

Geopolitical considerations

Situation statement

The opportunities to harness the Blue Economy are conditioned by complex national and international interests, which can either favor partnership building and collaborative engagement or create tensions between interested parties. Peace and prosperity across boundaries is influenced by each country's unique societal and cultural realities as well as by the different pathways they may choose to enable the realization of national goals. There are a number of threats that may undermine the pursuit of peace and prosperity. Examples include piracy and other criminal activities at sea as well as competing uses and scarcity of water and other natural resources.

A number of maritime and transnational aquatic boundaries are not formally delimited. The uncertainty created by undemarcated borders can lead to explosive tension between neighboring countries. Additionally, this uncertainty may discourage investment and leave countries reticent to move forward with cooperation or joint development activities. A collaborative approach to the development of the Blue Economy helps to avoid potential conflicts and facilitates a focus on shared opportunities.

Collaboration catalyzes dialogue and creates the foundation for the formulation of shared visions for inclusive and transformative development. Addressing long-standing issues through this new context could form a solid starting point from which new thinking could lead to the desired outcomes.

Challenges

Climate vulnerability, maritime insecurity, and inadequate access to shared resources are among some of the most vexing challenges that can hinder the effective realization of the benefits of the Blue Economy. They can exacerbate conflicts and worsen poverty.

Criminal activities such as IUU fishing; piracy and armed robbery at sea; illicit trafficking of goods and people; and environmental crimes also pose an acute threat to the sustainable use of Blue Economy resources and have a negative impact on security, social development, and economic growth of the continent. An added complexity is the fact that trafficking, for example,

is usually an intertwined activity, linking networks and groups that include socially and economically marginalized people. Weak fiscal structures and legislative vacuums have also resulted in illicit financial flows that allow for the perpetuation of these activities, shrinking the stream of benefits that could flow to host countries. Such activities also contribute to the erosion of the social and cultural fabric in affected countries and communities.

Terrorism is also increasingly a central part of political concerns at the international and regional level. It represents a security challenge that can only be addressed effectively through enhanced cooperation and collaboration at all levels. Socially and spatially safe spaces are a prerequisite to achieving the best possible Blue Economy outcomes.

Disputes with regard to boundary delimitations and the different and sometimes competing uses of natural resources are also a concern in the African context. However, with regard to conflicts in marine, riparian, and lacustrine environments, there is a capacity gap caused by insufficient awareness of the applicable legal frameworks and dispute resolution mechanisms, as well as the ways in which States can use them.

Opportunities

The Blue Economy provides an opportunity for strengthened partnerships which build on existing maritime, riparian, lacustrine, and river basin cooperation mechanisms. When fully realized, the partnerships can produce a quantum leap forward in the economic development of individual States and the expansion of progress, peace, and prosperity across the continent. They can also create economies of scale to help address inherent financial, technical, and infrastructure gaps of individual States that prevent the realization of the full potential of their aquatic and marine resources.

The delimitation of maritime boundaries is an important factor in the realization of the full benefits of the Blue Economy. States are encouraged to resolve their disputes by using existing instruments, including third-party dispute settlement procedures, such as international courts or tribunals. Case study 1 on the delimitation of maritime boundaries between Eritrea and Yemen or case study 2 on the joint resource development between Senegal and Guinea Bissau; and Mauritius and Seychelles are illustrative of what can be achieved through cooperation. Enhanced security could then serve as a catalyst for higher levels of investment and attract new business opportunities to propel key sectors of the Blue Economy forward. More rapid economic progress could also create

employment possibilities, especially for youth, that would add to national security and stability and reduce the “push” factors for economic migration.

Case study 1

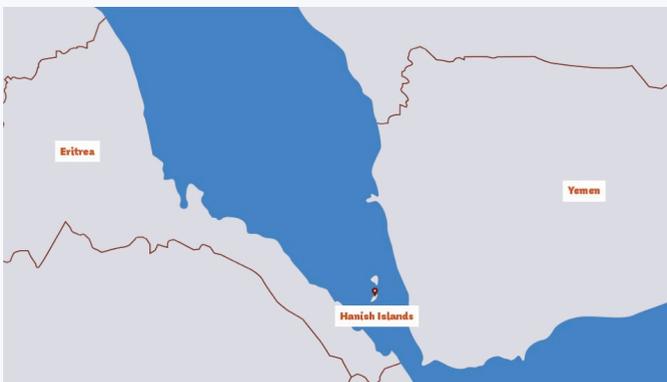
Example of the delimitation of maritime boundaries: Eritrea-Yemen arbitration¹

The maritime environment is a complex space with extended State sovereignty that could be prone to conflicts over issues such as marine resources and boundaries, as well as various regional and international interests. Shaping a harmonious and peaceful balance of all these issues is essential.

