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MINISTRY OF FOREIGN AFFAIRS
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FIRST TECHNICAL ROTATING MEETING ON ENHANCING MARITIME SECURITY IN THE GULF OF GUINEA

REPORT

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- Kofi Annan International Peacekeeping Training Centre

- Ministry of Foreign Affairs of Denmark

- Inter-Regional Coordination Centre

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CONTENT

ACRONYMS

AIMS, African Union Integrated Maritime Strategy 2050

AU, African Union

CRESMAC, Regional Centre for Maritime Security of Central Africa

CRESMAO, Regional Centre for Maritime Security of West Africa

ECCAS, Economic Community of Central African States

ECOWAS, Economic Community of West African States

GoG, Gulf of Guinea

GGC, Gulf of Guinea Commission

ICC, Inter-Regional Coordination Centre

IMB, International Maritime Bureau

IUU Fishing, Illegal, Unreported and Unregulated fishing

IMO, International Maritime Organization

KAIPTC, Kofi Annan International Peacekeeping Training Centre

MMCC, Multinational Maritime Coordination Centre

MOC, Maritime Coordination Centre

MoU, Memorandum of Understanding

NGOs, Non-Governmental Organisations

RECs, Regional Economic Communities

YCC, Yaoundé code of Conduct

UNODC, United Nations Office on Drugs and Crime

01

EXECUTIVE SUMMARY

The Kofi Annan International Peacekeeping Training Centre (KAIPTC) with funding from the Danish Foreign Affairs ministry and in collaboration with the Inter-regional Coordination Centre (ICC) for safety and security in the Gulf of Guinea (GoG) maritime domain are implementing a project on "Enhancing regional research, capacity building and convening of stakeholders towards a safer maritime domain in the Gulf of Guinea". The project is implemented by the KAIPTC for coastal countries along the Gulf of Guinea (West and Central Africa). The project focuses on three key interventions: Research, capacity building, and dialogue. Under the dialogue series a platform for regular dialogues among international and national actors on maritime security in the Gulf of Guinea is envisaged to be established over the next three years. Consequently, the First Technical Rotating Working Group Meeting on enhancing maritime security in the Gulf of Guinea was held from 20 -22 November, 2019 at Hotel Azur le Gilbert's in Pointe-Noire, Congo Brazzaville. The meeting sought to create the platform for regular peer discussions among regional actors such as ECOWAS, ECCAS, GGC and other relevant regional economic communities (RECs) of the Africa Union (AU) for ensuring awareness of and effective management of the maritime security domain in the Gulf of Guinea area. This report summarises key points from the meeting.

The key recommendations at the end of the 3 day meeting is as follows:

◆ The ECOWAS, ECCAS and GGC should conduct an assessment of the Yaoundé Code of Conduct toward transforming it into a binding document in order to ensure a harmonized response to maritime threats in the Gulf of Guinea.

◆ Countries should adopt legislation (where they do not exist) to criminalise crime at sea in order to facilitate the prosecution of maritime crimes;

◆ The ICC should intensify its engagements with Member States towards the harmonisation of national maritime legal texts by facilitating the domestication of international norms into national legal frameworks;

◆ The ICC and the GGC should establish a routine arrangement that ensures effective coordination of operations and the Yaoundé structures;

◆ States and regional maritime bodies should endeavour to recognise and involve non-state actors, including civil society groups and maritime industry, in their operations;

◆ The political will of heads of states and government in the GOG region is key for the successful implementation of the Yaoundé process.

◆ The Kofi Annan International Peacekeeping Training Centre should continue to execute its role of providing policy support and building the capacities of relevant maritime actors.

Dignitaries at the Congo meeting held at Hotel Azur, Pointe Noire, 22nd November, 2019

02

INTRODUCTION, CONTEXT AND OBJECTIVES

The Gulf of Guinea region continues to remain a high risk area to security threats such as Piracy and other forms of transnational organised criminality. The cross-border nature of maritime insecurity means that it is unlikely that any single state in the Gulf of Guinea can address these threats on its own. This reiterates the need for strengthening of existing capacities in ways that ensures the effective use of assets and mechanisms available and/or now developing, including through enhanced responses from military and civil law enforcement actors in keeping with international commitments and the evolving regional structures. The scope and magnitude of maritime challenges necessitates effective cooperation on maritime domain awareness in the GoG. In recent times, the emergence of different structures for cooperation and other evolving initiatives such as the Yaoundé Code of Conduct, the Gulf of Guinea Commission, the Inter-regional coordinating Centre as well as the regional centres on maritime security –

CRESMAO and CRESMAC just to mention a few, all underscores the importance of regional cooperation in aggregating national responses, enhancing enforcement outputs, and enlisting international support and cooperation. Nonetheless there still remains some ambiguity regarding the role of the various actors under the YCC. With this in mind the 2 day technical meting provided a platform for various actors to meet and deliberate on effective maritime security in the GoG domain.

Objectives

The primary objective of the First Technical Rotating Meeting was to create the platform for regular peer discussions among regional actors such as ECOWAS, ECCAS, GGC and other relevant regional economic communities (RECs) of the Africa Union (AU) for ensuring awareness of and effective management of the maritime security domain in Africa. It also served as a strategy for connecting the

actors in the GoG countries and the sub-regional arrangements of ECOWAS and ECCAS. In this regard, the meeting focused on bringing together representatives of the ICC, ECOWAS, ECCAS, CRESMAC, CRESMAO and the MMCCs (from zones D, E and F). The meeting deliberated on a number of issues that included the following:

♦ Enhancing Maritime Safety and Security in the Gulf of Guinea;

♦ Mapping Maritime Actors under the Yaoundé Process;

♦ Examining the Legal Frameworks governing Maritime Security in the GoG and;

♦ Streamlining Incident Reporting Mechanisms.

The meeting began with an Opening Ceremony on 20th November 2019. In attendance was Major General Francis Ofori the commandant of the KAIPTC, Jean Claude Etoumba Nkoundou, the Secretary General of the Prefecture of Pointe-Notre, Captain René Nganongo, Chief of Naval Staff, Congo Navy, Dr. Kwesi Aning, the Director, FAAR, Captain Derrick Attachie, Head of training at the ICC and Mr. John Pokoo, Program Head, Conflict Management Program and Project coordinator. All invited speakers opined the significance of the blue economy and the prospects it holds if well managed. Maritime insecurity however, is a direct manifestation of landward threats and therefore requires collective efforts and commitment to ensure a safe and secure maritime domain in the Gulf of Guinea.

