



Examining the Maritime Security Potential of the African Standby Force and Other Multinational Approaches to Securing African Waters

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by emailing us at: editor@openpublications.org
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CREDITS

CONTRIBUTING AUTHOR

Dr. Ian Ralby

OPEN CAPABILITY LEADER

Col Stefan Lindelauf

OPEN MANAGING EDITOR

Mr. Oke Thorngren

OPEN OPERATIONS MANAGER

LTC Alexios Antonopoulos

ACTION OFFICER

LTC Alexios Antonopoulos

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Ms Klodiana Thartori

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TECHNICAL EDITOR

Dr. Maureen Archer

ART DESIGNER

PO1 Isabel Wences

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EXECUTIVE SUMMARY

*“Let’s give a chance to the principle of subsidiarity in the first place.”
- Serving Admiral in an African Navy*

While piracy may be at its lowest point in decades, maritime security threats continue to plague the continent of Africa. Those threats undermine the sovereignty of the coastal states, diminish the economic power of the continent, and foster general instability. As actors within and beyond Africa look for ways to improve maritime security, many have begun to question the viability of the African Standby Force – an entity designed to prevent, intervene in and resolve conflict within African states – being directed toward maritime insecurity. This report examines that possibility, but also examines what is already being done to generate effective cooperative maritime security. It reviews the three main cooperative mechanisms – the 5+5 Defense Initiative, the Djibouti Code of Conduct and the Yaoundé Code of Conduct – as well as the newly established Combined Maritime Task Force.

Drawing extensively on input from senior African maritime security professionals, this report concludes that the concept of the African Standby Force in the maritime space must be completely different from that on land. The legal and jurisdictional aspects of a multinational force engaging in what amounts to maritime law enforcement must be worked out with each participating country. Foreign forces cannot interdict most maritime crimes, and with the exception of combatting piracy, slavery, unauthorized broadcasting, and to a lesser extent, drug trafficking, a multinational force would need extensive legal arrangements with the coastal state to be able to operate effectively. As such, the notion of the “African Standby Force” in the maritime space should build on, rather than duplicate or seek to replace, the extensive efforts over the last decade to establish multinational approaches to countering maritime crime and

insecurity. As a former African Union official put it, excessive layering of initiatives tends to “dissipate resources” and can render everything ineffective in the process. As stated by a serving African admiral: “Let’s give a chance to the principle of subsidiarity in the first place.”

At present there is a gap between national level activities and interests and the discourse at the continental level. The African Union (AU) has been seen by many to have dropped the ball on its stewardship of the Africa Integrated Maritime Strategy 2050. The lack of both maritime expertise at the AU and consistent commitment to maritime security has led states and regions to pursue their own approaches to building maritime security resiliency. That divide would only grow if the AU undermines those efforts by creating a construct that would drain resources and tie up limited assets without clear authority and jurisdiction to tackle the threats that states are most concerned about, including illegal, unreported and unregulated fishing, migrant smuggling, and trafficking of all sorts.

In supporting the AU and its member states, NATO should:

1. Offer to convene a Maritime Security Exchange Dialogue in which it offers up lessons from its own experience as an inter-continental alliance and fosters discussions between the national, regional and continental actors. Subsidiarity and sovereignty are critical aspects of NATO’s operations so they should be the focus of that dialogue.
2. Offer advice and support to any of the existing cooperative operational centers that are interested

in drawing on lessons from NATO's experience and that of its members.

3. Offer its consultative services to help issue spot challenges that may interfere with the effectiveness of some of the ideas for multinational forces.

4. Offer support to the planning and execution of multinational exercises to test the concepts being piloted for combined operations at sea.

5. Remain responsive to the needs and interests of African states and regions, and not push or advance any proposals until it understands all the equities and implications. African states and regions have worked hard to overcome deficits in resources, expertise and political will and have been creative in leveraging cooperation. These efforts should be celebrated both internally and externally. Therefore, extreme caution is warranted in supporting any cooperative effort that is not already built on established efforts.



INTRODUCTION

As a continent surrounded by water, Africa will always have maritime security threats. In recent years, however, those threats have grown in impact, intensity and international attention. Illegal, unreported and unregulated (IUU) fishing, piracy, armed robbery at sea, drug trafficking, migrant smuggling, and all sorts of illicit maritime activities have challenged the security, stability and prosperity of Africa's maritime domain. In response to these threats, African states and multilateral organizations have mustered considerable innovation – much of it grounded in cooperation – to counter criminals and nefarious actors at sea. As regional initiatives like the Djibouti and Yaoundé Codes of Conduct struggle to meet their potential, and as the African Union advances its efforts to implement the 2014 Africa Integrated Maritime Strategy (AIMS) 2050 – a continent-wide vision for the maritime domain – the discussion has begun to turn to the African Standby Force. This report examines the prospects and possibilities for using the framework of the African Standby Force, an AU creation, to support maritime security around the continent.

After reviewing the maritime security environment in Africa, and honing in on some of the leading initiatives to address the wide spectrum of challenges, this report takes a close look at the mandate of the African Standby Force. Understanding what the original, terrestrial concept sought to do and how it has been used on land are critical factors in being able to analyze the three key questions of this report:

1. Could the African Standby Force be used to support maritime security efforts around the continent, including in fighting maritime crime and countering illegal, unreported and unregulated fishing?

2. What model for an African Standby Force would be most effective for deployment in the maritime security space?

3. What other cooperative maritime security initiatives may be bolstered to fill what would otherwise be the role of an “African Maritime Standby Force”?

In answering these questions, this report relies on reviews of primary and secondary source materials, including a legal review of the actual mandates of different forces. Furthermore, the author conducted a number of interviews to enrich this analysis with the views of African naval officers, maritime security practitioners, academics, lawyers, and both current and former officials, including at the African Union itself.

Importantly, this analysis is not aimed at advancing a particular institution, interest group, or conclusion. Rather, it seeks to provide NATO with an honest and fair assessment of the possibilities and challenges associated with the African Standby Force being used for maritime security activities. Ultimately, it teases out a conflict between concepts that work in theory, and practical realities that undercut those concepts. The report concludes with recommendations for NATO's engagement with existing initiatives in Africa that could be elevated to accomplish the effect of an “African Maritime Standby Force” without having to invest in a new institution. Behind all of this analysis is the fundamental notion that the goal is to make Africa's waters more safe, secure, stable and prosperous.

