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## Governing Africa's Seas in the Neoliberal Era

Tarik Dahou and Brenda Chalfin

### Summary

*The governance of the seas has profoundly changed in the 21<sup>st</sup> century with the explosion of maritime transport, the globalization of the exploitation of marine resources, and the growing concern for environmental issues. The idea of an integrated policy of seas and oceans management became a cornerstone of international and national instruments aiming to regulate maritime circulation and exploitation of marine resources. Integrated maritime management policies put emphasis on liberalization of the marine sectors and resources and the security agenda, taken in its broad sense to guarantee freedom of trade and environmental sustainability. These efforts, whose putative purpose is to combine economic, social and environmental goals, has resulted in an unsteady balance between different sectors, scales and actors and let the door open to controversies, dissent and politics. Although the priorities of this global policy agenda continue to transform the maritime governance in Africa, the African states and societies are also actively reshaping it. While African states alter international maritime policies according to their own ends, these are also constantly molded through struggles over norms, resources and spaces and, conflicts arising from the dialectics of possession and dispossession.*

**Key-words : sea – port – security – offshore – environment**

### Introduction

As blue growth (widely accepted as the sustainable development in the marine and maritime sectors as a whole) is gaining increasing traction (Economic commission for Africa 2016 and Ruppel and Biam 2016), oceans and seas are seen as new frontiers for global capitalism, especially in Africa where 38 of the 54 states are coastal states and where territorial seas and Exclusive Economic Zones (EEZ) represent approximately 13 million square kilometers. In African countries this trend has spurred a new wave of appropriation and control of maritime spaces for blue economy. At a time of unprecedented expansion of global sea trade (90% of African imports and exports are conducted by sea), the African continent is facing new security challenges in maritime governance. Amidst increasing international fears about sea lane security, African states are expected to strengthen control over their maritime territories. The growing exploitation of marine areas is also at the heart of this security agenda. Increasing activity in fisheries, mineral extraction and transport, more acute than ever, raises concerns about sustainability of maritime resources. From global to local scale, integrated maritime policies strive to encompass all these sectors. Until recently, the governance of seas and oceans was not a strategic policy priority for African countries, except for South Africa endowed with an important navy. Even though the importance of the mineral sector has led African

countries to play a key role in negotiating the Law of the Sea convention that shape the EEZ regime (Kwiatkowska 1993), the resources invested in the control of the sea beyond legal provisions were particularly weak. This is changing with the development of new international policy instruments aiming at securing seas and promoting blue growth across Africa's coastal areas.

Policy-making regarding maritime spaces is generally studied as a state-centered, with international organizations playing a central role oriented towards the militarization of seas. However, this view neglects the influence of private actors – embedded both in domestic and transnational capitalist networks – and that of local societies, which play a key role in shaping flows of capital and commodities as well as transforming norms of regulation. Focusing on state/society relations, this article illustrates how African actors appropriate global maritime policies and transform the governance of seas and oceans. It maps the territorial distribution of power operating on seas and oceans at different spaces and scales. This approach sheds light on how these power dynamics transform the boundaries between private and public regulations in different situations. We focus on the four key areas of maritime governance: ports, offshore exploitation, security and environment. Even though from the perspective of integrated maritime governance, these fields are interwoven, they are subject to particular policies. Hence, while focusing on policies in each area separately we also analyze their relationships with each other in order to illuminate the complexity of power configurations.

## **1. Ports and government in the global era**

Reflecting the broad sweep of neoliberal policies and development pathways, across Africa's coastlines the new millennium ushered in a continent-wide process of seaport expansion. Port governance, trade circuits, and urban settings are being restructured along with the relationships between the persons, commodities, and technologies essential to the functioning of these spaces of late-modern mobility and value creation. Simultaneously conditioned by national histories and local contexts, these re-arrangements likewise reflect the much wider force-field of the global shipping and logistics sector. Marked by the transnationalization of shipping lines, logistics firms, and terminal operators, the expansion and acceleration of maritime trade and transit around the globe goes hand in hand with the consolidation of industry processes and practitioners (UNCTAD 2017). Africa's ports embody and grapple with the same dynamics.

Affecting all corners of the continent, among the most prominent outcome is the transfer of port assets and operational oversight from state authorities to corporate port concessions. A new species of duopoly capital, this move is dominated by just a few firms and their preferred partners in shipping. Most prominent is the AP Moller - Maersk partnership operating in Angola, Benin, Cameroon, Cote d'Ivoire, Kenya, Liberia and Nigeria and Bollore's alliance with CMA-CGM, evident in Cameroon, Togo, Benin, Sierra Leone, Comoros, and Gabon. Also expanding its African foothold is Dubai Port World, a former national port authority now turned major multinational player with outposts in Algeria, Mozambique, Senegal, Egypt, and until 2016, Djibouti. These firms' broad reach demonstrate that the renewed scope of concession economies across Africa pertains not just to extractive enterprise and agricultural land-grabs but to the contracting of what were once considered core national infrastructures.

