Scientia Militaria

South African Journal of Military Studies

FOREIGN POLICY AND GOVERNANCE IN THE SOUTH AFRICAN MARITIME DOMAIN

ARTICLES

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Charting South Africa's global maritime foreign policy and its global and regional memberships in the maritime realm
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South African Journal
of Military Science

Editorial

Special issue: Foreign policy and governance in the South African maritime domain

In the 2000s, when Somali piracy threatened important international trade routes, the global community came together to fight the scourge of piracy and secure sea lines of communication. More recently, irregular migration by sea has become a particularly hot topic for European nations bordering the Mediterranean Sea, while issues around fishing resources and how these are threatened by illegal, unreported and unregulated fishing has also garnered much interest. Indeed, these issues are of critical importance to the many countries that are now looking to the seas for economic opportunities, and in so doing, are concerned for the myriad of often interconnected activities that may threaten the sovereign rights and interests of states.

In this context, it is disturbing that issues surrounding South Africa's maritime domain remain under-explored, particularly given that the country has an extensive coastline and maritime territory, which is the meeting place of two oceans and, as a result, holds an important geostrategic position. South Africa has made a recent push toward harnessing the oceans for the purpose of economic development, poverty alleviation and employment creation under the auspices of Operation Phakisa. This is where existing work has been concentrated. However, there is a need to look at South Africa's conceptualisation of the maritime domain more broadly, as well as to consider and compare South Africa's engagements in maritime security.

Prior to the 2014 launch of Operation Phakisa, a programme of the National Development Plan 2030, South Africa's engagement in this area could be described as mostly outward-looking in nature, in what Otto (2014) describes as a pragmatic foreign policy exercise with the aim of demonstrating a contribution to what were, at the time, important global issues. Since then, South Africa's gaze has turned inward and appears to have remained this way. In the absence – as yet – of its own maritime security strategy, and excepting the Navy's own policies and plans, Operation Phakisa constitutes the country's main focal point of interdepartmental thinking on maritime matters. Extensive statements have been made on the utility of the Blue Economy and South Africa's oceans in particular. The programme has received a fair deal of criticism, amongst other reasons, for showing muted results (Walker, 2018), and for piggy-backing on existing projects and investments to claim these as achievements. Positioning Phakisa in the presidency suggests a priority but also a steep curve to operationalise the initiative, and is thus open to academic study.

The South African Research Chairs Initiative (SARChI) Chair in African Foreign Policy and Diplomacy at the University of Johannesburg and the Security Institute for Governance and Leadership (SIGLA) at Stellenbosch University have thus teamed up

to create this volume, in which we have brought together some of South Africa's leading voices in the area of maritime security.

Anthoni van Nieuwkerk and Calvin Manganyi set the scene by providing a conceptual framework for South Africa's maritime foreign policy and maritime diplomacy using a themed matrix with socio-economic, security and governance dimensions on the horizontal axis, and the national, continental and global levels of analyses on the vertical axis. In highlighting the gap between South African foreign policy and the maritime domain, they propose a working definition of the concepts 'maritime foreign policy' and 'maritime diplomacy' for the South African context. A synopsis is given of four South African strategic interests for maritime policy against the backdrop of the challenges faced given the country's geopolitical position contextualised within its importance in a regional, continental and global context, concluding that policy implementation is a matter requiring attention.

Following this, Vishal Surbun charts how various domestic and continental policies thread together a framework for a global maritime South African foreign policy, assessing Pretoria's engagement in global and regional fora, notably the Indian Ocean Rim Association (IORA).

Timothy Walker then homes in on the relationship between South Africa and the Southern African Development Community (SADC), vis-à-vis the maritime domain, where he explores South Africa's leadership role, and emphasises the need for greater regionalism.

Lisa Otto explores the security–development nexus, assessing South Africa's approach to its maritime security, and examining Operation Phakisa closely, before concluding that there is an urgent need for a review of South Africa's maritime arena.

Further to this, Francois Vreÿ explores whether Operation Phakisa is the answer, reflecting on the ambitious initiative, with the gist of the discussion being forward-looking towards progress, failures and prospects for achieving government's 2030 maritime aims and objectives. His discussion particularly interrogates whether South Africa's foreign policy is reflected in the myriad Operation Phakisa projects focused on unlocking the oceans as a major resource of South Africa's Blue Economy. His discussion contextualises Operation Phakisa in the wider ocean debate, providing the backdrop for assessing Phakisa's performance within the maritime sector, its actual support of the Blue Economy as well as matters of security.

Finally, within the context of the working definition of foreign policy proposed by Van Nieuwkerk and Manganyi, Michelle Nel and Mark Blaine investigate the role of the South African Navy through a practitioner's lens – not only in the provision of maritime security, but also as a role player in maritime foreign policy, questioning whether it is equipped to perform this latter role.

The Guest Editors

Lisa Otto and Michelle Nel

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SOUTH AFRICA'S MARITIME FOREIGN POLICY: A CONCEPTUAL FRAMEWORK

Anthoni van Nieuwkerk and Calvin Manganyi

Introduction

In October 2017, South Africa assumed the prestigious chair of the Indian Ocean Rim Association (IORA) for two years. At the time, observers questioned whether this was geared to lead and extract maximum benefit for its members and the country itself.[1] The country's foreign policy paper of 2011 noted the existence of the Indian Ocean Rim (IOR) but proposed no integrated strategic plans, save to call for a maritime security policy for Africa.[2]

The observers did not have to wait long for a response. At the opening of the seventeenth meeting of the IORA Council of Ministers in October, former South African Minister of International Relations and Co-operation, Ms Maite Nkoana-Mashabane, laid out a strategy to promote the Indian Ocean as a zone of peace, stability and development. In doing so, she noted three priorities: maritime safety and security, enhanced disaster risk management, and sustainable and responsible fisheries management.

Soon after, tropical Cyclone Idai hit Africa. In a matter of a few days, in March 2019, the storm caused catastrophic damage, and a humanitarian crisis in Mozambique, Zimbabwe, and Malawi. Despite early warning by meteorological services based on Reunion and Hawaii, responses from the Southern African Development Community (SADC) and its member states were slow and inadequate, leaving international aid agencies to run rescue and recovery operations.[3] IORA was nowhere to be found.

What are the overriding global and regional trends and dynamics that our strategic thinkers ought to keep in mind as they ponder the alignment of various maritime policy approaches in the national and regional interest? An answer to this question would include the United Nations Convention on the Law of the Sea, the African Union's Vision 2063, the 2050 African Integrated Maritime Strategy (AIMS), the Common Agenda and security strategy of the SADC, and South Africa's foreign, defence, economic and trade policy frameworks.

Ultimately, can the Indian Ocean's value find expression in strengthened national interest policy frameworks, whether it is the promotion of security, trade or diplomatic goals, or a combination of all of these?

The study on which this article is based, aimed to provide a conceptual framework for South Africa's maritime foreign policy and maritime diplomacy using a themed matrix. Such framework includes the socio-economic, security and governance dimensions on the horizontal axis, and the national, continental and global levels of analyses on the vertical axis. This is done by first conceptualising maritime foreign policy and maritime diplomacy, followed by a synopsis of strategic interests for maritime foreign policy. The

discussion then focuses on the dimensions of South Africa's maritime foreign policy, and finally offering concluding remarks.

Conceptualising maritime foreign policy and maritime diplomacy

What do we mean by 'maritime foreign policy' and 'maritime diplomacy'? The question of how to define 'maritime foreign policy' and 'maritime diplomacy' is not easily answered. We view the broad concept of diplomacy as an instrument and rules of engagement in the hands of governments to advance their foreign policy interests. Remarkably, maritime-oriented concepts of foreign policy or diplomacy do not appear readily in the literature. Le Miere suggests maritime diplomacy encompasses a spectrum of activities ranging from co-operative measures, such as port visits, exercises and humanitarian assistance, to persuasive deployment and coercion. For him, maritime diplomacy is an activity no longer confined to navies, but pursued by coastguards, civilian vessels and non-state groups.[4] In fact, maritime diplomacy includes naval diplomacy, which may be defined as the use of the navy as an instrument of foreign policy through maritime coercion (mainly known as "gunboat diplomacy"),[5] naval co-operation, international maritime assistance and international conflict resolution and management to safeguard national interests.[6]

Le Miere notes that, as states such as China and India develop, they are increasingly using this most flexible form of soft and hard power. Navies are used as instruments of soft power for purposes other than war, and as hard power for deterrence through gunboat diplomacy. This is a useful opening to discuss how some emerging powers from the Global South interpret these concepts. According to Chauhan, India's 'maritime diplomacy' is a function of the desire of the nation to preserve, protect and promote her maritime interests. These maritime interests flow from and simultaneously feed into India's core national interest, which – derived from the Constitution – is "to assure the societal, economic, and material well-being of the People of India".[7]

In light of this brief exploration, and the fact that South Africa has no clearly defined maritime policy framework and strategy, we offer a working definition of 'maritime foreign policy', namely the intent of a nation to preserve, protect and promote its maritime interests as reflected in its national interest doctrine or philosophy. This is often codified in a constitution or national policies such as the National Development Plan (NDP) in the South African case. The term 'maritime interests' refers to the protection and enhancement of maritime assets (such as marine environment, transport, safety and security, the maritime industry, the oceans economy). The term 'maritime diplomacy' refers to the behaviour of a nation in pursuit of its maritime interests, usually by combining and/or applying the instruments of state power in the diplomatic, economic and security domains. Securing maritime interests takes place via co-operation or coercion, often referred to as the exercise of 'soft' and 'hard' power. Nations are able to exercise maritime power and influence depending on the doctrine of their national interests as well as the strength of their foreign policy and diplomatic instruments. In the case of South Africa exercising soft power, the country recently hosted a joint maritime exercise, which brought together Russian, Chinese and South African naval and air assets.[8] The exercise of South African hard power at sea mostly relates to combating of maritime crime – although capacity is limited.[9]

Chauhan offers other examples of maritime diplomacy – the instrument used to pursue foreign policy interests. The first is China's development of major maritime infrastructure abroad:

- the creation of 'artificial islands' on the Paracel and Spratly islands;
- the Chittagong container terminal;
- the Maday crude oil terminal in Myanmar's Kyakpyu port; and
- the development of ports such as –
    - Hambantota in Sri Lanka;
    - Gwadar in Pakistan;
    - Bagamoyo in Tanzania;
    - Beira in Mozambique;
    - Walvis Bay in Namibia;
    - Kribi in Cameroon; and
    - the Djibouti Multipurpose Port.

Together with the seductive Maritime Silk Route/One Belt One Road Initiative, these are examples of China's maritime diplomacy at 'strategic' level.

The second is the case of India. India intends to be a net security provider in the Indian Ocean. Chauhan notes that India's efforts at maritime 'capacity building' and 'capability enhancement' in Sri Lanka, the Maldives, the Seychelles, Mauritius, Madagascar, Myanmar and Vietnam, are examples of India's maritime diplomacy at 'strategic' level. However, Chauhan is of the view that India is more often than not reactive, and frequently, its strategic-level game plays are 'too little too late'.[10]

The place of maritime foreign policy and maritime diplomacy in promoting South African national interests is not always well articulated or well understood. Evidently, there is a literature gap between foreign policy and the maritime domain. This gap also exists when one focuses on South Africa's foreign policy white paper[11], as well as its NDP.

Encouragingly, the recent Comprehensive Maritime Transport Policy (CMTP) of 2017 identifies "effective maritime international cooperation and diplomacy" as a desired outcome.[12] The CMTP proposes several areas of activity where South Africa has a foreign policy role to play. These range from promoting the maritime industry (transport, shipping carrying capacity, offices for ship owners) to regional co-operation in maritime safety, security, and environmental protection. It also proposes the establishment of a "Maritime International Relations and Technical Co-operation Committee" to coordinate all international maritime strategic engagements.[13] It is unclear whether this latter committee has seen the light of day and, if so, to what extent it is operational. It is also unclear why this section of the CMTP does not make mention of the international aspects of Operation Phakisa – which appears to be an oversight.

Synopsis of strategic interests for maritime foreign policy

Before delving into the strategic interests for maritime foreign policy, it is pertinent to highlight some pointers. In international relations terms, the spotlight is on the IOR as it connects the Middle East, Africa and East Asia with Europe and the Americas thus emerging as the theatre of twenty-first century geopolitics.

Movement across these waters is both facilitated and potentially constrained by several key choke points – the Mozambique Channel, the Bab el-Mandeb ('gate of grief', a strait located between Yemen on the Arabian Peninsula, and Djibouti and Eritrea in the Horn of Africa), the Suez Canal, the Strait of Hormuz, the Malacca Straits, the Sunda Strait, and the Lombok Strait.

Stretching eastward from the Horn of Africa to the Indonesian archipelago and beyond, the IOR acts as a vital channel for Western military supplies and the Persian Gulf hydrocarbon resources. Most international commerce flows through this route.

The volatile socio-political environment in the region and the rise of India and China as major powers have made this an area of crucial geo-strategic importance. High rates of population growth and youth unemployment coupled with extremism and weak governance add to instability and migration issues. The region, already prone to natural disasters, is predicted to suffer most from climate change when compared globally.

There are many challenges as well as opportunities facing the IOR, stemming from the interests of regional and extra regional players. The IOR, which is presently a pivot for contemporary geopolitics and geo-economics, should be on the priority list of South Africa's foreign policy. Given that a high percentage of our trade and imports are transported by sea, forging regional partnerships is very vital to ensure the security of the sea lanes of communication and to attain larger strategic interests.

Let us highlight four such strategic interests and conclude with a cautionary note.

Trade, investment and economic growth

As noted, the Indian Ocean provides critical sea trade routes that connect the Middle East, Africa and South Asia with the broader Asian continent to the east and Europe to the west. It transports one half of world's container shipments, one third of the bulk cargo traffic, two thirds of the oil shipments and more than 50 per cent of the world's maritime oil trade. The IOR represents a large market with around 2 billion population (one third of the world) and producing goods and services worth US$1 trillion (around 8 per cent of world production).[14] As Doyle notes, "its core position in terms of global trade, industry, labor, environment and security will increasingly shape the planet in the twenty-first century".[15]

The shift of global economic gravity towards Asia over the past decade has resulted in significant growth for regional and global trade as well as cross-border investment flows in the IOR, which experiences a high degree of trade complementarity among the economies. While reforms in economic policies along with infrastructure development have driven foreign direct investment (FDI) inflows to the region, some of the IOR countries have also emerged as potential sources of outward investment flows.

Our strategic thinkers should consider that existing trade potential could be tapped further through sectoral co-operation initiatives in areas such as tourism, fisheries, food processing, information and communication technologies, small and medium enterprises, and the regional value chain.

In doing so, they should align policy frameworks with what Professor Attri (the chairperson of Indian Ocean Studies at the University of Mauritius) calls "the new emerging development paradigm of the Blue Economy".[16]

This concept, inclusive of the ocean economy, green economy, coastal economy and marine economy, focuses on the long-term sustainability of oceans and has potential for higher and faster gross domestic product (GDP) growth in the IOR. The blue economy advocates the same outcome as the green economy, namely improved human well-being and social equity, while significantly reducing environmental risks and ecological scarcities.

Attri analysed South Africa's 2014 Operation Phakisa and noted four challenges:

- yet to obtain a license from international seabed authority (ISA) for deep sea mining;
- delimitation of maritime and transnational aquatic boundaries to remove tensions among states;
- managing complex dynamics of rapid population growth, coastal urbanisation, climate change and licensed use of aquatic and maritime resources; and
- the need to develop a holistic and integrated approach.

Defence and security

The maritime strategic outlook of several IOR nations is influenced by the presence of extra-regional players and unresolved border issues. Unlike the Pacific Ocean, the Indian Ocean has a so-called 'roof above its head' that only allows entrance via straits or choke points. Therefore, any nation that wants to engage economically from the Atlantic to the Pacific Ocean has to transit through the choke points in the Indian Ocean that are increasingly becoming points of vulnerability. The extraordinary expansion of global trade with the advent of globalisation has prioritised the concerns with regard to maritime security in the Indo-Pacific. Today, maritime security branches out to include human security, climate change and security of livelihoods.

Furthermore, the arms race, which is responsible for transfer of sophisticated armaments to the countries in the Indo-Pacific is a matter of much concern in an already uncertain and volatile region. In recent years, the United States and China have adopted positions with regard to the whole region. On one hand, the United States is strengthening its hold on the region via its 'rebalancing' or 'pivot' strategy, while on the other hand, China is asserting its claims on the islands in the South China Sea via reclamation of the sea or through movement of oil rigs near the islands. Moreover, traditional and non-traditional threats, such as natural disasters, piracy and terrorism also pose a challenge.

South Africa has established extensive maritime diplomacy for defence and security in the Indian Ocean. This was done as part of naval diplomacy, which is a subset of maritime diplomacy. The country engages in a number of initiatives and exercises. Operation Copper is part of the initiatives and some of the exercises as mentioned in this article. In addition, goodwill visits by various naval platforms have been undertaken since 1994. Nonetheless, our strategic thinkers should consider six themes:

- global and regional power dynamics, which require our policy makers to understand the strategy and role of extra-regional/regional powers in the IOR, such as China, France, Germany, Australia, the United States and South Korea, as well as the role of small littoral states, such as Malaysia, the Maldives, the Seychelles, Singapore, Bangladesh, Pakistan, Sri Lanka and Indonesia;
- traditional and non-traditional threats to maritime security, such as disruptions of energy supplies, cyber-security, piracy and terrorism;
- governing the seas, including sea lanes of communication and freedom of navigation as well as maritime disputes and intergovernmental negotiations;
- the Indian Ocean Zone of Peace Declaration (IOZP) proposal and outcomes for South Africa (for example, piracy, arms flows and nuclear weapons);
- the emerging security architecture of the IOR in the context of the rise of the Indian Navy as the net security provider, and humanitarian assistance and disaster relief; and
- the growing influence of China in the IOR, and the One Belt One Road (OBOR) and Maritime Silk Road Initiatives.

Soft power diplomacy

Africa's historic and ethnic ties via the littoral states of the IOR are a big asset that have shaped present cultural and civilisational linkages in the region. However, Africa has not been able to use these ties optimally for its own interests. The commonalties of shared culture, such as art, literature, music and cuisine, are a strength and should be nurtured in order to counterbalance the growing powers of other regional players in the IOR. Given that South Africa's foreign policy document is titled 'The diplomacy of *ubuntu*' (meaning, the foreign policy of 'compassion' or 'humanity'), our strategic thinkers should consider two themes:

- people-to-people contact, including the diaspora, citizen diplomacy, and partnerships in higher education; and
- cultural diplomacy, including gastronomy, cultural centres, and the media and cinema.

Development co-operation

While the majority of IOR countries depend on foreign assistance for supplementing their social and economic needs, a few of them have also come to offer development support to other countries within and outside the region. The volume of resources flowing from the regional donors in the IOR has been on a steady rise over the past decade. Our strategic thinkers should consider giving the moribund South African Development Partnership Agency (SADPA) the political and economic muscles it requires to influence the IORA agenda further.[17]

Dimensions of South Africa's maritime foreign policy

At national, continental and global level, South Africa's maritime foreign policy may be understood using the matrix that was developed with three dimensions of analysis as shown in Figure 1, namely the socio-economic, maritime security and governance dimensions as discussed below.

South Africa's maritime foreign policy at the national level

In terms of the three dimensions, what informs South Africa's maritime foreign policy at national level? Firstly, it must be noted that South Africa lacks a national security strategy from which a maritime security strategy should flow. Simply put, there is no national maritime policy or strategy. Other than maritime security strategy, however, there are policy documents, which inform South Africa's maritime foreign policy. Apart from the 1996 Constitution of the Republic of South Africa, there is legislation and other major policy documents. Examples are:

- the South African Foreign Policy Discussion Document (SAFPDD);
- the NDP;
- a Research, Innovation and Knowledge Management Road Map for the South African Maritime Sector: Charting a Course to Maritime Excellence by 2030;
- the Defence Act (42 of 2002); and
- the 2015 Defence Review.

In its simplest form, the socio-economic dimension refers to the economic and social factors relating to South Africa's maritime foreign policy. In this regard, the NDP is a leading policy document as it aims to move the country forward to 2030 and beyond. It is for this reason that Operation Phakisa has been introduced as a vehicle to produce fast results. However, there has been significant underachievement of Operation Phakisa's planned targets, which Masie and Bond termed "small, slow failures".[18] In fact, due to ambitious target-setting and subsequent implementation failures, the NDP is in need of a serious upgrade.[19]

Although several authors concur that maritime security lacks an agreed definition due to varying threats,[20] the maritime security dimension may be defined as an environment where conflicts between states, maritime terrorism, piracy at sea, and other maritime crimes, such as illegal fishing have been obliterated.[21] Following from this definition, the maritime security dimension of South Africa's foreign policy is concomitant with the absence of maritime insecurity at sea to enable the blue economy in order to achieve socio-economic development through Operation Phakisa to achieve national objectives as stipulated in the NDP.

Foreign policy: the maritime dimensions			
	Socio-economic	**Maritime security**	**Governance**
National level	• NDP • Operation Phakisa (blue economy elements) • CMTP for South Africa • Comparing South Africa with other developing states (socio-economic aspects)	• NDP, MTSF 2014 • Operation Phakisa (Marine Protection Services) • CMTP for South Africa • Defence Act • Defence Review • Comparing South Africa with other developing states (maritime security)	• NDP • Operation Phakisa (ocean governance) • CMTP for South Africa • Comparing South Africa with other developing states (governance)
Continental level	• African Union Peace and Security Architecture (APSA) (socio-economic) • Agenda 2063 • 2050 AIMS (Strategic Priority 4) • Continental Free Trade Area	• NDP (Chapter 7) • SADC Maritime Security Strategy (Operation Copper) • AU Peace and Security Architecture • 2050 AIMS (maritime security)	• 2050 AIMS (governance) • SADC maritime security strategy (governance)
Global level	• Brazil, Russia, India, China, South Africa (BRICS) (blue economy such as fisheries, tourism, aquaculture) • India, Brazil and South Africa (IBSA) (blue economy, perhaps also human security/trafficking dimension) • IORA (blue economy such as fisheries, tourism, aquaculture)	• BRICS (maritime safety issues) • IBSA Maritime Exercises (IBSAMAR) • IORA (maritime safety issues)	• BRICS (governance issues) • IBSA (governance issues) • IORA (governance issues)

Figure 1: Key dimensions of South Africa's maritime foreign policy matrix

Through sub-outcome 3 (South Africa's borders effectively defended, protected, secured and well managed) of outcome 3 (all people in South Africa are and feel safe), which extends to the protection of maritime borders, the 2014–2019 Medium-Term Strategic Framework (MTSF) also focuses on maritime security.[22] However, the major challenge in maritime security is the lack of coordination and the duplication of func-

tions by the various actors. In fact, one of the official documents clearly states, "[t]here is very little inter-agency coordination and or cooperation".[23]

In terms of the governance dimension, there is no comprehensive maritime strategy or policy that governs the conduct of the various actors in the maritime domain. This has often created problems with the duplication of function. For instance, with the establishment of the Border Management Agency (BMA), a paramilitary force (law enforcement for borders) would be established focusing on border safeguarding. This extends to sea borders. Accordingly, it can be presumed that a coastguard would also be established, thereby duplicating both the functions of the South African Police Service (SAPS), and the navy to some extent. The control of the legal/illegal cross-border movement of all persons and goods at all ports of entry – which include the nine seaports – falls within the mandate of the SAPS. Sadly, it seems there was no co-operation and coordination in the quest to establish the BMA as emerged during deliberations of the Portfolio Committee on Home Affairs regarding the BMA Bill in August 2016. South Africa would benefit considerably from such strategy as it would outline these issues related to governance.

One of the greatest risks outlined in the NDP is poor governance, which may risk the success of the developmental agenda of the country. Thus, there is a striving towards better governance, which extends to ocean governance.[24] This was operationalised by launching Operation Phakisa, which had the Marine Protection Services and Governance (MPSG) launched in 2014 to implement an overarching and integrated governance framework for sustainable growth of the ocean economy. Whether this has been achieved is another matter. Indications, however, are that there has been underachievement of most of the promised benefits, such as job creation.

South Africa's regional and continental maritime foreign policy

At regional and continental level, South Africa's maritime foreign policy is shaped by the country's policies such as the NDP, the Maritime Doctrine of the South African Navy (SANGP100), the SADC arrangements, as well as the African Union arrangements. Some of the major policy documents and strategies are the 2050 Integrated African Maritime Strategy, and the decisions by the SADC Organ on Politics Defence and Security Co-operation, particularly the Standing Maritime Committee (SMC).

In terms of the socio-economic dimension, the vision of the 2050 AIMS "is to foster increased wealth creation from Africa's oceans and seas by developing a sustainable thriving blue economy in a secure and environmentally sustainable manner".[25] Additionally, the strategic end state emphasises socio-economic development, amongst others. Other initiatives emphasise the socio-economic dimensions. For instance, the first aspiration of the African Union's Agenda 2063 is "[a] prosperous Africa based on inclusive growth and sustainable development".[26] The blue economy is instrumental in the socio-economic development of the continent. Accordingly, the blue economy has been identified as one of the major drivers of growth and development.[27]

In terms of the maritime security dimension, the SADC SMC was instrumental in the establishment of Operation Copper in 2011 after a defence meeting, which was at-

tended by former Defence Minister, Lindiwe Sisulu. This led to the signing of a trilateral memorandum of understanding (MoU) on maritime security co-operation in February 2012 between South Africa, Mozambique and Tanzania, signalling the commencement of Operation Copper.[28] This operation was part of the SADC maritime security strategy, which is classified for security reasons.

As part of South Africa's position in the world, the eradication of piracy has been identified as pertinent in Chapter 7 of the NDP. It is stated:

> Maritime piracy is putting the continent's coasts and ports under increasing pressure. Even though piracy has not yet penetrated South Africa's local waters significantly, efforts need to be made to prevent the problem from spreading along the country's coastline. This is especially important in light of the fact that about 95 percent of South Africa's trade volume (about 80 percent by value) is seaborne.[29]

To eradicate maritime insecurity, the South African Navy – as a foreign policy instrument – is deployed to perform its diplomatic role.[30] These deployments are authorised by letters from the President as submitted to the Parliament's Joint Standing Committee on Defence for consideration. However, the tempo of deployments has been reduced in the recent past owing to budgetary constraints. Additionally, and contrary to the 2015 Defence Review, the naval assets are inadequate owing to delays in the acquisition of new vessels under Project Biro. SANGP 100 states, "[a] credible maritime capability is important for the promotion of the wider interests, to confer influence and to underpin diplomacy".[31] To remain credible, the navy needs to keep its vessels maintained and old ones, such as refurbished strike craft, replaced.