THREAT ENVIRONMENT

For many years, African states paid hardly any attention to the maritime domain.¹ Navies were given little support, and maritime security capacity dwindled. In many respects, pirates were the catalyst that changed that. In general, African states are far more aware of the maritime domain today than they were twenty years ago, and, significantly, Africa has become home to numerous models for maritime security cooperation. Extensive reporting² by different entities has drawn global attention to maritime security issues in Africa, yet much of the focus has remained on piracy and armed robbery at sea, and, in the Mediterranean, on maritime migration. In reality, however, a growing spectrum of threats are making the waters off Africa increasingly challenging to secure.

Since 2012, piracy has largely been thwarted in the Horn of Africa, though attacks against fishing vessels, vessels engaged in illicit activities, and a few commercial ships have still occurred. By contrast, the Gulf of Guinea in Atlantic Africa has seen a far more tumultuous decade, including a variety of piratical approaches. Theft of oil was a major focus of attacks for years, before being replaced by kidnapping for ransom. In 2020, 95% of all seafarers that were taken at sea were taken in the Gulf of Guinea.³ In 2022, piracy hit a thirty-year low for a mix of reasons, including

the persistent improvement of and cooperation between African navies, the prosecution and penalization of piracy cases, the procurement of new maritime domain awareness and response capacities, and the presence of foreign navies. While the numbers continue to decline,⁴ a few attacks in 2023 have served as a reminder that piracy remains a looming threat.⁵

Similarly, a decrease in attention on maritime migration has created the mistaken perception that it is no longer a major concern. Migration across the Mediterranean has not only risen again in recent years, but it continues to cause operational challenges based on the need for search and rescue. Human trafficking has also risen, partly as a result of the increase in human smuggling. At the same time, smuggling of illicit goods across the Mediterranean, particularly of fuel, remains a significant and growing concern, even while the attention of the European Union's Naval Force (EUNAVFOR) has shifted to focus on arms smuggling under operation Irini.⁶

Despite most of the international attention being focused on piracy and migration, other maritime security threats have a far greater impact on African coastal communities, food security, and local economies.⁷ Foremost among these is IUU

¹Ian Ralby, "From Sea Blindness to Wealth Blindness," *Stimson Center's National Security Forum*, 3 Feb. 2017.

²Stable Seas, "Atlantic Africa," various reports, "Indian Ocean," various reports, "Gulf of Aden and Red Sea," various reports, "Mediterranean," various reports. <https://www.stableseas.org>

³Michael Howlett, "Gulf of Guinea records highest ever number of crew kidnapped in 2020, according to IMB's annual piracy report," ICC – Commercial Crime Service.

⁴Guy Martin, "Piracy at lowest level in three decades helps reduce ship loss rate," *Defence Web*, 13 June 2023.

⁵Security Council, "June 2023 Monthly Forecast – Gulf of Guinea Piracy."

⁶EUNAVFOR Med, *Operation Irini*.

⁷Ifesinachi Okafor-Yarwood and Freedom Onuoha, "Africa's Oceans are Being Protected to Serve the Interests of Big Foreign Corporates," *The Conversation*, 26 Apr 2023.

fishing. The abundant waters around Africa have drawn fleets from around the world, interested in the continent's fish. Unfortunately, many fishers have sought to take advantage of that abundance illegally and either do not seek a license to fish or do not report their catch and pay taxes on it. Additionally, some exploit gaps in legal and regulatory frameworks in order to fish for species not covered under national oversight. These issues have come to threaten the fish stocks of the continent and create critical food security concerns for many states that are struggling to maintain artisanal subsistence fishing practices.⁸ Reporting and analysis from international experts are increasingly shining a light on exploitative practices – including nefarious uses of African flag registries⁹– to rob the continent of its living marine resources.

Africa has also seen a major rise in drug trafficking, not only through the continent but to the continent.¹⁰ No longer just a transshipment point for drugs destined to other parts of the world, Africa has become a growing drug market. Cocaine, heroin, opioids, synthetics, and hash are among the drugs most frequently moving through African states, and many of them are cutting at the fabric of African society.¹¹

While no part of Africa's massive coastline is immune to maritime security threats, there are geographic differences in terms of key trend lines. IUU, piracy, armed robbery at sea, illicit dumping, and the trafficking and smuggling of drugs, humans, weapons, fuel, charcoal¹² and other contraband have all undermined the security, governance and development of African states.



⁸Policy Brief, "Economic, Social and Environmental Impact of IUU Fishing in Africa," African Union, November 2020.

⁹Duncan Copeland and Ian Ralby "Spotlight on The Use of African Flag Registries by High-Risk Fishing Operators" TMT, 2022.

¹⁰Simone Haysom, Peter Gastrow and Mark Shaw, "The heroin coast," Global Initiative, 4 June 2018.

¹¹Lucia Bird and Julia Staynard, "Changing Tides," Global Initiative, June 2021.

¹²Ian Ralby, "Hookahs and Honey: Funding Terrorism Through 'Benign' Activities," Strife Blog, 4 Aug. 2019.

EXISTING COOPERATIVE SECURITY MECHANISMS

Despite all the maritime security challenges, Africa has been remarkably innovative in how it has approached combating these maritime threats. Most of that innovation has focused on cooperation, but a timeline of initiatives indicates that there have been waves upon waves of often overlapping and sometimes duplicated efforts. The proliferation of both instruments and institutions focused on maritime matters, and particularly on maritime security, has led to challenges regarding budgets, partnerships, roles, and functions. Extreme caution should be applied, therefore, when considering any new efforts that would potentially further dilute the limited resources that are available to combat maritime threats. Any discussion of developing a maritime African Standby Force should be considered against this backdrop.

The 1994 African Maritime Transport Charter¹³ set out to harmonize African states' efforts on maritime shipping and related maritime policies. Not expressly focused on security, this Charter was updated in 2010,¹⁴ and encourages maritime governance to facilitate maritime economic activity. The 2014 Africa Integrated Maritime Strategy (AIMS) 2050¹⁵ then took forward the task of establishing a long-term vision for the development of the African maritime domain. This strategy sought to integrate security along with governance and development to provide a roadmap for Africa to reach its maritime potential. Moving from strategy to implementation, the 2016 African Charter on Maritime Security and Safety and Development in Africa,¹⁶ better known as the Lomé Charter, provided a binding approach to advancing the continent's maritime agenda. Here,

safety and security were placed as fundamental building blocks to achieving Africa's maritime vision. These instruments and others, like the 2015 Luanda Declaration on Maritime and Energy Security, provide guidance on the collective aims and interests of African states on how to secure, govern and develop the continent's maritime domain. They do not directly provide operational-level approaches to security; however, others do.

