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**MINISTRY OF  
FOREIGN AFFAIRS  
OF DENMARK**



# SECOND TECHNICAL ROTATING MEETING ON ENHANCING MARITIME SECURITY IN THE GULF OF GUINEA

R E P O R T

5 O C T O B E R 2 0 2 0

Kofi Annan International Peacekeeping Training Centre  
Ministry of Foreign Affairs of Denmark  
Inter-Regional Coordination Centre

Written by: Afua Lamptey | KAIPTC

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Ministry of Foreign Affairs of Denmark  
Inter-Regional Coordination Centre

**Cover Photo:** A Ghanaian navy boarding team during a weapons trafficking scenario as part of Exercise Obangame which is designed to increase maritime safety and security in the Gulf of Guinea. (U.S. Navy photo by Mass Communication Specialist 3rd Class Luis R. Chavez Jr/Released)

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5 OCTOBER 2020 | KAIPTC

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# ACRONYMS

AIMS	African Union Integrated Maritime Strategy 2050
AU	African Union
CRESMAC	Regional Centre for Maritime Security of Central Africa
CREMAO	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
KA IPTC	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
TESS	Training and Education Support System
YARIS	Yaoundé Architecture Regional Information Sharing
YCC	Yaoundé Code of Conduct
UNODC	United Nations Office on Drugs and Crime

## SECTION 1

# EXECUTIVE SUMMARY

The Kofi Annan International Peacekeeping Training Centre (KA IPTC) 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 KA IPTC 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 from 2019 to 2021.

This report covers proceedings of the *Second Rotating Technical Meeting on Enhancing Maritime Security in the Gulf of Guinea*, which was held online on 5<sup>th</sup> October, 2020 at the KA IPTC. The meeting sought to create the platform for regular peer discussions among regional actors such as the Economic Community of West African States (ECOWAS), Economic Community of Central African States (ECCAS), Gulf of Guinea Commission (GGC) and other relevant regional economic communities (RECs) of the African Union (AU) for ensuring awareness of and effective management of the maritime security domain in the Gulf of Guinea area. It brought together 28 participants from the ICC, ECCAS, the Regional Centre for Maritime Security of

West Africa (CRESMAO), the Regional Centre for Maritime Security of Central Africa (CRESMAC), Multinational Maritime Coordination Centres (MMCC’S) GoG navies, United Nations Office on Drugs and Crime (UNODC) and INTERPOL. This report summarises key points from the meeting.

The key recommendations at the end of the meeting are as follows:

- There is the need for increased trust and confidence building among actors in the Yaoundé process.
- Need for political will to implement provisions of ECCAS and ECOWAS maritime strategy.
- The ECOWAS Centres need to be fully manned and operational with joint maritime operations executed by the zones.
- There is the urgent need for states to accelerate the establishment of national maritime strategies and focal points.
- The operationalisation of the Yaoundé Architecture Regional Information System (YARIS) and the Training and Education Support System (TESS) is key to support the collection, processing and sharing of information and good practices.
- Legal reform criminalising piracy and other maritime crimes in line with international conventions is critical.
- There is the need for a holistic approach in maritime policing in the GoG.

## SECTION 2

# INTRODUCTION, CONTEXT AND OBJECTIVES

The Gulf of Guinea region represents a practically limitless Blue Economy potential offered by hydrocarbons, regional fisheries, shipping and tourism under the right circumstances<sup>1</sup>. Nonetheless, the region has achieved notoriety for piracy and armed robbery at sea among other complex maritime crimes. In responding to the risks posed by maritime criminality, the region adopted the 2013 Yaoundé Code of Conduct (YCC) Concerning the Repression of Piracy, Armed Robbery against Ships and Illicit Maritime activity in West and Central Africa. The Code also outlined a strategy by which regional governments could share information and coordinate more broadly. Thus the Yaoundé Architecture seeks to connect two regional information sharing and coordination centres in the wider region – CRESMAC for Central Africa and CRESMAO for West Africa through the Interregional Coordination Centre based in Yaoundé, Cameroon. Five operational zones span the wider region to coordinate maritime activities (Zones A to G). At the strategic level, ECOWAS and ECCAS oversee the activities of the entire structure. Together with the Gulf of Guinea Commission they have oversight responsibilities of maritime security in the GoG. Seven years into the adoption of the YCC there obviously has been some progress made in the implementation of the YCC. Some relate to the enactment of criminal laws in some countries, the operationalisation of a number of the MMCCs, training and coordination among the various

stakeholders and the gradual awareness of the maritime domain. Nonetheless, there are still some gaps in the implementation of maritime strategies, trust-building and information sharing and law enforcement on maritime security.

Another layer of vulnerability has presented itself in the form of the COVID-19 pandemic in 2020, which has had a profound impact on the implementation of the YCC. It was therefore important to ascertain how the international and regional institutions are monitoring and coordinating maritime security in the GoG. To this end the technical meeting brought together the above listed institutions in an effort to find out their progress, successes and challenges in ensuring maritime security in the GoG. The project through these engagements seeks to offer platforms for continuous dialogue and networking of the various maritime actors in order to enable the operationalisation of the YCC.

