

West Africa Report

Togo's maritime challenges: Why security remains a major issue

Barthélémy Blédé and André Diouf

Summary

With the African Union's Extraordinary Summit on Maritime Security, Safety and Development scheduled to be held in Lomé in October this year, Togo is confronting a range of maritime security concerns and issues. This report assesses the West African country's progress in securing its coastline since 2012, when it recorded the second highest number of acts of piracy in the Gulf of Guinea after Nigeria. It also identifies the key challenges facing the country and offers recommendations.

Togo, which lies at the heart of the oil-producing Gulf of Guinea, has a modest coastline – 56 km long, providing a maritime space of 20 780 km², 36% of the country's land surface area of 56 785 km².

Its location within the gulf, which has suffered increasingly from piracy in the past ten years, classifies it as an at-risk maritime country. In 2012 it was the second-most affected West and Central African country, after Nigeria, recording 15 of the 62 actual and attempted attacks experienced in the region (see table).

Togolese authorities seem to have learned lessons from this period, during which, for the first time, more acts of piracy (62) were reported in the Gulf of Guinea than in Somali waters (49).¹

Nevertheless, despite having enhanced security along its coast, the country continues to face serious maritime challenges.

This report draws on a literature review, direct observation and interviews carried out in Lomé in December 2014 and November 2015. It aims to assess progress and identify the challenges faced by the country's maritime sector. More specifically, it focuses on piracy, the fisheries sector, the ships registry, port security, stakeholder capacity and ongoing reforms. The report also opens a window on the issues at stake for the Extraordinary Summit of the African Union (AU) on Maritime Security, Safety and Development, scheduled for October, and makes recommendations.

Piracy is declining

The numerous acts of piracy and armed robbery of vessels recorded in Togo between 2011 and 2013 may be attributed to the almost total absence of appropriate national measures to combat this crime. Those in 2012 and 2013, in particular, are partly attributable to the success of Operation Prosperity, launched in September 2011 by Benin and Nigeria.

This joint patrol operation repelled pirates from Benin, where 20 attacks had been reported in 2011. The pirates subsequently moved into the less well-guarded waters of Togo. However, in the past two years there has been a significant dip in the level of insecurity. In addition, Togo has strengthened surveillance of its maritime waters.

Togo's navy, which is based in the vicinity of Lomé's port, is conducting more frequent patrols, which offer ships a reassuring haven of security. These measures ensured that 2015 was an especially good year, with no act of piracy recorded in the country, although there were 31 actual and attempted attacks carried out in the Gulf of Guinea (see table).

Countries in the Gulf of Guinea most affected by pirates and armed robbers 2011-2015

	2011	2012	2013	2014	2015	TOTAL
Nigeria	10	27	31	18	14	100
Togo	6	15	7	2	0	30
Benin	20	2	0	0	0	22
Congo	3	4	3	7	5	22
Côte d'Ivoire	1	5	4	3	1	14
Guinea	5	3	1	0	3	12
Ghana	2	2	1	4	2	11
TOTAL	53	62	52	40	31	

Source: ICC International Maritime Bureau, Piracy and armed robbery against ships – 2015 Annual Report.

Counter-piracy programmes originating from the region may have contributed to Togo's increased security. The country is benefiting from French maritime security reforms; from the Gulf of Guinea Maritime Security Sector Reform Support (ASECMAR) project, which provides sector support in the Gulf of Guinea, and from a European Union (EU) project called the Critical Maritime Route for the Gulf of Guinea (CRIMGO); as well as from the operation Obangame Express through which the US conduct annual security drills. These initiatives focus on building the capacity of key stakeholders in the region such as the navies and the maritime police.

Problems for small-scale fishermen

A growing number of vessels, most of them oil tankers, are seeking refuge in the outer waters of the port of Lomé. Between 60 and 100 vessels cast anchor there daily. Some are conducting trans-shipment activities, while others are waiting to supply clients on the high seas or waiting for a place to berth in Lomé or neighbouring ports.

