouraged to provide assets to tackle maritime security issues in the region. While the tasks which were to be addressed, for example IUU fishing, drugs and weapons trafficking, may be traditional coastguard tasks, most countries in the region are more likely to have the necessary resources assigned to their navies.

Based on the memorandum, the IMO started to work with countries in the region through their regional coordinators based in Côte d’Ivoire for francophone and in Ghana for anglophone countries. From the beginning, the IMO’s focus has been ‘to extend West and Central African states’ capabilities to implement and enforce maritime safety and security legislation and to counter piracy (...) and other criminal activities’ (International Maritime Organization 2013b). These efforts have been an essential precursor for the *Yaoundé Code of Conduct*.

Regional institutions in East Africa

Compared with West Africa, the organisational landscape regarding maritime matters looks bleak in East Africa and maritime matters have often been reduced to a one-issue policy, dealing solely with piracy but not a variety of issues related to maritime security. Part of the reason is that marine resources, ranging from offshore oil and gas deposits to fish stocks, have not been regarded as key for East African economies in the past. The Kampala Process, a draft Somali maritime strategy, was supposed to be the exception from the rule. Established as a committee in January 2010 with the objective to promote coordination between the Transitional Federal Government and the autonomous or semi-autonomous regions of Puntland and Somaliland (Ploch, Blanchard, O’Rourke et. al. 2011: 23), it was endorsed during the Somalia Conference in London in May 2013 (Foreign & Commonwealth Office 2013).

In 2014, UNODC took over the secretariat function while the process was renamed to Regional Maritime Coordination Mechanism (UNODC 2016), underlining that the process has been driven by outside actors rather than Somali politicians who are – understandably – more concerned with security on land. Somalia may have the longest coastline on the continent but the country did not have a functioning government for about twenty years (Mohamed and Yang 2015: 68). Other countries in the region also had different priorities and failed to develop an institutional framework comparable to

West Africa yet some organisations have made progress in terms of regional cooperation in recent years.

Similar to West Africa, key institutions on the regional level are the two RECs recognised by the African Union. One of those is the Intergovernmental Authority on Development (IGAD) which has been established in 1996 although its predecessor IGADD had already been founded ten years earlier by six countries in the Horn of Africa region. Eritrea joined the organisation after independence in 1993, South Sudan followed upon gaining independence in 2011.

Originally, the organisation was focused on drought control in the region after several severe droughts had caused famines and widespread economic disruption. While it has achieved some success in coordinating efforts (Nanni 2016), IGAD has remained in the background when it comes to security politics. Member states have made efforts to facilitate the peace process in Somalia but economic or even security cooperation has never featured high on the agenda (Shaw and Sorenson 1995, Adar 2000, Terlinden 2004, Sousa 2013). IGAD's traditional focus on environmental control and development has been expanded to an extent but none of the members is pushing for increased cooperation of security politics.

Kenya and Uganda are partly responsible for IGAD's limited capacities as they have concentrated on closer cooperation within another REC. Together with Tanzania, they revived the East African Community (EAC) in 2000 after the organisation had collapsed in 1977. Rwanda and Burundi have joined the EAC in 2007. Within only a few years, the organisation achieved remarkable economic success, most importantly the launch of its common market for capital, goods and labour. Kimbugwe, Perkidis, Yeung et. al. (2012) have provided a detailed analysis on the success of trade agreements and the removal of non-trade barriers within the organisation.

EAC members have also been active in the security sector. They have conducted joint military exercises and even joint patrols to combat cross-border crime yet these efforts have been almost solely land-based (Martinez 2012). In April 2012, the five member states have even signed a protocol on defence cooperation (EAC 2012) but Clarke argues that 'the EAC must establish concrete political foundations before effective military integration can be achieved' (2013: 38). Moreover, only Kenya and Tanzania have a coastline, maritime security is therefore merely a niche topic within the EAC (Kenyan navy staff officer, Interview 5, January 2014).

Except for the island nations in the Indian Ocean where maritime matters are naturally more important than on the continent, an increased awareness for the

importance of maritime security has only been brought about by developments in recent years. Exploration for offshore oil and gas has shown that the region could become a major hydrocarbon exporter in the medium term. Securing investments will be the responsibility of national governments (KPMG 2013) but 'the oil and gas reserves that are being proven in the East Africa region have the potential to transform the economies of the countries concerned' (Murton 2013). The threat of Somalia-based piracy has also raised the attention of governments around the Horn of Africa, largely because the international community was desperate for partners in the region.

Various organisations and institutional arrangements have been set up to coordinate efforts in the fight against Somali piracy. That has included a military response with three different naval operations with broadly the same set of tasks: US-led Combined Task Force 151, Nato-led Operation Ocean Shield and EU-led Operation Atalanta. Several countries have also been involved in independent counter-piracy missions.

Reasons for setting up three different operations have been institutional rather than operational. For naval forces in the area, cooperation was complicated, creating the need for the Shared Awareness and Deconfliction (SHADE) mechanism. Meetings began in 2008 with the aim to coordinate naval operations and to avoid redundancies between task forces. Naval operations, however, have not led to institutionalised cooperation with navies and law enforcement agencies in the region. As one retired admiral from a Nato country put it, 'we have talked a lot about the region since our navies started operating in the Indian Ocean, but we have not talked a lot with people from the region' (Retired flag officer from CTF 151 staff, Interview 46, May 2016). Participating navies have gained operational experiences but these are unlikely to benefit countries in East Africa yet 'major powers (...) [have used] their navies' role in the counter-piracy campaign to increase their presence, influence and leverage in the region' (Willett 2011: 21).

Whether these efforts reflect the true amount of the problem remains open for discussion but in any case, the region has seen a massive influx of international appeals for cooperation (Representative of East African government, Interview 7, February 2014). One such body is the Contact Group on Piracy off the Coast of Somalia (CGPCS), an international forum that brings together 80 countries, various organisations and industry groups. This 'unique international partnership' (US Department of State 2013), has been established to coordinate military, political and non-governmental efforts to eradicate piracy in the western part of the Indian Ocean.

Missiroli and Popowski describe the CGPCS as ‘a transient, issue-focused, political-level voluntary coordination body, and it maintains a specific, limited focus on maritime piracy off Somalia’ (2014: 3). However, participants are by and large actors from outside the region, including the European Union, national governments, UN organisations, international naval forces and representatives from the shipping industry. All these organisations had an interest in ensuring that Somalia-based pirate groups were not free to attack merchant vessels on one of the world’s busiest maritime trade routes. Nevertheless, discussions within the CGPCS working groups have often seemed to be centred on problems as they were recognised by outsiders rather than by governments in East Africa and in other coastal states around the western Indian Ocean (Retired flag officer from CTF 151 staff, Interview 46, May 2016).

The report about lessons learned in the course of the CGPCS work, published by the EU Institute for Security Studies in 2014 (Tardy 2014), is a prime example. It contains ten articles written by a collection of academics and practitioners. Only one of those articles is concerned with a regional – in this case Somali – perspective on the CGPCS (Gaas 2014), written by a Somali academic who has lived and worked in Norway for about a decade. It seems like a token effort to include some regional participation while there have been few attempts to forge sustainable partnerships with regional navies, coastguards and other agencies based on their own requirements.

During the 19th plenary session of the CGPCS in May and June 2016, the need to change the group’s focus became clear once again. Jacques Belle, deputy head of the CGPCS, stated that ‘pirate attacks have reduced, but there are other maritime threats in the Indian Ocean’ (Athanase and Bonnelame 2016). Participants should therefore discuss ways to tackle those problems. Regionalisation of current efforts was a theme running through almost all discussions but results should not be expected before the next plenary session in 2017, eight years after the CGPCS was established.

Criminal justice professionals such as police officers, judges, prosecutors and prison staff in countries where suspected pirates have been prosecuted (Kenya and Seychelles) have been supported by the UNODC-led Counter Piracy Programme. By constructing and maintaining a prison in Somaliland itself, it has been possible to provide the necessary facilities so that neighbouring states do not have to hold foreign prisoners on a permanent basis (UNODC 2013c: 3).

The Seychelles in particular have received international assistance, linked to the government’s willingness to prosecute suspected pirates. The Regional Anti-Piracy Prosecutions and Intelligence Coordination Centre (RAPPICC) was created as a

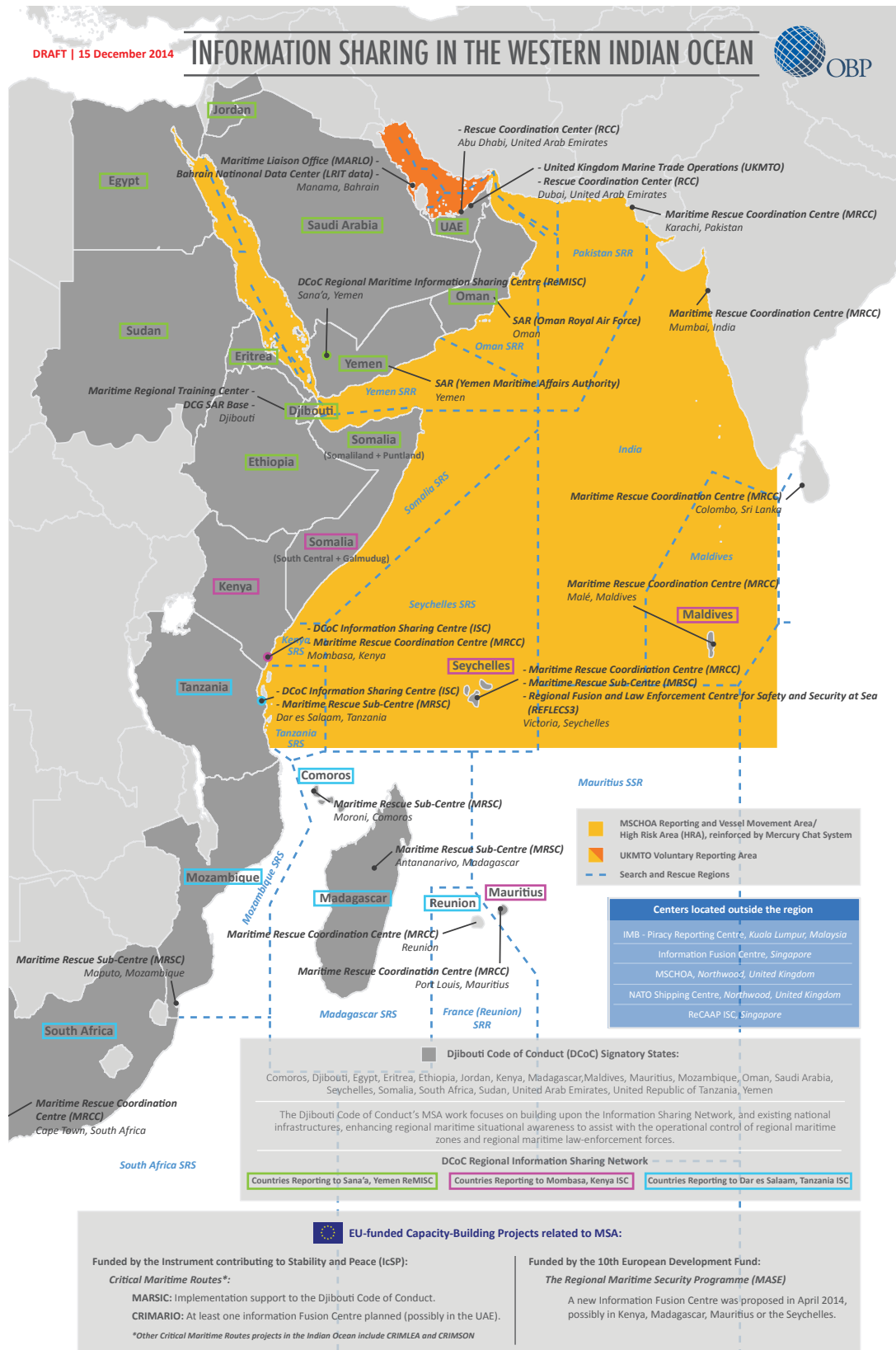
multinational centre for law enforcement cooperation between coastal nations around the Indian Ocean. Launched in February 2012, it was funded by a US\$1 million donation from the United Kingdom. In 2013, RAPPICC's remit has been extended, covering other types of transnational organised crime in the maritime environment; its name has been changed to Regional Fusion and Law Enforcement Centre for Safety and Security at Sea (REFLECS3). In the context of a US\$6.4 million EU grant for sustainable development in the country, the centre has been mentioned as a cornerstone of anti-piracy activities in the region. At the signing ceremony in Brussels, the country's foreign minister has pointed out that 'REFLECS3 will continue its work in providing the maritime security and law enforcement communities with a regional focal point for reporting, analysing and coordinating investigations' (Amla 2014). So far, however, activities have been limited and the centre is mainly used for events supported by organisations from outside rather than within the Indian Ocean region.

The same is true for the Djibouti Regional Maritime Training Center (DRTC). The DRTC was introduced to provide a centre for regional workshops and joint training exercises, strengthening ties between maritime security agencies in the western Indian Ocean. Activities held there, however, have been limited to seminars and exercises sponsored by international actors operating in the region such as EUNAVFOR, UN agencies or the IMO itself. Financial support has also come from the European Union as part of its €6 million MARSIC programme (EEAS 2012).

Regional navies and coastguards are unlikely to use Djibouti as a training centre because it is hardly a fit for their requirements. Naval officers from Kenya or Tanzania, for example, have stated that they would rather train personnel closer to home where necessary facilities are available and overall costs are lower (Kenyan navy staff officer, Interview 5, January 2014). These opinions are confirmed by the fact that in 2015, only two courses were held at the DRTC, both aimed at fisheries observers in Somalia and sponsored by the FAO and the EU (International Maritime Organization 2015b: 13).

Finally, the information-sharing infrastructure in the Indian Ocean is an interesting aspect. As part of the implementation of the *Djibouti Code of Conduct*, several centres have been supported by international partners such as the EU or the IMO. Information Sharing Centres (ISCs) were set up in Yemen (Sana'a), Kenya (Mombasa) and Tanzania (Dar es Salaam). Regional countries have been assigned to one of those centres although Somalia was split between Somaliland and Puntland reporting to Sana'a and the southern part reporting to Mombasa, shown in Figure 6.4.

Figure 6.4: Information-sharing mechanisms in the western Indian Ocean
 (Source: Oceans Beyond Piracy)



The introduction of this structure has been conducted without any reference to existing regional organisations. Two EAC members are hosting ISCs with different countries assigned to them. While little infrastructure was already available when the ISCs were set up, a chance to strengthen regional security cooperation in the long term has been missed. Moreover, an Information Fusion Centre (IFC) for the whole region is supposed to complement the existing infrastructure although its tasks and overall mandate were still unclear by January 2017. Madagascar has been chosen to host the IFC after a 'diplomatic battle' with the Seychelles (Ranaivoson 2015), funding is supposed to come from the EU's €37 million MASE programme (Amla 2015, European Commission 2013).

From the East African perspective, international engagement in the fight against piracy was largely a solution to a problem for countries affected by pirate attacks against ships transiting through the Indian Ocean rather than calling at East African ports. Regional engagement in the fight against piracy is almost impossible due to a lack of naval assets and of political will, security issues on land are regarded as much more urgent by national governments (Witt 2014, Shaban 2016).

Whether naval operations and other types of international involvement will change the situation is doubtful. Efforts to involve existing RECs have been limited at best, instead there was a clear preference for short-term solutions in the fight against piracy which has led to new structures such as the DRTC or the three information-sharing centres covering the western Indian Ocean region. These structures have been 'praised as a milestone development and a central instrument in the development of regional capacity' (Geiss and Petrig 2011: 48-49). Considering that little infrastructure for joint trainings or maritime situational awareness was available throughout the region, it may indeed be considered progress to establish new centres such as the DRTC. It is rarely pointed out, however, that funding for the DRTC, ostensibly provided by the IMO's Djibouti Code of Conduct Trust Fund, originally came from the Japanese government. Table 6.4 shows the donors to the fund, underlining that about 80 percent of the money collected has been donated by Japan.

Table 6.4: Djibouti Code of Conduct Trust Fund donors (as of August 2015)
(International Maritime Organization 2015b)

Country	Donation
Japan	US\$14,595,184
Denmark	US\$1,524,990
Saudi Arabia	US\$1,096,000
Republic of Korea	US\$492,291
Netherlands	US\$150,429
United Nations Trust Fund	US\$150,000
Marshall Islands	US\$100,000
France	US\$50,000
Shipowners Bahrain	US\$50,000
Norway	US\$40,637
Malta	US\$16,835

The imbalance can be explained by a look behind the scenes. Japanese donations were implicitly linked to the construction of the DRTC, killing two birds with one stone. On the one hand, the Japanese candidate was elected as new IMO Secretary-General in June 2011 (International Maritime Organization representative, Interview 9, May 2014). On the other hand, the DRTC investment served a strategic purpose. Shortly after Japan's government agreed to fund the centre in Djibouti, the Japanese navy inaugurated a new naval base in the country (Martin 2011). It was Japan's first overseas military base since the Second World War and the government regards it as a key strategic asset not just for anti-piracy operations. In January 2015, additional personnel and equipment were assigned to the base to conduct 'broader Middle East responses' (Fukui and Miwa 2015).

Creating a regional training centre could be a useful addition to existing capabilities within the region. Operational considerations of regional navies, however, never played a role when the location for the centre was chosen. Practical issues such as transport links between Djibouti and other East African countries or a lack of existing training facilities for practical courses were hardly ever mentioned during the planning stage, even though these aspects will play a key role in the sustainability of the DRTC (Kenyan

navy staff officer, Interview 5, January 2014 and International Maritime Organization representative, Interview 9, May 2014).

6.4 Summary

This chapter has provided a comprehensive round-up of the organisational landscape in East and West Africa. Many of the organisations mentioned have a non-maritime focus, especially the regional economic communities which are supposed to play a key role for economic and security cooperation throughout Africa. Nevertheless, these organisations are essential as an established forum on the political and the practical level.

Three aspects have been emphasised in this chapter. First and foremost, the political interest in maritime security has grown significantly in many countries, albeit from a very low level. Many countries have bought new equipment for their navies or other maritime agencies, investments into recruitment and training of personnel have also grown in recent years after the maritime sector has been neglected for a long time. The *2050 Africa's Integrated Maritime Strategy* is now a supplement of the African Union's *Agenda 2063*, a long-term vision for a prosperous and united Africa (African Union 2015).

Political challenges and practical shortcomings remain but maritime topics have received unprecedented attention in recent years, amplified by reports about piracy in East and West Africa. Media reports are not a perfect measure for political discussions yet they seem to illustrate a trend, further underlined by official documents such as the EU's strategy and action plan for the Gulf of Guinea, adopted in 2014 and 2015 respectively (Council of the European Union 2014b and 2015). Overall, the current situation can be described as a glass already half-full rather than one that is still half-empty.

Navies in Côte d'Ivoire, Ghana, Togo and Benin, for example, are now cooperating more closely than ever before. Based on political agreements, national operation centres share information and coordinate patrol boats at sea. During the hijacking of the tanker *Maximus* in February 2016, the value of enhanced cooperation was shown as the ship was tracked by all navies before the Nigerian Navy finally boarded the vessel, shot dead one of the attackers and arrested six others (Akinsola 2016, Steffen 2016).

The second aspect introduced in this chapter are the two different codes of conduct which will be essential for regional developments in East and West Africa over the coming years. It has taken governments in West Africa a long time to develop the code

of conduct for the region. Negotiations, however, have led to a comprehensive framework that can now be introduced step by step.

In East Africa, the situation is completely different. Even though negotiations about a comprehensive code of conduct had started as early as 2006, problems with Somalia-based piracy led to an influx of outside involvement with a narrow focus on maritime piracy. Moreover, different sets of coastal states had to find common ground. In a broad classification, actors involved are continental states in sub-Saharan Africa, Arab nations and small archipelagoes in the Indian Ocean. This classification shows that interests and capabilities of all signatories of the *Djibouti Code of Conduct* are vastly different. At the same time, this complex environment has not gained much from international involvement. Regional institutions have been slow to evolve and develop maritime capabilities while international actors rarely pursue an agenda that promotes issues perceived to be important throughout the Indian Ocean region instead of those regarded as concerns by outside actors themselves.

Finally, the institutional landscape in East and West Africa has been introduced in this chapter. Existing arrangements make it easier to promote and improve maritime security because regional integration, including security integration, is more developed in West Africa. Nevertheless, opportunities in East Africa are similar in theory, particularly when subregional groupings of countries with shared sets of interests are studied. The East African Community and the small island nations in the Indian Ocean are the two obvious examples because these nations share common problems and interests as well as similar capabilities.

On the continental level, the African Union has also begun to take an interest in the maritime environment because the organisation has recognised that the maritime environment has much to offer in terms of economic development. The significance of maritime trade, offshore energy and coastal fisheries have been mentioned in Chapters 4 and 5, other areas such as coastal tourism, renewable energies or deep-sea mining could also become important in the future. On the regional level, maritime matters are already addressed, underlined by both codes of conduct introduced in this chapter. It is too early to judge whether the proposed extension of the *Djibouti Code of Conduct* will benefit the region but it is necessary that these discussions are taking place. In West Africa, the *Yaoundé Code of Conduct* has already led to new infrastructure and improved coordination between maritime agencies in different countries, emphasising that maritime security can be improved when governments garner the political will.

Chapter 7: Country or Corporate?

Privatisation of maritime security

The previous chapters have been concerned with – potential – motivations for national governments to invest in maritime security and the benefits of enhanced regional cooperation. On the practical level, however, it is unlikely that regional cooperation and increased investments into maritime agencies will be enough to make up for decades of neglect in just a few years. Navies and coastguards in East and West Africa lack ships, technical equipment and adequately trained personnel and change will be a long-term process. Several stumbling blocks such as corruption within the public sector, inadequate human resources, a history of land-centric security and a lack of political interest in maritime matters have already been mentioned in previous chapters.

Under the circumstances, maritime agencies in East and West Africa should be given more credit for their efforts. Staff members often have to operate on a shoestring while fulfilling various duties. Nevertheless, most naval officers know what they should be doing at sea yet the lack of available assets makes it impossible to operate effectively (Kenyan navy, Ghanaian navy and Nigerian navy staff officers; representative of West African government, Interviews 5, 14, 28, 45, January 2014 to May 2016).

Even with an unlimited budget, it would be impossible to address all shortcomings overnight. Procurement of new vessels takes time, as does recruitment and training. Involving private security companies is one alternative to bridge the gap between an increasing amount of tasks and a lack of current capabilities. Such companies, however, have a bad reputation based on their involvement in armed conflicts in the recent past (Dunigan 2016), explained in more detail in the first part of this chapter. The second part looks at the involvement of private security companies in the maritime environment. Many shipping companies began to employ privately contracted armed security personnel (PCASP) as a response to the increasing number of attacks against merchant vessels in the Indian Ocean from 2008 onwards. Embarking armed guards was a short-term measure which is now regarded as a successful countermeasure against maritime piracy (Brown 2012: 3) yet it led to legal and political issues (Affi et. al. 2016: 938-940).

Private maritime security developed into a growth industry within a short period of time, creating an interesting paradox. When more and more shipping companies employed armed guards, the number of successful attacks against ships in the western Indian Ocean plummeted, decreasing demand for additional security. Moreover, efforts to regulate the industry only took effect when demand from ship operators was already in decline (Representative of shipping industry organisation, Interview 18, February 2015). These efforts are nevertheless vital for the future of the industry and will be discussed in the third part of this chapter.

While the drop in attacks against merchant vessels in the Indian Ocean had several reasons, private maritime security companies fell victim to their own success. Decreasing demand in one region, however, means that companies have to generate revenues elsewhere, for example in West Africa. Attacks against merchant ships are not a new phenomenon in the region but most ship operators have traditionally been wary of weapons on their vessels. The general mindset of the shipping industry has changed with the employment of armed guards in Indian Ocean. Private security companies are now an accepted part of the shipping industry yet they have to face different challenges in West Africa, outlined in the fourth part of the chapter. Employing armed guards on ships may not be the ideal solution in the region but there are other opportunities, including public-private partnerships to improve overall maritime security.

7.1 Stories of mercenaries – security provision as a private venture

Throughout history, private enterprises were often closely linked with military operations conducted by sovereign rulers (Milliard 2003: 1-3). Since the turn of the century, the link has been underlined again by military campaigns in Afghanistan and Iraq. The United States in particular employed contractors for a variety of tasks during those campaigns, effectively replacing soldiers with civilians. Many tasks carried out by contractors have long been regarded as integral parts of military operations and therefore a classical function of the nation-state's standing military.

One of the first scholars to describe the nexus between security, sovereignty and justice was Thomas Hobbes in his book *Leviathan*. Published just three years after the end of the Thirty Years' War, Hobbes 'emphasized sovereignty as the centre of authority, the origin of law and the source of individual and collective security' (Devetak and Higgott: 486). In essence, it was a description of the modern nation-state, a concept that developed after the Treaty of Westphalia from 1648. Security was not instantly

monopolised by the sovereign or the state. Citizen armies started to replace mercenaries on a large scale only after the French Revolution in 1789 (Palmer 1986: 199; Rothenberg 1994: 86). The term *citizen army* can refer to conscript armies or to a military which includes only citizens of the respective country, including volunteers. Thomson (1994) has discussed the differences between mercenary and citizen armies. For the purpose of this thesis, the key aspect is that many nation-states excluded foreign nationals from their militaries.

