TURNING THE TIDE: DEALING WITH BAD ORDER AT SEA OFF AFRICA

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ABSTRACT

The oceans form one component of the global commons and feature increasingly in the news due to encroaching threats and vulnerabilities. The face of contemporary maritime insecurity is strongly portrayed by the threat of sea piracy, although piracy also tends to mask the wider realm of the constituent elements of good order at sea. By the end of the first decade of the 21st century analysts view Africa as the hub of international piracy that elevated the security of the African maritime domain with the Horn of Africa and the Gulf of Guinea featuring most prominently. In both regions international and regional co-operation between a host of state and non-state actors continue to take shape and contest the general land-dominated security sectors of the African continent. Off the Horn of Africa maritime threats became highly securitized under the auspices of the United Nations with a strong international naval response depicting international co-operation. Off West Africa lower-keyed securitization takes place with growing co-operation between the region and extra-regional partners to secure the Gulf of Guinea as a growing economic hub.

1. BACKGROUND

African security features prominently within international security debates, but the African position is often presented in a manner that accentuates its conflict profile. Although certain African leaders appear to work rather diligently to counter pessimistic perceptions of Africa,[1] an array of threats and vulnerabilities co-exist with the narratives that depict the continent in a more positive light.[2] While the negative images of the African security landscape mostly stem from events on land, maritime threats along the West and East African coastlines are growing alongside the landward emphasis on security. The latter development is most visible in Africa being viewed as a haven for pirates, but it covers only one threat amidst a larger threat landscape off the African coastline. Preferably, the African maritime security debate must be widened as Mugridge contends that the world's oceans offer a lucrative operating environment to terrorists and criminals.[3]

The primary aim of the paper is to demarcate and consider important elements that inform the African maritime security debate. Upholding the constituent elements of good order at sea, extending maritime security beyond the piracy hype and events on land, and the imperative of co-operation between actors form the central thesis of the paper. The geographic focus covers primarily the eastern and western seaboards of the continent, although some very brief references are made to events and developments along the Mediterranean and Southern African coast lines. The paper therefore commences with the importance of the African maritime domain and the need for good order at sea. Secondly, emergent sectors of African maritime security are outlined and set in the contexts of West and East Africa. The third section of the paper turns to the official and unofficial securitization of the African littoral waters and the range of actors and activities employed against maritime threats and vulnerabilities. The paper concludes with a brief evaluation and concluding remarks.

2. GOOD ORDER AT SEA AND THE EMERGING AFRICAN MARITIME SECTOR

African decision-makers realise the importance of the oceans surrounding the continent, but a pattern of explicit commitments by leaders to secure this important African asset is a somewhat recent manifestation. One argument for the lack of a maritime commitment posits a strong landward culture within the African strategic outlook and one perhaps reinforced by a perception of maritime threats not taxing incumbent rulers and regime security in general.[4] A second argument stems from the almost total lack of capacity available to most African authorities to project sovereignty into the maritime domains under their jurisdiction and a void accentuated by the prevalence of rather large African armies as opposed to navies.[5] Changing this landward fixation supposes shifting an established security culture from one embedded in landward thought to one also responsive to matters of maritime security.[6] Such a shift takes time and is generally viewed as incremental, rather than revolutionary in kind. It is therefore important to understand indicators of this gradual shift.

Covering a coast line of 26000 km (1600 miles) and with coastal states facing the problem of controlling the extent of the territorial sea (up to 12 nautical miles) and other waters under their jurisdiction (the Exclusive Economic Zone or EEZ of 200 nautical miles and the continental shelf of 200 nautical miles) the African maritime territory is huge. The aforementioned demarcations include the seabed below and the airspace above all of which add to the significant maritime sphere over which coastal states must maintain security. Given the presence of about 33 coastal states and several islands like Madagascar, Mauritius, Seychelles, Sao Tome & Principe and the Comoros, sharing the seas around the continent, the significance of maritime matters and security in particular, take shape. Landlocked countries (Botswana, Zimbabwe, Zambia, Malawi, Uganda, Chad, Mali, Niger and Ethiopia for example) are also dependent upon on secured maritime zones surrounding the continent. As the second most-densely populated continent, unopposed African threats and vulnerabilities hold a dire threat to a very large continental population.[7]

African oceans harbour important resources and lines of communication that call for protection, and if necessary, defence of African waters. Given the rise of globalisation and its economic pillar in particular, African maritime spaces are integral cogs in the safe flow of maritime traffic along global shipping routes. Co-operation to safeguard the maritime commons thus becomes an imperative.[8] The oceans tie Africa into global maritime trading and industrial networks that hold existential advantages for Africa, as well as the wider international community. Africa's fishing resources are also popular with the international community and regarding hydrocarbons, Africa is rapidly becoming a major player with its off shore energy assets driving its pivotal role as a future international gas and oil hub.[9] Although neglected, Africa remains an important continent and perhaps even more so due to its maritime landscape than what it receives credit for.

A shift in the scholarly literature since circa 2005 highlights African maritime interests within African security debates. Furthermore one also finds a number of key decisions and documents underpinning a growing interest in African maritime matters. The pronouncement by the African Union (AU) to move towards an integrated African maritime strategy signifies a first step.[10] Secondly, the acceptance of the African Maritime Transport Charter and the action plan, as well as a resolution on maritime safety, security and protection of the African marine environment taken by AU transport ministers in Durban (October 2009) supports the AU's concern with maritime security matters.[11] The *Brenthurst Discussion Paper No 3 of 2010* is a third indicator and offers a comprehensive view with recommendations on an Africa-informed strategy for the littorals.[12] Fourthly, the Sea Power for Africa symposia also play a role and primarily through African Navies that attempt to influence their governments and ultimately the African Union through resolutions about the African oceans, its resources and those who live from and have to protect the seas.[13] In combination, the aforementioned developments depict a recent pattern of African responses to maritime threats and vulnerabilities which can be construed as a shift away from what one could well call a period of "sea blindness".[14]

In the same manner that low-intensity conflicts challenge African governments on land, bad order at sea add to their security woes. Threats to exploiting and harvesting mineral and living resources, disrupted lines of communication for maritime transport, bad or absent dominium over the oceans and a general lack of governmental attention to off-shore matters foster conditions that allow the oceans to become dangerous

landscapes.[15] Securing the seas off Africa is not an easy undertaking and preserving good order at sea taxes even modern navies that have to play the "at home" and "away game" to protect national waters and the high seas.[16] Irrespective of the difficulties involved, the following elements of good order at sea require the attention of decision-makers.