### Objectives

The primary objective of the Second 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 African 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. This meeting also focused on progress made so far

<sup>1</sup> Okafor-Yarwood, I and Pigeon, M. 2020. Stable seas: Gulf of Guinea. Broomfield: One Earth Future.

by the oversight institutions in implementing the respective strategies in their domain. In this regard, the meeting focused on bringing together representatives of the ICC, ECOWAS, ECCAS, CRESMAC and CRESMAO. A number of issues were discussed including the following:

- Implementation of the YCC - Information sharing and trust building.
- Operationalising the ECCAS Maritime Strategy.
- Enhancing maritime security collaboration under the YCC: Strategies and National focal points in ECOWAS and ECCAS.
- Prosecuting maritime crimes in the GoG – Challenges and the way forward.
- Enhancing international collaboration on maritime policing – best practises

The online webinar took off with an Opening Ceremony during which the Deputy Commandant of the KAIPTC, Air Commodore George Arko-Dadzie welcomed all participants to the webinar. He mentioned the rising levels of piracy and maritime criminality in the GoG which necessitated effective cooperation on maritime domain awareness in the GoG. Stressing on the fact that maritime security was a shared concept,

he further hoped that the webinar would create the platform for all stakeholders to thoroughly examine the challenges confronting the various levels of international and regional cooperation for maritime domain awareness in West Africa with the view to collectively proffering solutions to addressing such challenges.

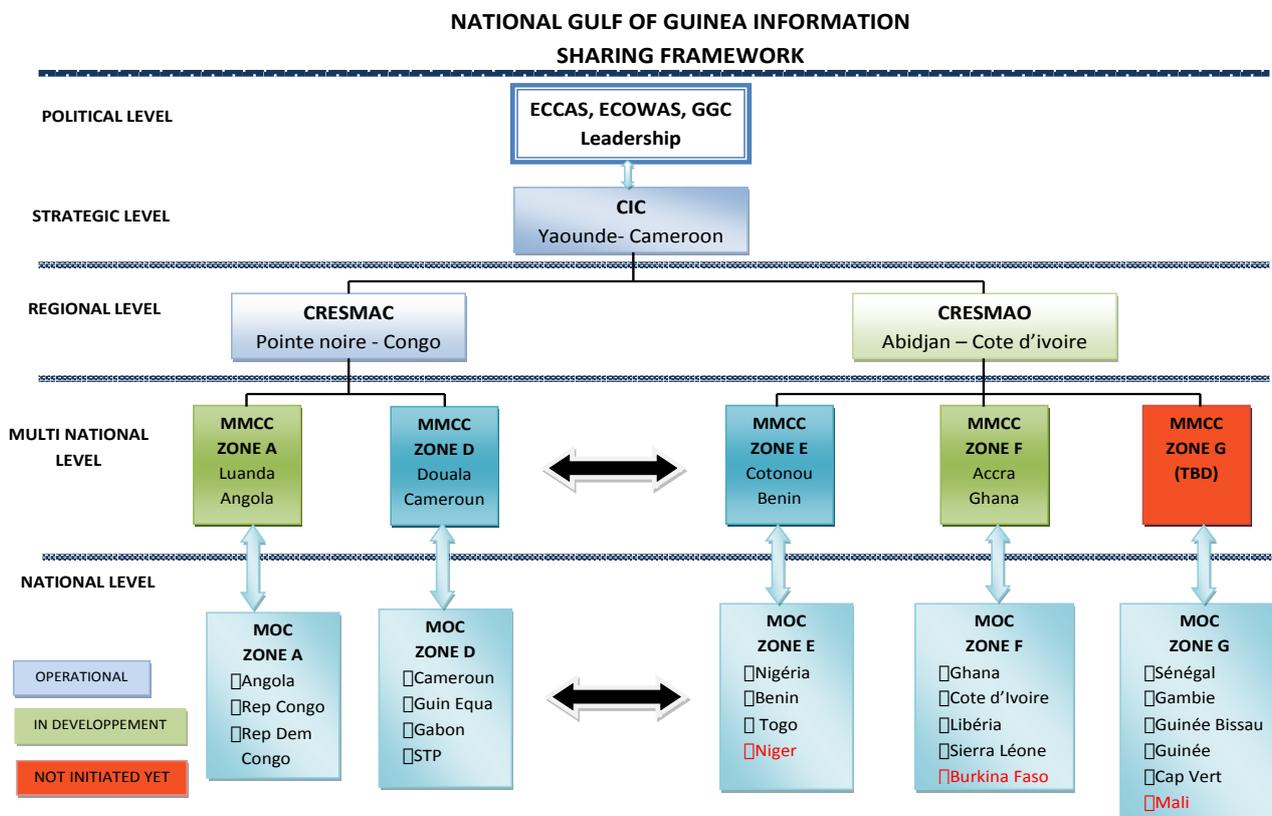
Mr. Thomas Norup from the Danish Embassy in his remarks highlighted the rising costs of doing business in the GoG due to piracy and other criminal activities at sea, which were becoming a serious threat to the economies of the GoG countries. This further imperils the lives of sea farers as kidnapping for ransom has also escalated. He stressed the importance of safeguarding the maritime environment as most countries seek to expand trade and commerce. He further underscored the importance of Inter-agency collaboration as key in reducing maritime insecurity in the GoG. Mr Norup reiterated the commitment of the Danish government in partnering institutions such as the KAIPTC and UNODC in providing interventions that will help to reduce these maritime threats in the GoG. Dr Emma Birikorang, Acting Director of the Faculty of Academic Affairs and Research also graced the occasion.

## SECTION 2

# IMPLEMENTATION OF THE YAOUNDÉ CODE OF CONDUCT (YCC) - INFORMATION SHARING AND TRUST BUILDING

The code of conduct concerning the repression of piracy, armed robbery against ships and illicit maritime activity in West and Central Africa was signed on 25 June, 2013 in Yaoundé during the Summit of Heads of State and Government of ECOWAS, ECCAS and GGC on maritime safety and security in the West and Central Africa maritime spaces. More than 7 years after its signature, its implementation by signatories continues to face a lot of challenges among them

information sharing based on trust among the various stakeholders of the Gulf of Guinea. The ICC as the coordinating body for its assessment encourages signatories to implement the code. The first evaluation meeting was held in 2017 under the auspices of the ICC in Yaoundé. Assessing the state of cooperation in the domain of information sharing as stated within the YCC is important in tracking progress on its progress.



