United Nations Open-ended Informal Consultative Process on
Oceans and the Law of the Sea – Maritime Security
New York, 23-27 June 2008

MARITIME SECURITY THREATS AND RESPONSES

IN THE WEST AND CENTRAL AFRICAN MARITIME REGION/

GULF OF GUINEA

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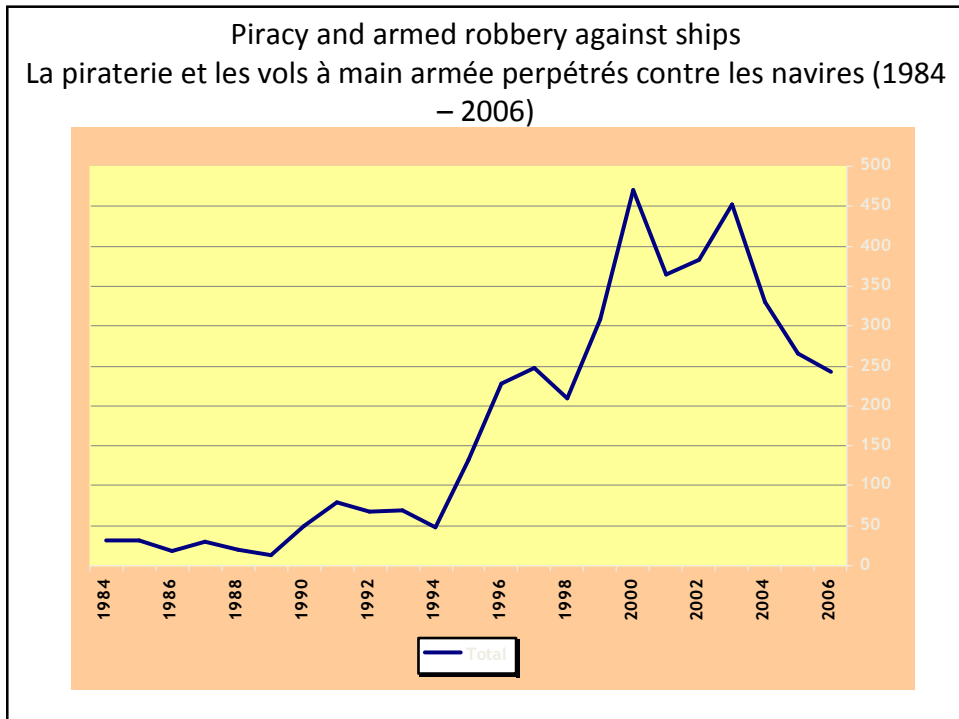   --- The IMO/MOWCA Sub-Regional Coast Guard
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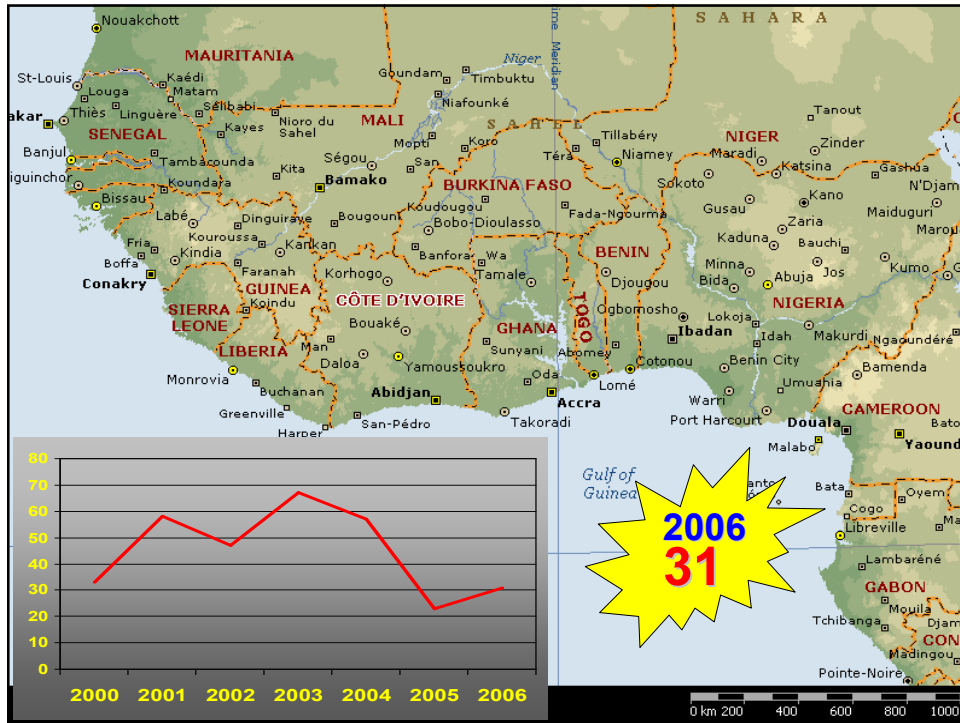
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1. MARITIME SAFETY/SECURITY THREATS & RESPONSE