Gas and oil. The scope and importance of oil and gas resources at sea are growing rapidly. One important facet of the off-shore location of huge hydrocarbon deposits turned international attention to possible threats to these locations.[17] Although Till for example tends to accentuate the Asian environment, West African waters harbour impressive new discoveries of oil and gas, but face dangerous criminal, insurgent and terrorist threats.[18]

Fishing stocks. The fishing industry forms a livelihood for large numbers of people and the prevention of illegal and unregulated fishing is of the utmost importance. Recent warnings such as "*The End of the Line*" documentary programme accentuate pressures upon fishing stocks. Over- and illegal fishing practices are a clear and present threat to ocean resources and Africa is not exempted. The piracy threat off Somalia originated from local attempts to curb illegal fishing while transgressions are also visible off West Africa with its huge local fishing culture.[19] Securing the ocean off Africa as source of food and thus promoting food security for vulnerable African populations call for actions rather than words.

Maritime transport. Secure maritime transport routes are critically important to the international community. Also a matter held in high esteem by Mahan, Till accentuates the fundamental importance of maritime transport routes within the globalised world of the 21st century.[20] Given the volume of goods that flow by sea, (as high as 90% of all goods, services and products), the safety and security of maritime routes must concern all governments. Given the density of shipping along the African coastline, (some 16000 per year pass through the Gulf of Aden alone) African governments can barely afford the laissez faire attitude they had displayed up to now.[21] As Africa enters the global economy as an attractive investment opportunity and resource hub, every African country depends upon the free and uninterrupted flow of trade across the oceans in order to benefit most from its economic advantage to deliver the required goods on time to and from Africa.

Ensuring dominium over the oceans. Good governance over the seas requires that each country governs its territorial waters and that international society in some collaborative manner dominates the high seas. These national and international responsibilities imply the "home" and "away" game for navies in particular, but also appropriate commitments within the policies of government.[22] Countries are threatened from the sea and although this threat historically shows a war fighting profile, its current face (for Africa in particular) resides in the murky continuum between war and peace. It nonetheless remains a danger to African states who have limited or no capacity to exercise jurisdiction at sea and oppose even softer maritime threats to good order at sea in a credible way.

Important though, some domination of the littoral and the seas beyond goes a long way to promote order at sea. A maritime approach is of the essence and in particular as "Actions performed by military units in partnership with other government departments, agencies and interested partners in the maritime environment to counter illegal activity and support freedom of the seas for the protection of national and international interests."[23] This definition accentuates the multiplicity of actors and illegal activities at sea, both of which serves the imperative of upholding good order at sea. Order at sea affords the freedom to exploit and use the seas in a responsible way, and operates most effectively amidst a will to defend maritime sovereignty against encroaching threats. Threats to good order at sea are growing and the underlying discussion now turns to maritime threats off the western and eastern littorals of the African continent.

3. AFRICAN MARTIME THREATS AND VULNERABILITIES

Sageman (2010) and the Brenthurst discussion paper of 2010 both offer contemporary outlines of maritime threats residing or emerging off Africa. The 2010 maritime security workshop of the AU contributes to this debate on African maritime security by stressing the need observed by African leaders to address this neglected security domain. Amidst the piracy-hype a broader dialogue on maritime threats in African

waters is taking shape. The main focus of the literature remains however, upon the Horn of Africa and the Gulf of Guinea with the following maritime threats on the African security landscape receiving most attention.

Terrorism. Luxor in Egypt (1997), Nairobi, Dar es Salaam (1998) Uganda (2010) Somalia (ongoing) and Mombassa (2002) all attest to Africa not being immune to terrorism. At sea the Limburg attack (October 2002) in the Red Sea is a first such incident close to African waters and the failed attack upon the Shell Bonga oil platform off the Nigerian coast was noted due to its distance from land.[24] Maritime terrorism off the African coast is thus possible and Chalk outlines some drivers of maritime terrorism: Lucrative targets at sea offering opportunities for economic destabilization, punishment of enemy audiences through lax coastal and portside security and access to commercial technologies to operate at sea.[25] The two most dangerous terrorist scenarios represent acts of terror in the Bab-el-Mandeb choke point off Somalia, or in the Gulf Guinea with its growing energy infrastructure. In both cases analysts tend to underline indicators of an al Qaeda presence (or affiliates) to motivate the possible incidence of maritime terrorism.[26] The fortunate reality of the terrorist threat remains that of possibilities beyond al Qaeda and conditions conducive to such actions.