The YCC has 21 articles focusing on cooperation at all levels, these include at the intra agency, inter-agency, national, bilateral, multilateral, zonal, regional, inter-regional and international levels. Article 7 of the YCC indicates that the communication of expeditious alerts, reports and information related to armed robbery against ships be done to other signatories and interested parties. Further, Article 11 mentions the designation of a focal point to facilitate coordinated, effective and timely information flow among the signatories. Whereas Article 12 stipulates the development of uniform reporting criteria in order to ensure that an accurate assessment of other threats of piracy and armed robbery in West and Central Africa is developed.

Currently, the Gulf of Guinea's Inter Regional Network (GoGIN) is developing an inter-regional network - the Yaoundé Architecture Regional Information System (YARIS), which is at an advanced stage of development to facilitate information sharing among actors in the GoG. The YARIS will be used for surveillance of the maritime domain in general and for the collaborative management of patrol operations and incidents at sea. Another network, being pioneered by GoGIN is the Training and Education Support System (TESS) software which will be used to manage training courses and monitor trainees and experts involved in training. Both networks are currently deployed online for the customization needs of the personnel of the Yaoundé Architecture. So far feedback received is very positive and encouraging. Based on some multilateral agreements among states, maritime centers are also using various means to pass information to other actors within and outside the GoG. Within the maritime centres, information sharing is done on daily, weekly,

quarterly and yearly reports on maritime safety and security in the Gulf of Guinea. The maritime centres (CRESMAC and CRESMAO) also report immediate maritime incidents.

To enhance maritime security and safety in the GoG, cooperation based on mutual trust among maritime actors is critical. Some of the activities that contribute to trust building include the following; The detection, alert and monitoring of maritime security situations by the piracy and armed robbery reporting centres of the Yaoundé architecture. The interdiction and arrest of ships and maritime crime perpetrators by coastal navies and coastguards. Prosecution of pirates and dissemination of the outcomes of the judicial procedure by states. Voluntary reporting of maritime incidents to the Yaoundé architecture centers by ship owners, flag states, shipmasters and maritime industry. Regular meetings with maritime industry to express difficulties, challenges, solutions and expectations of each component. Creation of a forum for information sharing among the Yaoundé architecture centres, the maritime industry and international partners. And finally, the contribution of maritime industry to build the capacities of coastal navies and coast guards as well as the creation of a maritime information fusion centre leveraging the voluntary reporting process. All these processes gradually contribute in the long run to build trust and confidence in the maritime security domain in the GoG.

Some of the challenges relating to information sharing within the YCC is the non-establishment so far of national maritime committees whose aim is to act as focal points of the ICC in the various national GoG states in accordance with the YCC to facilitate the collection of information and international cooperation. Further as has

often been stated, the YCC is not yet a legally binding document. The lack of a uniform reporting criteria also hampers the reporting and collation of maritime incidents among maritime actors. Moreover, all the centers of the Yaoundé architecture are manned only by navies and coast guards, leading to minimal inter-agency support. Indifferent commitment to the Yaoundé process and the slow pace of domestication of international laws already ratified also delays the effective implementation of the YCC. Other challenges relate to adequate finances to run the Yaoundé Architecture centers, human resource deficits in the different centers, which all feed into lack of information and trust-building among the actors.

To reduce tension between information sharing and information protection, there is the need for fusion centres as well as focal points who must know each other. Unfortunately, only a handful of countries in the GOG have established focal points in this sense. Information sharing within different national agencies within states is also challenging. When fully operationalised, the national maritime centres will pool together all

fragmented institutions involved in maritime security to work together from one location thereby reinforcing inter-agency collaboration. Presently only the navy is in charge of national maritime centres. At the regional level, CRESMAO and CRESMAC also lack the full complement of other regional staff working together with the host countries. This further hampers information flow and trust building among relevant actors in the regional institutions.

Despite progress made towards the implementation of the code of conduct notably the operationalization of the centers of the Yaoundé architecture and the signature of bilateral and multilateral agreements to enhance cooperation in order to combat piracy and armed robbery against ships, the Code of conduct remains legally not binding thus its signatories express disparate interests and sometime lack of political will to respect its provisions. The ICC continues to encourage its signatories to build trust amongst themselves in order to implement it globally for a safer maritime domain in the GoG.

## SECTION 4

# OPERATIONALISING THE ECCAS MARITIME STRATEGY: SUCCESSES AND CHALLENGES

The Economic Community of Central African States (ECCAS) was created on October 18, 1983 for the economic, social and cultural development of Africa with a view to creating regional structures that can gradually lead to a common market. The Central Africa region is one of the richest sub-regions in Africa, endowed with oil, minerals, timber and other natural resources. The region is also plagued with security challenges such as armed conflicts, governance crises, the proliferation of small arms, maritime terrorism, fragility of the security sectors, massive movements of refugees, widespread poverty and weak institutions. This has led to the ECCAS evolving into a Commission recently in order to better address these security threats. In October 2009, the ECCAS adopted a strategy for securing the vital interests of the ECCAS states in order to reduce maritime insecurity in the region in Kinshasa, DRC. This strategy is implemented by the Regional Center for Maritime Safety of Central Africa (CRESMAC), located in Pointe-Noire Republic of Congo, whose main mission is to ensure the control of the maritime space of the member states of ECCAS. The CRESMAC was inaugurated on October 8, 2014 and is supported by two Multinational Coordination Centers – MMCC Zone “D” based in Douala Republic of Cameroon, (operational since 2009) made up of Cameroon, Gabon, Equatorial Guinea and Sao Tome and Principe. MMCC Zone “A” is based in Luanda, Republic of Angola (not yet operational) and comprises of Angola, Congo and the Democratic Republic of

Congo. These further have Maritime Operating Centres (MOCs) in each of the coastal states. Over the last few decades, the ECCAS maritime space has recorded increasing piracy and armed robberies at sea. Some of these attacks have been launched on banks and hyper markets from sea and hostages have been taken on trawlers and supply vessels working for petroleum companies in Cameroun, Gabon, Equatorial Guinea and Sao Tome and Principe.