Different arguments for the spread of citizen armies have been put forward but 'realists and sociologists have interpreted this change as a functional response to an international demand' (Avant 2000: 41). The outcome in most countries was very similar. Providing security, particularly through the military, became a career path that was available only to the domestic population, the citizens of the respective country. Foreigners were no longer accepted into the military of a sovereign state although there are exceptions from the rule, for example citizens from Commonwealth countries serving in the British military (Ware 2016).

At the same time, citizens generally accepted that taxes were needed to finance standing armies which in turn provided security against foreign threats. Using the military as a strategic instrument has been summarised by Carl von Clausewitz when he described war as 'not merely an act of policy but a true political instrument, a continuation of political intercourse, carried on with other means' (Clausewitz 1976: 87). Clausewitz wrote his most famous book *On War* mostly between 1816 and 1830, influenced by developments during the French Revolution and Napoleon's successful military campaigns throughout Europe which brought about a sea change in the conduct of war. For the first time, military leaders were able to motivate the whole population and to unleash the full resources of a nation.

Changing perceptions

Since the end of the Cold War, the perception of private security has shifted. In the aftermath of the wars in the Balkans in the early 1990s and the Rwandan genocide in 1994, then UN secretary-general Kofi Annan hinted at the possibility that private companies could play a role in UN missions. At the time, national governments showed little political desire to get involved in such operations, leaving the UN struggling for military contributions. Annan therefore had to explore new ways to ensure that missions mandated by the UN Security Council would achieve the desired results. He also

underlined that obstacles still had to be overcome: ‘Some have even suggested that private security firms [...] might play a role in providing the United Nations with the rapid reaction capacity it needs. [...] But the world may not be ready to privatise peace’ (Annan 1998).

At the time of his speech, Annan could not know that he was to be proven at least partly wrong within only a few years. The United States – and other countries on a smaller scale – started using private contractors for a variety of the tasks during the wars in Afghanistan and Iraq. The US Department of Defense has collected detailed data about the number of contractors. Table 7.1 shows the extent to which they have been used to replace soldiers.

Table 7.1: Comparison of US contractor personnel to troop levels (March 2011)
(Schwartz, Swain 2011: 6)

Area	Contractors	Troops	Ratio
Afghanistan	90,339	99,800	0.91:1
Iraq	64,253	45,660	1.41:1
CENTCOM AOR	19,052	68,540	0.28:1

The world may not have been ready to privatise peace yet some governments were ready to privatise war, at least to an extent. In March 2011, the number of civilians contracted by the US military in Afghanistan almost equalled the number of American soldiers while contractors in Iraq outnumbered troops by more than 40 percent. In both countries, the ratio of civilians to soldiers was significantly higher than in the US Central Command’s area of responsibility (CENTCOM AOR) in general, suggesting that civilian support has become vital during major military operations but not for everyday tasks carried out by the military outside of such operations.

The types of services for which contractors have been hired are shown in Table 7.2, based on an analysis of 64,253 contractors in Iraq in March 2011.

Table 7.2: US contractor personnel in Iraq by provided services (March 2011)
(Schwartz, Swain 2011: 16)

Provided services	Personnel	Percentage
Base support	38,966	60.5%
Security	10,448	16.3%
Translator / Interpreter	4,099	6.4%
Transportation	1,229	2%
Construction	858	1.3%
Other	8,653	13.5%

Even though most contractors were unarmed, tasks such as base support, logistics or maintenance have traditionally been carried out by military personnel. In general, the use of civilians was convenient for politicians trying to keep troop numbers down and to avoid military casualties. Rosén (2008) has analysed extensively why the outsourcing of core state functions has become politically uncomplicated in the United States and other western nations. As outlined in Table 7.2, security was the second-most common service provided by private contractors in Iraq, giving rise to questions ranging from the legitimacy of armed civilians to the rules that need to be applied for the use of force, up to and including lethal force.

While the use of private contractors has been particularly widespread in US military operations, similar trends can be observed in European countries (Leander 2013). Even the United Nations are employing private security personnel, both armed and unarmed. Overall, 3,376 such contracts were listed for UN missions worldwide in 2012 (United Nations 2012: 15).

Troubled history – private security in Africa

Before private security companies were used on a large scale in Iraq and Afghanistan, they had already been engaged in several conflicts on the African continent since the 1960s (Schreier and Caparini 2005: 6). Arguably the most prominent of these companies was Executive Outcomes (EO), ‘a private military company made up of many ex-members of South Africa’s security forces’ (Freeman 2015). Many EO

employees had to leave the South African military when the apartheid regime began to crumble in the early 1990s, most of them with extensive combat experience.

EO's services were sought after by various African regimes. In 1995, the company helped the government in Sierra Leone to defeat the rebel group Revolutionary United Front (Francis 1999). Between 1993 and 1996, EO personnel provided military support to the Angolan military during the civil war (Cleary 1999) and was involved in several other African countries, often through a complicated web of front and affiliated companies (Pech 1999). By and large, EO involvement was brutally effective and essential to prevent the fall of governments but operations were criticised for a complete lack of transparency (Howe 1998).

Furthermore, many African politicians became wary of the role that companies like EO played at the time. Their operations had the potential to undermine governments as well as save them, highlighted by an attempted coup in Equatorial Guinea in 2004. A group of businessmen based in the United Kingdom and South Africa wanted to replace president Teodoro Obiang to secure preferential rights to the country's oil fields (Leigh, Wilson and Pallister 2004). One of the plot leaders was Simon Mann who had been involved in private security ventures since the mid-1990s and was drawn to the plan which he later described in his own account of the events (Mann 2012). Sir Mark Thatcher, son of former British prime minister Margaret Thatcher, had been involved as a financier. He pleaded guilty to charges brought against him in South Africa, resulting in a four-year suspended jail sentence and a large fine (Sengupta 2008).

Such cases are not the norm but the plot has contributed to the bad reputation of private security companies in Africa. Richards (2005) has also linked the presence of private security companies to long-term instability in weak states while Leander (2005) has pointed out that money spent on private security may lead to funding shortfalls for the regular military, creating powerful enemies within the state. Overall, 'existing research has not systematically analyzed the effect of private military firms on conflict dynamics' (Akcinaroglu and Radziszewski 2013: 5) but the general perception – not just among Africans – is that these companies want to maximise profits without caring much for domestic laws.

Legal challenges

Discussions over unarmed security personnel tend to be focused on financial advantages compared to having these tasks carried out by soldiers. Armed civilians,

however, are a completely different matter. Various incidents have shed some light on the notoriously secretive private security industry. Arguably the most prominent case involved contractors employed by Blackwater in Iraq who shot several civilians at a checkpoint in September 2007 (BBC 2008). Seven years later, four men were convicted of murder and other charges by a jury in the United States, proving that the incident 'was not a battlefield tragedy, but the result of a criminal act' (Apuzzo 2014).

Similar incidents in Iraq and Afghanistan have led Glanz and Lehren (2010) to write about the added chaos that private contractors brought to these wars. Zucchini (2009) has presented examples of problems with private security contractors in Afghanistan. Finally, the regulation of security companies became a widely discussed political topic. Stinnett, for example, has pointed out 'the inadequacies of existing international law when applied to [private military firms] as well as why the proposed remedies [...] are unworkable' (2005: 212). Holmqvist has underlined that '[s]ubstantive issues [...] simply cannot be addressed through regulation' and that 'significant losses [remain] when a private company performs services in this sensitive area of policy' (2005: 58).

While laws can be changed to incorporate new challenges, politicians have not been keen on changing the status quo. Even before the Blackwater incident, Singer had stated that '[u]ntil a massive violation related to [private military firms] occurs, the likelihood of any international body being willing to take on this complex regulatory function is extremely limited' (2004: 547). Regulation therefore needs to be encouraged by actors such as insurance companies or the private security industry itself. Industry-driven regulation may seem counter-intuitive but high-quality providers may be interested because regulation can give them a competitive edge, helping to avoid a race to the bottom in terms of training standards, equipment and salary levels.

Regulation – or lack thereof – of land-based private security companies has been complicated and contentious but essential elements are relatively straightforward. Private security companies are often hired by government agencies to conduct certain tasks in a specific country, defined in the respective contract. In fact, private companies have been hired by the US Department of Defense to work 'in strategically very sensitive areas without substantial problems due to effective control of private contractors through official institutions' (Schweers 2009: 3). Even without effective regulation, contractual oversight can ensure accountability for actions carried out by employees and subcontractors, at least to an extent. In the maritime environment, the picture looks notably different.

Private maritime security companies (PMSCs) have started to gain importance only very recently. Most of these companies have been in existence for just a few years, some have long-term experience with the provision of security services in niche markets such as luxury yachts or offshore oil and gas exploration. The growing number of piracy attacks off the Somali coast led to a sharp increase in business opportunities for PMSCs. At the same time, limitations regarding effective oversight mechanisms have become obvious, largely due to the nature of the economic and regulatory environment for maritime activities.

7.2 Guns for hire – private security in the maritime environment

Operations and the contractual status of private security companies in the maritime environment are inherently different from their land-based counterparts. In almost every case, PMSCs are employed by a shipping company to protect vessel, crew and cargo. Unlike on land, PMSCs are therefore generally employed by private entities, meaning that the respective contracts are simple business-to-business transactions. Governments may introduce rules and regulations regarding the use of armed guards on ships but they have no contractual oversight. Fulfilment of individual contracts is instead overseen by the shipping company employing a PMSC.

In practice, PMSC personnel perform tasks that are similar to certain naval operations. Some governments, for example Italy or the Netherlands, have been opposed to the idea of privately contracted armed guards on merchant vessels. Instead, the Dutch and the Italian government provided military personnel as vessel protection detachments for ships registered in those countries (van Ginkel, van der Putten and Molenaar 2013: 13-17 for the Netherlands, Cusumano and Ruzza 2015 for Italy).

Such an approach, however, quickly led to problems as military capacities were overstretched. Between March 2011 and November 2012, the Dutch ministry of defence had to decline 15 applications for vessel protection detachments because of capacity constraints. Another 25 applications were turned down because there was not enough time to deploy the military team according to the requests by the ship operators. That is a significant proportion of 144 requests for vessel protection detachments sent to the ministry during that timeframe (van Ginkel, van der Putten and Molenaar 2013: 15).

Moreover, shipping registries in both Italy and the Netherlands are relatively small. As of January 2016, Italy was in 17th place and the Netherlands in 30th place worldwide, ranked by deadweight tonnage (0.91% and 0.46% share of world total respectively;

UNCTAD 2016: 45). Other registries are significantly bigger as the shipping industry's general structure is international by nature and laws of many countries overlap. Tables 7.3 and 7.4 highlight differences between ownership and registration of merchant vessels.

Table 7.3: Flags of registration with largest registered deadweight tonnage as of January 2016 and tonnage owned by foreigners as of January 2014 (UNCTAD 2014b: 44, UNCTAD 2016: 45)

Flag of registration	Deadweight tonnage (1,000 dwt)	Share of world total (by dwt)	Tonnage owned by foreigners
Panama	334,368	18.51%	99.83%
Liberia	206,351	11.42%	99.99%
Marshall Islands	200,069	11.07%	99.70%
China (Hong Kong SAR)	161,787	8.96%	86.51%
Singapore	127,193	7.04%	60.30%
Malta	94,992	5.26%	99.39%
Bahamas	79,541	4.4%	98.53%
China	75,850	4.2%	0.37%
Greece	73,568	4.07%	8.54%
Cyprus	33,313	1.84%	81.19%

Table 7.4: Countries and territories with largest owned fleets as of January 2016 (UNCTAD 2016: 37)

Country of ownership	Deadweight tonnage (1,000 dwt)	Registered under foreign flag	Share of world total (dwt)
Greece	293,087	77.92%	16.36%
Japan	228,980	87.43%	12.78%
China	158,884	53.36%	8.87%
Germany	119,181	90.51%	6.65%

Country of ownership	Deadweight tonnage (1,000 dwt)	Registered under foreign flag	Share of world total (dwt)
Singapore	95,312	35.2%	5.32%
China (Hong Kong SAR)	87,375	22.72%	4.88%
Republic of Korea	78,834	79.57%	4.4%
United States	60,279	86.47%	3.36%
United Kingdom	51,441	89.8%	2.87%
Bermuda	48,453	98.96%	2.7%

In a nutshell, any ship may be owned by a company from one country but registered in a different country. Many shipowners choose to register vessels abroad to reduce tax payments or to circumvent regulatory requirements.

Table 7.4 shows the ten countries and territories with the largest owned fleets. The list includes countries and territories with a strong maritime tradition such as Greece, Hong Kong, Singapore or the United Kingdom and the four largest economies in the world (United States, China, Japan, Germany). Only Greece, Singapore and China, however, are also among the ten largest flag states (Table 7.3). In the case of China, Hong Kong can be found in both tables as a Special Administrative Region, the shipping registry is separate from mainland China. Aside from Hong Kong, Table 7.3 includes six other countries where at least 80 percent of the tonnage is owned by foreigners. In small countries such as Panama, Liberia, the Marshall Islands, Malta or the Bahamas, virtually all vessels are owned by foreigners but shipping registries are an important source of government revenues.

Despite the seemingly simple distinction between domestic and foreign ownership, it is complicated to identify the beneficial owner of a vessel. The OECD has defined the term *beneficial ownership* as the 'ultimate beneficial ownership or interest by a natural person' (2001: 14) which can be obscured through intermediary individuals or entities. For shipping companies, it is possible to use shell companies registered in jurisdictions where names of shareholders are not disclosed in public records. Such arrangements are not unique to the maritime industry 'but it is an industry where the use of such corporate structures is well developed and has almost become the norm' (Whitlow 2003: 3), further complicated because ships sailing around the globe are the only physical assets of many shell companies.

For the purposes of this thesis, the ship operator is more important than the owner of the vessel. The operator is the company responsible for day-to-day operations. Any vessel can be operated by the owner, managed by another company that belongs to the owner or chartered and operated by a completely different company. Moreover, charter agreements can include various degrees of responsibility for both parties but exact definitions are beyond the scope of this thesis. One of these parties, referred to as the ship operator here, is ultimately responsible for the decision to employ a PMSC on a specific voyage. The shipowner, however, makes the decision where to register a ship and the flag state has implications for commercial activities on a day-to-day basis.

From a legal point of view, the country where the ship is registered (the 'flag state') has jurisdiction over the vessel, turning a ship into an island of sovereignty on the high seas. Sovereignty of the flag state is not even in question when the ship enters the territorial waters of any other country but the 'port state' may impose additional requirements. For a PMSC, the country of registration is also significant because regulations for the conduct of business abroad may differ, especially for services provided by armed personnel.

In practice, the interplay between flag state, port state and the PMSC's country of registry has a huge impact on day-to-day operations of PMSCs. For example, a flag state may allow the use of armed personnel onboard its ships but port states may not allow weapons on vessels entering their territorial waters. In the Indian Ocean, such contradictions have allegedly led to armed guards throwing their weapons overboard before entering the territorial waters of states where these weapons could have led to a detention of the ship or even imprisonment of armed guards themselves (The Economist 2012b).

Armed guards vs. Somali pirates

Following an increase of attacks against merchant vessels from 2008 onwards, many PMSCs were established, often by former military personnel trying to market their specific skills. Most PMSCs were registered neither in the largest flag states nor in one of the port states surrounding the Indian Ocean. In February 2013, the Security Association for the Maritime Industry (SAMI) had about 220 member companies, almost half of those were registered in the United Kingdom (80 companies), the United States (17) and Cyprus (12). The other half was registered in more than 30 countries around the world (SAMI representative, Interview 2, March 2013). Many PMSCs began to offer

shipping companies armed guards who were often former US or UK military personnel. Senior staff usually had a military or police background themselves.

As a non-profit organisation, SAMI positioned itself as a go-between for shipping industry and maritime security providers. The organisation was the only industry association for PMSCs, structured as a non-profit membership organisation and representing up to 80 percent of all PMSCs (SAMI representative, Interview 2, March 2013). SAMI was dissolved in 2016 after the number of members had dropped significantly, reflecting the general trend in an industry that grew very quickly before it had to cope with decreasing demand. Many security providers concentrated on other business areas, merged with competitors (Howard 2016) or went out of business. One such case was reported in July 2014 when *Gulf of Aden Group Transits* ceased trading virtually over night amid claims about millions of US dollars in unpaid salaries (Gallagher and Owen 2014).

From the beginning, efforts to regulate PMSCs were complicated. The PMSC itself is registered in one country but deals with shipping companies located in various other countries, operating ships registered in different flag states. Insurance providers may be based in yet another country and armed guards are often employed as freelance subcontractors rather than as direct employees to keep overheads as low as possible.

An essential question therefore was what exactly should be regulated and by whom. From a legal point of view, many PMSCs began their operations in a grey area. Travel arrangements to a port of embarkation as armed guards, transport and storage of weapons as well as other aspects related to the business were not standardised, international rules and regulations left much room for manoeuvre. Even rules for the use of force, up to and including lethal force to defend against an attack, varied in different flag states and on the company level. Priddy and Casey-Maslen (2012) and Petrig (2013) have published general discussions about relevant frameworks and legal issues related to the use of weapons by PMSC personnel on the high seas.

Many aspects of PMSC operations are much more standardised today than they were a few years ago, some regulatory efforts are outlined below. Nevertheless, significant gaps in terms of regulation remain. In the Netherlands, for example, the debate about armed guards on ships registered in the country was ongoing at the time of writing, current policy proposals will not go into effect before 2017 (World Maritime News 2016). Port states are also divided about the presence of armed guards on merchant vessels passing through territorial waters. Malaysia announced in February 2016 that ships may be allowed to carry armed guards on a case-by-case basis (Birkett

2016) whereas West African states remain opposed to the idea of privately contracted armed security personnel. Legal questions surrounding armed guards and other security arrangements in West Africa will be discussed in greater detail below.

Overall, it should be noted that it is rarely possible for any country to oversee worldwide operations of ships flying their flag or PMSCs registered in these countries. Small countries with open shipping registries⁹ regularly lack the will or the resources altogether. When it comes to the licensing of PMSCs, it is therefore next to impossible to establish effective international oversight mechanisms. Furthermore, regulations adopted by countries in continental Europa are likely to be much stricter than in countries where the shipping registry is a significant source of government revenues. Some examples are discussed in detail below.

Peculiar features of PMSCs

The number of piracy-related incidents off Somalia increased significantly within a relatively short timeframe. According to the International Maritime Bureau (IMB) database, there were 111 actual and attempted attacks off Somalia, in the Red Sea and the Gulf of Aden in 2008. The number almost doubled to 212 incidents in 2009, 217 incidents were reported in 2010 (International Maritime Bureau 2012: 5).

It is impossible to determine how accurate these numbers are. Before Somalia-based piracy was recognised as a threat to merchant shipping in the region, the British government had estimated that the actual number of attacks at 25 percent higher than the number of reported incidents (House of Commons 2006) whereas the head of the IMB's Piracy Reporting Centre has said that half of all attacks were not reported (Gwin 2007). Koburger has even suggested that '[o]nly an estimated 30-40 percent of pirate attacks on commercial ships are reported' (2010: 75). No studies are available about the amount of under-reporting in the context of piracy in the western Indian Ocean. Overall, however, pirate attacks were perceived as a serious threat for international shipping.

⁹ The International Transport Workers' Federation (ITF) has declared 34 of these open registries, combining for more than half of the world merchant fleet by deadweight tonnage, as so-called 'flags of convenience'. The term is widely used to describe the practice of shipowners registering their ships in countries with a favourable tax and regulatory regime despite the fact that no exact definition is available. The ITF list of flags of convenience currently includes six of the ten largest shipping registries as well as the international registries of Germany and France (ITF 2013).

Consequently, many ship operators were looking for a 'quick fix' and armed security teams, whether provided by the flag state's military or private companies, were the obvious choice. At the same time, it was an unforeseen development and almost no procedures were in place to regulate private security providers.

From the outset, armed personnel onboard civilian ships has been contentious. States and international bodies have long been opposed to the idea of weapons on merchant vessels. The IMO was not in a position to publish an opinion on the matter as its member states could not agree on a common position. As a result, the IMO did point out that flag states would have to declare whether they have any objections towards privately contracted armed personnel onboard ships registered in their countries.

In June 2009, IMO member states agreed on Circular 1334, underlining that 'carrying and use of firearms by seafarers for personal protection or for the protection of a ship is strongly discouraged' (International Maritime Organization 2009b: 13). Almost at the same time, the escalating piracy problem off Somalia started to cause financial losses for the already struggling shipping industry and threatened a vital international shipping lane, creating a desperate need for solutions. In the following months, sentiments regarding the employment of privately contracted armed guards shifted considerably.

As early as February 2009, shipping industry organisations together with international naval forces engaged in the fight against piracy in the Indian Ocean published a comprehensive set of guidelines. The title, 'Best Management Practices to Deter Piracy in the Gulf of Aden and off the Coast of Somalia', was quickly abbreviated to BMP, following updates were simply numbered. Up until BMP3, published in June 2010, armed guards were not even mentioned in these documents, reflecting the views of most IMO member states at the time.

Pirate attacks in the Indian Ocean continued to increase, however, even in the face of large-scale naval operations. That led to a radical change of course. BMP4 was published in August 2011, including guidance for the use of privately contracted armed guards which was 'a matter for individual ship operators to decide following their own voyage risk assessment and approval of respective Flag States' (BMP 2011: 39). It acknowledged a by then established practice as most large flag states had already given in to demands of ship operators and allowed the employment of armed guards (Representative of shipping industry organisation, Interview 18, February 2015).

Armed guards on merchant vessels have proven to be an effective deterrent against pirates. In its annual report for 2011, the IMB recorded 236 actual and attempted attacks

off Somalia, in the Red Sea and the Gulf of Aden, up from 217 in 2010. At the same time, the organisation underlined that ‘successful hijackings have reduced due to the efforts and actions of the naval forces and preventive measures used by the merchant vessels, including the use of citadels and employment of Privately Contracted Armed Security Personnel’ (International Maritime Bureau 2012: 20).

Efficiency aside, few guidelines were available to regulate the conduct of PMSC operations. The private security industry had come up with the ‘International Code of Conduct for private security service providers’ (Schweizerische Eidgenossenschaft 2010) while the International Committee of the Red Cross had tried to compile guidelines regarding the relationship between states and private military companies in the ‘Montreux Document’ (Schweizerische Eidgenossenschaft 2009). Both documents, however, had been heavily influenced by experiences with private security in Iraq and Afghanistan, making them almost useless for maritime operations (Representative of private maritime security company, Interview 12, November 2014).

In summary, Harrelson has pointed out that the international legal system ‘has not adapted to address modern-day piracy’ (2010: 285). The use of privately contracted armed guards has been problematic in almost every jurisdiction. Richard has acknowledged a legal vacuum and has proposed a workaround that failed to gain traction with policymakers. He has suggested that Letters of Marque could be ‘used to commission private vessels for the express purpose of seizing pirate ships’ (Richard 2010: 438) yet his idea to use a century-old concept and adapt it to modern-day US law is merely an example of the range of ideas discussed when Somali pirates hijacked more and more ships.

One problem, however, had to be addressed urgently. By employing PMSCs, ship operators hired civilians who were expected to use measures up to and including lethal force to protect merchant ships. ‘The legal status of armed PMSCs (...) is murky’ (Brown 2012: 11) and there have been cases of suspected pirates being killed even though they turned out to be harmless fishermen. One notable incident was recorded when Italian marines, embarked as a vessel protection detachment, killed two Indian fishermen, detailed in Chapter 5.

Another example was a film of PMSC personnel during the approach of a suspected pirate speedboat that was posted on the video platform Youtube (2012). The clip shows team leader and captain discussing on the bridge before the team leader orders the guards to fire warning shots. Instead of firing single shots, the guards start to fire indiscriminately at the speedboat. During a post-incident enquiry, flag state officials

could not establish whether any person in the approaching speedboat had been injured or killed. The investigation did reveal, however, that the video had been used by the shipping company for marketing purposes in the United States. Showing the video in presentations for potential clients was a way to underline that all cargoes would be protected and it was probably during one of these presentations that the clip was filmed by a member of the audience who then posted it online (Flag state representative, Interview 16, February 2015).

This is a particularly graphic example but it underlines that privately contracted armed security personnel were quickly accepted within the shipping industry. Crew members were happy to receive additional protection, ship operators overcame initial scepticism and employed PMSCs in great numbers. On the political level, the process of adjusting legal requirements was not as simple. Governments took different approaches to deal with IMO recommendations and requirements of ship operators. Some flag states required PMSCs to be registered with or licensed by the respective shipping registry, other flag states did not provide an official stance on the employment of private security personnel. Until today, few registries even require ship operators to notify the registry about the fact that they are employing PMSC personnel on a specific voyage (Representative of shipping company, Interview 17, February 2015).

Details about existing regulations should also be taken into account. In some countries, the shipping registry itself has published guidelines and regulations which may be changed or amended quickly, depending on changing circumstances for vessel operations. Other flag states have drawn up laws for which parliamentary approval is necessary. On top of these regulations there are industry-driven approaches, most notably the ISO 28007 standard. Before discussing industry-driven regulation and standardisation, three case studies for PMSC regulation by flag states underline specific advantages and challenges.