Continentally, APSA informs the country's maritime foreign policy. This includes the 2050 AIMS, the African Union (AU) Agenda 2063, as well as other arrangements such as the Sea Power for Africa Symposium, the SADC SMC, and other bilateral and multilateral arrangements with other countries. The AU Peace and Security Council is the main pillar of APSA supported by the various structures, including the African Standby Force, which has maritime components in the brigades of the coastal states, including South Africa. This maritime security and safety component is one called for in the 2050 AIMS.[32] It is intended to make Africa a secure and peaceful continent as stated in the fourth aspiration of Agenda 2063. In this regard, collective security is pursued through various mechanisms,[33] such as maritime and naval diplomacy, which is evident in initiatives such as the Sea Power for Africa Symposium.

In terms of the governance dimension, 2050 AIMS is geared for wealth creation through ocean governance and Africa's inland waters. One of the missions is the promotion of the rule of law in societies and good governance.[34] This links to the third aspiration of Agenda 2063, which emphasises good governance and the rule of law, amongst others. Inarguably, good governance is also required in the maritime domain.

South Africa's global maritime foreign policy

At global level, South Africa's maritime foreign policy is shaped by the countries' policies as well as the international agreements and membership of various organisa-

tions, such as IORA, BRICS, and IBSA, to name a few. When South Africa took over the chair of IORA for the period 2017–2019, former Minister of International Relations and Cooperation, Maite Nkoana-Mashabane, promised to have an African perspective by aligning the 2050 AIMS in areas such as maritime security and the ocean economy.[35] Whether this has been the case, remains to be seen.

In terms of the socio-economic dimension, some of the priorities and focus areas of IORA are women's economic empowerment, blue economy and fisheries management. For these priorities, various IORA ministerial blue economy conferences have been held where declarations were adopted. The first was held in September 2015 in Mauritius. Indonesia held their conference in May 2018, where a declaration on the blue economy was adopted, aimed at optimising the use of existing IORA financial instruments to enhance blue growth for the member states.[36]

In terms of the maritime security dimension, one of the priorities and focus areas of IORA is maritime safety and security. Issues of maritime security being addressed are elements of peace and security, sovereignty/territorial integrity/political independence, good order at sea, security of resources and the environment. For maritime safety, the focus is on training, transport, construction and equipment-related issues and assistance in distress situations. In 2015, the IORA Maritime Cooperation Declaration was signed focusing on socio-economic matters, maritime security and governance issues.[37] Within IBSA, there is a naval co-operation agreement to have joint exercises known as IBSA Maritime Exercises (IBSAMAR). Other exercises with various countries to enhance naval co-operation are Atlasur, Good Hope, Golfinho, Transoceanic and Blue Crane.[38]

In terms of the governance dimension, international regimes and agreements under the United Nations and other organisations are important. They guide South Africa's foreign policy, as the country is a signatory.

The dimensions above clearly illustrate how South Africa's maritime foreign policy may be understood. South Africa is evidently a maritime actor. As an actor, the country plays a maritime leadership role in various forums at regional, continental and global level. Accordingly, the country needs to use its position for socio-economic and other benefits by promoting blue growth. Having maritime security and good governance in the maritime domain are pre-requisites for socio-economic development.

Conclusion

We conclude with a cautionary note. Our strategic thinkers need to consider harmonising and aligning several wide-ranging policy frameworks and strategies in the interest of extracting maximum value from the oceans. It is attractive to think that South Africa has extra influence by virtue of the fact that it chairs the AU and the African Peer Review Mechanism in 2020, and has chaired SADC. IORA, has a seat at the Group of 20, the AU and its Peace and Security Council, and various UN bodies, including its Security Council not to mention South Africa's membership of BRICS, IBSA, the Forum for China–Africa Cooperation (FOCAC), and others. This reality must be anchored in realistic understandings of South Africa's capacity to exercise power and influence through maritime foreign policy and diplomacy.

It is one thing to develop a vision, but another to implement policies in the quest for achieving strategic objectives. The major problem faced by South Africa is not policy development, but rather implementation. Take the 2015 Defence Review for example. It is an important policy document that could arrest the decline of the South African National Defence Force; yet, there is a lack of implementation because it needs R80 billion for the first year, which is almost double the annual allocation for the Department of Defence. However, this cannot be blamed on political leadership or a lack thereof. The reality is that there are many competing interests, and defence is currently not a priority. Accordingly, it is simplistic to assume that senior politicians decide and implementers implement. Implementation is dynamic and complex.

Policymakers need to take the various factors that influence policy implementation (content, context, capacity, commitment, clients and coalitions) seriously. In bringing together the overall strategic vision for the country these are the determining factors. A technical approach – listing 'unachievable' projects – is insufficient. A strategic vision must be credible – backed up by resources and an implementation plan. Currently, South Africa suffers from outdated foreign, defence and national security policy frameworks. Updates have rarely been made to these policy frameworks. For instance, before the current 2015 Defence Review, the last was finalised in 1998.

New approaches depend on the appetite of the post-May 2019 government. Given the weaknesses of the security sector and the economic growth rate of less than one per cent, we can conclude that resources will significantly constrain the evolution of a maritime foreign policy, let alone the capability to implement it. In addition, we have to note that the 2050 AIMS and SADC's Strategic Indicative Plan for the Organ on Politics, Defence and Security Co-operation are no longer credible. Even our own NDP is based on out-dated assumptions. South Africa is at a difficult moment in its evolution as a democracy and our strategic thinkers must factor this into their forward planning. Maritime foreign policy holds much promise for the ocean and blue economy, and it is our contention that our strategic thinkers should integrate its potential into a recalibrated, long-term vision and plan for South Africa's continental and global place and role. Without such an integrating and coordinating philosophy, South Africa and the continent will not benefit maximally from IORA, BRICS, IBSA or the UN.

ENDNOTES

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CHARTING SOUTH AFRICA'S GLOBAL MARITIME FOREIGN POLICY AND ITS GLOBAL AND REGIONAL MEMBERSHIPS IN THE MARITIME REALM

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Abstract

South Africa's re-entry into the international arena has led to the ratification of several global and regional maritime instruments. In addition, South Africa has been admitted to various international institutions and fora in the maritime space. A key consideration in this regard is whether there is an underlying global maritime foreign policy that underscores South Africa's contributions, interactions and responsibilities in these fora. South Africa does not have a global maritime foreign policy which is contained in an explicit policy document. This article therefore charts how various domestic and continental policy documents and ministerial statements thread together a foundational base for a global maritime foreign policy. What emerges is the primacy of African interests as the golden thread of this foundational base. The article then considers South Africa's practical engagement through a description and categorisation of its membership of global and regional organisations in the maritime realm. The article finally narrows the focus to one organisation, the Indian Ocean Rim Association (IORA) as a platform to consolidate the foundations for a global maritime foreign policy for South Africa. The article concludes by pointing out nuanced factors that should be acknowledged for South Africa to exercise strategic power and influence over policy in the global and regional maritime realm.

Background

Despite the oceans being prominently acknowledged as one of the natural features of the country in the national anthems of pre- and post-apartheid South Africa, the maritime realms of South Africa historically did not receive any significant attention in domestic policy as an economic resource. The legislative framework was sparse and scattered. Prior to 1994, South Africa did not have a national maritime policy. Du Plessis comments:

> [Due to] the localized nature of South Africa's maritime values, the absence of an overt maritime threat and South Africa's limited maritime capabilities, a national maritime policy aimed at the realization of hegemonistic political objectives is considered a luxury which South Africa can ill afford.[2]

On the international area, South Africa's apartheid era policies and relations were influenced by ideological conflicts of the Cold War era and the consequences of the administration of apartheid policies. From an ideological perspective, erstwhile Prime Minister Vorster remarked in 1977:

> It is the grand strategy of the Soviets ultimately to control the southern tip of Africa, well knowing that if they control they Southern tip of Africa, then they not only straddle the Cape sea route, then not only have they got a terrific advantage in the case of a conventional war because then they will be controlling Africa, but they can cut the lifeline of Europe: 24 000 ships passing round the Cape, carrying two thirds of Europe's oil, much of its food and other necessaries.[3]

South Africa's key maritime strategy was the protection of the Cape Sea Route,[4] a chokepoint significant to global and particularly Western shipping. However, Western powers persistently refused to cooperate with South Africa in maritime matters.[5] This affected South Africa's maritime strategic outlook, and South Africa renounced its position as defender of the Cape Sea Route as a "counterreaction to Western misappreciation of South Africa's maritime importance".[6] A report prepared by the US Institute for Foreign Policy Analysis in 1981 noted South Africa's position:

> If they [Western powers] insisted on isolating and embargoing the Republic of South Africa, Pretoria would no longer devote any of its budget to them … [n]o longer is security of international shipping rounding the Cape of Good Hope a major concern of South Africa.[7]

The consequence of this policy was that it was no longer a priority to develop any substantial operational capability at sea.

During that period, the credentials of the government had not been accepted in certain United Nations meetings.[8] As a result, South Africa was precluded from participation in the third United Nations Conference on the Law of the Sea from 1974 to 1982 (UNCLOS III).[9] Accordingly, the South African government exerted no influence in the development of the most important source of the international law of the sea.[10] Devine highlights the unique problems that would have arisen for the government's ratification of UNCLOS, namely whether the then purported independent homelands of Transkei, Bophuthatswana, Venda and Ciskei could ratify UNCLOS and whether the landlocked Bophuthatswana and Venda would have access right to the sea through South Africa.[11] Questions also arose over South Africa's administration of South West Africa (Namibia), namely whether South African could claim the 200 nautical mile exclusive economic zone on behalf of South West Africa and whether South Africa would be entitled to grant mineral concessions in the continental shelf off the territory.[12]

Although government involvement in global legislative developments during this period was negligible due to international isolation, liberation movements did voice concerns over the maritime commons and domestic maritime domain. The African National Congress (ANC) and the Pan-African Congress of Azania both participated as lib-

eration movements in UNCLOS III, although they were not eligible to sign the treaty.[13] Oliver Tambo, speaking in Mozambique in 1993, commented:

> In the Indian Ocean, we see Pretoria is deeply enmeshed in conspiracies against the Seychelles, in pursuance of the regime's expansionist and aggressive designs against Africa, and in aid of imperialism's global strategy for war. The ANC adds it voice to those of Mozambique and other littoral States in demanding that the Indian Ocean be declared a zone of peace – free of foreign military and naval bases, nuclear arms and other instruments of war that endanger peace and security.[14]

South Africa's re-entry into the international area after 1994, marked a significant sea change in approach and, when South Africa began to redefine its position internationally and on the Continent, Minister Molewa remarked, "[a]s a continent, Africa has largely been focusing on the terrestrial environment to enhance our economic prosperity and neglected significant resources that are available on our shores."[15] This recognition was a move away from *sea blindness*. A consequence of this sea blindness was that "stakeholders misunderstand or fail to realise the economic importance of Africa's seas and oceans and the contribution they do and can make to development and prosperity".[16]

Objective of the article

In stark contrast to this historical context, South Africa's re-entry into the international arena has led to the ratification of several global and regional maritime instruments, with their associated rights and obligations. In addition, South Africa has been admitted to various international institutions and fora in the maritime space. The line of enquiry that arises from this admission is: what is the underlying global maritime foreign policy that underscores South Africa's contributions, undertakings and interactions in these fora? South Africa does not have an explicit policy document that sets out its global maritime foreign policy.

The article firstly examines how various domestic and continental policies and ministerial statements provide a foundation for a global maritime foreign policy. The ubiquitous primacy of African interests appears as the golden thread that weaves through South Africa's foreign policy.

The article secondly provides a description and categorisation of South Africa's membership of global and regional organisations. The description highlights some of the contributions of South Africa in these fora. The contributions are inherently varied and scattered across various disciplines and geographic regions. Whilst the description of South Africa's memberships of these organisations provide a useful indication of the reach of the state's participation in these global and regional fora, the scope of the study on which this article reports precluded a more probative analysis of each respective membership. In some instances, the contributions are specialised due to the technical requirements and geographic application of the organisations. As a result, in order to provide a holistic appraisal of how the foundations of a global maritime foreign policy for South Africa is shaped and applied in practice, an organisation with a wide platform must be selected.

The article then turns to evaluate how South Africa's global maritime policy trends are articulated through the Indian Ocean Rim Association (IORA). Minister Pandor commented, "IORA provides us with a unique opportunity to enhance the spirit of multilateralism within one of the most diverse regions of the world, comprising a heterogeneous mix of developed countries, developing countries, Small Island States, and Least Developed Countries".[17] IORA accordingly holds particular importance for widespread maritime engagement, which is an opportunity not readily offered in other platforms. The article concludes by pointing out nuanced factors that should be acknowledged for South Africa to exercise strategic power and influence over global policy through the formulation and implementation of a global and regional maritime policy.

Key points from domestic policies underscoring foreign policies and memberships

In the global maritime space, there is an interrelationship between maritime policy, defence policy and foreign policy. Fougstedt *et al*. describe a national maritime policy as the "rules governing the use of the means (maritime power) to meet the national needs (maritime [interest])".[18] They describe *national maritime interests* as maritime defence, seaborne trade and the exploitation of marine resources.[19] Singh describes *maritime power* as "the ability of the nation to use the seas to safeguard and progress its national interests".[20] Linked to maritime power is *maritime strategy*, which constitutes a subcomponent of the general military strategy of the South African National Defence Force (SANDF)[21] and is guided by defence policy. Foreign policy is described as a "multidimensional set of policies, objectives, principles, strategies and plans which cannot be easily packaged into a neatly described formula".[22] A national maritime policy cannot operate in a domestic vacuum because it operates at sea, most of which extends beyond the jurisdiction and sovereignty of the littoral states. This extraterritorial characteristic of maritime policy is thus inextricably linked to foreign policy and defence policy to constitute a global maritime foreign policy.

To flesh out the key drivers of our global maritime foreign policy, the starting point is reference to the National Development Plan (NDP) 2030, formulated by the National Planning Commission in 2012[23] under the Ministry in the Presidency. The NDP recognises that the decisions and actions taken by the government to "create or modify linkages, regulate and incentivize behavior and adopt policies on global issues are greatly important".[24] Foreign relations, according to the NDP, "must be driven by the country's domestic economic, political and social demands, as well as our regional, continental and global obligations".[25] The NDP provides four objectives to guide the formulation of foreign policy, namely to –

- focus on what is practically achievable without over-committing to regional and continental integration;
- remain an influential member of the international community;
- deepen integration with Brazil, Russia, India and China as part of the BRICS group; and

- to stabilise the regional political economy through increased integration and cooperation and informing the public about the benefits of foreign collaboration, which might help alleviate the xenophobia that countries often experience when their borders are opened.[26]

The NDP notes that articulating South Africa's national interests is a priority to serve as a basis for foreign relations,[27] and provides some guidance on the objectives of foreign policymaking to reposition South Africa in the region and in the world, namely to:

- expand regional, continental and African trade based on informed understanding of the geopolitics of Africa;
- develop a healthy consultative and practical relationship with South Africa's research and corporate institutions in order to deploy the country's foreign service more effectively in the pursuit of expanded trade and investment; and
- improve the country's leadership role in regional and global affairs.[28]

Of particular relevance to the oceans economy is how the NDP recognises that minerals underpin the economic strength of many countries and observes how "[m]ost African countries have not used their commodity wealth to reduce poverty. The proceeds of oil or minerals extraction have largely been consumed, rather than invested in people and infrastructure."[29] The NDP further notes, "there may be a gap between the actual endowments and what has been identified and exploited. Sustainable reserves could yet be found".[30] The NDP also notes that South Africa's membership of BRICS "is an important opportunity to and recognition of its role in the economically emerging African continent".[31] The NDP further recognises the threat of transnational crimes, particularly piracy, and how this places the coasts and ports of the continent under increasing pressure. The approach to piracy should be "shaped by our own priorities and expectations, as well as those of our regional partners".[32] This would include strengthening the country's anti-piracy operations and defence force in order for operations to be sustained.[33]

Holistically, the National Planning Commission is of the view that:

> South Africa's foreign relations and diplomacy must be informed by the strategic interplay between political, economic, security, environmental and human dynamics. Positioning South Africa in the world must start with establishing greater efficiency (and effectiveness) in regional regimes and institutions; in the country's multiple international affiliations, especially in the BRICS and the global south; in multilateral relations; and in the institutions of global governance.[34]

The second point of reference is a precursor to the White Paper on South Africa's foreign policy, namely the Foreign Policy for South Africa Discussion Document, drawn up in 1996 (the discussion document).[35] The discussion document reflects the nascent and burgeoning foreign policy of the new democratic government. The discussion document cites Minister Nzo's broad articulation in 1995 of South Africa's foreign policy principles, namely a commitment to –

- the promotion of human rights;
- the promotion of democracy;
- justice and international law in the conduct of relations between nations;
- international peace and internationally agreed-upon mechanisms for the resolution of conflicts;
- the interests of Africa in world affairs; and
- economic development through regional and international cooperation in an interdependent world.[36]

Of relevance to this article is the importance of multilateralism and its focus on global issues. The discussion document recognises that "[w]ith the growing complexity of international interaction in almost every sphere of human life, the role of multilateral organizations in reconciling and harmonizing the frequently conflicting interests of countries will necessarily increase."[37] The discussion document elaborates, "[g]lobal issues have domestic relevance and the role that South Africa seeks to play in the development of international thinking in these areas must be related no only to our international objectives but also to our domestic policies."[38] In other words –

> The Government's foreign policy objectives in the multilateral field are to ensure that South Africa plays a role commensurate with its status and abilities in respect of global issues which preoccupy the world today and which are at the same time of major national concern.[39]

However, the wide range of these foreign policy principles has a narrower focus. Minister Nzo commented, "[i]n terms of foreign policy, Africa is clearly to be a priority in the years ahead."[40] He went on to say:

> The promotion of economic development of the Southern African region is of paramount importance as the economics of the countries in the region are intertwined to such an extent that, for South Africa to believe that it could enter a prosperous future in isolation without taking neighbouring countries with her, would be unrealistic and hazardous.[41]

The African focus is not exclusively linked with economic development, as the discussion document also notes that particular attention will have to be given to measures to "prevent conflict; the monitoring of events; becoming involved in concerted preventative diplomacy; and ways to influence the emergence of a constructive new order on the continent in a positive and significant manner".[42]

The third reference point is the White Paper on South Africa's Foreign Policy, drafted by the Ministry of International Relations and Cooperation and approved by Cabinet on 5 December 2012.[43] This White Paper supersedes the 1996 discussion document. Wheeler notes that, unlike White Papers issued by other departments of state, this White Paper will not lead to the introduction and adoption of new legislation to guide its implementation.[44] The policy accords central importance to:

- our immediate African neighbourhood and continent;
- working with countries of the South to address shared challenges of underdevelopment;
- promoting global equity and social justice;
- working with countries of the North to develop a true and effective partnership for a better world; and
- doing our part to strengthen the multilateral system, including its transformation, to reflect the diversity of our nations and ensure its centrality in global governance.[45]

The policy states that South Africa is a strong proponent of multilateralism as a necessary intergovernmental response to managing globalisation and the deepening interdependence of national economies.[46] It intends to use membership of BRICS, for example, as a strategic opportunity to advance the interests of Africa in global issues, such as global governance and international trade.[47] These objectives do not detract from the articulation of the policy of the state's national interests, which embraces:

- the development and upliftment of our people;
- stability of the Republic and the constitutional order;
- growth and development of the South African economy;
- growth and development of Southern Africa;
- a stable and prosperous African continent; and
- a just and equitable world order.[48]

This is further confirmed in the opening lines of the policy, which states that international engagement is based on two central tenets, namely "Pan-Africanism and South-South solidarity. South Africa recognises itself as an integral part of the African continent and therefore understands its national interest as being intrinsically linked to Africa's stability, unity and prosperity."[49] This notion is stated in the policy in the following definitive terms:

> Its [South Africa's] destiny is inextricably linked to that of the Southern Africa region. Regional and continental integration is the foundation of Africa's socio-economic development and political unity, and essential for our own prosperity and security. Consequently, Africa is at the centre of South Africa's foreign policy. South Africa must therefore continue to support regional and continental processes to respond to and resolve crises, strengthen regional integration, significantly increase intra-African trade and champion sustainable development and opportunities in Africa.[50]

The fourth reference point is the Revised White Paper on National Transport Policy drafted by the Department of Transport in 2017.[51] This policy addresses maritime transport issues relating to economic principles, trade and cargoes, ship financing and registration, the operation of ships, ports, safety at sea, employment and training, and administration.[52] One of the strategic objectives of the policy is "to promote and main-

tain cooperative international relations with other countries and international organisations involved in maritime affairs".[53]

Alongside this developing foreign policy and the NDP, the government, modelling the Malaysian government's Big Fast Results problem-solving methodology (see Big Fast Results Institute, 2015)[54] adopted Operation Phakisa, which is a programme aimed at accelerating the execution of the NDP.[55] Government launched Operation Phakisa in 2014 in Durban. [56] The Big Fast Results methodology focuses on "bringing key stakeholders from the private and public sectors, academia, as well as civil society organisations together to collaborate in: detailed problem analysis; priority setting; intervention planning and delivery."[57] The collaboration sessions are called laboratories (labs).[58] One of these labs is "Operation Phakisa: Oceans Economy" (OP-OE). This lab focuses on "unlocking the economic potential of South Africa's oceans".[59] The OP-OE encapsulates the following maritime and maritime industry sectors as areas for advancement:

- marine transport and manufacturing;
- tourism;
- offshore oil and gas;
- construction;
- renewable energy;
- fisheries and aquaculture;
- communication;
- desalination and marine protection services; and
- governance.[60]

However, the oceans division of Operation Phakisa cannot operate in a domestic vacuum. Findlay and Bohler-Muller note:

> [T]he fact that the majority of the world's oceans (the high seas) are global commons and that many of the global environmental externalities affecting the oceans are trans-boundary means that ocean resource use, management measures and conservation are dependent on international [instruments].[61]

Key points from relevant continental policy frameworks

It is clear that to advance the developmental goals of the OP-OE and the burgeoning global maritime foreign policy, with its focus on the African continent, South Africa must be mindful of continental instruments in the maritime space and promote these.

Agenda 2063 is the continent's strategic framework that aims to deliver on its goal for inclusive and sustainable development on the continent.[62] Under the auspices of the African Union (AU), this framework aims, amongst other things, for a "prosperous Africa based on inclusive growth and sustainable development".[63] To this end, it acknowledges:

> Africa's Blue/ocean economy, which is three times the size of its landmass, shall be a major contributor to continental transformation and growth, through knowledge on marine and aquatic biotechnology, the growth of an Africa-wide shipping industry, the development of sea, river and lake transport and fishing; and the exploitation and beneficiation of deep sea mineral and other resources.[64]

The AU Assembly decided in July 2010 that "a rational and coordinated policy for maritime and coastal activities with a view to making the best of the Continent's maritime wealth"[65] was needed, and the AU Commission took on the challenge of elaborating and formulating the Africa Integrated Maritime Strategy (AIMS) 2050,[66] which was adopted by the AU Assembly in 2014.[67] The strategy was –

> [D]eveloped as a tool to address Africa's maritime challenges for sustainable development and competitiveness. The strategy aims to foster more wealth creation from Africa's oceans, seas and inland water ways by developing a thriving maritime economy and realizing the full potential of sea-based activities in an environmentally sustainable manner.[68]

The overarching vision of the strategy is "to foster increased wealth creation from Africa's oceans and seas by developing a sustainable thriving blue economy in a secure and environmentally sustainable manner".[69]

Moving from soft-law, non-binding policy documents to legally binding instruments, the African Union Extraordinary Summit held in Togo in 2016 resulted in the adoption of the African Charter on Maritime Security and Safety and Development in Africa (the Lomé Charter).[70] The charter provides a definition of the blue/ocean economy with one of the objectives being the promotion of a flourishing and sustainable blue/ocean economy.[71] The charter further contains a chapter on the development of the blue/ocean economy with provisions on:

- exploitation of the maritime domain, fisheries and aquaculture;
- creation of wealth and jobs through coastal and marine tourism;
- integrated human resource strategy for maritime development;
- competitiveness improvement;
- development of infrastructure and equipment relating to maritime activities (AIMS);
- measures to mitigate climate change and environmental threats;
- protection of marine biological species, fauna and flora;
- toxic and hazardous waste dumping;
- prevention of illegal exploitation and theft of marine resources; and
- maritime disaster risk management.

The charter also contains a chapter on cooperation with provisions relating to co-operation in:

- exploitation of the maritime domain;
- fishing and aquaculture;
- combatting crimes at sea;
- intelligence sharing, scientific and academic cooperation; and
- maritime information sharing.

Impetus for foreign engagement: Primacy of African interests as the golden thread

It is patent from the rendition of the policies above that diplomacy and advocacy are critical for the government to be credible and effective in its domestic and foreign policy engagements.[72] Indeed, Hengari notes, "in fulfilling the African Agenda, South Africa's diplomacy does not begin on a blank page: a number of initiatives have gathered pace after 20 years of engagement and practice".[73] The increasing emphasis by the government on the blue economy, together with the continental initiatives places South Africa in a strong position to develop synergies between initiatives in the national interest of the country and meaningful continental maritime policy.[74] This is in agreement with the country's diplomacy of *ubuntu*, namely striving to address domestic imperatives while taking into cognisance the needs and aspirations of others.[75]

What also emerges prominently is the primacy of Africa in South Africa's international affairs. This focus is the golden thread that weaves though South Africa's engagements in the international area. Minister Nkoana-Mashabane remarked, "[t]he African continent remains central in our foreign policy, and this approach forms the basis of our friendship, cooperation and peace efforts all over the world."[76]

South Africa is in a position to harness its relative power on the continent to drive reform and development in the international area for the benefit of the continent. However, with a foreign policy that is expansive, nuanced and multi-faceted, the manner in which resources are deployed and the extent of political will demonstrated to determine whether the golden thread in South Africa's global foreign maritime policy of deepening engagement with Africa is met, should be analysed.