Some of the successes do far relate to the fact that, the ECCAS strategy was the first maritime strategy to be developed in Africa and was influential in the creation of the ECOWAS and GoG strategies. It has also helped in the areas of sharing and exchange of information between ECCAS and ECOWAS countries. To date the region has been able to initiate joint operations in Zone D as well as helped to ensure stability of the security situation in the ECCAS maritime space. Further, the security of oil fields by the permanent presence of friendly forces and effective maritime traffic in the ECCAS maritime space has also been some of the outcomes of the implementation of the ECCAS strategy. There has also been an increase in the rise of ECCAS navies countries, through the acquisition of naval vectors, training of staff in regional schools, training of crews through naval exercises with the involvement of European and American partner countries, satisfaction of economic operators and the establishment of standardized operating procedures. Finally, the

strengthening of partnerships between ECCAS navies' countries and those of other African, European, American and Asian countries is ongoing.

Some of the challenges faced in operationalising the strategy is the non- independence of the CRESMAC. Others include the lack of liaison officers assigned by the member states within the community structures. Legal reforms at regional and national level are also outstanding as well as the operationalization of the MMCC Zone A. Information sharing between Maritime Multinational Coordination Center and national MOCs could also be improved. In terms of technology and communication, there is the need for the Automatic Identification System (AIS) and internet connection onboard ships as well as the coverage of the entire coast of ECCAS countries by a coastal radar system. The initiation of a fund for internet subscriptions will also support these issues. Transforming the Zone D Technical

Agreement into a Multinational Agreement will support operations. Law enforcement at sea at the judicial and institutional level needs to be harmonized for all member states together with the institutionalization of legal and administrative reforms on maritime crimes and multinational operations in territorial seas Exclusive Economic Zones (EEZ) and international seas.

The response initiative of head of states of Central Africa through the ECCAS maritime strategy is a good step to overcome asymmetric threats that undermine many members' states economies depending mainly on offshore oil production. This initiative has encouraged many others to develop their own strategy to render the whole GoG space secured. Despite the success of Zone D activities combined with valuable efforts of ECCAS national navies, it is recommended that member states be committed in implementing the different points stated in the strategy.

## SECTION 5

# ENHANCING MARITIME SECURITY COLLABORATION UNDER THE YAOUNDÉ CODE OF CONDUCT : STRATEGIES AND NATIONAL FOCAL POINTS IN ECOWAS AND ECCAS

### ECOWAS

The Yaoundé Code of Conduct (YCC) encourages member states to establish national maritime strategies and focal points in their respective countries to facilitate maritime security in the GoG. These maritime strategies are to serve as normative frameworks for states to guide their operations in the maritime arena, while the focal points help with the free flow of information concerning maritime activities in the states in the GoG. ECOWAS and ECCAS are at various stages of implementing this provision in the YCC.

Over the last 18 months, ECOWAS has been engaged in several maritime meetings ranging from national to international cooperation. An Annual meeting of chiefs of defence and naval staff was held with the ECOWAS Commission in June 2019 on maritime security issues. Further, maritime exercises were conducted at the country, zonal and regional levels, some of which are the GANO 2019, SAMAREX in Senegal and Sofex in Nigeria (2020) there was also the signing of the Zone F MOU on July 2019. Mock trails following a maritime exercise with the UNODC proved to be timely as Nigeria had a real time encounter with pirates who attacked the Chinese fishing trawler, the Hailufeng in May 2020.

Within the ECOWAS sub-region piracy, IUU fishing, environmental pollution and illicit

trafficking remain prevalent. Within the larger GoG region, in 2019, about 128 piracy activities were reported from January to December. Further, 68 incidents have so far been reported from January to June of 2020 indicating a gradual rise in piracy incidents in the GoG. The oil spill in Mauritius, as well as the Beirut explosion in Lebanon gives important lessons for GoG countries to safeguard their maritime environment from such environmental threats. Regional inter-agency cooperation remains key in building awareness to understand maritime threats as interlinked and complex.

Within the framework of the YCC and the EIMS, countries are building up their interagency platforms and zonal coordination. About 3 countries (Benin, Cote d'Ivoire and Togo) in the ECOWAS region have developed their national maritime strategies with the rest at various stages of formulation. Six of the fourteen countries also have a maritime authority in place. CRESMAO also works with fisheries committee for West and Central Africa in addition to holding meetings with fisheries organisation in Senegal. The centre further liaises with UNEP and environmental hazards groups to safeguard the environment against environmental threats. In this regard, Cote d'Ivoire has designated 5 protective areas for environmental security.

		NATIONAL MARITIME STRATEGY	MARITIME AUTHORITY	PLAN SAR	ENVIRONMENTAL PLAN
ZONE E	BENIN	YES	YES Préfet Maritime	DRAFT	YES
	NIGER			NA	NA
	NIGERIA	YES (Waiting to be signed)	NO	YES	YES
	TOGO	Yes (National Strategy for the sea and the coast)	YES	Developed (Being validated to be confirmed)	Developed (Being validated to be confirmed)
ZONE F	BURKINA FASO			NA	NA
	COTE D'IVOIRE	YES	YES	YES	YES
	GHANA	On-Going	YES	YES	YES
	GUINEA	On-Going	Préfet Maritime	On-Going	On-Going
	LIBERIA	On-Going	YES	YES National Maritime Rescue Plan	YES Oil Spill Contagency Plan
	SIERRA LEONE	YES an MOU is there	Joint Maritime Committe	Sierra Leone Maritime Administration (SLMA)	Environmental Protection Agency (EPA)
ZONE G	CAPE VERDE	NO	NO	YES	?
	GAMBIA	Planning stage	YES	Planning stage	Planning stage
	GUINEA BISSAU	Planning stage	N/A	YES	NO
	MALI		NO	NA	NA
	SENEGAL	ON GOING	YES	YES	YES