7.3 Ships, guns and laws – flag state approaches to PMSC regulation

Most PMSCs are neither registered in one of the largest flag states nor in a country directly affected by maritime piracy. Many PMSCs are registered in the United Kingdom or the United States yet these countries have not shown much interest in regulating private security operations. At the same time, most countries with open registries are first and foremost concerned with requirements of shipping companies to protect government revenues from their registries. Consequently, any effort to regulate PMSC

operations on vessels flagged in one of these countries has been largely driven by demands from shipowners.

Large flag states are generally reluctant to impose new rules. Regulation of any kind could be regarded merely as red tape by shipowners who have chosen to register their vessels in a certain jurisdiction. Owners who are looking for the country with the most favourable tax and regulatory regime can easily switch to another flag within 24 hours and with minimal administrative efforts. Flag states cannot rely on shipowners to remain loyal to a particular registry and must indeed be careful about introducing additional regulations in any area, not limited to private security (Flag state representative, Interview 16, February 2015).

Case study: Panama

As shown in Table 7.3, Panama is the world's largest flag state with about one fifth of the world's merchant fleet tonnage registered there. The country offers an interesting case study regarding the regulation of PMSC operations on ships registered in Panama. Authorities felt the need to introduce at least some minimum standards for the embarkation of private security personnel with weapons and ammunition. At the same time, representatives of the shipping registry were desperate to ensure that these standards would not be regarded as over-regulation by shipowners.

To solve the problem, the shipping registry published guidelines in March 2012, specifying that only private security companies licensed by the registry are allowed to provide services on vessels flying the Panamanian flag (Panama Maritime Authority 2012: 3). PMSCs have to submit various documents to receive a licence. These documents include procedures for storage and transport of weapons, insurance policies for damages to third parties and data about the guards themselves, including their identities and relevant qualifications for maritime anti-piracy operations. The information has to be kept up to date, meaning that PMSCs have to submit data about additional guards or other changes in order for their licence to remain valid.

At the same time, authorisation to operate on Panamanian flagged vessels is not limited to a certain period and there are no background checks about information provided by PMSCs. It is a tedious procedure for PMSCs to provide the necessary information and to send regular updates to the shipping registry. At the same time, it does seem more like a box-ticking exercise rather than a serious attempt to regulate

PMSC operations. For shipowners, there is no additional administrative burden except for the fact that their choice of PMSCs is somewhat limited.

Rather than looking at the documents which need to be provided by PMSCs applying for authorisation, it is key to look at documents that are not mentioned in the guidelines (Panama Maritime Authority 2012). The key omission are clearly defined rules for the use of force in case of an attack on a ship. These rules may be defined on the company level but they are not specified by Panama as a flag state. Standard procedures for reports that have to be submitted after weapons have been fired from a Panama-flagged vessel are also missing. The only requirement placed on PMSCs is the need to send 'at the end of the service rendered to each vessel, a report with the information required by this Directorate' (Panama Maritime Authority 2012: 4). However, it is not specified what kind of information is required, leaving it open to interpretation by the respective PMSC.

Case study: Germany

Authorities in Germany have taken a different approach compared to Panama and it took the government much longer to introduce new regulations. One possible explanation for the drawn-out process can be found in the list of the largest flag states. While Germany is home to many shipowners (see Table 7.4), few merchant vessels are registered there. As of January 2016, 0.63 percent of the world's fleet (ranked by deadweight tonnage) was flying the German flag (UNCTAD 2016: 45). Moreover, only five of the 16 federal states ('Bundesländer' in German) have a coastline, the majority of the population lives in the central and southern regions. Maritime matters have therefore never been high on the list of national political priorities.

The timeline for the regulation of PMSC operations shows that little need for urgency was felt by the German government. During a cabinet meeting, the first draft of the new law was approved in July 2012 but it took five months for the law to go through parliament where several changes were made. These changes were approved by the cabinet in April 2013, requiring PMSCs to go through a rigorous accreditation process to be allowed to operate on vessels registered in Germany. After the law was finally passed by parliament, the accreditation process went into effect in December 2013.

Even though German regulations for PMSCs are stringent, the government failed to address a number of crucial aspects. One example is the fact that guards are required to receive training in a wide range of areas, including the English language and basic

seamanship as well as the principles of German maritime, public, civil and criminal law. No details, however, were provided about the types of certificates accepted by the authorities to prove these qualifications, leaving regulations open to interpretation by civil servants processing PMSC applications (Representative of London-based law firm, Interview 4, November 2013).

Moreover, the legislation includes a provision regarding the accreditation in other EU member states. PMSCs which have already obtained a licence in another EU country are entitled to receive the German accreditation as well, provided that 'requirements for such foreign licences or certifications are materially equivalent' to German law (BAFA 2013: 17). As Germany has introduced the strictest regulation by far, authorities will have to answer the question as to whether they are willing to accept licences granted in other jurisdictions as required within the European Union.

Comparing their approaches to regulate PMSC operations shows notable differences between Germany and Panama. In Panama, regulations were issued as a circular by the shipping registry and can be altered or amended on very short notice, depending on circumstances and requirements by shipowners. Changes in the German law would be much more complicated since material changes have to go through the legislative process again. Only minor clarifications may be added by means of new ordinances.

At the same time, the aims of the respective regulations are fundamentally different. Panama has a long tradition as a flag state and started to attract foreign shipowners as early as the 1920s (Vorbach 2010: 29). Demands of shipowners are therefore much more essential than strict regulation of the private security industry which is not a specific demand from the shipping industry. The Panama Maritime Authority even emphasises that approach by stating that its underlying concern is 'to offer our users the best possible quality services' (2012: 3).

In Germany, neither the shipping registry nor the maritime industry play an equally important role for legislative processes. The German government has approached the topic much more carefully and wanted to cover as many angles as possible to prevent incidents with privately contracted armed security personnel on Germany-flagged ships.

Due to the stringent regulations, PMSCs have tried to avoid to become subject to the licensing process. Until the end of February 2014, three months after the introduction of the new regulations, only seven PMSCs had been granted a licence by German authorities. Five of those were private security providers based in Germany and therefore required to obtain the licence, only two companies were international PMSCs

working for German clients. By August 2016, only three German companies were left while the number of international companies had increased to just three (BAFA 2016).

Case study: Cyprus

Cyprus provides a contrasting example for attempts to regulate private maritime security operations. The island is located at the crossroads of Europe, Asia and Africa, a location that has led to a strong maritime tradition developed over centuries. More recently, Cyprus has established itself as a hub for the modern-day shipping industry. In terms of deadweight tonnage, 1.84% of the world's merchant fleet are registered in the country (UNCTAD 2016: 45), making Cyprus the tenth-largest flag state worldwide and the third-largest in the EU.

Furthermore, the country's second-largest city Limassol is considered to be one of the largest ship management centres in the world. According to the central bank of Cyprus, the shipping industry is responsible for more than five percent of the country's GDP (Cyprus Shipping Chamber 2013). These figures explain why legislation related to maritime matters is a much higher political priority in Cyprus than, for example, in Germany.

Providing a reliable set of regulations for PMSCs and the shipping industry was crucial for Cyprus to underline its position as a leading flag state with a comprehensive regulatory environment that is favourable for ship operators. As early as May 2012, the House of Representatives voted in favour of a new law to regulate the employment of armed guards onboard Cyprus-flagged vessels (Republic of Cyprus 2012).

Compared with Panama and Germany, the law in Cyprus is a hybrid approach. On the one hand, rules are less strict than in Germany. There are, for example, no specific requirements in terms of training for individual guards that PMSCs have to meet to receive a licence. Regulations about transport and storage of weapons are also designed to allow for flexibility.

On the other hand, the law was passed by parliament, it is not simply a regulation issued by the shipping registry as in Panama. It provides ship operators and PMSCs with a stable regulatory environment and requires that security companies are registered and licensed before they are allowed to operate on ships flagged in Cyprus. Information that must be provided to the authorities includes documentation about the company itself and the individuals involved, both on the board and the operational level.

Another aspect that has become more important for ship operators is the protection of vessels by foreign armed forces. This has been a contentious issue especially in West Africa where shipping companies have faced attacks for many years yet regional governments do not allow privately contracted armed security personnel on merchant ships within territorial waters. Instead, several governments offer military personnel as protection to ship operators, discussed in detail below.

Cyprus has been one of the first flag states to acknowledge this practice by including detailed provisions in the new law. Ship operators looking to employ foreign military personnel as armed guards have to receive authorisation from the shipping registry on a case-by-case basis, procedures are similar to private security personnel. In general, the law in Cyprus provides a good case study for a stable regulatory environment. It gives more consideration to demands of ship operators than German regulations but requires PMSCs to provide extensive documentation before being allowed to operate on Cyprus-flagged vessels.

Measuring the performance of PMSCs

Regulation of PMSC activities is necessary but it does not reveal anything about day-to-day operations of these companies or about the effect that the presence of armed guards has on crews sailing through a high-risk area. One of the five largest flag states – which cannot be named here for confidentiality reasons – has tried to gather information about the quality of PMSCs in general and armed guards in particular through a comprehensive questionnaire sent to ship operators. It is one of the few attempts to evaluate the quality of services offered by private security companies in general, an industry often described as opaque and secretive (Percy 2006: 18-21).

Virtually no data has been published that was gathered to judge the quality of private security companies even though they have been a major part of military operations in Afghanistan and Iraq and have provided armed guards for thousands of voyages on merchant vessels in the Indian Ocean. One of the very few exceptions is a comprehensive study of the performance of private security providers in the field of crime prevention in Nigeria's Lagos state (Omotoso and Aderinto 2012).

For the shipping industry in particular, such data could be essential. As mentioned above, PMSCs are generally employed by private entities rather than government agencies which is common for land-based security. Direct feedback from customers is therefore important for insurance companies, flag states and other stakeholders. Such

information helps to evaluate specific companies and identify shortcomings for the industry in general. Direct feedback from customers is not the only input when it comes to regulation but it does add vital background information. That is especially true for private security operations at sea which are even less likely to come under public scrutiny than the conduct of private security personnel on land (Representative of private maritime security company, Interview 12, November 2014).

It is remarkable that only one major flag state has tried to assess the performance of armed guards on ships. Below is a brief summary of the information which has been gathered under a confidentiality agreement which stipulates that the flag state in question cannot be identified. Moreover, there are legitimate questions related to the credibility of the survey which will be addressed below. Nevertheless, the figures offer a unique insight into the private maritime security industry. It shows how PMSCs are perceived by ship operators as well as by captains and crews who are actually working with armed guards on their ships.

As a general rule, every ship operator has to make the decision whether to employ a PMSC after assessing risks for the respective ship on a specific voyage. Such assessments should be made in accordance with Circular 1405, published by the IMO in 2011. When the information about the performance of PMSCs was collected, the shipping registry had not banned particular PMSCs or recommended certain companies.

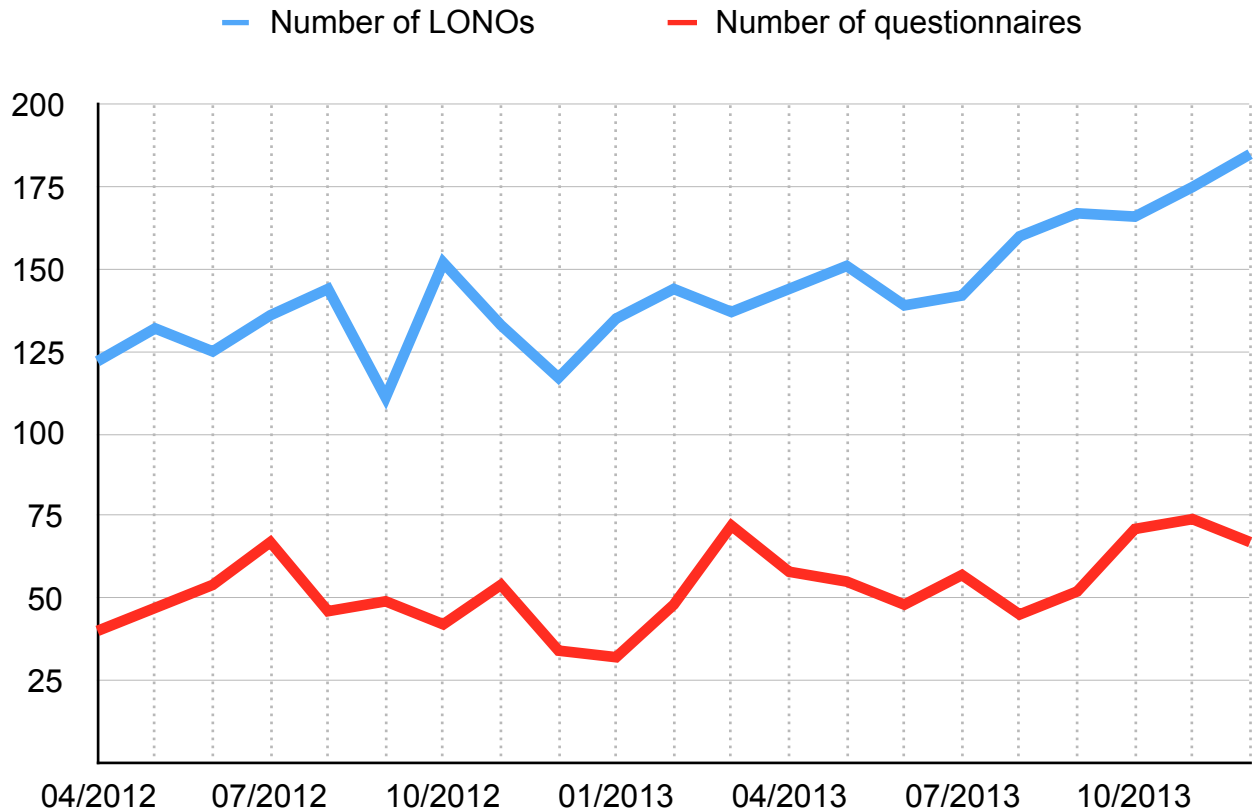
Before embarking armed guards, operators have to notify the registry in writing, usually via email. The registry then issues a 'Letter of Non-Objection' (LONO) to certify that the flag state does not object to the presence of armed guards on the ship. LONOs contain information about the vessel, the planned itinerary, weapons and ammunition as well as personal data of security personnel. The document is then sent to the ship operator via email. When the concept was introduced, the registry also began to send questionnaires that were supposed to be filled out by the ship operator and the ship's master after disembarkation of the armed guards.

The questionnaire contained 30 questions with every question to be answered on a scale of poor (1) to fair, good, very good and excellent (5). The first part (eight questions) dealt with the performance of the PMSC and was supposed to be completed by the ship operator, the second part (22 questions) related to the onboard conduct of armed guards and was supposed to be completed by the ship's master.

It should be stressed that returning the completed questionnaire has been entirely voluntary. Shipowners did not have to face sanctions for failing to return the

questionnaire nor did they receive any incentives for completing it. A comparison of the number of LONOs issued by the shipping registry and the completed questionnaires returned to the registry is shown in Figure 7.1.

Figure 7.1: LONOs issued and completed questionnaires (04/2012 to 12/2013)
(Compiled by author)



Between April 2012 and December 2013, the registry issued between 111 and 185 LONOs per month, the vast majority for transits in the Indian Ocean. Towards the end of the period, some LONOs – never more than ten per month – were issued for ships operating in West Africa. Over the whole period, no private security teams were embarked in other geographic regions. Between 32 and 74 questionnaires per month were returned, a return rate of 23.7 to 52.5 percent per month. It should be noted that the percentage rate for a certain month is slightly misleading as many questionnaires are returned in the month after the respective LONO was issued.

Figure 7.2 and Table 7.5 provide insights into the general structure of the private maritime security industry at the time of the survey. In 2013, PMSCs had been widely accepted by the shipping industry and a large number of companies entered the market between 2011 and 2014, creating a highly diversified industry.

Figure 7.2: Number of transits overall and number of transits conducted by the five largest PMSCs on Indian Ocean transits in 2013
(Compiled by author)

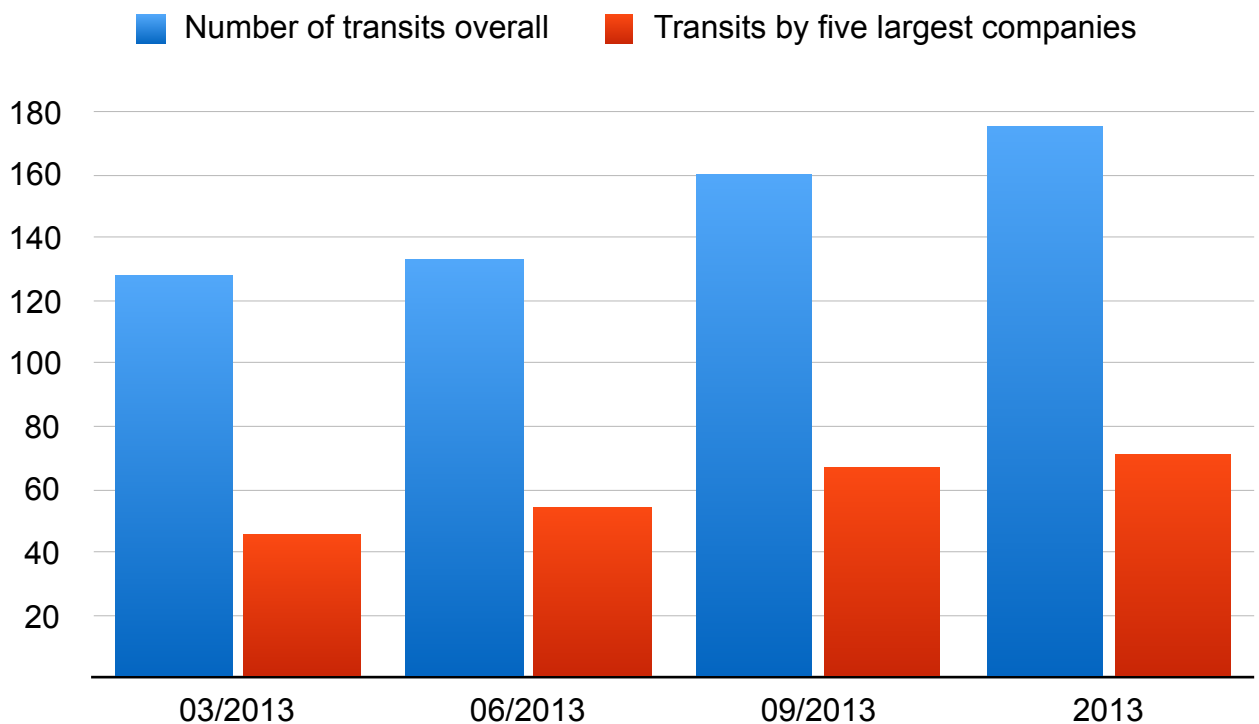


Table 7.5: Number of PMSCs employed, share of five largest PMSCs (Indian Ocean transits)
(Compiled by author)

	March 2013	June 2013	Sept. 2013	Dec. 2013
Number of PMSCs used	38	47	44	47
Transits by 5 largest PMSCs	46 (total: 128)	54 (total: 133)	67 (total: 160)	71 (total: 175)
Percentage	35.9%	40.6%	41.9%	40.6%

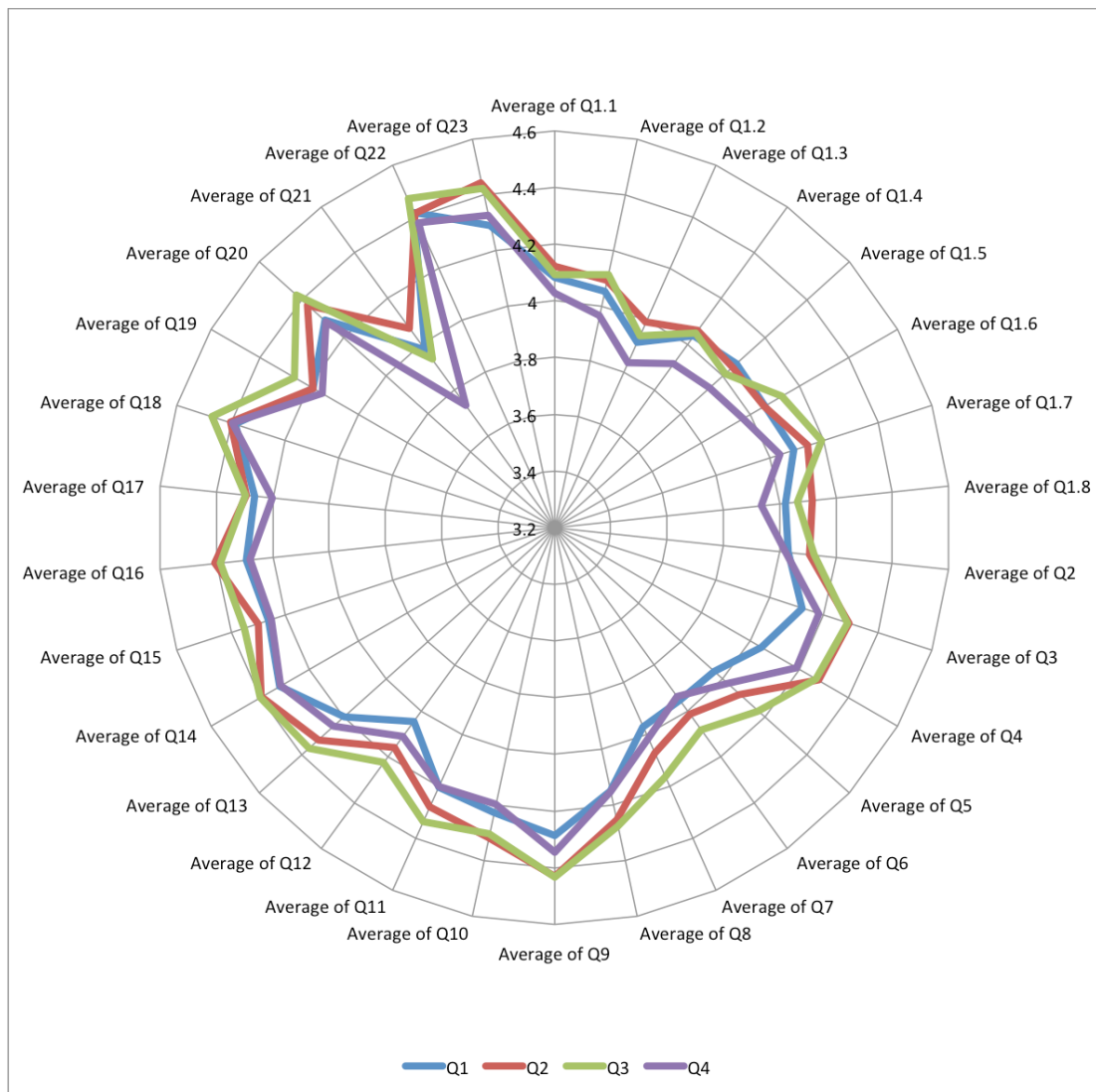
Due to commercial confidentiality, the actual company names of the five largest PMSCs included in Figure 7.2 and Table 7.5 cannot be stated here. Nonetheless, the figures underline how diverse the PMSC industry was almost from the beginning. In March 2013, the shipping registry issued 128 LONOs for transits in the Indian Ocean. Ship operators employed 38 different companies for these transits, the five largest

PMSCs had a combined market share of just 35.9 per cent. Figures for the other months during the observed period are only slightly higher.

These numbers show that there was much room for concentration within the industry which has begun more recently as mentioned above. Regulatory efforts have led to higher costs, putting pressure especially on smaller PMSCs, while demand for private security has decreased due to lower risks for ships transiting the Indian Ocean (Representative of shipping company, Interview 17, February 2015). These transits have been the bread-and-butter for most PMSCs, leaving them exposed when demand for armed guards started to drop.

Finally, it is interesting to look at the actual performance of PMSCs as rated by ship operators in returned questionnaires.

Figure 7.3: Average performance of PMSCs in 2013
(Compiled by author)



As shown in Figure 7.3, the average performance of PMSCs was judged to be between 3.7 and 4.5 on average (4 representing 'very good'). The first part of the questionnaire, supposed to be completed by ship operators, comprises of questions 1.1 to 1.8, the second part (questions 2 to 23) should be completed by the captain of the respective vessel. Differences between results for all four quarters in 2013 are fractional. Moreover, the lines for all quarters are almost parallel, underlining general strengths and weaknesses of PMSC operations. The performance of armed guards is particularly good for questions 9, 18 and 22 whereas improvements are mostly necessary in questions 1.3, 6 and 21. By and large, PMSC operations are rated positively by ship operators and captains. Broken down to the level of individual companies, differences in the evaluation are more nuanced.