Accessions to international instruments and international memberships

South Africa's diplomacy and engagement with international maritime affairs occurs through participation in global instruments and organisations. South Africa is a signatory to various international instruments in the maritime space, from framework conventions, such as UNCLOS,[77] to various instruments adopted under the International Maritime Organisation (IMO),[78] for example:

- the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969;[79]

- the Convention on the International Regulations for Preventing Collisions at Sea, 1972;[80]
- the International Convention for the Safety of Life at Sea, 1974;[81]
- the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978;[82]
- the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988;[83]
- the International Convention for the Control and Management of Ship's Ballast Water and Sediments, 2004;[84] and
- the Nairobi International Convention on the Removal of Wrecks, 2007.[85]

A fuller description of accessions of international instruments by South Africa has been given elsewhere.[86] Participation in these instruments often result in the adoption of domestic enabling legislation[87] and implementation of the obligations of these instruments entrusted to specific governmental departments or agencies, such as the South African Maritime Safety Authority (SAMSA). These obligations are not always fulfilled. A recent example of how such obligations are not always fulfilled is illustrated in a circular issued by the IMO.[88] The circular expressed its intention to remove from its register all countries that were not compliant with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978. South Africa was on the list earmarked for removal due to non-compliance.[89] In a media statement, SAMSA acting chief executive officer (CEO), Sobantu Tilayi said, "the agency was extremely concerned by the development, as it had major implications for the country's maritime sector".[90] However, a more probative way to chart the direction of South Africa's global maritime foreign policy is to describe the country's contributions to and memberships of global and regional organisations. These memberships and contributions will be categorised and considered below in the following spheres and geographical regions.

International memberships in the marine sphere

The International Whaling Commission (IWC) was established in 1946 under the International Convention for the Regulation of Whaling, which came into force in 1948 (see International Whaling Commission, 2020).[91] The IWC has as its main objective the conservation of whale stocks and the orderly development of the whaling industry in terms of the regulations of the Convention. South Africa is presently a member of the IWC contributions review committee.[92] The Department of International Relations and Cooperation (DIRCO) reports, "South Africa is a founder nation and has an excellent record for contributing towards its conservation objective and research aimed at providing a scientific basis for whale stock management."[93] In 2016, South Africa hosted two IWC workshops on cetacean welfare.[94]

The International Commission for the Conservation of Atlantic Tunas (ICCAT) was established in 1969. The objective of ICCAT is to maintain the population of tuna and tuna-like fish in the Atlantic Ocean at levels that will permit maximum sustainable yields, as well as the implementation of research programmes, the analysis of fishing

statistics and the formulation of stock conservation recommendations.[95] DIRCO reports, "South Africa is a founding member of ICCAT, and has maintained full membership since then. South Africa's commercial and recreational fishery for tuna and swordfish depend on highly migratory stocks, which are fished in international waters."[96] DIRCO noted with concern that:

> As a developing southern Atlantic coastal state participating in the tuna fishery, South Africa must exercise its right to these resources and defend this right against northern hemisphere highly industrialised countries and distant water fleets, currently involved in over fishing in the South Atlantic Ocean.[97]

South African scientific research into tuna management is ongoing. It was reported, "no less than 20 papers and presentations were prepared and delivered by South African fisheries scientists [last] year".[98] ICCAT reported:

> South African National Department of Agriculture, Forestry and Fisheries (DAFF) is working independently and in collaboration with scientists from other CPCs [Contracting Parties and Cooperating Contracting Parties, Entities or Fishing Entities] and NGOs [non-governmental organisations] to carry out research related to large pelagic fisheries … [and] [c]ollaborative research projects investigating the stock origin and intermixing of tuna and swordfish and shark populations at the boundary between the Atlantic and Indian Oceans are ongoing and remain a high research priority in South Africa.[99]

International memberships in the nautical sphere

The International Hydrographic Organisation (IHO) was founded in 1921 with the main objective of promoting uniformity in nautical charts and documents to coordinate the activities of national hydrographic offices, and the adoption of reliable and efficient methods in carrying out and exploiting hydrographic surveys.[100] South Africa became a member of the IHO in 1951 and ratified the IHO Convention in 1968.[101] The country has since played an active role by assisting Mozambique in printing hydrographic charts and training members of the navies of neighbouring countries at South Africa's Hydrographic School.[102] Membership of the IHO has enhanced maritime safety within the Southern African region. South Africa chairs the Southern Africa and Islands Hydrographic Commission (SAIHC). One of the objectives of the SAIHC is to build capacity in the region.[103] Significant progress was made in this regard in November 2018 with the steel-cutting ceremony of a newly commissioned hydrographic survey vessel (HSV) for the South African Navy to support the various governmental imperatives.[104] The construction of this vessel was labelled as an African first, and it is being built by a company, which is 67 per cent black women-owned. The vessel is due for delivery in 2022 and will replace the SAS Protea which has been in service since 1972.[105] President Zuma noted that this was an investment of R1,8 billion.[106] Regarding capacity, a Department of Defence Briefing noted that South Africa was one of the few countries on the

African continent that was able to produce a full set of charts.[107] South Africa provided assistance, such as printing charts and training hydrographers, to neighbouring countries that lacked capacity to undertake its hydrographic responsibilities.[108]

The Brief also noted:

> The United Nations evaluated countries in terms of their capacity and capability and the South African Hydrographic Office had been placed in the class one category. There were only 13 countries in the world which met the standards of the class one classification.[109]

The Intergovernmental Oceanographic Commission (IOC) was established within UNESCO in 1960. The IOC has a coordinating, stimulatory and integrating role in marine science and technology and functions by means of various subsidiaries.[110] The DIRCO reports, "South Africa has been an active member of the IOC and has since 1995 enjoyed a position on the IOC Executive Council."[111] The South African oceanographic research vessel, SA Agulhas II undertook its first cruise in the framework of the second International Indian Ocean Expedition (IIOE2) from Durban on 17 October 2017 to Dar es Salaam and returning to Durban on 13 November 2017.[112] Minister Molewa commented:

> The SA vessel the SA Agulhas II left Cape Town late last month. On board were over 200 research scientists from the continent and internationally, including students to collect data on the Indian Ocean. Their respective specialities include physics, chemistry, plankton, biodiversity, biology, whales, seals & seabirds and geology. The data they collect will provide much-needed information that will aid in our understanding of the ocean environment and its links to its sustainable development … Capacity development and information on ocean dynamics knows no boundaries. What happens in the Indian Ocean is also of our concern.[113]

International memberships related to the Southern Ocean

The Antarctic Treaty System (ATS) provides the framework for international co-operation under which various conventions and protocols regarding Antarctica were negotiated.[114] South Africa ratified the Antarctic Treaty[115] in June 1960 and is the only African state that is party to the Treaty.[116] The DIRCO reports:

> [T]he port of Cape Town has increasingly become a gateway for research vessels on their way to Antarctica, and the potential is there for future growth in co-ordinating this activity. The Antarctic Treaty is a model of international co-existence and co-operation. The conservation of the Antarctic environment and its ecosystem is of cardinal importance to South Africa, whose own environment is directly influenced by the Antarctic continent.[117]

The South African Antarctic and Southern Ocean Research Plan 2014–2024 (see Skelton, 2014), prepared for the South African National Research Foundation, notes:

> South Africa, a founding member of the [ATS], has a long-term track record of, and commitment to undertaking oceanic, terrestrial and atmospheric research in Antarctica and the Southern Ocean. This includes work at its sub-Antarctic Prince Edward Islands, in collaboration with the United Kingdom at Gough Island, where it has a weather station, and at the Tristan islands.[118]

The Plan also states:

> South Africa has a comparative geographic advantage for conducting research in Antarctica and the Southern Ocean. It is the closest African nation to the Austral Polar region, separated from the continent of Antarctica by approximately 4000km of Open Ocean that contains a regionally unique configuration of ocean circulation, making the region key to understanding past, present and future evolution of global climate.[119]

Accordingly, the Plan shows that "South Africa therefore bears a regional responsibility and serves as a springboard for broader African scientific research interests in the Antarctic region."[120]

International memberships related to the Indian Ocean

The genesis of the Indian Ocean Rim Association (IORA) can be traced back to 1995, when, during a visit to India, President Mandela remarked:

> [T]he natural urge of the facts of history and geography … should broaden itself to include the concept of an Indian Ocean Rim for socio-economic co-operation and other peaceful endeavours … [r]ecent changes in the international system demand that the countries of the Indian Ocean shall become a single platform.[121]

The Indian Ocean rim is one of the most diverse and geo-strategically important regions of the world "with a heterogeneous mix of developed, developing, least developed countries and small island developing States".[122] South Africa was one of the founding members of IORA and was a signatory to its Charter in 1997.[123] Minister Sisulu remarked, "[t]he geostrategic importance and profile of the Indian Ocean Region is growing rapidly, with an unprecedented focus and attention on the potential contribution that the Region can and should be making towards global security, economic growth, and sustainable development."[124] South Africa assumed the chair of IORA in October 2017. The Council of Ministers of IORA appointed South African diplomat Dr Nomvuyo Nokwe as the Secretary-General of IORA.[125] The theme of South Africa's chairship of IORA is "IORA: uniting the Peoples of Africa, Asia, Australasia and the Middle East through Enhanced Co-operation for Peace, Stability and Sustainable Development".[126]

Minister Sisulu further remarked, “this theme encompasses South Africa’s view that the Indian Ocean Region should be characterized as a region of peace, stability and development; and we consider IORA as the pre-eminent regional organisation within which to pursue this ambitious goal”.[127]

Former Minister Nkoana-Mashabane remarked that three priorities would be pursued during the South African chairship of IORA, namely:

- maritime safety and security in the region, including prioritising the establishment of the Working Group on Maritime Safety and Security;
- improving resilience and responses for disaster risk management, including prioritising the implementation of the Memorandum of Understanding on Search and Rescue; and
- sustainable and responsible fisheries management and development, including dealing with the important issue of illegal, unreported and unregulated fishing.[128]

Deputy Minister Landers stated in 2018 that, through the chairship, South Africa aimed to strengthen institutional mechanisms, bodies and the secretariat of the IORA.[129] He commented:

> [South Africa] is in the process of establishing new dedicated functional bodies to deal specifically with critical priorities in areas such as Maritime Safety and Security, the Blue Economy, Women’s Economic Empowerment, and Tourism. There is also a strong focus on enhancing trade and investment between IORA members; empowering the youth; ensuring the effective utilisation of resources, such as water and fisheries; and promoting research, development and innovation, including through the 2nd International Indian Ocean Expedition.[130]

South Africa intended to use the platform to deepen and strengthen ties with international and regional bodies such as the United Nations (UN), the African Union (AU), Association of Southeast Asian Nations (ASEAN) and Asia-Pacific Economic Cooperation (APEC) and being supportive of the initiatives under Agenda 2063 and the Africa’s Integrated Maritime Strategy (AIMS or AIM Strategy) .[131]

International memberships related to the Atlantic Ocean

South Africa has also engaged with its neighbours on its Atlantic seaboard. The governments of Angola, Namibia and South Africa signed the Benguela Current Convention (BCC) in the Angolan city of Benguela in March 2013.[132] The Convention is a formal treaty between the governments of Angola, Namibia and South Africa. The objective is “to promote a coordinated regional approach to the long-term conservation, protection, rehabilitation, enhancement and sustainable use of the Benguela Current Large Marine Ecosystem, to provide economic, environmental and social benefits”.[133]

South Africa ratified the BCC in 2014. Minister Molewa, speaking at the 6th Ministerial Conference of the BCC highlighted South Africa's commitment to:

> [S]trengthening collaboration in the management of transboundary resources, skills capacity and training of our professionals as well as research scientists on key areas falling within the scope of the work of the BCC. We committed to work together in the following fields: (i) combating illegal, unregulated and unreported fishing (IUU fishing) within the existing frameworks; (ii) ensuring maximum sustainable utilization of the resources for the benefit of the region; (iii) bringing in, empowering and encouraging participation of youth and women in the [Benguela Current Large Marine Ecosystem]; (iv) collaborating in the handling of oil spill emergencies; (v) addressing new developmental demands; and (v) the Oceans Economy.[134]

South Africa's reach on her western seaboard ventured further, and since the beginning of 2015, it deployed frigates, submarines and over 220 members of the South African Defence Force (SADF) to combat piracy activities targeting oil tankers in the Gulf of Guinea.[135] On a broader multilateral arena, South Africa is a party, along with 23 other countries to the Zone of Peace and Cooperation of the South Atlantic (ZPCSA), established in 1986.[136] In a reply to a report of the Secretary-General of the UN in 1995, South Africa noted –

> [The country] reaffirms its belief in the zone as a veritable instrument for promoting international peace and security as well as development cooperation [and] [a]s a mark of its commitment, South Africa will be hosting the fourth ministerial meeting of the zone in Cape Town, South Africa, early in 1996.[137]

Development in the region was hindered as South Africa was the only African nation with long-range naval capabilities.[138]

Lalbahadur *et al.* comment how in ZPCSA, the oceans economy have opened new avenues of cooperation between South Africa and Brazil: with new discoveries of light oil and gas deposits off the coast of Brazil and an estimated nine billion barrels of oil and ten billion barrels of natural gas laying untapped in South Africa's exclusive economic zone.[139] The authors further comment that these discoveries created the impetus for both countries to improve their maritime security and co-operation.[140] South Africa has accordingly participated in military exercises under the rubric of the India–Brazil–South Africa maritime cooperation (IBSAMAR) and under the rubric of Brazil, Argentina and Uruguay (ATLASUR).[141]

Membership of the International Maritime Organisation

Whilst South Africa is a party to the numerous conventions adopted under the auspices of the International Maritime Organisation (IMO), the country has had a long association of involvement in the organisation itself. South Africa was admitted as a full member in 1995 and had served as vice-chair of the IMO Council from 2005 to 2015. In 2017, a statement from the cabinet confirmed that South Africa was to bid for a re-election to the IMO Council (the executive organ of the IMO responsible for supervising the work of the organisation), competing against 25 other countries, with the rationale that such membership would contribute to employment growth derived from OP-OE.[142] Deputy Minister Chikunga briefed the media that the re-election would "ensure that the Southern African Development Community is represented in global maritime affairs and continues to advance its maritime agenda and a vision of becoming an International Maritime Centre (IMC) and strategic partner in world maritime affairs".[143] The government despatched a high-level contingent to the IMO session in London in November 2017, comprising the Deputy Minister of Transport, supported by officials from the Departments of Transport and DIRCO, SAMSA and Transnet.[144] In a statement delivered at the IMO, Deputy Minister Chikunga stated:

> South Africa will continue to play her meaningful role in addressing some of the maritime related challenges facing the global community. We will continue to put together our collaborative efforts and work with all relevant stakeholders in contributing towards the sustainable green economy.[145]

The Deputy Minister used the opportunity to canvass support linked to South Africa's African-centred foreign policy by stating:

> South Africa is the only country in the Southern African Development Community (SADC) Region of Africa standing for being re-elected in the IMO Council. Against this background, South Africa appeals to IMO Member States in Africa, Europe, the Americas, Asia and Oceanic states for support in her quest to retain her position in Council. The re-election of South Africa to the Council will ensure that the developing countries in general and the African continent in particular gets a fair voice in the international maritime affairs.[146]

In this statement, the deputy minister drew the attention of the IMO to the fact that South Africa is actively operationalising the provisions of AIMS, and through partnership with the IMO, has converted her Maritime Rescue Co-ordination Centre to a Regional Maritime Rescue Co-ordination Centre.[147] Lastly, it was reported that, in an effort to grow existing relations with the IMO, South Africa would host the World Maritime Day Parallel Event which will be held from 28-30 October 2020 in Durban. The event will seek to highlight the significant role of global shipping and the role of the IMO.[148] South Africa was successful in its bid and was re-elected to the Council on 1 December 2017.[149]

Capacity and resources

The above ministerial statements must however still translate into implementation. The NDP acknowledges, "South African diplomats have great skill in drafting memoranda of understanding, policy statements and agreements, but lose momentum when it comes to implementing agreement terms or following up on promises of benefits."[150] Minister Nzimande commented in 2019, "we have gone beyond conceptual frameworks, we can no longer be in a state of unending planning, and we need to accelerate implementation".[151] There are instances of investments in innovation and infrastructure that lend credence to the government's desire to implement their domestic and foreign policies effectively. For example, the Department of Science and Technology (DST) stated in 2019 that it would invest R27 million in the country's Maritime Domain Awareness satellite programme.[152] The DST launched the ZACube-2 nanosatellite, considered the most advanced on the continent, which carries an automatic identification system (AIS) for monitoring the movement of ships along the South African coastline.[153] These initiatives will support data-exchange systems for the maritime industry and ship operations to support OP-OE.[154] The commissioning of the hydrographic survey vessel can also be seen as a significant investment to further the country's maritime policies.

President Zuma remarked in 2017 that the government had unlocked investments totalling R24,6 billion with a government contribution of R15 billion. The President further reported that 6 500 jobs had been created through OP-OE initiatives.[155] The country invested in IORA initiatives. It was reported, for example, that US$150 000 (equivalent to R 2 054 325 on 10 October 2017) was contributed to fund the IORA action plan for 2017–2021 and for the establishment of the new working groups on the blue economy, maritime safety and security, women's economic empowerment and the core group on tourism.[156] A further US$50 000 (equivalent to R 684 775 on 10 October 2017) was allocated to the IORA special fund for pilot projects aimed at improving the lives of the IORA region's poorest people, and US$50 000 (equivalent to R 684 775 on 10 October 2017) was allocated to projects in Africa in support of the African oceans economy projects under the AIMS. [157]

Evaluation and perceptions: How influential is South Africa's global maritime policy?

In the absence of an explicit global maritime foreign policy document, other relevant policy documents discussed above point toward an African-centred approach to global maritime foreign policy, with the continent being inextricably linked to the future of South Africa. The various ministerial statements cited in this article appear to support this approach. Policy is also shaped by and implemented through global or regional agreements and memberships in organisations. However, these agreements and organisations are collectively varied in both their geographical application and the level of contribution or responsibility required of member states. This article has provided a description and categorisation of the wide reach of South Africa's contributions and membership. An argument could be made that the African-centred approach also underscores South Africa's contributions to global and regional organisations, as described,

for example, in its membership of the IHO and ATS. This approach would consolidate the focus of South Africa's global maritime foreign policy and provide a base to harmonise and align the varying contributions in global and regional fora. In addition to describing the engagement and participation in these fora, the ministerial statements reveal that considerable funding and resources have been allocated to the various programmes and initiatives. This presents a prima facie demonstration of political will to implement policies effectively and comply with international obligations.

Haas, in commenting on features of good maritime governance, notes "a high-level profile for negotiations also encourages breakthroughs and meaningful commitments that mid-level bureaucrats lack the authority to make".[158] In this instance, OP-OE was conceived and articulated through the Presidency of the Republic and with ministers in the national cabinet contributing to discussions in IORA and the IMO amongst others. The foreign maritime policy approach blends with South Africa's national interest, as set out in the policy documents above. Minister Nkoana-Mashabane noted, "[a] country's foreign policy is firmly premised on its domestic priorities, hence, as South Africa, we expect great dividends from linking IORA's blue economy to our domestic [OP-OE]."[159] Benkenstein similarly comments, "the priority areas identified by the South African government for its period as chair of IORA play to the country's strengths and provide opportunities to leverage existing capacity and expertise".[160]

However, global maritime affairs are not always neatly packaged under the auspices of IORA or through OP-OE in domestic maritime affairs. Maritime affairs are fragmented across multiple disciplines and are not easily intertwined. A recent example shows the unlikely interface between private international law and foreign policy. In 2017, the motor vessel (MV) *Cherry Blossom* entered the port of Coega on the outskirts of Port Elizabeth to take on bunkers en route to Tauranga in New Zealand. The ship was laden with a cargo of phosphate that had been mined in the Boucraa mine in the northern part of Western Sahara. An application was brought in the High Court of South Africa[161] at Port Elizabeth by the Sahrawi Arab Democratic Republic and the Polisario Front (a national liberation movement). The respondents who were the exporters of the phosphate and shipping the cargo on the *Cherry Blossom* were two companies registered in accordance with the laws of Morocco. The dispute between the parties concerned the ownership of the cargo aboard the ship. The applicants contended that the cargo aboard the ship was part of the national resources of Western Sahara and belonged to its people, and that the respondents misappropriated the cargo and sold it, having no right to do so. The respondents contended that their right to mine and sell the phosphate was derived from Moroccan law. The applicants intended to institute a vindicatory action in respect of the cargo, and the proceedings in the High Court intended to obtain an interdict and ensure that the cargo remained within the jurisdiction of the court until the vindicatory action had been finalised.[162] A full bench of the High Court found in favour of the applicants. Following the judgment, it was reported in the media, "Morocco was, obviously, furious about the seizure of the ship. Its state media reporting that SA was trying to 'sabotage' Morocco's commercial interests following its re-admittance to the African Union in [2017]."[163] It was further reported, "[t]he saga was an unprecedented face-off between SA and another African state and the antagonism between the two nations continues to

brew."[164] This incident demonstrates that policymakers should be acutely aware of how activities in global shipping and admiralty proceedings could affect foreign relations.

IORA as a platform to consolidate South Africa's global maritime foreign policy

Nevertheless, despite the fragmented and multi-faceted nature of maritime affairs in order to form an assessment of how meaningful South African contributions are in international organisations and whether the country is capable of exercising power and influence in the formulation of global maritime policy, a scrutiny of a leadership role held by South Africa would provide a firm foundation. The leadership role held by South Africa over IORA through its multiple streams of activities provides South Africa with a concrete platform to develop a clear articulation of the nature and extent of its international maritime policy. Earlier in this article, an overview was provided of South Africa's goals for its chairship of IORA. Have these goals been met? South Africa's chairship ended in October 2019 and a meeting of senior officials was convened by South Africa in Durban on 19 June 2019. This provided an opportunity to reflect on South Africa's chairship. A press release reporting on the outcomes of the meeting presented a positive picture. The South African chair of the committee of senior officials, Ambassador Sooklal, commented:

> [B]y working together we have achieved significant milestones … [that] will put [IORA] in a position to become one of the major regional bodies that can contribute, as a grouping to the greater global good, in addition to re-enforcing its position as the Apex Organisation for the Indian Ocean.[165]

The ambassador also acknowledged the significant achievements made during South Africa's chairship, including the advancement of IORA's Action Plan (2017–2021).[166] These statements point toward South Africa's capacity to lead global discourse. A handing-over report detailing South Africa's progress as chair was presented by Minister Pandor to the incumbent chair of IORA at the 19th IORA Council of Ministers on 7 November 2019.[167] To date, the report is not accessible in the public domain and this precludes an objective and rigorous analysis of South Africa's contributions to IORA at this stage.

The platform provided by IORA, however, led to discourse held at the highest levels of government. For example, on 20 March 2017, a summit was convened in Jakarta to mark the twentieth anniversary of IORA. The summit brought together leaders of 21 IORA member states and seven dialogue partners with other special invitees.[168] The summit was seen as a game-changer for regional cooperation and a demonstration of the commitment by member states and dialogue partners to the Indian Ocean region.[169] At the summit, member states issued the Jakarta Concord: Promoting Regional Cooperation for a Peaceful, Stable and Prosperous Indian Ocean.[170] A significant provision into the Concord at preambular paragraph 4 was the inclusion of United Nations General Assembly Resolution 2382 (XXVI) of 16 December 1971 on the Declaration of the Indian Ocean as a Zone of Peace.[171] The IORA member states recalled the resolution and affirmed the commitment to maintain peace and stability in the Indian Ocean region. It

is particularly noteworthy that the recollection, affirmation and inclusion of the Zone of Peace into the Concord was tabled and advocated by South Africa.[172] Anand notes that this contribution was one of the most significant achievements of South Africa's participation in IORA.[173] This demonstrated South Africa's capacity to influence global discourse. Although recalling the resolution was seen as significant, it was adopted during the Cold War era, when issues pertaining to major power conflict and arms control were at the forefront. For South Africa to continue advocating the successful execution of this provision of the Concord, it is apt to note Du Plessis's remarks in 1987 regarding the original declaration, namely

> [A] basic problem with this type of declaration is the fact that its operationalization is dependent on the degree to which it is reconcilable with major power interests. Due to its non-enforceable nature, and the degree to which it reflects particular international persuasions, it can, at best, place moral restrictions on the actions of major powers.[174]

A similar opportunity to influence global policy will arise through membership of the IMO Council. Such leadership would not only benefit the country, but also the organisation itself. Benkenstein notes that IORA had an underwhelming past, and "states expected to have played a strong leadership role … did not prioritise the wider Indian Ocean region in their foreign policies in the decade following [IORA's] establishment".[175] The ministerial statements cited above move away from this apathy, and Benkenstein also notes that under OP-OE, South Africa has been "positioning itself as a strong maritime nation seeking to take advantage of its strategic position bordering three major oceans".[176] The diplomacy engaged by a country, according to Lalbahadur and Du Plessis, is vital to ensure its interests are defended and advanced in international rule marking, and that its own position and international prestige are enhanced.[177]

A strong case could be made for the appellation of South Africa, as the most developed economy on the continent, as *primus inter pares* on the continent. Minister Nzo remarked during the nascent days of South Africa's first democratic government:

> [T]he position in which South Africa finds itself is that it has features both of the developed and the developing world. It is truly at the point of intersection between both worlds – an industrialised state of the South which can communicate with the North on equal terms to articulate the needs, the concerns and the fears of the developing world. Conversely we can interpret the concerns and the fears of the developed world.[178]

This fits in with the criteria of an emerging middle power, i.e. "a state with enough gravitas and international support to act as a regional and international broker, mediator and bridge-builder in the interest of international peace and stability".[179] South Africa's soft power was apparent through the support and admiration for South Africa's peaceful democratisation and narrative of reconciliation. However, the foreign policy discussion document expressly acknowledges:

> [T]he world's reaction does not represent an indefinite continuation of the unique relationship or so-called honeymoon which South Africa has experienced since 1994. Many expectations about South Africa's international role have been created, but at the same time many demanding responsibilities have been assumed.[180]

South Africa is expected to play a complex role, at many levels, for example, in the SADC region where states expect that South Africa interacts with them as a partner and ally rather than at a regional level, and there are expectations of South Africa at continental level to contribute to peace and development.[181] The NDP, however, acknowledges that South Africa has lost a great deal of moral authority as a power resource.[182] Although South Africa aims to lead with an African centrist perspective, researchers for the South African Institute of International Affairs – who conducted a study by interviewing AU officials for their views on South African policy – however provided a sobering view. They found that there is a marked difference between how South Africans – as people and as a government – see themselves and how the rest of the continent perceives them.[183] The perception is that South Africa does not use these leadership platforms to create or promote opportunities for wider African involvement, but rather in order for its own economic interests to enjoy priority always.[184] Secondly, they perceived South Africa's conduct in the AU as that of a 'bully' or 'big brother'.[185] Whilst the documents and ministerial speeches cited above could factually dissuade these notions, Kelafe *et al*. ultimately argue, "in the diplomatic world, perceptions matter as much as the facts in the formulation of policy responses".[186] In light of the above considerations, the synergy of South Africa's global maritime foreign policy trends with its ongoing involvement in global and regional fora will be keenly observed.