Piracy. A number of developments promote the general escalation in sea piracy and Africa is not exempted from these accelerators. The growth in shipping traffic and its flow through choke points in particular turn the attention to the Bab el Mandeb off the Horn. The ongoing international economic crisis draws more people into maritime criminality – a matter only exacerbating conditions in Africa's littoral regions. Pressure for more landward security after the terrorist attacks of September 2001 drains resources away from maritime matters and allows more leeway for bad order at sea. Africa already suffers from an undue fixation with landward security and thus tends to neglect maritime matters even more. Lax security measures in ports and coastal waters together with official complicity only perpetuate the problem. Africa unfortunately suffers from a general weakness in maritime governance that allows (amongst others) for piracy to grow.[27] Chalk views piracy as a triad comprising anchorage attacks, robberies against ships out at sea and theft of ships and cargo aimed at their conversion as "phantom ships" for trade or a pirate mother ship. Employed rather freely as a label for attacks at sea, piracy became the face of Africa's maritime insecurity. The Horn of Africa and further south along the east coast and in the Gulf of Guinea, piracy draws international attention and lately increasingly southwards beyond the ambit of Somali waters.[28]

African piracy has several profiles as multiple groups labelled as pirates for example work out of Somalia: (See Map 1) Pirates, maritime militias, pirate militias and their networks bring a new dimension to the fore that reconfigures the traditional landward face of African armed groups.[29] In the Gulf of Guinea the frequency of attacks at sea are much lower, but appear more violent and life threatening. (See Map 2) The waters off Nigeria are also endangered by armed groups fostering instability on land with an overspill of criminality and political agendas into the Gulf waters.[30] Economic and political agendas form the backdrop to much of what is construed as modern day piracy and while details about agendas and participants remain opaque, African piracy reinforces international perceptions of ungoverned African seas.

Illegal oil bunkering. This threat is most prevalent in Nigerian waters and holds national and international repercussions. Networks with criminal-rebel-government participation plague the Nigerian oil industry. The maritime connection plays out at sea through pirate tankers accepting the stolen crude from syndicates and transporting it further afield.[31] A land-maritime connection operates between armed groups, the maritime tanker syndicates and even corrupt naval officials constituting a threat portraying criminality, political agendas and corrupt public officials. In the case of the 2003 *African Pride* incident in Lagos, Nigeria the oil cargo was transferred to a pirate tanker while under naval guard.[32] Nationally the impact of illegal oil bunkering further strains Nigerian oil production and contributes to international perceptions of contrived scarcity that adds to soaring oil prices. Oil bunkering thus causes a ripple effect with a weakly policed Gulf of Guinea contributing its fair share as a causeway or holding dock for pirate tankers.

Drug trafficking. West-Africa is a haven for drug trafficking from South America into Europe (See Map 3). The Atlantic Ocean serves as one transit route with little impediment from African policing authorities. Guinea (Conakry) offers a lucrative maritime landscape with a general lack of policing at sea allowing for drug syndicates to move freely from the sea into certain West African countries. Geographic location and

facilitating political conditions together with a tolerance for smuggling activities form attractive features for the drug traders.[33] In effect West Africa serves as a transit region for cocaine from South America into Europe and heroin from the Middle East to the USA. While Guinea appears to be the focal point, it masks a significant Nigerian involvement in the drug trade through and from West Africa. Movement of bulk drug cargoes takes place by sea and very large consignments of drugs have been intercepted as it was moved through West African waters.[34] Official complicity is a major difficulty as state-criminal networks are emerging with drug money being the glue that binds them together. Similar to pirate mother ships, drug mother ships sail into West African waters from South America and transfer the shipments to smaller vessels for further distribution to Europe and into West Africa as payment to local partners, amongst others.[35]

Smuggling. People wanting to leave Africa, or forced to do so by criminal syndicates implies a journey by sea whether across the Mediterranean or Red Sea/Gulf of Aden. Human trafficking and smuggling people who are desperate to leave the continent involve criminal syndicates in West Africa, North Africa and East Africa.[36] Weapon smuggling takes place as well and often serves to fuel African armed conflicts.[37] The arms shipment discovered in 2010 aboard an Iranian vessel in the port of Lagos attest to how suspicious or smuggled arms shipments travel through African waters.[38] Pirates, poachers, armed militant groups and governments under international arms sanctions have a need for arms and thus offer a market for illegal arms shipments.

Pollution. Real and potential pollution of the sea and from the sea cannot be ignored. Rising pollution off the West African coast, and off South Africa, with potential pollution in the busy shipping lanes off the Horn of Africa is on record. The terrorist attack on the Limburg oil carrier spilled oil into the Red Sea, waste dumping from the sea took place in the Ivory Coast, and toxic waste discovered on the Somali coast are some examples of maritime pollution.[39] Protecting the seas as a source of food and information is threatened by pollution and perpetuated by rogue actors exploiting or sailing the seas and living on its shores.

Unsettled maritime boundaries. While maritime boundaries tend not to be controversial at the moment, the growing importance of the sea to African developmental and security futures is bound to change this. As the attention of decision-makers shifts off-shore, maritime boundaries come under scrutiny (See Map 4). Daniel outlines a host of prominent and less prominent maritime boundary disputes, unclear off-shore demarcations and even tentative agreements between parties. West Africa shows a particularly unsettled profile commencing in the North-west between Morocco, Western Sahara and Mauritania regarding their maritime boundaries. Further south the ongoing tribulations centre on the Gulf of Guinea and its littoral states.[40] The DR Congo, Republic of Congo, Cabinda and Angola interface also reflect unsettled maritime boundaries and this in a known resource rich off-shore location. The maritime boundary between Namibia and South Africa seems to be tolerated, but the low-level dispute in the presence of gas, diamonds and possibly oil hold a certain potential to escalate.[41] Off the east coast the maritime boundaries between South Africa, Mozambique and Madagascar straddle gas deposits while further north Kenya and Somalia also have not ironed out their maritime boundary.[42] By far the majority of these disputes and settlements unfold around marine resources of which oil and gas are the growing catalysts of future interstate disputes.[43]

4. MARITIME SECURITY OFF WEST AFRICA

The Gulf of Guinea forms an arc roughly demarcated by Angola in the south, and running north towards Cameroon and then West via Nigeria towards countries such as Liberia, Sierra Leone on its western perimeter. No agreement exists and some sources even extend the map to Mauritania on the Maghreb boundary. It is a vast area populated by approximately 250 million people, including the 500000 square kilometre Gulf of Guinea with its rich oil deposits and commercial shipping activities stretching south to Angola.[44] Maritime threats and vulnerabilities off West Africa show a tendency to be dominated by Nigeria and oil politics, but the threat landscape is more complicated. Threats to the maritime landscape originate predominantly from volatility in its coastal states.[45] Nigeria, Equatorial Guinea, the Congo Republic, Sierra Leone and Liberia, for example, are known for their political turmoil and it is to be expected that the littoral domain will not remain unscathed.