03

ENHANCING MARITIME SAFETY AND SECURITY IN THE GULF OF GUINEA

Over the past few decades most states in the GoG domain are gradually focusing more and more on the maritime domain as the critical importance of the blue economy becomes increasingly obvious. Whereas most efforts at national security have targeted landwards threats, the spotlight has now shifted dramatically to the threats emanating from the sea. Most states are constrained in managing and monitoring their maritime borders due to the enormous responsibilities and resources it entails. Maritime security thus presents challenges of geo-political significance as it is also about projecting national power beyond ones borders. Control of maritime borders or the so called blue economy therefore has a direct impact on the economic fortunes of states. The blue economy thus represents the perils and risks at sea, but also the promise and prospects if well managed.

The International Maritime Bureau - IMB statistics on maritime safety has cited the seas of the GoG as the worlds' worst areas for piracy. The threat of pirates and their modes of attack remain ever-present for international shipping companies, crews, cargo owners and marine insurers in the Gulf of Guinea. For instance, the IMBs statistics on the Gulf of Guinea consistently advise that vessels… "Continue to be vigilant and maintain strict anti-piracy/robbery watches and measures" especially, off-shore Nigeria. The IMB further contends that the Gulf of Guinea accounted for 40% of piracy and maritime armed robbery incidents documented globally in 2018, including all six hijackings and 78 of 83 kidnappings.

Maritime threats in the GoG include but are not limited to - acts of violence at sea, trafficking in narcotics and other substances, trans-national

organised crimes, Illegal Unreported and Unregulated (IUU) fishing and ecological risks. These threats emanate from both structural and proximate causes. Structurally, governance deficits in most GoG countries continues to push

crime using the network analysis approach. A consideration of the trans-national nature of the maritime crime – which is usually a collaboration between African and foreign partners. For instance licenses for fishing are issued by local

Gulf of Guinea Maritime Security and Information Sharing Architecture
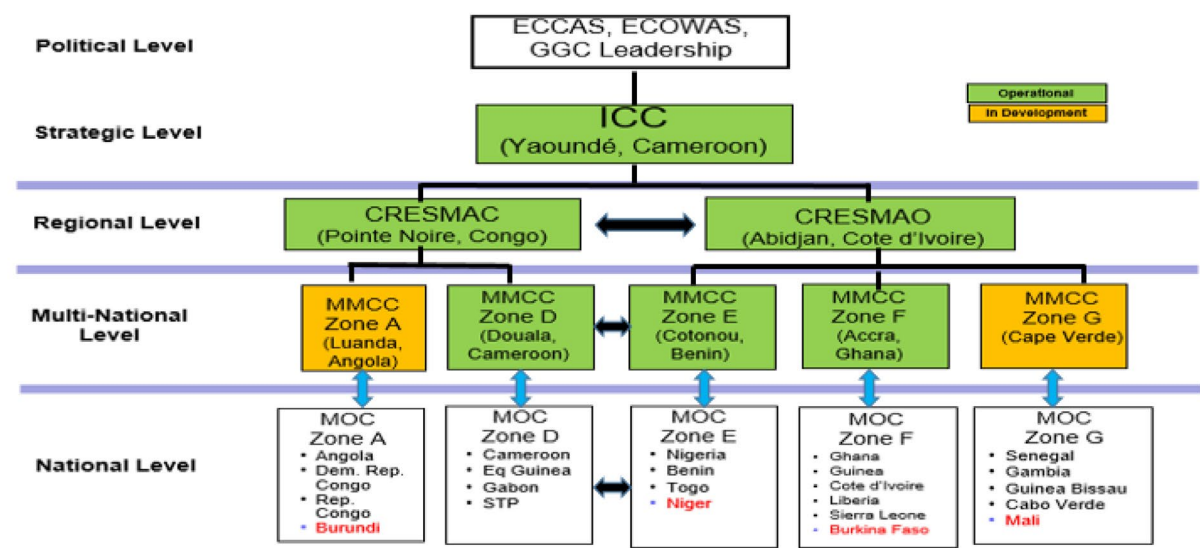
especially young people to engage in such anti-social acts. This is compounded with corruption, economic exclusion and other factors which shores up the numbers of criminals in maritime insecurity. Proximate factors such as weak law enforcement, budgetary allocation, porous borders, IUU, fragility of institutions further provides the enabling environment for criminals to act with impunity. Unemployment contributes to new recruits for piracy, it is a veritable groundswell of young people who strike a blow at the state. It allows ordinary citizens to turn into pirates facilitated by a network of weapons, passports, money, connections etc. Demographics also plays a key role in this instance as populations which expand dramatically with un matched resources for the populace tend to find themselves in such anti-social ventures. Poverty, corruption, religious intolerance, border disputes, ex-combatants along the GoG provides fertile grounds for those who want to challenge the authority of the state.

In understanding maritime security it is important to appreciate the networked nature of maritime

authorities who collude with illegal foreign actors to contribute to maritime crime. Insecurities focusing on the GoG must be understood as a function of the region's diverse resources, demographics and environmental factors. Measures in tackling the issue of piracy should not focus on band aid solutions which tackles the symptoms of the crime but neglects to address the root causes. Interlinkages between sea and land threats are key in prescribing solutions. A human development approach to issues of piracy will help to deter recruitment and att5raction to this menace at sea.

It is critical that states recognise the need for concerted action in tackling the dangers posed by maritime crime. States need to continue with momentum, be more self- financing, and move beyond bureaucracy. Maritime domain awareness is built on trust and confidence, capacity building, consistent, continuous dialogue, learning process. Engagement with political leaders, technical persons must use knowledge to educate those who wield power. Knowledge generation. Increase research on maritime awareness, ensure cutting-

edge research and finding, shared and available to both decision makers and ordinary people. As countries sign on and establish institutions, there must be dedicated budgets to ensure the maritime architecture does not remain a paper tiger.

