

# THE NEXUS BETWEEN PROSPERITY IN THE AFRICAN MARITIME DOMAIN AND MARITIME SECURITY

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## EXECUTIVE SUMMARY

At the centre of ocean governance are the undefined concepts of 'Blue Economy' and 'maritime security'. The AU has undertaken significant work in developing policies and strategies that address both these concepts, which deal with human interaction and its impact on the ocean. A thriving and secure African maritime domain depends on the ratification of these international developments by all African member states and the incorporation thereof into national strategies. As African countries move towards developing national maritime strategies it is important that the two dimensions – the provision of goods and services, and the protection and security of marine resources, property and life – are governed in an integrated manner that embodies the nexus between a thriving Blue Economy and an African maritime domain free from insecurity.

## RECOMMENDATIONS

- 1 African member states must ratify the African Charter on Maritime Security, Safety and Development.
- 2 The development of maritime policies should be approached as a collaborative and collective process.
- 3 National maritime policies should not consider the concepts of 'Blue Economy' and 'maritime security' separately but rather holistically.

## INTRODUCTION

African states can benefit from the sustainable use of the ocean and its goods and services, and in such a manner build a thriving Blue Economy, provided that maritime resources are protected throughout national exclusive economic zones. While there are increasing efforts in African countries to gain a better understanding of what a Blue Economy entails, both at a national level and collectively as a continent, the African maritime domain still suffers from threats and a general lack of maritime security. The Blue Economy and maritime security are at the centre of ocean governance, yet maritime policies often do not optimise the nexus between them. In recent years the AU has worked towards developing regional maritime policies that include a regime addressing maritime security.<sup>2</sup> The time has come for African countries to incorporate these developments into their national maritime policies and strategies.

African policymakers must also make use of this opportunity to drive new integrated processes while improving their understanding of emerging concepts and developments within the ocean governance space. Maritime policies must be designed around existing national and international legal frameworks, and the process of developing such policies must be inclusive and collaborative, both nationally and within the region. It must include all stakeholders, both nationally and internationally. Most importantly, it must have a strong focus on protecting the African maritime domain from maritime threats and, in such a manner, pivot around the link between the Blue Economy and maritime security.

## THE NEXUS BETWEEN THE BLUE ECONOMY AND MARITIME SECURITY

It can be argued that the concepts of Blue Economy and maritime security remain contested. They are often used by policymakers to encapsulate human interaction with the ocean in a specific way, without necessarily placing sufficient emphasis on the nexus between these undefined concepts.

The Blue Economy, given the right policies, provides a favourable environment for innovation and strengthens competitiveness in traditional and non-traditional sectors of marine and coastal activities. At the heart of the global shift in ocean governance lies this new concept of an inclusive partnership between all stakeholders that accommodates short-term needs with long-term

objectives of sustainability, and that internalises the cost and benefits of access to common goods. It constitutes a growing recognition of the interdependence of all elements in the interaction between humans, land and ocean, and of the importance of redefining human interaction with the ocean to ensure a sustainable relationship. It is a concept that implies the sustainable use of the abundant goods and services supplied by the ocean, as well as adaptation to and mitigation of the risks or dangers that the ocean presents to prosperity and human well-being. The concept of a Blue Economy is one that addresses root causes, not only symptoms. It integrates two dimensions – that of the provision of goods and services, and the protection and security of marine resources, property and life.

Maritime security<sup>3</sup> in the African maritime domain is jeopardised by criminal activity at sea, and encompasses money laundering, illegal arms and drug trafficking, piracy and armed robbery at sea, illegal oil bunkering/crude oil theft along coasts, maritime terrorism, human trafficking, human smuggling, asylum seekers travelling by sea and fisheries crime.<sup>4</sup> Those engaged in maritime crime often move from one criminal activity to another, further contributing to the multifaceted nature of criminal activities at sea and the lack of understanding of its full extent.

Considering the levels of interdependence in the interaction between humans, land and ocean, it is clear that a mindset change is required in how ocean governance is approached and translated into action. For the Blue Economy to truly thrive within the African maritime domain, an integrated ocean governance approach is needed with a strong focus on the human dimension.

## ENSURING MARITIME SECURITY AT A NATIONAL AND REGIONAL LEVEL

Among the requirements for the successful development of a thriving Blue Economy, within the African maritime domain, are maritime transportation systems that are secure from criminal activity at sea. International trade relies heavily on maritime transport, with 90% of cargoes and commodities carried by sea, making this sector essential to the Blue Economy. When maritime threats jeopardise maritime transport, it has a far-reaching knock-on effect on, inter alia, the trade of goods and services, global food security, economic security, energy security, and the trade and manufacturing industries.