The Eritrea-Yemen maritime arbitration and subsequent delimitation is an example of the peaceful settlement of a maritime boundary dispute. In 1995, Eritrea and Yemen contested the ownership of the Hanish Islands in the Red Sea, which are located midway between the two States (see Figure 6). The claim and contested sovereignty led to territorial disputes between the two countries.

The two States agreed to legally resolve their territorial claims and submitted the case to the Permanent Court of Arbitration, which delivered the first award on 9 October 1998, recognizing Eritrea’s territorial sovereignty over a number of islands and Yemen’s sovereignty over the remaining islands. The second award, which was delivered on 17 December 1999, determined the maritime boundary between the two countries (see Figure 7). This legal process has brought to a close maritime and territorial disputes between the two countries, paving the way for future good relations.

Figure 6: Location of Hanish Islands between Eritrea and Yemen



Source: Google Maps (2015).

1 http://www.pca-cpa.org/showpage6e71.html?pag_id=1160 (accessed 27 November 2015)

Case study 1 (cntd.)

Figure 7: The maritime boundary between Yemen and Eritrea



Source: http://www.pca-cpa.org/chart31353.gif?fil_id=462 (accessed 27 November 2015) (map replicated from original court award)

Lesson

The Eritrea-Yemen case illustrates the importance of a commitment to applying international law mechanisms to peacefully resolve maritime disputes, as well as the importance of the political will to implement court decisions. The Eritrea-Yemen case demonstrates that States with maritime territorial claims can resolve any dispute they may have through cooperative, legal, and peaceful approaches.

Case study 2

Examples of joint development

Senegal and Guinea-Bissau are neighboring States with different colonial histories. In 1985, the two States disputed maritime boundaries, resulting in a submission of the matter to the International Court of Justice.¹ The court ruled in favor of Senegal in 1990 and 1991; however, the legal resolution still did not enhance cooperation between the States. In 1993, the two States decided to put aside their differences over the legal outcome in favor of joint development of resources, which created an enabling platform for improved cooperation.

Mauritius and Seychelles made a joint submission to the Commission on the Limits of the Continental Shelf (CLCS) in 2008, concerning the Mascarene Plateau, which is an extended continental shelf of around 396,000 square kilometers.² In 2012, the two countries entered into a Joint Management Agreement for joint exploitation of the resources of the area (“Treaty concerning the Joint Management of the Continental Shelf in the Mascarene Plateau Region”). The agreement provides that the two States shall exercise sovereign rights jointly for the purpose of exploring the continental shelf and exploiting its natural resources in the “Joint Zone.” It covers matters of environmental protection, exploration, and marine resources management, including fisheries and hydrocarbons, and the sharing of resources in the zone on a 50-50 basis. Through a jointly managed authority that oversees the activities in the area, Seychelles and Mauritius plan to issue licenses for oil exploration and exploitation. This approach has enabled the two countries to leverage their respective resources for economic growth, job creation, and international trade.

Lesson

The above cases demonstrate that joint development of ocean resources and cooperation mechanisms can enhance peace and development in the maritime space, as well as information sharing, and that joint management approaches could enhance security in the maritime space.

1 <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&k=73&case=82&code=gbs&p3=5> (accessed 27 November 2015)

2 <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/MUS.htm> (accessed 27 November 2015)

The international community has been addressing piracy and armed robbery through close cooperation between and among all key stakeholders, including States, international and regional intergovernmental organizations, the maritime industry, the private sector, and civil society. Such cooperation has led to the development and implementation of practical solutions, such as naval and operational coordination, prosecutions, self-protection measures for the

shipping industry, and public diplomacy. African States have played a key role in this endeavor. Moving forward within the Blue Economy, African States would have the opportunity to play an increasingly leading role in addressing threats to maritime security, taking into account the specific situation, vulnerabilities, and aspirations of the continent. The role of regional and subregional bodies, such as the AU and the RECs, would be relevant, as would that of other regional cooperation mechanisms.