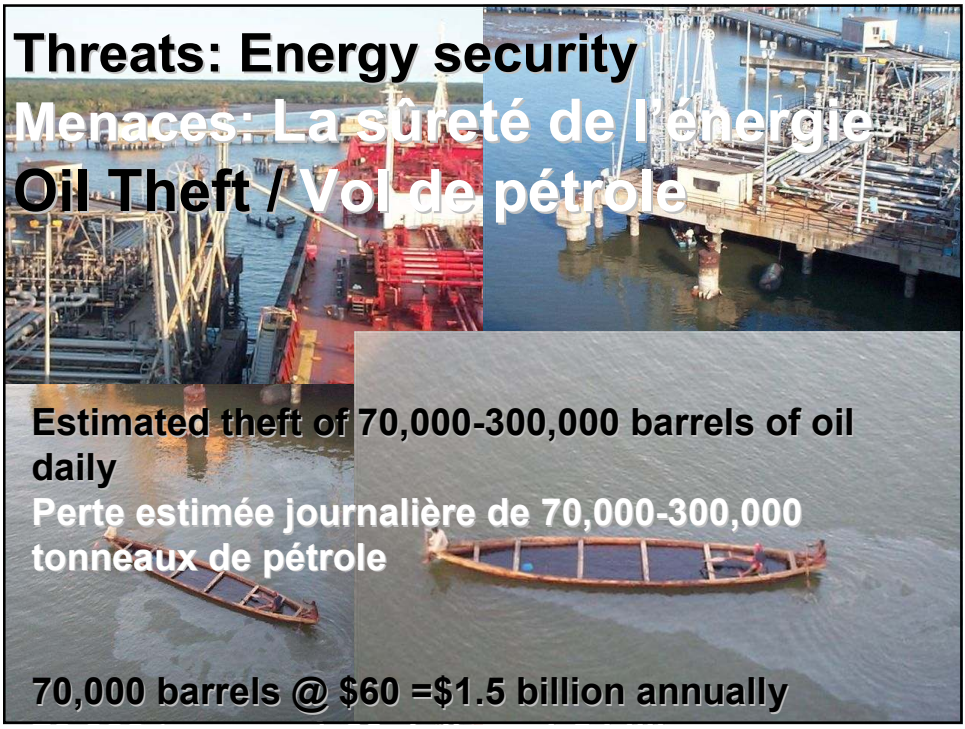# KEY MARITIME SAFETY & SECURITY THREATS

- Piracy and Armed Robbery- civil strife/proliferation of small arms, no right of hot pursuit across borders
- Maritime Accidents – Defective Search and Rescue systems
- Use of Ships and Port Facility as Weapons of mass destruction – Lapses in Port and Container security
- Marine Source Pollution/Discharge of toxic waste – Lack of Reception facilities
- Severe, illegal exploitation of marine resources /illegal fishing leading partly to economic hardship and mass migration

Piracy & armed robbery against ships
La piraterie et les vols à main armée perpétrés contre les navires

Piracy and armed robbery against ships
La piraterie et les vols à main armée perpétrés contre les navires (1984 – 2006)

Threats: Energy security
Menaces: La sûreté de l'énergie
Oil Theft / Vol de pétrole

Estimated theft of 70,000-300,000 barrels of oil daily
Perte estimée journalière de 70,000-300,000 tonneaux de pétrole