04

MAPPING MARITIME ACTORS UNDER THE YAOUNDÉ PROCESS: MANDATES, INTER-RELATIONSHIPS, GAPS AND PROSPECTS
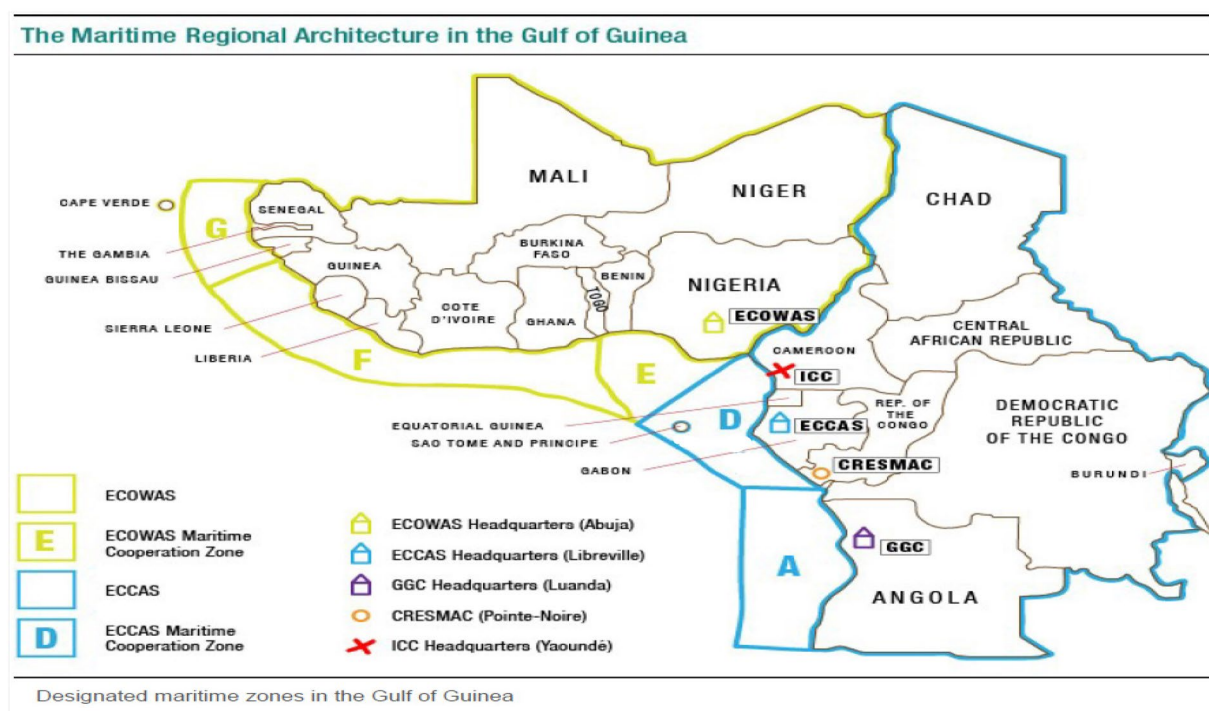
The Yaoundé architecture is a complex framework for coordinated actions at different levels in the maritime security process. At the political level are the regional economic communities – the ECOWAS and ECCAS who together with the Gulf of Guinea Commission have strategic oversight of the maritime domain in the GoG. The coordinating structure emerging from the above architecture is based on the Inter-Regional Coordination Centre (ICC) in Yaoundé, supported by two regional maritime monitoring and observation centres in Abidjan, Cote d'Ivoire (for West Africa) and Pointe Noire, Congo, (for Central Africa). These two regional centres are, in turn, supported by respective, Multinational Maritime Coordination Centres (MMCC) aligned to the five maritime zones in West and Central Africa. The MMCCs are serviced by national Maritime Operation Centres (MOCs) to provide a maritime mechanism that allows for effective information sharing among states so that operational and judicial responses to illegal activities, environmental threats and other incidents that may arise can be made more effective. In order to make these structures fully functional, however, several strategic and technical choices are required. Some of these revolves around communication and information sharing among regional actors such as ECOWAS, ECCAS, GGC and other relevant regional economic communities (RECs) of the Africa Union (AU) for ensuring awareness of and effective management of the maritime security domain in Africa. It also borders on an understanding of the roles and responsibilities of the various actors in the maritime domain in the GoG area. Though quite a number of structures have been put in place in the maritime security domain, there is some obfuscation on the implementation of the maritime structures as well as weak communication and collaboration and synergies among the maritime actors. For the process to be effective, actors in the maritime domain must understand the current structures in place and their role in safeguarding the maritime domain.

Within the maritime security structures in–country, states in the GoG have maritime coordinating agencies or action of the state at sea usually composed of the relevant maritime actors included but not limited to navy, marine police, customs, fisheries, port authorities, environmental agencies, maritime authorities etc. The YCC argues for a coordinated action at sea which involves the inclusion of all above mentioned relevant actors. Yet in most of the countries in the GoG, there exists some confusion on which agency should either lead or be included in maritime security issues. At the top level there are a multiplicity of actors that have similar goals, but are highly uncoordinated, leading to duplication of efforts – inter-relationships and poor knowledge of the YCC.

The mandates with which these structures operate come from a variety of sources, these are domestic laws and regulations, the Yaoundé Protocol and Code of Conduct, Regional economic communities,

Some forms of relationships exist under the Yaoundé Protocol and Code of Conduct at different levels. The Navy has been instrumental in coordinating state-level agencies. However,

The Maritime Regional Architecture in the Gulf of Guinea

Designated maritime zones in the Gulf of Guinea

multilateral arrangement, including UNCLOS and Bilateral arrangements. In terms of the domestic laws and regulations, specific legal frameworks are being adopted in some member states that focuses on the lacuna in the maritime prosecution, while others are being strengthened to cover emerging maritime crimes. Nonetheless some sections of local laws and regulations are yet to be reviewed. The Yaoundé protocol and Code of Conduct is generally thought to be adequate, however its implementation is the main challenge. Moreover, it is a work in progress and there are calls to give it time to go through the process. Other international and regional laws though signed and ratified are yet to be domesticated to give them national ownership. Further a lack of compatibility of the legal frameworks as well as doctrinal differences greatly impedes its progress. The capacity of maritime actors to implement these legal provisions also comes into question here. Compounding all these are the lack of collaboration between agencies and poor information sharing.

relationships remain largely weak, ad hoc and incoherent, Effective information sharing remains a major related issue. Further, most countries are yet to establish maritime security strategies / focal points, hence the ICC relies on unofficial contacts sometimes, undermining the effectiveness of the regional centres and MOCs

More significantly, the Yaoundé Protocol/Code of Conduct is still non-binding, there is a lack of sensitisation on the Protocol & Code. Information sharing continues to remain one of the most critical challenges. Related to this, tension between information sharing and information protection (trust, limited capacity to handle sensitive information) exists. In that sense corrupt officials sometime divulge sensitive information to pirates/criminal. Divergent legal doctrines or cultures also impedes the smooth coordination of maritime issues in the GoG. There is also the problem of non-formalisation of relations leading to duplication of efforts. These adversely affect the operations of CRESMAC,

CRESMAO and the MOCs.

In terms of funding & logistics, the ICC, CRESMAC, CRESMAO among a few actors usually bear the brunt of maritime interventions. Few countries make plans to bear the burden, this leads to an overreliance on external donors, thereby affecting sustainability and predictability. A lack of adequate technical capacity to implement Code of Conduct also adds to the challenges of implementing the YCC. Different technical capacities among countries also makes coordination difficult.