ENDNOTES

[1] LLB, LLM (Maritime Law), PhD (UKZN), Admitted Attorney and Notary Public of the High Court of South Africa, senior lecturer: School of Law, University of KwaZulu-Natal, Durban. Email: surbun@ukzn.ac.za.

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SADC'S PURSUIT OF MARITIME SECURITY IN A REGION LACKING REGIONALISM

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Abstract

Southern African Development Community (SADC) member states participate in many regional and multilateral initiatives that aim to enhance collective maritime security. How these initiatives affect state behaviour, and how African states' interests and values, in turn, shape the functioning of these initiatives remain underexplored in maritime security studies. In addition, the study investigated the significance of SADC-focused regionalism as a force for its member states as they develop and implement foreign policies concerning maritime security in the region.

Introduction

The study on which this article is based will explore the ways in which SADC member states collaborate in the pursuit of more effective maritime security in the Southern African region. Maritime security in the Southern African context is best understood as a 'wicked problem' for which regional initiatives can provide appropriate solutions for common security. Consensus on a maritime security definition has yet to be attained.[1] Bueger characterises maritime security as a 'buzzword'; indeed, the concept is intersubjective.[2] The current study understood African maritime security as the prevention and absence of maritime crimes for African communities – both states and non-states – as well as the enabling of African communities to achieve greater levels of human security.

The majority of threats challenging African states' maritime security are 'traditional', as they are common threats to which most African navies and coastguards have routinely responded.[3] The kinds of maritime crimes observable in the African maritime domain are becoming far more numerous, transnational, sophisticated and complex than in the past and they are interlinked intricately enough to mark them as presenting a complicated kind of security challenge. Bateman applied the useful concept of 'wicked problems' to these issues in Asia.[4] Viewing maritime security issues as 'wicked problems' does not imply evilness but points to their complexity, comprising multiple dimensions and impacts, and the fact that they are not easily resolved by narrowly focusing on single problems and single solutions. Rather, 'wicked problems' are best tackled via multilateral security initiatives, such as regional forums, that are able to adopt comprehensive strategic approaches supported by collaborative or cooperative policies. Wambua made an early case for regional maritime cooperation as "perhaps the only avenue through which African states can achieve order in the governance of their ocean areas", because "the challenges of governing ocean spaces can be daunting if handled unilaterally".[5]

This article presents five significant empirical themes where the exhibition of regionalist behaviour by SADC member states could be observed and analysed. For the purposes of this article, the geographic area called the Southern African region will be understood as coterminous with the 16 SADC member states. Firstly, the article reflects the increasingly complex nature of the SADC's maritime political geography. Secondly, it reports on the SADC's historical and contemporary geopolitical significance to both member and external states. Thirdly, an evaluation of the agency and leadership demonstrated by SADC member states in regional and global maritime security initiatives and institutions is provided. Fourthly, the outcomes of the SADC Standing Maritime Committee's (SMC) annual meeting and, finally, the development, implementation and ongoing revision of the SADC Maritime Security Strategy (MSS) are presented.

At the time of writing, the confidential nature of the SADC MSS posed a substantial methodological obstacle. Public debate and scrutiny have also typically taken place without reference to the specifics of the MSS. These research difficulties were mitigated to some extent by the author's involvement in the revision of the SADC MSS in 2019.[6]

SADC's maritime political geography

Southern African states need to be cognisant of the region's increasingly complex maritime political geography. The 16 SADC member states comprise over a quarter of all African states; 10 of the 16 member states are characterised as coastal or island.[7] The four SADC island states are located in the Indian Ocean.[8] The overlapping membership by SADC member states of various sub-regional and international organisations other than the SADC also means that what is considered SADC's maritime political geography is not wholly under the auspices of SADC regional maritime initiatives. The SADC is also unique among African regional economic communities (RECs) as the member states are pivotally located between the Atlantic and Indian Oceans. South Africa's sovereignty over the Prince Edward and Marion islands extends the SADC's presence and interests far into the Southern Ocean too.

The complexity of the SADC's maritime political geography is further increased when applying the African Union (AU) definition of the 'African maritime domain'.[9] As per the 2050 Africa's Integrated Maritime Strategy (2050 AIMS), the significant lacustrine (lake) areas that form part of the territories of countries such as Malawi, Tanzania and the *Democratic Republic of the Congo (*DRC) should now also be considered.[10] The SADC has been a notable pioneer of this approach long before the adoption of the 2050 AIMS in 2014, and SADC member states have organised multiple multilateral riverine and lacustrine exercises.[11]

Continental shelf claims could add yet further areas to SADC member state ocean considerations, and could be the source of disputation.[12]

Future management of disputes arising over the spatial locations of zones and boundaries within the SADC's maritime political geography will be best understood if viewed against the backdrop of the increasing territorialisation of the oceans. This is

driven by advances in technology and demand for resources, such as oil, gas and minerals located in (often deep and distant) offshore areas.[13] Sea-level rises are also posing an existential threat to some states and can complicate the demarcation of boundaries.[14]

Many SADC maritime boundaries could be disputed in future (while some have been resolved, there are many dormant or potential sites), such as between Angola and the DRC.[15] Disputes could also arise over ownership of inland waterways and lakes. A long-standing dispute, for instance, persists between Malawi and Tanzania over the location of their border in relation to Lake Malawi.[16]

Finally, some SADC member states are disputing the sovereignty of external states over numerous islands located in the Mozambique Channel and further out into the Indian Ocean.[17]

SADC's maritime geopolitical significance

From a maritime perspective, geopolitical influences have a great impact on the policies and behaviour of Southern African states and states from outside of the region, some of them dating back centuries.[18]

The Southern African region has been the site of centuries-long competition between European mercantile powers, such as Portugal, the Netherlands and Britain. These countries and their representatives competed for centuries first to conquer and then to colonise the area in order to control the vitally important shipping route around the Cape of Good Hope that linked Europe and Asia. The Cold War contest between the United States of America (USA) and the Union of Soviet Socialist Republics (USSR) and debates over the security of Southern African resources and of the Cape shipping route were also major influences on geopolitically informed foreign policies during decolonisation and in the post-colonial period.

The relative value attached to the Southern African shipping route was permanently affected by the construction of the Suez Canal in the nineteenth century. The opening of the Suez Canal significantly reduced the geopolitical importance of controlling the area. Ships sailing between Europe and Asia could now take an alternative route that was (and remains) far shorter, cheaper and safer than the route around the Cape of Good Hope.

The economic rationale behind the choice to sail along either the Cape of Good Hope or the Suez Canal shipping route and the types of vessels used has been contingent upon the extent to which Suez remains both open and secure. For instance, the Cape route was the only viable route from 1956–1957 and then from 1967–1975 when the canal was closed both times as a result of war. The necessity of economically shipping oil from the Middle East to supply the oil-dependent economies of the United States, Europe and north-east Asia resulted in the creation of a new, larger types of 'Capesize' vessels. As these Capesize vessels were too large to use the Suez Canal after it was reopened in 1975 they continue to use the Cape route, although the expansion of the Suez Canal in 2015 does allow for the transit of some Capesize ships.

The surge in Somali piracy from 2008–2011 elicited debates about whether the re-routing of shipping around the Cape instead of through Suez was a temporary or longer-term trend. A small number of vessels were re-routed around the Cape during the crisis, at the cost of additional time and revenue for the shipping companies involved. Most however chose to mitigate the risk of being hijacked by implementing best management practices while sailing through the piracy hotspots and the designated High Risk Area (HRA), including the considerable expense and controversy of employing armed guards on board.[19] This indicated that there was a high tolerance of risk regarding the threat of Somali piracy, which meant that the perceived value of the alternative Cape route did not rise enough to see it continue as a major alternative shipping route to Suez in the medium to long term.

The other enduring and long-term influence on geopolitical interest in the region occurred upon the discovery of huge quantities of valuable natural resources, such as gold, platinum, diamonds, cobalt and manganese. It now appears to be occurring again with the (unexpected) discovery of huge gas fields in the exclusive economic zones (EEZs) of Tanzania and Mozambique in 2010.

Large multinational energy companies are the only actors with the capital and expertise for extracting these resources.[20] Local actors or companies cannot viably extract these resources by themselves (South Africa's SASOL [South Africa Synthetic Oil Liquid] has done limited extraction in the past in Mozambique and offshore around South Africa). Many interested companies are state-owned or are strongly affiliated to the national interests of their countries of origin who are also are investing in huge regional infrastructural development deals.[21] Together this is potentially triggering or setting off a security dilemma among external states against a backdrop of increasingly militarised competition.

Finally, South Africa's interest in continued counter-piracy is designed to signify to other countries that it possesses both the aspirations and capabilities to act as a regional leader or focal point in the provision of maritime security at national, regional and international level.

This is consistent with long-observed South African strategic cultural views about the region. It is also an outcome of perception of an indivisible link between South Africa's own economic functioning and security and that of its neighbours and partners in the region. In 2013, the Minister of Defence, Nosiviwe Mapisa-Nqakula, clearly expressed South Africa's logic for this approach, stating, "there is a legitimate causal connection between [1] combating piracy and [2] rendering Africa in general and the SADC region in particular economically viable and economically stable".[22] This is important regarding the resilience of the Southern African system, which is not assured in the case of disruption. Concerns over fragility, therefore, have characterised the macroeconomic structure of most Southern African states, especially South Africa, for some time now.

The risk of the region being perceived, once again, as a vacuum in which external powers could posit themselves as necessary and thereby pursue other interests has also been anathema to South African decision-makers. For instance, in 2013, the (then)

Chief of Naval Staff RADM Higgs suggested, “it is much better for South Africa to play a meaningful role in our continent than to leave that open to people from outside the continent because we don’t have the capability”.[23] Pallo Jordan, a former South African member of parliament (MP), when addressing parliament warned, “Africa cannot afford to outsource the security of its coastline, ports and harbours to non-African powers”.[24] This statement was applauded by other MPs.

SADC member state maritime leadership

Southern African states have been important contributors to the international fight against piracy. They are now also important champions of maritime development by integrating the blue economy into their foreign policy goals and through promoting the role of regional organisations.[25]

Linked to the above, the fight against piracy has also presented opportunities for broader projects of revitalising and reconsidering African states’ naval or maritime capacity. Tanzania and the Seychelles were especially hard hit – the Seychelles calculated it was losing huge amounts in tourist earnings.[26]

As Bueger has observed, piracy “has opened a window of opportunity to reorganise maritime security governance and build sustainable institutions”.[27] Malcolm and Murday observed “a willingness on the part of Seychelles and the broader region to institutionalise best practice and look at the transferability of responses for other maritime threats”.[28]

In 2018, President Danny Faure of the Seychelles was nominated to act as the AU’s Blue Economy Champion.[29] Several African states, including SADC member states such as South Africa, but especially the Seychelles and Mauritius, have developed national ocean or blue economy strategies and institutional mechanisms. The Seychelles recently launched its ‘Blue Economy Strategic Framework and Roadmap’, in collaboration with the Commonwealth.[30] In particular, the Seychelles is described as “a major facilitator as well as policy entrepreneur and advocate for maritime security and the sustainable development of the oceans”.[31] The example and leadership the small island states have demonstrated are also disproportionate to their available resources and size.[32] Mozambique also convened a blue economy conference in Maputo in 2019.[33]

The SADC Standing Maritime Committee

In the Standing Maritime Committee (SMC) of the SADC, member states of the Southern Africa region possess arguably one of the longest-lasting and consistently convened institutions dedicated to enhancing their common maritime security. The SMC has been the key forum for the SADC’s unique mix of Atlantic Ocean, Indian Ocean and inland states to discuss and determine their recommendations for appropriate regional responses to maritime insecurity. It has also received high-level recognition – in 2012, the UN Secretary-General singled out the SMC in his annual report on the state of Somali piracy, expressing the belief that “[the] SADC could manage local threats from piracy in the Southern Indian Ocean region if it could develop maritime resources”.[34]

The SMC was established as a sub-sub-committee to the Inter-State Defence and Security Committee (ISDSC), after a seminar held in Gaborone in March 1995. The primary role of the SMC is to recommend actions that are reported to the Defence Sub-Committee (DSC) and then to the ISDSC, in turn, an advisory body of the SADC organ.[35] The SMC is therefore structurally marginally within the overall SADC security architecture (a sub-sub-sub-committee).

The SMC has met on an annual basis with a small secretariat located within the South African Navy. Chairship and hosting are shared and are rotated on an annual basis, although the four island states have yet to chair or host an SMC. As chairing is rotated on a yearly basis, this leaves little time for pursuing goals and lacking continuity and legacy.

The pattern of most member state attendance has fluctuated between regional engagement and disengagement. This can be attributed to their domestic circumstances in the case of political instability, a lack of dedicated resources in their budgets for participating, or absence, as in the case of the Seychelles withdrawing from the 2004–2008 meeting and Madagascar being suspended from 2009–2014. In addition, the membership of the Comoros only dates from 2017. The variation in attendance and the fact that many states did not send apologies has concerned both the SMC and its parent committees.

Chairing and hosting have also encountered significant obstacles. South Africa chaired for a lengthy initial period after inauguration of the SMC until it was deemed to be a consolidated and functioning institution.

Other notable indicators of sustained cooperative maritime security measures comprise attempts to improve interoperability through the convening of several ad hoc exercises and operations and the regional purchase of a common naval platform.

As noted earlier, the SADC has encouraged inland or lacustrine member states to improve their cooperation and involvement, for instance by convening riverine exercises. The outcome of successful initiatives could reasonably also be expected to increase capabilities pertaining to disaster response and management, peacekeeping missions and search and rescue. Although initial progress was sluggish owing to the lack of necessary capacity (including South Africa), the first exercise (Good Tidings) was held in Senga Bay, Malawi, from 19–30 September 2011.[36] It was considered a huge success and provided a major learning experience. As of 2019, Namibia has established a naval base on Impalila Island in the Zambezi River, which is intended to allow for joint patrols with neighbouring Botswana and represents a good indicator of the improvement of relations with its neighbour since the sovereignty dispute over the Kasikili/Sedudu Island in the Chobe River.[37]

Member states within the region also participate with a broad range of external actors and other sub-regional organisations in multilateral exercises and fora aiming

to enhance maritime security. Ongoing SADC naval efforts are now primarily located within or are dependent upon broader exercises and externally sponsored partnerships (such as the US Obangame Express and Cutlass Express).[38] Moreover, as stated in the SADC SMC minutes, and while riverine exercises have taken place, there is cause for concern that independent SADC exercises might cease altogether.[39]

A long-held South African ambition was to facilitate the regional adoption of a common SADC offshore patrol vessel (OPV).[40] This was expected to improve interoperability between SADC navies while boosting naval manufacturing in the region and reducing dependency on external partners. Interoperability is a common objective of the tasks and recommendations of the SMC, which has attempted to address them through training, planning and exercises. These OPVs were ideally intended to be suited to local sea conditions, affordable and tailored to the region's maritime security requirements.

South Africa expected to play a pivotal role, as the vessels were likely to have been constructed in South Africa. Not only was there little palpable interest; the SADC OPV project was seriously set back and unlikely ever to recover, by Mozambican purchases of vessels with secret loans whose discovery also had a devastating effect on the economy of that country.[41] Other countries, such as Namibia, have also preferred to purchase vessels and conduct training with other long-term strategic partners, notably Brazil.[42]

There is also limited SADC maritime engagement in the Atlantic Ocean. Fellow SADC states – the DRC, Angola and Namibia – have not requested South African assistance with protection through counter-piracy patrolling. Joint exercises have seldom been both planned and successfully executed without external support, barring Exercise Golfinho (Dolphin) in 2009.[43] The phenomenon of West African piracy has also tended to spread westward, rather than south, from Nigerian waters when displaced by counter-piracy operations.[44] This points to the issue of member state orientation and agency. While Angola is an important SMC participant, it remains far more focused on West African and Gulf of Guinea-focused maritime security issues than on those of Southern Africa.

SADC's strategic response to Somali piracy

With the growth of the threat of Somali piracy, many SADC member states were forced to confront a serious external threat to their ultimate economic functioning and well-being.

The SADC SMC and chiefs of navy have been quick to note the importance of prompt and strategic action. At the 15th SMC, two months after the 2009 Sirte AU Summit, Tanzania presented a paper on piracy, and Vice-Admiral Refiloe Mudimu, then Chief of the South African Navy, called for the development of an integrated SADC strategy. At the time, it was presumed that this strategy would entail how to overcome the challenges of the limited resources of most SADC navies and ways to use their aggregated strength to face and overcome maritime security challenges.[45]

Some SADC member states, such as the Seychelles and Mauritius, did not wait for the SADC to recommend how best to facilitate a coordinated, regional response to the threat of piracy. The Seychelles hosted a ministerial conference on piracy in May 2010, and an international symposium and a technical workshop in July 2010 to develop a suitable action plan for the region. Mauritius kept this momentum for a regional response by convening a second regional ministerial conference on piracy in October 2010, at which the Eastern and Southern Africa-Indian Ocean (ESA-IO) Regional Strategy and Regional Plan of Action was adopted.[46] It can be seen that these events were anchored by appeals for stronger regional cooperation, but resulted from either unilateral or multilateral interests that did not prioritise a SADC regional response.

Despite participating in the meetings, the SADC did not openly endorse their outcomes or that it should expand its institutional engagement with this ESA-IO process. Neither event appeared in the Communique of the 30th Ordinary Summit of the SADC Heads of State and Government in Windhoek, Namibia in August 2010.[47] The 2010 Summit emphasised instead the importance of a regional *counter-piracy* response, noting how piracy seriously threatened the economic security of the Seychelles, Mauritius and Tanzania. The 30th Ordinary Summit also mandated the SADC Secretariat to "send a team of technical experts to establish the extent of the problem and recommend appropriate measures".[48]

This focus on counter-piracy was quite common , as other regionalist plans and projects launched at the time, such as the Djibouti Code of Conduct, took a similarly narrow focus.[49] It also soon appeared to be a prudent decision, as three unprecedented piracy attacks took place within the Mozambique Channel. In relatively quick succession, Somali pirates attacked the MV MSC Panama on 10 December 2010, the FV Shiuh FU No 1 on 25 December 2010, swiftly followed by the hijacking of the Vega 5 on 27 December 2010.[50]

The 2011 SMC, which met in Swakopmund, Namibia from 23–25 February 2011, decided that the strategic working group, consisting of representatives from Angola, Botswana, Mozambique, Namibia, South Africa, Tanzania and Zambia, had to be convened later that year in South Africa to compile a draft SADC Maritime Strategy. This would be submitted to the 2012 SMC.

However, SADC later decided to convene an extraordinary meeting of defence ministers in Pretoria in July 2011 to develop and endorse a regional anti-piracy strategy further. The resulting strategy was adopted by SADC heads of state at the 31st SADC Summit in August 2011 in Luanda, Angola.

The attacks in the Mozambique Channel in December had clearly struck a 'raw nerve', according to the (then) South African Defence Minister, Lindiwe Sisulu.[51] This also tapped into a pervasive sense of pessimism that characterised much of the thinking in 2010 and 2011 on the prospects of reducing the threat of piracy. For instance, earlier in January 2011, Jack Lang, the UN special adviser on legal issues related to piracy off the coast of Somalia, suggested to the UN Security Council, "the pirates appear to be winning".[52]

The fast production of an MSS can also be explained by examining several other important contextual factors. Firstly, although warnings had been raised and discussed well before 2010, the attacks shattered the sense of security based on the presumption that Southern Africa's geographical remoteness from the strategic centre of gravity of Somali piracy in the Gulf of Aden was unlikely to be breached. A further assumption that the difficulties for pirates of reaching and operating in Southern African waters were considered too risky was also no longer valid.[53]

The sense of intense vulnerability was likely buttressed by the fact that the Mozambique Channel fell outside of the HRA – a fundamental instrument in the fight against piracy that had stopped short of incorporating the Mozambique Channel.[54] The HRA was used by insurance companies to demarcate the area in which special premiums would need to be paid when transiting. These additional costs threatened the economic functioning of many shipping companies and could decrease the revenues of regional ports if ships decided that this route was too prohibitive in cost and risk. Sisulu would go on to point out that the 'shoots of recovery' were appearing after the economic crisis of 2008, implying that the South African economy remained fragile and lacked the resilience to withstand further economic shocks or increased costs from disruptions to shipping.[55] Moreover, the HRA had recently been extended to its furthest point and any entrenchment of piracy in the region or threatening the Cape of Good Hope sea route could result in it being extended again. This would create a number of economic difficulties for countries in the region, particularly South Africa, whose ports still handle the majority of regional trade.

The deployment of the South African Navy (SAN) to the region not only meant there were robust response capabilities in case of further piracy attacks. It could usefully provide also deterrence, for instance in demonstrating to littoral communities that piracy could not be carried out with impunity and that there was a great deal of risk involved with undertaking piracy in Southern Africa.[56] As was noted in the earlier section on geopolitics, it was also likely intended to signify to the rest of the world that South Africa was the leading provider of maritime security in Southern Africa. This was imperative in the light of the recent discoveries of considerable amounts of gas in the EEZs of Tanzania and Mozambique, making the region the locus for a growing number of state and non-state counter-piracy actors. Moreover, these counter-piracy actor policies and identities might be incompatible with those of South Africa, as well as likely possessing resources and capabilities (and therefore incentives for partnerships) that might surpass South Africa's own.

The difficulties of implementation

The SMC acknowledged that the SADC MSS Action Plan was "drafted in a rush as a quick response to possible imminent maritime threats during that period".[57] Analysts also agreed that the implementation of the MSS reflected South Africa's regional preoccupations, interests and aspirations.[58] The tight timeline resulted in limited wider public debate and impeded consensus on an appropriate regional response. It could be argued, though, that the intention to revise the strategy or provide an updated maritime

strategy was expressed by Lindiwe Sisulu in 2012 during an address to the Indian Ocean Naval Symposium. In reference to the Southern African region, she suggested, "any articulation of Regional Security Strategies, will need to be addressed holistically, with solutions addressing the full spectrum, including legislation and policy frameworks, matters of capacitation and more operational plans". [59]

Analysis of the SMC minutes since the MSS was adopted in 2011, identified key themes surrounding the requirements for the implementation of the MSS:

- establishment of Maritime Domain Awareness Centres (MDAC);
- funding sources for SADC MSS;
- appointment of an MSS representative at SADC headquarters;
- marketing of SADC MSS; and
- legislation in respect of reporting vessels entering SADC maritime zones.[60]

Unfortunately, the language and decisions of the SMC minutes regarding these themes have not changed since 2011, demonstrating there has been little discernible progress and therefore minimal buy-in from SADC member states.

Indeed, Operation Copper arguably suffered a serious setback when an 'operational pause' was declared from 5 September 2012 to 25 January 2013.[61] According to the South African Department of Defence, the operational pause was declared to give Tanzania time to determine how it would contribute. However, the pause coincided with what turned out to be the last surge in Somali piracy. This meant there was no immediate capability in the region to counter any piratical acts, despite occurring not long after the only reported counter-piracy action involving Operation Copper, as well as the signing of the trilateral memorandum of understanding (MoU) earlier that year.[62]

With the benefit of hindsight, it can clearly be observed that the number of reported Somali piracy incidents was already declining to ever-lower levels; yet, this trend could not have been identified at the time. Moreover, 75 incidents attributable to Somali pirates were still recorded by the International Maritime Bureau (IMB) during the pause, demonstrating that they still posed a considerable risk.[63] In a further blow to the chances of consolidating or expanding the operation into a broader regional or multilateral initiative, Tanzania decided to withdraw from the agreement in 2013.[64]

South Africa has provided the majority of assets involved in the patrols since the operation resumed, deploying all available ocean-going naval capacity, comprising four valour-class frigates (which have shared patrol duties with the SAN's three recommissioned OPVs), the two operational submarines, the combat support vessel (the SAS *Drakensburg*), and the hydrographic vessel (the SAS *Protea*). In 2015, Operation Copper ceased routine air and maritime surveillance patrol and became an intelligence-driven operation instead. Naval assets are still deployed to the region by presidential directive, but now only for approximately a quarter of the year. Moreover, the South African

Air Force (SAAF) no longer operates from Pemba, and its available maritime patrol aircraft in South Africa are unlikely to fly again. Furthermore, replacement aircraft have not been ordered thus far, leaving South Africa – and by extension the region – bereft of these crucially important maritime security assets.[65]

South Africa has persisted with Operation Copper but continues to focus on preparing the SAN for counter-piracy and/or presence patrols. The deployment is re-authorised and funded on an annual basis by presidential directive and generally framed as an anti-piracy deployment. How long the operation will continue beyond 2020 cannot be confirmed at present, as Mozambique has not indicated whether it wishes the operation to cease, as per one of the conditions of the MoU. However, the potential capacity problems facing the SAN in 2022 if, as forecast, it loses both its frigate and submarine capability, could bring the curtain down on Operation Copper.[66]

The requirement for a suitable regional instrument capable of coordinating inter-state policies and deployments has also grown since 2011 in relation to other maritime crimes. The Southern African maritime domain is now the site of an increasing number of sophisticated transnational crimes and criminal networks involved in drug trafficking, human trafficking, arms smuggling and illegal fishing.

Heroin trafficking into Tanzania, Mozambique and South Africa through the 'Southern Route' has emerged as a major concern.[67] These responses are not, however, the result of SADC initiatives but are rather regional responses facilitated by the United Nations Office for Drugs and Crime (UNODC). Not only could a failure to deal effectively with drug trafficking lead to public health and human security concerns, but it could have serious political consequences, such as the degradation of state institutions as a result of increased corruption. The emergence of this route can be taken as an indicator of successful law enforcement practices in traditional sites and routes. As was previously observed with piracy in both East and West Africa, maritime criminal actors and networks possess the ability to build new routes and areas of operation even when displaced from traditional routes.

The role of the SMC in revising the SADC MSS in 2019

Meanwhile, the SMC acknowledged in 2016 the inapplicability of the MSS for the present circumstances and claimed, "there is a need for it [the SADC MSS] to be reviewed and re-evaluated to meet the current and possible future maritime threats".[68]

Progress on this review and re-evaluation has been relatively slow in contrast to the swift drafting process of 2011, which resulted in the MSS under whose auspices Operation Copper continues to be deployed. The 26th meeting of the SADC Defence Sub-Committee in Angola in May 2018 directed the SADC Secretariat to develop a draft concept paper on revising the SADC MSS.[69] The recommendations of this paper were then presented to the SADC MSS Review Work Session in South Africa at the 2019 SMC. The SMC member states in attendance accepted the proposed changes to the SADC MSS and recommended that a SADC MSS Review Work Group be established to prepare and submit a draft SADC MSS for review and adoption.