There are three initiatives that bear noting on the operational front: the 5+5 Defense Initiative, the Djibouti Code of Conduct and the Yaoundé Code of Conduct. Those three initiatives involve every coastal state in Africa except Namibia. Each deserves attention here, as they may be the foundation for implementing an African Standby Force in some fashion.

The 5 + 5 Defense Initiative has existed for decades in North Africa and southern Europe.¹⁷ The five North African states of Mauritania, Morocco, Algeria, Tunisia, and Libya are joined in this Initiative by the five southern European states of Portugal, Spain, France, Italy, and Malta. While many critics of the initiative indicate that the cooperative effect has been limited, particularly on land, the maritime space has seen some remarkably important aspects of cooperation that need to be recognized and celebrated. One key example is that on land, Morocco and Algeria have had a closed border since 1978, and the two countries do not have diplomatic relations. Through the 5 + 5 defense initiative, however, the maritime operators have been able to overcome the lack of communication on land and address common maritime threats at sea. This operator-

level cooperation, even at the simple level of communication, makes the 5 + 5 defense initiative a strong starting point for further cooperative action. Recent years have also seen a surge in the relevance of this initiative as both coasts have sought to curtail the extensive maritime migration that the Mediterranean has experienced, including engaged and cooperative security and search and rescue as the challenges have unfolded.

in both their ambitions and implementation. The Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, better known as the Djibouti Code of Conduct,¹⁸ was established in 2009 as a means of creating cooperative action against the scourge of piracy plaguing the Northwest Indian Ocean. In 2017, it was further expanded through the so-called Jeddah Amendments¹⁹ to foster cooperation across the spectrum of maritime security threats even including IUU fishing. Under the aegis of

The other two initiatives are far more extensive



¹⁸Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, 2009.

¹⁹Jeddah Amendments to the Djibouti Code of Conduct, 2017.



this cooperative mandate, the European Union funded the so-called MASE programme (Maritime Security Programme) to develop maritime security cooperation in the Indian Ocean island states of Seychelles, Mauritius, Madagascar, Comoros, and the French island of Reunion. Under that program, two centers have been established. The Regional Center for Operational Coordination (RCOC) in Victoria, Seychelles, has the responsibility to coordinate and direct the water maritime security activity. The Regional Maritime Information Fusion Center (RMIFC) in Antananarivo, Madagascar, provides a regional maritime domain awareness capability. The functionality of those two centers has now caught the attention of the East African coast, and the membership has expanded to include most of eastern Africa. With that operational architecture already in place, and substantial mandates for cooperation under the Djibouti code, East Africa including the Indian Ocean islands has a perpetual capability to engage in cooperative maritime security.

The Code of Conduct Concerning the Prevention and Repression of Piracy, Armed Robbery against Ships, and Illegal Maritime Activities in West and Central Africa, better known as the Yaoundé Code

of Conduct,²⁰ was developed in 2013, directly inspired by the Djibouti Code. Unlike the Djibouti code, however, the driver behind the Yaoundé code was not just an issue that was common to a wide geographic area. The Economic Communities of West and Central Africa, ECOWAS (The Economic Community of West African States) and ECCAS (The Economic Community of Central African States), together with the Gulf of Guinea Commission (GGC) – an institution established to support counter piracy – form the secretariat relating to implementation of the Yaoundé Code. Furthermore, rather than merely focusing on piracy, the Yaoundé Code creates a mandate for cooperation on the spectrum of illicit maritime activity across 19 coastal states on the western seaboard of Africa. Perhaps the most significant aspect of the Yaoundé code, however, is that it creates not only the impetus for cooperation but the institutional architecture for doing so. Since 2013, the Yaoundé Architecture for Maritime Safety and Security (YAMS) has developed into a sophisticated construct for cooperative maritime security activity.

In contrast to the two centers in the Indian Ocean, the YAMS involves a cascading set of institutions

²⁰Code of Conduct Concerning the Prevention and Repression of Piracy, Armed Robbery against Ships, and Illegal Maritime Activities in West and Central Africa, 2013.

Yaoundé Architecture for Maritime Safety and Security

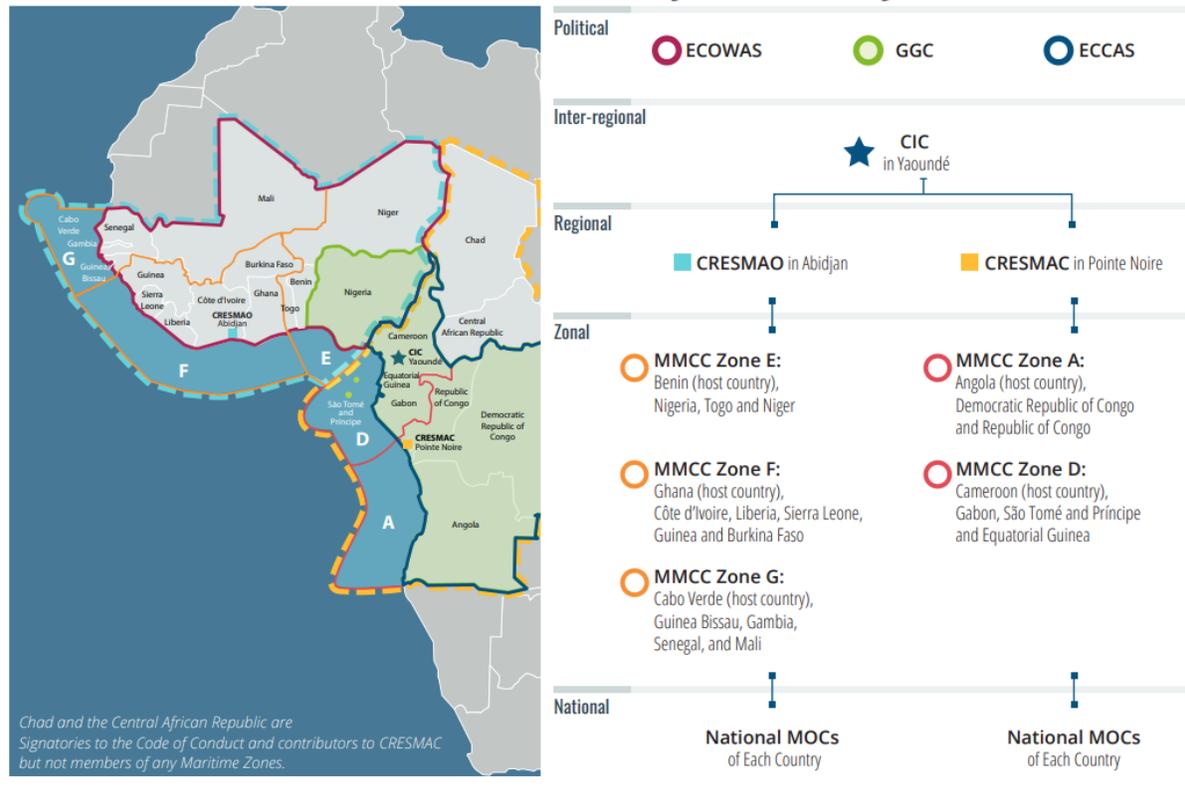


Image 1. Graphic of the Yaoundé Architecture for Maritime Safety and Security (YAMS) developed by I.R. Consilium.²¹