As intimated earlier there is a prioritisation of bilateral relations with countries at the expense of the Yaoundé process, Disharmony of interest, mistrust and unhealthy competition are also rife within GoG member states. Issues of Inter-regional coordination vis-a-vis intraregional coordination are still blurry. Further, there appears to be a lack of role clarity between GGC and the ICC, the feedback loop between the ICC and political actors remain weak which is the same for coordination with AU on maritime security. The absence of inter-ministerial committees in some states also impedes maritime security progress in the GoG. Countries prioritise bilateral & multilateral arrangements at the expense of Yaoundé process.

The transformation of the Yaoundé Protocol/ Code of Conduct into a binding document will be significant in addressing most of the challenges. This depends on the adoption of national maritime security strategies by all countries, as well as the full operationalisation of the focal points. Maritime operational Centres will be more efficient if they received up-to-date information from CRESMAO and ECOWAS. Currently, arrangement only allows for a bottom-up information sharing.

There is the need to increase maritime domain awareness and awareness about the Protocol and Code. Role clarity between GGC and ICC and other actors is also key. The use of African Training institutions for capacity building and the establishment of a maritime department at the AU must be accelerated. Further, the role of non-state actors (including local communities) must be recognised in the shifting context of Maritime insecurity. Increased or frequent contacts among agencies to build trust is a must going forwards. The ICC needs to be strengthened to enhance inter-zonal cooperation, as well as the development of more consistent funding source, for example through taxes.

05

EXAMINING THE LEGAL FRAMEWORKS GOVERNING MARITIME SECURITY IN THE GULF OF GUINEA: INTERNATIONAL, REGIONAL AND NATIONAL STRUCTURES

Driven by the constant concern for peace without which there is no sustainable development and convinced that the sea is a strategic vector constituting a potential source of wealth creation for their economies, Heads of State, Government or the leaders of the economic regions of the coastal countries that make up the Gulf of Guinea and even the entire African continent have put in place regulatory texts or security provisions for securing this vital maritime area. International conventions such as the UNCLOS, SUA and UNTOC are at various stages of signature and ratification by GoG countries. Further, the African Union (AU), Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS) all had disparate initiatives on maritime security until 2011. Faced with heightened incidences of piracy that crippled its free-port economy, President of Benin, Thomas Boni Yaya, with the support of France and the United States of America (USA), pursued the United Nations Security Council (UNSC) to adopt Resolution 2018 in 2011. The Resolution urged ECOWAS, ECCAS and the Gulf of Guinea Commission (GGC) to fight against acts of piracy and armed theft at sea through concerted action, particularly, by setting up bilateral or regional maritime patrols. Again in 2012, UNSC adopted Resolution 2039 on 29 Feb 2012, urging GoG States to work through multilateral channels established under Resolution 2018 towards convening a summit to draft a regional strategy in the fight against piracy in collaboration with the African Union.

Thus, these two resolutions mentioned above,

have led to what is now referred to as the Yaoundé Process – i.e. a complex arrangement underpinned by:

◆   **The Yaoundé Declaration** of 25th June 2013.

◆   **The Yaoundé Code of Conduct** (YCC) of 25th June, 2013.

◆   The **maritime strategies** of the participating actors – ECOWAS, ECCAS, AU and the Gulf of Guinea Commission; and

◆   The **structures** emerging from all the above declarations, codes and strategies and their inter-relationships.

The Yaoundé Declaration joined up the maritime security efforts of ECOWAS, ECCAS and the Gulf of Guinea Commission and also established the Inter-regional Coordination Centre (ICC) for safety and security in the Gulf of Guinea based in Yaoundé, Cameroun, as the inter-regional maritime operational tool collaboratively led at its steering committee level by ECOWAS, ECCAS and GGC and populated by same. The Declaration among other measures encourages the RECs and GGC to adopt regional strategies to fight against piracy, armed robbery and other illegal activities at sea. It also calls for coordinated mechanisms to enable member states to effectively take action against all maritime threats. The ICC has developed a four year programme based on information sharing, training, legal harmonisation and international cooperation. A number of interventions have thus been executed under these broad pillars some of which are the development of a comprehensive training curricula

matrix for GoG actors; an inventory of national maritime laws of member states and designation of legal focal points; capacity building initiatives and Africa. Specifically, the strategic pillars focuses on the exchange of Information and sharing of experiences; the harmonization of legislation in the

Countries	UNCLOS 1982	SUA 1988	SUA PROTOCOL	SUA 2005	2005 PROTOCOL	NARCOTICS	UNTOC 2000	UNTOC MIGRANT	UNTOC WEAPONS
Angola	Domesticated	Not Domesticated	Not Domesticated	Not Domesticated	Not Domesticated	Domesticated	Domesticated	Domesticated	Domesticated
Benin	Domesticated	Domesticated	Domesticated	Not Domesticated	Not Domesticated	Domesticated	Domesticated	Domesticated	Domesticated
Cameroon	Domesticated	Not Domesticated	Not Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated
Cabo Verde	Domesticated	Domesticated	Domesticated	Not Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated
Congo	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Not Domesticated	Domesticated	Domesticated
Cote d'Ivoire	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated
DRC	Domesticated	Not Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated
Equatorial Guinea	Domesticated	Domesticated	Domesticated	Not Domesticated	Not Domesticated	Not Domesticated	Domesticated	Not Domesticated	Not Domesticated
Gabon	Domesticated	Not Domesticated	Not Domesticated	Not Domesticated	Not Domesticated	Domesticated	Domesticated	Domesticated	Domesticated
Gambia	Domesticated	Domesticated	Domesticated	Not Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Not Domesticated
Ghana	Domesticated	Domesticated	Domesticated	Not Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated
Guinea	Domesticated	Domesticated	Domesticated	Not Domesticated	Not Domesticated	Domesticated	Domesticated	Domesticated	Not Domesticated
Guinea Bissau	Domesticated	Domesticated	Domesticated	Not Domesticated	Domesticated	Domesticated	Domesticated	Not Domesticated	Domesticated
Liberia	Domesticated	Domesticated	Domesticated	Not Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated
Nigeria	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated
Sao Tome et P	Domesticated	Domesticated	Domesticated	Not Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated
Senegal	Domesticated	Domesticated	Domesticated	Not Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated
S Leone	Domesticated	Not Domesticated	Domesticated	Not Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated
Togo	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated	Domesticated

DOMESTICATED **NOT DOMESTICATED**

Status of Ratification of Frameworks as at 12 Sep 2019

partnership agreements with a number of training institutions and other international organisations.