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Adding to the consolidation and standardization of port operations across Africa is the rise of international security mandates after a brief post-Cold War *pax* of unfettered global flows. The International Shipping and Port Security code prime among them (Chalfin 2009, 2015), these directives insist on the implementation of common rules and security controls by all International Maritime Organization members. Indicating the interdependence of securitization and marketization in late-capitalism, for African players, compliance is key to participation in international supply chains and in many cases warrant outsourcing control of key state assets. Reflecting these pressures and conditions, three spatial formations prevail in which ports play a central role even if they are not always a central place as in earlier orders of maritime commercial circulation.

The emerging array of African mega-ports is one configuration where ports remain nodal. Involving the broad expansion of territorial footprint and port capacity to millions of TEU throughput and accommodation of Panamax vessels, African's mega-ports include Morocco's Tanger-Med Port, Kenya's Mombasa, Dar es Salaam in neighboring Tanzania, Djibouti's Doraleh, Togo's Lome, and ground-breaking for many more. A shift from terrestrial to oceanic logics, once remote territorial locales - such as Kenya's Lamu, an old Swahili dhow port (LAPSSET 2017) - are being (re)turned into central places of intercontinental maritime connectivity. These investments feed national infrastructural imaginaries even as they are driven by international investments and desires (Dua 2017; Rothenberg 2017) and harbor major environmental impacts (Mendelsohn 2018).

Decentralized port-based mosaics are the second spatial formation that come with the neo-blue economy. Such mosaics are composed of discreet spaces separated and linked through the distribution of port functions and service economies across terminals, warehouses, and processing, and transshipment zones. Honke and Cuesta-Fernandez (2017:1077) speak of an "Archipelago of global territories within which heterogeneous actors claim graduated authority" with regard to the port of Dar es Salaam. Shifting the lens from 'mega' to 'micro' these configurations signal the importance of viewing portscapes across terrestrial and oceanic space, what Campling and Colas (2017) call the "terraqueous." Melding production and distribution functions, one example is Ghana's small special-purpose Chinese-financed port designed exclusively to service hydrocarbon extraction far off-shore in the shadow of the much larger and older port of Takoradi (Chalfin 2015).

Multinational trade corridors are the third spatial formation to which contemporary port transformation is tied. Found in every corner of the continent, from Cameroon's port of Douala-Chad corridor, to the Trans-Capriivi basin linking DR Congo and Zambia to Namibia's port of Walvis Bay, or the Uganda, Kenya, South Sudan axis linked to the port of Lamu, such configurations are at the heart of the contemporary recalibration of cross-continent connections to oceanic worlds. These dynamics are well-captured in the African Governance and Space: Transport Corridors, Border Towns and Port Cities in Transition (AFRIGOS) project led by Nugent and Zeller (2016). Linking coastal ports, regional cross-national road networks, and in-land depots and supply-lines, they qualify as as highly differentiated "technological zones" (Barry 2006). Engendering distinctive cultures of mobility, as Zeller's (2009) research in Namibia attests, they inspire associated forms of break down, resistance, and repair, whether filling cracks in the road or translating abstract administrative pacts into workable practices. It is important to again note that none of these three formations are entirely new. Like the current effort to reclaim a coastal Zanzibari protectorate to facilitate corridor development (Mahajan 2017:9), and the shared granting of concessions for Mozambique's Port of

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Beira and adjoining interior railroad, most invoke earlier-established places and precedents (Newitt and Tornimbeni 2008).

Such spatial reprisals and reconfigurations are accompanied by unprecedented technological inputs and outlooks. They carry major implications for labor and management and strategies of economic governance along with the pace of throughput in numerous African ports. From Mombasa (Lamarque 2018) to Freetown (Stenmanns 2018; Stenmanns and Boeckler 2017), the premium placed on mechanization, containerization and automation fosters the de-peopling of the port environment and puts the squeeze on dock labor, as in Tanger-Med port (Rothenberg 2017). High-tech port operations, many initially adopted in the name of trade facilitation and then repurposed in the service of security (Chalfin 2010), also spawn new modes of criminality and illegality, as Lamarque (2018) notes for Mombasa in the case of cargo x-ray scanners. These technologies likewise enable – and privilege -- new port-based bureaucratic orders, such as Kenya's Radiation Authority. Networked with next-generation logistics technologies such as the geo-referenced “dashboard data assemblage,” new systems of port-based governance emerge, like the “global supply chain control tower” operating in the port of Freetown (Stenmanns and Boeckler 2018). These real-time imaging technologies insert African ports into the dash-board interface of shipping and logistics companies, generating a common locus of knowledge and control across divergent locations. Of note, in Sierra Leone's case a particularly weak state and severely disabled post-war port environment becomes a laboratory for technological innovation and experimentation.