This state of affairs is creating problems for small-scale fishermen, ships captains and the Togolese port authorities. Vessels that are anchored for long periods in the port waters create an attractive environment for fish and, in turn, lure fishermen who wish to take advantage of the presence of fishing stocks.

Key maritime dates in Togo

23 November 1962: Turning of the sod for the first port in Lomé

21 January 1967: Arrival of the first vessel, the Birte Hugo Stinnes, in the port of Lomé

26 April 1968: Official inauguration of the port of Lomé

1 May 1968: Official launch of operations in the port of Lomé

30 April 2014: Signature of Decree N° 2014-113 of the President of the Republic on the national organisation of the state's action at sea

18 September 2014: First meeting of the High Council of the Sea

3 February 2015: First major communiqué signed by the Togolese maritime prefect announcing the hijacking of a Ghanaian-flagged trawler off the coasts of Togo.

At night captains often mistake fishing canoes coming up close to their vessels for pirate ships. They alert the International Maritime Bureau (IMB), which immediately notifies the Togolese naval authorities. The fishermen are arrested and, according to the fishermen, the navy and the Directorate of Maritime Affairs (DMA) in Lomé, their fishing gear is seized until they can pay a fine of 25 000 CFA francs (about US\$50) to the DMA.

According to the director-general of the port, speaking at a meeting held in Lomé on 9 December 2014, 'this issue tarnishes the port's image, and the fishermen mistaken for pirates or armed robbers artificially inflates the numbers of attempted attacks attributed to Togo'.

Togolese authorities do not seem to want to free up port waters as that would mean losing out on port dues. Each ship pays €1 525 (1 million CFA francs) for a 15-day stay. Based on these figures, the port is estimated to earn between 120 million and 200 million CFA francs each month.

This additional income means it is unlikely that the socio-economic concerns of the fishermen will be taken into consideration because the authorities do not seem to want to authorise them to come alongside the ships.

Fisheries sector in difficulty

Annual fish production in Togo varies from 20 000 to 25 000 tonnes – far less than the estimated 70 000 tonnes required to satisfy the needs of Togo's population. The deficit is due to overfishing, bad fishing techniques and poor maritime waters, which provide 80% of national production.²

Togo's natural continental shelf is too narrow (only 23 km wide) to produce the 'upwelling', a natural phenomenon propitious to species development, which occurs in Côte d'Ivoire and Ghana. The Togolese coast produces the opposite effect of the upwelling, explained a Togolese oceanographer.³

Another problem is that there are too many fishermen for the available resources. It is estimated that 5 000 registered Togolese fishermen work with an estimated 500 canoes. The figures may be even higher because not all fishermen are registered. In addition, large quantities of fish in the region are caught using seine nets, despite the fact that they are prohibited.

Fishermen also use very tight mesh monofilament nets, which catch juveniles and prevent the fish from growing and reproducing. These fishermen, who form daily lines of 20 to 30 people on Lomé's beaches for a meagre catch, attest to the poverty of the waters and the vulnerability of the fishermen's livelihoods. An hour of physical effort may result in a catch of a few juveniles with a market value often no more than 5 000 CFA francs (less than US\$10).

Continental fishing mainly occurs in the Oti and Mono rivers and in reservoirs, particularly in the Nangbéto Dam, where levels of production reached 1 700 tonnes in 2015. Fish farms, for their part, contributed 30 tonnes to annual national production. Thus, the country remains dependent on fish imports for 70% of its fish consumption.

The government has been criticised as much for the quality of imported produce as for the scope of its policy to promote fisheries activities. A case in point was in November 2015 when contaminated tilapia of Chinese origin provoked the anger of consumer associations.⁴

Togolese fishermen also believe government is not doing enough to help the sector.

In 2009, through the National Agricultural Investment and Food Security Programme, the state aimed to relaunch fisheries activities, setting an annual production objective of 40 000 tonnes by 2015.⁵ This goal has not been met. Nevertheless, some actions in favour of fisheries production have begun. For example, each year the fisheries authorities declare biological rest periods for various species, a measure not always respected by the fishermen.⁶

Flying the Togolese flag

The EU and the International Maritime Organisation (IMO) have accused Togo of having encouraged illicit, unreported and unregulated fishing when it created an international flag of free registry in 2008.