Similarly the **Yaoundé Code of Conduct –YCC,** is largely inspired by the Djibouti Code of Conduct which seeks to fight against piracy in the Indian Ocean and Gulf of Eden[1]. The YCC forms the legal basis for cooperation between the signatory States of both regions. It defines the terms of intervention, sharing of responsibilities and practical organisation of the fight against illegal maritime activities in Western and Central Africa[2]. The Code introduced a range of national and regional maritime security norms for addressing maritime security issues in the GoG. The YCCs strategic pillars revolves around strengthened cooperation, coordination, pooling and interoperability of community assets for the implementation of the regional strategies for maritime safety and security in the common maritime space of West and Central

Region; harmonization of operational procedures; harmonization of training and enhanced cooperation with international Partners.

Maritime strategies of the participating actors such as the ECOWAS, ECCAS, AU and the Gulf of Guinea Commission are designed to guide and galvanise action around maritime security awareness and cooperation. The AU Integrated Maritime strategy and the ECOWAS Integrated Maritime Strategy (EIMS) were adopted separately in 2012 and 2013 respectively, in response to the maritime security incidences in West Africa (ECOWAS) and Africa (AU). Central Africa also had its initiatives separately. However, the Yaoundé process focused on the wider Gulf of Guinea area and joined up the efforts of West and Central Africa under the auspices of the AU and the United Nations. Thus the regional architecture evolving places the Yaoundé Code of Conduct at the centre of the joint maritime

[1] https://www.grip.org/en/node/2113
[2] ibid

SIGNATORIES TO THE YAOUNDE CODE OF CONDUCT

Sao Tome & Principe	Angola	Guinée	Sénégal
Cameroun	Bénin	Guinée Bissau	Togo
Congo	République Centrafricaine	Côte d'Ivoire	Burundi
Tchad	Sierra Léone	Libéria	Burkina Faso
République Démocratique du Congo	Cap Vert	Mali	
Guinée Equatoriale	Gambie	Niger	25 ETATS
Gabon	Ghana	Nigéria	

operational engagements of ECOWAS and ECCAS.

Further, the **structures** emanating from the above processes takes a bottoms up approach in its focus on maritime insecurity. At the regional level, the establishment of the CRESMAC and CRESMAO has meant there is now a regional over sight body overlooking issues of maritime security in both Central and West Africa. The MMC zones in the GoG have also taken the initiative to foster further bi-lateral MOUs to guide their operations. For instance members of the Multi-National Maritime Coordination Centre (MMCC) Zone F (Ghana, Cote d'Ivoire, Liberia, Sierra Leone and Guinee) have recently drafted and signed in Accra a series of memoranda of understanding (MoUs) to form the cornerstone for multinational cooperation including multinational patrols across national territorial waters. Similarly Zone E (Benin, Togo, Nigeria and the Gendarmerie of Niger) in 2018 signed an MOU to allow any ship from the 4 countries free patrolling in zone E, allow hot pursuits and are in the process of considering joint patrolling. In Zone D, an MOU allowing joint patrols is already operational. All these efforts indicates the

willingness by the various member states to tackle aggressively and progressively issues of maritime insecurity in the GoG. Despite all these frameworks at the international, regional and national levels, there exists some challenges to reducing maritime insecurity in the GoG. Key among these is the lack of domestication of international and regional frameworks in the national laws of the member states. It is important to note here, that criminal law and procedure are attributes of States sovereignty, thus each state has its own national legislation under which maritime crime are addressed. However, most of these regulation are outdated. There is therefore the need for reforms to incorporate International and regional conventions into national laws. Also lacking are appropriate national maritime security laws practice and procedure.

Maritime offenders need to be prosecuted in accordance with relevant national laws, the absence of which gives rise to impunity. It must be emphasized, that the organization and functioning of the national structure is the exclusive responsibility of each State in accordance with the laws and regulations in force. Further, weak judicial

systems that are not adapted to fight piracy and other maritime crimes, differences in legal systems (common law vs civil law), a lack of commitment, and absence of local laws that penalises maritime crimes are inimical to maritime security in the GoG. Notwithstanding this, Nigeria, since 2019 has developed their anti- piracy laws which is a positive sign of political will and action on maritime security.

Information sharing among actors in the Yaoundé process continues to be an area of great concern. The sensitivities surrounding information sharing, trust and intelligence has led to zero or no information sharing among actors particularly on maritime incidents despite the stipulation front he legal frameworks on the critical role of information sharing among actors. There is also the need for capacity building of the various actors especially on the legal architecture underpinning the maritime domain in the GoG. Increasingly the lack of awareness of these texts limits its effectiveness and application in the required domain.

There exists further overlaps in the roles and responsibilities of each centre in the security architecture. For instance certain interventions assigned to the ICC also falls within the scope of activities of the national centres. The absence of a matrix of functional relationship between the different structures of the architecture is also another area of concern. Finally, the non-existence of the diplomatic process in operations between countries also means more bureaucracy in the maritime security work.

In order for the Yaoundé process to run more efficiently, there is the need to domesticate the various conventions on maritime security as well as bridge the doctrinal conflicts arising from legal frameworks. It is also Important to expand the jurisdiction of the courts, improve capacities of magistrates, judges and prosecutors. Moreover, an assessment and analysis of national laws for Identification of disparities between legal texts and adoption of good practices should be prioritised. Strengthened cooperation between the various state administrations (justice, navy, police, gendarmerie, customs, and fishing) and the harmonization of laws and procedures on Maritime crime and enforcement as well as the commitment by member States will improve the seas greatly. Finally without the political will of the heads of states and governance of the GoG states, the full implementation of the Yaoundé process might very well remain a mirage.

A cross-section of participants at the technical meeting

06

STREAMLINING INCIDENT REPORTING MECHANISMS: TRANS-REGIONAL, TRANSNATIONAL AND TRANS-INSTITUTIONAL INFORMATION SHARING

The IMBs third quarter report of 2019, indicates that the Gulf of Guinea remains a high risk area for incidents concerning piracy and armed robbery[3]. The region accounts for 86% of crew taken hostage and nearly 82% of kidnappings globally[4]. Although incidents are down, the GoG nonetheless continues to be a concern for piracy and armed robbery-related activities with kidnapping of crew members increasing in both scale and frequency[5]. Both the UNODC and IMO have sought to guide countries by providing some benchmarks for maritime security in the GoG region. For instance the IMO has since 2017 published its strategy for implementing sustainable maritime security measures in West and Central Africa, which encourages states to report maritime crime incidents. At the regional level, the AUs AIMS 2050 outlines a strategic objective of preventing hostile and criminal acts at sea and coordinating or harmonizing the prosecution of offenders[6]. Further the ECOWAS and ECCAS together with the GGC met in Yaoundé in June 2013 to discuss the strengthening of maritime safety and security in the region.