Case study 3 is reflective of what can be achieved when States join efforts to address common security concerns.

Equally useful is the Zone of Peace and Cooperation of the South Atlantic (ZOPACAS) experience (see Case study 4) which grouped together 24 countries bordering the South Atlantic in a collaborative framework covering economic, trade, technical, diplomatic, and political interests.

Case study 3

An example of regional cooperation to address maritime threats-REFLECS3¹

The Regional Fusion and Law Enforcement Centre for Safety and Security at Sea (REFLECS3), originally known as the Regional Anti-Piracy Prosecution and Intelligence Coordination Centre, was established in 2012 as a joint initiative by the United Kingdom and the Seychelles governments. Its overarching strategic objective is to “create a multidisciplinary and multinational centre for law enforcement cooperation in partnership with Seychelles, wider Indian Ocean nations, and international partners to combat the threat from regional piracy and maritime-linked transnational organized crime. The intention is to create sustainable regional capability and to undermine the piracy business model by bringing pirate leaders, financiers, and enablers to justice and depriving them of the proceeds and benefits of their crimes.” The center has strengthened regional cooperation through a joint intelligence task force comprised of the Seychelles, Tanzania, and Kenya. The center has successfully contributed to the prosecution of suspected pirates.

Lesson

The REFLECS3 presents a model for cooperation that could be followed by other States at a regional or subregional level; the scope of such a mechanism may also be broadened to include other maritime crimes.

1 <http://www.rappicc.sc/aboutus.html> (accessed 27 November 2015)

Case study 4**The Zone of Peace and Cooperation of the South Atlantic (ZOPACAS)**

ZOPACAS was established in 1986 by the United Nations General Assembly (UNGA) Resolution 41/11 and comprises 24 countries bordering the South Atlantic: Angola, Argentina, Benin, Brazil, Cape Verde, Cameroon, Congo, Côte d'Ivoire, Democratic Republic of Congo, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guinea Equatorial, Liberia, Namibia, Nigeria, São Tomé and Príncipe, Senegal, Sierra Leone, South Africa, Togo, and Uruguay. It aims to prevent the proliferation of nuclear weapons, along with the military presence of countries outside the organization. Together, the members seek regional cooperation, including economic, trade, scientific, technical, political, and diplomatic collaboration.

In relation to the Blue Economy, ZOPACAS integrates the concept formulated at the United Nations Conference on Sustainable Development (UNCSD) (Rio+20), and supports the conservation of marine mammals; sustainable use of marine genetic resources of areas beyond national jurisdiction; development of a legal regime to govern marine genetic resources of areas beyond national jurisdiction; conservation measures that coastal States are adopting regarding their continental shelf to address the impact of bottom-fishing on vulnerable marine ecosystems, as well as their efforts to ensure compliance with those measures; transparency and accountability in fisheries management by regional fisheries management organizations; measures to combat IUU fishing; and programs to help them benefit from increasing revenues from their fisheries resources in order to combat IUU fishing in jurisdictional waters of member States.

Lesson

ZOPACAS is an example of a regional framework for cooperation aimed at strengthening national institutions, capacity building and joint research for the effective use and management of marine resources, scientific and technical programs and technical and vocational training courses, as well as the exchange of experiences and best practices among member countries in the spirit of solidarity and partnership.

Policy guidance

States could consider the following options for action to ensure they adopt a balanced approach to the Blue Economy:

- Pay close attention to the interdependence between security and development, as they are mutually supportive and key to achieving sustainable peace.
- Support the creation of opportunities to enhance livelihood and human well-being of coastal, lacustrine, and riparian populations.
- Ratify and implement relevant international and regional instruments related to maritime safety and security, as well as illegal practices (e.g., Ports State Measures Agreement), and harmonize national legislation with their provisions.
- Strengthen continental, subregional, and transnational cooperation mechanisms for preventive diplomacy and mediation, for the maintenance of international peace and security, conflict resolution, and the sharing of relevant information.
- Emulate regional best practices of South-South cooperation, such as ZOPACAS.