The resultant SADC MSS Review Work Group met in Pretoria from 23–25 July 2019 to draft an integrated maritime security strategy.[70] This was chaired by the DRC and comprised delegates from the SMC and two DSC sub-committees – the Defence Intelligence Standing Committee (DISC) and the Defence Legal Work Group (DLWG). Significant changes from past SMC meetings were the fact that the DRC chaired an SMC initiative for the first time and the presence of representatives from the Seychelles and Mauritius. Whether this is an indicator of future participation and buy-in for participation in the SMC meetings and the revision of the SADC strategy remains to be seen. The revised SADC MSS is due to be presented at the 26th SMC in the DRC in 2020, after which some of these queries can be clarified. These member states already prioritise substantial initiatives, such as promoting blue economy policies, the chairing and support of the Contact Group on Piracy off the Coast of Somalia (CGPCS) and the recent convening of a second Ministerial Conference on Maritime Security in Mauritius.[71] Much will depend on whether the perceptions and evaluations of the SADC as an institution change among member states. This is a process that the SADC and the SMC need to encourage by facilitating continual communication between member states in the revision of the MSS and beyond.

Conclusion

This article discussed the role that regionalism plays in the foreign policies of SADC member states towards the organisation regarding maritime security. This is not an exhaustive document and while it draws from a medley of schools of thought, has not provided an explication based on constructivist theory regarding culture and identity owing to the limited space available for the article.

Many SADC member states have embraced regionalism in their policies and preparations to address maritime insecurity issues. Despite a heavy emphasis on a regional approach to maritime solutions, few SADC member states prioritise strengthening SADC maritime institutions or implementing the MSS to accomplish these objectives. This could be changing, although it has taken time. An encouraging outcome of the 39th Ordinary Summit of the Heads of State and Government of SADC in Dar es Salaam, Tanzania in August 2019 was that it stated it now possessed a better understanding of "the gravity of maritime security threats, such as piracy, maritime terrorism, drug trafficking and illegal carrying and trafficking of weapons and ammunition." The Summit also decided to "jointly address them as part of a SADC Maritime Security Strategy".[72]

Whether these are signs that the strategic value of the SADC is changing or that the SADC could become a platform for strategic convergence is too early to tell. The article noted there a few optimistic indicators among previously absent member states such as the Seychelles and Mauritius, of a greater interest in engaging with SADC maritime initiatives. The active role of the DRC in chairing and hosting SMC workshops and meetings is also a significant milestone. Much will now depend on how the perceptions and evaluations of the SADC as an institution are changed among member states, a process that the SADC and the SMC should encourage by facilitating continual communication among member states in the process of revising the MSS and its implementation.

ENDNOTES

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[2] C Bueger. "What is maritime security?" Marine Policy 53. 2015. 159–164.

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[5] PM Wambua. "Enhancing regional maritime cooperation in Africa: The planned end state". African Security Review 18/3. 2009. 51.

[6] I addressed the SADC MSS Review Workshop on 25 July 2019, delivering an over view of regional and continental maritime strategies and implementation processes and then providing a draft SADC revised strategy framework for the consideration of the Work Group.

[7] Four countries are Atlantic littorals: the Democratic Republic of Congo, Angola, Namibia and South Africa, while seven countries (again including South Africa) are located in, or adjacent to, the Indian Ocean: South Africa, Mozambique, Tanzania, Madagascar, the Comoros, Mauritius and the Seychelles.

[8] The Comoros, Madagascar, Mauritius and the Seychelles. The other two states – Cape Verde and Sao Tome e Principe – are members of ECOWAS.

[9] As per the 2050 AIM Strategy, Africa's maritime domain includes "all areas and resources of, on, under, relating to, adjacent to, or bordering on an African sea, ocean, or African lakes, intra-coastal and inland navigable waterways, including all African maritime-related activities, infrastructure, cargo, vessels and other means of conveyance. It also includes the air above the African seas, oceans, lakes, intra-coastal and inland navigable waterways and to the oceans' electromagnetic spectrum as well". African Union. "2050 AIM Strategy". N.d. <https://au.int/en/documents-38> Accessed on 18 August 2019.

[10] The conceptual and legal issues with this definition are noted, but their critical discussion lies outside the scope of this article. Suffice to say, the 2050 AIMS has been adopted and forms an integral point of departure and navigational tool for understanding the African maritime domain; T Walker. "Reviving the AU's maritime strategy". ISS Policy Brief 96. 2017. 1–8.

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SOUTH AFRICA'S OPERATION PHAKISA: DEVELOPMENT WITHOUT SECURITY?

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Abstract

In the years since the end of the Cold War, a growing body of literature has emerged discussing the nexus between development and security, holding that these are linked closely and mutually reinforcing. Thinking around the security–development nexus has been extended into the maritime domain, with an increasing recognition of the connection and interdependence of the land and sea, and that secure seas are seen as a vital condition for positive development trajectories emanating from the Blue Economy. This sentiment is increasingly reflected in domestic and regional maritime security strategies and policies, including in the African Union's African Integrated Maritime Strategy 2050 (AIMS 2050). Despite its leadership in developing a maritime security strategy for the Southern African Development Community (SADC), it can be argued that security is dangerously underplayed in South Africa's key maritime project, Operation Phakisa. This article presents an analysis of the development–security nexus at sea, an assessment of South Africa's approach to its maritime security, and the results of a careful examination of Operation Phakisa. The article concludes that there is an urgent need for a review of South Africa's maritime arena, to truly understand challenges emanating from the sea and how these will affect the development South Africa wishes to derive from it.

Key words: maritime security, South Africa, Blue Economy, Operation Phakisa, security–development nexus

Introduction

In recent years, maritime security has seen growing importance on the global agenda. Nowhere has this been more true than in Africa, which, following a previous position of 'sea-blindness', is now increasingly seeing territorial waters as an extension of state sovereignty, bringing with it both challenges and opportunities. By embracing the Blue Economy (in other words the economic opportunities offered by the sea, viewed from a sustainable development perspective) and recognising how this can play a central role in terms of positive development trajectories, securing the seas by addressing the challenges presently posed in the maritime domain has become of vital importance. This has been reflected in the wave of maritime security strategies developed across the region, and indeed also continentally at the African Union (AU) in the form of the African Integrated Maritime Strategy 2050 (AIMS 2050).

South Africa has had a slow start in getting involved in maritime security issues, doing so only several years after Somali piracy arose as a major problem, and when it seemed that pirates may close in on the Mozambican Channel. Subsequent to this, al-

though perhaps more closely linked to the oceans debate than South Africa's anti-piracy efforts, the country developed Operation Phakisa, an arm of the National Development Plan (NDP), that would help South Africa maximise its economic opportunities at sea, by spurring economic growth and creating jobs.[2] For lack of another policy or strategy that is maritime-focused, this could be considered South Africa's framework for approaching the seas. The only other initiative that could potentially fit this bill is "Research Innovation and Knowledge Management Road Map for the South African maritime sector", which was published by the Council for Scientific and Industrial Research (CSIR) in 2017[3]. This Road Map spends half a page mulling over security concerns, and notes the need for a maritime safety and security information centre, while also emphasising that South Africa should develop a maritime security strategy. Nonetheless, although the CSIR falls under the authority of the Minister of Science and Technology, the document describes itself as a sector initiative that brings together public and private stakeholders. It can thus not be considered a policy document in and of itself. While it therefore brings useful suggestions, these are themselves policy recommendations. The growing appreciation that development and security go hand in hand, particularly with respect to the Blue Economy, remains absent from South Africa's conceptualisation of its blue opportunities.

The study on which this article reports, aimed to assess Operation Phakisa as the key tenet of South Africa's seaward gaze, and to consider the question of how South Africa can achieve ocean-based economic development objectives without taking a more strategic view on security within the country's territorial waters and exclusive economic zone (EEZ). The article begins by illustrating the nexus between security and development at sea, showing how others have closely connected their economic ambitions with the ability to ensure that the maritime domain is secured in the sense that maritime threats and challenges are being addressed actively. It then looks at South Africa and its maritime security, homing in on Operation Phakisa and the challenges in the country's sea-space. The study reported here thus concluded that development without security is unlikely to be possible for South Africa, and that government will need to refocus its approach in order to be able to achieve the Blue Economy goals that are being pursued.

The security–development nexus at sea

Since the end of the Cold War, there has been a growing understanding that development cannot happen without security. In explaining this, Johansson quotes erstwhile United Nations Secretary General Kofi Annan's comment, "humanity will not enjoy development without security and will not enjoy security without development".[4] Hrychuk elucidates that the underlying premise of the security–development nexus is "security and development are intrinsically linked and mutually reinforcing … in the same way that security requires a minimum level of development, development cannot occur unless security is ensured".[5] Hettne highlights that it is becoming increasingly clear that there is empirical evidence to these links between security and development.[6]

Security can be understood narrowly as the "protection of the territorial integrity, stability, and vital interests of states through the use of political, legal, or coercive in-

struments”, [7] in this case, at state level. When more broadly conceived, security comprises the protection of the economy and the environment, and the provision of human security, which itself spans broad threat areas (such as food security, community security, political security and so on). This places humans rather than national interest at the centre. Development, meanwhile, is the “processes and strategies through which societies and states seek to achieve more prosperous and equitable standards of living”.[8] Again, development can also be more broadly interpreted, and can be seen to include trade, wealth creation, community safety and security, and the provision of other such public goods. Of course, this article refers more specifically to economic development; thus, the creation and exploitation of opportunities to increase a population’s standard of living and receipt of public goods by maximising existing industries and harnessing new ones.

While the literature on the security–development nexus centres much on development in the context of war, it can also be understood that insecurity comes not only in the form of violent conflict but can also be caused by criminal activity or violent actions, which have financial/criminal motives and exist outside of the context of war or conflagration. Indeed, Green and Otto[9] explain, “conflict can be described as occurring on a broad spectrum, from full-scale civil war and rebellion, at the one end, to local riots and peaceful, non-violent protests, at the other”, which may have ethnic, political, cultural, or economic dimensions.

Thinking around the security–development nexus has been extended into the maritime domain. Swanepoel, for one, argues that there is an increasing recognition of the connection between and an interdependence of the land and sea. In addition, there is the notion that “the sustainable use of the abundant goods and services supplied by the ocean, as well as the adaptation to and mitigation of the risks or dangers that the ocean presents to prosperity” are linked.[10] Indeed, there are numerous challenges, which affect the security of the maritime domain, including but not limited to piracy and armed robbery, illegal, unreported and unregulated (IUU) fishing, fisheries crime, human trafficking, irregular migration, and the smuggling of a host of illegal goods.[11] Swanepoel notes that, among other things, security at sea for the sake of development implies that maritime transportation systems must be safe from transnational organised crime at sea, and that the lawlessness in general, which persists at sea, must be tackled.[12] Indeed, this linkage between security and development in the maritime context becomes self-evident when one considers the interplay, for example, between the fisheries industry, economic imperatives under Blue Growth agendas, and human and community security. The protection of fish stocks, and thus the ability for small-scale and commercial fishers to continue their businesses sustainably, depend on the capacity of states to provide oversight and enforcement in this area.

Further to this, it can be inferred that another area where the security–development nexus comes into play is in implementing Sustainable Development Goal 14 – to conserve and sustainably use the oceans, seas and marine resources[13]. When considering the targets encapsulated by this goal, we can see that security in various forms is necessary: in preventing pollution, in combatting overfishing and IUU fishing, for the conservation

of certain coastal and marine areas, and in increasing the economic benefits accrued to developing states through the sustainable use of marine resources.[14] In her work, Van Wyk highlights countries that had, at the time of her writing, focused on the concept of the Blue Economy, which she notes has become a subject of interest for many multilateral organisations, with several states, notably Small Island Developing States (SIDS), including a Blue Economy perspective in their development plans and policies.[15]

Further to this, many maritime strategies conceive of themselves as security strategies, with this outlook being conveyed in their names. For example, the European Union (EU) strategy is entitled "The EU Maritime Security Strategy and Action Plan", while the United Kingdom (UK) has its "National Strategy for Maritime Security". The United States of America (USA), Brazil, India, China, and Japan are other countries that also have maritime security strategies.

The EU provides the following explanation in the very opening lines of its strategy: "the EU depends on open, protected and secure seas and oceans for economic development, free trade, transport, energy security, tourism and good status of the marine environment"[16]. The UK conceptualises of its need for having such a strategy in place as emerging from a requirement to secure its economic prosperity "by outlining cross-government priorities, this strategy sets out the whole-of-government approach, including our reliance on international partners, required to secure the seas and oceans that Britain depends upon for its national security and economic well being".[17] The US National Strategy for Maritime Security also highlights at the outset, "the safety and economic security of the United States depends upon the secure use of the world's oceans".[18] This strategy aims in particular to prevent criminal or hostile acts, protect critical infrastructure, minimise damage and expedite recovery from attacks at sea, and to safeguard the ocean and its resources from unlawful exploitation and intentional critical damage. Similarly, in Brazil, "the prospect of tapping into … maritime resources on a commercial scale" prompted the government to include the South Atlantic Ocean in its 2008 National Defence Strategy and its 2012 Defence White Paper.[19] India's strategy is premised on the notion that it has a "strategic need to preserve peace, promote stability and maintain security within a regional and global framework, so as to alleviate poverty and promote all-round socio-economic development".[20] Meanwhile, while its strategy focuses on security in the Asia-Pacific region more generally, China still explicitly recognises that security in this region is necessary for "laying a solid economic foundation".[21] The Japanese make use of their strategy to ensure environmental conservation and sustainable development in the country's EEZ, which extends to the exploitation of resources on islands where Japan wishes to claim sovereignty.[22]

Coming back to Africa, we see in AIMS 2050[23] a clear linkage between its development agenda and insecurity at sea. The strategy notes that threats to security in the maritime domain hold a "potential impact on the prosperity derivative" given that the African maritime domain holds great potential for wealth creation for African states, which would in turn benefit development. It thus places emphasis on the need to protect, regulate and manage Africa's maritime resources.

South Africa and maritime security

It is worth making some mention of South Africa's maritime geography before examining its maritime security. South Africa finds itself at the tip of a continent, with its coastline straddling two oceans, which are home to historically important sea lines of communication (SLOCs). On its west coast lies the Atlantic Ocean with the Indian Ocean on its eastern coastline, and to its south there is also the Southern Ocean. South Africa further has two islands, which lie nearly 2 000 km southeast of the main landmass – Prince Edward Island and Marion Island. Cumulatively, when one takes into consideration the country's EEZ, South Africa has a sizeable territory, and a continental shelf claim could see the country expand its territory, which would effectively render South Africa's landmass smaller than its ocean territory.[24] This has led van Wyk[25] to refere to South Africa's maritime domain as its '10th province'.

Whilst South Africa has been involved in maritime security initiatives, its participation has been tardy. Although Somali piracy had begun to rise as a concern of global proportions in 2007, it was only in 2010 that South Africa became more formally involved in operations countering piracy, then the key focus of global maritime security concerns.

South Africa's approach here has been an exercise in pragmatic foreign policy.[26] It launched Operation Copper to assist Mozambican forces following an attack by Somali pirates off the Mozambican coastline at the request of that country's government, and it was not until two years later that South Africa formalised its anti-piracy contribution (ironically in the same year that Somali piracy had begun to decline). Until this time, South Africa's only other involvement has been the role it played in the process of developing the SADC Maritime Security Strategy, which was signed in 2011,[27] and which an observer notes was largely written by South Africa.[28] In 2012, South Africa joined a trilateral initiative under the auspices of the SADC to commence a collective project of securing the Mozambican Channel, in theory, to keep it safe from the outward ballooning of the range of operations of Somali pirates.[29]

These have been South Africa's only engagements with maritime security at a regional and international level apart from expressions of moral support over issues of maritime security and participating in joint training exercises from time to time on the continent and with international partners.

A pragmatic observer may suggest that this is an adequate level of involvement given that the country does not face the same immediate threats to maritime security as are seen elsewhere on the continent, such as in West Africa, for example. Others may note that South Africa has the most powerful military in sub-Saharan Africa along with the best-equipped navy. Moreover, being an anchor state on the continent, the country should take a leading role in solving pressing African challenges, of which maritime insecurity is clearly one. This latter view is bolstered by South Africa's frequent use of its defence force as a foreign policy actor, particularly on the African continent where it deploys forces to join United Nations and African Union missions.[30] However, questions

remain as to why South Africa, via its Navy, still seems to have a disproportionate focus on the issue of piracy. Piracy has dwindled significantly off Africa's east coast, posing little to no threat to South Africa or the SADC. In addition, West African piracy does not stretch much further down the west coast than Angola, where it all but peters out.

However, the issue of the maritime domain has now gained greater importance as a domestic imperative, with South Africa launching Operation Phakisa in 2014, a so-called legacy project for former president Jacob Zuma. Operation Phakisa is an initiative that aims to balance the interdependencies and overlapping responsibilities of various departments and to provide concise and coherent direction toward a cross-sectoral approach to ocean governance and the enhancement of the Blue Economy.[31] Phakisa focuses on marine transport and manufacturing, offshore oil and gas exploitation, aquaculture and marine protection services, and ocean governance.[32] Notably, Operation Phakisa is intended to integrate the response from government and harness the opportunities presented by the Blue Economy to address two of South Africa's most pressing challenges: widespread unemployment and a flailing economy.

Of course, whilst South Africa's continental engagement has had the Navy at its centre, domestic approaches to maritime security naturally involve a broader set of actors. The South African Police Service (SAPS) has responsibility for policing within territorial waters, while the Department of Agriculture, Forestry and Fisheries (DAFF) has functions relevant to the management of fisheries, and the Department of Environmental Affairs (DEA) likewise must see to environmental protection. These actors must thus work in concert to address challenges and threats within the South African maritime domain.

Although devised in the context of strategies to provide for developmental needs, particularly the country's well-meaning but yet unimplemented NDP, there is a distinct lack of a maritime security element to what is South Africa's key sea-facing initiative. A survey of publicly available documents promoting Operation Phakisa on their website, as well as President Jacob Zuma's October 2014 speech at the Operation Phakisa Open Day in Durban shows not a single mention of the word 'security'. Instead, the focus of these materials is on economics, fast growth and the creation of jobs in the context of a country with high levels of unemployment. Indeed, a naval official suggests that the Navy would likely have been more interested in having a clearer role in Operation Phakisa if security was overtly included. The Navy did not necessarily support the concept of Operation Phakisa but realised at a strategic level it would be more likely to have funds allocated for its own needs should it find a way to link their own projects and works to Operation Phakisa.[33]

Perhaps this overly economic approach can be explained by the prevailing notion that South Africa faces no threats to maritime security – no pirates lurk nearby, it has no extensive offshore oil industry that could face harassment as seen in Nigeria, and the country exists in a relatively peaceful neighbourhood where it nonetheless has the strongest naval power of all.

Yet, while there are no tense territorial disputes, as for example between Somalia and Kenya following oil and gas discoveries, or the long-standing quarrel over the Cabinda region in Angola, measures for dealing with territorial disputes with Namibia and Mozambique have been put in place.[34] Further, although human trafficking and forced labour do not spring to mind in relation to South Africa in the way that it might in Southeast Asia for example, South Africa does experience irregular migration by sea, with Senu highlighting the case of stowaways who board vessels in South African harbours to seek new lives elsewhere. Some of the more pressing challenges, however, come in the form of IUU fishing and in the trafficking of illicit goods.[35]

Indeed, recent reports flagged up that there might be more in the way of threats to maritime security than initially meets the eye. In May 2016, three Chinese skippers were charged with fishing without the requisite permits in South African waters, having looted R70 million worth of squid.[36] Indeed, research has shown estimates that IUU fishing may cost the South African economy as much as R60 billion per year.[37] While awareness around the prevalence of illegal fishing and fisheries crime in other parts of Africa has been increasing (highlighted, for example, with the publication in 2016 of research by the Overseas Development Institute entitled 'Western Africa's missing fish')[38], illegal fishing in South African waters has often largely been deemed to constitute the harvesting of abalone, a protected species of shellfish. The 2016 incident (see above) harks back to the Bengis case, where the illegal harvesting of rock lobster over a 14-year period was brought to an American court in 2013 and resulted in a US$22.5 million reparations payment to South Africa.[39] Amounting to roughly R320 million at the time of writing, this amount is but a drop in the ocean, so to speak, when compared to the earlier figure cited by Kings[40]. It also represents a considerable loss of income for South Africa and of employment opportunities in the country.

The issue of fisheries crime is a potent example in highlighting the need for further research to understand the challenges posed to South Africa's maritime security fully. It also makes clear that more is needed to protect the Blue Economy, which Operation Phakisa seeks to nurture.

Smuggling is another crime by which South African water borders are currently being exploited. While many forms of smuggling and trafficking occur across the terrestrial borders, illicit goods often leave the continent via seaports in other African countries. As far as South Africa is concerned, seaports are often used by drug smugglers. Research conducted by Van Heerden found that Durban Harbour has been a particularly important transit point for the smuggling of cocaine that has arrived from Latin American countries, such as Brazil, Chile, Colombia and Venezuela.[41]

These breaches of security in South Africa's maritime domain, beg some questions with respect to the country's maritime domain awareness (MDA):

- How clear is the picture relevant South African authorities have on what is happening in South African waters?

- Are these authorities aware – at any given time – of the vessels that may be in South African territorial waters not for the purpose of safe passage but to conduct illegal activities?
- Do the authorities implement the portside measures contained in the International Ship and Port Facility Security (ISPS) Code fully in order to detect and prevent security threats?

In order to answer these questions, the author conducted a number of interviews to gain insights into criminal activities in South African waters, and the country's prevention, policing and defence capabilities, largely because little information on this is available in the public domain. An engineer at the Council for Scientific and Industrial Research (CSIR), which performs a monitoring role of South Africa's maritime domain, responded to the suggestion that South Africa's MDA is patchy by saying that the country's capabilities are improving but that enforcement remains a challenge, as there is but one enforcement vessel responsible for the entirety of the country's territorial waters.[42] The key initiative being employed to develop these capabilities is SeaFAR, which uses "satellite-based aperture radars to monitor the deep ocean to detect and identify vessels that exhibit suspicious behaviour", but this too requires improvement as data is produced through periodic sampling.[43] However, encouraging reports emerged from the Department of Science and Technology (DST) in February 2019 where it affirmed its commitment to the planned nanosatellite programme for MDA, committing further resources over the next three years.[44] Another observer agrees that South Africa's MDA is changing for the better but that the process is slow, being of the view that the National Oceans and Coastal Information Management System (OCIMS) is "doing well".[45] This observer however noted that MDA is only ever as good as a patrol capability of a state. He continued by referring to the great importance of being able to launch action on the basis of intelligence, while lamenting that the SADC's MDA sensors are not operational. In the same vein, Project Biro, which sees to the provision of three inshore patrol vessels, is a positive development that will improve inshore patrol capabilities, whilst also boosting the country's shipbuilding industry.

As far as the ISPS Code is concerned, Transnet, the state-owned enterprise responsible for ports and railways, notes that South Africa's seven commercial ports became IPSP compliant in June 2004, with efforts having been employed to upgrade security measures, plans and processes.[46] South Africa also put in place legislation by way of the Merchant Shipping (Maritime Security) Regulation, 2004[47]. Ramsaroop notes that South African ports maintain ISPS Code status and are thus regarded safe, and that implementation of the requisite measures has resulted in a decreased crime rate at ports.[48] What is unclear, however, from Ramsaroop's research is whether corruption and malfeasance are present at ports, as ISPS implementation seems to be accepted at face value. Chêne, writing for the Anti-Corruption Resource Centre, notes that there is little research on corruption in ports in Southern Africa,[49] but research by Sequeira found a 36 per cent probability of paying a bribe at Durban port, which, although not sufficient to base broad inference on, does leave open the suggestion that bribery could result in selective implementation of the ISPS Code.[50]

Assessing Operation Phakisa: Development without security?

Walker notes that, although South Africa's geography is defined by its maritime contours, the country has lagged behind others in recognising maritime security as a strategic priority, describing this element of policy as "inchoate".[51] Unlike the many other countries discussed in this article, South Africa does not have an overtly stated maritime security strategy, although one is under development. The country took a leadership role in the development of such a strategy at SADC level, but this document remains classified and so does not provide insight into what South African thinking around maritime security issues and strategy in the region might constitute. One respondent who has seen the strategy noted that it is focused largely on piracy, particularly in the Western Indian Ocean, but commented that it offers no effective counter-piracy strategy.[52] Ultimately, the move to classify this document (and likewise the national strategy development process) limits acceptance, and instead raises a number of questions around the content and quality of the strategy for observers relative to both SADC and South Africa as a leader in this bloc.

Walker says, "in the absence of these [policy] documents, South African maritime policies must instead be discerned through critically reviewing an assortment of policy frameworks" including –

- the regular South African Defence Reviews published by the Department of Defence;
- the country's White Paper on Foreign Policy (2011);
- the much-lauded but ill-implemented NDP;
- the Department of Transport's Comprehensive Maritime Transport Policy (2017); and
- the Knowledge Management Road Map for the South African Maritime Sector (developed by a collection of government departments and authorities).[53]

The most seaward-facing initiative of government is thus Operation Phakisa, which seeks to leverage economic opportunities emanating from the sea to boost economic development and create jobs.

As noted earlier in this article, Operation Phakisa is a cross-cutting interdepartmental initiative that brings together strands of ocean-based plans and priorities from across government. Phakisa was developed under the 'big fast results' methodology, known to have been successful in Malaysia, and which would garner quick wins in economic development for South Africa. Nonetheless, the security–development nexus appears all but absent from the higgledy-piggledy assortment of Phakisa projects. One might argue that the security–development nexus is acknowledged under the 'Oceans Economy Lab' and its Marine Protection Service and Ocean Governance component. According to Phakisa's website, however, one of the ten 'quick wins' of the first phase under this component of the operation is an enhanced and coordinated enforcement programme, where first results were expected by March 2016. Yet, available documents

to this effect on the Operation Phakisa website date back to 2014, while annual reports lack detail, and this has not been remedied through the release of Department of Defence reviews either.[54] A media statement issued in June 2018 by the DEA elucidates that the programme (known as Initiative 5) has focused largely on compliance around marine pollution, fisheries, ocean acidification and mining, but does not seem to address those (criminal) actors, which may not have any legitimate place within the system against which compliance can be checked. In this sense, Phakisa seems to focus on good governance rather than security, thereby missing the link between security and the development it seeks.