As African ports expand in size, operational complexity, and security, and bring together transcontinental and transoceanic circuits of global neoliberalism, urban impacts and entailments are substantial. There are the near inevitabilities of population displacement and resettlement due to port growth, as evidenced in Dar (Honke and Cuesta-Fernandez 2017) and Ghana's Tema (Chalfin 2009). With ports growing not only in size but in value, there are also debates about their worth and profitability as national assets. Shaping larger political contests, this is evident in the case of Mombasa (Lamarque 2018). Side by side these varied claims to ports infrastructure, personnel, and revenue streams, are claims to and the transformative potentials of the commodities that move through them. Imported goods alter regional economies and cultures while they revitalize surrounding port cities.

Though driven by different ends, Africa's neoliberal port restructuring and humanitarian activities often partake of common means. Namely, both are highly dependent on supply chain logistical efficiencies. In Liberia's port of Monrovia, it was the World Food Program that kept the port running during years of civil conflict. At the end of the war, humanitarian operations were a draw for APM-Maersk's bid to rebuild the port and control terminal operations. Similarly, following the outbreak of Ebola in neighboring Sierra Leone, humanitarian agencies were a major force insisting the port of Freetown remain open (Stenmanns 2018). These examples attest to the resilience of port operations and vitality of maritime trade flows in the face of state-failure if not utter breakdown. Increasingly configured as garrison-entrepots (Roitman 2005), they may provide sufficient guarantees of order and protection to sustain organized commerce. This is evident in the case of Somalia where despite the fragmentation of political authority, the export of livestock from across the sub-region to trading partners across the Gulf of Aden thrives, unfettered by enforceable national boundaries or governance regimes (Stepputat and Hagmann 2016; Little, Tikki, Websu 2015). In a different

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symbiosis of trade and violence, in nearby Djibouti a concession-dependent microstate serves French, US, and now Chinese military interests and regional markets as war and political instability rage nearby (Dua 2017).

Revealing distinct political entailments challenging the transcendence of the nation-state form, the neoliberalization of port spaces, in short, is never an economic proposition alone. Aailed foremost – but not singularly -- by the intensification of maritime flows, this occurs hand-in-hand with other features of the post-cold war, post-GATT (General Agreement on Tariffs and Trade) epoch . From the rise of securitization and humanitarian intervention, to the resurgence of regional integration, private concession economies, and on-going state breakdown, all of these processes are in play across the African continent, inflecting maritime conditions and seaport functions and configurations.

## **2. Off shore exploitation**

Since the colonial era, the extraction of natural and mineral resources was based on enclaves, where capital was allowed to act free from state intervention. This rationale led to violent forms of labor mobilization and resources transfer towards colonial metropolises. Mineral exploitation is the oldest example of the establishment of autonomous territories freed from responsibility over their social and environmental impact. After Independence, inspired by nationalist ideologies, Africa's developmental states sometimes intervened to mitigate the negative impacts of extractive enclave economies - with the exception of the oil sector, which remained largely in the hands of former colonial powers and later the new capitalist empire: the United States. Indeed, oil refining, the highest added-value activity, has always been at the monopoly of international oil conglomerates, many closely tied to US partners and shareholders.

At the beginning of the 21<sup>st</sup> century, the emphasis on security together with neoliberal policies have led to further expansion of offshore economy in the oil and gas sector. International companies took advantage of the state roll-back to promote the exploitation of the seabed and adjoining subsea assets. The widespread outsourcing of the different functions of the state has also favored foreign capital investments and offshoring in Africa (Ferguson 2005). Learning from the experience of on- and near-shore oil finds (Adunbi 2015; Watts 2005), one strategy of offshore oil is to push away environmental and social claims to protect business from political liabilities while playing into the hands of key state interests, as in Equatoria Guinea (Appel 2012) and Angola (Reed 2009). In doing so, the mineral economy becomes invisible and more importantly, inaccessible, to a large range of national actors, despite the huge share of national assets it represents. Concerning the rising tide of mineral extraction from far-shore sites, this strategy skirts both security risks and national accountability by transferring crude directly from offshore sources to high seas and beyond (floating production storage and offloading vessels are located far out at sea). Thus, capital and oil flows increasingly follow the mobilities of the global economy, escaping the sticky social constraints and accountabilities of national development agendas and equity claims. With emergent extractive geographies going hand in hand with the rise of off-shore political economies detached from the demand and territories of nation-states, since 2012, 95% of the top-20 Africa's oil and gas discoveries were offshore (PWC 2016).