meant to coordinate both the advancement of maritime security at the strategic level, and the provision of maritime security at the operational level. At the top of the structure is the Interregional Coordination Center (ICC) which is based in Yaoundé, Cameroon. Staffed from across the ECOWAS and ECCAS regions, the ICC is the lead entity for directing maritime security at the strategic and political levels. It is the interface not only with ECOWAS, ECCAS and the GGC to communicate the maritime security requirements of the region, but it is the main point of contact and coordination for international engagement with partners such as the Maritime Domain Awareness for Trade – Gulf of Guinea (MDAT-GoG), the US, EU or NATO.

Beneath the ICC at the regional levels are the Maritime Security Center for West Africa (CRESMAO) in Abidjan Côte d'Ivoire, and the Maritime Security Center for Central Africa (CRESMAC) in Pointe Noire, Congo.

Under the two regional centers of CRESMAC and CRESMAO are a series of Zones. While it is not yet stood up, Zone A will include Angola, the Democratic Republic of Congo, and the Republic of Congo. There is no Zone B or C. Zone D has been operational since 2009 – before the Yaoundé Code of Conduct absorbed it – and includes Cameroon, Equatorial Guinea, Gabon and São Tomé and Príncipe. Zone D's Multilateral Maritime Coordination Center (MMCC) is in Douala, Cameroon. Zone E signed a legal agreement in 2013 but has only recently become operational, and includes the states of Nigeria, Benin, Togo and the landlocked state of Niger. Its MMCC is in Cotonou, Benin. Zone F is also operational with an MMCC in Accra, Ghana, and it includes Ghana, Côte d'Ivoire, Liberia, Sierra Leone, Guinea, and the landlocked state of Burkina Faso. The agreement to establish Zone G and place its MMCC in Praia, Cabo Verde, was just established in November 2022. It will include Cabo Verde, Senegal, the Gambia, Guinea Bissau, and the landlocked state of Mali. This architecture is supposed to provide the foundation for combined

²¹Ian Ralby, "Learning from Success: Advancing Maritime Security Cooperation in Atlantic Africa," Center for International Maritime Security, 17 Sept. 2019.

operations at sea and coordinate maritime security throughout the ECOWAS and ECCAS regions.

The three main cooperative blocks – the 5 + 5 Defense Initiative states, Djibouti Code of Conduct states, and Yaoundé Code of Conduct states – are finding inspiration in each other. Recent discussions have recognized the need to close seams between the different regions, integrate Namibia into the architecture, and ensure operational coordination between all of

the coastal states. In that regard, it is also worth noting that the Red Sea states have, since 2018, been working to create a combined force together with the states of the Arabian Peninsula. While the pandemic interrupted this effort, the drive for operational coordination continues.

It is amid this extensive patchwork of maritime security initiatives, instruments, and institutions that the discussion of the African standby force is now occurring.

AFRICAN STANDBY FORCE



The African Standby Force (ASF) is a multinational military endeavor formally established by the African Union in 2003. While the desire for a standby force long predates the transition from the Organization of African Unity (OAU) to the African Union (AU) in 2002, the OAU was never able to bring it to fruition. The Constitutive Act of the AU²² specifically states in article 3(f) that one of the AU's main objectives is to "promote peace, security, and stability on the continent." In furtherance of that objective, the AU adopted in July 2002 the Protocol Establishing the Peace and Security Council. Under Article 13 of that Protocol, the mandate for the African Standby Force is set forth with seven functions:

1. Observation and monitoring missions;
2. Other types of peace support missions;
3. Intervention in a Member State in respect of grave circumstances or at the request of a Member State in order to restore peace and security, in accordance with Article 4(h) and (j) of the Constitutive Act;
4. Preventive deployment in order to prevent
 - i. a dispute or a conflict from escalating,
 - ii. an ongoing violent conflict from spreading to neighboring areas or States, and
 - iii. the resurgence of violence after parties to a conflict have reached an agreement;

²²Constitutive Act of the African Union, 2000.



5. Peace-building, including post-conflict disarmament and demobilization;

6. Humanitarian assistance to alleviate the suffering of civilian populations in conflict areas and support efforts to address major natural disasters; and

7. Any other functions as may be mandated by the Peace and Security Council or the Assembly.

Neither naval activities nor maritime security is mentioned.

In May 2003, the AU produced the Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee.²³ In that Framework, six scenarios were used to determine how to establish the African Standby Force:

- Scenario 1: AU/Regional military advice to a political mission
- Scenario 2: AU/Regional observer mission co-deployed with a UN mission
- Scenario 3: Stand-alone AU/Regional observer mission
- Scenario 4: AU/Regional Peacekeeping force for Chapter VI and preventive deployment missions (and peace-building)
- Scenario 5: AU peacekeeping force for complex multi-dimensional peacekeeping missions, including those involving low-level spoilers

- Scenario 6: AU intervention, e.g. in genocide situations where the international community does not act promptly

Neither naval activities nor maritime security are mentioned or considered.

In actually standing up the ASF, the Framework set forth a phased plan that has largely been implemented. In that process, different regional brigades for the ASF were established for each of the five main regions: East, South, Central, West and North. A key element of the brigades was intended to be the establishment of a rapid deployment force in support of one of the seven functions. As of 2016, the AU declared the ASF ready for deployment, but to date, it has not formally been deployed.

Critics note that the AU has authorized ad hoc missions rather than formal ones under the mandate of the ASF.²⁴ Indeed, the ASF has failed to prevent or resolve any conflict despite considerable investment. For all the headquarters, logistics bases and exercises, there is no proof of concept in so far as a tangible benefit that can be identified. Furthermore, there is a disagreement as to whether the AU should be able to deploy the ASF or if a UN Security Council Resolution should be the trigger for its deployment.

For all the criticism, there has been considerable work done on developing models of cooperation, interoperability and capacity building. That said, none of these have focused on naval activities or maritime security.