Within the GOG the issue of under-reporting, which is estimated to be around 60 to 70%[7] distorts the maritime criminality picture as it ultimately results in a lack of data and coordination. Several challenges crop up when it comes to the practicalities of reporting. Some of these revolve around the procedures for reporting and the structures for disseminating information. Further under-reporting is engendered by undefined borders, legal discords, dispute mechanisms, unaccountable shipping companies, lack of capabilities, coordination and a general confusion of how to apply the regional declarations and international norms to national regulations.

The Yaoundé code of Conduct -YCC- encourages the establishment of appropriate legislation and policies, as well as national maritime security committee or other systems for coordinating activities between actors (Article 4). It also stipulates the timely communication of information between the respective national focal points and centres as well as interested parties in cases of piracy and armed robbery against ships (Article 7). Further it stresses consultations for the harmonization of policies for the management of marine living resources that straddle maritime zones (Article 8). The YCC under Article 11 requires each member state to designate a national focal point to coordinate and facilitate timely information sharing, develop uniform reporting criteria to ensure accurate assessment of threats and prepare statistics and reports, and disseminate same to signatories and relevant parties (Article 12).

Nonetheless, the Yaoundé architecture is still in its development phase and so it's difficult to make conclusions about its effectiveness. However it's important to ascertain progress made towards ensuring uniform reporting of incidents in the maritime domain. Again, the
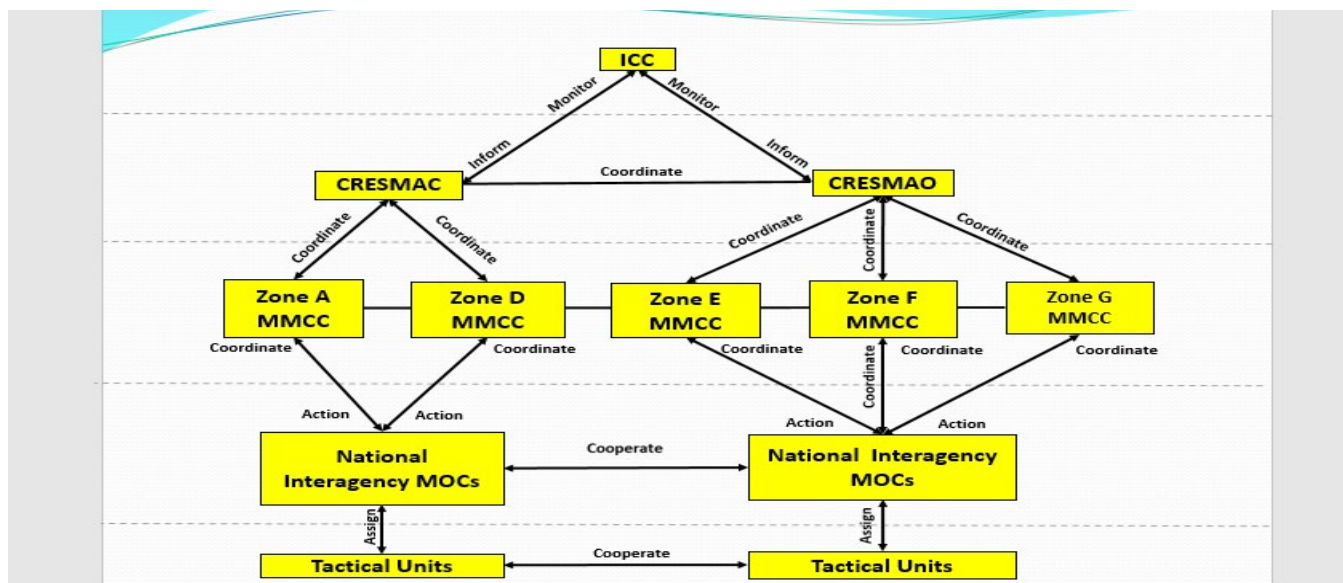
[3]https://www.icc-ccs.org/index.php/1282-maritime-piracy-incidents-down-in-q3-yet-gulf-of-guinea-remains-a-hot-spot
[4]ibid
[5] ibid
[6]AU, 2012:12
[7]IMO, 2017

YCC Existing Information Sharing Network

YCC is not a binding instrument, making it difficult to enforce compliance. The current practice is to rely on moral suasion to persuade member states to report maritime incidents.

This practice has unfortunately become victim to the age-old lack of political will by member states, even though there are some indications of progress in cooperation between states. The lack of political will can be explained by the varying levels of state interests in maritime security. Not every GoG country considers the maritime domain as a strategic interest. Consequently, the development of uniform reporting criteria as stipulated by the YCC has not been achieved. Also, not all member states have designated national focal points that will facilitate timely sharing of information.

Key challenges to incident reporting includes the lack of Information sharing - At the inter-institutional level, rivalry has become the main impediment to sharing information. The challenge is exacerbated at the inter-state level, and even worse at the inter-regional level. From fieldwork conducted in Benin, Nigeria, Cameroun and Gabon, nearly all the MOCs indicated that they readily share information but hardly receive information from other regional institutions. Thus some states are beginning to

question the utility of sharing information with the MMCCs and the regional maritime security centres. The lack of trust and mutual suspicions among member states was cited as the main challenge to information sharing. In this vein, it was revealed that member states are more inclined to share information with international maritime agencies such as the IMB and IMO than with partner agencies in neighboring states.

The second impediment to information sharing is the lack of clarity on what protocols or SOPs to follow in disclosing sensitive information. In such cases, information protection becomes an easy recourse. Thirdly, information sharing depends on presence and capacity. Several institutions visited, which have mandates covering the maritime domain do not have their own naval assets or embarked officers on navy or related vessels. Where state agents are present, the lack of equipment or resources to respond to, and report maritime incidents is an impediment to information sharing.

Doctrinal differences: There is currently no parity in legal frameworks governing maritime incidents in the GoG. For instance, Nigeria has recently passed into law the Suppression of Piracy and other Maritime Offenses Act.

Neighbouring countries however do not have specific legal provisions to prosecute maritime crimes, often relying on common law. Maritime incidents or crimes do not carry the same penalties across country. Thus, there is a huge potential for threat migration based on the perception of which states have less stiff sanctions. Further, the differences in recognition of what constitutes maritime offense affects incident reporting at sea, as certain incidents may not be reported. Harmonization of legislation and SOPs will go a long way to bridge the gaps in incident reporting.

In Cameroon for example, there are currently no environmental agents on board navy vessels to identify and respond to issues relating to environmental pollution. This means that incidents of an environmental nature are less likely to be reported. The counter-argument to the issue of doctrinal differences is that GOG member states are able to cooperate seamlessly with western counterparts. Within the GoG region, very few member states have established national focal points to facilitate coordinated and timely information flow among signatories of the YCC. Where these focal points exist, not all possess the capability to receive and respond to alerts and requests for information as provided for in the

YCC. Key impediment to establishing Focal Points is the inability of many states to adopt appropriate maritime security strategies, or establish a national maritime security committee.