70,000 barrels @ $60 =$1.5 billion annually

Stowaways
Passagers clandestins

RESCUE AT SEA

A guide to principles and practice
as applied to migrants and refugees

Drugs & weapons smuggling
Le trafic de stupéfiants et d'armes

Illegal, unregulated and unreported fishing

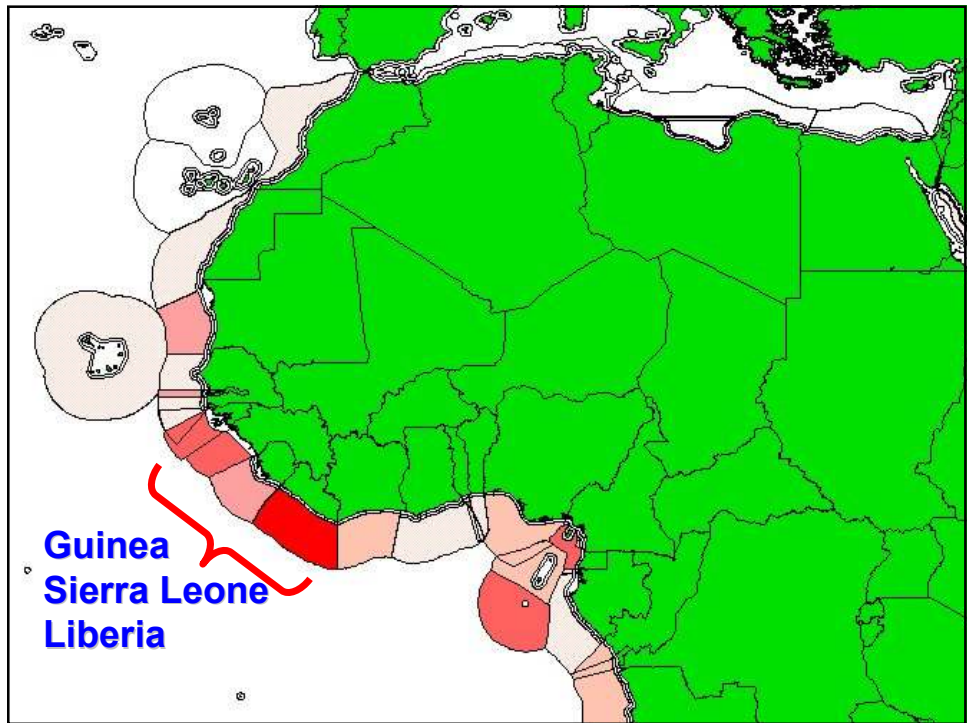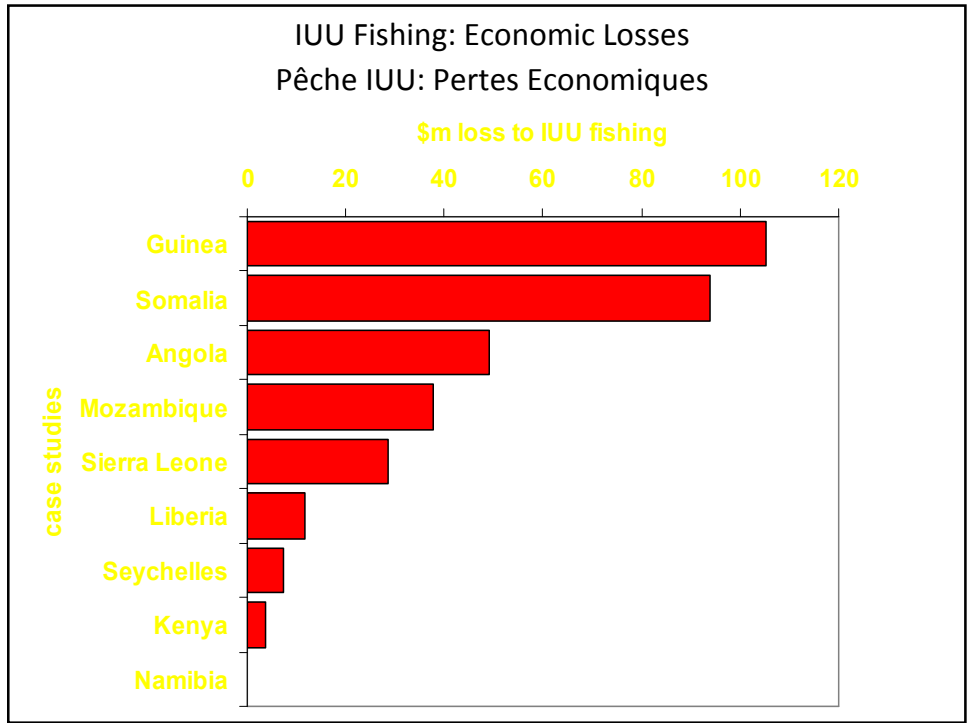La pêche illégale, non réglementée et non notifiée (IUU)

IUU Mauritania – Sierra Leone

- **Annually, 2.5 million tons of fish worth an estimated $1.3 billion is caught in the waters off Mauritania to Sierra Leone.**
- **Annuellement 2.5 million de tonnes de poissons estimées à 1.3 billion sont attrapées en dehors des eaux près de la Mauritanie jusqu'au Sierra Leone.**

IUU Mauritania – Sierra Leone

- **Of this an estimated $790 million is caught by legal industrial vessels, $269 million is caught by small-scale fishers and $254 million is attributed to illicit fishing activities (World Bank).**

   De cette estimation 790 million est attrapé par des navires industriels licensés, 269 million est attrapé par des petits pêcheurs et 254 million par des activités de pêche illégales.