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In the meantime, national civil society organizations and global NGOs, as well as international financial institutions with development concerns have amplified their mobilizations around the environmental and social impacts of offshore oil (Soares de oliveira 2007 a). The number of actors, questioning the social responsibility of international oil companies and the state governance practices supporting oil exploitation, have also increased. The collusion between African national political elites and the international capitalist corporations (Soares de Oliveira 2007 b) led to raising demands for transparency in oil deals, the assessment of local impacts of oil production, and for the improvement of social benefits. With the expansion of the enclave economy to maritime spaces, the pressures on the states to bring back the rent-based accumulation from oil from off to onshore have also augmented. As a result, beyond codes of conduct of the private sector and the public accountability, local content policies strived to increase the economic 'trickle-down effect' of oil exploitation (Ovadia 2016). Companies operating in African seas and oceans, started to foster employment and sub-contracts through training and incentives in favor of national firms. However, this policy had varying levels of success in different countries. While in Nigeria, a large amount of foreign capital from oil exploitation had been diffused into the Nigerian economy – the national capture of annual investment in oil and gas is around 40% - , only a tiny part was retained in Angola (Ovadia 2016). In Ghana, national companies lacking capital were unable to reap off the benefit from the oil rent (Ablo 2015). Nevertheless, the issue of equitable access to oil rent was rarely addressed by African governments. In Nigeria this issue has been the source of ongoing dissent and mobilizations around oil (Adunbi 2015; Watts 2004). In Africa national oil companies are still islands of power and wealth that keep their resources away from the rest of the economy (Soares de Oliveira 2007 a).

Beyond the local content policies aiming at bringing the offshore oil accumulation on shore, certain states use also legal means to this end by redefining their sovereignty on maritime domain. For example, despite its dependency on foreign capital for exploration and exploitation of oil, Ghana has adjusted its legal framework to enforce port control measures to the offshore rigs, storage infrastructure at sea and offload vessels (Chalfin 2015). In addition, by extending its national legislation about coastal waters to the exclusive economic zone (EEZ) waters around the rigs, Ghana sought also to secure national appropriation of maritime territory. This legal redefinition of maritime areas surrounding the exploitation sites is a way to reassert the state sovereignty vis-à-vis offshore capital (Chalfin 2015). However this reaffirmation of state sovereignty could be at the expense of various other maritime actors. The spatial occupation of the Gulf of Guinea for offshore oil and the sprawl of its safety zones led to the eviction of Ghanaian fishers from fishing grounds. In Nigeria artisanal fisheries and trawlers are affected by the numerous wells in the EEZ, as their fishing areas are shrinking due to the extension of security areas.

Conflicts around access to maritime territories and the impact of oil drilling on ecosystems open up new questions about the offshore hydrocarbons. Increasingly, fishers and other groups are mobilizing against these infrastructures (Ackah-Baidoo 2013). This resistance and mobilizations affect private/public deals shaped by the rationale of containment given the priorities of international oil companies. The logics of deregulation and calls for reregulation in the Gulf of Guinea have made the controversies about maritime governance evident. Despite all, the environmental principles that inspire the legal framework of seabed exploitation still stem from private sources. Its enforcement is

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rarely guided by public law, which can explain the weak responsibilities of private companies in case of incident. The mobilizations about potential pollution on offshore zones are still weak, as the exploitation is far from the shore.

Another major concern about offshore oil drilling in the Gulf of Guinea is its inclination to propel conflicts around maritime borders between nation states as well as new rounds of maritime adjudication, as between Ghana and Côte d'Ivoire. In a context of blurred limits due to the lack of agreements under the Law Of the Sea convention institutions, international oil companies stimulate conflicts amidst increasing competition about access to resources (Roitman and Rosso 2001). Indeed, international capital and its accumulation interests clearly lead to more conflicts between states about the borders of EEZs. These conflicts around the appropriation of mineral resources are especially acute in African coastal countries, where national economies are highly dependent on these resources and lack other alternatives. With an absence of a regional institutional framework to settle these conflicts, maritime sovereignty becomes intertwined with private and public interests at various scales. Thus, nation-states' claims over their maritime territories within the jurisdictions of international maritime law are supported by competing international oil companies. In Equatorial Guinea the discovery of new oil fields has triggered conflicts with neighboring countries - Cameroon and Nigeria (Roitman and Rosso 2001). Nevertheless, these conflicts sometimes entail the emergence of transnational networks of power, leading to new cooperation strategies, notably in Nigeria and São Tomé and Príncipe (Frynas, Wood and Soares de Oliveira 2003).

### **3. Security, piracy and illegal activities**

The boom in maritime trade and off shore exploitation since the beginning of the century has also stimulated conflicts over the appropriation of blue wealth. Globalization facilitated the expansion of the maritime trade and the accumulation of wealth in the hands of international companies that try to avoid any form of redistribution to onshore societies. The expansion of sea transport activities and off shore mineral exploitation tend also to boost piracy, ranging from the hijacking of large cargo ships from the Somalian coast to the Indian Ocean to attacks on offshore oil stations in the Gulf of Guinea. The preoccupation with thwart these illegal forms of accumulation enables the expansion of the security nexus to all African coasts and high seas.