State of Maritime Strategies in ECOWAS

CENTRES	HEADQUARTERS AGREEMENT	MOU	STATUTORY STAFF	PROTOCOL	STATUS
<b>CRESMAO</b>	Mar. 29th 2017	-	-	-	FUNCTIONAL
<b>MMCC E</b>	Dec 15th 2016	Aug. 31st 2018	Mar. 13th 2015	July 31st 2018	FUNCTIONAL
<b>MMCC F</b>	Aug. 10th 2018	July 25th 2019	-	July 31st 2018	FUNCTIONAL
<b>MMCC G</b>	-	-	-	July 31st 2018	<b>IN PROGRESS</b>

*Implementation of the maritime safety and security strategy resulting from the Yaoundé summit in the ECOWAS zone within EIMS*

From above diagram, it is observed that the zones are at various levels of implementation of the provisions of the YCC. Zone E took the lead in establishing itself in 2016 with an MOU in 2018 and statutory staff in 2015. They are closely followed by Zone F who have also checked all except the provision of statutory staff. Zone G lags behind as work is still in progress in establishing the MMCC. Under the framework of the YCC and EIMS, joint maritime operations are to be executed by zones with some MOUs already signed to that effect in Zones e and F. international support in the form of other maritime exercises such as the OBANGAME, NEMO are also on-going. The ICC also plans to organise an interregional exercise among the GoG countries.

Some of the challenges faced, relate to the official assumption of office of the staff of the member states, following meetings held in September in 2018, on staffing and the meeting of the Chiefs of Naval Staff held in June 2019 in Abuja, it is hoped that this will soon be addressed. There is also the need to operationalise the EIMS centres in terms of staffing, status and finances. The COVID-19 pandemic has had a negative impact on maritime activities, national economies,

regional exercises and conferences. Going forward, it is hoped that the ECOWAS Centres will be fully manned and operational with joint maritime operations executed by the zones. The use of the YARIS and TESS will also support the collection, processing and sharing of information and good practices

### **ECCAS**

The strategy for securing the vital interests of ECCAS member states at sea is based on Six (6) pillars: common management of information, joint maritime surveillance, harmonization of the legal and institutional framework, establishment of a financing mechanism, acquisition of equipment necessary to ensure operational capability, strategy assessment and stakeholder awareness through a maritime conference. The strategy is being implemented at the strategic, operational and tactical levels, with specific missions for each level. National strategies facilitates state action at sea and ensures the coordination of all public and private administrations involved in maritime security at the national level. The focal points coordinate maritime activities and information exchanges.

Zones	Countries	National Strategies	National Focal Points
Zone A	Angola	✓	✓
	Congo	✓	✓
	DRC	X	X
Zone D	Cameroon	X	X
	Equatorial Guinea	X	X
	Gabon	✓	✓
	Sao Tome & Principe	X	X

*State of National Strategies and Focal Persons in ECCAS*

Some difficulties encountered in this regard are the implementation of the regional architecture as Zone A is not yet operational. The assessment and evaluation of the regional strategy is also a challenge as the operating documents have not been validated. Further, national strategies have not been clearly defined by some countries in the ECCAS region this has also resulted in

national focal points not being clearly specified. Funding continues to impede implementation of the national strategies. The absence of a common and secure platform for information sharing as well as the non-harmonisation of legal and normative frameworks is inimical to the maritime security process.

## SECTION 6

# PROSECUTING MARITIME CRIMES IN THE GULF OF GUINEA – CHALLENGES AND THE WAY FORWARD

Piracy and other maritime crimes in Gulf of Guinea conducted by organised criminal networks has mutated over the years based on logistical, financial and security conditions. Incidents include piracy (high sea), armed robbery (territorial waters), and theft of property (including illegal oil bunkering), kidnap for ransom, illegal fishing, and drug trafficking. In 2019, the number of seafarers kidnapped per attack increased up to 20 together, with the ransom amount reaching 1 million USD for a group of hostages. It is estimated that there are 5-10 Nigerian based Pirate Armed Groups (PAGs) engaged in the kidnapping of foreign nationals. These groups have been expanding their logistical capabilities as well as their ability to manoeuvre illicit financial flows. Lessons from piracy in the Horn of Africa warn of the risk of the ‘ballooning’ effects whereby criminals ‘shift’ to other types of criminal activity and/or to carrying out crimes in other geographical locations. Understanding the structure and linkages of existing criminal networks behind piracy and other maritime crimes in relation to governance issues and parallel economic analysis of cost and earnings of the piracy business model in the GoG is key.

In the prosecution of piracy and other maritime crime cases, it is important to determine whether these crimes are considered as illegal conduct in national legislations. There are legal challenges in incriminating these conducts, as well as

jurisdictional challenges especially in the case of piracy. The transnational nature of maritime crime also means that international cooperation remains key. Criminalization is dependent on the national legislation of individual states and not on international custom. The recognition of international crimes as constituting national crimes, and the trial and punishment of criminals are left to the courts of each country. Without incrimination of such conduct in national legal frameworks, the prosecution of the suspects is impossible. It is up to those who represent the people of the country in parliament, and not the executive or the judiciary, to decide which behaviors should be seen as exceeding the limits of what is acceptable in the society to the point of criminal penalties.