IUU Fishing: Economic Losses
Pêche IUU: Pertes Economiques

$m loss to IUU fishing

0	20	40	60	80	100	120	

case studies

- Guinea
- Somalia
- Angola
- Mozambique
- Sierra Leone
- Liberia
- Seychelles
- Kenya
- Namibia

Guinea
Sierra Leone
Liberia

INTERNATIONAL RESPONSE

IMO- SOLAS/MARPOL
International Ship and Port Facility Security (ISPS) Code
The SUA Convention
Search and Rescue, SAR 79/98, Florence Resolutions
Port State Control

US LED MARITIME SECURITY INITIATIVES -
the 24hr advance information requirement, the Container Security Initiative-CSI,
    the Customs Trade Partnership Against Terrorism-C-TPAT, US MDA

SUB-REGIONAL INITIATIVES-
South-East Asia initiative to combat piracy and armed robbery,
Mombasa MRCC, Monrovia MRCC, Lagos MRCC
MOWCA Sub-Regional Coast Guard Network
Maritime Domain Awareness initiatives in the Gulf of Guinea
African Union Maritime Plan of Action

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SOLAS, MARPOL,
STCW, SAR,
Load Lines, London Convention,
Safe Containers,
Tonnage, COLREGS,
OPRC, FUND,
LLMC, Salvage,
ISM Code, IMDG Code
IBC Code, HSC Code,
INF Code, ...

Implementation – who?
Mise en oeuvre –qui?

- Port State Control
  Contrôle du port d'attache
- IMO – no "policing" mandate
  OMI – pas de mandat

Does it work? – annual casualties
Fonctionnement? – pertes annuelles

- 1966 - 85: 300+ ships lost annually.
- 1978 and 1979, 938 losses at 6.7 ships per '000

▪ 1980: losses dip - downward curve ever since.
▪ 1990: losses under 200 at 2.4 per '000
▪ 2000: 167 losses at 1.9 per '000 ships

UNCLOS

- United Nations Convention on the Law of the Sea
- La Convention des Nations Unies sur le droit de la mer

MARITIME ZONES MARITIMES
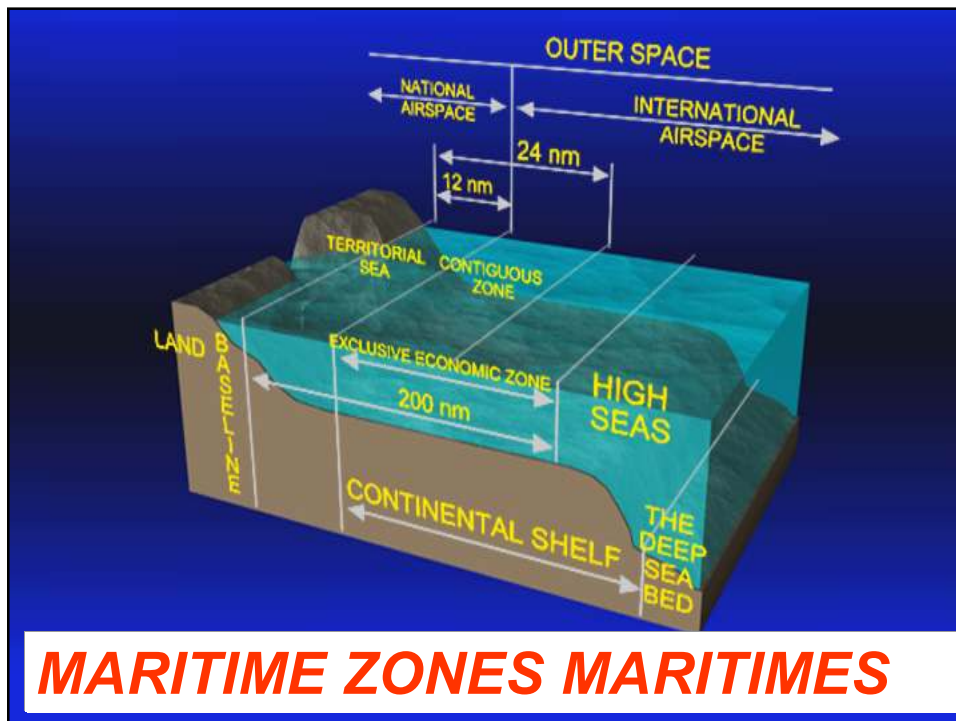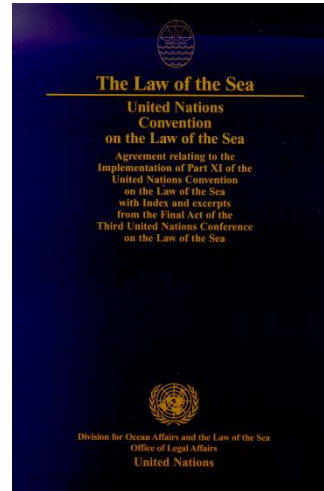
STATE OF RESPONSE OF MOWCA MEMBER STATES