The shipowners are under no obligation to recruit Togolese seamen

The International Registry Bureau, the Greek company responsible for this regime, operates out of Athens, far from the Togolese administrative authorities. This means that Togo has no control over ships authorised to fly its flag. Accordingly, as the responsibility of the flag state cannot be delegated, the country has to bear the brunt of problems caused by these 'Togolese' ships, which are sometimes involved in illicit fishing. For this reason, at the recommendation of the EU and the IMO, in 2010 Togo suspended the registration of fishing vessels under its international ships registry.

In support of this decision, the government struck off the ships register Togolese fishing vessels owned by foreigners. The only ship that is not affected by the decision is the Patrick, a 25-metre Togolese trawler belonging to Italian interests, whose crew, apart from the captain, who is Italian, are all Togolese and Beninese.

Despite these changes, in 2014 Togo received a warning from the EU⁷ about neglecting to adopt measures to combat illicit, unreported and unregulated fishing. In addition, there is nothing to show that vessels struck off the register have stopped their illegal activities in international waters.

Given the extent of the problems this creates for the country, one could wonder what Togo gains in continuing to possess this international free registry. Information about royalties paid by the Greek company remains secret. However, the large numbers of vessels under the flag of convenience (647 in 2015) offer no jobs to Togolese. The ship owners do not recruit Togolese seamen and are under no obligation to do so.

Security in the Autonomous Port of Lomé

Piracy hampers traffic growth

Goods traffic in the port of Lomé has increased fairly consistently since 1990. However, a dip was observed in 2012 when the traffic decreased from 8.2 million tonnes to 7.7 million tonnes (see Figure 1). This was mainly due to the fact that traffic dropped to zero from the 2 million tonnes in 2010 and 2011 following the increasing number of attacks on vessels off the coast of Togo.⁸

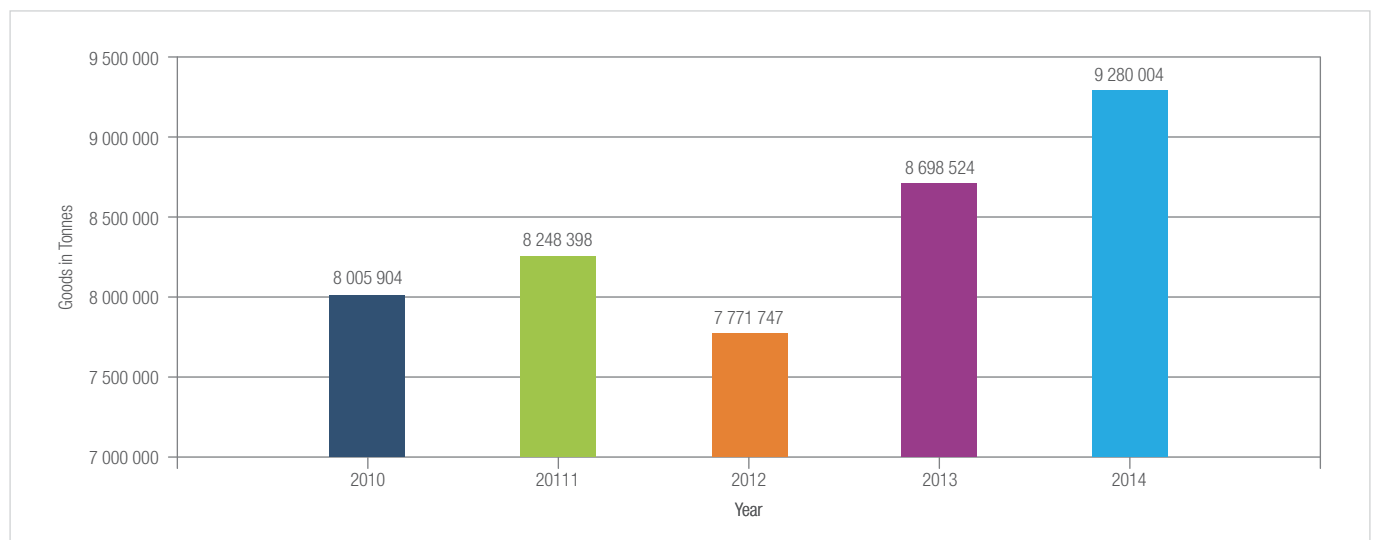
Shipping line operators turned to more secure ports, illustrating the correlation between port performance and port security – ships are loath to venture into insecure areas. For this reason, almost all the ports in the region, including Lomé, benefited from the Ivorian rebellion, which lasted from 2002 to 2011. There was an upswing in traffic, especially of goods from landlocked countries. For example, in 1998 Burkina Faso shipped 80% of its cotton exports through the port of Abidjan. In 2003, not a gram of Burkina cotton was able to transit through Côte d'Ivoire.⁹