**Figure 7.4: Average performance of two PMSCs from July to December 2013
(Compiled by author)**

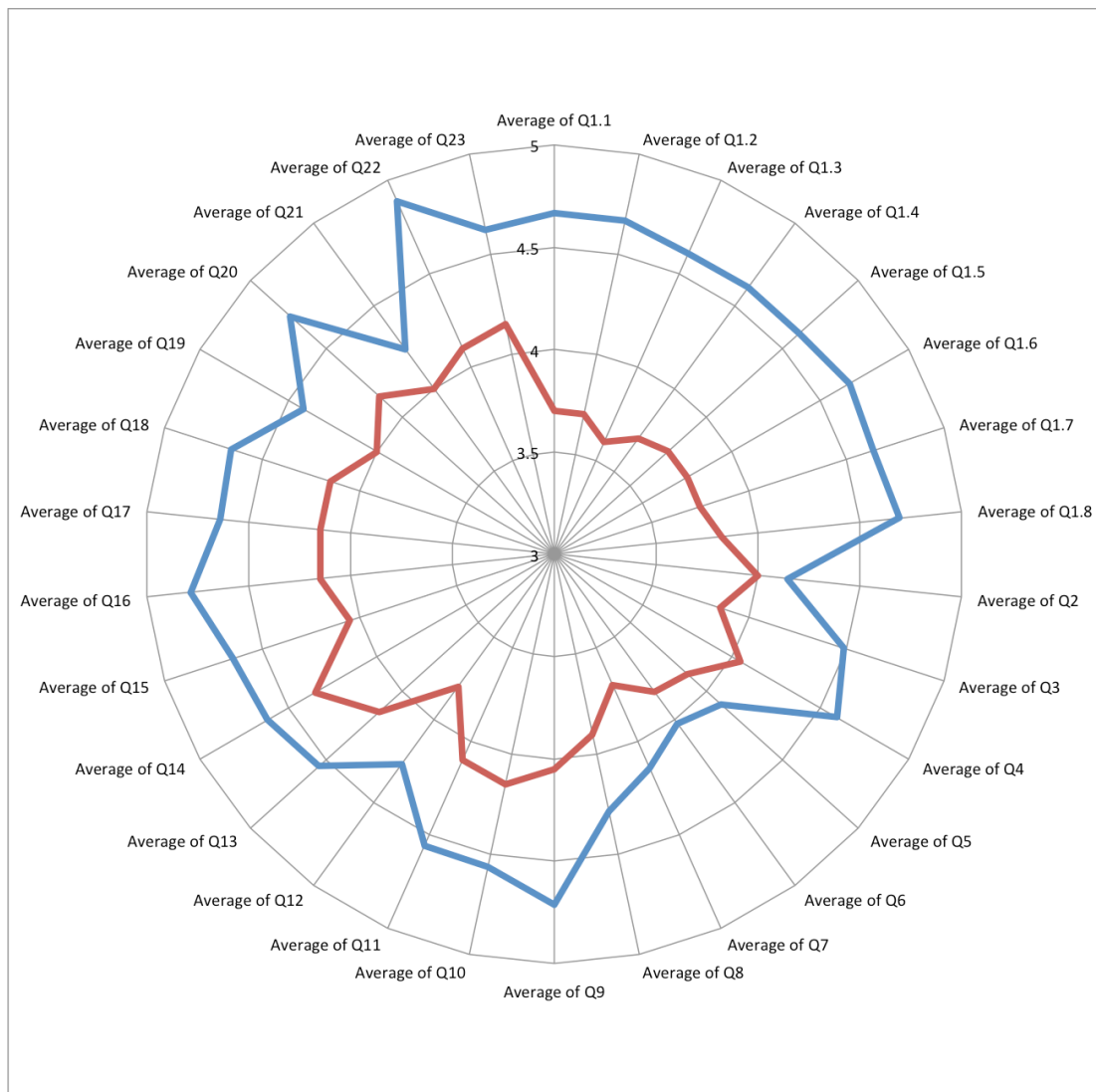


Figure 7.4 compares the average results for two companies between July and December 2013. The averages are based on 42 questionnaires for company A (blue line) and 20 questionnaires for company B (red line). Without looking at certain questions, it is easy to identify that one company is performing significantly better although differences are not equally pronounced for all questions. It should be pointed out that the performance of company B is rated at more than 3.5 for every question, meaning that both ship operators and captains are generally satisfied with the services. On the other hand, company A shows an outstanding performance on a range of questions and it would be interesting to analyse whether better quality comes at a higher price.

In addition to the performance, it is essential to see whether the average performance is related to the number of security teams comprised of three or four armed guards. While documents such as IMO Circular 1405 or the BMP 4 handbook point out that team size depends on various factors such as the size of the ship and onboard tasks, a team size of four is generally regarded as necessary to ensure that duties can be carried out over an extended period of time (SAMI representative, Interview 2, March 2013). Nevertheless, PMSCs began to offer transits with three-men teams in an effort to cut costs.

Table 7.6: Comparison of team sizes for armed guards (Indian Ocean transits)
(Compiled by author)

	March 2013	June 2013	Sept. 2013	Dec. 2013	March 2014	June 2014	Sept. 2014	Dec. 2014
Four guards	58.6%	55.8%	58.1%	57.4%	57.7%	55%	52.9%	50%
Three guards	38.3%	40.6%	38.8%	40.9%	40.9%	44.4%	47.1%	50%
Other / not determined	3.1%	3.6%	3.1%	1.7%	0.7%	0.6%	0	0

As shown in Table 7.6, almost 40 per cent of all teams were made up of just three armed guards as early as March 2013. Until December 2014, more and more smaller – and cheaper – teams were employed but the trend was not as clear as it might have

been expected. Financial pressure from the shipping industry and a reduced number of attacks led to decreased spendings on armed guards but these were realised by other means such as lower wages and the employment of personnel from ‘low-cost’ countries rather than from western nations, particularly the United Kingdom. In March 2013, more than 50 percent of armed guards on vessels covered by the analysis were British but that had dropped to 30 percent by December 2014. During the same timeframe, the rate of guards from India increased from 4.3 percent to 23 percent.

Before evaluating the statistics outlined above, it should be pointed out that this is only a first attempt to measure the performance of PMSCs. There are challenges associated with the questionnaire that should be noticed. First of all, the overall number of completed questionnaires has been relatively small and data was only gathered by a single flag state. Statistically more significant data could be gathered if other shipping registries were to join this effort. Another key aspect is the question of who is able to assess the performance of armed guards. Ship operators are certainly able to judge the administrative processes but the captain of a ship may not be qualified to provide an expert opinion on how well armed guards are performing their specific duties.

However, the captain of a ship that is accompanied by armed guards is in a good position to provide at least some form of judgement. Captain and crew interact on a daily basis with security personnel, often for weeks rather than days. As shown by the LONOs issued in 2013 and 2014, armed guards were embarked for an average of more than 11 days, shown in Table 7.7. During their time onboard, there should be a continuous presence of at least one guard on the bridge and it is to be expected that guards are cooperating closely with the ship’s crew by conducting safety drills or giving advice on additional security measures.

Table 7.7: Average time onboard for PMSC personnel (Indian Ocean transits)
(Compiled by author)

	March 2013	June 2013	Sept. 2013	Dec. 2013	March 2014	June 2014	Sept. 2014	Dec. 2014
Average time onboard	11.31 days	11.68 days	11.92 days	11.94 days	11.62 days	12.19 days	12.51 days	11.74 days

Based on the time security personnel spends onboard, the captain is in a position to judge several factors. That includes – but is not limited to – cooperation with the crew, professional appearance of guards and equipment as well as their ability to provide up-to-date threat assessments. In a nutshell, it is reasonable to expect an opinion from the captain on the question of whether he would hire the same team again or not.

Some captains have included comments in the questionnaires, often indicating a high degree of satisfaction with the services provided. At least some captains have also put much effort into identifying the quality of armed guards and their equipment. Some of the positive comments found in the questionnaires include:

‘Security team well aware of the present situation in the area.’

‘Security guards demonstrate high sense of awareness regarding security matters. They were very cooperative and showed knowledge and understanding of the risks involved and countermeasures needed to make the vessel more secure.’

‘1) High professionalism manifested related to security procedures within the high risk area. 2) All team members had very good experience in adapting with the vessel's facilities for very efficient security procedures for protection of the vessel and her crew. 3) Very good cooperation with the crew (often interactive debates, initiate and jointly participate in onboard security training / preparedness of the crew) and local authorities in vessel's ports of call (compliance with rules and regulations imposed by local authorities). 4) Very good feedback / support (on a daily basis) from head office related to communication / reports of team onboard activity.’

‘Excellent cooperation with crew. High-standard job as usual.’

Negative feedback in the questionnaire is usually related to specific issues with equipment or the general conduct of the guards:

‘Must wear professional clothes and avoid short pants and sandals whilst on anti-piracy watch.’

‘Arms onboard not accurate to deter approaching target at longer distances. One long-range firearm is necessary. Ammunition onboard is not sufficient when cross-firing if ship encounters piracy attack.’

‘PCASP not equipped with night vision, video cameras or digital dictaphones.’

Not every questionnaire includes detailed comments and not every captain is eager to provide such detailed opinions. It is, however, a highly unusual situation for captain and crew to have armed guards onboard so it is to be expected that the captain will be especially careful when judging their performance.

Industry-led regulation: a new ISO standard

Cyprus, Germany and Panama are not the only countries where attempts to regulate private maritime security have been made. These three jurisdictions, however, illustrate different regulatory approaches. Based on different domestic conditions, all countries faced the same challenge. Another large flag state did not introduce specific regulation at first. Instead, the shipping registry conducted a comprehensive survey about the quality of PMSC services, assisted by voluntary participation from ship operators.

For shipowners who may have vessels registered in more than one flag state, non-standardised regulation complicates day-to-day operations. For PMSCs, it is equally frustrating because these companies provide the same services yet have to abide by different rules, depending on where a specific ship is registered as well as on the port states during the respective voyage (SAMI representative, Interview 2, November 2013).

From an early stage, it was unlikely that countries could agree on shared standards and procedures to regulate PMSC operations. Even within the European Union, diverse interests could be observed, underlined by the case studies of Cyprus and Germany. On the global level, there was no common denominator between countries as diverse as the United States and Japan where many shipping companies are registered, China and Greece which are home to large shipping registries as well as many shipowners or Panama and Liberia, the two largest flag states.

The shipping industry quickly recognised the problem and started efforts aimed at industry-led regulation or, at the very least, standardisation. Legal experts at the Baltic and International Marine Council (BIMCO), an industry association accredited with NGO status by the IMO, provided a standardised contract (*Guardcon*) for the employment of armed guards on ships. Members of BIMCO control more than sixty percent of the world's merchant fleet and were eager to standardise their interactions with PMSCs to avoid unnecessary administration. *Guardcon* was published in March 2012 and quickly became the most popular standard contract ever published by BIMCO (representative of BIMCO during presentation at Danish Maritime Days, October 2015).

Regulation, however, was a different matter. PMSCs and shipping companies alike were eager to see the same rules applied in every flag state. Difficulties on the political level, underlined by the case studies above, did not stop representatives from the shipping industry to start working on a global standard that could be used for the certification of PMSCs. This standard, known as ISO/PAS 28007 when the pilot phase started in 2013, led to the introduction of a temporary standard the following year as a 'Publicly Available Specification' (PAS) to accelerate the otherwise drawn-out process of introducing a new ISO standard due to urgent market requirements. After a thorough review, it became a regular ISO standard (ISO 28007-1:2015) in April 2015, described as 'guidelines containing additional sector-specific recommendations' (International Organization for Standardization 2016).

In January 2016, the Marshall Islands became the first flag state that required PMSCs to be certified according to ISO 28007 (Republic of Marshall Islands 2016) and the standard has been endorsed by the IMO's Maritime Safety Committee. After the committee's session in May 2015, a circular was published by the IMO that called upon flag states to ensure that PMSCs 'hold valid accredited certification to ISO 28007-1:2015 (...) or meet applicable national requirements' (International Maritime Organization 2015d). While the passage about national requirements was included specifically upon a request from the German delegation, large flag states are more likely to adopt a standard that has been introduced based on requirements and input from the shipping industry.

It was not clear from the beginning that the ISO 28007 standard would become so widespread in the private maritime security industry. Parallel to its development, the American National Standards Institute together with ASIS, a US-based organisation for the private security industry, drafted their own standard (ASIS International 2013). Guidelines were published in April 2013, based on the PSC.1 standard that had already been introduced for land-based private security operations.

In the United States and the United Kingdom, PSC.1 has been adopted by the respective governments as minimum standard for all land-based private security contracts. Neither country, however, requires private security companies in the maritime environment to be licensed according to these new guidelines. The shipping industry, led by BIMCO and other industry organisations, had already backed the development of ISO 28007. In general, an ISO standard was more important for shipping companies than national legislation because such standards are widely used in various areas for

quality assurance and due diligence procedures (Representative of shipping company, Interview 17, February 2015).

7.4 Complicated environment – private maritime security in West Africa

Regulation of PMSCs has made much progress within a short period of time. Less than ten years ago, it would have been unthinkable to have embarked security teams carrying weapons on merchant vessels anywhere in the world but the private security industry experienced massive growth due to the increasing number of pirate attacks in the western Indian Ocean. At the same time, piracy was hardly a new phenomenon. In other regions, for example in West Africa, attacks against merchant ships had caused problems for ship operators for decades. As early as 1983, the IMO issued a circular with information about attacks against ships specifically off Nigeria and Benin (International Maritime Organization 1983).

Due to the changed mindset within the shipping industry, however, more and more ship operators wanted to use armed guards on vessels off West Africa. In late 2012 and early 2013, representatives from industry organisations began to voice concerns about the situation in the region as it became clear that armed guards were an effective deterrent against pirate attacks in the Indian Ocean. Many shipping companies simply wanted to transfer the model to the other side of the African continent (Representative of shipping industry organisation, Interview 18, February 2015).

On the surface, it seemed like the logical extension of a proven concept to improve security of ships, crews and cargoes in West Africa. After the boom and bust of the industry, caused by a rapid rise and fall in the demand for armed guards on voyages through the western Indian Ocean, many companies were also desperate to generate revenues by expanding into other regions, particularly into West Africa (Cook 2016). In practice, however, it is a much more complicated environment and West Africa is significantly different from the Indian Ocean in terms of threats and operational requirements (Representative of West African shipping company, Interview 25, May 2015; West Africa maritime security analyst, Interview 36, April 2016).

Maritime trade in West Africa often takes place within the region while most ships in the western Indian Ocean are just transiting en route from Asia to Europe or vice versa. Furthermore, vessels in West Africa are conducting all kinds of operations, for example steaming with cargo or in ballast, drifting offshore while waiting for a berth, loading at offshore terminals, ship-to-ship fuel transfers in the vicinity of ports or further out to sea.

Risk profiles are therefore not just depending on the vessel type, but also on the type of voyage and the area a ship will operate in. In the western Indian Ocean, there is much less variety as the large majority of merchant ships is steaming with cargo or in ballast.

Threats for merchant ships in West Africa are much more varied than in the Indian Ocean where PMSC personnel had to protect ships from being boarded and hijacked. In West Africa, threats include thefts or robberies by petty criminals from ships that are drifting or at anchor as well as kidnap-and-ransom attacks targeting crew members as hostages. Such high-profile attacks against merchant ships in West Africa, particularly around the Niger Delta, are often carried out by well-armed groups, potentially leaving relatively small teams of embarked armed guards exposed which may even lead to additional violence against crew and guards after a successful boarding. In the western Indian Ocean, small teams of armed guards are a better deterrent as attackers are generally armed with smaller weapons and could simply target another vessel without armed guards.

At the same time, organised groups targeting merchant vessels in West Africa often comprise or are accompanied by trained seafarers. These groups are therefore able to take over a ship for an extended period of time, conduct thorough searches for valuables and even undertake complex operations such as the transfer of oil products to another ship at sea.

Finally, response capacities of navies or law enforcement agencies in West Africa are relatively low. Security measures that have been used successfully in the Indian Ocean, for example gathering the crew in a safe room to wait for assistance, may therefore not be effective. The same is true for armed guards who may be able to stave off a boarding for a certain period but are very likely to be overpowered by determined attackers unless a distress call is answered in time by naval forces.

In a nutshell, PMSCs may be able to assist ship operators as well as navies and law enforcement agencies trying to improve maritime security. Operational requirements, however, are different from the Indian Ocean region and operations there are not a blueprint for PMSC operations in West Africa. Moreover, governments are not prepared to allow privately contracted armed security personnel in their territorial waters because they are 'widely viewed with caution and suspicion in the GoG [Gulf of Guinea]' (Ukeje and Mvomo Ela 2013: 18).

Nevertheless, personnel from navies and other security agencies are offered to shipping companies, often through opaque arrangements with private security companies or ship agents. Most examples of such practices can be found in Nigeria as

the largest market and the country with most security problems but anecdotal evidence suggests that similar problems exist in other countries, notably in Togo, Benin and Ghana (West Africa maritime security analyst, Interview 36, April 2016).

More formalised modes of cooperation can also be found. In several countries, oil companies provide patrol boats which are manned and operated by military personnel, for example in Ghana, Nigeria and Cameroon. In Nigeria, private companies even provide seafarers for patrol boats engaging in escort operations although operational control, including the handling of weapons, remains in the hands of military personnel. For the Nigerian Navy, the cooperation adds additional patrol boats to the fleet list, improving security for offshore installations, supply convoys or merchant ships sailing through Nigerian waters. In July 2016, one of the largest private security companies active in the country had a fleet list consisting of more than 40 patrol boats (Ocean Marine Security 2016), an example is shown in Figure 7.1.

Figure 7.5: Privately owned patrol boat in Nigeria
(Source: Ocean Marine Solutions)



PMSC regulation in the West African context

In terms of regulation, new certifications such as the ISO 28007 standard are not suited to the situation in West Africa. First and foremost, its development has been based on private security operations in the Indian Ocean while operations in West Africa are far more complex. Furthermore, ISO 28007 or similar national certification schemes may have been introduced by several flag states but all these have been aimed at regulating the conduct of privately contracted armed guards on merchant vessels registered in the respective country while the ship is on the high seas.

When ship operators want to use armed guards in territorial waters, the legal situation is significantly different. The port state has the right to prohibit armed guards from entering its territorial waters, creating problems for PMSCs and ship operators in West Africa due to the patterns of maritime traffic there. In fact, most countries around the western Indian Ocean do not allow vessels with armed guards into their territorial waters either, leading to the creation of so-called floating armouries to store weapons and other military-grade equipment on ships drifting on the high seas (Remote Control Project 2014; Kent and Werber 2015).

Whereas these floating armouries have been placed along major trade routes in the Indian Ocean, there are no obvious spots to place such ships in West Africa. As a rule of thumb, the threat of attacks for merchant ships in West Africa is higher closer to the coastline, particularly around anchorages. Geographical reasons aside, floating armouries could become targets for militant groups. Regional navies have therefore pointed out that such ships will be detained when they have to enter port for technical or logistical reasons (Nigerian Navy staff officer, Interview 45, May 2016).

Several cases underline how concerned governments in West Africa are about their security monopoly. In July 2013, two former Royal Navy personnel received suspended jail sentences in Senegal after their converted warship had been seized upon entering territorial waters (McLaughlin 2013). Several months earlier, a Netherlands-flagged vessel with a Russian crew was detained by Nigerian authorities in Lagos for alleged arms trafficking (Ohia 2012). Weapons found onboard had allegedly been supplied to offshore supply vessels for self-protection purposes but the outcome of the investigation has not been published. Several ships were also detained in Nigeria in early 2015 because they had entered port with embarked guards (Oritse 2015), even though these guards had not been carrying weapons. Observers alleged that this practice had been going on for some time and that detentions were based on rivalries between security

agencies (Representative of shipping industry organisation, Interview 18, February 2015). However, there was no legal background for ship operators to embark privately contracted security personnel, whether armed or unarmed.

Table 7.8 provides an overview for the use of additional security services such as armed guards (provided by PMSCs or domestic security agencies), escort vessels (provided by PMSCs or domestic security agencies) and additional protection through naval patrols around anchorages or designated areas for ship-to-ship (STS) operations.

Table 7.8: Use of armed guards, escort vessels and additional protection services in territorial waters in selected countries in West Africa
(Compiled by author)

Country	Armed guards in territorial waters (PMSC / security forces)	Use of escort vessels in territorial waters	Additional protection services for merchant ships
Sierra Leone	No (illegal / not available)	No (not available)	No (not available)
Liberia	No (illegal / not available), but currently under consideration	No (not available)	No (not available)
Côte d'Ivoire	No (illegal / not available), but additional protection provided by military currently under consideration	No (not available), but additional protection provided by military currently under consideration; escort vessels potentially provided by PMSCs	No (not available)
Ghana	No (illegal / not available); limited project with Marine Police has been conducted but Ghana Navy maintains that employment of Marine Police as armed guards is illegal in territorial waters	Limited to vessels related to the oil and gas industry; security vessels chartered by oil companies and manned by naval personnel to provide security around oil fields	Secure anchorages off Takoradi and Tema and STS area off Tema, secured by additional naval patrols

Country	Armed guards in territorial waters (PMSC / security forces)	Use of escort vessels in territorial waters	Additional protection services for merchant ships
Togo	Yes (PMSC personnel as unarmed liaison officers / security forces as armed guards in territorial waters)	No (not available)	Secure anchorage and STS area off Lomé, secured by additional naval patrols
Benin	Yes (PMSC personnel as unarmed liaison officers / security forces as armed guards in territorial waters)	No (not available)	Secure anchorage and STS area off Cotonou, secured by additional naval patrols
Nigeria	No (security forces often used as armed guards in practice but in contravention of legal requirements)	Yes, depending on location (escort vessels for merchant vessel transits, regular convoys for the oil and gas industry in the Niger Delta; escort vessels often owned by PMSCs and manned by naval personnel)	Secure anchorage and STS area off Lagos, secured by patrol boats operating around the clock; patrol boats owned by PMSC and manned by naval personnel
Cameroon	Limited (use of PMSCs illegal / security forces act as armed guards for vessels related to the oil and gas industry)	Limited to vessels related to the oil and gas industry, particularly close to the Nigerian border (Bakassi peninsula)	Secure STS area off Limbé (additional protection for national oil refinery)
Gabon	Limited (use of PMSCs illegal / security forces act as armed guards for vessels related to the oil and gas industry)	No (not available)	No (not available)
Republic of Congo	No (illegal / not available)	No (not available)	No (not available)

Country	Armed guards in territorial waters (PMSC / security forces)	Use of escort vessels in territorial waters	Additional protection services for merchant ships
DR Congo	No (illegal / not available)	No (not available)	No (not available)
Angola	Limited (use of PMSCs illegal / security forces act as armed guards for vessels related to the oil and gas industry)	No (not available)	No (not available)

Many security-related aspects have to be analysed for specific ports or areas to define threat levels for certain ship types but some findings outlined in Table 7.8 can be generalised for West Africa:

- Armed PMSC personnel are not allowed in territorial waters, crews and vessels may be detained when they enter territorial waters with privately contracted armed security personnel.
- Additional naval protection for secure anchorage areas or STS areas is only available in few countries, largely based on higher threat levels and often provided due to pressure from the shipping industry. For STS operations in particular, local regulations have to be observed to avoid potential detentions for alleged fuel smuggling. In Gabon and Angola, for example, maritime authorities have to be notified before any STS operation in territorial waters.
- Vessels related to the oil and gas industry generally receive better protection than other ships. As outlined in Chapter 4, the oil and gas industry generates significant revenues for several governments, meaning that oil companies can count on protection by security forces in the form of embarked armed guards or patrol boats for vessels and offshore installations.

Overall, the role of PMSCs is regarded highly critically by governments throughout the region. Politicians and practitioners alike fear a ‘compromise of state sovereignty’ (Kader and Abdulrazaq: 2013: 24) and it is unlikely that such views will change in the near future (Nigerian Navy staff officer, Interview 45, May 2016). The

conduct of some private security companies has not helped their case either. Some of these companies have started to facilitate the provision of government security forces as armed guards for merchant vessels while trying to circumvent host country regulations in a bid to lower operating costs and quickly generate revenues (West Africa maritime security analyst, Interview 36, April 2016).

Private companies, however, already play a major role in security arrangements, outlined in more detail below, because most governments in West Africa can only provide very limited naval and coastguard capabilities outside of territorial waters. Such arrangements may spread further yet the focus is on long-term cooperation with national navies rather than on the short-term provision of security for shipping companies in high-risk areas. Moreover, threats in West Africa are more diverse and dynamic compared with the Indian Ocean (West Africa maritime security analyst, Interview 36, April 2016).

Public-private partnerships in Nigeria

While the involvement of private companies in tasks related to maritime security is generally viewed critically by governments in West Africa, examples show that public-private partnerships may have positive impacts. Nigeria is the best example because most maritime security incidents in West Africa are recorded there (International Maritime Bureau 2015: 5, 20-21). Moreover, Lagos is the region's largest port and the country is home to a mature offshore oil industry, making it the obvious choice for private maritime security companies looking for business opportunities.

Arguably the most notable example for a successful public-private partnership is the Secure Anchorage Area (SAA) off Lagos. Shortcomings in port infrastructure have led to congestion problems, ships often have to wait for several days to be assigned a berth, leaving them vulnerable to attacks (Nigerian Shipowners Association representative, Interview 31, September 2015). The Nigerian Navy, however, was unable to provide enough patrol boats to secure the area.