- Surveillance in territorial waters, *provided by Naval Forces of Member States*
- Enforcement of Maritime code *by National Maritime Administrations*
- Presence in EEZ: *Very Limited*
- Search and Rescue: *Joint Patrols as in IMO Circular not possible as structures not in place*
- Implementation of ISPS Code, *17 out of 20 Coastal member States of MOWCA compliant*
- Implementation of SUA Convention: *Very Limited*
- Port State Control*: Abuja MOU*

2. PARTNERSHIP FOR MARITIME DOMAIN AWARENESS

- In real world operations, maritime domain awareness is assured by a partnership between the Navies, Coast guards and Maritime Administrations.
- In the US, the Navy has achieved MDA for years at the tactical level but in order to achieve increased awareness, the Navy in partnership with the Coast Guard, and other agencies, has been developing the Maritime Domain Awareness (MDA) initiative.
- A basis for MDA is the installation of Automatic Identification System (AIS)

- **Automatic Identification System (AIS) is a vessel positioning system devised by the International Maritime Organization (IMO) to enhance the Safety of Life At Sea (SOLAS) for mariners.**
  - ✓ **The data broadcast by AIS transponders is unencrypted and open to all within VHF range equipped with an AIS receiver.**
  - ✓ **System used by ships for identification at sea**
  - ✓ **Provides ID, position, course, speed, & other data**
  - ✓ **Ship-to-ship mode for collision avoidance**
  - ✓ **Ship-to-shore mode for traffic management**
  - ✓ **Means for states to obtain information about a ship and its cargo**
  - ✓ **"Autonomous and continuous"**
  - ✓ **"Polling" (response to an interrogation)**
  - ✓ **"Assigned" (data transmission requirement set by some authority)**
  - ✓ **IMO mandates on all passenger ships**
    - • **All cargo ships ≥ 500 GT**
    - • **Ships ≥ 300 GT on international voyages**
    - • **Phased in (except passenger & tankers):**
      - o **3,000 – 10,000 GT: July 2006**
      - o **300 – 3,000 GT: July 2007**
    - • **Does not apply to: Warships / Naval auxiliary vessels owned / operated by government and used at the time only on government non-commercial service**
  - ✓ **USCG amendment (US waters)**
    - • **Commercial vessels ≥ 65 feet**

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In West & Central Africa: The multiplicity of regulations and implementation procedures on the coastline is not only costly to the individual States but also do not allow the States to take full advantage of economies of scale in guarding the coast.

It also creates barriers and obstacles to shipping and trade.

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In the absence of a sub-regional agreement on the *right of hot-pursuit across national boundaries*, the sub-region lacks an effective means to pursue and interdict pirates and armed robbers involved in the act.

SAR 79/98, FLORENCE RESOLUTIONS

- SAR 79 imposed considerable burden on coastal states for shore installations—it was not being ratified
- SAR 98 puts greater emphasis on regional approach, coordination between maritime and aeronautical SAR operations, establishment of SAR regions, MRCC, MRSC, designation of on-scene Commanders
- SAR 2000 amendments, adopted in May 2004, and entered in to force 1/7/06 focuses on persons in distress at sea -

3. INSTITUTIONAL ARRANGEMENTS FOR MARITIME DOMAIN AWARENESS IN WEST & CENTRAL AFRICA

AT NATIONAL LEVEL

- THE NAVY – tactical role in ensuring territorial integrity, assuring surveillance, presence and enforcement, sub-regional/regional cooperation for information sharing and joint action

- COAST GUARD – Maritime policing role, information sharing, cooperation, joint patrols

- MARITIME ADMINISTRATION – Coordinating role for all relevant Agencies in the implementation of merchant marine codes/regulations, IMO conventions, cooperation

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INSTITUTIONAL ARRANGEMENTS FOR MARITIME DOMAIN AWARENESS IN WEST & CENTRAL AFRICA

AT SUB-REGIONAL/REGIONAL LEVEL

- <u>EAST AFRICA</u>, IMO MRCC – MOMBASA

- <u>WEST AND CENTRAL AFRICA</u>, MARITIME ORGANISATION OF WEST AND CENTRAL AFRICA (MOWCA) AND THE IMO/MOWCA INTEGRATED SUB-REGIONAL COAST GUARD NETWORK, MONROVIA, LAGOS MRCC, ABUJA MOU

