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# Mapping Maritime Actors under the Yaoundé Protocol: Establishing Mandates, Interrelationships, Gaps and Prospects



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## LIST OF ACRONYMS

|             |   |
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| AMIS        | African Union Integrated Maritime Strategy                          |
| ARSTM       | Abidjan-based Regional Academy of Science and Technology of the Sea |
| BP          | British Petroleum   |
| CBOs        | Community-based Organisations                                       |
| CRESMAC     | Regional Centre of Maritime Security in 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                           |
| EIMS ECOWAS | Integrated Maritime Strategy  |
| EU          | European Union  |
| GGC         | Gulf of Guinea Commission   |
| GoGIN       | Gulf of Guinea Inter-Regional Network                               |
| ICC         | Inter-Regional Coordinating Centre                                  |
| IGOs        | Inter-governmental organisations                                    |
| IMB         | International Maritime Bureau                                       |
| IMO         | International Maritime Organization                                 |
| IUU         | Illegal Unreported and Unregulated                                  |
| MMCCs       | Multinational Maritime Coordination Centres                         |
| MOC         | Maritime Operational Centres  |
| MoU         | Memorandum of Understanding   |
| MOWCA       | Maritime Organization of West and Central Africa                    |
| NGOs        | Non-Governmental Organization                                       |
| RECs        | Regional Economic Communities                                       |
| RMU         | Regional Maritime University  |
| UN          | United Nations  |
| UNCLOS      | UN Law of the Sea   |
| UNDP        | United Nation Development Programme                                 |
| UNODC       | United Nations Office on Drugs and Crime                            |
| UNSC        | United Nations Security Council                                     |
| US          | United States   |

## Introduction

The Gulf of Guinea represents one of the most important maritime spaces in the world, however, its susceptibility to a multiplicity of threats which have become particularly pronounced since the first decade of the 21<sup>st</sup> Century, remains a constant security concern to both regional and external actors. The strategic significance of the region is evidenced by its rich deposits of hydrocarbons, mineral resources and rich variety of marine and aquatic resources. Also, the region is estimated to have 14,495 billion barrels<sup>1</sup> of crude oil and gas reserves,<sup>2</sup> which constitute a critical resource for accelerated economic growth and development. This vast oil and gas deposits also represent critical investment magnets, attracting a diversity of multinational oil companies including ExxonMobil, Royal Dutch Shell (British-Dutch), British Petroleum (BP), ChevronTexaco and French Total.<sup>3</sup> Similarly, the Gulf of Guinea is increasingly gaining the attention of the United States and the European Union (EU) as they seek to diversify their sources of energy supply in order to lessen their high dependence on Middle Eastern oil supply.<sup>4</sup>

The region also provides strategic routes for shipping lines and sea commerce. An UNCTAD review of maritime transport shows considerable vessel traffic presence in the region, with the ports of Luanda and Lagos featuring as the busiest in Africa.<sup>5</sup> For instance, Mærsk searoutes operates about 40 percent of maritime trade in the region and 5 percent of Danish shipping exports valued at about DKK 9.5 billion enter the West African market annually.<sup>6</sup> It is estimated that over 30 Danish-operated vessels can be found in the Gulf of Guinea at any point in time, making approximately 2,500 port calls a year.<sup>7</sup> Denmark also has significant investments in several ports in the region including Nigeria, Ghana and Cote d'Ivoire, in addition to other maritime interests in the fishing industry. These attributes underpin the region's geostrategic importance and economic potentials.<sup>8</sup>

The Gulf of Guinea's vast resource potentials however, co-exist with a myriad of maritime threats that rank prominently among the challenges confronting states and societies, as well as international shipping and commerce. Included among these are maritime piracy, armed robbery at sea, kidnapping for ransom, illegal oil bunkering and Illegal, Unreported and Unregulated (IUU) fishing<sup>9</sup>. Certainly, these threats are not altogether new. Yet, there has been an upsurge in their occurrence, peaking from 2010, with marked increase in attacks directed at ships and crew particularly in the waters of West Africa. According to a 2018 International

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<sup>1</sup>Dieterich, J. "The geo- strategic importance of the Gulf of Guinea". In: Oil policy in the Gulf of Guinea. Friedrich-Ebert-Stiftung, p. 32. Available at: <http://library.fes.de/pdf-files/iez/02115/dieterich.pdf>

<sup>2</sup>Ibid.