Ocean Marine Solutions (OMS) and PGS Group therefore created the SAA concept in cooperation with the Nigerian Navy. OMS is a Nigerian company and operates a fleet of more than 40 patrol boats which are used for patrols around offshore oil fields, as escort vessels for merchant ships or as patrol boats around the SAA. All patrol boats are inspected by the navy, given a hull designation number and are partly manned by naval personnel, including the officer in charge. OMS personnel makes up the other half

of the crew, consisting of 14 to 16 people overall. Weapons are exclusively handled by naval personnel, management of all patrol boats is conducted by OMS and the company is remunerated by commercial clients looking for additional protection. By and large, these patrol boats may be owned and operated by a private company but the OMS fleet has helped to improve naval capabilities despite severe budget restraints.

Based on several years of experience with the provision of maritime security in Nigeria, OMS has been able to create the SAA concept off Lagos but wanted to work with a partner to promote the concept in the shipping industry and establish the SAA as a viable business model. PGS Group, a UK-registered company, was brought on as a partner before the SAA was finally established in December 2013 (Blair-Jones 2013). PGS Group's Nigerian subsidiary has been authorised by relevant authorities in Nigeria before NIMASA gave its authorisation to the SAA. Coordinates for the area have been published as a *Notice to Mariners*, the SAA including a maritime exclusion zone are therefore marked in official charts. Ship operators now have the choice between the general anchorage or the SAA off Lagos. In the SAA, ships are guaranteed protection by patrol vessels that are operating around the clock (SAA West Africa 2016).

Ship operators have to pay several thousand US dollars to obtain access to the SAA (Representative of West African shipping company, Interview 25, May 2015). Escort vessels can also be chartered for transits to and from the SAA. So far, the concept has proven itself, no successful attacks against ships within the area have been reported between the start of operations in 2013 and December 2016. Nevertheless, shipping industry representatives have voiced concerns about the SAA as a public-private partnership. They have pointed out that it should only be a temporary solution because the provision of security should be a task for the state, not for private companies (Representative of shipping industry organisation, Interview 18, February 2015).

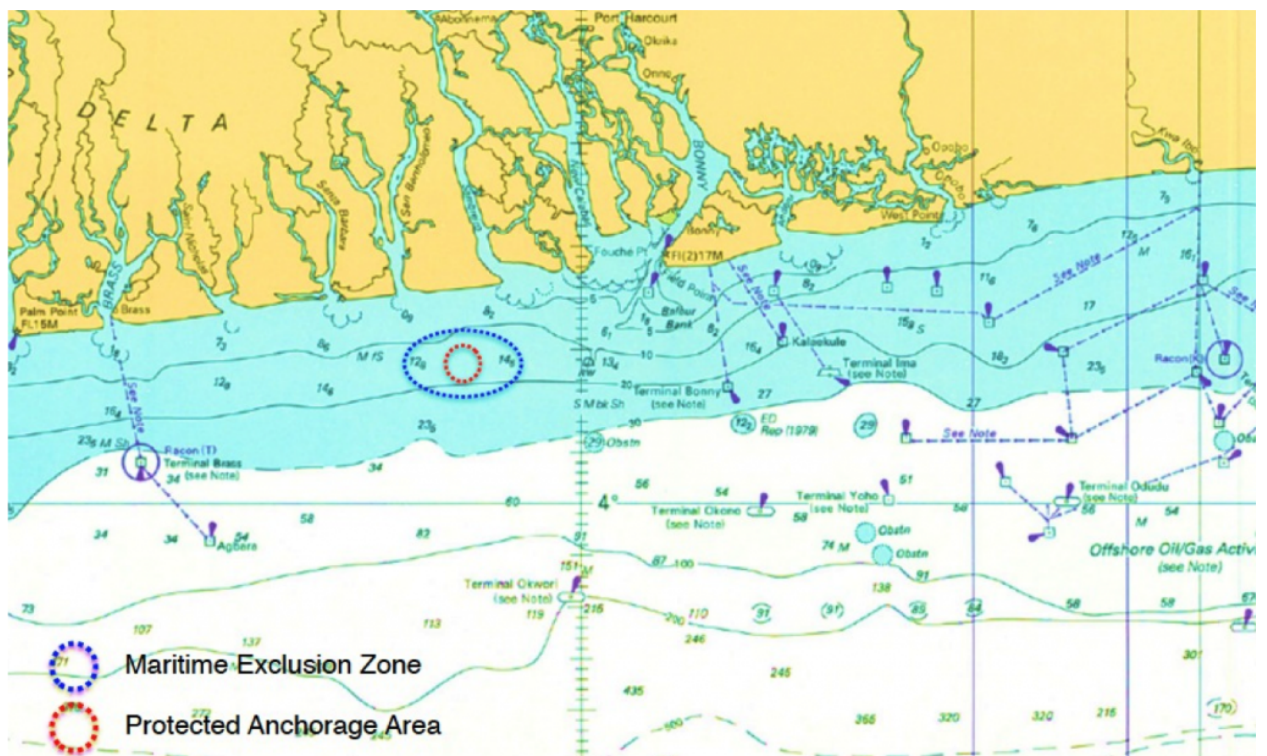
Objections from the shipping industry aside, the SAA – and the overall partnership between OMS and the Nigerian Navy – can be described as a success for both partners. Naval capacities have increased due to additional patrol boats while OMS takes care of maintenance and logistics. In return, the company offers protection to merchant and offshore vessels and is regarded as one of the best providers of such services in Nigeria (representative of shipping company, Interview 17, February 2015).

Less reputable companies have tried to introduce the same business model with much less effort. One example has been the so-called Bonny Safe Area, a similar concept to the SAA located at the entrance of the Bonny River and close to Port Harcourt, the hub for Nigeria's offshore oil industry. At first glance, the concept was

similar to the SAA: a UK-registered company partnering with a Nigerian company which provides patrol boats in cooperation with the Nigerian Navy.

Below the surface, however, there were major differences, most notably the fact that the Bonny Safe Area had not received official approval from NIMASA despite claims made by company representatives on their website that has since been taken offline. Marketing material that was sent to shipping companies in early 2016 included a section from the admiralty chart for the area, shown in Figure 7.5. On the chart, a maritime exclusion zone and a protected anchorage area have been superimposed. At the time, however, the Bonny Safe Area had not been included in official charts and coordinates had not been published in a *Notice to Mariners*.

Figure 7.6: Map included in marketing material offered by representatives for Bonny Safe Area (Bonny Safe Area 2016)



Cooperation between the Nigerian Navy and security companies registered in the country is generally based on a memorandum of understanding (MoU), signed by the Chief of Naval Staff. The MoU has been introduced as a framework for collaboration between the navy and private companies that agreed to certain terms governing the partnership. Originally, more than 40 security companies had signed the MoU but new

policies introduced by the government of president Muhammadu Buhari, elected in 2015, led navy officials to update the document and to reduce the number of approved partners to about 20 companies (Nigerian navy staff officer, Interview 45, May 2016).

Unfortunately, the document is not publicly available, meaning that security companies can claim to have full authorisation of their operations by the Nigerian Navy. That has led to a situation where several established PMSCs registered Nigerian subsidiaries and signed the MoU with the Nigerian Navy before adjusting the business model from the Indian Ocean slightly and embarking naval personnel as armed guards on merchant vessels. Even though there is no legal background for such arrangements, PMSCs and ship agents have provided such services in the past, often facilitated by corrupt officers on the local level. After naval ratings acting as embarked armed guards had been involved in several incidents, a Nigerian admiral even issued an order for his area of responsibility, expressly forbidding local commanders to provide naval personnel for such operations (Nigerian navy staff officer, Interview 45, May 2016).

The MoU provided by the Nigerian Navy is only concerned with patrol boats that are bought and maintained by the respective company. These boats are then jointly manned with naval personnel in charge of weapons and ammunition as well as operational command and control. Moreover, the Nigerian Navy retains the right of first refusal for patrol boats that are considered for disposal by a company that has signed the MoU. In a sense, the arrangement can therefore be regarded as a programme to bolster the Nigerian Navy's fleet, financed by the shipping industry and channelled through security companies.

Naval personnel, commercial tasks

Insecurity at sea is also a problem for other countries. Togo and Benin, for example, have been identified as 'Listed Areas' by the Joint War Committee which is comprised of insurance representatives and responsible for identifying high-risk areas where ship operators have to pay higher insurance premiums (Joint War Committee 2013). While maritime insurers are free to decide about their tariffs, identifying a specific area generally raises the costs of doing business in the area.

Both Togo and Benin reacted quickly and introduced secure anchorage areas off Lomé and Cotonou respectively. There are no private security companies operating patrol boats but military personnel are offered as embarked guards to ships in the vicinity of both ports. Embarkation is often facilitated by private companies, either ship

agents or security companies, and soldiers are generally accompanied by an unarmed civilian liaison officer. Ship operators have to pay fees for embarking military personnel, using the secure anchorages, protected by additional naval patrols, is free. For STS operations, however, additional fees are levied if ship operators require additional protection for their vessels which are collected by a ship agent, acting as the designated point of contact to align naval operations with requirements of merchant ships.

Ghana has not been listed by the Joint War Committee but the country has introduced a similar arrangement for Tema, the country's largest port. There is no designated anchorage area but the general anchorage is secured by regular naval patrols. Additional protection from the Ghana Navy can be requested for STS operations in the vicinity of the port, administration and collection of fees is conducted by a designated ship agent. Embarked armed guards, however, are not provided by the Ghanaian armed forces yet a private security company published a press release about a pilot project with the Marine Police to that effect in June 2015 (Watchwood Ghana 2015). Despite headlines such as 'Ghana government allows private security on vessels' (Ghana Web 2015), no official approval of this scheme has been granted and the Ghanaian navy is adamant that the protection of merchant ships in territorial waters falls within their jurisdiction (Ghana Navy staff officer, Interview 28, May 2015).

Ghana is also a positive example for public-private partnerships between the navy and companies involved in offshore oil production albeit no official publications are available. Since the start of commercial oil production in the offshore Jubilee field in December 2010, the navy has provided personnel for patrol boats chartered by the field operators. It is an innovative approach to overcome capacity constraints and patrol boats are deployed around the clock to enforce maritime exclusion zones around offshore installations. Additional security is an essential aspect of this arrangement but the presence of patrol boats also helps to mitigate safety concerns arising from the presence of local fishing canoes (Ghana Navy staff officer, Interview 28, May 2015).

In other countries, arrangements between offshore operators and national navies are also used. In Cameroon and Equatorial Guinea, several offshore oil fields are located relatively close to the restive Niger Delta, creating security concerns for the operators. In part, such concerns have been addressed by an increased presence of security forces but capacity constraints, particularly a lack of available patrol boats, have made it necessary that naval personnel are embarked on vessels chartered by international oil companies (Representative of international oil company, Interview 19, March 2015).

7.5 Summary

This chapter has shown the growing involvement of private companies in the provision of maritime security which has led to a range of legal and political questions. Increased involvement of the private sector may be beneficial for some countries because it will take a long time to remedy deficiencies that have developed over years, caused by a lack of funding for navies and other maritime agencies. In practice, however, it is controversial to assign security-related tasks to private companies. That is especially true in sub-Saharan Africa where involvement of private security companies in land-based conflicts has long been a matter of debate.

One recent example for the reluctance to discuss the use of private security personnel could be observed in Nigeria. Former president Goodluck Jonathan was desperate to go on the offensive against Boko Haram after the insurgent group had wreaked havoc in the country's northeast, severely diminishing Jonathan's chances to win the presidential election in 2015. Nigeria's military 'brought in hundreds of mercenaries from South Africa and the former Soviet Union to give its offensive against Boko Haram a shot in the arm' (Cropley and Lewis 2015) yet the involvement of private contractors has never been officially confirmed (Freeman 2015).

In the maritime environment, the situation is similar. Private companies have provided security for years yet public information about such arrangements is not available. That may be justified by operational reasons but a lack of transparency generally allows for backroom deals between politicians, senior officers and private companies. Moreover, it is often impossible to judge the quality of services provided by companies involved in such public-private partnerships, even though they may help to provide effective security at sea through assistance to the respective navy or other maritime agencies.

The comparison between two designated areas along the Nigerian coastline outlined above, the Secure Anchorage Area off Lagos and the Bonny Safe Area, is a case in point. Without background knowledge about laws and regulations for the maritime environment in general and for Nigerian companies in particular, it is impossible to make any judgement about the quality of the services on offer.

This chapter does not advocate the use of private security in the maritime environment nor does it argue against PMSCs in general. Decisions to involve the private sector in security-related tasks should be based on a thorough consideration of individual circumstances. Unfortunately, such considerations are rarely transparent, creating potential for controversial but not very well-informed discussions by politicians.

Three aspects have been emphasised in this chapter. First, private security in the maritime environment should not be regarded in isolation. Most western observers paid closer attention to the private security industry due to its considerable growth since the early 2000s. During the previous decade, however, mostly South African ex-military personnel were already involved in several conflicts on the African continent. Justified or not, experiences with these private ventures have shaped the image many politicians in sub-Saharan Africa have of private security companies and the industry still suffers from a relatively bad reputation.

On a global level, large-scale involvement of private security companies during the wars in Iraq and Afghanistan created an environment where an increasing number of pirate attacks was regarded as yet another business opportunity for an industry that had been growing for some time already. In the United Kingdom alone, 570 Royal Marines and 170 members of parachute regiments, many of them experienced soldiers, left the armed forces between 2009 and 2011 according to official figures from the Ministry of Defence. While no studies are available about their post-military careers, 'senior officers have been deeply concerned about the losses of experienced troops to private security companies' (Kiley 2012). The fact that most attacks against merchant ships in the Indian Ocean took place on the high seas rather than in territorial waters was another advantage due to the limited legal requirements in international waters. Similar maritime security problems in other regions, notably in West Africa or South East Asia where many attacks against ships have been recorded in territorial waters, had not led to large-scale employment of PMSC personnel in the past.

Secondly, the rapid growth of PMSCs has given rise to legal questions. Security contracts in the maritime environment are usually arranged between two private entities. If the respective flag state has allowed the use of PMSCs on ships registered in the country, the government can only impose a legal framework to regulate the conduct of PMSCs. Contractual oversight is left to the shipping company. Contracts between shipping companies and PMSCs, however, can hardly be described as standard contracts. For example, the protection of merchant vessels against attacks at sea can involve the use of force by civilian security personnel, up to and including lethal force. In most jurisdictions, such actions are otherwise limited to government agencies such as the police or the military. Specific rules for the use of force (RUF), similar to rules of engagement for military missions, are therefore necessary.

Regulation issued by the Marshall Islands, the third-largest flag state worldwide, is a good example. Ship operators 'shall verify that a PMSC has a clear policy and set of

RUF consistent with an international model set of standards, such as the 100 Series RUF' (Republic of the Marshall Islands 2016: 8). The 100 Series Rules have been developed in accordance with the ISO 28007 standard 'using an objective international law test of what is "reasonable and necessary" when force is used, as a lawful last resort, in self-defense' (Human Rights at Sea 2016). In a nutshell, these rules provide clear guidance so that armed guards on a ship on the high seas know when they are allowed to start shooting to defend the vessel from an attack.

Rules for the use of force aside, regulation of PMSC activities in general is equally important, complicated by the interplay between flag states, port states and countries where PMSCs are registered. Industry-led regulation, most notably through the ISO 28007 standard, makes sense from a commercial point of view. Ship operators and PMSCs would otherwise have to deal with different regulations in various jurisdictions. Such a standard, however, may not be enough to fulfil flag state requirements as legislation in Germany shows. Moreover, no certification guarantees that security companies continuously fulfil all requirements. ISO certification has to be re-issued after three years, the German certification has to be renewed after two years yet the conduct of companies in the meantime also has to be supervised.

The third noteworthy aspect in this chapter is the perception of PMSCs which is largely based on Indian Ocean operations. The use of armed guards was quickly accepted within the shipping industry and received widespread media coverage (see, for example, *The Economist* 2012b, Smith and Chonghaile 2012, Isenberg 2012) and academic attention (see, for example, Spearin 2012, Bürgin and Schneider 2015, Affi et. al. 2016). However, countries in West Africa – as well as in other regions – do not accept armed civilians in territorial waters. Regulation of PMSC activities matters little when national governments are concerned about weapons smuggling, a loss of sovereignty and the state's monopoly on the legitimate use of force.

Regarding maritime piracy itself, incidents in West Africa tend to be different from those on the other side of the continent. In East Africa, 'piracy has been largely motivated by the expectation of cashing in on the ransoms' (Barrios 2013: 3). In West Africa, cargo theft as well as kidnapping of crew members are more common (Onuoha 2012: 6, Saul 2016) while many small-scale thefts and robberies take place in territorial waters rather than on the high seas, another crucial difference to East Africa (*Oceans Beyond Piracy* 2016). Solutions to a problem that seems similar only at first glance will therefore have to be very different. Moreover, attacks against merchant ships may be intertwined with other criminal activities such as smuggling or oil theft. It is impossible to

solve the piracy problem without tackling these other issues. Profits from criminal activities linked to the sea, however, are almost impossible to track down, illustrated by Katsouris and Sayne (2013) in a comprehensive study about oil theft in Nigeria.

Furthermore, the private maritime security industry often points out its success in the Indian Ocean. Until December 2016, no merchant vessel with armed guards on board has been successfully boarded by attackers but such statistics cannot be transferred to West Africa. Embarked armed guards, whether supplied by private security companies or by government security forces, are unlikely to be an effective deterrent against determined attackers. Crew members may even face additional dangers during firefights between attackers and armed guards. In some cases, crew members were shot or even killed when they were caught in the crossfire, for example during the attack against the tanker *Kalamos* off Nigeria in February 2015 (Karagiannopoulos 2015, West Africa maritime security analyst, Interview 36, April 2016).

Examples from West Africa nevertheless show that private companies can help to improve maritime security, for example by addressing long-standing capacity constraints. It is a step away from the classic business model of private maritime security companies. In West Africa, these companies have to focus on long-term cooperation with national navies, trying to build public-private partnerships and to create a win-win situation for both partners (Representative of Nigerian private security company, Interview 6, February 2014).

Financing such arrangements is an issue and objections from the shipping industry against the use of public-private partnerships should be noted. States retain the monopoly on the use of force based on the Westphalian model of the modern nation-state. The right to enforce such a monopoly, however, implies an obligation to provide security on land and at sea, at least in territorial waters. Governments may argue that they do not have enough resources to improve security in their maritime domain. The shipping industry's argument is that the provision of security is a task for the respective government and should not involve direct financial contributions from ship operators. Both arguments are valid yet the question as to who benefits most from improvements in maritime security and who should pay for it remains.

Chapter 8: Contrasting Regions

Different frameworks: comparison between East and West Africa

The comprehensive analysis of issues related to maritime security in East and West Africa conducted in the previous chapters shows many similarities and some differences between both regions. The two different codes of conduct which have been adopted by regional governments in recent years (*Djibouti Code of Conduct* in 2009 for East Africa and the western Indian Ocean region, *Yaoundé Code of Conduct* in 2013 for West Africa) form a good starting point for the discussion. Both documents were drafted in large parts by government representatives in cooperation with IMO experts and other international partners. It took governments in West Africa more time to discuss the content of the code of conduct, even though it is a non-binding agreement that includes several provisions based on earlier commitments, for example the fight against transnational criminal networks or the development of domestic fishing industries (International Maritime Organization 2013).

In comparison with the *Djibouti Code of Conduct*, it seems that time for negotiations in West Africa was well spent. Workshops, seminars and informal talks have led to a document that addresses different threats and security issues in the maritime environment rather than focussing solely on piracy and armed robbery at sea as the *Djibouti Code of Conduct* before it was amended in January 2017. When it was originally drafted, attacks against merchant ships were arguably regarded as a much bigger problem than they should have been, largely due to the perceived threat of Somali pirates at the time. Psychologist Daniel Kahneman offers a succinct explanation for the perception, pointing out that '[t]he world in our heads is not a precise replica of reality; our expectations about the frequency of events are distorted by the prevalence and emotional intensity of the messages to which we are exposed' (Kahneman 2011: 138), a phenomenon he describes as 'availability bias'.

Different frameworks in East and West Africa

The *Yaoundé Code of Conduct* for West Africa (International Maritime Organization 2013) is a comprehensive document which provides a solid framework to address

current and future challenges, analysed in detail in Chapter 6. It may even become a standard for other regions around the globe but it remains to be seen whether governments in the region have the power and the political will to back up their promises with the necessary actions and resources. After all, reaching an agreement on paper may be complicated but it is even harder to translate it into practice.

The *Yaoundé Code of Conduct* should nevertheless be regarded as a significant achievement. After decades of neglect, West African governments have started to discuss maritime security challenges even though almost all countries in the region have traditionally concentrated their security efforts on land. Moreover, ECOWAS and ECCAS as the two regional economic communities provide an established organisational framework, albeit one that lacks internal cohesion (Alli 2012: 12-20, Obi 2014 for ECOWAS, Meyer 2014: 229-232 for ECCAS). Neither organisation has a proven track record for multinational security cooperation. Challenges in terms of maritime security cooperation therefore remain formidable. Nonetheless, both organisations, together with intergovernmental networks with a more specific focus, can be the stepping stone for enhanced security cooperation in West Africa's maritime environment. During a conference in London in March 2013, Commodore Kenneth Ati-John from the Nigerian Navy underlined that 'until recently there had been relatively low levels of cooperation between regional institutions, but there now seems to be a shift in regional cooperation' (Chatham House 2013: 26).

Similar institutional arrangements are almost completely missing on the other side of the continent. As defined in Chapter 1, East Africa as a region consists of fewer countries than West Africa so it should be easier to find common ground for cooperation. The region, however, has been affected by droughts and civil wars for decades, creating a situation with 'divergent country attitudes towards regional integration' (African Development Bank 2011: ii). Kenya, Tanzania and Uganda are the exception from the rule as the most similar countries in an otherwise fragmented region, sharing a common language and similar colonial experiences. Nevertheless, politicians have found it hard to agree on economic integration and issues related to security are even more challenging (Mathieson 2016: 7-11).

It is too early to tell whether the *Yaoundé Code of Conduct* will remain a statement of intent or whether its provisions will be translated into action. Nonetheless, the document already provides a stark contrast to the original *Djibouti Code of Conduct* which was largely based on a short-term influx of money and resources from international actors, interested in the fight against pirate attacks in the western Indian Ocean as shown in

Chapter 6. West African governments have opted for evolution, not revolution. They have agreed on provisions which can become long-term solutions to challenges in the maritime environment, even though implementation will require commitment and focus on these long-term goals.

Long-term commitments related to maritime security cannot be taken for granted while short-term solutions to specific problems may have to be found quickly and could even contradict long-term policies. Nevertheless, regional solutions in West Africa are likely to be more sustainable compared with projects in East Africa that have been heavily influenced by the agenda of international actors as discussed in Chapter 6. The decrease in the number of attacks between 2012 and 2015 has led to a declining impact of piracy on merchant vessels (Vespe, Greidanus and Alvarez 2015) and the international community has already reduced deployments of naval forces to the Indian Ocean. Retaining access to financial assistance and other resources has subsequently become harder for governments in East Africa. One example is Operation Atalanta, the EU naval mission in the region which at the time of writing was mandated until December 2018. The scope of the mission with an already 'downscaled force posture' (European Council 2016) could be further reduced and related programmes might follow suit as European governments concentrate their efforts on other issues than the fight against piracy.

The extent of future international involvement cannot be much more than well-informed speculation but there is a possibility that governments in East Africa could face the bill for programmes that have originally been set up with the assistance of – and under pressure from – the international community, for example additional resources for the fight against piracy or drug smuggling. It remains to be seen whether these commitments will be honoured and whether there will be more cooperation within the region to provide a secure maritime environment. Currently, however, very few efforts can be identified in terms of stimulating regional cooperation related to maritime security issues as discussed in Chapter 6.

8.1 Comparison between East and West Africa

Governments throughout Africa and regional economic communities on the continent have largely ignored the economic potential of the maritime environment since many countries on the continent became independent in the 1960s. Economic development concentrated on land-based issues, an approach that has changed little over time. More

recently, however, the 'blue economy' has been mentioned in more and more speeches, policy papers and media articles as a cornerstone for the future development of African economies, outlined in Chapter 4.

The African Union is the key advocate of the 'blue economy' on the inter-governmental level, underlined by the adoption of the *2050 AIM Strategy* in 2014. Whether the document will be useful in practice remains to be seen, considering that it includes a number of lofty goals and ambitions which are unlikely to become reality soon. Nevertheless, the strategy shows that African leaders are at least considering the economic advantages of the maritime environment, further underlined by an AU summit in Lomé in October 2016 (Kratz and Tiassou 2016). Increased attention for the topic is arguably more important than ambitious sentences on paper. In a short essay about strategic thinking in general, a former special adviser to the Secretary-General of Nato underlined that '[s]trategy is not 'having a big, detailed plan'. Strategy is being able to adapt and react, to take advantage of a situation' (Donnelly 2016: 19).

Adapting the *2050 AIM Strategy* to domestic needs and requirements in different countries will be a challenge for national governments and regional economic communities. Officials at the African Union know that the success of maritime policies, similar to almost every other area, depends on the adoption and implementation on the REC level, succinctly summarised by an African Union official: 'Without the RECs, we are nothing. We can write papers in Addis all day but somebody has to translate them into something more practical. It can't just be governments. We have to work as African brothers, not just within the borders imposed on us by our colonial masters' (African Union representative, Interview 38, April 2016). There are similarities between East and West Africa when it comes to the perception of the maritime economy and, by extension, the importance of maritime security, underlined by the *2050 AIM Strategy*. When it comes to translating the document into regional strategies, however, there are many differences as explored in detail in Chapter 6.