Location, precious resources, climatic stability, and an international thirst for energy focus international attention on the Gulf of Guinea for the right and the wrong reasons. As a future hub of oil and gas, major players (both state and non-state) flock towards the Gulf of Guinea. The off-shore location of new discoveries and new technologies to extract hydrocarbons from the deep seabed keep the Gulf of Guinea on the political agendas of international powers.[46] Unfortunately the high international interest in the region also allows for other threats and vulnerabilities.

First, competition between major powers over oil and gas in the Gulf of Guinea create room for possible armed confrontation – albeit something of the future – as the USA, Europe and Asia (China in particular) compete for a dwindling energy resource.[47] Secondly, big power competition creates client states and their armament to defend national interests as the competition is no longer between multinational corporations only, but begins to take shape around increasing state support. As actors cloak energy security as an existential security matter, vital national interests and armed confrontation become more probable. Thirdly, as access to oil and gas merges with energy security and its defence through armed confrontation, the Gulf of Guinea as a vital oil hub becomes the centre of attention together with possible militarization of the region.[48]

Below the level of military confrontation one finds softer off-shore threats. Some threats flow from the littoral countries like Nigeria, others enter from beyond the Gulf waters. Whether mere criminals, or insurgents with politico-economic agendas or those with terrorist intent, all add to threats to the Gulf region. Some threats disrupt or exploit local ports, others threaten vessels passing through these waters, or destined to offload or take on cargo. Certain actors threaten the flow of oil or the off-shore oil infrastructure. Pollution and poaching are also serious matters in the region with the Niger Delta creeks and fishing stocks being heavily polluted and the region suffering from illegal flaring.[49] Off-shore threats are linked to weaknesses in the littoral countries such as poor governance, poverty, corruption, criminality and militancy from within, and contributing to insecurity.[50] Taken from a UN report, "Coups from above and insurgency from below" depict West Africa as a very unstable region.[51] Large drug shipments by sea into West Africa, illegal and uncontrolled fishing, using the Gulf waters for illegal oil trans-shipments and a domain to conduct criminal acts, armed attacks and even piracy serve to accentuate the rising insecurity in the West African littoral region. The aforementioned threats show a growing and indelible maritime face and one noted by the UN, the AU, international organisations such as Intertanko, the International Maritime Bureau and important players such as the US and major oil corporations.[52]

Disrupted access to marine resources (oil and gas, as well as fish), interrupted maritime traffic, and weak maritime jurisdiction by the littoral countries promote bad order at sea in the Gulf of Guinea and deny its advantages to the societies on land. Particularly salient is the absence of a credible local capability to deal with threats towards, or from the off-shore domain. Rather large armies and police agencies, as well as security apparatus are kept on land, but very little in the sense of naval and broader maritime capabilities such as coast-guards feature.[53] The Gulf of Guinea thus reflects many maritime threats emanating from smuggling, oil bunkering, unsettled maritime boundaries, pollution and piracy to that of an insurgent interface along Nigeria's coast in particular. Weak dominium allows for transgressors to pursue their political and criminal agendas at sea with the most salient impact upon the extraction and harvesting of maritime resources (oil, gas and fishing) and those dependent upon safe maritime transport routes.

5. MARITIME SECURITY OFF EAST AFRICA

The east African seaboard covers a maritime expanse from South Africa in the south to the Gulf of Aden in the north and into the Red Sea up to Egypt. One finds approximately nine coastal states with several islands such as Mauritius, Grand Comoros, Madagascar and the Seychelles residing along this littoral. Although not the only threat, piracy epitomises maritime insecurity along the African east coast. Within a broader perspective, what observers tag as piracy is in fact better articulated as a continuum of attempted maritime attacks, robberies and acts of piracy.[54] By early 2011 several East African countries (Somalia, Kenya, Tanzania and Mozambique) experienced attacks upon shipping within their territorial waters.[55] The seas around the Horn of Africa became the focus of most armed attacks against vessels at sea with 97 attacks reported in the first quarter of 2011.[56] The ungoverned maritime space off Somalia merely reflects the absence of governance on land with no central authority in place and later followed by an extremely

weak government (the Transitional Federal Government or TFG) confined to Mogadishu. The little authority that seeps out of Mogadishu is directed to landward matters and incapable of, or disinterested in the maritime insecurity spreading from the Horn-region southwards past Kenya to the fringes of Mozambique and Mauritius to the east.

From a good order at sea perspective, the seas off East Africa depict a threat landscape with global repercussions as free and uninterrupted maritime transport is severely threatened. The number of attacks (147 by November 2009 and even rising higher in 2010) and attempted hijacks underline the seriousness of the threat. An international sea route is under threat of disruption as the global shipping industry has to cope with a quasi war zone on a most important route between the Persian Gulf, Asia, Western Europe, Africa and the Americas.[57] Threats to commercial shipping and global maritime trade (even though only a perception at times) play a role. Economic costs through ransoms, delayed times, cargoes on hold and such matters are disruptive, but surprisingly deemed tolerable if the totality of the shipping through the region is considered, and the levels of violence are kept low. Threats to shipping also impact upon other countries in the region as trade through Suez drops (critical for Egypt), and important aid on route to Africa is disrupted for months on end.[58]

With regards to Somalia in particular, lawlessness at sea threatens human security. The flow of food by sea through the World Food Programme to displaced populations is endangered by high incidences of piracy originating from Somali soil. Trade flows to Somalia and its neighbours come under threat while the movement of people attempting to get out of Somalia by sea, lead to loss of life. Maritime militias or pirates threaten a wide expanse of the Indian Ocean along the African east coast and the impact of the threat is reflected in the growing number of vessels attacked and hijacked on the high seas.[59] The impact of piracy upon events on land also requires attention. It is not only Somalia that suffers as there are wider implications. Piracy and its Somali hub place strain upon the weak Somali government and by enhancing weak governance it impacts negatively upon neighbouring states. The frequent interference with the shipping trade holds economic security implications for regional trade and the resultant direct and indirect benefits for the region. Own exports, vital imports and taxes from shipping become threatened – a loss these countries just cannot afford.[60] Threats to security spread over land, as well as across the sea as depicted by the terrorist bombings in Uganda in July 2010 and the hijacking of vessels by Somali pirates as far south as Mozambique at the beginning of 2011.

