

Enhancing maritime domain awareness in Africa

Timothy Walker

Recommendations

The following recommendations to improve information-sharing should be considered:

- 1** The relevant state authorities need to establish and support systems and structures to create infrastructure and information hubs more rapidly.
- 2** Maritime domain awareness situational overviews need to be comprehensive – piracy is a major concern, but other crimes must also be reported and analysed.
- 3** States should ratify and implement relevant maritime treaties and incorporate them into national law.
- 4** International trust and confidence-building measures should be implemented to increase the capacity of the Information Sharing Centres.
- 5** National and regional activities that encourage a culture of information-sharing, as envisioned in Africa's Integrated Maritime Strategy 2050 in support of the Maritime Information and Coordination Cell, need to be created.

Summary

While numerous crimes and threats occur in the African maritime domain, there is also great potential for prosperity. African states are positioning themselves to benefit from the oceans and seas by implementing strategies on continental, regional and national levels. These states should support a culture of information-sharing, since this represents one of the most important ways of facilitating and strengthening maritime cooperation and improving security. In particular, stakeholders must support the establishment of centres to collate, analyse and disseminate information and data in a holistic, transparent and trustworthy manner.

THE NUMBER OF African Information Sharing Centres (ISCs) is increasing, and the coming into operation of each one is an important milestone in the creation of African maritime security. It is an especially important development because African states and stakeholders have suffered from a collective inability to prevent, respond to, or even effectively monitor and track criminal activities, such as piracy and illegal fishing. Africa's maritime areas are largely ungoverned, allowing criminals to commit transgressions unobserved and with impunity.

African maritime insecurity: what are the problems?

The increase in acts of piracy and armed robbery at sea in the Gulf of Aden and the Gulf of Guinea from 2000 onward has revealed how often African states have been unable to prevent piracy and other maritime crimes.¹ The surge in reported piracy incidents created an interest in having situational overviews that display both the location of all shipping and the probable location of suspected pirates.² Such an overview would enable the use of limited assets in counter-piracy operations to be maximised, allowing them to be deployed to areas likely to experience an attack. This would be an improvement on the current need for constant patrolling, especially as counter-piracy forces are struggling to patrol the huge geographic extent of the

vulnerable area off the Horn of Africa. All too frequently, the news of an attack has arrived too late for authorities to interdict vessels or suspects. All that can be done then is to retain the evidence of the crime to permit the perpetrators to be punished should they be arrested at a later stage.³

African countries need to confront the wider problem that the extent and impact of maritime crime is frequently transnational in nature, as comprehensively set out in Africa's Integrated Maritime Strategy 2050 (AIMS 2050), which lists the transnational organised crimes as follows:⁴

- i. Transnational Organised Crimes in the maritime domain (includes Money Laundering, Illegal Arms and Drug Traffic, Piracy and Armed Robbery at Sea, Illegal Oil Bunkering/Crude Oil Theft along African coasts, Maritime Terrorism, Human Trafficking, Human Smuggling and Asylum Seekers Travelling by Sea);
- ii. Illegal, Unreported and Unregulated Fishing – IUU Fishing – and overfishing, and Environmental Crimes.

The focus on AIMS 2050 is broad. It aims to address issues beyond piracy to produce a comprehensive picture based on an expanded concept of maritime security.⁵

Greater cooperation and coordination is required in order for maritime domain awareness to have an impact

The struggle to patrol is largely caused by a lack of capacity, which could be partly overcome if authorities would improve joint awareness through shared information. It would allow authorities to deploy scarce resources effectively and thus prevent or interdict crimes occurring in their waters, or make it possible for them to alert neighbouring states of suspicious activity. This objective is referred to either as maritime situational awareness (MSA) or maritime domain awareness (MDA). AIMS 2050 locates African maritime needs and objectives within this conceptual framework, making maritime security dependent upon the acquisition of effective MDA.⁶ MDA can also reduce the number of piracy incidents by, for instance, teaching counter-piracy forces about the patterns, practices and preferred 'hunting grounds' of pirates. In so doing it can 'identify the normal so that the abnormal can be more easily spotted'.⁷ Valuable information, properly and promptly relayed, can result in the interdiction and punishment of criminals, thereby ending actions of impunity, removing instigators and boosting confidence in the security apparatus.