Lomé, a key port for landlocked countries

Transit traffic accounts for a major portion of goods handled by the port of Lomé, which is second to Cotonou in serving the West African hinterland.¹⁰

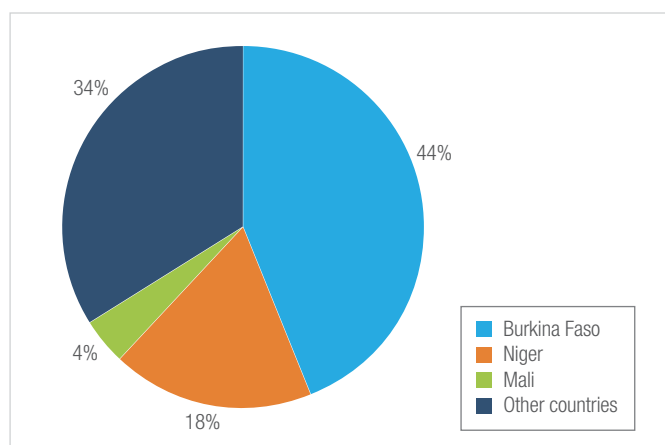
The quantity of traffic has risen steadily since 1990, apart from a drop in 2012, when the

Figure 1: Total traffic through Lomé port 2010-2014



Source: Autonomous Port of Lomé, statistics received in Lomé on 24 November 2015.

Figure 2: Transit traffic by country in 2014



Source: Autonomous Port of Lomé, statistics received in Lomé on 24 November 2015.

shipping lines left for the reasons referred to above. From 2013 there was a strong upturn, rising from 2.2 million tonnes in that year to 3.4 million in 2014. More than 40% of the traffic came from Burkina Faso represented more than 40 per cent of transit traffic (Figure 2), with more than 1.2 million tonnes of goods in 2014 compared to 850 000 tonnes in the preceding year.

The preference of landlocked countries for Lomé's port may be attributed, amongst other things, to the National Shippers Council of Togo's (CNCT) mission to ease road traffic flows. It has established parking bays at Djéréhouyé, Blitta, Agaradé and Hodougbe to prevent lorries from disorderly parking on the road. Beyond these traffic control measures, the CNCT has procured tow trucks to assist broken down lorries.¹¹

The ISPS Code seems to be operational

To access any zone of the port it is necessary to declare the purpose of the visit. A badge bearing a letter and a specific colour for the zone is handed to the visitor in exchange for an identity card. If the visit includes port facilities there are several security gates to go through. Lorries, personal vehicles and bicycles must also carry a pass issued by the port authorities. Taxis and motorbike taxis are not allowed into the port.

According to the port authorities, each of their facilities has a declaration of conformity, which means that it meets the requirements of the International Ship and Port Facility Security (ISPS) Code, which requires that a trained port facility security officer manages each facility, a government-approved security plan is in place and regular exercises and drills are carried out in an effort to make the port more secure.

There are two main problems with the port. Firstly, it is too narrow and the lack of space results in traffic jams, which cause confusion that benefits wrongdoers. Secondly, the space inside

the port is not tarred; port workers and clients are exposed to a considerable amount of dust, which poses a health hazard.