Although less salient, and often denied, the pirates or maritime militia (the difference is often obscure) connections (often tacit support at a price) with factions on land tend to surface regularly. Indications are that the authorities of the independent territories in the north of the country are more involved, but it remains disputed.[61] Piracy feeds upon the lucrative ransoms, grows in scope, and merely represents another growing threat that the TFG and AMISOM, as well as the UN and other international actors (shipping industry included) must face in an already volatile region.

6. THE HORN OF AFRICA AND THE GULF OF GUINEA: SECURITIZATION OF A MARITIME THREAT LANDSCAPE

The Horn of Africa

International responses through securitization. Threats to maritime activities off the Horn of Africa have international repercussions that became the fuel for shifting Somali piracy onto the UN Security Council (UNSC) agenda. In 2008 the support of member states allowed for a number of UNSC resolutions to be adopted that framed piracy as a threat and paved the way for international action – naval action in particular – to eradicate piracy. The resolutions resulted in a large naval presence of non-African warships off the Horn of Africa. The naval contingents created a sense of security for the international community and its dependence upon secure maritime transport to trade.[62] The international response ties together a maritime as well as a landward consciousness and response repertoire towards the threats in and off the Horn of Africa.

International naval responses. The US, NATO the EU and individual states like Russia, China, India and South-Korea all contributed to a naval presence around the Horn of Africa. Combined Task Force 151

emerged in January 2009, Allied Provider of NATO in October 2008, followed by Allied Protector in March 2009. In December 2008 Operation Atalanta of the European Union took shape.[63] Although focussed upon Somalia and the Gulf of Aden, the naval task forces (together with individual naval contingents) had to cover an increasingly wider expanse of the Eastern Indian Ocean. The naval response made the region's waters safer for merchant shipping through the Gulf of Aden in particular, but legislative voids and the geographic expanse allowed for piracy to shift away from the area under naval surveillance and thus a raised the need for greater co-operation between anti-piracy agencies.

Institutional responses. Fundamental to the attempts to ensure good order at sea, co-operation remained at the centre of responses and not only in the naval realm. The 2008 UNSC resolutions reflect the most salient institutional response to maritime threats off the East African coast. In addition, the IMO facilitated the Djibouti Code of Conduct in January 2009 with response centres planned for Kenya, Tanzania and Yemen. The Contact Group on Piracy off the Coast of Somalia (January 2009) represents a further attempt to establish co-operation to fight piracy as the main threat to maritime security off Somalia. The UN Office on Drugs and Crime also stepped in to help curb the growing threat at sea off the east coast of Africa.[64] Several institutions thus co-operated to restore order at sea by creating frameworks for enforcing international law and international accords that deal with maritime safety and security.

Regional African responses. The securitization of piracy and particularly the naval task force operating off the Horn of Africa curbed piracy, but also forced Somali pirates further south. As a result, South Africa began to patrol the northern waters of SADC by February 2011 by means of a small air-maritime task force (Operation Hopper) along the Mozambique-Tanzania maritime boundary with its operational HQ in northern Mozambique.[65] Although predominantly a South African mission, it is bound to receive South African Development Community (SADC) or AU status in due course. The deployment represents a South African military response in African waters with the consent of Mozambique and upon request of Tanzania. The South African maritime reaction unfolds amidst persistent reports of a growing South African strategy to increase its naval capabilities to become more prominent in maritime operations off the African coast, although it appears that East Africa is bound to receive most of the attention.[66] A maritime strategy approved by cabinet on 22 April 2011, promises increased budgetary allocations and a statement by the defence minister points to a growing South African naval presence in SADC waters in the Eastern Indian Ocean.[67]

Private security. Although the private security option raises images of armed contingents guarding ships en route through piracy hot spots, (a reality but one kept out of the public eye) contributions by security contractors on land also play a role.[68] Less visible and also less complicated than on board armed detachments, private security companies promote good order at sea by training and assisting maritime agencies on land and Somalia is no exception. Hart Security assisted Puntland to establish a coast guard that operated relatively successful against piracy, illegal fishing and smuggling at sea.[69] Somcan succeeded Hart Security as a locally based entity with close political and clan connections. Although it had some success, its temporary political connections within the volatile Somali political landscape led to its demise. Nordic Crisis Management (NCM) operated in Somaliland and in particular around the port of Berbera. NCM provided training and security services to the Somaliland authorities with the police, harbour security force and coast guard as clients. Advice and training, not operations against pirates formed the focus of the security service by Nordic Crisis Management.[70]

The Gulf of Guinea

In the case of West Africa and the Gulf of Guinea in particular a patchwork of measures and actors are actively involved in promoting security in the West African littoral. While securititization of the East African piracy threat resulted in a strong naval response to the UN calls for action, and operates under an implicit although questionable UN umbrella, this is not the case in West Africa. A repertoire of military, institutional and private contributions are nonetheless discernable. In addition, a host of resolutions (approximately 13 by 2010) collectively form conduits and platforms for West Africa to address threats to maritime security while 24 conferences and workshops took place between 2005 and 2010 on maritime security and other matters related to West Africa's maritime domain.[71] Maritime security thus features

rather prominently in this region, but the responses are somewhat different to the east coast due to the absence of the UN factor.