The coasts and seas of Eastern Africa have been the main battlefields of international maritime forces seeking to protect the Suez strait and strategic passage way for international merchant fleets. The acts of piracy in the Gulf of Aden started at the beginning of this century, when the Somalian state faced violent insurgency. The regional war economy and the relative autonomy of Puntland and its warlords took piracy to new heights. Pirates, who were themselves acting within a moral economy of protection and sovereignty, initially targeted foreign illegal fishing trawlers and toxic waste dumping (Marchal 2011). But progressively, they seized large container ships and tankers. The increase in pirate assaults, the escalation of violence and the expansion of this violence to a larger territory of the Indian Ocean was partly due to the weakness of national Navies in the region and could only be halted by an international intervention (Bueger 2015, Vreÿ 2009). While the reasons underpinning these violent practices are complex – intertwining legal and illegal practices and resources (Dua 2015) – and not well understood by international actors, the global answer was to maintain the presence of foreign naval forces in the Indian Ocean, together with private armed

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guards to secure merchant ships (Marchal 2011). The deployment of naval forces of powerful countries aimed at ensuring the free circulation of goods. Despite the fact that these international operations were not always in full compliance with international law (Bueger 2015), they managed to establish the security of trade in the region.

The externalization of security opens up new problems beyond the ethical and legal ones. Namely, it weakens the capacity of states in the region to take in charge of international maritime security agenda. Given the fluidity of the careers between coastguards and pirates, international means have been previously used for shadow activities (Dua 2013 and 2015). As a consequence, the international community has turned to countries with sufficient and well managed naval power, cultivating both regional cooperation and regional hegemony. South Africa, though far from the epi-center of maritime vulnerability, emerged as the center of this approach to regional security within an institutional framework that includes all other eastern and southern African states. This is supported by international actors, like the United States, which not only promote the strengthening of regional naval powers for maritime surveillance and military interventions, but also of the African Union for the enforcement of international and regional laws (Baker 2011). While piracy crisis was ongoing in East Africa, a new front opened in West Africa. Since the beginning of this century, the offshore exploitation of mineral resources had been thriving in the Gulf of Guinea. But these were also destabilized by oil conflicts ongoing since several decades. In the Niger Delta, access claims over oil wealth had contributed to the growth of piracy targeting ships, tankers and oil rigs and to instability in the maritime area. Due to the networks of violent Niger Delta oil smugglers and their insertion in a regional criminal system, assaults have spread from the Nigeria EEZ to the high seas and other national maritime territories (ICG 2012). Since 2010, the pirate attacks increased exponentially in the Gulf of Guinea, including robberies targeting ports and boats, kidnappings for ransoms, hijackings with trans-boarding of contraband oil in the high sea territory (ICG 2012). The high mobility of these groups, their capacity to corrupt state agents and enroll new fighters explain in large part their ability to escape the strong naval force of Nigeria. The dissemination of criminal acts at the regional scale are also related to the lack of capacity of the naval forces of the countries neighboring Nigeria as well as to growing smuggling economy under neoliberal policies in the Gulf of Guinea (ICG 2012).

Despite the increase in the number of recorded hijackings and robberies at the sea, the situation of the Gulf of Guinea is not fully comparable with Eastern Africa. In 2017, only three acts of piracy in the international waters were reported by International Maritime Organization (IMO) in the Gulf, but fifteen in 2016 and eight in 2015 – <http://www.imo.org/en/OurWork/Security/PiracyArmedRobbery/Reports/Pages/Default.aspx> consulted August 21th 2018. Approximately , forty acts of piracy have been recorded every year in West Africa since 2010, but the definition of piracy is very broad including simple robberies. It is reported that three quarters of acts recorded as piracy are simple robberies with amounts taken valued at US\$ 10,000 to US\$ 15,000 gains (UNODC 2013). Furthermore, most of these assaults were concentrated on the ports, territorial waters, and nearby areas. All of these indicate that in the absence of generalized piracy, the focus of the international maritime agenda in the Gulf of Guinea is not to fight an existing threat but to thwart a potential threat. This construction of piracy as a potential threat in West Africa is related to international pressure to promote maritime free trade, increase military cooperation, and tighten law enforcement. To control the violence sprawling from

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regional economy of smuggling – due to collusions between state agents, companies' members and organized crime - the oil industry has opted for the privatization of security on the rigs and boats. Outsourcing security to local vigilantes or private companies generates new problems, notably in terms of sovereignty (ICG 2012). The concession of violence to private groups by the military-oil nexus is often the source of violence directed against "local villains" or even neighboring states. The competition for offshore resources creates additional instability in the Gulf, as illegal agents take advantage of the lacunae in laws owing to lack of harmonization. The absence of military cooperation is sometimes also rooted in the violent strategies of destabilization fueled by states themselves (Frynas, Wood and R. Soares de Oliveira 2003).