Furthermore, the lack of individual government capacity to deal with maritime threats and the often complex transnational nature of crimes are best overcome by individual states pursuing a cooperative approach to maritime security. This can occur at both bilateral and multilateral levels, and focus on building regional capacity with joint or combined operations and projects.⁸

The UK maritime researcher Geoffrey Till suggests that greater cooperation and coordination is required in order for MDA to have an impact because 'the huge advantages of a common operational picture (COP) between participating units calls for a culture of information-sharing between government agencies and foreign partners'.⁹ Such cooperation would foster a sense of common security, and a culture of burden and information-sharing anchored in and actively encouraged by maritime



STATES SHOULD PURSUE A COOPERATIVE APPROACH TO ADDRESS MARITIME THREATS AND COMPLEX TRANSNATIONAL CRIMES

security frameworks ranging from the continental to the regional, through to national and local levels.

Developing MDA and ISC frameworks, components and concepts

African efforts are strongly underpinned by international law. The UN has encouraged information-sharing at the global or international level in numerous UN Security Council (UNSC) resolutions. The most recent UNSC resolutions in this regard, namely 2184¹⁰ (Somalia) and 2039¹¹ (Gulf of Guinea), urge all states to share information on acts related to piracy and armed robbery at sea. While the resolutions are primarily concerned with piracy, they do provide space for a broader interpretation of what constitutes maritime security.

A key guiding document is UN General Assembly Resolution 68/70 (2013), which recognises and emphasises the importance of reporting and airing information, not simply for security but for safety in a comprehensive approach for oceans and the law of the sea.¹² The UN has also encouraged the establishment of the Contact Group on Piracy off the Coast of Somalia (CGPCS), a mechanism through which sharing and cooperation is consolidated, and which significantly aids investigators and prosecutors involved in legal cases.¹³

The UN Convention on the Law of the Sea (UNCLOS) is the defining document for buttressing a state's actions at sea. Although it does not include a general article encouraging the sharing of maritime security information, in its preamble it recognises the need for the ocean space to be considered as a whole, thus indicating the need for a cooperative approach. Certain UNCLOS articles with regard to environmental protection and scientific research actively encourage information-sharing between signatories.¹⁴ Most pertinently, the concept of 'safety' found in Article 242, broadly interpreted, also encourages information-sharing and international cooperation. This states that signatories:

...shall provide, as appropriate, other States with a reasonable opportunity to obtain from it, or with its cooperation, information necessary to prevent and control damage to the health and safety of persons and to the marine environment.

An additional obligation is located in Article 13 of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (the SUA Convention). This provides that:

States Parties shall cooperate in the prevention of the offences set forth in article 3, particularly by ...
(b) exchanging information in accordance with their national law ...¹⁵

The AU's AIMS 2050 views MDA and ISCs as vital for stopping illegal activities and to guarantee the growth of a 'blue economy' that will generate significant wealth and development opportunities.¹⁶ AIMS 2050 point 31(IV) envisions a 'shared situational awareness capability' as an eventual outcome of its implementation.¹⁷ This will establish a framework for member states to better coordinate the local and international responses to Africa's short, medium and long-term maritime security needs, based upon the realisation that sustainable maritime security will be impossible without shared information. AIMS 2050 goes on to discuss the importance of bringing into operation 'Regional Maritime Operational Centres' since the major impetus for ISCs and an information-sharing culture will be located in the various Regional Economic Communities (RECs) and their implementation plans.

One way to encourage information-sharing is proposed in AIMS 2050. It suggests the establishment of a Maritime Information and Coordination Cell (MIC2) at the continental level. The MIC2's long-term objective is to coordinate information-gathering and sharing, although success in this is dependent on pre-existing and well-functioning national and regional centres. Such a development would prove to be an important milestone in the creation of a culture of information-sharing. However, at present any swift implementation remains unlikely given the limited number of ISCs and the time, resources and negotiations required to successfully establish each ISC.¹⁸

The UN Convention on the Law of the Sea recognises the need for the ocean space to be considered as a whole

At regional and sub-regional levels information-sharing does strongly feature in maritime security agreements. The development of the Djibouti Code of Conduct (DCoC) in 2009, which contains a crucial article on 'sharing and reporting relevant information' to boost the counter-piracy capacity of a threatened country, was especially important.¹⁹ The creation of MDA and information-sharing was seen as an essential part of the agreement's mandate and, in fact, was one of the core pillars of the code. The DCoC commits signatories to support the establishment of the ISCs by appointing national focal points that are responsible for collecting reportable information, while being on hand to respond to requests from fellow signatories. The ISCs in this region were established and became operational in 2011 and 2012, providing coverage of the seaboard controlled by Sana'a, Mombasa and Dar es Salaam. West Africa's Yaoundé Code of Conduct will also prove crucial. It incorporates language similar to that found in the DCoC.²⁰