Military responses. Threats and vulnerabilities off West Africa have an umbilical connection with off-shore resources and security forces are often at the forefront of counter-measures to protect vital resource hubs. Resource diplomacy by interested parties shows a growing military face with the US and China two of the lead actors. Several channels exist for funnelling arms and military skills into West Africa in an attempt to bolster local military capabilities to better handle the wave of political and criminal threats. The US uses foreign military sales, military training and education programmes, and joint military exercises between US and West African military forces. China negotiates oil-for arms deals with Gulf countries but also with adjacent countries from which the arms flow to countries on the Gulf of Guinea.[72] One most prominent military response turns upon the rise of the US Africa Command (AFRICOM) by February 2007 with a strong focus upon the Gulf of Guinea through its partnership station programme. With an all year round naval presence in the Gulf region, the underlying sentiments remain that AFRICOM is primarily destined to ensure energy security, counter Chinese inroads into Africa and deal with possible terrorist threats on US interests in Africa and abroad.[73]

Regional responses. The UN acknowledged the wider threat environment in West Africa and maritime insecurity in particular.[74] In response the UN called for actions through a shared responsibility, but its focus seems to remain primarily within the landward realm with no special mention of maritime responses. The UN noted however, that an off-shore threat does exist in the realm of good order at sea. Several initiatives of co-operation are visible – either suggested or in operation, but not under the aegis of the UN as found off the Horn of Africa.

The Gulf of Guinea Commission (GGC). The GGC came into operation in 2006 (established 2001) to prevent, manage and resolve conflict between member states where the exploitation of mineral resources become a flash point.[75] As a West African response the GGC aims to prevent and resolve threats to a maritime nucleus that could well house the future economic life blood of West Africa. The Commission also aims at resolving disputes about unsettled maritime boundaries that hold the potential of armed conflict if not settled amicably. Together with the Gulf of Guinea Guard the envisaged outcome is a political as well as operational institution to consult and enforce where necessary matters pertaining to regional maritime security.[76]

Maritime Organisation of West and Central African States (MOWCA). Twenty West African states (twenty coastal and five landlocked) form part of MOWCA and the most significant contribution stems from attempts to establish a sub-regional coast-guard, a regional maritime fund and communications centre. In co-operation with the International Maritime Organisation, MOWCA aims to create co-operative networks to better enforce standing international arrangements to counter threats such as piracy, robberies, pollution and promote safety at sea through existing conventions.[77] MOWCA represents the largest grouping in the region that is almost solely focussed upon maritime security and as such acts as an umbrella for a rather significant range of maritime actors and interested parties.[78]

Economic Community of West African States (ECOWAS). The UN shows a preference for ECOWAS to be the lead actor to deal with security threats in West Africa, but the absence of a maritime capability through appropriate naval and coast guard assets remains absent or weakly developed within its security architecture.[79] Within the framework envisaged by the UN, co-operative ventures between ECOWAS, the AU, the UN Office on Drugs and Crime, as well as the UN Office in West Africa must take place. Several instances of co-operation are already set in place to deal with threats and vulnerabilities in the region bordering the Gulf of Guinea. Between the UN, ECOWAS, the AU and AFRICOM (in spite of numerous obstacles such as mistrust and insufficient resources) the foundations for action against maritime threats are taking shape.

Private security actors. Foreign and local private security firms operate extensively in the Gulf of Guinea. Particularly relevant to maritime security is the services offered to port and off-shore facilities. Indigenous security arrangements offer services on land while international security firms protect off-shore

infrastructure.[80] One important driver of the growing profile of private security agencies in the region is an apparent lack of well-trained and properly equipped security forces – including policing agencies. This void amidst a security landscape calling for credible security establishments to offset criminal and other non-state threats creates a need that is increasingly filled by the private security industry.[81] In Nigeria local and national private security companies represent a vibrant business sector. While the Nigerian private security sector contains a prominent landward side, the off-shore sector is growing as well. The oil sector shows the integration of official and private security agencies in order to protect this vital asset against attacks by a plethora of groups harbouring local, regional or just pure criminal agendas.[82] Private security services assumed responsibility for marine security by patrolling off-shore and the inland waterways together with elements of the Nigerian security forces. These security elements co-operate closely with the Nigerian forces being exposed to the expertise and discipline of private contractors and the latter being drawn closer to the complex politics of the volatile Niger Delta.[83] From a training perspective, Military Professional Resources Incorporated (MPRI) is for example training a coast guard for Equatorial Guinea and one suggestion is that private companies are contracted to fill what seems to be a vast need for properly trained maritime security agencies, personnel and leaders.[84]

7. EVALUATION AND CONCLUSIONS

Till reminds us of the central importance of maritime security, but Mugridge points out the neglect and subsequent demise of maritime security due to insufficient attention and sea blindness in some instances. In a certain sense, the importance of seapower within the naval realm tends to draw most of the attention, but the decline of good order at sea accentuated threats other than war fighting at sea. Wider maritime security is fast assuming its rightful place within the security hierarchy and good order at sea offers a functional framework to view the importance of the maritime domain. The emphasis upon minerals, resources, maritime transport, and dominium as jurisdiction over territorial waters and the high seas are particularly relevant to unfolding events off the African coast.

The waters off East and West Africa feature prominently on the international maritime security agenda. Although both regions drew the attention due to acts of piracy, the latter emphasis skews perceptions of the overall insecurity at sea in the two regions. Security threats in Africa assumed a maritime connection of which piracy only presents one sector. The maritime threat landscape is more comprehensive and seeped into the security sectors of the African continent to become apparent in how it challenges elements of good order at sea.