<sup>3</sup>González, Y.S. (2016). The Gulf of Guinea: The future African Persian Gulf? *Brazilian Journal of African Studies*, v1, n1, p.85-105

<sup>4</sup>Mane, D. O. (2005). Emergence of the Gulf of Guinea in the Global Economy: Prospects and Challenges. WP/05/235. Available at: [www.imf.org/external/pubs/ft/wp/2005/wp05235.pdf](http://www.imf.org/external/pubs/ft/wp/2005/wp05235.pdf) Accessed: Oct. 2019.

<sup>5</sup>UNCTAD, (2016). Ports. Review of maritime Transport. [https://unctad.org/en/PublicationChapters/rmt2016ch4\\_en.pdf](https://unctad.org/en/PublicationChapters/rmt2016ch4_en.pdf). Accessed December, Oct. 2019.

<sup>6</sup>See Gulf of Guinea Maritime Security Strategy Programme 2019-2021.

<sup>7</sup>Ibid.

<sup>8</sup>Onuoha F. (2010). The Geo-Strategy of Oil in the Gulf of Guinea: Implications for Regional Stability. *Journal of Asian and African Studies*. 45(3).

<sup>9</sup>Ibid

Chamber of commerce's International Maritime Bureau (ICC-IMB) report, maritime-related attacks in the Gulf of Guinea more than doubled in 2018 relative to 2017 figures, while the region accounted for all 6 hijackings worldwide, 13 of the 18 ships fired upon, 130 of the 141 hostages taken globally, and 78 out of 83 seafarers kidnapped for ransom<sup>10</sup>. These attacks have combined to transform the waters of the Gulf of Guinea into a hotbed for pirate activities. Moreover, as Nigeria clearly shows, states in the region are losing substantial revenues to illegal oil bunkering and artisanal refining, which have also become major sources of oil spillage and environmental pollution, while IUU fishing is depleting fish stocks and threatening livelihoods and economic security of littoral communities.<sup>11</sup>

In effect, the Gulf of Guinea has become the new epicentre of maritime insecurity in Africa as the European Union's (EU) Operation ATALANTA initiative continues to suppress attacks off the coast of Somalia. Specifically, between 2011 and 2012, the region recorded 64 piracy attacks, comprising a fifth of the world's total, overtaking the Gulf of Aden as the most notorious hotpot for maritime piracy<sup>12</sup>. More fundamentally, however, maritime insecurity in the region reflects a combination of threats and vulnerabilities on land and sea that open the maritime domain to multiple sources of disruption, among which piracy and armed robbery have emerged as the most devastating. Responding to such threats and maintaining maritime security, for that matter, has long been thought of as state responsibility. Yet, the countries sharing the Gulf of Guinea coastline, like their counterparts elsewhere in Africa, exhibit multiple weaknesses that constrain their capacity to prevent or counter maritime crimes. Their general lack of assets and requisite capabilities to secure their vast waters and long coastlines means that they are

often unable to keep pace with maritime criminality. These limitations and the growing complexity of maritime crimes are challenging state monopoly in security provision, and attracting a diversity of stakeholders that have assumed maritime governance responsibilities at the sub-state, state, and regional levels in response to the challenges being encountered. Among them are regional inter-governmental organisations (IGOs), Non-Governmental Organisation (NGOs) or Community-based organisations (CBOs) and even private security companies for that matter.