It is one of three key documents signed during the 2013 meeting of ECOWAS, the Economic Community of Central African States (ECCAS) and the Gulf of Guinea Commission (GGC).²¹ However, unlike the DCoC, the code encourages a focus on a broader array of threats to maritime security, including illegal fishing. ECOWAS launched the first of three intended Multinational Maritime Coordination Centres (MMCC) in March 2015, mirroring earlier developments in ECCAS, whose Regional Coordination Centre for Maritime Security in Central Africa (CRESMAC) at Pointe Noire, Republic of Congo, has long been operational.²² ECOWAS, ECCAS and the GGC, assisted by the International Maritime Organisation (IMO), have also launched the Yaoundé-based Inter-regional Coordination Centre (ICC) to assist with information sharing between the two RECs.²³

This should encourage states to make information-sharing facilities and mechanisms available and effective

This means that widespread information-sharing is now possible as ISCs in both the Gulf of Guinea/West Africa and East Africa/the Indian Ocean are becoming operational. Maritime activity will be covered better and the sharing of information is assured.

These developments are complimented by IMO-supported efforts and by the various relevant unilateral and bilateral efforts of non-state actors, which share the aim of enhancing Africa's MDA capacity. Efforts include those of the South African MDA centres and the Oil Companies' International Marine Forum (OCIMF), which was involved in establishing a Maritime Trade Information Sharing Centre (MTISC-GoG) in Ghana, an initiative supported by the United Kingdom (UK) and the IMO.²⁴ The International Maritime Bureau's Piracy Reporting Centre (IMB-PRC) based in Asia is a well respected ISC that has been functioning since 1992.²⁵ It has been the repository for the majority of reported piracy and armed-robbery-at-sea incidents since its launch, and continues to play a leading role in the promotion of information-sharing.

Successive international instruments have created a complex regime of actors, institutions and interests that now need to be operated in a coordinated manner.²⁶ This should encourage states to develop an interest in cooperation, and to make information-sharing facilities and mechanisms available and effective.

Challenges of building ISC and MDA capacity in Africa

International and regional agreement on the importance of MDA and information-sharing should make it possible to create a comprehensive situational overview that will eventually result in improved interdiction of pirate and maritime criminal vessels and encourage a build-up towards the holding of joint operations. However, there is the danger of African stakeholders being reluctant to share information.

The pursuit of MDA and the bringing into operation of ISCs is imperilled as long as there continues to be a 'culture of secrecy'.²⁷ The practice of making information freely and openly available is frequently discouraged by states, shipping organisations and shipping companies as many fear that it will lead to interference with and the disruption of the principle of freedom of navigation.²⁸ For example, the reporting requirements for long-range identification and tracking (LRIT) are criticised because seafarers are

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required to share more information than has traditionally been provided. The fear is that this will, in effect, create a 'shopping list' of ships and targets for criminals to attack.²⁹ The security of the networks is an issue as the potential for collusion between customs/port officials and perpetrators of all forms of maritime crime, as well as for corruption, is increased. While there is a reluctance amongst some players to be monitored in this way, there is recognition that port authorities and coastal states need to know what is contained in the cargo of ships entering their waters. The possibility that contraband, explosives or stolen goods are carried balances out the traditions of secrecy.

African ISCs, like centres such as the IMB-PRC, are reliant upon the trust of both the victims of crime and neighbouring states. The major concern currently is that information-sharing is insufficiently encouraged. The UNCLOS framework contains a loophole in Article 302 in that it provides the grounds for states to continue with non-disclosure of information, namely:

[N]othing in this Convention shall be deemed to require a State Party, in the fulfilment of its obligations under this Convention, to supply information the disclosure of which is contrary to the essential interests of its security.

This general provision is indicative of a wider problem: states are afforded great discretionary rights on deciding whether or not to share information if they deem it a risk to their security.³⁰ Martin Murphy suggests this derives from an 'instinct to withhold, rather than to share information, something that is deeply ingrained within the military and intelligence communities'. What qualifies as being in the national interest is, of course, quite subjective and may risk all gathered information being classified and made secret.