Several other factors discussed in this thesis influence maritime security in East and West Africa. One example is the mature offshore oil and gas industry in West Africa which has made it relatively easy for a country like Ghana to establish offshore production after oil deposits were discovered. In East Africa, substantial hydrocarbon reserves – as shown in Chapter 4 – have been discovered only recently and production can only begin in several years. Ghana provides an essential case study for the potential effects of large-scale exploration of offshore energy resources. Since the discovery of oil in 2007, the government has introduced institutional reforms, embarked

on a procurement programme for its navy (Kunateh 2013), established a coastal radar system to improve maritime situational awareness (Odoi-Larbi 2011, Nkala 2013) and initiated talks with the oil industry to improve security around offshore installations regarded as strategic assets (Ghana Navy staff officer, Interview 28, May 2015).

Another aspect are highly productive fish stocks within the EEZs of many countries in East and West Africa. By and large, management of these fish stocks has been neglected in the past and IUU fishing has become a major problem. Fishing is vital, particularly for countries in West Africa (Kimani 2009). The region has even been described as ‘the epicentre of the tragedy’ (Daniels, Gutiérrez, Fanjul et. al. 2016: 7) but IUU fishing has a negative effect on East Africa as well, analysed in detail in Chapter 5.

Finally, private involvement related to maritime security should be mentioned. By employing armed guards on merchant vessels, the shipping industry has played a major role in the increasing privatisation of security tasks. It is, however, not a completely new phenomenon. The introduction of the ISPS Code in the aftermath of the terrorist attacks in the United States in September 2001 was a first step towards an increasing role of private companies in the provision of maritime security (Liss 2007: 13, Duru 2014: 55). The ISPS Code requires shipping companies and port operators to train staff as security officers with courses and certifications provided by private companies. In East and West Africa, however, more direct forms of private involvement in the provision of maritime security can also be found, described and analysed in Chapter 7.

Essential differences

As outlined in Chapter 6, West Africa boasts an established organisational structure which might be a mixed blessing. In the past, almost no cooperation has taken place between countries organised in ECOWAS and ECCAS. Moreover, ECOWAS’s effectiveness has been reduced because of the dominant role Nigeria plays in the organisation. The country has by far the largest population in the region and an economy that dwarfs its neighbours. Nigeria can therefore act as a regional hegemon and provoke other countries into action. In return, these countries are wary of too much influence and often reluctant to follow Nigeria’s lead (ECOWAS representative, Interview 47, May 2016).

In East Africa, there is no obvious candidate for regional hegemony. Ethiopia has the largest population and the largest military in the region (International Institute for Strategic Studies 2016: 421-480) but Kenya’s economy is almost exactly the same size

with a much higher GDP per capita. Tanzania and Uganda are not lagging far behind (World Bank 2016b). Moreover, geography almost prevents some East African countries to be interested in maritime matters. Compared to West Africa, there are few countries with a coastline. On the national level, effective implementation of maritime security strategies over the next years is much more unlikely than similar measures in some countries in West Africa, discussed in Chapter 6. Comprehensive regional solutions in East Africa are therefore unlikely to be forthcoming in the near future.

Progress with the definition of maritime boundaries and maritime zones is another aspect that has different implications in East and West Africa. In West Africa, the conflict potential of maritime boundaries is high as outlined in Chapter 4. Such conflicts can also be found in East Africa, notably between Kenya and Somalia (International Court of Justice 2014a), but there is less potential for disagreements, simply because the number of coastal countries is much lower.

Maritime boundary disputes can have negative consequences and may complicate maritime security cooperation. Such conflicts, however, are essentially a bilateral problem and may force governments to negotiate and cooperate in order to maximise the economic potential of their respective EEZs. The Joint Development Zone between Nigeria and São Tomé and Príncipe or the peaceful resolution of a boundary conflict between Ghana and Côte d'Ivoire, detailed in Chapter 4, are positive examples for cooperation despite overlapping maritime claims. Moreover, day-to-day operations can be coordinated and conducted even without definite agreements over lines on a map, underlined by regional cooperation in maritime security zones in West Africa, analysed in Chapter 6.

Such examples could lead the way for other countries, underlining that cooperation is necessary to maximise the economic potential of the maritime environment. That includes several factors, ranging from maritime trade to the exploitation of oil and gas deposits or the sustainable management of fish stocks. Considering that coordination on the operational level has been lacking in the past, it does show an increasing commitment to tackle all types of maritime security problems. Similar examples in East Africa are currently limited to the fight against IUU fishing, particularly with the FISH-i project discussed in Chapter 5.

At the same time, East Africa offers an example for the complicated cooperation between regional and international partners. For several years, piracy in the Indian Ocean has been regarded as the most pressing – if not the only – maritime security concern in the region, leading to an influx of money and technical assistance. New

infrastructure includes a training centre in Djibouti and information-sharing centres dotted around the western Indian Ocean region which are unlikely to be sustainable but served the purposes of international partners, charted in detail in Chapter 6. Similar infrastructure related to maritime security and funded by the international community has not been created in West Africa yet and no projects on the same scale have been put forward to date. Nevertheless, policymakers and practitioners should analyse how useful infrastructure which was built in East Africa will eventually be and how to transfer successful models while avoiding the pitfalls of cooperation with outside partners.

The structure of the shipping and offshore industries is another key difference between East and West Africa. Traffic patterns, discussed in Chapter 4, are essential for practical purposes. Security agencies can employ different technical means to improve maritime situational awareness. Coastal radar stations with a range of 20 to 30 nautical miles may be enough to cover a large proportion of maritime traffic in West African countries such as Togo, Benin or Ghana with a short coastline and few ports. In countries with an established offshore industry such as Nigeria or Cameroon, offshore installations can also be used to improve the real-time picture security agencies are gathering at sea. For countries such as Mozambique or Somalia with long coastlines, little traffic close to the shore and no offshore installations, satellite surveillance for the EEZ may be a better investment because coastal radar stations would only cover a limited area.

Private maritime security companies have also provided different services in East and West Africa in recent years. Within a short period of time, armed guards were accepted by large parts of the shipping industry as an effective deterrent against pirate attacks in the Indian Ocean. Shipping companies quickly got used to employing privately contracted armed security personnel. The industry even pushed for standardisation of legal requirements and certification, laid out in Chapter 7.

Decreasing numbers of pirate attacks in the Indian Ocean then led to a drop in revenues and security companies had to look for other business opportunities, including cooperation with security agencies, also analysed in Chapter 7. One of the most interesting forms of cooperation has developed in Nigeria where the navy works with private companies to conduct operations with patrol boats that are privately owned but manned by naval personnel. Similar examples, albeit on a smaller scale, can be found in other countries in West Africa, mostly related to the oil and gas industry. It remains to be seen whether such arrangements can be expanded and transferred to East Africa – and other regions of the world – in the future.

Similarities in both regions

As outlined throughout this thesis, maritime piracy has been the most headline-grabbing maritime security phenomenon in recent years, both in East and West Africa. Other aspects of maritime security such as IUU fishing receive comparatively little publicity. While the overall impact of IUU fishing is not necessarily less than that of maritime piracy, implications are complicated to quantify because it is virtually impossible to calculate reliable figures as discussed in Chapter 5.

Overall, the economic impact of IUU fishing in both East and West Africa may be much bigger than the impact of piracy. Estimated amounts and values of IUU catches in several countries, discussed in Chapter 5, seem relatively small in comparison to the economic costs of Somalia-based piracy which have been estimated at US\$1.3 billion in 2015, down from US\$7 billion in 2010 (Oceans Beyond Piracy 2016). The comparison, however, is not a very good one since the economic burden of IUU fishing is almost solely shouldered by small-scale fishermen and traders. Piracy costs, on the other hand, are borne by shipping companies, maritime insurers, governments paying for naval operations and other actors.

Other issues related to IUU fishing, for example food security, could further exacerbate the problem, leading to – additional – security problems on land in the medium term as discussed in Chapter 5. Maritime piracy, on the other hand, is more likely to be the result of an unstable security situation on land which creates a permissive environment for criminal activities (Murphy 2007: 16).

Questions related to attacks against merchant ships are nevertheless important. First and foremost, piracy remains an issue that produces many headlines, creating a certain amount of political attention. Moreover, such attacks can have direct commercial implications because large numbers of attacks may increase costs for insurance and trade at a time when African governments are trying to strengthen the 'blue economy', outlined in Chapter 4. Finally, the nature of attacks is key for maritime security strategies on the national and the regional level, shown in Chapter 6.

International attention to piracy, particularly in the western Indian Ocean, has also been something of a wake-up call for governments throughout Africa. No government wanted to be associated with similar problems and politicians in many African countries at least wanted to create the impression that something was being done. Discussions about the potential value of the blue economy to African countries have added some urgency to the debate. Unfortunately, misconceptions about certain areas as piracy

hotspots remain part of the discussion, underlined by the analysis of the value of statistics about maritime security incidents in Chapter 6.

Furthermore, the focus on maritime piracy, put forward by the shipping industry and governments from outside the region, has been frequently criticised in East and West Africa. In Somalia, the lines between myth and reality are somewhat blurred but Somalis have claimed that piracy started as an act of self-defence against illegal fishing (Tharoor 2009) and dumping of toxic waste off the coastline (Walker 2011). Such accusations do not justify attacks on merchant vessels passing through the Indian Ocean yet it is somewhat ironic when European or Asian governments send their navies to protect these vessels after fishing boats from Spain, France, China or South Korea plundered fish stocks off the Somali coast (Knaup 2008; Tharoor 2009; Glaser, Roberts, Mazurek et. al. 2015: 29-30).

In West Africa, accusations of a conspiracy by Western commercial interests are the strongest indicator for a general opinion that piracy is a perceived rather than a real threat. Patrick Akpobolokemi, then-Director General of the Nigerian Maritime Administration and Safety Agency, even alleged that 'most of the reported piracy attacks [in sub-Saharan Africa] are untrue and a deliberate sabotage from foreign insurance companies' trying to charge higher premiums (Airahuobhor 2015). On a more general level, the perception of piracy as more important than other challenges has also been criticised: 'We have many criminals on land but we don't deal with them properly. Sometimes they will attack ships, but that is a headline in European newspapers. When the same people rob a Cameroonian on his way to the port, nobody will care about it' (Cameroonian Maritime Administration representative, Interview 40, April 2016).

Such opinions may not be well-received by partners – and donors – from the international community. Nevertheless, these concerns have to be addressed to find sustainable solutions for maritime security. When governments and domestic populations in East and West Africa are unable to see benefits of investments to improve security at sea, money and resources are likely to be wasted. Moreover, there have to be tangible benefits on the local level such as employment opportunities or better fisheries management.

Perception changes may be afoot. In his inaugural speech, Nigerian president Muhammadu Buhari, elected in 2015, 'assured Nigerians and the international community of the new administration's commitment to tackle sea piracy' (Ebosele 2015). In April 2016, the Nigerian Navy launched Operation Tsare Teku (Protection of the Sea) to suppress offshore piracy outside the Niger Delta. Short-term results may be

too much to expect but the operation is notable because it was the first time that high-ranking Nigerian politicians and military leaders acknowledged piracy and armed robbery at sea as a concern for national security.

In East Africa, even landlocked countries such as Ethiopia or Uganda are beginning to realise the value of maritime transport, analysed in Chapter 4, for their own economies. Since Eritrea's independence in 1992 and another two-year war between both countries in the late 1990s, Ethiopia lost access to the Red Sea ports of Assab and Massawa, leaving the country reliant on Djibouti for exports and imports (The Economist 2012c, Gedecho 2013) and creating the need for a new railway connection between Addis Ababa and Djibouti (Omar 2016). Uganda is in a similar position as the vast majority of exports and imports currently go through the Kenyan port of Mombasa but the government wants to develop better infrastructure links with Tanzania, including an oil pipeline and a new railroad (Kuo 2016, Musisi and Muhumuza 2016).

The Seychelles are probably the best example of a country that recognises the value of the blue economy, discussed in detail in Chapter 4. In a speech at Chatham House, foreign minister Jean-Paul Adam has explained that 'there is a need to change the relationship with the ocean from one of purely extraction to one of development (...) [but] many African coastal states lack the capacity to manage their oceanic territory and exclusive economic zones' (2014: 2), underlining that there is a need for external assistance.

Discussions among outside actors rather than with actors from East and West Africa are another aspect that can be observed in both regions. The Contact Group on Piracy off the Coast of Somalia (CGPCS), discussed in Chapter 6, is an example. The group was created to coordinate counter-piracy efforts between governments, international organisations and the shipping industry. Involvement from East Africa, however, has been limited. For outsiders, it is easy to conceive the CGPCS as another manifestation of something that has been described – in different contexts – as 'the white man as a savior' mentality' (Koutonin 2013) or the 'White-Savior Industrial Complex' (Cole 2012).

While there is currently no similar organisation active in the context of maritime security in West Africa, attempts have been made to establish one. The French government in particular has been active to create the G7 Friends of the Gulf of Guinea Group (G7++FOGG), several meetings have taken place since 2014. The G7++FOGG is supposed to be an informal group that comprises of representatives from national governments, international organisations and the shipping industry yet there has been very little participation from the region itself.

Until December 2016, G7++FOGG meetings have produced no tangible outcomes but several short-term goals have been agreed in June 2016. Multinational centres for ECCAS and ECOWAS are supposed to be fully operational as soon as possible and a new centre for coordination of naval activities in the southern part of the region was supposed to be inaugurated in the Angolan capital Luanda by the end of 2016 (Ministério dos Negócios Estrangeiros 2016: 1-2). These goals, however, merely reiterated previously announced measures, no additional commitments – financial or otherwise – were announced. The G7++FOGG's purpose remains unclear, it is perceived mainly as a means of securing French and, to a lesser extent, Portuguese influence in West Africa (Ghanaian navy staff officer, Interview 28, May 2015).

Corruption is another wide-ranging problem in countries throughout sub-Saharan Africa that has been mentioned in relation to different issues in the previous chapters. Corrupt practices not only 'dog the development of the [maritime] industry in the region' (Mooney 2016b), they also undermine the performance of security agencies as well as trust placed in these agencies. In Cameroon, for example, fishing vessels have been detained on several occasions for illegal fishing practices by security agencies but were released only after what is regularly described as 'a call from above', meaning a call from superior officers or even politicians (Cameroonian navy staff officer, Interview 43, April 2016).

The situation in other countries, for example in Senegal, Sierra Leone or Liberia, is similar (Participant of FAO Cape Verde workshop, Interview 30, August 2015). Moreover, ship operators are often reluctant to report small-scale thefts or robberies from their vessels in port or at anchor to local authorities. An employee from a shipping company provides a succinct summary: 'They [personnel from security agencies] will come and board your ship, demand some gifts and interrogate the crew but there is no investigation and nobody ever gets arrested. It is stressful for the crew and the vessel may be in port for another day so it is just not worth reporting anything [in West Africa].' (Representative of shipping company, Interview 17, February 2015).

Whether this view is based on facts, perception or a mix of both is open for debate. Overall, however, the effect of politicians and other elites acting based on personal greed rather than public interest is a general perception of corruption as rewarding (Reno 2009: 52-54). Such governance issues are not an exclusive problem for maritime security. Nevertheless, they do create a vicious circle which makes it hard for security agencies to address their daily tasks in a responsible and sustainable manner.

Fostering partnerships with external partners is also complicated by corrupt practices (Alli 2012: 263-265).

8.2 Maritime security complex or maritime security community?

The question whether regional security complexes in sub-Saharan Africa as defined by Buzan and Wæver in 2003 – discussed in Chapter 2 – are still valid today is open to debate but the discussion is beyond the scope of this thesis. Since the creation of the African Peace and Security Architecture within the African Union in 2002, it has been discussed and analysed by, among others, Franke (2008), Møller (2009a) and Vines (2013). Publications related to the topic, however, have focused on land-based security challenges. The maritime environment has not played a significant role for political discussions nor for academic analysis.

Maritime matters are generally not vital for governments and therefore do not justify the complete redrawing of theoretical boundaries for regional security complexes in Africa. Even though most security threats in the maritime environment are transnational by nature, these are often mere symptoms of underlying problems related to bad governance and law enforcement on land. Moreover, problems such as piracy and armed robbery at sea may have direct economic impacts, leading to reduced maritime trade and decreased government revenues as shown in Chapter 4, but attacks against merchant vessels are not a significant threat to domestic populations or even regime survival, a key difference to actions of terrorist groups or rebel movements on land.

Rather than leading to the creation of a genuine maritime security complex, issues should therefore be addressed in the context of existing regional security complexes or to create regional security communities by encouraging cooperation and joint decision-making. There has already been a pronounced focus on specific regions in the context of security politics in recent years which can be linked to three factors:

- threats arising within states are often transnational and rarely contained within the borders of the respective state;
- an increasing number of internationally sponsored interventions means that partnerships between regional organisations and the international community are more and more important;
- regional organisations – in Africa and elsewhere – are increasingly proactive to address security threats within their regions (Williams and Haacke 2011: 49).

Regional security complexes are largely defined by geography. While the regional level is not always the key influence on national security, 'threats travel more easily over short distances than over long ones' (Buzan and Wæver 2003: 45), underlining that nation-states are likely to be part of a regional security complex yet there is nothing governments can do about it.

The development from a regional security complex into a security community is a voluntary process, depending on several variables. Buzan and Wæver (2003: 53-54) have identified four aspects that define the structure of any regional security complex:

- a more or less distinct boundary,
- distribution of power between units within the security complex,
- patterns of enmity or amity among individual units,
- anarchic structure within the security complex.

The key step to develop a security community is to overcome anarchy and the concurrent rivalry between states within the regional security complex. On the global level, Europe is the best example for a security community where states do not prepare for war or the use of force in their internal relations (Buzan and Wæver 2003: 471). The concept goes back to the 1950s when it was introduced by Deutsch, Burrell, Kann et. al. (1957) and has been developed since the end of the Cold War. In contrast to realist approaches, state actions within a security community are regarded as based on processes of socialisation, norm construction and social learning as well as on rational behaviour and the logic of consequences. Perceptions of security are therefore not only based on the interests of a state, but also on its identity (Bellamy 2004: 17-27), meaning that 'the basic logic of action by which human behaviour is interpreted' is also an appropriate logic for the interpretation of state behaviour (March and Olsen 1998: 949).

European governments have developed a range of common institutions in different policy areas, encouraging interactions and strengthening interdependence. In Africa, the situation is markedly different. Cultural, historical and even linguistic links within specific regions are often strong, encouraging informal cross-border relations and trading networks. Cooperation between states, however, remains relatively weak.

ECOWAS in West Africa provides a good example. Based on the deployment of the ECOWAS peacekeeping force in Liberia in 1990, Bøås (2000) and Bah (2005) have discussed whether West Africa is developing from a security complex to a security community. Both authors have acknowledged cultural and historical ties throughout

West Africa and that conflicts in the region are often interlinked, underlining the qualifications that Buzan and Wæver have provided for a regional security complex (2003: 47). Aning has added that the region is also facing emerging threats such as drug smuggling and cyber crimes (2011: 150) and even a health crisis such as the Ebola epidemic in Guinea, Liberia and Sierra Leone can be a threat to national security (Evans 2016).

Within ECOWAS, however, 'institutional frameworks exist (...) [but] not many practical initiatives have taken place' (Aning 2011: 162). Cooperation is often complicated by a lack of expertise, personnel and financial resources. For other organisations such as ECCAS in West Africa or IGAD and the EAC in East Africa, the situation is even worse and rivalries between states hamper coordination.

Nevertheless, these regional economic communities remain the quintessential actors in terms of transnational security challenges on the African continent, both on land and at sea. The RECs have created at least some of the infrastructure necessary to address challenges on a multinational level. Moreover, they have been recognised by the African Union as integral parts of the continent-wide African Peace and Security Architecture, explored in Chapter 6. Even though international donors often have problems to effectively coordinate ideas and available capacities within specific RECs, they are the best option to create long-term and sustainable strategies to address security challenges (African Union representative, Interview 38, April 2016).

It does not make sense to create additional institutions that are supposed to work in parallel with existing RECs despite their shortcomings. African governments may have limited human and financial resources, often prohibiting them from providing support to existing RECs. There is nothing to suggest, however, that the picture will change with the creation of additional organisations. As discussed in Chapter 6, the international community has largely disregarded existing RECs in East Africa because many actors were desperate to address the problem of Somali piracy. New institutions and frameworks have been created, heavily influenced by international donors but unlikely to be sustainable without continued support from outside the region (Representative of East African government, Interview 7, February 2014).

The positive long-term effects of joint training, seminars and day-to-day sharing of information should not be underestimated. Such experiences have been identified as key aspects in the development of a security community (Adler and Greve 2009: 69-72). Cooperation on the operational level, however, has limits and political engagement will be required at some point to deepen ties, based on clearly defined maritime boundaries

and cooperation agreements ratified by national parliaments rather than memoranda of understanding between navies or government agencies.

At the same time, maritime security challenges should be regarded as a specific subset of broader regional security challenges. Similar to land-based issues, maritime security would therefore be an area where small nations can play a significant role, encouraging further integration to address regional security challenges in general rather than maritime security challenges in isolation. Small nations often have to concentrate on a limited number of issues, simply due to a lack of available personnel and diplomatic expertise. The relatively high-profile role of the Seychelles in counter-piracy activities is a good example (Foreign ministry official, Republic of Seychelles, Interview 10, June 2014). On the United Nations level, similar examples can be found such as Liberia or the Marshall Islands. These countries concentrate their resources on participation in just a few UN institutions, for example the International Maritime Organization since both countries are large flag states (International Maritime Organization representative, Interview 9, May 2014).

Overall, it should also be noted that challenges related to maritime security are not always transnational. In the western Indian Ocean, Somali pirates hijacked merchant ships including crews and cargoes, creating a threat for a major international shipping route. On the other hand, many attacks against merchant ships in West Africa are small-scale thefts from ships at anchor yet a simple look at the statistics about piracy and armed robbery at sea, provided by organisations such as the International Maritime Bureau, does not differentiate between those and different types of attacks (International Maritime Bureau 2015).

More detailed analysis of statistics is therefore essential because some issues can be addressed solely on the national level. Theft from vessels at anchor, for example, has long been a problem around several ports in West Africa. In some ports, thefts have been limited through increased patrols around anchorages and better law enforcement on land. Such measures have not led to an increase in similar incidents in neighbouring ports. For more sophisticated attacks such as hijackings of product tankers with the aim to steal parts of the cargo, however, measures on the national level may simply create a displacement effect, shifting problems to other geographic areas (West Africa maritime security analyst, Interview 36, April 2016).

IUU fishing is another maritime security challenge with unique characteristics, analysed in Chapter 5. On the one hand, efforts to reduce IUU fishing in one country are likely to lead to a displacement effect because fish stocks migrate across boundaries.

Rogue fishermen will target countries where they are least likely to get caught. On the other hand, IUU fishing is a problem that develops over a long time. Large amounts of catches in any given year are unlikely to have immediate implications but impacts accumulate over time. In terms of political attention, IUU fishing can thus be compared to climate change politics. The issue is unlikely to be addressed because policymakers have a 'penchant for partisanship and short-termism' (Giddens 2008: 4) yet potential future problems are impossible to predict and may even lead to additional security challenges.

The inclusion of measures to suppress IUU fishing in the *Yaoundé Code of Conduct* is an important symbol. Governments in West Africa have begun to realise the scale of the problem and to regard it as a cross-border challenge, even though protection of fish stocks is not a traditional part of security politics, either in Africa or elsewhere. While this may not lead to short-term improvements of the situation, increased funding for government agencies – when available – is likely to be sustainable in the long term. In East Africa, on the other hand, protection of fish stocks has not yet gone through a similar process of 'securitization' as defined by academics related to the Copenhagen School of International Relations. The concept describes the expansion of state authority by government representatives defining a certain issue as security-relevant, thereby claiming 'a special right to use whatever means are necessary to block it' (Wæver 1995: 55). Williams has provided a comprehensive assessment of the foundations and limitations of securitization, concluding that it 'provides an innovative, sophisticated, and productive research strategy (2003: 528).

In practice, security agencies may be key for a small island nation like the Seychelles where coastguard officers protect fishing grounds throughout the archipelago. Regional cooperation to counter IUU fishing, however, is conducted on the level of government agencies involved in fisheries management rather than by national security forces as shown in Chapter 5. While enhanced cooperation is valuable and necessary, policymakers are likely to give more attention to an issue that is regarded as a threat to national security rather than to the local economy in coastal regions.

Similar to all other maritime security challenges discussed in this thesis, IUU fishing is therefore unlikely to be a problem that helps to create a genuine maritime security community. Again, it should be regarded as a subset of general security challenges in any regional security complex. Enhanced cooperation between navies and coastguards may then help to strengthen ties within both East and West Africa, albeit this is more likely to take place within existing regional economic communities rather than between

different organisations. The limited extent of inter-regional cooperation is illustrated by the slow implementation of measures related to the *Yaoundé Code of Conduct*, outlined in detail in Chapter 6.