It is interesting also, from this perspective, to note that coordination for different streams resides with different departments, while the operation as a whole is coordinated by the Department of Planning, Monitoring and Evaluation (DPME), which is not in particular a locus of domestic power. The division of labour becomes yet more curious when one considers that, despite the fact that many of the goods smuggled into South Africa make their way into the country via terrestrial borders and the key international airport in Johannesburg, operations for the seizure of drugs have been conducted under the auspices of Operation Phakisa, according to defenceWeb.[55] Phakisa, it is clear, suffers from haphazard thinking around responsibility, which seems to be characterised by a 'most-of-government' rather than a 'whole-of-government' approach. Moreover, departments have shown limited capacity for co-operation, and face challenges in capacity development as budgets become more constrained in the context of economic contraction. This further challenges the adaptability of state agencies to respond to the ebb and flow of maritime security threats as well as their metamorphosis.

Masie and Bond argue that Operation Phakisa has been characterised "in reality, by *small*, *slow failures* in planning and implementation, with miserable overall outcomes for the economy, polity, society and ecology", explaining that the initiative has been "overhyped".[56] Indeed, Phakisa has been a buzzword, says one observer, particularly under the Zuma administration, and has lost steam under the watch of the current president, Cyril Ramaphosa.[57]

Recommendations: How can or should Phakisa be securitised?

Van Wyk argues that South Africa has historically recognised the strategic value of its geographic location, which marries two oceans and has formed part of important historical trade routes, as well as being of "major economic, strategic and ideological value during the Cold War period and prior to 1994", when South Africa entered its democratic era.[58] She notes that this continues in the twenty-first century because South Africa has the continent's most sophisticated maritime industry. While this latter point is undoubtedly true, this article argues that South Africa's attention to its maritime domain has not been in clear focus, perhaps also because, outside of the colonial period, South Africa is not a traditionally maritime nation. Much more can be done to enhance the development of the ocean-based economy by engaging in a deeper strategic thinking exercise and placing greater emphasis on securing the maritime domain and the resources it contains.

Strategic thinking would, indeed, be a suitable place for government to start by developing an actual strategy that is dedicated to maritime security and that addresses, as any domestic security dialogue should, the country's national interest and primary objectives based on a long-term vision. The Department of Transport is indeed in the process of developing a strategy, as mentioned, but developing one that is encompassing of the abovementioned issues and sees the way forward for integrated responses will be a tall order. The strategy will need to work hand in hand with Operation Phakisa via a combined approach in the achievement of what would thus be intrinsically linked goals. In furtherance of this, some thought may also be given to where responsibility is located in order to ensure a coordinated, whole-of-government approach, led by an appropriate domestic actor with sufficient voice and power to afford Phakisa the best possible chance at success.

Of course, there are the perennial challenges of budgetary constraints (also alluded to earlier), such as lacking human capacity, insufficient political will and limited policy implementation with which to contend. As far as the elements of defence and security are concerned, these of course exist within the context of a declining defence budget and the concomitant challenge of ageing and inadequate equipment, particularly for patrolling South Africa's vast maritime domain. In order for Operation Phakisa to be successful, a sufficient budgetary allocation has to be made, but this comes up against competing interests in a country whose fiscal health is flailing. The same can be said for the SAPS and the necessary resources and assets required to police nearshore.

With this in mind, it may be helpful for South Africa to dust off the NDP, update it, and proceed with a united and coherent long-term vision for the country, which it actually intends to implement. Conversely, South Africa might consider how the priorities of Operation Phakisa and the Blue Economy more generally fit into its security policy framework when this is renewed, thus bringing the security–development nexus into sharper focus. Part of this exercise is likely to be an ideological exploration: South Africa has no stated enemies, and the perspective from which it views this security position clearly informs the manner and extent to which it chooses to invest in its security forces. Realistically, however, the sea-based challenges discussed in this article cannot be resolved without greater budgetary consideration for the Ministry of Defence in particular – while the same can be said for land-based challenges and the relevant ministries that must address them. These should be reflected upon by government within the context of the extended period needed to (re)build operational capability.[59]

Further to this, such an exercise in strategic thinking around ocean opportunities may render South Africa with the fringe benefits of identifying international partnerships and promote its maritime or naval diplomacy. As the country straddles two oceans, partnerships within the Indian Ocean (such as through the Indian Ocean Rim Association [IORA]), and the Atlantic Ocean (via the India–Brazil–South Africa grouping) should be re-evaluated. Indeed, South Africa can learn from similar exercises undertaken by the likes of the EU, the United Kingdom, India and others. Such strategic thinking would also allow for Pretoria to utilise its platform on the world stage via the kinds of opportunities it has had, and may have in future, inter alia, the country's seat

on the United Nations Security Council, its presidency of IORA, and membership of groupings, such as Brazil–India–China–South Africa, for meaningful gain domestically, but also for the continent which it represents.

Conclusion

While considerable attention and resources have been directed toward achieving security on land, similar efforts to secure Africa's maritime domain have been feeble mainly because the maritime dimension was historically ignored in most local, national, sub-regional and continental strategies.[60] Indeed, while this is being remedied elsewhere, it is becoming clear that there is an urgent need for a review of South Africa's maritime arena, the context within which Operation Phakisa exists, to understand truly the challenges the country faces emanating from the sea, and how this will affect the development South Africa wishes to derive from it. 'Big fast results' for development simply cannot be seen with security, and government must thus, with urgency and a sense of sobriety, revisit its policy frameworks and the way in which they integrate in order to foster an all-of-government approach. This will surely allow for a clearer vision of how and where South Africa can partner with members of the international community and relevant international organisations to breathe life into the Blue Economy aspiration. Moreover, these issues present South Africa with an opportunity for the projection of its foreign policy imperatives in Africa and the world at large.

To be sure, any planning or strategy-development process should include a thorough assessment of threats and opportunities, strengths and weakness, which should be reflected in the policy document or strategy that results. Adequate and actionable plans must then be put in place accordingly. Ultimately, the vast possibilities presented to us by the oceans cannot be harnessed unless there is a concerted effort to protect them.

ENDNOTES

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OPERATION PHAKISA: REFLECTIONS UPON AN AMBITIOUS MARITIME-LED GOVERNMENT INITIATIVE

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Abstract

Operation Phakisa enjoys 'presidential' status as a project launched by and housed within the Presidency of the Republic of South Africa during the Zuma administration. Phakisa is a most ambitious project, which includes a prominent maritime component. The maritime focus functions as one catalyst for positioning South Africa as an international maritime player by 2030 and in the process speeding up national development through delivery of public goods, economic growth and jobs. Aiming to be an international maritime player supposes that foreign policy elements also feature in the project considerations. Launched in 2014, Phakisa's oceans leg now offers scope for scrutiny as mixed messages about its progress and failures routinely appear. The gist of the discussion is forward-looking, with Operation Phakisa's progress, failures and prospects to achieve government's 2030 maritime aims and objectives constituting the focus of the discussion. The study on which this article is based, found that Operation Phakisa's oceans leg depicts an impressive government ambition to exploit a new frontier, one reflecting progress and failures with promises of rapid big results being the most visible failure.

Introduction

New resource frontiers drew attention as growing demands for resources rose alongside enabling technologies to unlock demanding, but rich resource landscapes. Africa features prominently in the global resource debate, and its oceans form a major resource frontier within ongoing deliberations on exploring opportunities and promoting the blue economy. [1]The oceans focus did not escape South African attention in the country's search for ways to boost a lethargic economy and shrink the growing void between promised and real service delivery. Hovering between the largest and second largest economy in Africa, adding a thriving oceans economy to South Africa's economic clout augurs well for the country's international, continental and national standing and a pathway for mitigating its growing economic woes.[2]

The ocean's economy hub of Operation Phakisa aligns with implementing South Africa's National Development Plan (NDP), and serves as an operational outlet for ways and means to access the country's oceans as a national resource.[3] According to the official Phakisa webpage:

> Operation Phakisa is an initiative of the South African government. This initiative was designed to fast track the implementation of solutions on critical development issues. This is a unique initiative to address issues highlighted in the NDP 2030 such as poverty, unemployment and inequality.

The oceans sector of Operation Phakisa termed 'Unlocking the economic potential of South Africa's oceans' features alongside parallel initiatives to improve service delivery and speed up outputs to address societal needs, but one calling for real delivery and accountability. An Ocean Economy Lab supports the oceans focus of Phakisa to deliver on a range of maritime and marine-related sectors to support objectives of the NDP. Keeping in step with the Vision 2030 Summit and the NDP, South Africa's maritime road map envisages a future where "South Africa is globally recognised as a maritime nation" by 2030.[4] The oceans leg of Operation Phakisa serves as a primary programme in pursuit of the said vision. Since its presidential launch in 2014, Phakisa's oceans project received its fair share of attention, criticism, complements and scrutiny, and entering year five in 2019, a review of progress and stasis is in order.

The following discussion draws on open literature, government reports and Phakisa-related websites, and proceeds along three themes covering the wider oceans debate and Operation Phakisa's oceans leg in particular. First, and in order to set Phakisa within the international oceans debate, the discussion reviews rising interests in the general oceans economy and the blue economy debate. Second, an outline of the objectives and expectations underlying Phakisa's oceans sector sets the scene for an assessment of Phakisa in 2019. The focus is on its marine sectors, how these support the drive for a blue economy, and matters of security as a basis for pursuing an ambitious maritime agenda. Third, some indicators on difficulties and shortcomings as well as progress are tendered before concluding with ideas on the way forward.

Rising interests in the oceans economy

The use of oceans in the pursuit of political, economic and social agendas reflects a history only second to that on land. Such use unfortunately entails a destructive side as well and one that coexists with drives and debates to utilise the oceans more responsibly. The twenty-first century brought renewed emphasis to the responsible use of ocean territories to unlock the overall economic potential tied up in the seas. Both the responsibility narrative as well as the opposing rights-based approach of unlimited use of the oceans now features alongside a greater emphasis on understanding the value of the ocean and a necessity to protect and conserve.[5] Proponents of harnessing the ocean's potential for development must now contend with constraints imposed by a growing audience canvassing for the protection and responsible use of the ocean. The implied tensions are now characteristic of the ongoing oceans debate, which also seeped into Phakisa.

Oceans are subject to multiple pressures to gain access to more sovereign landscapes and gain traction for the multiple uses of ocean spaces, infrastructure expansion and resource access.[6] Goal 14 of the United Nations' Sustainable Development Goals

(SDGs) – Conserve and sustainably use the oceans, seas and marine resources for sustainable development – helps to focus international and national attention on the oceans with the sustainability adage a constant and clear conditionality for all.[7] Holding political and socio-economic value and dire socio-environmental consequences responsible for getting it wrong, managing the costs of threats and conflict on and from the sea through co-operation or collaboration remains challenging to decision-makers. Interest groups nonetheless compete aggressively for access to larger ocean territories in order to gain navigation rights, extract resources, and hedge against future uncertainty, but now have to demonstrate responsibility, conservation and value for future generations.

Renewed emphasis on oceans as pathways to political economic, environmental and social delivery of public goods fosters contrasting perspectives on what the blue economy entails. Competitive views frame oceans in opposing ways "as areas of opportunity, growth and development, as well as threatened and vulnerable spaces in need of protection".[8] The use of the concept 'blue economy' and its wider international profile continues and requires ordering to tone down the tendency to ignore or manipulate its deeper sustainability rationale. Integration with social inclusion, environmental sustainability and innovative business models counters reigning thought on crude exploitation of the oceans' economic benefits.[9] One attempt to promote understanding flows from the UN's suggested outline of "marine-related economic development that leads to improved human well-being and social equality, while significantly reducing risks to the environment".[10]

Silver et al. (2015) move beyond mere endeavours of defining aspects of the blue economy to those of adding meaning and practice in different contexts.[11] Regarding the utility of the oceans, four competing views emerge from their work:[12]

- *Oceans as natural capital*: The benefits vested in the ocean's natural infrastructure and biodiversity of the ecosystems of the ocean offer natural solutions with an economic value to be capitalised upon to promote the idea of a blue economy.
- *Oceans as good business*: Existing ocean sectors of business must continue, but simultaneously be held accountable for their roles through governance, marine science and monitoring. Extraction without accountability cannot continue.
- *Oceans as integral to Small Island Developing States (SIDS)*: These entities argue that their livelihoods and developmental imperatives are so closely connected to the oceans that any threat to the oceans endangers their existence and requires partnerships and funding to pursue their objectives.
- *Oceans as small-scale fisheries (SSF) livelihood*: Accentuating human–oceans relations, SSF is also about poverty reduction, employment, empowering women and development. For SSF, ocean grabbing through privatisation is a threat as the oceans represent the common good, public property and a common heritage and not a benefit for the few over the many.

What becomes apparent from attributing meaning to the blue economy is that actors ascribe meaning to the concept that often resembles prioritising own interpretations of

costs, benefits and interests, but not always captured within the idea of "nature as capital" and the responsibility to conserve.[13] This is an ongoing tension in practices as well as continuing debates to uphold responsibility, sustainability and future use of the seas. At present, these competing views and practices (both current and future) co-exist with each reflecting its own adherents. The underlying tension resides in more immediate gain and profit and the holding of a longer view based on sustainability and lower impact upon the oceans for the common good. Caught within these tensions are the SIDS and SSF agendas with their almost existential immediate and longer-term interests in healthy and productive oceans.

Optimism about the potential tied up in oceans as good business thus blends with concerns about ocean health and the underlying notion of what blue economy practices entail. However, balancing the ocean economy as a productive system with environmental and sustainability imperatives keeps the productive elements of the blue economy in equilibrium.[14] Barbesgaard for example refers to the "everyone wins" perception as opposed to the negative impact of ocean grab on conservation and restoration of ocean resources to mitigate climate change that cuts across all aspects promoting healthy and productive oceans. As opposed to the well-documented landward drive for resources and territory, the same maturity of debates unfortunately does not ring true for the oceans.[15] The destruction on land caused by the quest for resources to sustain growth, prosperity and development is known and well researched. The debate on using the oceans as the remaining 70% of the earth's surface for business purposes holds a negative and destructive side for those carving out a livelihood from the oceans.[16]

Findlay differentiates between an oceans economy as a phenomenon and a blue economy where sustainability is the guiding intelligence. He is of the view that "a sustainable (or blue) economy only emerges when economic use is in balance with long-term capacity of ocean ecosystems to support this activity and remain resilient and healthy".[17] Findlay refers to a number of alternatives to govern the inherent strains with specific reference to South Africa's turn to the oceans economy, namely –

- ocean systems monitoring and research;
- development of data systems, information and knowledge;
- marine spatial planning to mitigate conflict through trade-offs;
- creation and efficient management of marine protected areas in line with international targets; and
- regulation, compliance monitoring and enforcement.

Landward practices of ever-growing extraction with limited or scant responsibility towards sustainability and environmental damages should not underpin any oceans economy model. A balance between profits that support ecological integrity for the benefit of future generations is a simple but critical assumption for understanding what the commitment to blue economic thought and practice entails. Exploiting the oceans economy and heeding blue economy imperatives form part of a competitive paradigm influencing ongoing debates. Governments nonetheless push on with their preferred

ideas on exploiting ocean landscapes perceivably under the blue growth–good business label of which the oceans leg of Operation Phakisa is one example. Given where South Africa now finds itself within the larger debate and its particular oceans use policies embedded in Phakisa's dominant oceans focus, decision-makers and practitioners must navigate the trajectory from an oceans economy to a blue economy.

Disentangling Operation Phakisa

Phakisa's oceans sector resonates with the oceans as good business, as natural capital and the interests of small fisheries as reflected under the Oceans Economy Laboratory of the overall project. In essence, Phakisa is steeped in the adoption of a cultural transfer of a method introduced by Malaysia to expedite elements of economic transformation.[18] Contrary to what comments and reporting often reflect, the oceans focus of Phakisa is not the sole outcome of this cultural adaption practice. It sits alongside sister initiatives to address critical areas of South Africa's NDP collectively. Health, mining, education, the chemical and waste economy, the oceans, biodiversity and agriculture, and land reform are parallel constituent elements of Operation Phakisa with delivery plans for each.[19]

The South African concern with harnessing the ocean economy entails deriving socio-economic benefits from safe and secured resource extraction from the 1,5 million km^2 exclusive economic zone (EEZ). A recent oceans economy and sustainability workshop on 10 April 2018 at Wits University in Johannesburg, for example, emphasised sustainability and environmental protection in its opening slides. However, the main narratives remained centred on the oceans as a business sector for exploitation by way of aquaculture, oil and gas extraction, marine transport and manufacturing with marine protection services and ocean governance collectively serving as primary delivery areas.[20] Inherently, sustainability, responsibility and the future do not feature as saliently as one would expect and point to a more general predisposition that the blue economy concept has no explicit standing of its own.

Irrespective of how salient the blue economy features, five criteria underpin the selected growth and delivery areas in the Operation Phakisa Ocean Economy Initiative. These criteria point the potential contributions of the said delivery areas to the gross domestic product (GDP) and job creation, relevance to the marine eco system, geo-political, security and environmental implications, institutional and logistical capacity requirements for the growth area followed by novelty.[21] Of importance and probably indicative of a concern with not failing to capture maritime potential and opportunities on offer, industry, civil society, academia and labour collaborate to operationalise the four delivery areas. In a way, South Africa's government views Phakisa's oceans sector as a problem-solving initiative to address regression in socio-economic growth, service delivery and uplifting society. The latter feeds back into how the oceans serve as a 'new' landscape to enhance inclusive growth and development, but in a manner that guarantees sustainable ocean landscapes.[22] Phakisa's oceans initiatives now reside between two sets of pressure:

- first, promises and premises pledging quick results and growth from accessing the ocean economy through oceans grab and competitive exploitation; and
- second, the responsible sustainable use of the ocean vested in the blue economy rationale suggests a longer-term and more precarious way of tying the country's oceans into the NDP for growth and development.

The first seems prominent and leading the way; the latter more declaratory and less prominent than one would expect, but bringing the oceans economy into the overall economic fold is now a new South African reality.

The road map for 2030[23] shows a number of goal posts for South Africa's envisaged future maritime standing. Each goal has a Phakisa oceans economy footprint framed by progress up to date. The objectives tie in with core ideas of securing the oceans landscape for Phakisa and in a way harbour elements of maintaining a blue economy and fostering international recognition.[24] While the safety and security narrative is explicit, the security of the environment and future use and sustainability feature less prominent, and this is a concern. Buzan (1991)[25] points to the difficulty of securitising environmental security as an existential threat, and in 2019, Bueger again picked up on the environmental debate as "the forgotten dimension" with reference to the oceans.[26] In essence, the entrapment is one of convincing decision-makers that environmental threats are on a par with military, economic and political threats with the latter still being deemed existential and familiar in terms of understanding and responses than. Taking this to the oceans security debate could well hold difficulties of its own. It remains to be seen whether South Africa has bridged the divide to bring environmental concerns fully into the Phakisa fold to step more fully into the blue economy debate.

The connection between Phakisa, safety and security, and South Africa's 2030 maritime roadmap finds expression in normative linkages indicated in the road map's high-level objectives:[27]

- Objective 2. We have an enabling governance framework for the maritime sector by closing down jurisdictional gaps in law, protection enforcement and prosecution.
- Objective 4. We utilise our resources sustainably and protect our natural resources in the EEZ by research-driven conservation of marine resources and reducing pollution levels.
- We have national, regional and international presence and recognition to strengthen South Africa's position in the international maritime space.[28]
- Objective 7. We prioritise safety and security and military protection within and beyond our EEZ through innovative opportunities, collaboration with Africa, investing in safety and security, maintaining safety and security standards, technologies and research to promote safety and security.

A blue economic future: Raising the threshold for Phakisa

The rush to share in the economic potential of the oceans implies keeping in step with competitors who hold similar aspirations. Overall, one finds a propensity for some power grab to control marine resources for global objectives of feeding growing populations featuring alongside poverty reduction to ulterior motives claiming to save the environment.[29] Smaller debates feature on how ocean-related economic and environmental matters compete with 'blue grabbing', which potentially mitigates interests and rights of people. Capital growth still comes first and in the ensuing competition, ecological and social costs suffer.

Emerging research on blue growth and social impact is not yet widely known and/or convincing. Extraction and exploitation drives directed by own interests still appear to outmanoeuvre climate and conservation matters.[30] A win-win reality remains uncertain for climate investors and coastal communities as blue growth drives remain contested and exposed to trade-offs between capital for blue growth and that of unsustainable practices driven by big business and profits. Claims of a commitment to a blue economy require additional understanding of what is at stake. Engaging in an oceans economy founded on blue principles supposes different pathways demonstrating a greater responsibility to invest in the sustainability with a strong consensus on protecting the future.

South Africa shows a well-articulated commitment to develop its oceans economy. Turning to the imperatives of a blue economy, the latter is not explicit in South Africa's focus on the oceans economy. A search for blue economic commitments in Phakisa-related documents uncovers the absence of an overt blue economic rationale in the oceans leg of Phakisa. The following documents and reports on Phakisa lack explicit commitment or references to the pursuit of blue economic principles or practices:[31]

- the presidential address in Durban at the launch of Operation Phakisa dated 15 October 2014;
- the earlier-mentioned maritime road map (2016) to position South Africa as a recognised international maritime player by 2033;
- the Oceans economy Review Workshop of 15 October 2015;
- Operation Phakisa – 'Unlocking the oceans economy through aquaculture' dated October 2016;
- Operation Phakisa on South Africa's oceans economy in its advertising of facilities and capacities of South Africa as the top oceans economy on the African continent;
- Portfolio Committee Briefing: Feedback by the Department of Agriculture, Forestry and Fisheries (DAFF) on aquaculture of Operation Phakisa oceans economy dated 24 October 2017;
- Phakisa's Oceans Economy Summary Report dated September 2017; and
- An oceans economy and sustainability workshop (10 April 2018) although the workshop title suggested sustainability as the focus.

The collective drive to harness South Africa's ocean landscape and direct its economic potential towards better governance and supply of quality public goods to society is encouraging and on the surface well mapped, structured and located at the highest political office.[32] While the absence of explicit blue economy commitments remains an element of concern, the oceans sector of Phakisa continues to grow with 2019 being the time marker for a next review on progress and stasis by the Office for Programming, Monitoring and Evaluation in the Presidency.

Overall progress with Phakisa's oceans economy leg

The Department for Planning Monitoring and Evaluation (DPME) in the Presidency updates progress on Operation Phakisa with government departments and agencies responsible for different sectors of Phakisa's oceans leg. Departments of Transport, Minerals and Energy, Environmental Affairs and Agriculture, Fisheries and Forestry feature prominently, with the Departments of Defence and Safety and Security less prominent, but not unimportant. The latest updates show detail within the different initiatives as reported by March 2019. It is unclear whether the progress in fact reflects 2019 data, but from the available information one can discern progress and stasis.

Table 1. Progress report on Phakisa's oceans leg[33]

Work stream	Focus area activities	% completed	% on time completions
Aquaculture	1 742	37	18
Offshore oil and gas	288	97	20
Marine protection and governance	275	72	85
Marine transport and manufacturing	308	20	20
Coastal and marine tourism	117	32	32

Table 2. On marine protection and governance progress[34]

Initiative	Due activities	% completion of due activities
Accelerate capacity building	34	15
Enhance coordinated enforcement	56	89
Establish coastal information system for management	39	87
Oceans and coastal pollution monitoring	35	71
Marine Protected Area (MPA) representative network	25	80
MPA/Marine Spatial Planning (MSP) discovery, research and monitoring programme	30	57
Marine spatial planning	56	84

Tables 1 and 2 above indicate that the working streams (other than marine protection and governance, and oil and gas) are less successful although Pretorius reported in 2017 that, at the time, the oil and gas working stream was more successful than the rest.[35] Overall, the results in 2017 and the early data reported for 2019 both portray two successful working streams that do not augur well for Phakisa as a delivery mechanism for big and fast results in support of the NDP.

Security first: Reviewing safety and security indicators for South Africa's coastal waters

Phakisa's oceans sector requires a stable governance setting to fortify the exploration and utilisation of minerals, aquaculture, marine protection areas as well as fostering maritime commerce and manufacturing. South Africa's current maritime security governance profile appears to be stable given the perceived absence of piracy, robbery and attacks on vessels at sea or in anchorages. However, the scope of developments and contributions from ocean activities calls for closer scrutiny. A successful ocean-based economy rests upon safety and security, infrastructure, and dense but secured multi-use of marine and maritime resources all of which attract legitimate and illegitimate state and non-state actors in what Shemella calls the maritime violence ecosystem.[36] Attractive and growing economic opportunities in coastal zones (on and offshore) reinforce domestic and international migration patterns of people, business and related industries but unfortunately local, national and transnational criminal actors as well. Crimes with maritime tentacles grow with robberies at sea, human smuggling, stowaways, narcotics, black market activities, and international crime networks entering the landscape.

The Ibrahim Index on African Governance (IIAG) and the Stable Seas Index (SSI) offer a more nuanced outlook on the security landscape within which Phakisa resides. The IIAG sets South Africa's 2019 Landward Safety and Rule of Law count at 66,7/100. The count stems from indicators on Rule of Law (90,2), Transparency and Accountability (57,4), Personal Safety (33,5) and National Security (85,7). Overall governance for South Africa stands at 68/100 with Participation and Human Rights, Sustainable Economic Opportunity and Human Development being the other three measurement categories.

As for the focus upon economics – the IIAG reports as follows for South Africa. Overall, 65,1/100, and for the constituent indicators the counts are: Public Management 62,6 and Rising; Business Environment 67,6, but deteriorating; Infrastructure at 65,9 and slowing down and deteriorating, and the Rural Sector at 64,1 and bouncing back. The economic indicators appear average to good. Adding a successful and well-governed oceans economy to the mix could well foster even better economic prospects. When compared with the Stable Seas Index[37] for South Africa's overall 2019 maritime security governance, the count stands at 66/100, underpinned by the following counts:

Table 3. SSI counts for South Africa

International co-operation	94
Rule of Law	62
Enforcement	52
Coastal welfare	48
Blue economy	44
Fisheries	74
(Absence of) piracy	100
Illicit trade	44
Illegal mixed migration	74

Both indexes portray counts that support arguments for a relatively stable security environment to pursue marine and maritime-related objectives. The stability counts support the premise that a stable safety and security environment on land and at sea permits the pursuit of viable and constructive political, economic and social agendas.[38] The same premise applies for pursuing such agendas at sea.[39] For South Africa, landward security as it now stands, is not a key catalyst for insecurity at sea.