The international experts from the European Union and United States support the extension of the role for regional institutions to spearhead cooperation and common action in the domain of surveillance, police activities and security interventions (Vreÿ 2009 and Coelho 2013). However, if necessary legal framework and infrastructure for cooperation are missing, the states with strong naval forces can also attempt to establish control and use this as an argument for justify their influence. This is the case of Nigeria in the Gulf of Guinea or South-Africa in the Indian Ocean. Even though the cooperation is in progress – especially in the latter region - distrust among the governments prevails.

The push for maritime security is now spreading to other domains like illegal fishing<sup>1</sup> (Bueger and Stockbruegger 2016). This trend undermines the cooperation between state and fishing communities, in a context of a growing antagonism and conflict over fishing grounds compounded by a race to secure sea lanes and oil rigs. In addition, certain fishing communities are stigmatized as smugglers, especially through security analysis focused on illegal fishing and shadow economy. The emphasis on illegal fishing and its security impact fails to distinguish between fishing activities that do not respect environmental norms and those that count as criminal activities. The consequence is the militarization of fishery police, arguably to help curve fraudulent behavior and impede the proliferation of criminal networks at the sea (de coning and Witbooi 2015). However, this policy can lead to violent confrontations between fishers and coastguards, for example in South Africa for shell fisheries (Norton 2015). The focus on such conflicts can help to look away from the South-African political elite involvement in the illegal lobster fishery (Standing 2017). It could also indirectly draw military bodies into expanding network of criminal activities. This is the case of Guinee Bissau coastal areas, where military agents take advantage of foreign artisanal or industrial illegal fishermen to extract bribes or benefit from drugs in transit (Klute and Fernandes 2014).

The focus of this century on the security policies does not take into account political factors in the functioning of African states, since they are only seen as deficient in the exercise of maritime power. It obscures their methods of government which intertwines both public and private strategies and legal and illegal practices. The externalization of security is not an appropriate answer to lack of regional cooperation, since this reinforces privatization of the states, weakening the states' institutional capacities and strategies. As transactions between state agents, fishers and private

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<sup>1</sup> According to the FAO, illegal, unregulated and unreported fishing is illegal when fishing activities are not reported and infringe upon the rules regulating the quantities of catch, fishing locations and periods, the size of fish. These are considered as threats to regulations aiming to ensure the sustainability of fish resources.

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actors are reconfigured by security agenda, its appropriation unfold through new conflicts that transform maritime government in the continent.

#### **4. Sea conservation**

As security issue spills over to illegal fishing, new tensions between African states and fishing communities manifest themselves in new domains of intervention for international policy and action. While the norms for preventing the illegal, unregulated and unreported fishing and the Food and agriculture organization of the United Nations code of conduct for responsible fisheries are disseminating all over the continent, shipping pollution and marine conservation as global environmental protection are also defined as security issues, notably by international actors, such as the EU since 2000's. The marine conservation policies are gaining importance thanks to the UN sustainable development goals agenda, notably the goal 14 on sea and ocean governance that focus on the sustainable exploitation of different types of marine resources. Blue growth is now a strategic target of development for African coastal states, which include sustainable exploitation in their development planning (Economic commission for Africa 2016). Different kinds of maritime resource exploitation are now brought under scrutiny to limit their impacts on marine and coastal ecosystems. Laws and norms about marine environments are being integrated into environmental regulations passed by African governments. These range from fishing methods to creation of no-take zones, from port management to control of boats at the open seas.

The EEZ extends 200 nautical miles from the coast. Under the LOS convention, it can further be extended if the states can prove the continuity of their continental shelf. In general, special fishing agreements allow foreign trawlers to use the EEZs in Africa and include financial compensations. Through these arrangements, vast zones are opened and made accessible to industrial trawlers mainly from European Union and China, in exchange for a fraction (4% to 8%) of their captures to host counties in West African EEZs (Belhabib 2015). While the capacity of capture and the mobility of international trawling fleet is quite substantial, their monitoring has been proven difficult given the lack of means and capacity. For example, during the 1990's, a fishing agreement signed between the European Union and Mauritania allowed trawlers based in Spanish Canary islands to buy cheap licenses for low priced fish and engage in illegal fishing of certain valuable species. They also underreported their captures. These practices reduced the fish stocks targeted by foreign trawlers in Mauritanian waters and affected the performance of national fishing (Ould Ahmed Salem 2009). In Africa, the absence of strong state regulation and control, and in the presence of a state bureaucracy prone to bribery and corruption, international fishing agreements tend to fuel illegal fishing. Gaps about fishing in criminal law, the lack of equipment and means to enforce fishing laws and regulations beyond national coastal waters also play an important part in such an outcome.