The DMA and the DFA

The Directorate of Maritime Affairs is responsible for the merchant marine administration. Its main duties include career management for sailors, technical inspection of ships, ship registration, and conflict arbitration in the maritime sector.

The DMA is also the IMO Secretariat's national counterpart. In this capacity it oversees the implementation of international maritime conventions. Notably, it monitors the implementation of the ISPS Code under the umbrella of the Ministry of Infrastructure and Transport, which is the designated authority responsible for monitoring and ensuring compliance with the ISPS Code in Togo.

Given the amount of responsibility it carries, the DMA lacks adequate human resources. There are 15 officials on its staff, two of whom are maritime affairs administrators. The sole inspector of the port is retired and employed on a one-year contract. In addition, the staff is crammed into tiny offices and the overcrowding is aggravated by the fact that, from time to time, they have to accommodate trainees.

The Directorate of Fisheries and Aquaculture (DFA) seems to be better equipped when it comes to office space. However, it also faces human resource constraints, with only three officials in each of its three sections.¹² It also has no naval equipment with which to carry out its mission of controlling fishing vessels.

Structural reform for sustainable maritime security

Structure

In 2014 Togo established the National Organisation for State Action at Sea (NOSAS), which is responsible for finding sustainable solutions to security, safety, economic and environmental challenges in the national maritime sector.

The role of the state's representative at sea seems not to fall on the maritime prefect

The establishment decree, N° 2014-113/PR of 30 April 2014, states that the goal of NOSAS is 'to strengthen administrative actions and coordinate intersectoral efforts with the objective of safeguarding Togo's maritime interests'. The organisation is principally made up of the High Council of the Sea (HCS),

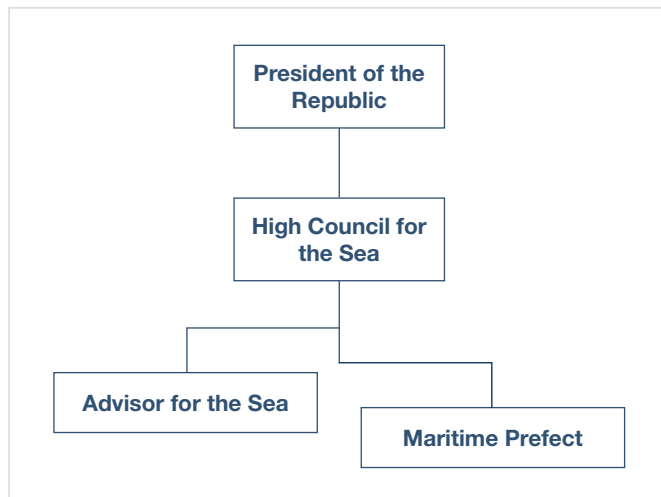
presided over by the head of state; an advisor for the Sea (AS), with the rank of minister, and a maritime prefect (Figure 3).

The advisor for the sea, also called minister-advisor, chairs the inter-ministerial meetings relating to the state action at sea. He serves as a secretary permanent to the HCS.

Despite the decree conferring the role of the state's representative at sea on the maritime prefect, this responsibility seems to fall on the minister-advisor.

The maritime prefect's role is to coordinate the stakeholders involved in maritime security during exercises and actual maritime security incidents. The hierarchical link between the two authorities is not clearly defined and may cause tension.

Figure 3: Simplified flowchart of Togo's national organisation for state action at sea



Source: Decree N° 2014 -113/PR of 30 April 2014.

There is also the risk of friction when it comes to collaboration between the maritime prefect and the chief of navy staff. The latter has the human and naval resources that should, as a matter of priority, be available to the maritime prefecture, which is lodged within the naval command. Yet the maritime prefect is under no obligation to report to the chief of navy staff.

This matter of hierarchy would be even more serious if the maritime prefect, as a senior navy officer, were of a lower grade than the chief of navy staff. These problems could be resolved were each of the players to put the national interest first.

Despite these reservations, however, NOSAS is likely to contribute to making Togolese waters safer and more secure.