The safety and security conditionality portray concerns for South Africa's oceans initiative to bring its oceans economy to fruition. Although political expectations for Phakisa regarding growth, job creation and gross national product (GNP) contributions are optimistic, not all indicators support the optimism.[40] Transparency and accountability as well as personal safety and security indicators of the IIAG for South Africa show average counts. Deeper exploration of each highlight uncovers more concerns. According to the IIAG, Rule of Law is deteriorating, so is transparency and accountability. Personal safety achieved low and weakening counts. Only national security indicators in the IIAG show an improving trend.

Not all SSI counts augur well for Phakisa. For the blue economy, the absence of oceanic oil and gas discoveries is a major detractor given the disappointing progress in adding local oil and gas to its blue economy mix. On a positive note, Total's 2019 discovery of significant gas deposits south of Mossel Bay may alter this variable given a potential one billion barrels of wet gas.. The Total discovery could be a game changer in the country's oceans economy that suffers from the absence of energy-based contributions to the mix.[41] The tourism count is average, and is suppressed by a perceived tourism–climate change nexus impacted by doubt about South Africa's capacity to deal with climate change while crime levels on land add to lower tourist counts. Illicit trade in South African waters portrays negative counts informed by unsatisfactory countering of smuggling in wildlife and black market pharmaceuticals. Maritime enforcement falls victim to the imbalance between territorial size, coastline length and assets in order to police such a large geographic maritime territory. For mixed migration, maritime

trafficking in young men gang-pressed into the fishing industry is a concern and militates against the encouraging counts of other indicators. As for stowaways, Protection & Indemnity insurers for example flagged South Africa (Durban in particular) as high risk with a growing and disturbing number of stowaways found.[42] Collectively, enforcement, illicit trade, migration and stowaways highlight security governance, or some voids in the overall governance architecture.

Environmental concerns: Prioritising environmental governance in support of maritime security

Environmental sustainability dovetailing with stakeholder interests is vital to promote a healthy and productive ocean ecosystem. Practices that do not conform to the blue and green economy concepts promote uncertainty about sustainable and responsible extraction of living and non-living resources. National interests driven by oceans grab, the oceans as business, and capital open for exploitation by all sit uncomfortably alongside responsibility, conservation and restoration of ocean resources as underlying notions of a sustainable economy. South Africa must heed the international shift in how to harness the full potential contained in the country's marine-based economy, but in a responsible and sustainable manner. Bringing in sustainability and responsibility envisages:[43]

- social and economic benefits for future generations;
- restoring, protecting and maintaining natural capital vested in ocean landscapes; and
- clean technologies, renewable energy and circular economy principles.

The task of developing an overarching, integrated ocean governance framework for the sustainable growth of the ocean economy falls under the Marine Protection Services and Ocean Governance working streams. Several initiatives were set out and eventually achieved, albeit not all on time, or in progress:[44]

- Development and implementation of an overarching governance plan by March 2015. The plan entails the protection of the ocean environment against illegal activities and to promote its multiple socio-economic benefits with results by 2017.
- The delivery of a National Marine Spatial Planning Framework in order to enable a sustainable ocean economy by December 2015.
- Progress on working towards an Oceans Act and a draft Oceans Bill in 2015. The Oceans Act will provide a clear foundation for marine spatial planning.

Turning to the economic value chain of the oceans, Phakisa's architects in fact claim to promote responsible and sustainable ocean use as opposed to unmitigated and destructive ocean exploitation.[45] This stands in contrast to the "brown business as usual model"[46] of free extraction and waste dumping without due consideration of its impact. With the South African Department of Environmental Affairs (DEA) as the lead de-

partment for security and governance within the maritime leg of the Operation Phakisa programme, a symbolic emphasis on concerns with environmental caution appears to have taken root. Findlay, however notes that the delivery areas still resort under their functional government departments.[47] This risks dysfunctional national departments, interdepartmental tensions and eventually neglect and/or ignorance of the objectives to sustain growth and to maximise socio-economic benefits and environmental protection at sea. Crucial to environmental concerns are matters that endanger or pressure notions of prevention, sustainability, healthy productive oceans and preserving the oceans for future generations. The latter requires operational governance capacities to enforce sustainability and environmental protection. This is perhaps the single most important vulnerability in terms of not moving from statements of intent to actions.

Policy documents commit state departments and agencies of Phakisa to the environment–sustainability nexus through the National Framework for Marine Spatial Planning in South Africa (of 26 May 2017), and Marine Protected Areas (MPAs) with 22 MPAs set out under Phakisa's MPA network. The MPAs entail a holistic approach to lower the impact of industrialisation of the ocean and not only conservation of fish and other living organisms. The MPAs do not provide for some critically endangered species, although they hold indirect advantages related to tourism, social upliftment, education and cultural as well as historic preservation. A further concern is weak enforcement and governance in terms of ensuring environmental protection and its sustainability nexus.[48] Uncertainty remains whether the practical execution conforms to the blue concept as the review workshop document of 15 October 2015, for example, reflects no reference to sustainability in the execution of the Phakisa programmes, neither does the presidential feedback of 8 April 2016. Both report on hard challenges of infrastructure progress, outputs and investments that accentuate the oceans as good business akin to oceans grab.[49] This casts uncertainty over the aquaculture, offshore oil and gas, marine protection and governance, marine transport and manufacturing, coastal and marine tourism, small harbour and coastal land development sectors residing within the oceans economy lab of Operation Phakisa with the state departments mentioned earlier as the responsible executing agencies.

Government's fixation with extraction from and transport via its ocean lines of communication contradicts declaratory commitments to protect the environment.[50] Environmental protection is the difficult ambit of using the oceans for wealth creation and public service delivery. Lowering of standards to protect the environment does little to instil confidence that Phakisa's oceans focus prioritises environmental concerns.[51] It is not geographically defined or containable within the national ambit to prevent or control, but rather networked into international co-operation and thus partially in the foreign policy field. Similarly, global trade, lower Foreign Direct Investment, glut of shipping capital, and commodity price volatility all influence and make for uncertainty about the predicted success of Phakisa's oceans economy. In essence, the pace and projections of what the turn to offshore assets offers to grow the economy and address socio-economic threats and vulnerabilities, are set within an international system that too often opposes Phakisa's imposed optimism.

Finally, Phakisa's oceans focus faces growing resistance to exploiting natural capital as contained in the ocean's resources and inherent natural contributions to regulate climate. Short-term economic and political gains under the banner of growth and service delivery have to contend with growing societal opposition to encroachment upon environmental concerns.[52] Mineral exports through shipping and oil and gas extraction underpin Phakisa's success, but these sectors operate under conditions of uncertainty and increasing environmental scrutiny. Unfolding corruption and state capture revelations involved in megaprojects, such as Phakisa, are a real and dangerous concern with Southwell describing this as pollution of South African politics and the seas.[53] It remains to be seen whether Phakisa escapes the vast state capture and corruption networks now being uncovered by the Zondo, Nugent and Mpati Commissions of Inquiry.

Capacity to maintain the rule of law

Shemella distinguishes between capability and capacity where the former supposes an entity or agency is able to do something once, while capacity supposes employment of a certain capability in a repeated and consistent manner over time to achieve a set outcome.[54] The capacity to extend maritime security governance entails a comprehensive set of activities to root out or mitigate even minor transgressions at sea alongside major threats from terrorism, piracy and transnational crime syndicates. Particular threats listed by Phakisa's marine protection and governance leg are marine protected species in MPAs, illegal fishing, prevention of and combatting pollution, piracy and human trafficking, effluence discharge and waste dumping at sea.[55]

The South African Police Service (SAPS) has a sea border unit, but one almost devoid of capability or capacity to operate beyond South African harbours in spite of its obligation to police territorial waters up to 12 nautical miles (nm). By February 2018, SAPS still had no operational sea-going capability to deal with threats from the sea within its area of responsibility and through its sea border unit beyond proposals on how to police harbours – small harbours in particular. Fact remains that any threat from the sea beyond harbours had become the de facto responsibility of DAFF with one offshore and three inshore protection vessels dedicated to fisheries protection and vessels of the SA Navy.[56] Leaving aside some progress in acquiring new navy vessels for inshore patrolling and hydrographic services, no credible capacity-building programme is visible to support Phakisa's oceans leg at sea with enforcement.[57]

Physical prevention and enforcement must align with governance through oversight of how departments execute policies and implement strategic plans. Several departments are involved in the different growth and delivery areas presuming departmental oversight, including parliamentary oversight. South Africa's political governance is currently entwined in clientism, corruption, mistrust and ad hoc arrangements that cloud the turn to an oceans economy – which is firstly a political project of the ANC government.[58] The Departments of Agriculture, Forestry and Fisheries,[59] *of* Minerals and Energy, *of* Transport, *of Environmental Affairs* and of Defence and Police all constitute responsible departments within the Phakisa ocean economy leg that resort under oversight committees of the SA parliament. All are monitored as Phakisa cannot

proceed unchecked and override caution for the sake of commercial exploitation. One perception that remains is that Phakisa's oceans drive is about corporate profits to the detriment of people, the environment and sustainability, and possibly already a victim of state capture[60]

Mapping progress and stasis in Phakisa's oceans sector

Turning to the oceans as demonstrated by Phakisa's oceans programme is encouraging. Supported by a roadmap leading towards 2030 to position South Africa as an internationally recognised maritime player, this augurs well for the future. Both initiatives set the country within the oceans debate and imply that South African decision-makers must negotiate the interplay between international dialogue and practical service delivery to its citizens.[61] In essence, this is about thinking about a different problem setting, which includes mastering ocean debates and practical contributions, ways to adjust existing structures and collaborate with multiple stakeholders to turn from declaratory statements to operational matters, and ultimately outputs as service delivery of public goods.

In spite of criticism, the oceans focus continues, and Phakisa draws in initiatives that prefer to be associated with Phakisa. As a conceptual umbrella, Phakisa's oceans programme stimulates a latent economic landscape with much potential, but it is weakly utilised, regulated and protected. It is thus a question of whether the South African government can unlock the ocean's potential by negotiating the required partnerships, bureaucratic obstacles and reigning political weaknesses of questionable governance architecture. International engagement is key and explicitly mentioned in the 2018–2019 Strategic Plan of the Department of International Relations and Cooperation (DIRCO) to engage international partners in the furtherance of the oceans economy.[62] A simultaneous requirement stems from setting up local public–private partnerships (PPPs) to augment the narrow government and semi-state profile of Phakisa's current approach to unlock the country's oceans economy.

As a normative framework, Phakisa's oceans focus is inclusive and maps out clear outcomes.[63] From the outset, government cultivated active participation by diverse actors – government, non-governmental, industry and academia – to bring about the attributes of clustered governance.[64] Declared but questioned support by a secretariat and inter-ministerial committee promises to consolidate management as opposed to scattered or fragmented management of individual departments.[65] While the presidency reports on progress and departments concentrate on their designated delivery areas, the inter-ministerial committee consolidates the overall effort as a vertical conduit for the national departments and their agencies. Phakisa also advances human capacity development, job creation, research, technology and innovation that collectively hold potential to promote ocean governance.[66]

On a more cautionary note, big, fast results from South Africa's drive to bring its oceans economy into line, are not running smoothly. First, a general analysis questions the use of the the Malaysian model as it does not translate to a good fit. Upon closer scrutiny, the designated governance modes of efficiency presumed by the Malaysian

model diverge from South Africa's governance sector, which is increasingly characterised by corruption, and personalised institutional ravages taking their toll. Governance structures have become ineffective in too many critical areas related to Phakisa's departmental-based oceans sector to set in place capable steering committees and overcome legislative obstructions.[67] The extent to which Phakisa rests on big, fast results through a competent public sector, South Africa's failing public governance is of great concern.[68]

Slow policy development, a lack of leadership, weak institutional arrangements, and weak stakeholder communications could well weaken interest in the Phakisa project. This is supported by limited progress in all the areas with the oil and gas working stream perhaps the exception. Slow progress with aquaculture, protection and governance, transport and manufacturing makes for pessimism, given their limited or less than encouraging on-time achievement of their objectives.[69] Together with political and extensive bureaucratic problems, Phakisa could well render an unattractive business environment for local and international private partnerships, particularly the absence of integrating Phakisa more aggressively into foreign policy initiatives. Developing a secure and growing oceans economy requires public–private ventures at home and with international business entities, as well as governments, elements still showing room for improvement within the Phakisa ambit.[70] Their absence points to a probable loss of confidence in working with South Africa in general and within the oceans economic sector in particular. Underlying this is the failure of South African government departments and bureaucrats to attract and orchestrate such co-operation in the upcoming field of oceans governance and the blue economy to interface the country's oceans economy more fully with the country's landward economic fabric.

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[28] Although an SADC (Southern African Development Community) maritime security strategy (confidential) is in place since 2011, reality leans towards co-operation with international (non-African) partners on maritime security and related affairs. This leaning is visible in annual or biannual maritime exercises with Brazil, China, France, Germany, India and Russia, but not with SADC or African partners.

[29] Barbesgaard *op. cit*., p. 130.

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[31] Department of Monitoring, Planning and Evaluation. “Oceans Economy Lab”. N.d. <https://www.operationphakisa.gov.za/operations/oel/pages/default.aspx> Accessed on 11 December 2019.

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[33] *Ibid*.

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[67] Pretorius *op. cit*., p. 54.

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SOUTH AFRICAN MARITIME FOREIGN POLICY: RETHINKING THE ROLE OF THE SOUTH AFRICAN NAVY

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Abstract

The military is one of the instruments that states use in the implementation of foreign policy within the security domain. As an arm of service, the South African Navy is the instrument of implementation of foreign policy in the maritime domain, playing a role in maritime safety and security as well as environmental protection.[1]

Although the concept of a maritime foreign policy is not defined in the literature, Van Nieuwkerk and Manganyi[2] propose a working definition in this publication and it is against the background of this definition that the article reports on the traditional roles and classification of navies against the practical reality of an evolving maritime security context. The discussion then turns towards the maritime threats specific to the Southern African Development Community (SADC) while considering South Africa's importance within the region and consequent maritime security responsibility. Considering the SADC Maritime Security Strategy and South Africa's response to maritime insecurity, the study on which this article reports, questioned whether the South African Navy is in fact equipped to deliver on South Africa's maritime foreign policy in its current de facto role of maritime diplomacy.

MARITIME SECURITY: ROLES AND CLASSIFICATION OF NAVIES

The numerous frameworks within which navies function and the divergent roles they play within a foreign policy framework depend largely on the maritime security context within which they function. This section discusses a matrix for maritime security, considering the various naval functions and their consequent classification.

A matrix for maritime security

Bueger[3] examined the definition of maritime security and provides a maritime security matrix, which specifies different dimensions for the maritime security concept. In this approach, maritime security is placed in the centre of the matrix with national security, the marine environment, economic development and human security as the outer functions in order to maintain good order at sea. The elements of sea power, marine safety, blue economy and human resilience underpin these functions and direct the tasks or functions of maritime forces.

Since maritime security defies definition, the matrix in Figure 1 below should be seen as an analytical tool used to understand the functions and interrelatedness of the different concepts and actors in this environment. One could therefore analyse the roles and functions of navies and coastguards in terms of the matrix by determining its focus on and actions against maritime security threats, such as accidents, pollution, smuggling, terrorist acts, arms proliferation, interstate disputes, human trafficking, piracy and illegal, unreported, and unregulated (IUU) fishing. The matrix focuses on the holistic nature of maritime security.

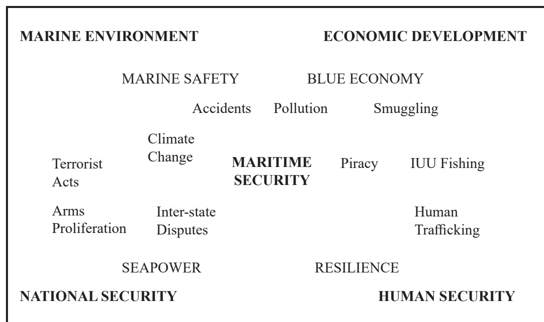

Figure 1: Maritime security matrix[4]

Naval functions

As instruments of foreign policy within the Bueger matrix, Booth[5] (augmented by James Holmes[6] and Ben Lombardi[7]) describes the functions of the navy as a trinity where the use of the sea is seen as the binding factor. The three sides of the trinity elucidate the three functions or roles of navies as military, diplomatic and policing, thereby providing navies with their purpose. Figure 2 graphically depicts the trinity of functions, which are analysed below.

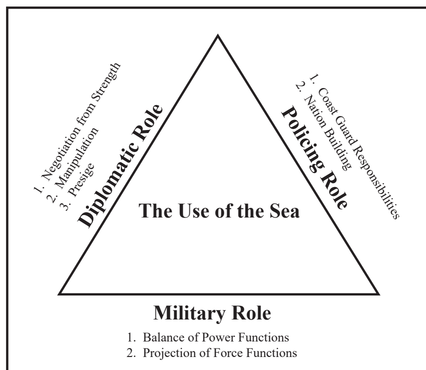

Figure 2: Booth's roles of navies[8]

The *military role* at the base of the triangle is symbolic of the military character of its primary role, providing navies with the ability to threaten or use force thereby giving substance to the other (secondary) roles. The *diplomatic role* supplements foreign policy short of the actual employment of force, strengthening a nation's position in particular situations or in general international dealings. The *policing role* relates to the enforcing of sovereignty over the state's own maritime frontiers and is not normally concerned with the armed forces of another state.

Booth emphasises that the different sides of the triangle do not denote equal importance. Different states will confer more importance to each function depending on their own maritime challenges and interests.

Military role

The military role, as the primary role of most navies, comprises both peace and war operations. Manganyi[9] divides this military role into two categories. He refers to combat operations at sea (which includes functions, such as intelligence gathering, surveillance and interdiction) and combat operations from the sea where the navy provides amphibious operations and gunfire support. Navies capable of fulfilling this role would also be able to fulfil its policing role.

Policing role

In its broadest sense, the policing role refers to coastguard responsibilities and nation building. This function or role mainly takes place within territorial waters and broadly relates to the maintenance of public order. It is generally accepted as military aid to civil authority.

Coastguard responsibilities are the most important aspects of policing and comprise the defence of sovereignty, the protection of resources in the adjacent areas as well as the maintenance of good order at sea. These responsibilities do not fall within the exclusive purview of navies and states may task any separate maritime authority, the navy or a combination of these for fulfilment of these responsibilities.

Nation building relates to the use of naval forces in internal stability during natural or political turmoil. Although not prevalent, navies could make useful contributions during natural disasters or civil turmoil, and play a limited role in modernisation in some developing countries.

Although Booth contends that the policing role will never be an important mission to blue water navies, more than one third of the world's navies, coastguards and nation-building responsibilities are primarily focused on this function. For most other nations, such as South Africa, who do not foresee an external maritime threat or who lack the capacity to combat such threats, the secondary role of policing becomes one of their navy's major roles. Such nations thus depend on international stability for the defence of their maritime zones.

Diplomatic role

Historically, this role has been an important one for major navies and has evolved into a variety of tasks. These tasks range from those with implicit or explicit coercion (negotiation from a position of strength) to those promising reward (naval aid) and those improving relationships (influence and prestige). The main functions of the diplomatic role are negotiation from a position of strength, manipulation and prestige. Considering its participation in bilateral and multilateral maritime exercises, this has become the major role of the South African (SA) Navy, overshadowing the military and, arguably more relevant, policing roles.

Other views on naval functions

Feldt[10] analysed the maritime domain from a civil-military perspective and defines the roles of navies in relation to maritime defence and deterrence, crisis response, naval diplomacy and maritime capacity building. He contends that specific naval roles would cover the entire spectrum from low intensity to war-fighting tasks.

Leadmark[11] extensively elaborates on the roles of navies by drawing from both the Booth model and the Grove[12] classification of navies, expanding the Booth diagram to reflect the following:

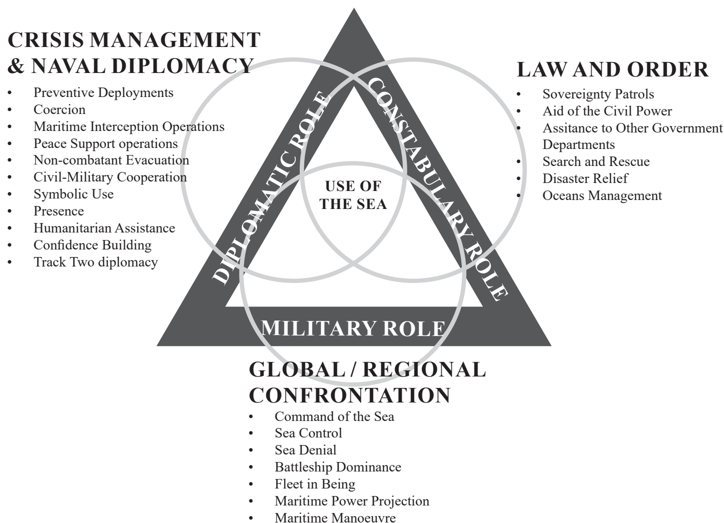

Figure 3: Leadmark maritime security matrix[13]

These varied roles and functions of navies provides a framework for classifying navies. The next section discusses the current maritime security situation in the Southern African Development Community (SADC) region, focusing on a selection of threats to good order at sea and the responses by specifically the SA Navy as arguably the only credible naval force in the region[14].

MARITIME SECURITY IN THE SADC REGION

This section will elucidate the current maritime security situation in the SADC region by highlighting the threats experienced, the continental and regional strategic initiatives to counter such threats as well as the unilateral and regional actions taken by the SA Navy to mitigate the threats.

Maritime threats to SADC

Due to its geographical location and perceived capacity, South Africa is regarded as an important role player in SADC maritime security. Maritime threats of SADC can thus conceivably be seen as maritime threats of South Africa, with South African foreign policy consequently influencing what is happening in the SADC.

Good order at sea requires the creation of collaborative maritime security architectures to allow the conduct of free trade in a safe and secure environment, allowing the blue economy to flourish. This architecture strengthens maritime institutions, enabling such institutions to regulate the fishing industry better, enhance actions against illegal acts such as piracy, smuggling, illicit trade and cross-border crime, combatting environmental threats such as plastics pollution, as well as ensuring safe navigation of shipping.[15]

Piracy and armed robbery

Whilst a lack of maritime domain awareness increases the likelihood of piracy incidents, the notoriously rough seas and inhospitable coasts in the SADC area of operations inhibit such incidents.[16] Incidents of piracy or attempted piracy and armed robbery at sea are however not new to SADC waters. This is clearly illustrated by the 2010 attacks on two fishing vessels close to the coast of Mozambique as well as reported failed incidents off the coast of Beira.[17] On the west coast of Africa, the oil tanker MT *Kerala* was hijacked off Angola in January 2014, and returned one week later after diesel worth around US$8 million had been stolen, raising concerns of piracy and armed robbery at sea possibly spreading southward from the Gulf of Guinea.[18]

Maritime terrorism

The relative prosperity and weak institutional systems of the SADC region create an attractive environment and target for transnational terrorist groups. The threat of global terrorism in Southern Africa is a further matter of concern due to the known connections between this region and terrorist activity in Africa and beyond. Long and porous borders exacerbated by weak governance, the growing radicalisation of the Southern African migrant populations as well as the local Muslim communities can be seen as contributing factors of a climate conducive to international terrorism and spill-over effects that, although more landward focused, do not exclude the sea.[19]

Trafficking and smuggling

The SADC region is prone to human trafficking due to the vulnerabilities created by war, poverty, absence of facilities for health and education, gender and economic inequality as well as unemployment.[20]

Mozambique and Angola have been identified as two major trafficking hubs in the SADC, with human trafficking in Madagascar increasing significantly since 2009, mainly due to the political crisis in the island nation.[21] Tanzania has further been identified as one of the five leading conduits for illicit drug trafficking in the region; the others being Mozambique, South Africa, Namibia and Angola.[22]

The absence of adequate patrol capabilities in harbours and coastal waters of the SADC will exacerbate the occurrence of human and other trafficking or smuggling. Traditionally considered a landward threat, countries have only recently turned their attention offshore. In this context, Mozambique has signed an agreement in September 2013 to purchase six patrol and interceptor vessels for its navy designed for anti-piracy and anti-terrorism activities and countering illicit trafficking.[23]

Illegal fishing and poaching

Fishing provides a major source of protein to the continent, and any threat to the sector will be a major threat to the food security on the continent as a whole.[24] Statistics indicate that South Africa, Angola, Namibia and Tanzania are the major actors in this sector. While the Tanzanian growth can be attributed to the scale of the tuna industry in the Indian Ocean, the sectors in South Africa, Namibia and Angola are all positively influenced by the rich supply of fish in the cold Benguela Current on the west coast.[25]

The IUU fishing in the region has been influenced by the decimation of the Patagonian tooth fish stocks in the Southern Oceans since 1998, the use of gill nets in the coastal waters of mainly Mozambique for sharks, fishing far beyond the mandate of allocated quotas, and the use of illegal gear, such as fine mesh nets and even dynamite. The effect of IUU fishing in the region can be felt in the economic, ecosystem and social spheres.[26]

Due to the nature of IUU, it is extremely difficult to obtain accurate information on any such activities. The annual loss associated with IUU in the SADC is estimated at approximately US$50 million for Angola, US$40 million for Mozambique and US$37 for Madagascar. While statistics for South Africa and Namibia are not readily available, it is agreed that the loss would be worse than in the remainder of the SADC member states.[27]

Inefficient and insecure commercial ports

The maritime sector plays a major role in the economic well-being of all littoral countries and significantly influences the economies of landlocked countries as well. Problems experienced at any of the ports of the region would have a negative effect on the economies across the region. Some of the identified threats to port security are: theft and hijacking of ships or service vessels, use of ships to transport illegal goods

or persons, blockage of the port, and the use of ships tied up alongside the harbour as weapons.[28] More than 65% of attacks against ships take place while they are at anchor in or alongside any given port, encompassing acts of corruption (including extortion and collusion with criminal elements) and sea robbery. These very acts need to be curtailed in order to ensure adequate port security.[29]

Continental and regional strategic initiatives

The Brenthurst foundation postulates that maritime security is a key component of collective security which directly affects economic prosperity[30]. Kornegay similarly states that the range of maritime security challenges and its international implications should focus the attention on a continental and regional approach to address the interregional and continental maritime challenges around the coast of Africa[31]. No one country can thus tackle maritime security on its own. What is needed in this regard is continental and specifically regional direction and cooperation.