- <u>GULF OF GUINEA</u> US MDA INITIATIVE

- <u>AFRICAN UNION (AU)</u> MARITIME PLAN OF ACTION adopted in Abuja, 21 Feb. 2007
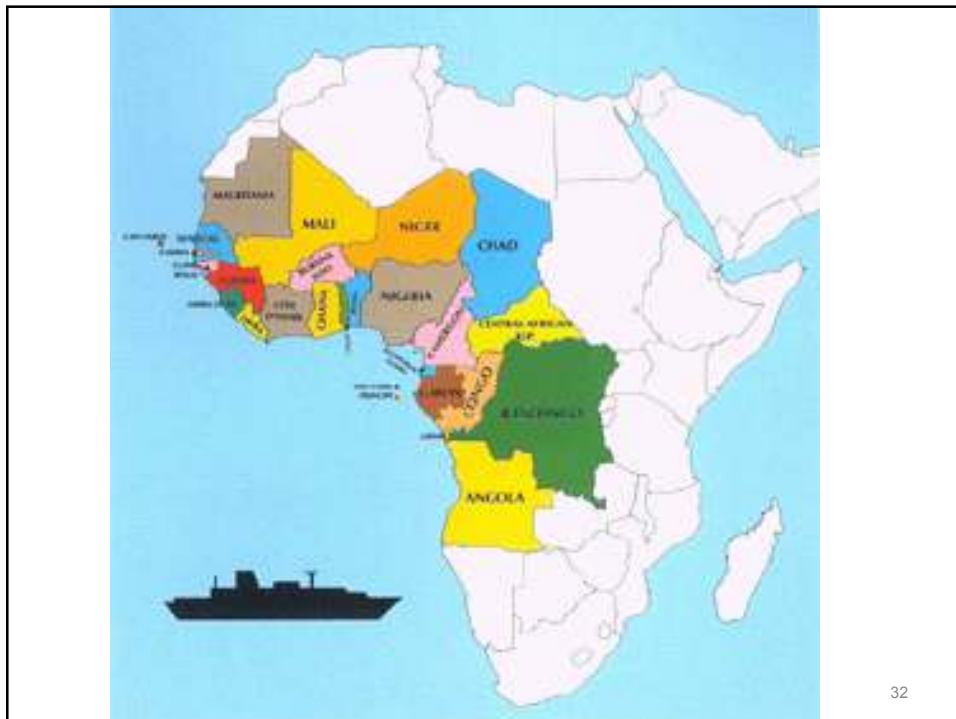
INSTITUTIONAL ARRANGEMENTS FOR MARITIME DOMAIN AWARENESS IN AFRICA

AT THE AFRICAN REGIONAL LEVEL:

- NEED FOR AN AFRICAN SPECIALISED BODY TO COORDINATE ACTION / FINANCING FOR MARITIME DOMAIN AWARENESS?

- USE OF AN EXISTING SPECIALISED INTER-GOVERNMENTAL BODY – MOWCA?

- A NEW ADVOCACY ORGANISATION: AFRICAN PARTNERSHIP (NETWORK) FOR MARITIME DOMAIN AWARENESS?

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ABOUT MOWCA

MOWCA BRINGS TOGETHER 25 WEST AND CENTRAL AFRICAN COUNTRIES

FROM MAURITANIA TO ANGOLA INCLUDING 5 LANDLOCKED COUNTRIES

To Cooperate and Achieve for the Sub-region

A Cost-effective Maritime/Transit Transport Service, High on Safety and Security and low on pollution

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ABOUT MOWCA

From historic developments, 4 shipping ranges have emerged around Africa:

- West/Central Africa: Dakar to Namibia shipping range
- Southern African range; Cape Town-Durban
- East Africa covering Somalia, Kenya, Tanzania and Mozambique
- North Africa/Mediterranean range

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Over the past two years and specifically in the wake of 9/11, the sub-region is faced with the new and more grueling challenge:

how to ensure the smooth, unimpeded flow of cargo through Ports and Transit Corridors at competitive cost, while at the same time placing a priority on safety, security and environmental issues.

THE MOWCA ORGANISATION

- MOWCA ALREADY BRINGS TOGETHER 25 AU MEMBER STATES
- MOWCA's HIGHEST DECISION-MAKING BODY IS THE GENERAL ASSEMBLY / BUREAU OF MINISTERS
- IT OPERATES THROUGH A SECRETARY-GENERAL AND A COMMITTEE OF EXPERTS WHICH INCLUDES NAVAL PERSONNEL
- IT HAS 3 SPECIALISED ORGANS AND 3 MARITIME ACADEMIES
- IT HAS A REGIONAL MARITIME FUND AND CURRENTLY SETTING UP A REGIONAL MARITIME BANK
- ON-GOING PROJECTS INCLUDE THE INTEGRATED SUB-REGIONAL COAST GUARD NETWORK WITH 4 COAST GUARD ZONES/CENTRES, INFORMATION AND COMMUNICATION CENTRE AS BASIS FOR SUB-REGIONAL COOPERATION FOR MDA
- CLOSE RELATIONSHIP WITH IMO, OTHER UN AGENCIES, INGOs AND DEVELOPMENT PARTNERS
- READY TO ACT AS AN AFRICAN COORDINATING CENTRE FOR MDA