Cooperative interactions among these actors are taking place mainly within the framework of the Yaoundé Protocol, which is constituted by the Declaration of Heads of State and Government; the Memorandum of Understanding defining the cooperation between the regional organisations; and the Yaoundé Code of Conduct Concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa, also known as the Yaoundé Code of Conduct. Jointly, they constitute the foundations of a regional maritime security regime in the Gulf of Guinea. Given the transnational and trans-regional nature of maritime insecurity, the Code "Recognizes the crucial role of international cooperation at the global, regional, sub-regional and bilateral levels in combating ... threat to maritime security, including piracy, armed robbery at sea, terrorist acts against shipping, offshore installations and other maritime interests"<sup>13</sup>, implying that strategic interactions around maritime security in the region are not necessarily limited to Gulf of Guinea states. Thus, the Code also recognises the importance of effective communications between designated focal points and relevant non-governmental organizations (NGOs).

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<sup>10</sup>ICC-IMB. (2018). *Piracy and armed robbery against ships*. London: ICC-International Maritime Bureau. Retrieved from <https://www.icc-ccs.org/reports/2018-Q2-IMB-Piracy-Report.pdf>

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<sup>12</sup>Kamal-Deen, A. (2015). Anatomy of Gulf of Guinea Piracy. *Naval War College Review* Vol. 68 No. 1.

<sup>13</sup>Yaoundé Code of Conduct. (2013). *Yaoundé code of conduct Concerning the repression of piracy, armed robbery against ships, and illicit maritime activity in West and Central Africa*. Yaoundé, Cameroun. P.1.

Certainly, the Yaoundé Protocol constitutes a critical step towards the development of a rule-based regional security scheme for maritime governance in the Gulf of Guinea, with great potentials for cooperative solutions and mutual gains. This notwithstanding, cooperation under the evolving scheme has come with multiple challenges relating to the nature and dynamics of the relationships among the actors. This paper attempts to map out the main actors influencing maritime security in the Gulf of Guinea and how their mandates and inter-relationships affect the overall implementation of the Yaoundé process. Following this introduction, the paper provides a brief discussion on the Yaoundé process, and proceeds to map out the key actors influencing maritime security dynamics in the region. It then examines the main barriers to effective cooperation under the Yaoundé architecture, and concludes by suggesting specific policy-relevant recommendations for enhancing cooperative solutions in addressing maritime insecurities in the region.

### **The Yaoundé Process: An Evolving Regional Maritime Security Scheme**

A major impetus spurring the mobilisation of joint action and cooperative solutions to maritime insecurities in the Gulf of Guinea is widely traced to an appeal made in 2011 by then President Yayi Boni of Benin to the United Nations (UN) for international assistance in countering piracy in the region. In response, the United Nations Security Council (UNSC) passed UNSC Resolution 2039 of 2012, which expressed concern about the threat piracy and armed robbery at sea posed to international navigation, security and economic development in the region. In order to mobilise the kind of collective action needed to tackle the issue head-on, UNSCR 2036 was adopted in February 2012, urging states in the region to develop frameworks for cooperation, information sharing and mechanisms for

coordination. Thus, in March, 2013, a ministerial-level conference was convened in Cotonou, Benin, by the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS) to develop a regional maritime strategy to address the challenges being encountered. This was followed in June, 2013, by the Yaoundé Summit, which resulted in the signing of the Declaration of Heads of State and Government; the Memorandum of Understanding; and the Yaoundé Code of Conduct. Jointly, these frameworks constituted the foundation for regional maritime security cooperation among the signatory countries.

In particular, the Yaoundé Code of Conduct, represents the most comprehensive and boldest attempt by member states of the ECOWAS, ECCAS, and Gulf of Guinea Commission (GGC) towards the establishment of a regional maritime-related security regime and corresponding architecture. The Code, which is intended as an instrument of cooperation in the maritime domain, currently features as broad guidelines, with the potential to mutate into prescripts for behaviour in the maritime arena, and, hence, a maritime security regime. The Code targets most of the sources of maritime insecurity in the region that include money laundering, illegal arms and drug trafficking, piracy and armed robbery at sea, illegal oil bunkering, crude oil theft, human trafficking, human smuggling, maritime pollution, illegal, unreported and unregulated (IUU) fishing, illegal dumping of toxic waste, maritime terrorism and hostage taking and vandalising of offshore oil infrastructure. In terms of implementation, a systematic architecture is being evolved to frame joint actions at different levels of intervention in the maritime space. Specifically, the mobilisation of maritime interventions under the Yaoundé architecture is organised at four main levels as discussed in detail below.