National challenges of the maritime summit

October's extraordinary summit of heads of state and government will be the most important African Union gathering

on maritime affairs since the adoption of the 2050 African Integrated Maritime Strategy in January 2014.

The event, initially scheduled for November 2015 and then for March 2016, is particularly important to Togo and the country has made it a priority. President Faure Gnassingbé has been promoting it for almost two years now. His last major declaration about it was on 26 September 2015, when he organised a meeting in New York attended by authorities from other African countries.¹³

The summit is likely to benefit Togo in ways that go beyond its image on the international scene

Togo does not need to be at the centre of a meeting of such scope to make its waters secure, since the country's borders are no longer amongst the most porous on the continent. It will expect more than security issues to be addressed and would prefer to occupy a place on the international scene, with maritime issues serving as an entry point.

The official reason given last year for the postponement of the summit was the lack of hosting facilities. However, this argument failed to convince many, leading to a variety of different explanations.

Some believe the reason was that Togolese authorities were discouraged by not having succeeded in convincing the Economic Community of West African States (ECOWAS) to allow it to host the headquarters of the West African Regional Maritime Security Centre (CRESMAO). Others cite political reasons – it was alleged, for instance, that some donors had requested that the summit not be held until the term of office of Zimbabwean President Robert Mugabe at the AU came to an end in January 2016.¹⁴

If the event fulfils its promise it could eclipse the maritime summit held in Yaoundé, Cameroon, in June 2013. In addition to being restricted to West and Central African countries, the Yaoundé summit produced a code of conduct, which is not legally binding.

By contrast, the Lomé conference will be held at continental level and is likely to give rise to a binding text known as the 'Lomé Charter on Maritime Safety and Security'.¹⁵ It is probable that this will draw on the Djibouti and Yaoundé codes of conduct and will become the main reference document for maritime safety in Africa.

The conference is likely to benefit Togo in ways that go beyond the issue of its image on the international scene. Hotel operators are hoping to increase their turnover, with hotels and small businesses having access to some 4 000-5 000 delegates.

Conclusion

Togo has improved the security of its maritime domain since 2012, when it was one of the areas most vulnerable to piracy attacks. It has done this both by strengthening surveillance of its waters and by encouraging vessels to dock in the port of Lomé when sailing in West Africa. In order to make security concerns sustainable, the country has created an organisation to coordinate state action at sea.

It will, nevertheless, continue to face several maritime challenges. It has an international ship registry that does not provide jobs to Togolese, and that the international community accuses of encouraging illicit, unreported and unregulated fishing. Its waters are poor in fisheries resources and its small-scale fishermen are often taken for pirates by those on ships seeking refuge in the outer waters of the port of Lomé.

In addition, key maritime stakeholders lack the necessary human and logistical resources and the port, despite possessing good infrastructure, suffers from both its restricted size and the deteriorating road network. Finding a solution to these problems will contribute to ensuring better maritime security as well as promoting the economic development of the Togolese maritime sector.

Notes

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Recommendations

- 1 Togo should review the agreement with the Greek company, the International Registry Bureau, in order to include provisions that are more favourable to the country. Amongst other things, the Togolese authorities should make it mandatory for ships flying the country's flag to recruit a certain number of Togolese sailors.
- 2 It should invest in recruiting and training officials responsible for working in the shipping and fisheries administrations and equip them accordingly. To this end, it could explore the possibility of transforming the Directorate of Maritime Affairs into a financially autonomous body.
- 3 The Togolese government should clarify relationships between the maritime prefect and other maritime security stakeholders, the navy and the advisor for the sea in particular, with the aim of strengthening the role of the maritime prefect.
- 4 Sustainable solutions should be found to the issue of ships filling the outer bay of the Lomé port to the detriment of artisanal fishermen. One solution would involve the allocation of a portion of the fees paid by these ships to fisheries development projects.
- 5 Lomé port authorities should be encouraged to undertake development projects, including the rehabilitation of roads inside the port area.
- 6 Within the agreed time frame Togo should organise the Extraordinary Summit of the African Union on Maritime Security, Safety and Development that the international maritime community has been expecting for over a year.



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