Based on fundamental principles of criminal law, such as *nullum crimen nulla poena sine lege* (no prosecution can be initiated if domestic law does not provide for the crime), this idea is dismissed as totally unacceptable as no act can be punished today, if there is no law determining the constituent elements of the offense by setting the penalty. In addition, this law must determine the area of applicability, either in relation to the place where the offense was committed, or in relation to the persons who perpetrated it.

A number of countries in the GoG have acceded or ratified the UNCLOS, SUA Convention, Vienna convention on drugs, UNTOC and other relevant

conventions. Convention of Montego Bay and others do not put the rules in place which are intended to apply directly and immediately to individuals, making it imperative for countries to domesticate. Ratifying without domesticating the conventions is ineffective as prosecution is impossible without a law.

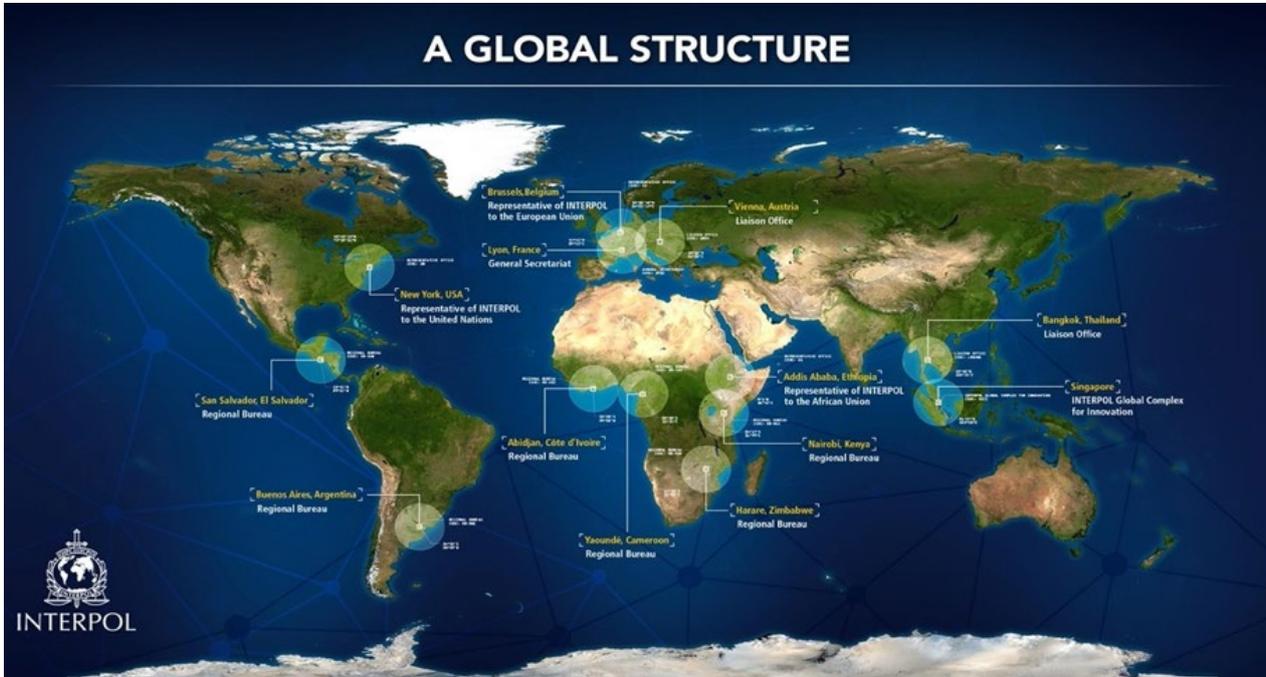
Majority of countries in the GoG foresee and punish acts of piracy by common law, by their penal codes or by special laws. However, the problems which are related to the ambiguities of the definition are often reflected in varying legislations (such as Ghana, Cote d'Ivoire and Benin). Article 101 poses some problems of ambiguity of terms, and these ambiguities are reflected in the transposition of the definition in domestic law because all states do not have a universal definition for the term piracy. States interpret the various elements of this same definition differently. This issue is bigger in terms of Piracy as the crime is not committed in its territory. Article 105 (UNCLOS) strongly recommends States to establish universal jurisdiction to prosecute the authors of this conduct, but article 105 applies for the Article 101 of the terms established as UNCLOS. (e.g. for instance, Ghana and Benin recognize universal jurisdiction for piracy, however the definition does not match the article 101). For other maritime

crime cases, assuming that there is proper legislation criminalizing such conduct, to make the investigation and prosecution successful, it is important for countries to cooperate as the majority of the crime cases are transnational by nature.

In the long run, legal reform which criminalises piracy and other maritime crimes in line with international conventions is key. There is also the need to recognise and establish universal jurisdiction for piracy cases. According to data collected by UNODC, roughly 35% per cent of countries had concluded bilateral or multilateral agreements or memoranda of understanding on extradition and mutual legal assistance. A key component for judicial cooperation is a country's ability to cooperate effectively with its neighbors, as well as with regional and international partners. Many Member States indicate that their legislation enables them to conclude bilateral or multilateral agreements for extradition and mutual legal assistance. There is also the need to use the UNTOC and other conventions to foster formal and informal international cooperation, establish transfer agreement for the pirate suspects (SC Res 1976 (2011) as well as establish harmonised SOPs on evidence collection at national level.

## SECTION 7

# ENHANCING INTERNATIONAL COLLABORATION ON MARITIME POLICING – BEST PRACTISES



INTERPOL consists of 194 member countries with a General Secretariat in Lyon, Global Complex for Innovation in Singapore. It has 6 Regional Bureaus: Abidjan, Buenos Aires, Harare, Nairobi, San Salvador and Yaoundé. Each member country hosts a National Central Bureau (NCB) staffed by domestic law enforcement officers and the network of NCBs is at the heart of INTERPOL's work. NCBs serve to connect national law enforcement with other countries and with the General Secretariat via INTERPOL's secure global police communications network called I-24/7. NCBs contribute to national crime data to INTERPOL databases, and cooperate with counterparts on cross-border.