The lack of respect for rules fixing industrial fishing zones or the underestimation of the actual catching capacity is frequent. In coastal areas, conservation policies create multiple resource conflicts and are strongly contested by local actors. These conflicts and contestations are particularly acute in artisanal fisheries. The governments are eager to control artisanal fishing; and give priority to foreign and industrial fishing. This situation has been exacerbated by the blue growth agenda, which allows large parts of coastal areas to be allocated for tourism, port infrastructures and shipping expansion, restraining local artisanal fishing territories. The distrust towards governmental regulation has been

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further heightened by successive attempts to force artisanal fishermen to be tracked by GPS technology. In Senegal, these attempts were staunchly resisted by the fishermen's unions. Until they have been "persuaded" by the "security" argument, the Senegalese artisanal fishermen considered these measures as attempts to control local fishing activities without any effort to reduce and regulate industrial fisheries. During the past twenty years, governments started to develop soft law and policy measures in fisheries to ensure the conservation of marine resource and ecosystems. Several regional approaches aiming to integrate policies focused on ecosystem dynamics are under development. For example, recently, a sub-regional fisheries commission has been created in order to regulate fishing at a scale larger than the national EEZs in West Africa. This aims to preserve large ecological networks linked to the upwelling system. Yet, in parallel to this institutional framework, the individual states are still continuing to negotiate commercial agreements with European Union's or other foreign fleets.

Originally, the fisheries agreements passed between Europe and African, Caribbean and the Pacific countries at the turn of this century had the purpose of supporting scientific research and introducing regulatory measures to improve the sustainability of fish stocks and marine ecosystems. However, the control of finances allocated by these agreements to promote sustainable management of the national fishing sector had been difficult to trace. The concern over the unequal terms of exchange and the difficulties to ensure a sustainable management of the national fishing sector led to their re-examination and re-negotiation (Guillotreau and al 2011). This opened up the door for new international actors, operating within the fishing industry but less concerned with environmental responsibility, to step in. The fisheries agreements between China and West African countries is a good example of this new trend, characterized by lack transparency enabling, among other things, unreported fishing.

The new fishing concessions are sometimes directly negotiated with private actors, beyond any kind of cooperation framework between states. The trawlers that replaced the EU fishing fleet are not subject to the European environmental norms (Standing 2017). In addition, governments pass also deals with these new actors in order to obtain financial revenues without having to honor the claims of national artisanal fisheries actors. The sustainability of such contracts is difficult to assess, as they involve a host of partners. This also hinders the accountability of this kind of marine resources exploitation and governance. For example, the multiplicity of parties makes it impossible for fishing unions to calculate the amount of fish exports related to the foreign trawlers. The transparency of these agreements is also weak because they are linked to vested interests of governments and different institutions within the states (Standing 2017).

Creating Marine Protected Area's and Marine Parks gained also importance as an alternative way to address the protection of seas. Under the impetus of international conservation organizations African states have established new MPA's and these are now burgeoning everywhere in coastal areas. These areas are established with the claim that they will achieve multiple conservation and development goals, ranging from restoring fishing stocks at the periphery of no-take zones to fostering ecotourism through ecosystem enhancement. The multiple sustainability goals are difficult to achieve in a context where local right holders do not participate in the formulation of MPA's design, and are not involved in the management. Rather, this has the potential to reinforce state power, as it is the case of the Mafia Island Marine National Park in Tanzania. There, government

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agents, relying on their old networks of power, excluded inhabitants of the island from participating in decision making regarding the definition of conservation objectives. This resulted in undermining of their former resource access rights in new touristic zones (Walley 2004). Similarly in Senegal's Saloum Delta, the creation of a putative "community reserve" by the Senegalese state and a national NGO has also entailed enclosures that dispossessed the fishermen by excluding them from their former fishing territories and depriving them from coastal resources, such as shells and mangrove wood (Dahou et al 2004). The fiction of community management that conservation NGOs promote is often to maintain their funding and to impose their objectives with the support of a tiny local elite that could benefit from touristic activities (Dahou and Ould cheikh 2007). Their approach based on autochthonous management rules stimulates conflicts between local and artisanal migrant fisheries (Dahou 2010). The granting of touristic concessions to urban or foreign investors may heighten tensions between local actors and the state. Conservation of coastal zones becomes a highly contested area of policy that intertwines various powers at different scales, at the expense of the poorest segments of artisanal fisheries.