²³Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee, 2003.

²⁴Meressa Dessu and Dawit Yohannes, "Can the African Standby Force match up to current security threats?" ISS Africa, 2 June 2022.

MARITIME POSSIBILITIES FOR THE AFRICAN STANDBY FORCE

Given the wide variety of maritime threats facing African states around the continent, there is a constant desire to find more effective ways of securing African waters. For this reason, the concept of deploying the African Standby Force to combat maritime insecurity has arisen, particularly as piracy has threatened the free flow of maritime commerce. Before pursuing such an investment, it is worth asking whether such an approach would truly be worthwhile. Implicit in that question, however, are three subordinate questions: 1. Is it legally possible to use the African Standby Force to counter maritime security threats? 2. What models or approaches might be achievable in standing up such a force? And 3. Would it actually work?

To gain broader perspectives on the idea of an African Maritime Standby Force, the author interviewed more than twenty leading professionals, including academics, lawyers, current and former officials in relevant institutions including the African Union, and senior naval officers around the continent. Most agreed that conceptually, an African Maritime Standby Force sounds appealing. The notion of having a naval force to look after the continent's maritime defense and security needs seems like a worthy multilateral pursuit. However, more critical thinking leads to a variety of concerns.

African Perspectives on an African Maritime Standby Force:

A few officials and officers interviewed found that an African Maritime Standby Force is worth pursuing, almost without reservation. Their argument is that the benefits outweigh the costs. As one

serving admiral put it, it would economize “effort in surmounting Africa’s maritime challenges based on shared responsibility.” Through that collective action, it would also improve relations between states, help implement existing agreements and promote “Africa’s independence as a region.” Most importantly, though, it would “enhance Africa’s economic and technological development among others by reducing risks of maritime trade and protection of its maritime resources on a regional scale.” While these benefits have been recognized by most of the interviewees, the rest either expressed significant reservations or outright indicated that the African Maritime Standby Force is not worth pursuing.

As one serving admiral put it succinctly: “Having an African Maritime Standby Force is a lofty idea but could be very cumbersome and absolutely expensive.” He proceeded to look at the reality that relatively few African states have the capacity to even get out to sea in a meaningful way. The practical reality is that the states that are struggling to deploy maritime assets within their own waters, are unlikely to be able to truly contribute to any sort of regional, much less continental, force. Even having their national assets on “readiness for deployment within a short notice for the purpose of interdiction, interception or patrols” would outstrip the capacity of most states. Furthermore, impact of the Yaoundé Code of Conduct, as he put it, “leaves so much to be desired. The architecture is only good on paper as the implementation has not been anything to write home about.” For these reasons, he concluded that “while the idea of a Maritime Standby Force is laudable, African nations are not economically buoyant enough at the moment to undertake this arrangement.”

Another flag officer noted that while an African Maritime Standby Force may seem like a worthy initiative, it comes with at least three main challenges. The first is the likely inequity in implementation, “having in mind the fact that most African littoral countries barely have coast guards with small boats.” As he put it, a few bigger and better-resourced countries would end up being overburdened on account of making up for the fact that most states “don’t have the economic power to support a sustained naval deployment.” A second concern would be even developing a concept of operations to account for the diversity in strength and equipment. Segmenting the force along regional lines makes sense, but may create real challenges of effective interoperability. Finally, the linguistic issue could create challenges between the Anglophone and Francophone states in particular, but also including the states that speak Portuguese, Spanish or Arabic.

As one academic put it, an African Maritime Standby Force would only be worth it if all the “involved countries will pool resources to acquire the assets, manpower and other things needed to make it work.” That would also have to be across agencies, as well as across states. Unfortunately, the efforts to implement existing cooperative security models do not indicate that such resource pooling is likely to happen.

A former AU official also raised the issue of overcomplication through layered efforts. Such layering has the tendency to dissipate resources and undermine the success of each of the layers. Quite a few naval officers agreed, and most pointed to regional initiatives as a far more viable alternative. As one deputy chief of naval staff said, “Sub-regional arrangements have a greater chance of success.” In fact, many of the interviewees went further to say that there is no need for such a Standby Force given the regional instruments that are still being implemented. As one admiral put it: “Let’s give a chance to the principle of subsidiarity in the first place. Ten years of the Djibouti and Yaoundé Codes of Conduct and we are still learning how to pool assets together for joint-operations. Only when we achieve this level, will we think bigger. And Mediterranean Africa is still to embrace this process. Finally, is it sustainable to think operationally at the continental level?” Who is going to fund that operation? Who is going to lead it? These same questions, however, did not bother others.

Indeed, some felt that a continental operation modeled around EUNAVFOR Operation ATALANTA might be achievable as a proof of concept for the African Maritime Standby Force, but others specifically pushed back against that notion. One naval officer who works in an interagency function said it clearly: “standing by doesn’t fit well in maritime security deterrence.” He went on to explain that while many states have improved their assets over the last decade, they have often had little impact, because they are always standing by, rather than being deployed for their effective use. “They always lack fuel or have difficulties being maintained. So, if at a national level there’s no sustainable presence at Sea, what special wonder budget does the AU have to manage continental operations? Is that even realistic, given the complex level of cooperation and lingering issues? Plus, combating maritime threats is multidimensional. Purely naval operations is only one of them. It mixes governance, legal, effective maritime domain awareness, naval assets, air assets and satellite intelligence. In a nutshell, being effective on a continental level for maritime security starts with effective maritime security nationally, regionally and upwards. Not the other way around.”

Some of these same concerns were voiced by another former African Union official who pointed out that the legal mandate of the Peace and Security Council to establish a Standby Force would not cover maritime security, so that mandate would have to be changed. But as the official stated, it would likely be worth it if the force could be used to overcome the gaps in capacity around the continent and pursue the crimes that are threatening the peace and security of African states.

Further Analysis:

Five main challenges stand in the way of an African Maritime Standby Force becoming effective. The first challenge is that maritime security and law enforcement do not fit within the seven objectives of the African standby force mandate. As was noted, that mandate would need to be changed before a maritime standby force could be established.