INTERPOL supports member country investigations through such support listed above. Database and exchange of information called i247. Provide capacity building for

maritime law enforcement. Further, it has initiated a project titled Project AGWE<sup>2</sup> which is designed to enhance maritime land and security of five countries in the GoG - Benin, Côte d'Ivoire, Ghana, Nigeria, and Togo. The Overall Objective is to assist Law Enforcement Agencies and build their capacities in investigating maritime related crimes. Train especially first responders on how to preserve evidence at the crime scene and link it to the crime and also link first responder to the prosecution. Donate equipment as well as share information through the INTERPOL national centre bureau. Also engage in case coordination meetings, where law enforcement from one country is sent to learn about cases in other countries. Encourage them to share information among themselves through

<sup>2</sup> Funded by US Department of State, Bureau of International Narcotics and Law Enforcement Affairs (INL)



INTERPOL's database on maritime crime. Also collaborate with UNODC on OBANGAME exercises and mock trials.

INTERPOL's activities on this project is done through training and mentoring, donation of equipment, enhanced information sharing, coordination of activities and analytical support. The target beneficiaries are the criminal investigations departments, forensics units, Coast Guards, maritime police and financial investigation units. Going forward investigations will focus on organised criminal groups' leaders and financiers, capacity building for first responders and financial investigations. Operationally, mentorship, investigative meetings, case coordination meetings will also be held. There is also the idea to build a regional law enforcement task force (LETF). The AGWE project has been instrumental in supporting Togolese first responders in thwarting an on-going attack against a ship at the Lomé anchorage with 8 pirates arrested and processed for court by the Lomé tribunal.

Countries contribute information to INTERPOL database on suspects, biometrics etc which is meant for the benefit of all 194 countries. Value of police information on investigations across the countries. Stakeholders should establish close connections with NCB and share more information with them. Can also organise exchange visits with first responders and stakeholders to advance investigations across the region.

In terms of recommendations, there is the need for a holistic approach to maritime policing in the GoG. The continuous sharing of information between relevant LEAs is also critical as well as Points of Contacts (POCs) and Standard Operating Procedures (SOPs) to assist the flow of information and coordination of activities. Standardised training across different LEAs to increase predictability of action and the centralisation of maritime investigations through national task forces will also help.

## SECTION 8

# CONCLUSION

The YCC still an evolving process and therefore a lot more development needs to take place before it is fully operational. Since 2013, quite a number of initiatives and interventions have been done, yet the non-binding nature of the YCC results in it not eliciting the necessary compliance. Even though states have signed on the YCC, the pace of implementation is slow and irregular reflecting in the fact that only 6 out of the 27 states in the GoG have put in place national maritime security strategies and about nine have

national focal points. Further despite signing on to international frameworks and conventions, the domestication rate remains poor which greatly impedes efforts at prosecuting maritime crimes. It is hoped that in the next 5 years, more states will join Nigeria and Togo in establishing anti-piracy laws to prosecute offenders. Close collaboration with INTERPOL through the use of their international database will also ensure strengthened law enforcement in the GoG states.

## 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.



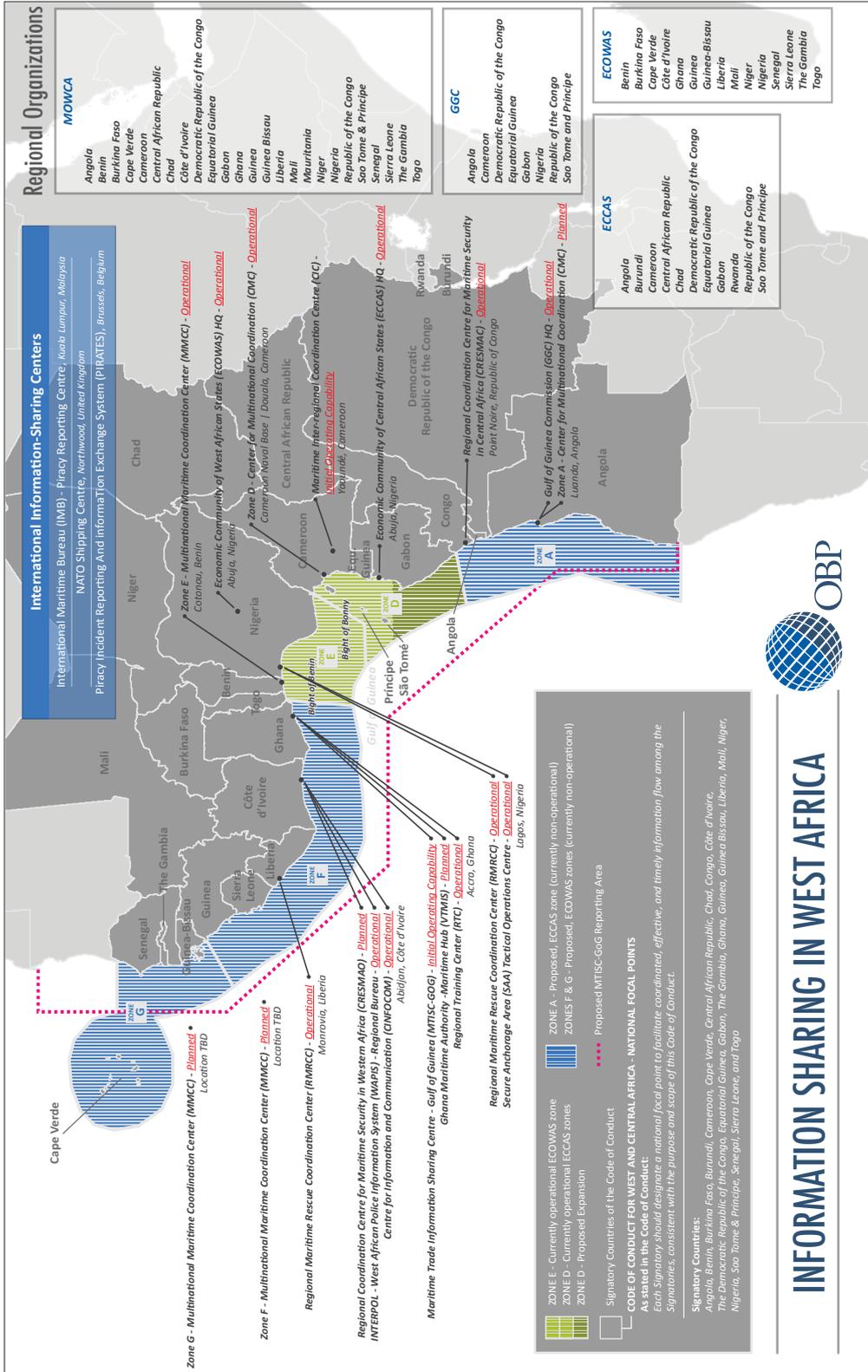
The **Ministry of Foreign Affairs of Denmark**, through its Embassy in Accra, Ghana, has an active engagement towards the country in promoting trade, development and economy. Four strategic objectives of this relation include: strengthened political cooperation based on shared values; promotion of inclusive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