Large-scale projects of coastal conservation are based on a peculiar link between science and policy that exclude local knowledge and populations from decision-making. This approach tends to poorly address poverty issues in sustainability goals and strengthens a central and bottom up governance of coastal areas. Even when social concerns are presented as important issues, technical solutions are privileged and very few resources are dedicated to further involvement of coastal populations in the programs' design and management (Odendaal and al. 2015). These policies result in the marginalization of large categories of people, whose livelihoods are dependent on ecosystems, and could lead them into illegal marine exploitation. The states that aim ecosystems enhancement with various commitments and strategies could be seen as respectful of environmental norms. Yet, these norms increase the private appropriation of the ocean through touristic concessions or other kind of capitalist investments like coastal residential areas. The construction of an artificial island in Lagos, allegedly to counter coastal erosion, favor housings speculation and imply erosion of peripheral areas populated with fishers (Mendelsohn, 2018). The maritime actors face a process of environmental normalization and spatial enclosure, as the exploitation of maritime resources are liberalized and, with it, they are stripped of their incomes. In spite of the definition of the UN development goal 14 as a way to overcome poverty, the instruments to address sustainability of coastal marine areas continue to generate inequities in access to marine spaces and resources.

## **Conclusion**

As this chapter shows, governing the seas and oceans in Africa is increasingly dependent on the neoliberal security complex. The market institutions and free circulation of commodities rest on security policies, which put multiple strains on African states and societies. In this context, migration towards Europe or Asia is considered as outside the scope of market freedom, and this security agenda is imposed by international actors, who, through the transfer of means, also try to transfer their own norms and priorities to African countries. Nevertheless, the EU Frontex (European Border and Coast Guard Agency) instrument to hinder migration in the nearby areas of African waters has just led to the redeployment of West-African maritime routes to Europe towards the Mediterranean Sea. Today maritime governance in Africa is dependent on global institutions and international powers to provide them with necessary means to control their maritime territories. They don't have

enough room and opportunities to renegotiate the content of these policy transfers. However power asymmetries do not prevent African states and societies from influencing the rules of this complex game and to direct new resources according to their interests and alternative goals – especially when foreign governments have difficulties in intervening directly in their sovereignty domains. Even in ports, where state sovereignty domain is challenged due to extended influence of global economic forces, national priorities are maintained and these forces are directed to contribute to the reaffirmation of state power.

National and local actors find also opportunities in neoliberal deregulation and security to bypass global maritime regulations. The expansion of world fish market stimulates opportunities of enrichment within the African states, especially when the fight against IUU fishing is undermined by the lack of harmonization and enforcement of environmental and criminal laws at national and regional scale. The control at sea is an incomplete answer, since illegal fishing is supported by states segments and national elites. The heightened concern for illegal fishing in the sustainability target of the blue growth is sometimes viewed as an opportunity for states to acquire new resources and to control further maritime spaces in order to re-negotiate regulations and terms of access with maritime actors. The states can take advantage of it to allow artisanal fishers to accumulate through illegal fishing only to limit contestations against foreign trawlers or denunciation of smuggling (Dahou 2018) and drug trafficking activities (Haysom, Gastrow and Shaw 2018), in which state actors are involved.

Playing the offshore game becomes a strategy to extend state control over maritime territories, sometimes through legal means, other times through illegal practices. The affirmation of sovereignty and non-interference are at the heart of state strategies aiming to maintain their prerogatives and to reshape global maritime governance in their own ways. Designated as weak states in terms of maritime control, African states are able to draw international resources towards their own agenda and combine private and public norms and actors in paradoxical regulations.

In different African countries, various forms of privatization of the state (Hibou 2004) can emerge independently of their coercive nature or the intensity of their armed conflicts. It occurs through various dynamics, how ranging from the concession of security domains to private companies or its outsourcing to violent groups beyond the legal framework, to law bending of public servants and militaries involved in shadow economy. Even if the military means are increased, they can contribute to the outsourcing of violence or the direct involvement of state segments in illegal activities. Privatization of the state doesn't erase its power vis-à-vis international actors; it reconfigures it in articulation between various private agents of crony capitalism, national elites with vested interests in offshore, and to criminal groups at different scales. Sovereignty becomes then co-defined through new laws, agreements and occult deals, fueled by local conflicts and by the dialectic of possession and dispossession among various segments of national maritime actors. The territorialization of maritime governance results from these power dynamics and reactions to them, including also illegal activities and mobilities.

As shown by Thompson (1996) for piracy of the modern period, sovereignty is a social construct, and Nation states still govern the sea through moving the boundaries between terrestrial and maritime territories and between public and private regulations (Dahou 2009). Understanding maritime

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governance process requires attending to forms of deregulation and to new forms of regulation as well as to the spatialization of control and power – through enforcing the law and bending the law (Dahou 2017). African states govern their seas by constantly shifting and blurring the boundaries between private and public and between legal and illegal.

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