However, the list of maritime challenges and the spectrum of maritime threats will continue to grow, to include issues that are often neglected and future threats not yet considered. As these maritime threats and challenges expand it is important to bear in mind that there might not be sufficient resources to ensure maritime security across the entire African maritime domain.

One of the main threats to maritime security is lawlessness at sea. Contributing factors include a lack of sufficient or suitable naval assets to protect territorial waters, challenges in prosecuting crimes committed at sea, and legislative powers that are not used to their full extent. It is important to note that international conventions and agreements provide a framework of legal and procedural measures to be implemented at a national level.<sup>5</sup> While there are extensive international and regional legal frameworks, they have not all been acceded to and are therefore not in force yet. Even when these legal instruments are in force, implementation may take several years. African countries cannot afford a slow response to addressing maritime threats and must participate at an international and regional level, while continuing to build capacity at a national level.

The African Charter on Maritime Security, Safety and Development, commonly referred to as the Lomé Charter, adopted on 15 October 2016 by African heads of state, is a landmark instrument on maritime security. One of its pivotal contributions is that it recognises the need for collaboration between African states and the importance of coordination and information sharing.<sup>6</sup>

The Lomé Charter presents both an obligation and an opportunity to implement measures to secure the African maritime domain by means of national policies, training and capacity building, and the creation of national maritime coordination agencies.<sup>7</sup> It is therefore of utmost importance that African states ratify the charter and work towards its incorporation in national policies.

## FROM POLICY TO IMPLEMENTATION

The continuous effort to harmonise international and national policy development must include a review of existing maritime security plans and strategies and the sharing of best practices. While African countries work towards developing national maritime strategies, policymakers must bear in mind that these strategies should be a process, not a mere product, and that a

successful process will entail a successful product. This process must include more collaboration and consultation, which will lead to a collective approach, and must harness the expertise of the global community. Within these collective and collaborative approaches lie the solutions to make adequate provisions for future maritime threats and challenges, as well as for the resources necessary to address them.

As Africa works towards a maritime domain with greater maritime security, these policy processes must continue to use and develop existing legislative processes and focus on partnerships to drive prosecutions. Consideration must also be given to the fact that the underlying social, economic and political conditions in Africa have an impact on the maritime domain and must be addressed.

In order to ensure that the maritime policies drafted can be put into effect, the member states involved in the drafting processes need to be aware of the risk of grouping all maritime issues – in particular maritime threats – together. At the same time, it is important to remember that one transnational crime often enforces another.

## CONCLUSION

Policymakers in the African maritime domain currently find themselves in a peculiar situation where contested concepts are central to ocean governance and maritime policies. At the heart of these concepts – the Blue Economy and maritime security – stands human interaction with the ocean and, in particular, criminal activity at sea. Maritime insecurity, as a result of criminal activity, is an element of human interaction with the ocean that must be recognised as a barrier to a thriving Blue Economy. Once these concepts are better understood and legally defined African countries can continue their work to incorporate both of them into national maritime policies. Ideally, maritime policies should be developed as a process around a defined Blue Economy and maritime security – policies that deal with these concepts holistically and not separately, policies that are not developed in a vacuum but that address root causes, and policies that build on collaboration with all African states.

## ENDNOTES

- 1 Ernesta Swanepoel is an admitted South African attorney and is qualified in both marine and environmental law.

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- 2 Developments include the [AU's Agenda 63, 2050 Africa's Integrated Maritime Strategy](#) (2050 AIMS), the Yaoundé Code of Conduct, cooperation agreements between states, and the most recent African Charter on Maritime Security, Safety and Development.
- 3 Bueger C, 'What is maritime security?', *Marine Policy*, 53, 2015, pp. 159–164.
- 4 AU, *2050 Africa's Integrated Maritime Strategy*, Version 1.0, 2012, p. 11.
- 5 Moseley A, 'The Implementation of International

Maritime Security Instruments in CARICOM States', unpublished thesis, UN Office of Legal Affairs, Division for Ocean Affairs and the Law of the Sea, 2009, p. 10.

- 6 Blédé B & T Walker, 'Fulfilling the promise of the Lomé Maritime Summit', *ISS Today*, 21 October 2016, <https://issafrica.org/iss-today/fulfilling-the-promise-of-the-lome-maritime-summit>, accessed 31 May 2017.
- 7 *Ibid.*

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