Safe exploitation of mineral wealth: The threats against the oil and gas industry in the Gulf of Guinea and its adjacent waterways constitute a dire threat to this very important economic sector of Africa. Threats to and attacks upon infrastructure, illegal oil bunkering and transferring stolen crude to third parties, and extensive pollution by the perpetrators as well as the oil companies jeopardize the safe exploitation of mineral wealth. Exploitation of the gas and oil foster a host of threats to the environment and for the people who are supposed to benefit most.

Harvesting of marine resources. The waters off the Horn of Africa as well as in the Gulf of Guinea experiences overfishing as well as illegal fishing. Given the limited capability of African coastal states to police and protect their marine resources, the real threat is to the dependence of a vast African coastal population upon the oceans as a source of protein and a livelihood. In the Gulf of Guinea oil pollution of the inland waterways is a serious matter that disrupts fish stocks in the Niger delta. Out to sea foreign fishing vessels plunder the oceans in both regions and the right of Africa and its people to safely harvest marine resources and the food security are put at risk.

Safe maritime transport. Several elements of unsafe maritime transport converge off the African east and west coasts. Around the Horn of Africa heavy shipping traffic from the oil-rich Persian Gulf, but also other commercial maritime traffic have to pass through the Gulf of Aden or sail south around the tip of Africa. Piracy constitutes the most salient threat to shipping in this region with a global impact due to the indispensable nexus between economic globalisation and uninterrupted maritime transportation. Inherently Africa suffers as well for the continent is increasingly tied into the global markets. Off West Africa the threat is from criminal and rebel elements putting to sea to attack fishing vessels and oil tankers visiting the

oil rich Gulf of Guinea as well as the off-shore infrastructure with its service craft. The rapidly growing international interest and involvement in the exploitation of hydrocarbons located in the Gulf of Guinea raise the importance of not only safe exploitation, but also safe transportation through the waters of the Gulf.

Dominium over the oceans. Safe mineral exploitation, harvesting of marine resources and uninterrupted maritime transport prosper under proper jurisdiction over the oceans. Although East and West African coastal states have a limited capability to promote good order at sea through proper jurisdiction over their territorial waters, several initiatives and interventions are underway to assist with, or direct this important responsibility. The current extent of actions to promote proper jurisdiction include direct as well as indirect involvement of numerous actors. State as well as non-state actors ranging from the UN to private security companies police a landscape characterised by a threat hierarchy comprising pirates, rebels, criminal syndicates and even criminal-political alliances and states that turn a blind eye to the plundering of their maritime resources.

Responses to maritime threats off Africa. The common feature of responding to maritime threats off the African coastline resides in the quest for co-operation at different governance levels in order to extend jurisdiction. The most prominent African response is that of the African Union with its declaration on the importance of the African maritime environment and stated commitment to map out a common maritime strategy for the continent. The AU is not the only actor involved in securing the African seas. The co-operative sentiment features within numerous actions already in progress, but not being similar for the East and West African theatres.

In conclusion, the differences between the two regions can be summarised as follows.

East Africa. Pirate attacks against international shipping are most intense off the African east coast and elicited a response characterised by the co-operation of the international community under the aegis of the UN. The volatile Horn of Africa receives most of the attention, but an emergent SADC response is taking shape to the south with South Africa as the lead nation. Off the Horn of Africa the maritime responses also tie in closely with events on land through UN resolutions that support the UN led WFP programme into Somalia, the AU force in Somalia (AMISOM) that assists the weak Somali government and the Transitional Federal Government as the legitimate Somali government. An elaborate network of local and international actors thus interact to restore good order at sea off the Horn of Africa – the success of which should contain threats (piracy in particular) also impede the ongoing southward spread of maritime threats.

West Africa. In the Gulf of Guinea the more immediate threat is to the emergent oil and gas industries at sea and the adjacent coastal activities. The utility of co-operation is also understood to be fundamental to promoting security in the Gulf of Guinea, but has not reached the institutional levels found off the Horn of Africa. In West Africa the co-operation is centred more upon regional efforts with the US AFRICOM one of the major players involved in establishing naval and other maritime capabilities and co-operation along the coast to protect, and defend if necessary, the littoral. In contrast to events off East Africa, the UN appears to view ECOWAS as the conduit to deal with threats in this region, but most of the energy comes from AFRICOM, certain West African governments like Nigeria and large private security companies who co-operate with state and non-state actors to promote good order at sea.

Both off-shore regions thus depict insecurities that find meaning in the elements of good order at sea, but a norm not maintained well by the weak national, as well as regional arrangements. The international community stepped in to support local initiatives (as in the case of West Africa) or become the lead actor (as in the Horn of Africa) where a comprehensive initiative bordering upon multi-level peace support is taking shape. African maritime security is addressed by promoting the elements of good order at sea and this notion appears to direct the responses of the plethora of actors found in both regions. The recognition of and drive for good governance at sea stimulated an embryonic African shift away from a fixation with landward threats and vulnerabilities. As a result maritime security off Africa receives significant international attention through both declaratory, as well as operational measures with the prospect of the African declaratory commitment to maritime security assuming operational actions in the near future.