Africa's Integrated Maritime Strategy 2050 (AIMS 2050)

AIMS 2050, adopted by the African Union (AU) in 2012, recognises the vast potential for wealth creation in the maritime domain for the continent, that all member states have common maritime challenges, opportunities and responsibilities, requiring the requisite political will for implementing a common strategy. An AIMS 2050 Task Force was created in 2011 with the task of establishing a Department of Maritime Affairs (to develop and coordinate all policy implementation). Each regional economic community (REC) within the AU is also required to have a focal point and to establish a steering committee as well as develop an evaluation and monitoring tool.[32]

AIMS 2050 further charges the RECs to "develop, coordinate and harmonise policies and strategies and improve African maritime security and safety standards as well as the African maritime economy.[33]

The SADC Maritime Security Strategy

Due to its geographical position on the Cape sea route linking the Atlantic and Indian oceans, the South African economy relative to that of other SADC states, its maritime infrastructures and its capacity to deal with maritime security challenges, make the country the ideal candidate for taking the initiative in responding to challenges to good order at sea within the SADC region. South Africa therefore took the lead in developing an SADC maritime security strategy, endorsed by the SADC Organ on Politics, Defence and Security[34], on 14 June 2011. The SADC maritime security strategy to counter maritime insecurity in SADC's Indian Ocean region focuses the strategy on the elimination of piracy in the SADC's Eastern Indian Ocean. The strategy has not yet been released publicly but cites three priorities: the eradication of Somali piracy in Southern Africa; securing the west coast of Southern Africa; and securing Southern Africa's vast rivers and lakes.[35]

The strategy could be seen as 'South Africa-driven' and reflects mostly South African interests while highlighting the country's dichotomy in the region – balancing South Africa's geo-strategic motives as self-appointed rescuer in the region while not adequately addressing domestic challenges in respect of other maritime security issues, such as trafficking, IUU fishing, environmental protection and disaster response.[36] Although the SADC maritime security strategy is titled "maritime security strategy", it does not adequately address the whole ambit of maritime insecurity and may thus be insufficient to deal with the holistic concept of good order at sea.[37] The execution of the strategy resulted in the formation of a SADC maritime task force (Operation Copper), which focused almost exclusively on anti-piracy operations.[38]

South African responses to maritime insecurity

The maritime security dimension of South Africa's foreign policy relates to good order at sea in order to support the blue economy so as to achieve socio-economic development, and is operationalised through Operation Phakisa.

Maritime policy and strategy

Although South Africa took the lead in developing the SADC maritime security strategy, the country does not have an integrated national maritime security policy or strategy of its own. Despite numerous attempts to develop such a policy or strategy and general consensus that a coherent national-interest framework is required in order to take a proactive stance in maritime security affairs, neither an integrated maritime security policy or strategy has ever been implemented officially. Instead, various government departments have developed their own policies and strategies.[39]

Maritime border safeguarding

The South African Defence Review 2014 states, "South Africa's borders and strategic installations will be safeguarded[40] by the Defence Force in conjunction with other Departments". It further states, "Defence will assume full responsibility for land, air and maritime border safeguarding" and that "[t]his will be pursued with Defence leading all collaborative efforts concerning safeguarding on the border-line[41] and the immediate rear areas."[42] This is a fundamental departure from the Defence Review of 1998, in that in this latter review, the responsibility for border safeguarding was allocated to the South African Police Service.

Maritime border safeguarding is currently conducted by the South African National Defence Force (SANDF) under the auspices of Operation Corona, which plans and conducts land, sea and air border-line safeguarding as a component of the defence of the territorial integrity and sovereignty of the Republic of South Africa, the domestic layer of defence in the layered defence concept of the SANDF.[43] The maritime border safeguarding concept for the short and medium term focuses on deterrence and the enforcement of state authority at sea from the territorial sea out to the exclusive economic zone and later to the extended continental shelf. This will be done through the ad hoc deployment of naval and air assets supported by Maritime Domain Awareness

(MDA). The concept also sanctions the ad hoc deployment of maritime surface and air assets into adjacent waters of Namibia and Mozambique during approved multinational operations to extend deterrence beyond South African waters and to enhance MDA.[44]

Although the border safeguarding concept prescribes collaboration with other government departments and agencies, of which 18 departments and agencies bear responsibility for some form of border control or another, many academics and security practitioners believe that mere co-ordination between departments and agencies is not sufficient, and have been calling for a more integrated approach to border safeguarding.[45] Consequently, a border management authority (BMA) was created to house all border functions under one entity, headed by the Department of Home Affairs. Although this may be seen as a step in the right direction, the proposed BMA has not been welcomed by other government departments responsible for certain border management functions. Arguments range from a too broad mandate to what is regarded as an interference with the constitutionally mandated function of the South African Police Service (SAPS). The Bill to establish the BMA has been languishing in the parliamentary process for nine years, with departmental infighting hampering its successful implementation.[46] The establishment of the BMA might have a major influence on the roles and responsibilities of the SAPS, the SANDF and the SA Navy in particular. As it is envisaged that the BMA will function as a separate armed service, the extent of the influence will depend on whether the BMA will remain responsible for ports of entry only, as speculated, or whether it will assume responsibility for patrolling all borders, including the maritime border up to the extent of the exclusive economic zone (EEZ).[47]

Maritime domain awareness (MDA)

MDA is a crucial component in the concept for maritime border safeguarding and maritime defence. To this end, the SA Navy is in the process of establishing Maritime Domain Awareness Centres (MDACs) in Durban and Cape Town respectively. These MDACs will eventually link with Maritime Security Centres (MSCs) that are being established in Tanzania and Mozambique. MSCs are also being established in Angola and Namibia, but are not yet linked, with Botswana, Lesotho, Malawi, Zambia and Zimbabwe having established operational frameworks to facilitate the necessary links with MDACs and MSCs.[48]

Various other government departments and agencies in South Africa possess databases, information centres and coordination facilities that are relevant to MDA. Although these departments and agencies are linked and share information to some degree, there is no formal process to fuse the information and data, or to do integrated analyses regarding possible threats and risks.

Memorandum on tripartite maritime security

A memorandum of understanding (MoU) on maritime security co-operation between South Africa, Mozambique and Tanzania was signed in February 2012 in an effort to secure sea borders and tackle the problem of maritime piracy. It was believed that this effort would also reduce trafficking and illegal fishing. It allowed for multifaceted

maritime security operations, such as information sharing, surveillance, conducting joint military exercises and operations, patrolling, hot pursuit, arrest and search and seizure.[49] Tanzania withdrew from the MoU early in 2013, while Mozambique continued to provide personnel on board SA Navy ships involved in Operation Copper.[50]

Search and rescue (SAR)

A multilateral agreement between South Africa, Madagascar, the Comoros and Mozambique, signed in 2007, makes provision for co-operation in SAR in areas adjacent to the coast.[51] The main Maritime Rescue Coordination Centre (MRCC) for Navarea VII is in Silvermine with sub-centres in Walvis Bay, Durban, Dar es Salaam and the Seychelles. The responsibility regarding the international convention for the safety of life at sea (SOLAS) is associated with the Department of Transport (South African Maritime Safety Authority [SAMSA]) in South Africa with the department having a permanent seat at the International Maritime Organisation (IMO) There is however no coordination with the South African National Hydrographic Organisation (SANHO). It would seem that the regional coordination is problematic while international co-operation is very successful.[52]

Promoting safe passage

As a member of the International Hydrographic Organisation (IHO) since 1951, SANHO has been tasked with the charting of region H (a large ocean area around Southern Africa stretching all the way to Antarctica), contributing to charting for region M (Antarctica) and coordination of maritime safety information. South Africa drew up a hydrographic co-operation plan for the Standing Maritime Committee of the SADC, which is currently in force, and urged member states to apply for membership of the IHO.[53] The Southern Africa and Islands Hydrographic Commission (SAIHC) was established in 1996 with SADC members being members or associate members. The aim of the SAIHC is to improve hydrography in the region with the focus on capacity building. In the SADC maritime area, South Africa produces hydrographic information for Namibia and its own shores, while Portugal covers Angola, France covers Madagascar, India covers the Seychelles and the United Kingdom covers Mozambique and Tanzania. Mozambique has a very small hydrographic office, but has no production capability.[54]

Exercises and symposia

In its maritime diplomacy role, South Africa participates in a number of maritime exercises. Interop East/West is held annually along the coast of Africa. Although initiated by South Africa, all SADC member states are encouraged to send representatives. The exercise focuses on search and rescue, ship safety exercises, seamanship and joint and multilateral co-operation. Exercise Good Tidings, an exercise in riverine operations, was held in Malawi in September 2011 with further similar SADC-sanctioned exercises scheduled in other member states annually. The SA Navy participates biannually in Exercises Ibsamar (India, Brazil and South Africa) and Atlasur (South Africa, Argentina, Brazil and Uruguay). These exercises facilitate interoperability, enhance readiness and develop doctrine, tactics and operating procedures. Plans are at an advanced stage to

invite navies on the African west coast to Exercise Atlantic Tidings, which would run parallel with the aforementioned exercises. As part of the Standing Maritime Committee of the SADC, the participating countries discuss force support co-operation plans, naval training co-operation plans, hydrographic co-operation plans and naval coordination and guidance of shipping co-operation plans.[55]

The need for a maritime platform to raise and discuss maritime issues common to Africa led to the Seapower for Africa Symposium (SPAS) concept, initiated by chiefs of navies of Ghana, Kenya, Nigeria and South Africa in 2003 at an International Sea Power Symposium in Rhode Island, USA. The first such symposium was held in Cape Town in August 2005 where 23 African nations attended with subsequent symposia held in Nigeria and planned for the rest of Africa. The common themes discussed at these symposia are:

- charting Africa's maritime zones;
- piracy and maritime crime off the coast of Africa;
- patrol and control of Africa's vast maritime hydrocarbon resources;
- controlling Africa's maritime choke points;
- enhancing African maritime regional maritime co-operation: areas of scientific and technology support; and
- maritime, inland waters and riverine disaster management.

The SPAS identified:

- a need for structured continental and regional co-operation to address matters of maritime security and governance;
- the need to maximise potential areas of continental and regional co-operation;
- the requirement to establish continental and regional agreements, arrangements and capabilities;
- the inclusion of all landlocked countries in deliberations; and
- the need to capacitate and support the Maritime Office of the AU.

In order to realise the above themes, the SPAS identified:

- the need for the generation of a comprehensive maritime security policy for Africa;
- the recognition of the importance of collective continental and regional ownership and support of all issues pertaining to maritime governance;
- the requirement for the harmonisation of laws, policies and institutions to facilitate efficient co-operation and collaboration in pursuit of ensuring maritime security continentally and regionally; and
- the need to explore the legal framework as a method of providing mechanisms of co-operation.

The overriding obligation was placed on all African countries to bring to the attention of their people and their governments the critical importance of the maritime domain to their economic well-being.[56] In spite of the importance of the SPAS concept, it lacked longevity and has since become dormant. Revival of the concept may prove critical in securing long-term maritime security for Africa and its regions.

The numerous documents and strategies discussed, and the functions and roles contained therein are necessary for the protection of South Africa's maritime interests as reflected in Van Nieuwkerk and Manganyi's definition[57], thereby informing South African maritime foreign policy. The discussion now turns to the question whether the SA Navy, as an instrument of maritime foreign policy, is in fact equipped to deliver in its current format and function, interrogating the utility of navies and coastguard functions. The complexity of maritime security coupled with a lack of capacity challenges any African state in securing its maritime domain on its own. Consideration is given to the need for regional co-operation in pursuit of its delivery on maritime foreign policy.

RETHINKING THE ROLE OF THE SOUTH AFRICAN NAVY

As far back as 2009, Vogel[58] identified the increase in security threats in the African maritime domain, exacerbated by the misalignment of the security structures on the continent. He contends that intergovernmental partnerships as well as the establishment of a coastguard function would be required to address the issue adequately. He proposed five dimensions that differentiate coastguards from navies (summarised in Figure 4). The final column denotes the current situation in Africa, highlighting the fact that most of the maritime forces or organisations relate more closely to coastguards than to navies. In his analysis of the current maritime security situation in Africa, Vogel recommends that assets need to be matched to needs, inter-ministerial collaboration needs to be enhanced, and nations need to engage in effective capacity building in the maritime domain.

	Coastguard	Navy	African maritime forces
Missions	Maritime safety, law enforcement, environmental protection, and border security within EEZ	War, international sea lanes, and foreign policy on high seas or outside of national boundaries	Primarily maritime safety, law enforcement, environmental protection, and border security within EEZ, some foreign policy and peacekeeping abroad
Assets	Tugs, patrol cutters, aids to navigation, harbour patrol and other small boats, fixed and rotary wing aircraft for search and rescue, interdiction	Amphibious landing ships, surface combatants, vessels for aerial warfare, submarines, support vessels	Hodgepodge of donations, corvettes, small patrol boats, some amphibious landing craft, and submarines

	Coastguard	Navy	African maritime forces
Bureaucratic affiliation	Various: homeland security, department of fisheries and oceans, ministry of infrastructure and transport	Ministry or department of defence	Ministry or department of defence
Training	Operations of assets, coastguard missions	Operation of assets, war	Operations of assets, war
Partnerships	National (judicial, fisheries, ports, etc.)	Military (army, air force, etc.)	National (judicial, fisheries, ports, etc.)

Figure 4: Navies vs coastguards (African realities)

Paleri posits that coastguards exist to secure the maritime domain through functions not primarily related to war. While navies conduct combat in war situations, coastguards perform in "other than war" situations by enforcement and services in the interest of the country inside the maritime zones. The coastguard can be classified as an armed force with powers of law enforcement but it cannot be classified as a combat force. They are mandated to serve the maritime community with its authority embedded in the mandate.[59]

In South Africa, the Department of Defence indicated in 2017 that it was investigating the possibility of establishing a coastguard over the medium term, but that it would be dependent on funding. It stated that some of the functions of the SA Navy could be transferred to such a coastguard:

- search and rescue (SA Maritime Safety Authority);
- combating of pollution (Department of Environmental Affairs);
- fishery protection (Department of Agriculture, Forestry and Fishery); and
- anti-piracy operations (law enforcement agencies).

Critics of the above study contend that the SA Navy could continue to perform these tasks as part of its secondary function and that the service would lose many of its personnel to such an organisation.[60] The establishment of such a force would have to be done in conjunction with the proposed BMA Bill discussed above and could have dire consequences for the SA Navy in this regard.

Legal framework

In the argument regarding whether a country, or a region for that matter, should opt for a navy or a coastguard, and whether the legal framework exists, it would be too simplistic to consider only the navy or coastguard as role players within the maritime domain. Although the United Nations Convention on the Law of the Sea (UNCLOS) remains the bedrock of all subsequent treaties, declarations and legal frameworks in the

maritime domain, it should be noted that it was negotiated at a time when modern ocean governance looked different. Ocean governance is no longer the exclusive domain of the state.[61] There are numerous role players, organisations and government departments that play a significant role within the exploitation and protection of the maritime domain. A navy or a coastguard would ultimately carry the main responsibility of ensuring security of this domain, but what would constitute best practices and an ultimate choice of entity would be significantly affected by the relevant role players. At national level, the navy and/or coastguard, transport ministries, police services, the judiciary, policymakers and civil society, to name a few, all have stakes in the maritime domain. This leads to fragmented rules, regulations and operations, executed in specific maritime jurisdictional zones in an environment characterised by the trans-border realities of crime and highly migratory fish stocks.

Although the maritime environment has traditionally not received the attention given to matters on land,[62] the perceived 'sea blindness' of African countries is purportedly clearing.[63] The literature is clear on the concerted effort of the African Union (AU) and other regional organisations to create policy documents, treaties and declarations to ensure Africa's blue economy. As a case in point, AIMS 2050 is a tool in addressing Africa's maritime challenges to ensure sustainable development and foster wealth creation from Africa's oceans and inland waterways, in an environmentally sustainable manner. With 38 out of the 54 African states being littoral states and two-thirds of its equivalent land mass in its maritime zones under the sea, the importance of the maritime environment for Africa's sustainable development cannot be emphasised enough. Over 90% of its trade is conducted by sea.[64] The size of its maritime resources alone is placing unprecedented strain on the limited maritime security resources individual African countries have at their disposal, a matter clearly exacerbated by the proliferation of maritime crimes and other security challenges.

The vastness of the maritime borders and the scope of the threat to maritime security therefore necessitate co-operation between neighbouring countries and regions if there is any hope in securing Africa's blue economy. The need for regional co-operation has been re-iterated at various forums.[65] Co-operation is a thread that runs through all the conventions and declarations that make up the building blocks of contemporary African maritime security.

As stated above, the ultimate framework for maritime security during times of peace is UNCLOS.[66] Although it is unclear to what extent the provisions of UNCLOS can be regarded as customary international law, it has been widely accepted as the blueprint for maritime security, and to date has been ratified by 168 parties, 47 of which are African states.[67] The preamble of UNCLOS sets the tone of co-operation in that it confirms the reason behind the rules that govern the sea was –

> [A] desire to settle, in a spirit of mutual understanding and co-operation, all issues relating to the law of the sea and aware of the … significance of this Convention as an important contribution to the maintenance of peace, justice and progress for all peoples of the world.[68]

The spirit of co-operation was taken up in AIMS 2050 with the strategic end state of the strategy being –"

> Increased wealth creation from the AMD[69] that positively contributes to socio-economic development, as well as increased national, regional and continental stability, through collaborative, coordinated, coherent and trust-building multi-layered efforts to build block of maritime sector activities in concert with improving elements of maritime governance.[70]

At a regional level, the Djibouti Code of Conduct[71] was the first regional attempt to address African maritime insecurity, confirming the inability of states to address insecurity on their own and reiterating the need for regional co-operation.[72] This Code focuses on the repression of piracy within the east coast region of Africa.[73] This was swiftly followed by the Code of Conduct Concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa (the Yaoundé Declaration[74]) in order to increase regional co-operation on a number of maritime security issues. The Declaration was concluded between the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS) and the Gulf of Guinea Commission (GGC). The Yaoundé Declaration is clear in its recognition of co-operation as the preamble refers to –

> [The] crucial role of cooperation at the global, regional, sub-regional, and bi-lateral levels in combatting, in accordance with international law, threats to maritime security … [underscores] the importance of enhancing international cooperation at all levels to fight transnational organized criminal activities.

One such example is the Maritime Organisation of West and Central African States (MOWCA), which (in conjunction with the IMO) established an MoU in 2008 on the establishment of a sub-regional integrated coastguard network, which proposed joint efforts in dealing with maritime security. to date To date, the MoU has been signed by 16 of the coastal states, and provides a framework for regional maritime co-operation, which in turn relates to peace, good order and prosperity in the Gulf of Guinea (GoG) region.[75] The coastguard networks enhance maritime domain awareness, improve co-operation and urge increased commitment to treaties, agreements and protocols. It was agreed to divide the region into four coastguard zones[76] in order to ensure more effective coordination while member states were urged to accelerate the establishment of such coastguard services under the administration of the relevant administrations to support these processes.[77]

The declarations and conventions mentioned above show that the legal framework is in place in order for states to conduct their maritime security, and there is specific emphasis on the fact the regional co-operation is critical for successful maritime security. As important as AIMS 2050 remains as a strategy for African maritime security, it carries no legal weight since it has no binding legal authority to enforce the aims and

ideals characterising it. The African Charter on Maritime Security and Safety and Development in Africa[78] (the Lomé Charter) legally enforces these ideals.[79] The efficacy and the challenges regarding the implementation of the Lomé Charter fall outside this discussion, but the lack of support by a number of littoral states, such as South Africa that have a critical role to play within the maritime security domain, must be noted.[80]

Overall, in an African context, there is a seemingly sufficient framework, both normatively and legally, to support regional co-operation within the maritime domain. States may freely enter into bi-lateral or multilateral agreements in order to enhance their limited capacity. This is also true for regional organisations. AIMS 2050 specifically provides for a number of frameworks on a strategic level to assist states in facilitating co-operation across states and regions. Article 31 of AIMS 2050 provides, inter alia, for a naval component of the African Standby Force (ASF) as well as a continental working group of chiefs of African navies and/or coastguards whose task it would be to look at matters of maritime domain awareness and uphold co-operation between the navies and coastguards of member states. Unfortunately, there has been no discernible progress towards the implementation of these strategic imperatives. Coupled with the lack of support in signing and ratification of the Lomé Charter this raises serious concerns regarding the political will to ensure maritime security versus merely paying lip service at relevant forums.

Situation in SADC

Placing the SADC as a region under scrutiny, the situation seems dire. In this context, apart from UNCLOS and AIMS 2050, the most relevant documents for creating a legal maritime security framework would arguably be the Lomé Charter, the Djibouti Code of Conduct with its subsequent Jeddah Amendment (the Amended Djibouti Code of Conduct) as well as the SADC Maritime Security Strategy. These documents should be considered against the security situation in the region.

Considering data gathered by the Stable Seas Index,[81] one can form a clearer picture regarding the overall security situation within the SADC region. Although Stable Seas make use of a number of indicators in determining the overall maritime security situation in sub-Saharan Africa, matters of 'international cooperation' and 'maritime enforcement' are of specific interest to this article. In considering the level of international co-operation, Stable Seas evaluated African countries on their "commitment to multilateral efforts that facilitate maritime security and Governance".[82] Throughout the SADC region, states score high in terms of their participation and commitment with regard to global agreements, such as UNCLOS and various other international treaties.[83] The picture changes, however, once the focus narrows to continental agreements where only five out of 16 SADC countries have signed the Lomé Charter.[84] None of them have ratified the Charter. At a regional level, Angola has signed the Yaoundé Declaration[85] and only six out of the 16 SADC countries have signed the Jeddah Amendment.

In its evaluation of Africa's maritime enforcement, the Stable Seas Index considers the state of the navies and coastguards of African countries to assess whether they are deemed adequate for monitoring the territorial waters and EEZ of the particular state.[86]

In measuring the scope of the need of a particular state in order to control their maritime domain properly, all SADC states showed an inadequate ability, with South Africa scoring less than a number of other SADC states, including its close neighbours Namibia and Mozambique.[87] SADC states generally scored well in terms of their domain awareness[88] in their ability to collect, analyse and disseminate information, but once again exhibited relatively poor performance in terms of their coastal patrol assets.[89] In terms of improving its naval capability in building capacity to enhance its maritime capability, South Africa is regarded as robust, scoring well above the rest of the SADC states.[90] This would indicate that South Africa should be a leading role player in the SADC maritime security domain.

It is against this backdrop that the importance of participation and support of AIMS 2050, the Jeddah Amendment and the Lomé Charter should be considered. The Stable Seas Index shows that SADC has serious problems within the maritime domain on issues such as illicit trade,[91] and all forms of trafficking[92] but that there are no serious concerns regarding piracy;[93] yet, its Maritime Security Strategy is still focused on dealing with piracy.[94] There does not seem to be any urgency in addressing matters other than piracy, even if other transnational crimes pose a more severe risk to SADC maritime security. Both the Jeddah Amendment and the Lomé Charter address maritime crimes in addition to piracy and urge co-operation between states to counter these threats; yet, only six SADC countries have signed the Jeddah Amendment and only five have signed the Lomé Charter. This does not bode well for SADC co-operation on matters other than piracy. This is especially true for South Africa, a country that should, on paper at least, arguably have the most to contribute in terms of capacity and adherence to the rule of law.

What should be in place for a regional navy or coastguard?

Any regional navy or coastguard would have to work within a specific mandate. This would be possible within the framework provided by AIMS 2050 for a naval component to the ASF. Within this framework, one would argue that specific multilateral agreements would not be necessary, unless their application would fall outside the purview of the doctrine and mandate of the ASF, which is set out clearly in the AU Constitutive Act. This would limit the application to peace enforcement scenarios, in which case a navy would probably be the better option.

It is arguable that the maritime security situation, especially within the SADC region, would require a large law enforcement component in order to combat the nature of the maritime security threats. In terms of limitations often placed on military operations, a coastguard would be a viable and legally defensible option in the SADC context.

It is submitted that the SADC is not ready for a regional coastguard or navy. Although the SADC Maritime Security Strategy is in an advanced state of review, the current situation is not conducive to such regional co-operation. Royeppen convincingly argues that different countries within the SADC region would have different maritime practices. This is clear if one considers that the concept of maritime security differs from state to state. The SADC will have to reach a common goal, outside the piracy

paradigm, that considers all member states, including landlocked states who could, for example, be required to contribute to a regional coastguard, even if it is only in terms of funding, since they will definitely benefit from such a coastguard.

Ultimately, it would depend on political will – the political will to support existing continental and regional declarations and treaties in order to create the international legal framework on which to base the regional navy or coastguard. This further implies the political will to implement strategic components, such as the working group of chiefs of African navies and/or coastguards, which would be critical in facilitating a successful regional force.

CONCLUSION

When classifying navies, one needs to evaluate the maritime security environment and functions performed by the various maritime organisations in the sometimes hostile maritime domain. Navies normally perform functions relating to military, policing and diplomatic requirements as tasked by the state. This article focused on the policing functions/roles of navies and how this would be better suited to roles traditionally performed by coastguards. Having a coastguard would allow organisations such as the SA Navy to focus on diplomatic functions (and war-fighting preparation) as required by the maritime foreign policy alluded to in this article. The reality, however, reflects a navy required to but hampered in performing policing (coastguard) functions, more often limited to a diplomatic role. This reflects the clear disconnect between the maritime foreign policy ideal and what the SA Navy can deliver as an instrument of foreign policy.

African maritime security forces are currently misaligned in meeting the security threats they face. They have navy bureaucratic affiliations and training programmes but have a predominance of coastguard missions, operate in coastguard zones, and require coastguard partnerships. The regional co-operation on the West Coast of Africa has clearly shown that regional coastguard operations are possible. The security situation in the SADC region reflects the need for a regional coastguard, both in the context of the proliferation of transnational crimes other than piracy and the critical lack of capability of the individual states. States cannot secure their maritime domains on their own. The legal framework for such co-operation already exists. What is absent, however, is the political will in the SADC to find a regional solution.

In the absence of regional co-operation, South Africa should play a leading role in ensuring maritime security, for South Africa as well as the SADC as a region. The nature and roles of navies as well as coastguards are such that, within the South African context, it should not be an either/or situation. South Africa needs both a navy and a coastguard to allow for its strategic and practical situation – or at the very least should consider a hybrid force where the navy and coastguard functions are combined.

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