The YCC makes a number of provisions that are yet to be implemented or operationalized at the national level. Issues of capacity and resources, absence of national legislation that provides a framework for engagement, varying degrees of state interest and commitment, and mistrust among and between agencies have all worked to impede information sharing and uniform incident reporting in the GOG. However, within the larger frame of multilateralism, the Yaoundé process can be argued to be in its early stages.

07

KEY RECOMMENDATIONS

◆   Member states of the Gulf of Guinea should ensure that their maritime security committees are established by end of 2020;

◆   In furtherance of the above, countries should identify their national maritime focal points and communicate to the relevant stakeholders, including the ICC, by 2020;

◆   The ECOWAS, ECCAS and GGC should conduct an assessment of the Yaoundé Code of Conduct toward transforming it into a binding document in order to ensure a harmonized response to maritime threats in the Gulf of Guinea.

◆   Countries should adopt legislation (where they do not exist) to criminalise crime at sea in order to facilitate the prosecution of maritime crimes;

◆   The ICC should intensify its engagements with Member States towards the harmonisation of national maritime legal texts by facilitating the domestication of international norms into national legal frameworks;

◆   The ICC and the GGC should establish a routine arrangement that ensures effective coordination of operations and the Yaoundé structures;

◆ States and regional maritime bodies should endeavour to recognise and involve non-state actors, including civil society groups and maritime industry, in their operations;

◆ In order to ensure effective multinational response to maritime crimes in the Gulf of Guinea, the ICC and GGC should endeavour to ensure the operationalisation of the concept of embarked offices as contained in the Yaoundé Code of Conduct;

◆ The ECOWAS, ECCAS and GGC should streamline the financing mechanisms of the structures of the Yaoundé architecture;

◆ It is essential that countries in the Gulf of Guinea adopt a common model for state action at sea and incidence reporting mechanism;

◆ The Kofi Annan International Peacekeeping Training Centre should continue to execute its role of providing policy support and building the capacities of relevant maritime actors.

08

CONCLUSION

The First Technical Rotating Meeting on Enhancing Maritime Security in the Gulf of Guinea, organised by the Kofi Annan International Peacekeeping Training Centre, in collaboration with the Danish Ministry of Foreign Affairs and the Inter-Regional Coordination Centre in Congo Pointe Noire assembled regional actors from ECOWAS, the ICC, CRESMAO, CRESMAC and the MMCs. The 2 day meeting discussed and clarified issues in maritime security, maritime actors, their mandates and inter-relationships under the Yaoundé process, legal frame works, and incident reporting challenges. Overall the meeting highlighted the different roles and relationships among actors in the Yaoundé process as well as the challenges faced in enhancing maritime security in the GoG. The meeting noted the importance of the establishment of national maritime focal points and as well as the urgency of political will in meeting the full and effective implementation of the YCC.

Organisers & Partners

The **Kofi Annan International Peacekeeping Training Centre** has over the past two years been actively engaged in addressing maritime security issues. It is one of three institutions designated by the Economic Community of West African States (ECOWAS) as a regional Centre of Excellence for the delivery of training and research in the areas of conflict prevention, management and peacebuilding. The KAIPTC has to date offered over 400 courses in diverse aspects of peace support operations for over 11,000 military, police and civilian personnel.

The **Ministry of Foreign Affairs of Denmark**, through its Embassy in Accra, Ghana, has an active engagement towards the country in promoting trade, development and economy. Four strategic objectives of this relation include: strengthened political cooperation based on shared values; promotion of inclusive and green growth; economic diplomacy and increased commercial cooperation; consolidation of results in development programmes.

The **Inter-Regional Coordination Centre** was established as a result of the Yaoundé Conference on Maritime safety and security in the Gulf of Guinea, in the Additional Protocol to the Memorandum of Understanding among ECCAS, ECOWAS, and GGC on Safety and Security in the Central and West Africa Maritime Space. Placed at the top of the Yaoundé Architecture, it is the intersection between the operational, strategic, political and tactical levels of the Architecture, and aims to coordinate and support all working entities.

APPENDIX 1: WORKSHOP AGENDA

FIRST TECHNICAL ROTATING GROUP MEETING ON ENHANCING MARITIME SECURITY IN THE GULF OF GUINEA

POINTE NOIRE, CONGO, 20-22 NOVEMBER, 2019

AGENDA

Hours (Hrs)		
Day One	**Wednesday 20th November, 2019**	
0830 -0900hrs	**Registration**	
Opening Session	**Opening Ceremony:**	
0900 – 1000hrs	Welcome Address	Representative of Government of Republic of Congo
	Opening Remarks	Maj. Gen. Francis Ofori, Commandant KAIPTC
	Opening Statement	Capt. Derrick Attachie, Director of Training, ICC
	Overview of Project: Enhancing Dialogue and Capacity Development towards a Safer Maritime Domain in Africa	Mr. John Pokoo (Project Coordinator & Head, Conflict Management Programme, KAIPTC)
	Group Photo	
1000-1015hrs	**Coffee break**	

1015 - 1145hrs	**Session 1**	Moderator:
	Enhancing Maritime Safety and Security in the Gulf of Guinea: A Threat Assessment Synopsis	Prof. Kwesi Aning (Director, Faculty of Academic Affairs and Research, KAIPTC)
	Exploring a consensus model national action at sea for West and Central Africa	Mr. John Pokoo (Project Coordinator & Head, Conflict Management Programme, KAIPTC)
	Financing model for the Yaoundé architecture and its impact on the evolution of the structures	Commander Joel Landry Gbeuly, CRESMAO
1145 -1315hrs	**Session 2**	Moderator:
	Mapping Maritime Actors under the Yaoundé Process: Draft Report from the Field	Dr. Kwaku Danso (Research Fellow, KAIPTC)
	Yaoundé Code of Conduct and maritime security in GoG – the journey so far	Mr. Derrick Attachie, Director of Training, ICC
	National legal status in response to the YCC	Mr. Moses Elijah, Director of Legal, ICC
1315 – 1430hrs	**Lunch**	
1430 – 1600hrs	**Session 3**	Moderator
	Exploring Maritime Crime Incident Reporting Mechanisms under the Yaoundé Process: Draft Report from the Field	Mr. Frank O. Okyere (Research Associate, KAIPTC)
	Status of joint West and Central Africa coordination on maritime security in GoG	Col, Abdourahmane Dieng (Head Regional Security Division, ECOWAS)
	National Incident reporting template – from a practitioner's perspective	Lt. (GN) Joshua Eyram Agbenyenu, (MMCC Zone F)
1600- 1615hrs	Coffee Break	
1615 -1630hrs -	**Wrap up of Day One**	Mr. John Pokoo (Project Coordinator & Head, Conflict Management Programme, KAIPTC)