The paper raises some questions and in particular about building cooperative arrangements beyond the declaratory level and how to shift African security culture off-shore in a comprehensive way. Although this paper serves as merely one contribution to a growing scholarly focus upon African maritime matters, it shares the sentiments that great strides have been made to build different patterns of cooperation and it is less a question of constructing new partnerships than refining and sustaining current arrangements. Securitization and balancing sovereignty claims with choices about with whom to cooperate, feature off the African coast. West African coastal states decide with whom to cooperate and off the Horn the international community is exercising elements of the responsibility to protect by stepping in when coastal states cannot cope with a security threat. A sovereign South African response in the southern Indian Ocean completes the picture and shows the promise of an emergent African mission. Together these measures provide a good, but perhaps embryonic mix of responses to bad order at sea off the African shores.
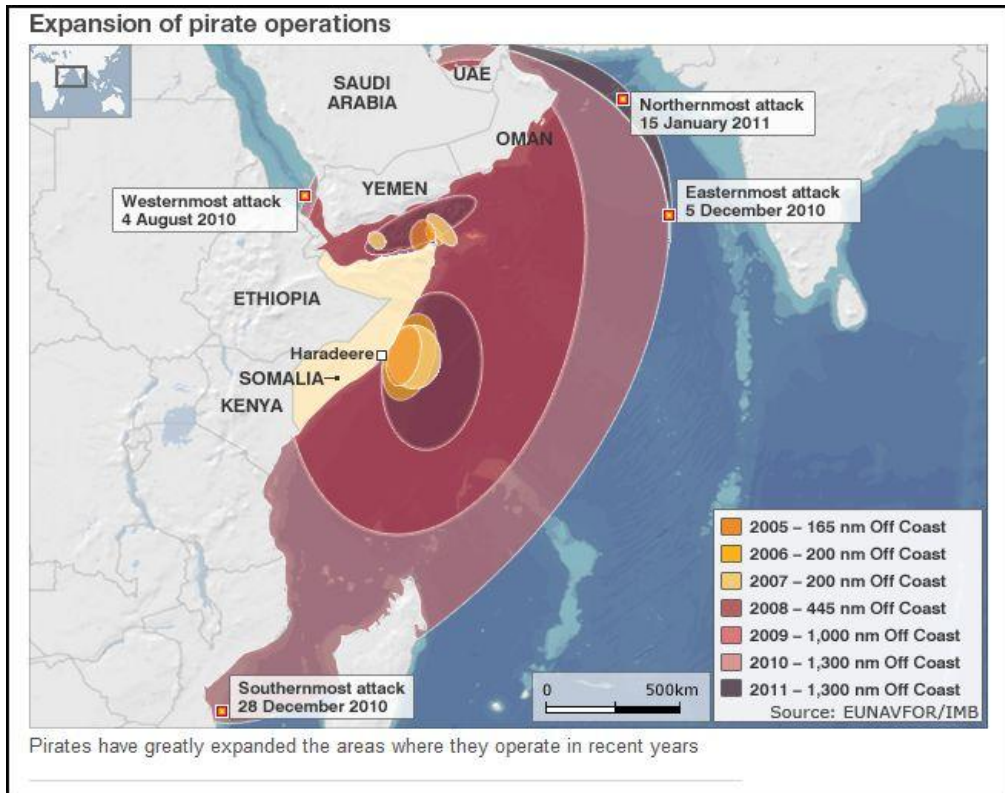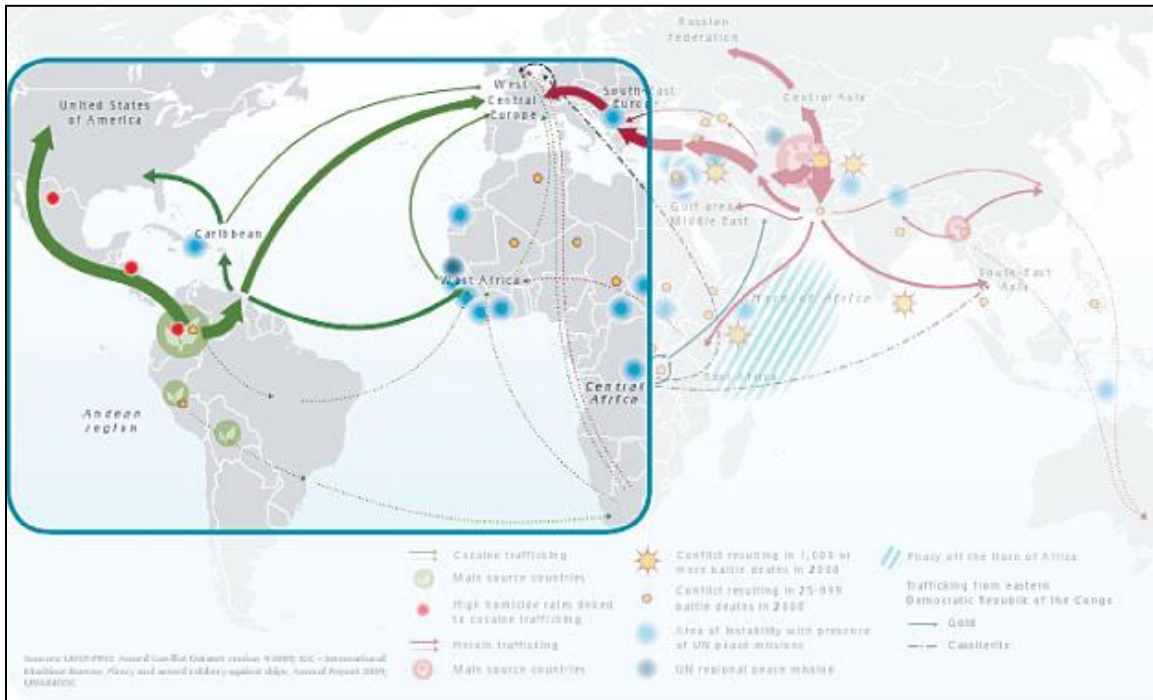
Map 1.
Piracy operations off Somalia during 2010. Taken from Google Images:
Posted 16 April 2011 by Early Light.
(Available at: http://bytheearlylight.blogspot.com/2011/04/seat-of-shah-part-5.html accessed 30 May 2010)

Map 2: West Africa and the Gulf of Guinea
(Available at: http://www.socialistworker.co.uk/art.php?id=13581 accessed 14 May 2011)

Map 3: Drug routes into West Africa
(Atlantic Council, Advancing US, African and global interests: Security and stability in the West African Maritime Domain, Atlantic Council, 30 November 2010, p.19)

Map 4: International and off-shore oil deposits in the Gulf of Guinea
(Available at: http://crossedcrocodiles.files.wordpress.com/2011/01/westafricaoilregions.jpg accessed 14 May 2011)

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