The second challenge is that conducting maritime security and law enforcement in a multinational setting requires a substantial amount of legal

nuance in order not to fall afoul of international limitations on maritime enforcement jurisdiction. Piracy, slavery and unauthorized broadcasting are crimes of universal jurisdiction under the United Nations Convention on the Law of the Sea; however, none of the other maritime security threats Africa faces are. Drugs are somewhat between the universal crimes and the domestic crimes, thanks to the procedures of Article 17 of the Vienna Drug Convention. But the rest of the offenses are limited to national laws and law enforcement. Most law enforcement concerns are not well suited to being addressed through a multinational force without a substantial amount of legal work. IUU fishing, for example, is a major concern for African states, but it is fundamentally a matter for individual states to address regarding their sovereign marine resources. States can ask for external assistance, but creating a continental or even regional force to address IUU fishing would require extensive negotiations and carefully drafted rules on how to interdict the activities on a state-by-state basis, after which the matters would need to be handed over to the right ministry for administrative proceedings or prosecution. These sorts of details do not usually come up when discussing the concept of an African Maritime Standby Force, but the need for legal finish in order to deter illicit maritime activity means that there would have to be separate arrangements for each crime as to how it would be passed to national authorities for arrest and prosecution. The multinational force would necessarily, therefore, have to abide by local evidentiary procedures so as to not prejudice the case. Clarifying these matters, as well as training and exercising them in order to maximize the possibilities of success, are a major undertaking that would last years.

The third concern is that resourcing a multinational maritime force is far more difficult than resourcing a terrestrial force. Given how much the terrestrial forces of the ASF have struggled, it is hard to imagine how the African Union could successfully find the capital to invest in meaningful maritime forces in each of the five regions.

The fourth challenge is operational will. Normally the discussion centers around political will, but in this instance, there is a real danger that the operators will not want to simultaneously work on so many different layers of cooperation. They already have national, interagency and

regional cooperative roles. Adding a continental one – even broken down at the regional level – may cause added frustration. Historically, there has been considerable dissatisfaction between African naval operators and the African Union’s approach to maritime security. Many find that a lack of expertise at the AU has led to unachievable policies on maritime matters, and, importantly, a disregard for the work that is already being done.

That issue is, indeed, the fifth and overarching concern: that an African Maritime Standby Force would undermine rather than enhance the work that has been done through the cooperative efforts of the 5+5 Defense Initiative, the Djibouti and Yaoundé Codes of Conduct, the RCOC, RMIFC and the YAMS. So much has been invested into these initiatives, it may break the spirit of many to try to supplant them with an African Maritime Standby Force.

The African Union’s Approach:

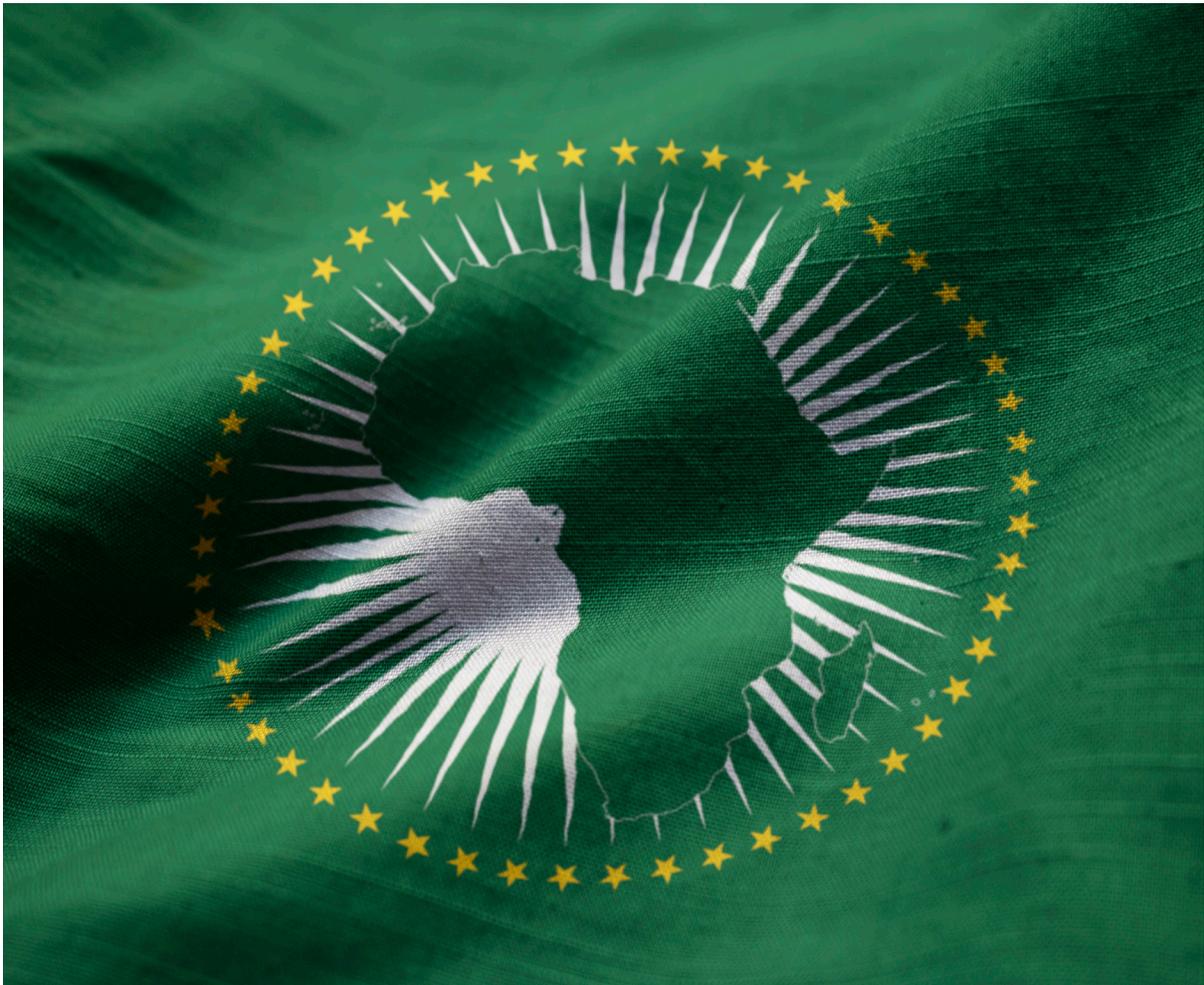
All of these concerns aside, the AU is proceeding to explore a Continental Maritime Command Post Exercise as a way of developing the concept of operations for a naval component of an African Standby Force. At its 1128th session, the Peace and Security Council initiated the steps toward the “First Regional Maritime Command Post Exercise in order to increase preparedness and synergy of the Navies of the region to respond to the threats in the Gulf of Guinea, within the framework of the ASF.”²⁵ As yet, this exercise has not met fruition, and it is not clear where the discussions are regarding: 1) what threats the ASF would be seeking to tackle, 2) how the legal arrangements would work for having requisite authority and jurisdiction to tackle those threats, 3) what assets would be available to engage in operations at sea, 4) what countries would be available to devote assets to that effort, and 5) what the command and control structure would be to ensure any issues encountered at sea could be preserved for national-level legal finish.