Day Two	Thursday 21st November, 2019	
0900 – 0930hrs	**Recap of Day 1**	
0930 – 0950hrs	Coffee Break	
0950 – 1120hrs	**Session 4** Working with partners in ensuring security in the Gulf of Guinea (Challenges and opportunities) Working with partners from a Capacity development perspective	Mr. Derrick Attachie, Director of Training, ICC Capt. (GN) Solomon Asiedu-Larbi, Course Director, KAIPTC
1120 – 1250hrs	**Session 5** Staffing the YCC structures from an ECOWAS perspective Staffing the YCC structures from an ECCAS perspective	Col, Abdourahmane Dieng (Head Regional Security Division, ECOWAS) Admiral Sosthene Loulla Mabicka (CRESMAC) Chief of Naval Staff, Gabon
1250 – 1430hrs	**Lunch**	
1430 – 1600hrs	**Session 6** Status of inter- national cooperation on maritime crime-related arrests Status of implementation of the concept of "Embarked officers" in the YCC Status of formation of national maritime committees	Cv. Sylvestre Fonkuah Mbah (Deputy Director, MMCC Zone D) Capt. Joseph Francois D'Assise Gonsallo (Deputy Director, MMCC Zone E) Congo TBC
1600 – 1630hrs	Wrap-up	
Day Three	**Friday 22nd h November, 2019**	
0900 – 0930hrs	Recap of Day Two	
0930 – 0945hrs	Coffee Break	
	Session 7: Syndicate Work	

0945 – 1045hrs	**Syndicate 1** **Mapping Maritime Actors: Mandates, Inter-re-lationships, Gaps and Prospects** - Engaging State and non-state actors - Improving ECOWAS-ECCAS relationship - Inter-regional Coordination mechanisms - Country to country relationships	
	Syndicate 2 **Examining the Legal Frameworks governing Maritime Security in the Gulf of Guinea: International, Regional and National Structures** - Synergies, Overlaps and Gaps in Legal Mandates - Bridging doctrinal conflicts arising out of Legal Frameworks - Challenges and Opportunities in Implementing Legal Frameworks	
	Syndicate 3 Streamlining Incident Reporting Mechanisms: Trans-regional, Transnational and Trans-institutional Information Sharing - Opportunities for uniform reporting standards - Practical Considerations in vertical and horizontal information sharing - Exploring the idea of a Focal Points Network - Building trust vs. Protecting Information Integrity	
	Session 8: Presentations and Discussion	

1045 – 1130hrs	Syndicate 1 Presentation Mapping Maritime Actors	Moderator: Syndicate spokesperson
1130 – 1215hrs	Syndicate 2 Presentation Examining the Legal Frameworks	Moderator Group Spokesperson
1215 – 1400hrs	Lunch Break	
1400 – 1445hrs	Syndicate 3 Presentation Streamlining Incident Reporting Mechanisms	Moderator: Group spokesperson
1445 – 1515hrs	**Wrap up and close**	Maj Gen Francis Ofori, Commandant KAIPTC Rep of Government of Congo
1515 – 1530hrs	Coffee Break	
1530hrs	Departures	

APPENDIX 2: LIST OF PARTICIPANTS

Srl	Country	Title / Rank	Name	Organisation
1	Benin	Mr	AHOYO FERNAND MAXIME	MARITIME PREFECTURE
2	Benin	Mr	GONSALLO JOSEPH	MMC ZONE E
3	Cameroon	Mr	SYLVESTER FONKOUA MBAH	MMC ZONE F
4	Cameroon	Mr	BODO EBODE ALEXANDRE	ICC, CAMEROUN
5	Cameroon	Mr	AMAT KEBBEH	ICC, CAMEROUN
6	Cameroon	Mr	MOSES ELIJIAH	ICC, CAMEROUN
7	Cameroon	Mr	YANNICK DEFOE	ICC, CAMEROUN
8	Cameroon	Mr	ATTACHIE DERRICK	ICC, CAMEROUN
9	Cote D'Ivoire	Cdr	GBEULY JOEL LANDRY	CRESMAO
10	Cote D'Ivoire		GOLLY BEHEGBIN SAMUEL	CRESMAO
11	Congo	LCDR	IBOMBO ENGOUSSI LYLION CHANEL	MOC, POINT NOIRE
12	Congo	CAPT	GUEPJOP M. EMILE	CRESMAC
13	Congo	MR	IBATA RUFIN CYR BONHEUR	DOUANES, CONGOLAIS
14	Congo	MR	ITOUA VOWALATCHANI	CUSTOMS/DDDK/PNR
15	Congo	MR	DOUNGOU V. THEODULE	DEPT OF HYDROCARBONS.PNR
16	Congo	MRS	GODZIA FELICITE FRANCOISE	MERCHANT MARINE, PNR
17	Congo	MR	ABANDZOUNOU NGUILI DAVY LAURIEN	PUBLIC PROSECUTOR/ PNR
18	Congo	MR	MABIALA HENRI JEAN PAUL	CUSTOMS/DDDK/PNR
19	Congo	MR	OKOUMILA JOACHIM	FISHERIES, PNR
20	Congo	CAPT	ECKOMBAND DJIO STEVE	DEPARTMENT OF HYRDROCARBONS/ PNR
21	Congo	Mr	JOEL LIONEL GACKOSSO	CONGO NAVY
22	Gabon	AMIRAL	SOSTHENE LOULLA MABICKA	CNS, GABON
23	Nigeria	CAPT	TUKUR TORO MOHAMMED	ECOWAS
24	Ghana	LT (GN)	AGBENYENU JOSHUA EYRAM	MMC ZONE F
25	Ghana	Mr	BOAKYE-BOAMPONG NANA KWABENA	GHANA MARITIME AUTHORITY

26	Ghana	Maj Gen	OFORI FRANCIS	KAIPTC
27	Ghana	Prof.	ANING EMMANUEL KWESI	KAIPTC
28	Ghana	Mr	POKOO JOHN MARK	KAIPTC
29	Ghana	Capt (GN)	ASEIDU-LARBI SOLOMON	KAIPTC
30	Ghana	Mrs.	LAMPTEY AFUA AGYEIWAA	KAIPTC
31	Ghana	Mr.	FRANK OSEI OKYERE	KAIPTC
32	Ghana	Dr.	DANSO KWAKU	KAIPTC
33	Ghana	Mrs.	ALLOTEY PAPPOE SERWAA	KAIPTC
34	Ghana	Capt.	BOATENG BENJAMIN GYIMAH	GHANA ARMY