THE CASE FOR A REGIONAL COASTGUARD NETWORK

- In Africa the Navy is the main institution for ensuring surveillance, enforcement, presence in territorial waters, contiguous zones and the EEZ
- Navy effectiveness for MDA is hampered by resource constraints, absence of right of hot pursuit across National borders / lack of regional cooperation
- MDA would require effective partnership between NAVY, Coast Guards, Maritime Administrations, International Orgs and Development Partners

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- Effective Partnership, finance/resource mobilisation requires an effective coordinating body
- It is currently costly and difficult to create/promote new inter-Governmental treaties/Agencies
- An existing specialised Organisation like MOWCA could effectively play such a coordinating role as it already has a Regional Maritime Fund and a developing Regional Maritime Bank, has good working relationship with IMO, Int. Orgs and Dev. Partners

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THE SUB-REGIONAL COAST GUARD PROJECT

The Sub-regional Coast Guard Network is envisaged as a Sub-regional Network of National Coastguard Organizations coordinated by four (4) MOWCA Zonal Coastguard Centres and a Principal Coastguard Centre, to implement International conventions, codes and regulations regarding the suppression of seaborne terrorism, respond to maritime accidents, combat piracy, armed robbery and other unlawful acts against shipping, while generally enhancing safety, security, and environmental protection.

Recommended Coastguard Zones/Centres

- Zone I: Mauritania, Senegal, Gambia, Guinea Bissau, Cape Verde   *CG Centre Dakar, Senegal*
- Zone II: Guinea, Sierra Leone, Liberia, Cote D'Ivoire and Ghana   *CG Centre Abidjan, Cote D'Ivoire*
- Zone III: Togo. Benin, Nigeria, Cameroon, Equatorial Guinea   *CG Centre Lagos, Nigeria*
- Zone IV Gabon, Sao Tome and Principe, Congo, Congo DR, Angola   *CG Centre Pointe Noire, Congo*

EVALUATION AND FEASIBILITY ASSESSMENT OF THE COASTGUARD NETWORK, CONDUCTED BY IMO CONSULTANTS, 8-30

JANUARY, 2006

- *There exist several good reasons for the establishment of an Integrated Coast Guard Net work…*
- *The Joint patrols described in the IMO MSC/Circular 622/Rev 1 16 June 1999 on Piracy, Armed Robbery against Ships Appendix 5 were found not to be feasible as the requisite structures are not in place, nor is the incidence of piracy spread throughout the sub-region.*

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- *Despite this finding, there is solid rationale for taking collaborative action in the sub-region. There is a lack of maritime domain awareness and virtually no presence in the exclusive economic zones of the region. Building and maintaining a capacity for surveillance and enforcement will support multiple government needs including: search and rescue, environmental protection, fisheries protection, immigration, and other law enforcement including piracy, smuggling and armed robbery.*
- *A proposal to develop an Integrated Coast Guard and a draft convention to support this initiative have been developed with the aim of increased safety, improved environmental protection, and better law enforcement capacity in the sub-region.*

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- The draft Convention sets up an International organization known as the West and Central African Coast Guard governed by a Council of Ministers of MOWCA Member States, supported by a Committee of Representatives of Member States and managed by a Directorate.
- The aim of the Organization is to promote and operate common efforts of the Parties in their public activities at sea, specially those devoted to protection of human life, enforcement of law, improvement of security or protection of environment.

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- The draft Convention further acknowledges the four designated Coast Guard zones approved by MOWCA Bureau of Ministers as forming the main geographical structures of the Organization.
- Each zone needs a minimum level of resources in order to conduct operations that would ensure Surveillance, enforcement and presence. These are:
- One patrol vessel of medium endurance (15 days) of moderate speed, (16 knots) for patrol, SAR, pollution response, surveillance and fisheries tasks.
- One high speed patrol vessel (+24 knots) of medium endurance (15 days) for enforcement and interdiction work
- One patrol aircraft, for surveillance

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THE IMO-MOWCA FORUM DAKAR, 23-25 OCT. 2006

- OBJECTIVE: ...the establishment of an integrated coastguard network for the 25 MOWCA Member States, aimed at strengthening regional co-operation for the maritime safety, security, environmental protection and sustainable economic development of the States concerned.

- PARTICIPATION: .. Attended by 163 high level Govt officials / experts from across the sub-region, representatives of IMO, UN bodies, Development Partners, Guest Speakers