# INFORMATION-SHARING IN WEST AND CENTRAL AFRICA



## APPENDIX 2

# WORKSHOP AGENDA (WEBINAR)



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**MINISTRY OF  
FOREIGN AFFAIRS  
OF DENMARK**



WEBINAR: MONDAY, 5 OCTOBER 2020  
10:00 AM - 12:45 NOON GMT

TIME (GMT)	TOPIC	SPEAKER
10:00 am	Opening Remarks	Moderator: Dr Kwaku Danso
10:00 – 10:10	Welcome Address	Air Commodore George Arko-Dadzie, Deputy Commandant, KAIPTC
10:10 – 10:20	Remarks	Mr Thomas Norup, Danish Embassy
10:20- 10:30	Overview and Updates on Maritime Project Implementation	Mrs Afua Lamptey, Acting Programme Head, CMP, KAIPTC
10:30 -10:45	Implementation of the YCC - Information sharing and trust building.	Rear Admiral Dr. Narciso Fastudo, Executive Director- Inter-Regional coordination Centre - ICC
10:45 – 11:00	Operationalising the ECCAS Maritime Strategy	Capt. Sylvestre Fokuah, Head MMCC, Zone D
11:00-11:15	Enhancing maritime security collaboration under the YCC: Strategies and National focal points in ECOWAS	Captain Boniface Konan, Head, CRESMAO
11:15 – 11:30	Enhancing maritime security collaboration under the YCC: Strategies and National focal points in ECCAS	Captain Emile Guepjob, CRESMAC
11:30-11:45	Prosecuting maritime crimes in the GoG – Challenges and the way forward.	Ms Siji Song, Associate Crime Prevention and Criminal Justice Officer, UNODC
11:45-12:00	Enhancing international collaboration on maritime policing – best practises	INTERPOL
12:00-12:45	Interactive Dialogue (Q&A)	
12:45	Closing Remarks	Dr Kwaku Danso

## APPENDIX 3

# LIST OF PARTICIPANTS

Srl	Country	Title / Rank	Name	Organisation
1	Ghana	Air Cdre	George Arko-Dadzie	Deputy Commandant, KAIPTC
2	Ghana	Prof	Aning Emmanuel Kwesi	KAIPTC
3	Norway	Mr	Thomas Norup	Danish Embassy
4	Ghana	Dr	Emma Birikorang	Deputy Director, FAAR/KAIPTC
5	Ghana	Mrs	Afua Lamptey	Deputy Head, CMP/FAAR/KAIPTC
6	Ghana	Dr	Kwaku Danso	Deputy Dean, Academic Affairs/KAIPTC
7	Cameroon	Rear Admiral	Narciso Fastudo	Executive Director/ ICC
8	Cameroon	Capt	Sylvestre Fonkuah	Head/ MMCC/Zone F
9	Cote d'Ivoire	Capt	Boniface Konan	Head/CRESMAO
10	Congo	Capt.	Emile Guepjop	CRESMAC
11	UNODC	Ms	Siji Song	UNODC
12	Ghana	DSP	Nestor Maccauley	INTERPOL, Ghana
13	Congo	Capt	Guepjop M. Emile	CRESMAC
14	France	MR	Borislav Gizdavkov	INTERPOL
15	Cote d'Ivoire	MR	Azeez Ademola Olude	INTERPOL Regional Bureau, Abidjan
16	Ghana	Capt	Solomon Asiedu-Larbi	KAIPTC
17	Geneva	Ms	Elodie Valeira	
18	UN	Mr	Aristides Salvaterra	UN
19	Ghana	Mr	Kwadwo Danquah	GMA
20	Cameroun	Capt	Emmanuel Bell Bell	ICC
21	Benin	Capt	Aliyu Gaya	MMCC
22	Cameroun	Mr	Alexandre Bodo Ebode	ICC
23	Benin	Capt	Fernand Maxime Ahoyo	Maritime Prefect
24	Ghana	Comm	Yusuf Benning	MMCC Zone F
25	Gambia	Capt	Alieu Sanneh	Gambia Navy
26	Ghana	Mr	Frank Osei Okyere	KAIPTC
27	Ghana	Mrs	Serwaa Allotey-Pappoe	KAIPTC
28	Ghana	Ms	Shiela Naade-Tetteh	KAIPTC





# GULF OF GUINEA



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