Importantly, the trust gap between what the operators in the Gulf of Guinea have been working on for the last decade (i.e. implementation of the YAMS) and what this new construct is seeking to do may reduce the effectiveness of both. As discussed below, the YAMS are supportive of

²⁵African Union, *Peace and Security Council, Provisional Programme of Work for the Month of March 2023*.

another initiative: spanning the two regions of ECOWAS and ECCAS. A major concern expressed by several of the interviewees for this report is that what sounds good to external actors does not account for the hard work that has been and is being done already. They noted that the African Union's lack of leadership on maritime matters has led to a desire within Addis Ababa to be involved at the operational level, having failed to show real commitment to the AIMS 2050 – the strategic level – that they had initiated. Several noted that what is discussed in Addis Ababa does not take the national-level navies' activities, needs, interests or capacities into sufficient account. The big ideas at the continental level require national-level implementation; however, the political will at the national level often does not exist to adequately resource navies for their national needs, much less the supranational ones.

In concluding, most interviewees talked about effectiveness. They contended that the focus should not be on the name, the instrument, the institution or the mechanism. The focus, most said, needed to be on what would actually work. This is a growing frustration with external partners who are looking for a parsimonious approach that can be easily explained for the whole continent. As noted, the history of national and regional-level engagements with maritime crime and insecurity have coloured the approaches that are being taken, and external partners may need to embrace the patchwork rather than trying to overlay a seemingly "superior" framework. That said, everyone is open to working to find approaches that do make the continent's waters safer, more secure, more stable and more prosperous, as long as those approaches do not undermine sovereignty and do not ignore the momentum that has been built.



Flag of the African Union

A PATH AHEAD FOR COMBINED OPERATIONS AT SEA

One of the fundamental concepts implicit in the notion of an African Maritime Standby Force is the development of combined operations at sea. In addition to the operational collaboration, cooperation and coordination being pursued through the YAMS, the RCOC and the 5+5, a new concept of a Combined Maritime Task Force (CMTF) has also begun to emerge. The history behind it and the link to the Standby Force was explained by a serving admiral as follows:

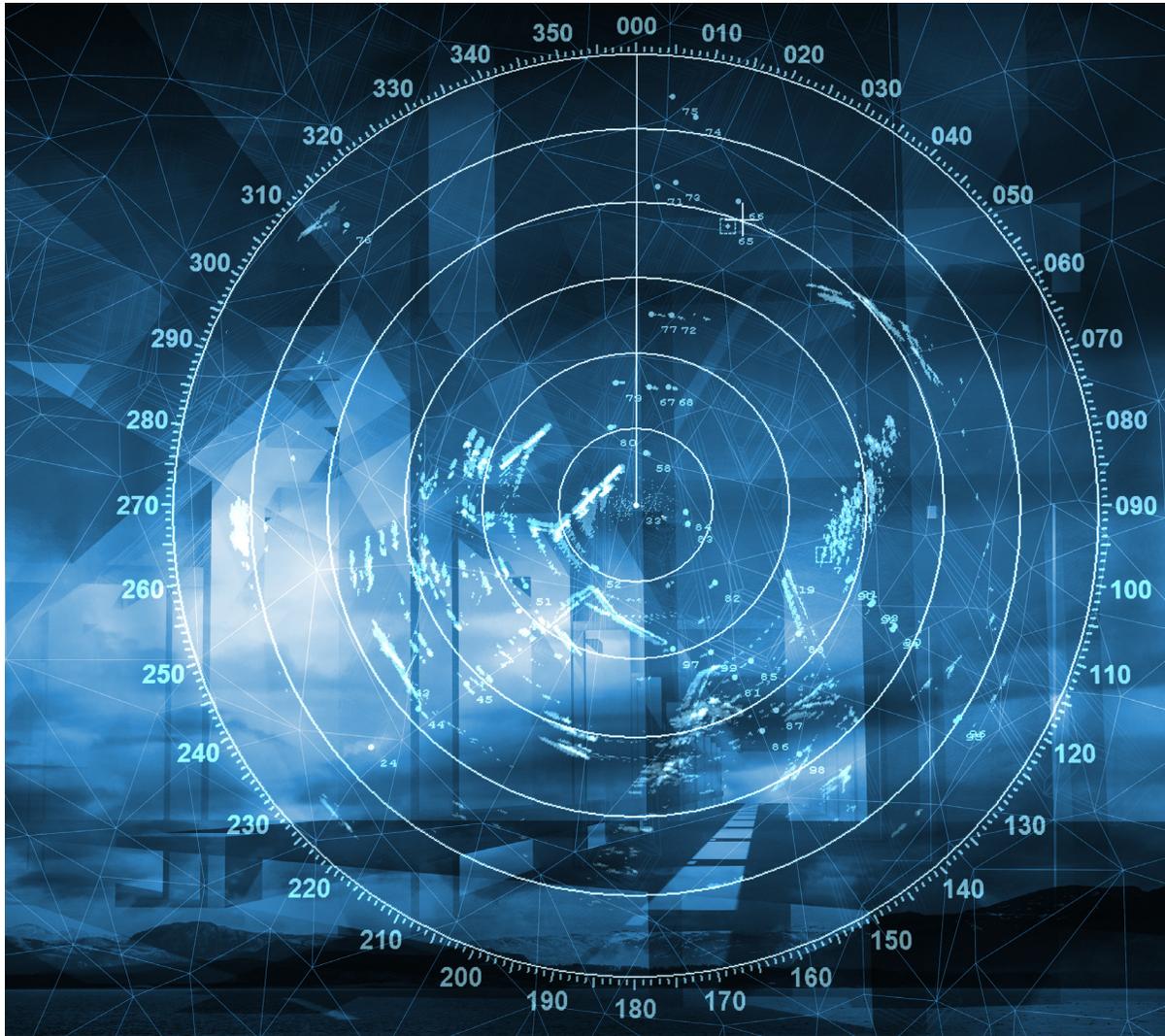
- The African Standby Force project was initiated back in 1976 within the African Military High Command by the late Gen Murtala Mohammed. One of the reasons behind it was to be able to counter apartheid regimes in then Rhodesia and South Africa. And as one would expect it, continued to suffer sabotage. However, with the emergence of the AU in 2004, the project was renamed the African Standby Force and the responsibility is to provide African-owned and African-led military peace keepers. Though still experiencing some in-house back current as some African countries maintain a hostile posture against each other, it is difficult to have them together in a military alliance. However, at this point the ASF has cleared almost all huddles after the Prof Ibrahim Gambari AU-led committee carried out an assessment of the ASF in 2015. Currently, the ASF has a chief of staff domicile in the AU HQ, and all the 5 regions of Africa with the exception of NARC (North African Regional Capability) have regional-level Chiefs of Staff. Notwithstanding, one of the major hindrances now is that the ASF is land centric as the planners completely missed

out on the maritime and air components.