The quest for MDA will remain difficult unless trust is built and ISCs can operate without fear of lack of disclosure, potential attack and information being tailored or censored. There needs to be acknowledgement of the concerns of others and a demonstration that the ISCs impact positively on maritime security.

Currently, information-sharing is poor, which is understandable given the recent establishment of ISCs. An abiding concern is that monitoring efforts will be either uncoordinated or nationally focused at the expense of regional interests, and that this could result in incompatibility and interoperability problems.³¹

Another shortfall of the system is a lack of a comprehensive focus, with large ships and oil tankers being prioritised at the expense of medium-to-small fishing and other seafaring vessels. In addition, a particular concern with piracy results in fishing or environmental crimes being downscaled. Moreover, ISCs could also neglect to incorporate in information to be shared

local knowledge and reporting capacity, both of which are good sources for developing a comprehensive picture.³² The local knowledge and experience of artisanal fishermen and women could generate additional intelligence, while contact with seafaring communities would show a degree of affinity with those who generally feel marginalised or neglected by systems that might appear to be set up to safeguard international and large-scale traders only.

Funding the necessary technological coverage and developing the systems needed, as well as ensuring the availability of the required capacity in terms of ships to offer a credible response and deterrence, are a challenge in Africa. Security stakeholders require continual access to information and interaction on secure networks if they are to be seen as being effective and in this regard also logistical support and infrastructure must be considered. All these factors point towards a greater problem, as suggested by Till when he says: MDA 'only turns into a distinct advantage when there are sufficient assets to take advantage of it'.³⁴

The expenditure required to create a naval or coast guard capacity can be mitigated if states combine their assets in cooperative and joint operations

The expenditure required to create a naval or coast guard capacity in the form of patrol vessels can be mitigated if states combine their assets in cooperative and joint operations. Joint maritime security operations, such as the South Africa-Mozambique-Tanzania Operation Copper are steadily increasing.³⁵ Outside capacity building projects and partnerships also exist for information-sharing, such as the US Africa Command's (AFRICOM) African Partnership Station (APS),³⁶ or the European Union's (EU) Critical Maritime Routes (CMR) programme.³⁷ These, and other initiatives can help overcome poor interoperability between navies that results from different systems, or differences in sophistication or capability. The initiatives could also help to overcome the generally uncooperative behaviour that is often observed.

The prohibitively high cost of technology remains a barrier, while existing systems aimed at improving the safety of shipping, such as the IMO and Safety of Life at Sea (SOLAS) mandated Automatic Identification System (AIS) and LRIT, which require ships to transmit information on their location, cargo and destination to responsible authorities, will not deter criminals. The systems can also be circumvented.³⁸

Decisions to cooperate and share information are fundamentally of a political nature, but overcoming the pervasive culture of secrecy and mistrust is vital for the success of the ISCs and for MDA. The fact that the centres will have to rely on voluntary reporting may prove to be an additional problem. Shipping companies often mistrust state authorities, while states mistrust each other as their varying interests lead to the suppression of bad news and negative perceptions. Moreover, many incidents of piracy go unreported by victims because of a mistrust of the authorities, a refusal to countenance the delays that an investigation may bring with it and the costs involved. There can even be a disinclination to report incidents owing to barriers of language.³⁹ These reasons are as likely to occur with regard to the reporting of other maritime crimes. Trust-building initiatives, including regular joint operations, would have to be conducted as part of any successful long-term confidence building measures.

While technological systems and networks exist for monitoring the maritime domain and for safely sharing information, many of the crucial decisions and processes need to be resolved and carried out at the policy level. This may require states to be convinced that national and regional maritime policies are harmonious, coordinated and based on confidence-building and trust. In other words, the policies must be transparent and sufficiently effective to show all stakeholders that they will benefit from full participation, and will not leave them vulnerable by revealing structural weakness that could be exploited by criminals.

Conclusion

Increasing numbers of ISCs are becoming operational throughout the AMD. More are being planned to ensure that coverage will be extensive and information will be effectively gathered. Yet ongoing capacity challenges, interoperability, a lack of a comprehensive focus and a 'culture of secrecy' imperil their effective functioning. How to overcome the lack of trust in maritime security in Africa needs to be addressed urgently. Simply building ISCs and developing the necessary infrastructure and logistical support in countries around the continent is insufficient. African stakeholders now need to support the operation of these centres in order to realise the benefits of cooperation in the fight against maritime crime, and to produce maritime security through an effective implementation of maritime strategies and plans.

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About the ISS

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