8.3 Summary

Despite an increased attention for maritime security in East and West Africa in recent years, there are currently no signs that a genuine maritime security community is developing on the African continent. Cooperation is improving and maritime security challenges are generating political attention, something that has been lacking almost completely in the past. The *Djibouti Code of Conduct*, adopted in 2009, was the first visible sign to address problems related to maritime security albeit largely limited to piracy and armed robbery at sea. The *Yaoundé Code of Conduct* in West Africa and the *2050 AIM Strategy*, adopted in 2013 and 2014 respectively, have underlined increasing attention for the negative impacts of insecurity at sea on Africa's 'blue economy'. Another charter adopted at an African Union summit in Lomé in October 2016 'is intended to reinforce responses' to challenges in African maritime spaces (Dussey 2016: 2).

On the practical level, however, there are numerous examples of misguided or failed attempts of cooperation between African countries and international partners. Trainings conducted for naval personnel are often a sign of political cooperation rather than an attempt to address immediate needs of navies in East or West Africa, analysed in Chapter 6 and summarised above. Assistance in general is often based on political priorities of international partners, not on requirements of regional security agencies.

In West Africa, for example, security agencies often receive help from the US or European partners to address problems with drug smuggling but the same agencies are left to their own devices when they combat the smuggling of cigarettes or pharmaceutical goods (Doward 2013, UNODC 2013b: 39-44). There are concerns that 'questionable data and selective narrative are being used to bolster support for a new campaign in the "war on drugs", which is likely to be as harmful and ineffective as previous ones have been' (Csete and Sánchez 2013: 13). At the same time, UNODC experts have noted that '[i]n terms of quality of life for the people of West Africa (...) it would be difficult to imagine an issue of greater importance' than the quality of medicines (UNODC 2013b: 39), illustrating the gap between the priorities of regional and international partners. For governments in East or West Africa, however, accepting

the priorities of their partners often entails additional financial resources and other rewards. Fisher and Anderson have shown that 'African regimes have played a conscious role in securitizing their relationship with donors' (2015: 132).

Another example from East Africa is closely linked to piracy in the western Indian Ocean. Counter-piracy efforts by the government of Somaliland, an autonomous region of Somalia striving for independence, have been described as 'tied to the project of state recognition' (Dua 2011). Somaliland's coastguard has received training and equipment from the European Union since 2013 (see, for example, EUCAP NESTOR 2013). Despite such support, the coastguard is still unable to 'patrol the sea or the land because it lacks seagoing boats, vehicles, fuel, communications equipment and land transport, and it cannot build cases against pirates or illegal fishing boats because it lacks the necessary policing (procedural) skills' (Hills 2016: 1072). While it is complicated to establish a coastguard, Somaliland's immigration police has to deal with similar challenges yet seems to be much more effective, largely due to political prioritisation (Hills 2016: 1074-1076).

Shortcomings of security agencies in East and West Africa are not unique to the maritime environment. The example from Somaliland, however, underlines a problem related to maritime security: challenges are often addressed out of context. For governments in East and West Africa, maritime security is only one aspect of overall security. Due to finite resources, addressing maritime security in isolation may lead to shortcomings in other areas which governments are desperate to avoid. Moreover, international support for maritime agencies can create institutional rivalries in countries where such support is meant to address specific challenges.

Sustainable improvements of maritime security can only be reached when this area is addressed in the wider context of law enforcement. That includes police capacities on land but also the legal framework to prosecute offenders and the necessary resources within the judiciary. Such an approach will not lead to short-term results but is much more likely to address maritime security challenges in the long term, enhancing the potential of the 'blue economy' that has often been pointed out by African Union officials in recent years (African Union 2013).

Finally, it has to be recognised that maritime security in East and West Africa may be different from maritime security in other regions of the world. Navies, coastguards and other security agencies often suffer from a lack of capacity, the private sector may therefore help to address shortcomings. Rather than disagreeing with the idea in general and insisting on the security monopoly of the state, actors from the public and

private sector should try to find ways to improve coordination and to create public-private partnerships that work in the interest of all stakeholders and, most importantly, the general public.

Chapter 9: Conclusion

Conclusions, recommendations and areas for further research

This final chapter provides a comprehensive summary of the research presented in this thesis. The first part addresses the research question and subsidiary questions outlined in Chapter 3. In the second part, recommendations for different actors are presented, ranging from governments in East and West Africa to international partners, non-governmental organisations and the private sector. The third part provides a short summary of recommendations for future research. Finally, the last part summarises the original contributions to the existing academic knowledge that this thesis provides.

9.1 Answers to research question and subsidiary questions

The primary aim of this thesis is to compare and contrast issues and challenges related to maritime security in East and West Africa and to develop solutions for both regions. In order to achieve this aim, five specific questions were posed in Chapter 3. These questions were answered by the research presented in the previous chapters, ensuring that the primary aim of this thesis could be accomplished as outlined in the latter part of this section.

How are East and West Africa best defined as regions for maritime security purposes?

This question was addressed with the definitions of both regions in Chapter 1. There are no uniform definitions in the literature, neither for West Africa nor for East Africa. Moreover, all available definitions are related to land-based aspects such as geography, political or economic factors. Buzan and Wæver have also defined two proto-complexes as precursors to regional security complexes in West Africa and around the Horn of Africa (2003: 233-247).

None of these definitions, however, is a good fit for maritime security purposes, considering the unique challenges in the maritime environment. Creating the best definition of both regions for the purposes of this thesis therefore required an

examination of political documents relevant to the topic. In the case of West Africa, the *Yaoundé Code of Conduct*, adopted in 2013 is vital since the document is concerned with various types of maritime security challenges in the region defined as West Africa for the purposes of this thesis. Moreover, the document is supposed to encourage cooperation within the region to improve maritime security.

The definition of East Africa for maritime security purposes is more complicated because the comparable document, the *Djibouti Code of Conduct*, has several countries in the Middle East as signatories. To allow for a meaningful comparison with West Africa, the analysis in this thesis is solely concerned with the African signatories of the document with the exception of Egypt and South Africa. These countries already have relatively well-developed naval capabilities and are able to provide assistance to neighbouring countries. Neither country is affected by the same problems as other countries along the East African coastline, analysed in detail in Chapters 4 to 7.

What is the relationship between maritime security and the economic development of the maritime environment, specifically in terms of fishing, maritime trade, and offshore oil and gas production in East and West Africa?

Economic potential is often the precursor for investments into maritime security. As shown in Chapters 4 and 6, related spending has been increased in several countries in recent years based on the discovery of offshore hydrocarbons or the significance of maritime trade for economic development and government revenues. Problems caused by IUU fishing, however, are rarely seen in the same light. Sustainable fisheries management may have economic benefits, analysed in Chapter 5, but these are more complicated to calculate since fisheries are mostly a source of jobs rather than of high-value exports.

Attacks against merchant ships or offshore platforms as well as extensive IUU fishing are not the only signs for a lack of maritime security but are highly visible ones. Such problems do not rule out economic development in the maritime environment, but they complicate investments – as shown in Chapter 4 – and management of a vulnerable but renewable natural resource such as fish, outlined in Chapter 5. The maritime environment has long been ignored by African governments, underlined by limited exploration for offshore oil and gas reserves, comparatively high costs for maritime trade and the fact that no country in East or West Africa has reliable statistics about fish stocks in their EEZs.

Strategies to improve maritime security are necessary, not only on the regional level. The potential of the 'blue economy' may be different even in neighbouring countries. From an operational point of view, providing security around ports or offshore installations is very different than surveillance and enforcement of fishing activities throughout the EEZ. In order to maximise the return on investments into maritime security, national governments have to consider the economic potential of their own maritime environment in a comprehensive maritime business plan. Efforts to provide security can then be linked up in a broader regional strategy which is in turn backed by political will on the national level.

What are the key drivers for governments in East and West Africa to engage in discussions about improved maritime security in both regions?

In recent years, political interest in maritime security has grown significantly in many countries in East and West Africa, albeit from a very low level. Maritime topics have received unprecedented attention, amplified by reports about attacks against merchant vessels in East and West Africa. Several key drivers have been identified in this thesis, most notably the economic potential of the 'blue economy'.

Harnessing the potential of the maritime environment for the long-term development of countries throughout Africa is the main goal of the African Union's *2050 AIM Strategy*, adopted in 2014. It has been designed as 'Africa's departure point for improving maritime security and building its blue economy' (Walker 2017: 6) yet implementation of sometimes lofty goals and ambitions will be complicated. Nevertheless, the strategy underlines the increasing awareness for maritime issues throughout the continent.

Pressure from actors outside either region is another driver for improvements in maritime security. Governments in East and West Africa have learned that they need to provide a secure environment at sea to attract investments in maritime industries, outlined in Chapter 4. International partners have also tried to stimulate improvements in maritime security, both on the bilateral and the multinational level as shown in Chapter 6. Such engagement, however, can be a double-edged sword. In East Africa, outside involvement often had a narrow focus on maritime piracy rather than on broader maritime security challenges. Moreover, engagement with partners from the region has been limited and largely based on priorities of international partners rather than regional governments.

In West Africa, governments have opted for evolution instead of revolution. The process started with the adoption of the *Yaoundé Code of Conduct* has progressed slowly but improvements of maritime security are likely to be more sustainable than in East Africa. These examples show that international engagement requires a balancing act between pressure on partners to move forward based on previous commitments and assistance that is not based on priorities within the international community.

Other drivers are more likely to be relevant on the national level. In some countries, small-scale fishermen are able to pressure governments into action against IUU fishing or attacks on fishing vessels. In other countries, a focus on maritime security may be caused by a spike in attacks or simply political leadership that had previously been missing.

Can the private sector play a role in the provision of maritime security in East and West Africa, even though security questions in general are an area that is traditionally regarded as the exclusive domain of national governments?

Private companies have been active in the security sector for years, both on land and at sea. Public information about such arrangements, however, is rarely available, allowing for backroom deals between politicians, senior officers and private companies, explored in detail in Chapter 7. Decisions to involve private companies in the provision of tasks related to maritime security should be based on a thorough consideration of individual circumstances but such considerations are hampered by a lack of transparency.

Furthermore, the involvement of private companies in maritime security services should not be regarded in isolation. In East and West Africa, private security companies have been active even before western academics and politicians began to pay closer attention to the industry in the early 2000s. Their actions have shaped the image of the industry which still suffers from a bad reputation in many countries analysed in this thesis.

Examples particularly from West Africa nevertheless show that private companies can be a part of overall strategies to improve maritime security, analysed in Chapter 7. The industry will have to move on from the classic business model of providing armed guards to merchant vessels and focus on long-term cooperation with navies instead. Financing such public-private partnerships may be an issue, especially if the shipping industry or other organisations in the private sector have to bear a large part of the

costs directly. At the same time, the private sector will benefit when long-standing capacity constraints are addressed to improve maritime security.

Is it possible to define a developing maritime security complex or even a maritime security community in East and West Africa?

As demonstrated throughout this thesis, maritime matters alone are not important enough to define a genuine maritime security complex or to redraw the theoretical boundaries for any regional security complex in East or West Africa. In their definitions of regional security complexes, Buzan and Wæver (2003) have largely looked at land-based security issues. Security threats in the maritime environment may be transnational by nature, but these are often merely symptoms of underlying problems on land. Moreover, piracy and armed robbery at sea or IUU fishing may have economic impacts as discussed in Chapters 4 and 5, but these are not a direct threat to domestic populations or governments. Security challenges on land, for example actions of militant groups or rebel movements, often have different characteristics.

Instead of trying to define a maritime security complex or even community in East or West Africa, academics should focus on how to place maritime security issues into the broader context of existing or developing regional security complexes. For politicians and practitioners, it is very likely the best course of action to address maritime security challenges through regional economic communities in East and West Africa. In West Africa, ECOWAS and ECCAS are already involved and have been instrumental to the *Yaoundé Code of Conduct*. In East Africa, involvement of the international community and a narrow focus on counter-piracy initiatives has led to parallel infrastructures instead of strengthening maritime expertise within IGAD or the East African Community.

None of the maritime security challenges discussed in this thesis is likely to lead to a genuine maritime security community. These challenges should instead be regarded as a subset of general challenges within any regional security complex. Enhanced cooperation between security agencies may help to strengthen bilateral and multilateral ties within East and West Africa, ideally leading to positive effects in other areas as well.

Addressing the primary aim of this thesis

Governments throughout East and West Africa have long ignored the economic potential of the maritime environment. Issues and challenges related to maritime

security have been very low on the political agenda. The potential of the 'blue economy' has only been recognised in recent years yet words have not always been translated into action. Negotiations on the political level, for example about an integrated coastguard function network in West Africa discussed in Chapter 6, are cumbersome and have not attracted much attention, neither within nor outside the region. They are nevertheless essential to create a sense for the importance of the maritime environment. Documents such as the *2050 AIM Strategy* or the *Yaoundé Code of Conduct* are a sign that the groundwork has been laid, even though implementation will not be easy.

Economic potential is the key precursor for investments into maritime security. Identifying the potential value of the maritime environment, whether as a trade route or through exploitation of natural resources, is therefore a vital step to push governments into spending more resources to improve maritime security. Potential maritime revenues and necessary investments to realise those can then be incorporated into a maritime business plan, the foundation for a maritime strategy on the national level.

While maritime security is only one part of a maritime strategy, it may be the key aspect. Ambitious goals are unlikely to be achieved when investor confidence suffers due to a lack of security. Moreover, insecurity at sea may be caused by a lack of governance and security on land but may also affect or even create security challenges on land. Problems caused by IUU fishing, detailed in Chapter 5, are a prominent example of the interdependency between security at sea and on land.

Involvement of actors from outside the region may lead to positive results but has to be conducted carefully. Potential challenges have been underlined by the involvement of the international community in the fight against Somali piracy, analysed in Chapter 6. Governments from outside the region instrumentalized their counterparts in East Africa for their own goals, failing to advance regional agendas. Such a narrow focus on specific issues should be avoided. Maritime security challenges are often interrelated and the *Yaoundé Code of Conduct* in West Africa is a good example that governments have realised that. The amendment to the *Djibouti Code of Conduct*, adopted in January 2017, shows that similar progress is being made in East Africa.

Foreign governments aside, other organisations are more and more involved in the development of East and West Africa's maritime environment. That includes non-governmental organisations highlighting the devastating effects of IUU fishing, often supported by academic research. International oil companies are cooperating with their national counterparts to exploit offshore resources and to shape relevant legislation.

Private companies have an increasing influence in other areas as well, for example through the privatisation of ports, discussed in Chapter 4, or the provision of security in cooperation with national militaries, analysed in Chapter 7. All these organisations are pursuing different agendas. Governments with a limited interest in maritime matters have to avoid being pushed into decisions which are beneficial for a small group of stakeholders rather than the general population.

Maritime security can be improved significantly when private actors are involved, but only if governments ensure a transparent environment. Private companies are able to quickly address capacity constraints that would otherwise take years to remedy. Moreover, the private sector is more adept when it comes to the introduction of new technologies that might benefit law enforcement and security agencies. Private involvement in the security sector, however, is not limited to commercial companies. Cooperation between security agencies and (domestic or international) NGOs can also be highly productive, underlined by examples related to IUU fishing in Chapter 5.

Finally, maritime security issues should never be analysed in isolation. Responses to some challenges have to be found on the national level but transnational challenges such as smuggling, IUU fishing, piracy, human trafficking or environmental issues have to be addressed within the wider region. Cooperation between governments, however, may be complicated by factors unrelated to maritime security, analysed in detail in Chapter 6. An increasing recognition of maritime security challenges should therefore not be taken as a sign for the development of maritime security complexes or even communities in East or West Africa. These challenges should be addressed in the context of existing organisations such as the African Union or the RECs in East and West Africa. Creating new organisations to tackle specific issues is extremely unlikely to create sustainable solutions.

9.2 Recommendations for different actors

A lack of maritime security is just one symptom of underlying governance problems, both on the national and regional level. Many countries in sub-Saharan Africa have 'failed to manage the industries that partly or fully operate at sea, guarantee the socio-economic welfare of coastal communities or enforce the law in territorial or international waters' (International Crisis Group 2012: 23) but addressing root causes will require long-term efforts in different areas.

Corruption is arguably the most prominent example. Some negative effects of corruption were mentioned in Chapter 8 but it is a far-reaching problem that affects countries not just in terms of maritime security. It is impossible to address corruption problems solely related to maritime security but the private sector in the maritime environment can play an active role and help to reduce corruption.

Similarly, the lack of capacities that affects law enforcement at sea cannot be addressed in isolation. Navies and coastguards may lack resources to procure necessary equipment or to maintain and operate existing assets yet security agencies on land often face similar problems. It is therefore neither expedient nor realistic to try and increase capacities solely for maritime security instead of the security sector in general. Due to the unique nature of the maritime environment, however, potential solutions may be different than on land. Public-private partnerships, as discussed in Chapter 7, could play a more prominent role.

In other areas, closer links between particular issues caused by a lack of maritime security and similar problems on land could lead to better results. Fisheries management, for example, has some aspects that are similar to the sustainable management of logging concessions and links with agricultural production in coastal areas (Scialabba 1998: 87-147). Moreover, the impact of good management practices in all these areas can be felt directly by local communities and enforcement of existing laws and regulations is an essential part of better economic governance.

Aligning needs and requirements in East and West Africa with those of international partners is another challenge, albeit not limited to maritime security. The US focus on counter-terrorism operations, for example, has been criticised because it 'diverts resources – African and donor – from addressing the very problems of health, sustenance, order and governance that underlie the political turbulence, rebellion and religious fundamentalist conflict' (Wiley 2012: 160). In China, critics have pointed out that the country 'lacks an Africa strategy and commercial interests have overtaken (and even undercut) other national interests' (Sun 2014: 2). African countries are often simply regarded as suppliers of raw materials and potential markets for Chinese manufacturers.

Relations between Europe and Africa have also been complicated by different priorities. The European Union, for example, has tried to pursue a common approach to Africa, starting with an Africa-EU Summit in 2000. Participants published a plan of action and a joint declaration but 'it was clear that European representatives place more emphasis on political aspects, most notably human rights, democracy and conflict

prevention, while African representatives concentrated on economic issues, most notably aid, debt relief and trade opportunities' (Carbone 2013: 6). Such differences have created challenges for partnerships in different political areas.

While overarching issues are essential, there are several aspects that can be influenced to improve maritime security in East and West Africa in the short and medium term. Throughout this thesis, issues related to maritime security in both regions have been analysed, showing that politicians, academics and practitioners can learn from experiences gained in either region in the past. The thesis has also highlighted issues that have not been addressed and shown how much work lies ahead to translate ambitious documents such as the *2050 AIM Strategy* into practice. Below is a list of recommendations for different stakeholders to improve maritime security in both East and West Africa.

Governments in East and West Africa

Poor economic governance in the oil and gas sector and the maritime industry has created a situation where resources do not benefit the society as a whole and potential for economic development is often wasted. Maritime transport to and from East and West Africa remains expensive when compared to other world regions as shown in Chapter 4. Direct impacts of insecurity at sea on overall transport costs are limited compared with factors such as small ports or inefficient cargo handling. However, large-scale infrastructure investments are not encouraged by – perceived or real – gaps in maritime security, prolonging a situation where the economic potential of the maritime environment remains widely untapped.

Governments therefore have to act on different levels. National – and regional – maritime strategies are necessary and maritime security has to be a part of such strategies. It should be the main goal of any maritime strategy to create a situation where economic advantages of the maritime environment can be fully exploited, providing benefits to coastal communities and national economies. Maritime security requires inter-agency coordination and additional investments as discussed in Chapter 6 and, related to IUU fishing, in Chapter 5. However, a comprehensive cost-benefit analysis on the national level is very likely to show areas where investments will create the best returns.

The maritime strategy created by the government of the Seychelles (Ministry of Foreign Affairs 2014; Michel 2016) is a good example on the national level but countries

such as Benin (Blédé 2015: 7-9) or Ghana (Ghana Maritime Authority representative, Interview 33, October 2015) have also made steps in the right direction. These documents can be used as blueprints by other governments yet priorities and requirements have to be identified on the national level. There may be notable differences even in neighbouring countries, based on factors such as geography, hydrocarbon reserves or local fishing patterns.

On the regional level, governments have to work through regional organisations to encourage information-sharing. Some progress has been made in West Africa where the *Yaoundé Code of Conduct* has led to the introduction of multinational coordination centres, discussed in Chapter 6. However, the decision to close the Maritime Trade and Information Sharing Centre (MTISC) in Ghana, announced in June 2016 (Hellenic Shipping News 2016), was a step back as the new single point of contact for the shipping industry is a centre operated by France and the United Kingdom rather than regional navies in West Africa.

In East Africa, governments should learn from experiences gathered in West Africa. The *Djibouti Code of Conduct* may have been amended to include maritime crimes other than piracy yet limited capacities of regional organisations are likely to hamper the implementation on the regional level, discussed in Chapter 6. Moreover, governments will have to ensure that new infrastructure set up by the international community such as information-sharing centres fit regional requirements.

Both East and West Africa would also benefit from a pooling of available resources. On a limited scale, cooperation within maritime security zone D, discussed in Chapter 6, shows the potential of commonly used naval assets rather than operations conducted on the national level. Within both ECOWAS and ECCAS, there are also joint training institutions for military officers but maritime training has been limited so far (ECOWAS representative, Interview 47, May 2016). No comparable institutionalised cooperation has been set up in East Africa.

Another aspect outlined in Chapter 6 is the legal environment for the prosecution of criminal acts at sea. However, changing or creating laws to prosecute suspected pirates is only the first step, worthless without addressing shortcomings in the judicial system. For example, creating specific capacities for such prosecutions may not be expedient in the context of already stretched resources that cause severe delays in the prosecution of many suspects in countries throughout East and West Africa.

International partners

As discussed throughout this thesis, the most high-profile involvement of international partners in recent years related to maritime security in East and West Africa has been the fight against piracy in the western Indian Ocean. By and large, however, counter-piracy initiatives were ad hoc mechanisms, not embedded in existing regional organisations. While the adoption of the *Djibouti Code of Conduct* in 2009 was an attempt to create regional cohesion, its sole focus was piracy, not the sustainable provision of maritime security.

In West Africa, the slow implementation of the IMO-sponsored coastguard function network, charted in Chapter 6, has shown that it will take a long time to create the groundwork for improvements in maritime security and to develop a sense of shared responsibility between participating nations. Improvements in recent years should provide the IMO and the international community with the necessary arguments that it is possible to develop a comprehensive approach to maritime security.

In sharp contrast, the US-based think tank Atlantic Council has recommended the establishment of bilateral pilot projects 'guided by a return on investment methodology that takes into account security threat and consequences, the receptivity of the country to assistance, its ability to absorb the assistance and its willingness and capability to politically and financially sustain the effort for the long term' (Raidt and Smith 2010: 49). The authors, however, have failed to offer explanations on how the return on investment could be calculated, especially considering that national measures are unlikely to be sustainable. Maritime security threats may be addressed in a single country but due to the nature of the maritime environment, it would very likely result in a rise of activities in neighbouring countries. For example, a rise in piracy incidents off Benin and Togo in 2011 and 2012 was largely caused by more effective patrols in Nigerian waters, explained in Chapter 4.

If the involvement of international partners is driven by their own agendas, it is likely to lead to solutions that are not based on requirements within East or West Africa and therefore not sustainable in the long term. International partners could play a more constructive role by putting pressure on regional governments to act according to commitments already made. Assistance provided on the bilateral level or through international organisations should then be based on clearly identified needs and comprehensive maritime strategies.

International governments can also assist efforts in East and West Africa by ensuring compliance with their own laws and regulations. Operations of foreign-flagged distant-water fishing fleets are a prominent example, shown in Chapter 5, but other areas should also be addressed. Corruption, for example, has been mentioned above as a broader governance issue with an impact on maritime security. It has been singled out as a problem by international governments yet the same governments have done very little to ensure that companies from their own countries cannot secure contracts by paying bribes abroad (Anderson 2014, Shepard 2015). Such hypocrisy is not a problem limited to the maritime environment but the international nature of the shipping and energy industries gives international governments broad scope for investigations into fraudulent practices.

More effective coordination of international assistance is another essential point. This is particularly relevant for low-key efforts with long-term effects such as training courses or the secondment of experts to specific agencies. In practice, international partners such as the United States or the European Union often provide similar trainings, often without knowledge of parallel efforts (Representative of international NGO, Interview 26, May 2015). Coordination with partners in East and West Africa is equally important to ensure that efforts are not merely a general fit for overall requirements. Training courses, for example, should be conducted when relevant personnel from local security agencies are available, not when trainers happen to be in the region (Ghana Navy staff officer, Interview 28, May 2015).

International organisations can provide technical assistance in their respective fields. The International Maritime Organization's activities in both East and West Africa are a good example, other organisations such as Interpol or the United Nations Office on Drugs and Crime are also present, explored in Chapter 6. Such efforts have to be coordinated with other partners and countries in both regions but more importantly, international organisations are often not regarded as outside actors merely trying to push their own agendas, providing them with added credibility.

Non-governmental organisations

The overall role of non-governmental organisations in terms of maritime security, one of the core functions of any sovereign state, is limited to specific aspects yet their importance should not be underestimated. Broadly speaking, a distinction should be

made between international NGOs active in both East and West Africa or in either region and domestic NGOs in specific countries.