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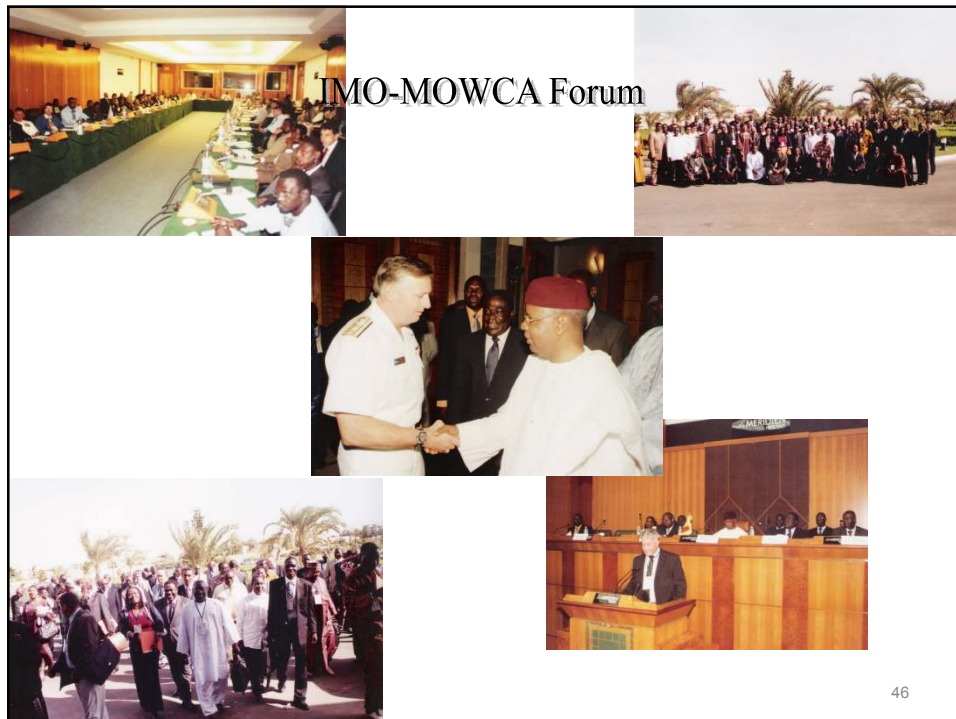
IMO-MOWCA Forum

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IMO-MOWCA FORUM ctd

- KEY ISSUES:
- ..the use of a combined coastguard system to enhance States' search and rescue capabilities, prevention of pollution, protection of marine environment, maritime (and energy) security, countering piracy and armed robbery against ships, illegal migration, trafficking of drugs, weapons and people, developing the States' EEZ, maintaining viable fishing industries..sustaining the UN Millennium Development Goals.

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IMO-MOWCA FORUM ctd

OUTCOME:
- Adoption of Resolution, Press Release, Motion of Thanks

RESOLUTION:

Calls upon the Govts of MOWCA member States: ..to seek the development and implementation of national Coast guard function to provide framework for maritime safety/security

...to seek the establishment of a sub-regional integrated coast guard function network to provide framework for regional maritime security policies and implementation

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…to develop regional maritime information centre for information sharing on maritime security

… to seek the establishment of a legal framework for co-operation

….to improve the capacity of national and regional training institutes for training of coast guard personnel

… to become parties to and implement provisions of relevant international conventions and protocols relating to the suppression of unlawful acts against ships, and against fixed platforms located on the continental shelf, the UN Convention against Trans-national Organizes Crime.

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IMO-MOWCA FORUM ctd

RESOLUTION ctd:

...calls on SG IMO to bring resolution to the attention of all member States of IMO as well as MSC, MEPC and TCC

….calls on SG of MOWCA to submit resolution to General Assembly of Ministers for consideration, adoption and to take all necessary action to establish the coast guard network

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FUTURE WORK AND EXPECTED RESULTS

- To present to the 13th General Assembly of Ministers of MOWCA scheduled Dakar, Republic of Senegal, 29-31 July 2008, a comprehensive report on the Status of the Project and present for consideration by the Member States the Resolution from the IMO-MOWCA Forum and draft Convention/MOU on the Coast Guard network.

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FUTURE WORK

- Convene meetings of the 4 Coastguard zones at the respective coordinating Centres in Dakar, Abidjan, Lagos and Point Noire
- Develop the Coast Guard Information and Communication System at the coast guard Coordinating Centres involving the use of the AIS

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- To convene a donor conference inviting Development Partners to extend technical and financial assistance to MOWCA and the Coast Guard Organization in improving human resource and ICT capacity for the project as well as equipping the Organization and its zonal Coordinating Centres.
- To reinforce the MOWCA Regional Maritime Fund/Bank as sustainable basis for financing the Coast Guard Organization.
- To establish the Organization and its structures, prepare contingency plans and conduct mock exercises.

2.4 INTERNATIONAL SUPPORT

- THE AFRICAN UNION HAS ADOPTED THE IMO/MOWCA REGIONAL COASTGUARD NETWORK PROJECT FOR IMPLEMENTATION IN OTHER SUB-REGIONS OF AFRICA
- SUPPORT OF AU MEMBER STATES
- COOPERATION WITH AU, ECOWAS, UEMOA, CEMAC,
- COOPERATION WITH UNCTAD, IMO, WORLD BANK (SSATP), UNECA,
- SUPPORT OF DEVELOPMENT PARTNERS