- In 2021, Nigeria observed the error and initiated a process to bring in the maritime component and also establish a Combined Maritime Task Force in Africa. Unfortunately, the issue of the NARC also began to undermine the process. It was later settled that the CMTF, like the ASF, should be on a regional basis.
- In this regard, Nigeria continued to champion the process of establishment of the CMTF but this time around to cover the Gulf of Guinea region, which comprises ECOWAS and ECCAS. At the moment 11 countries out of 19 have signed up to be of the CMTF whose HQ would be in Lagos.

Clearly expressed from the Nigerian perspective, this quote provides valuable insight to the evolution of thinking regarding the African Maritime Standby Force concept. Somewhat as it suggests, the Gulf of Guinea, including the YAMS, are looking at the CMTF as an operationalization of both a Standby Force concept, and the multinational operations they have long been working to develop under the Yaoundé Code of Conduct. So rather than creating something new, they are building off the architecture that is in place. Instead of breaking it down into the terrestrial regions, they are using the inter-regional framework that the Yaoundé Architecture offers to cover most of Atlantic Africa.

This approach of building on successes and momentum rather than replacing institutions that



have not yet realized their potential may be the model to implement the spirit and purpose of the African Maritime Standby Force without creating something from scratch. With the RCOC and RMIFC already operational in the East and the 5+5 already offering opportunities for communication and cooperation in the North, building a Standby Force could translate into ensuring some form of combined operations and regionalized maritime domain awareness, with seamless information flow within each of the maritime areas of Africa – the Mediterranean, Red Sea, Indian Ocean and Atlantic Ocean. Subsequent work would need to focus on closing the seams between them – particularly in key states: Namibia, which is not currently part of the architecture” South Africa,

which looks to the Indian and Atlantic Oceans; Djibouti which looks to the Indian Ocean and Red Sea; Egypt which looks to the Red Sea and the Mediterranean; and Morocco which looks to the Mediterranean and Atlantic Ocean.

Before any external actor backs any approach – the establishment of an African Maritime Standby Force, the elevation of existing processes into combined maritime task forces, or the continuation of the processes that have been the focus of the continent for more than a decade – there must be an understanding of what the options are, what the impact would be on existing efforts, what the costs are, and what effect it would have on the safety and security of Africa’s waters.

CONCLUSION AND RECOMMENDATIONS

Launching an African Maritime Standby Force may sound extremely appealing, but legal and practical realities interfere with merely extending the terrestrial concept into the maritime domain. Given the extensive work that States and regions throughout Africa have already pursued for more than a decade, it is critically important that any concept of an African maritime standby force be built on and enhance that work, rather than dissipate or distract from it. As such, this report recommends that NATO pursue the following five options:

1. *Offer to convene a Maritime Security Exchange Dialogue. This dialogue would be a forum for national, regional and continental officials (including naval operators) to discuss approaches to enhancing effectiveness of different maritime security efforts. NATO members would share their experience in working at the national, regional and inter-continental levels, not on defense, but on security issues, highlighting what NATO has and has not been able to accomplish. Importantly, recognizing that some issues of sovereignty and subsidiarity do not allow for easy combined actions is invaluable to clarifying some of the challenges faced in developing a functional concept for an “African Maritime Standby Force.” NATO can then help facilitate open dialogue on key issues between the different African stakeholders, using its own challenges as the focal point. Additionally, sharing models of member states can be instructive and inspiring. Examples of these include the shiprider and shipboarding agreements, as well as cooperative structures, such as how the US, France and Netherlands participate in the Treaty of San José in the Caribbean²⁶. The point must not be to tell the African stakeholders what to do, but*

rather to offer up lessons – good and bad – from NATO’s experience and that of its members.

2. *Offer advice and support to the multinational operational elements throughout the continent, including the RCOC and RMIFC, the 5+5, and the different centers within the YAMS. Part of that should be to help them with issue spotting, essentially highlighting problems that NATO and its members have tripped over in the past. This would be more discreet than the continent-wide dialogue and should be kept confidential.*

3. *Offer consultation on any of the proposed efforts, like the ASF discussions at the Peace and Security Council and the CMTF efforts at the Gulf of Guinea level. NATO may be able to provide useful insights into what might diminish the effectiveness or practicality of these efforts before any resources are expended on them.*

4. *Offer support to the planning and execution of exercises – both tabletop and operational – to test out any of the new concepts of operations that are pursued. NATO has been learning how to work in a multinational fashion for decades, and it should be generous in sharing those insights.*

5. *Remain responsive to the needs and interests of African states and regions. NATO must recognize that it is an outside entity that can only operate by invitation. As such, it must not pursue its own desired approaches, but respect the wishes of the African states and entities – and not just those of one African body, if they are at odds with the sovereign interests of African states. Pushing or*

²⁶Ian Ralby, “Finding Solutions to New Problems in Old Agreements: Opportunities for Adopting and Implementing the Treaty of San José,” *Caribbean Journal of Strategic and Security Studies*, 9 Sept. 2021.

advancing one approach may skew the trajectory of African efforts, and while that one approach may sound good, the consequences may be to demoralize and anger the dedicated African maritime professionals without whose involvement no initiative can be successful.

African individuals, states and regions have worked hard, against incredible odds and in the face of remarkable challenges – both internal and external – to confront maritime crime and insecurity. That work should be celebrated and built upon in order to increase the community of practitioners dedicated to making African waters safer, more secure, more stable and more

prosperous. NATO should offer to become part of that community, but only if doing so will help make that community's effectiveness greater than the sum of its parts. No matter what the entity is called, any notion of an African Maritime Standby Force that involves combined operations at sea should take into consideration what cooperative elements already exist. There are limited numbers of naval operators in Africa; therefore, the ones that are already committed to one cooperative effort cannot just be replaced by others who would be involved in another competing cooperative effort. Moving forward, the focus must always be on the safety, security and prosperity of Africa's maritime domain via whatever means and mechanism will most effectively accomplish that end.

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