As in many other policy areas, international NGOs can play an active role by trying to put pressure on regional governments when these are failing to improve specific aspects of maritime security. Arguably the most notable actions in recent years have come from organisations trying to increase attention paid to problems related to IUU fishing as catalogued in Chapter 5.

NGOs can also play a constructive part when it comes to improving maritime security. FISH-i Africa is an initiative to help coastal states in East Africa to tackle IUU fishing despite limited capacities, the project has been explained in detail in Chapter 5. Support comes from NGOs such as Stop Illegal Fishing, a not-for-profit organisation registered in Botswana, and the Pew Charitable Trusts. By combining technical measures with the expertise of various individuals, FISH-i Africa has generated 'country-level political will, resulting in successful enforcement actions' (FISH-i Africa 2016).

Oceans Beyond Piracy (OBP), a project funded by the One Earth Future Foundation, is another noteworthy example. The organisation was launched in 2010, aiming to develop responses to pirate attacks against merchant ships through various measures, including the development of public-private partnerships and the mobilisation of various stakeholders within the maritime industry. Over the years, OBP has created various programmes 'to tackle the constantly evolving issues of maritime security' (Oceans Beyond Piracy 2016b), acknowledging that the discussion about maritime security has to include a range of topics rather than the mere focus on piracy. OBP's approach is underlined by the annual 'State of Maritime Piracy' report which has developed from a mere analysis of the economic costs of Somali piracy into a comprehensive research project that includes economic as well as human implications of maritime crime in different parts of the world (Oceans Beyond Piracy 2015 and 2016).

These are just some examples for NGOs that are trying to translate academic research into political measures. Domestic NGOs have a fundamentally different role. By and large, these civil society organisations are an essential link between national governments and specific groups, creating a communication forum and trying to promote the interests of their members (Mamattah 2014, Kew and Oshikoya 2014).

Due to the sheer number of fishing communities in both East and West Africa, organisations in this area are the most prominent example of the – potential – role of NGOs in terms of maritime security. For regional governments, domestic NGOs are vital partners when it comes to sustainable fisheries management (Neiland and Béné 2004).

Moreover, they can act as a go-between for navies or law enforcement agencies trying to tap into the knowledge of local fishing communities as discussed in Chapter 5.

Private sector

Like non-governmental organisations, the private sector can play a major role in specific areas which could help to improve maritime security in the short and long term. Private companies are active in different areas but a distinction should be made between private security providers on the one hand and shipping companies as well as companies involved in offshore oil and gas production as beneficiaries of maritime security.

The latter group consists of companies ranging from shipowners operating few vessels for coastal trade within either East or West Africa to large conglomerates managing different ship types and classes, frequently calling at ports in either region. Moreover, international oil companies and their subcontractors operate many vessels related to offshore exploration and production, particularly in West Africa. In East Africa, exploration activities are ongoing as detailed in Chapter 4. Finally, trawlers and other fishing vessels not just involved in small-scale artisanal fishing are also owned by private companies, registered in either East or West Africa or outside either region.

Such a diversity of actors is notable for several reasons. First of all, it shows that the maritime environment is used for different purposes, some of which may lead to conflicts between private actors. Secondly, operational patterns are diverse, exemplified by typical movements of fishing vessels and container ships. Furthermore, all actors from the private sector will benefit from improvements in maritime security but their priorities are different.

Operators of merchant vessels, for example, are not concerned by a lack of enforcement capacities for fishing regulations. Subcontractors to the oil and gas industry may only be engaged in specific countries, regional efforts to improve coordination of maritime security initiatives are therefore of limited relevance to them. Fishing vessel owners, on the other hand, can benefit from improved regional coordination and stringent enforcement of fishing regulations as it enables them to maximise their legal catches. These examples show that involvement of the 'private sector' which is often called for by policymakers and academics alike (ECSA 2015) is not as simple as it may sound. Private companies – and, by extension, relevant industry

organisations – have every right to promote their own requests and requirements but these should be regarded in a larger context.

Private-sector organisations should also ensure that their day-to-day actions are not in contradiction to their own requirements. Most importantly, representatives of private companies should not pay any bribes to public officials or engage in other forms of corruption. It is almost impossible to find a company representative who will publicly admit to paying bribes. Behind closed doors, however, representatives from the shipping industry, from oil and gas producers or from fishing companies active in East or West Africa – as well as in other regions around the world – are very likely to admit that they cannot avoid to pay bribes to avoid problems for everyday operations (Representative of shipping company, Interview 17, February 2015).

Due to the international nature of their operations, shipping companies are acutely aware of corruption problems. Some companies have taken tentative steps to address the issue. The *Maritime Anti-Corruption Network* (MACN) has been established in 2011 in an attempt to ‘promote good corporate practice in the maritime industry for tackling bribes, facilitation payments and other forms of corruption’ (MACN 2016). Despite these efforts, some large shipping companies, including members of the MACN, maintain internal databases of acceptable rates that can be paid to officials in specific ports, ensuring that ‘our masters do not pay over the odds when they go to Kenya or Nigeria for the first time’ (Maritime Anti-Corruption Network representative, Interview 34, October 2015).

The maritime industry should not be singled out for corruption problems because these are an underlying issue in many countries in East and West Africa, as pointed out above. For individual companies, it is understandable to pay bribes because employees often feel that they may fail to reach certain targets unless they agree to demands of foreign officials. Nevertheless, it is hypocritical to pay bribes and complain about the practice at the same time. If all masters refuse to hand out cigarettes, liquor or cash to pilots or customs officials, corruption in ports will soon be wiped out. Continuing to hand out such ‘gifts’ not only feeds a vicious circle, it also threatens to undermine progress in other areas of maritime security.

For private security providers, insecurity at sea is first and foremost an opportunity. Security companies are able to offer services in cooperation with governments but private sector representatives should not be able to decide on the types of operations these companies can engage in. Many governments in East and West Africa, however, suffer from a lack of expertise as well as financial and human resources, meaning that

public-private partnerships may be an effective way of addressing certain security issues within a short period of time.

Cooperation between offshore oil producers and national militaries in West Africa, outlined in Chapters 7 and 8, is a good example of public-private partnerships. Even for countries without an established offshore oil and gas industry, however, private maritime security companies can offer key capabilities, particularly in terms of training for local security forces. Such trainings have traditionally been provided by international partners which is a cheaper option but their involvement is often linked to maintaining or increasing political influence. For governments in East and West Africa, it may be more expensive to enlist the assistance of private maritime security companies but it can help to maintain independence while addressing exactly those shortcomings that have been identified rather than simply accepting training exercises defined by outsiders. Moreover, such initiatives may even be financed, albeit reluctantly, by shipping companies or oil majors, the beneficiaries of enhanced security. To an extent, that is already happening in various countries in East and West Africa, discussed in Chapter 7.

Corruption, often coupled with the lax application of relevant laws and regulations by domestic authorities, is an issue that private maritime security companies should address rather than use to their advantage. Their business models need to be based on public-private partnerships or other forms of cooperation with national governments, explored in Chapters 7 and 8. Such new ventures, however, can only grow over time and are unlikely to be profitable from the outset.

9.3 Recommendations for further research

Based on the observations presented throughout this thesis, different areas can be identified where future academic research would be an important contribution to the existing knowledge. It is beyond the scope of this thesis to establish whether all areas mentioned below would indeed provide a feasible basis for any kind of academic work. In some cases, it may be complicated or even impossible to get specific data or other kinds of information. These areas should nevertheless be explored in this context.

General research

Gaps in the existing literature related to maritime security, specifically in East and West Africa, have been pointed out in the literature review in Chapter 2. Most importantly, the

term 'maritime security' has not been used in a systematic way in the literature. With an eye towards Africa, maritime security as discussed in this thesis has rarely been defined in a positive way, but rather as an absence of threats such as IUU fishing, maritime terrorism or – most notably – piracy.

Throughout this thesis, gaps in the existing literature have been addressed to an extent but much scope remains for additional research on similar or related topics. First and foremost, the proposed framework of regional (maritime) security complexes could be addressed in more detail and translated to other geographical regions, for example Southeast Asia where security at sea is essential for most countries simply due to geography while similar problems such as IUU fishing or maritime piracy exist.

One of the key areas of this thesis is the relationship between maritime security and the economic development of the maritime environment in East and West Africa. To address this question, available information regarding fishing, maritime trade as well as offshore oil and gas production was taken into account and discussed in Chapters 4 and 5. In many cases, however, data and information were sketchy at best, leaving much scope to further explore the relationship between maritime security and the maritime economy as a whole on a national and regional level.

Environmental security has been largely disregarded for the purposes of this thesis. Long-term problems in the maritime environment caused by climate change or marine pollution, however, may cause or exacerbate security challenges on land. At the same time, environmental issues are rarely regarded as pressing concerns by policymakers. There is much scope for academic research related to environmental security in the maritime environment that could highlight potentially devastating consequences of problems that are not addressed in time.

The blue economy agenda pursued in the Seychelles has been noted frequently throughout this thesis but other countries such as Benin or Ghana in West Africa as well as Somalia or Mauritius in East Africa have also begun to develop national maritime strategies. Identifying the potential value of improved security at sea as part of maritime business plans could help to underline the importance of the findings in this thesis. At the same time, the role of different security agencies such as navies or coastguards should be analysed on the national level to show overlaps or gaps in their mandates as these are essential for cross-border cooperation.

On the regional level, the influence of different types of security structures offers much potential for further research. In many countries in East and West Africa, the organisation of security agencies is largely based on models introduced by former

colonial powers, creating challenges when it comes to bilateral or multilateral cooperation. The maritime environment offers a diverse area for further research and can provide insights for land-based cooperation as well. Transnational organised crime, regional insurgent groups and other security threats can only be countered through cooperation yet there are many differences between, for example, francophone and anglophone countries, touched upon in Chapter 6.

Finally, the potential role of the private sector in the provision of maritime security has been analysed in this thesis. Many academic articles have analysed legal aspects of privately contracted security personnel on merchant vessels or more philosophical questions about the role of private security providers in relation to government security forces. So far, however, the potential for public-private partnerships in terms of security provision, whether at sea or on land, has received little academic attention, even though there is a range of legal, ethical and practical questions that should be explored in detail, for example different legal environments in East or West Africa or questions about national sovereignty.

Another related aspect offers scope for additional research as well. Privatisation of security is generally discussed in relation to actions of private security companies, both maritime and on land. Some tasks that have traditionally been regarded as the prerogative of national security agencies, however, may be conducted by non-government organisations or commercial companies based on requirements of their clients rather than law enforcement organisations. Gathering surveillance data of commercial fishing vessels in certain areas or due diligence investigations about potential smuggling of oil products are just two examples. Overall, the increasing availability of technical equipment to organisations not directly concerned with law enforcement is an essential area for research and the maritime environment could provide a fascinating case study because the involvement of security agencies is much more limited than on land.

Specific research

It is essential to stress the limitations of the information available for this thesis. In many cases, there is little or no reliable data, for example about the amount of fish caught illegally or about financial benefits of smuggling operations. Limited information is often due to the nature of these operations. Nevertheless, more work could be done to provide better estimates, helping governments and other organisations to identify the

extent of certain problems and to define priorities for law enforcement in the face of restricted budgets.

In some cases, data may be available but is highly fragmented. Improving databases on fish imports from specific countries could help to determine how much fish is actually caught there, even though the country itself may not have the means to determine the amount of fishing in its EEZ. Similarly, the value of imported oil products can be determined based on available data about exports to that country, leading to more transparency in the sector.

By and large, a lack of transparency often serves political purposes and increases potential for corruption. Academic research is one method to identify shortcomings of official statistics, provided by national governments in sub-Saharan Africa or international organisations such as the World Bank or UN agencies. While this is true for many other policy areas, specific research in the maritime sector is vital because of the potential for economic development and the severe lack of available information.

One example is academic research about fish stocks. There are no examples of countries in East or West Africa where sustainable catch quotas are based on long-term academic research. In some countries, not even a systematic collection of the fish species found in the region is available, making it impossible to calculate the potential value of fishing licenses or the impact of IUU fishing practices. Academic studies of the fishing sector in specific countries or regions, for example in Senegal or Madagascar, show the amount of information that is available in theory but remains hidden too often in practice.

Academic research into the size and composition of fish stocks aside, other questions should be addressed as well. Involving coastal communities in projects related to the 'blue economy' is essential for improving maritime security. Fishing communities, for example, may be negatively affected by offshore oil production or coastal tourism, creating incentives for fishermen to engage in criminal activities. Again, ensuring that the benefits of economic development are shared with local communities is not a unique problem in the maritime environment but the sector can provide many case studies that can help to address similar problems on land.

Piracy and armed robbery at sea are two closely interlinked aspects of maritime security and arguably the most prominent symptoms of problems with law enforcement at sea. Nevertheless, it is almost impossible to find meaningful statistics and reports on the subject. Data provided by the IMB or the IMO is often used by academic researchers yet these figures are not suitable for academic analysis, explained in detail

in Chapter 6. Shipping companies often fail to report attacks against their vessels, whole regions such as West Africa gain a notorious reputation despite the concentration of attacks against merchant ships in specific areas and different types of crimes committed at sea, ranging from simple theft to kidnappings, are often thrown together to illustrate the extent of maritime insecurity.

More detailed research about security incidents that really affect operators of merchant ships would add useful information to the discussion. In both East and West Africa, there are countries where no attack against merchant ships has been recorded for several years but potential stowaways may try to gain access to ships leaving port, causing completely different problems for ship operations. Offshore oil and gas production may be affected by fishing vessels breaching exclusion zones around offshore installations while a lack of surveillance equipment adds pressure on maritime operators as national governments have to take measures against oil products smuggling.

9.4 Contribution to knowledge in this thesis

Research for this thesis has been conducted to compare and contrast issues and challenges related to maritime security in East and West Africa and to develop solutions for both regions. The thesis provides valuable insights into implications of developments related to maritime security in both regions. By combining publicly available data and existing academic research with new and previously unused sources, it addresses many of the gaps in the available literature.

As discussed in Chapter 2, academic research on maritime security in sub-Saharan Africa is limited. Specific topics related to maritime security, especially piracy off the Somali coastline, potential terrorist attacks at sea or disputes over maritime boundaries have been covered fairly extensively. Links between economic development and maritime security challenges, cooperation between actors from the public and the private sector or the implementation of national maritime strategies in East and West Africa have not received the same amount of academic interest.

More general discussions of maritime security issues have generally focused on the role of governments and, to a lesser degree, regional or international organisations. Policymakers and academics alike still concentrate on a limited perspective of maritime security, more comprehensive analyses of links between actors and developments in the maritime environment are rare. Furthermore, the increasing importance of the

maritime environment for economic development, particularly in Africa, is barely reflected in the academic literature so far.

This thesis therefore offers a valuable contribution to the debate about maritime security in Africa. In many cases, new sources have been instrumental to address gaps in the available literature or to point out potential areas for further research. Chapter 7 even includes quantitative research about the conduct of private maritime security companies on merchant ships, something that has been missing from the academic literature completely. These figures and statistics are a valuable contribution to discussions about maritime security and an increased role for private companies, both on the political and the academic level.

Furthermore, maritime security, in the way it was defined in this thesis, has rarely been analysed by researchers in the field of security studies. Academics have generally focused on the implications of naval strategies or seapower. Constabulary tasks, much more prominent in everyday operations for most navies around the globe and certainly in East and West Africa, have not been addressed as frequently. This thesis is therefore an essential addition to the existing literature since it underlines potential dividends that even small investments in maritime security can yield in the long term.

While the scope of this thesis did not allow for a detailed discussion of regional or global governance frameworks, the research presented here helps to inform the discussion with specific details, most notably related to the two codes of conduct that have been adopted in East and West Africa. These documents may be the early stages of multinational maritime regimes in Africa but they have not been studied to a great extent so far, partly due to the fact that they have only been adopted fairly recently (2009 in East Africa, 2013 in West Africa).

Considering the limited attention academics have paid to regional security integration and specifically maritime security in East and West Africa in the past, additional research in both areas remains necessary. It has not been the aim of this thesis to fill all the theoretical gaps in the existing literature. Nevertheless, it is a key contribution to the discussion and, perhaps more importantly, a starting point for future research projects.

Sources and Bibliography

Personal communications / key stakeholder interviews

During the course of the research, interviews were conducted with the persons listed below. All interviews were conducted with the understanding that quotes by any person will not be publicly attributed directly and that no direct identification is possible derived from the affiliation of the interviewee and the time of the interview. However, for the thesis as examined, these key interviews are listed below.

November 2012

- 1 Lt Cdr German Navy, interview conducted 16 November 2012 via Skype (identified as: Former staff officer serving in EUNAVFOR)

March 2013

- 2 High-ranking representative of the Security Association for the Maritime Industry (SAMI), interview conducted 8 March 2013 at SAMI headquarters in London (identified as: SAMI representative)

September 2013

- 3 High-ranking representative of NIMASA, seminar attended 9 September 2013 during London International Shipping Week (identified as: Representative from NIMASA)

November 2013

- 4 High-ranking representative of Ince & Co, interview conducted 12 November 2013 after seminar hosted by Ince & Co in London (identified as: Representative of London-based law firm)

January 2014

- 5 Maj Kenyan Navy, interview conducted 15 January 2014 via Skype (identified as: Kenyan navy staff officer)

February 2014

- 6 High-ranking representative of PGS Group, interview conducted 4 February 2014 during visit to SAMI headquarters in London (identified as: Representative of Nigerian private security company)
- 7 High-ranking representative of Kenya Maritime Authority, interview conducted 5 February 2014 during visit to IMO headquarters in London (identified as: Representative of East African government)
- 8 Lecturer at Dar es Salaam Maritime Institute, interview conducted 12 February 2014 via Skype (identified as: University lecturer from Tanzania)

May 2014

- 9 High-ranking representative of IMO, interview conducted 12 May 2014 at IMO headquarters in London (identified as: International Maritime Organization representative)

June 2014

- 10 High-ranking representative of the foreign ministry, Republic of Seychelles, interview conducted 11 June 2014 after Chatham House seminar in London (identified as: Foreign ministry official, Republic of Seychelles)

October 2014

- 11 Representative of Norwegian Shipowners' Association, interview conducted 7 October 2014 at seminar during the Danish Maritime Days in Copenhagen (identified as: Norwegian Shipowners' Association representative)

November 2014

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- 13 representative of Drum Cussac, interview conducted 26 November 2014 during seminar at SAMI headquarters in London (identified as: Representative of private maritime security company)
- High-ranking Independent academic, specialist for MCS and fisheries consultant, interview conducted 27 November 2014 via Skype (identified as: Expert on fisheries research)

February 2015

- 14 High-ranking representative of the Ministry of the Interior, Government of Ghana, interview conducted 5 February 2015 during Africa Security & Counter-Terrorism Summit, London (identified as: Representative of West African government)
- 15 Lt Ghana Navy, interview conducted 5 February 2015 during Africa Security & Counter-Terrorism Summit, London (identified as: Ghanaian navy officer)
- 16 Representative of International Registries, Inc. (Marshall Islands Maritime Administrator), interview conducted 12 February 2015 before BIMCO seminar in Copenhagen (identified as: Flag state representative A)
- 17 Security representative of Maersk Line, interview conducted 13 February 2015 during BIMCO seminar in Copenhagen (identified as: Representative of shipping company)
- 18 Representative of BIMCO, interview conducted 13 February 2015 during BIMCO seminar in Copenhagen (identified as: Representative of shipping industry organisation)

March 2015

- 19 International Trading and Shipping Company, interview conducted 19 March 2015 after seminar at SAMI headquarters in London (identified as: Representative of international oil company)

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Repre the Republic of Cyprus government, interview conducted 26 March 2015 at
sentat IMO headquarters in London (identified as: Flag state representative B)
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April 2015

21 Representative of the Liberia Maritime Authority to the IMO, interview
conducted 17 April 2015 at IMO headquarters in London (identified as: Flag
state representative C)

May 2015

22 Manager, Infield Systems, interview conducted 12 May 2015 at Infield
Systems main office in London (identified as: Infield Systems representative)

23 Administrator, National Association of Fisheries of Ghana, interview
conducted 20 May 2015 in the context of participation at a seminar at the
Kofi Annan International Peace Training Centre in Accra (identified as:
Representative of organisation for artisanal fishermen in Ghana)

24 Senior Researcher, Institute for Security Studies, Dakar Office, interview
conducted 21 May 2015 in the context of participation at a seminar at the
Kofi Annan International Peace Training Centre in Accra (identified as:
Researcher from Senegal-based think tank)

25 Regional Operations Manager West Africa for international shipping
company, interview conducted 23 May 2015 in the context of participation at
a seminar at the Kofi Annan International Peace Training Centre in Accra
(identified as: Representative of West African shipping company)

26 Representative from Oceans Beyond Piracy, interview conducted 25 May
2015 in the context of participation at a seminar at the Kofi Annan
International Peace Training Centre in Accra (identified as: Representative of
international NGO)

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- Centre for International Affairs and Diplomacy, University of Ghana, interview conducted 26 May 2015 in the context of participation at a seminar at the Kofi Annan International Peace Training Centre in Accra (identified as: University lecturer from Ghana)
- 28
- Cdr Ghana Navy, interview conducted 28 May 2015 in the context of participation at a seminar at the Kofi Annan International Peace Training Centre in Accra (identified as: Ghanaian navy staff officer)
- 29
- High-ranking representative of OMA Ghana, interview conducted 29 May 2015 in the context of participation at a seminar at the Kofi Annan International Peace Training Centre in Accra (identified as: Tema-based Legon shipping agency representative)
- Lectur
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August 2015

- 30 High-ranking representative of the FAO in West Africa, interview conducted 18 August 2015 via Skype (identified as: Participant of FAO Cape Verde workshop)

September 2015

- 31 High-ranking representative of the Shipowners Association of Nigeria, interview conducted 8 September 2015 after seminar during London International Shipping Week (identified as: Shipowners Association of Nigeria representative)

October 2015

- 32 g representative of the Liberian Maritime Authority, interview conducted 6 October 2015 after seminar hosted by Risk Intelligence and Oceans Beyond Piracy as part of Danish Maritime Days in Copenhagen (identified as: Liberian Maritime Authority representative)
- 33 High-ranking representative of the Ghana Maritime Authority, interview conducted 6 October 2015 after seminar hosted by Risk Intelligence and Oceans Beyond Piracy as part of Danish Maritime Days in Copenhagen (identified as: Ghana Maritime Authority representative)

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Member of the Steering Group, Maritime Anti-Corruption Network, interview conducted 6 October 2015 after seminar hosted by Risk Intelligence and Oceans Beyond Piracy as part of Danish Maritime Days in Copenhagen (identified as: Maritime Anti-Corruption Network representative)

November 2015

35 Representative from the Isle of Man Ship Registry, interview conducted on 10 November 2015 via phone (identified as: Flag state representative D)

April 2016

36 ive from Risk Intelligence, interview conducted on 11 April 2016 via phone (identified as: West Africa maritime security analyst)

37 Independent academic, Strategic Centre for Peace and Leadership, interview conducted 19 April 2016 in the context of participation at a seminar at the University of Buea (identified as: University lecturer from Cameroon)

38 Representative from the AU Commission's 2050 AIM Strategy, interview conducted 20 April 2016 in the context of participation at a seminar at the University of Buea (identified as: African Union representative)

39 Lecturer in International Relations from the Obafemi Awolowo University, Ile-Ife, Nigeria, interview conducted 20 April 2016 in the context of participation at a seminar at the University of Buea (identified as: University lecturer from Nigeria)

40 Representative from the Autorité Portuaire Nationale du Cameroun, interview conducted 20 April 2016 in the context of participation at a seminar at the University of Buea (identified as: Cameroonian Maritime Administration representative)

41 Representative from the ECCAS Commission, interview conducted 21 April 2016 in the context of participation at a seminar at the University of Buea (identified as: ECCAS representative)

42 High-ranking representative from the United Nations Development Programme, interview conducted 20 April 2016 in the context of participation at a seminar at the University of Buea (identified as: UNDP representative)

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Representative from the Centre Multinational de Coordination de la Zone D, interview conducted 21 April 2016 in the context of participation at a seminar at the University of Buea (identified as: Cameroonian navy staff officer)

May 2016

- 44 Lt Cdr, Portuguese Navy, interview conducted on 3 May 2016 in the context of participation at a seminar at the Maritime Security Centre of Excellence, Aksaz Naval Base, Marmaris (identified as: Portuguese navy staff officer)
- 45 Lt Cdr, Nigerian Navy, interview conducted on 3 May 2016 in the context of participation at a seminar at the Maritime Security Centre of Excellence, Aksaz Naval Base, Marmaris (identified as: Nigerian navy staff officer)
- 46 RAdm (rtd), Turkish Navy, interview conducted on 4 May 2016 in the context of participation at a seminar at the Maritime Security Centre of Excellence, Aksaz Naval Base, Marmaris (identified as: Retired flag officer from CTF 151 staff)
- 47 High-ranking representative from the ECOWAS Commission, interview conducted on 17 May 2016 via phone (identified as: ECOWAS representative)

June 2016

- 48 Cdre, Ghana Navy, interview conducted on 14 June 2016 via phone (identified as: Ghanaian navy flag officer)
- 49 Lecturer at the University of Greenwich, interview conducted on 21 June 2016 in the context of a supervisory meeting (identified as: University of Greenwich representative)

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