<sup>14</sup>UN Security Council, "Resolution 2039 (2012)," S/ RES/2039 (2012), February 29, 2012. Available at: [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/UNOCA\\_SRES\\_2039.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/UNOCA_SRES_2039.pdf). Accessed Sept. 2019.

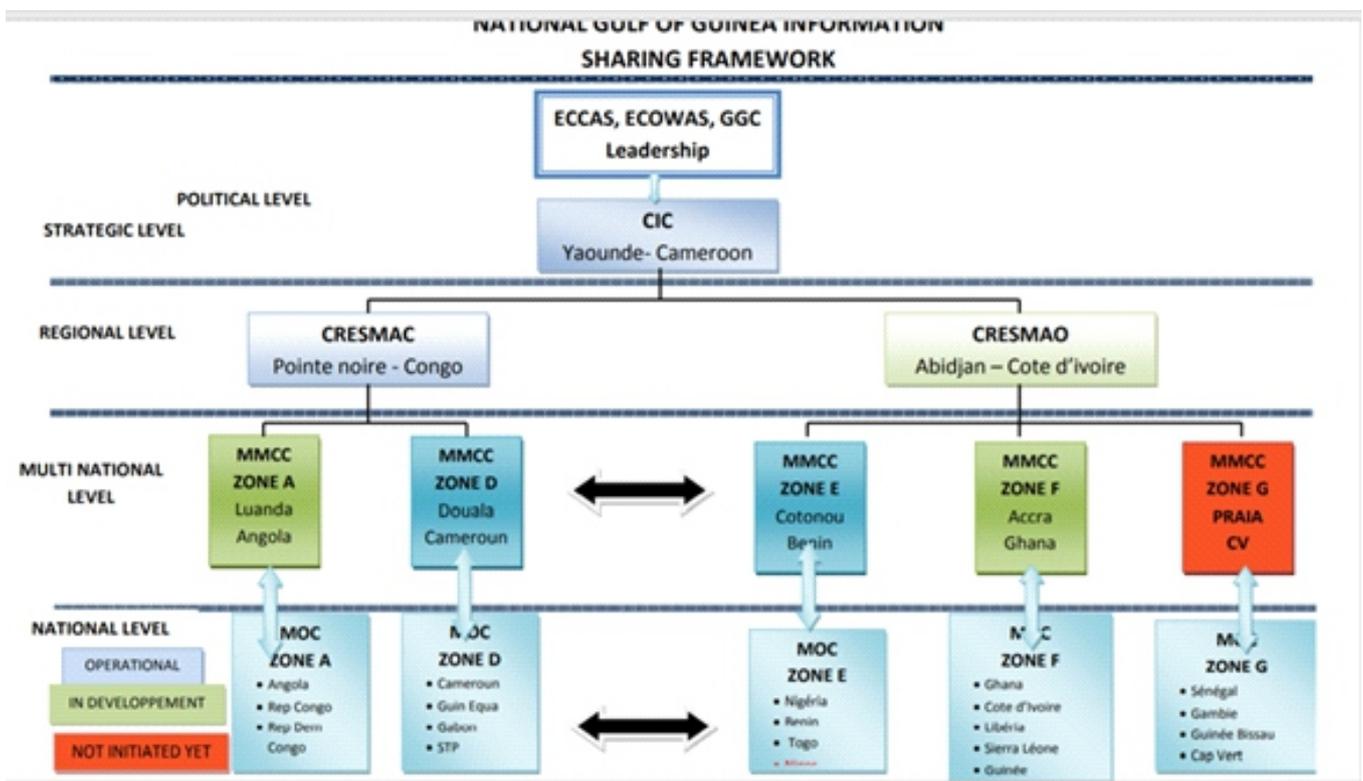
<sup>15</sup>ibid

<sup>16</sup>See Article 2 of the Yaoundé Code of conduct.

While the focus of the paper is on the actors at these four levels, there exists a range of other relevant actors that may be classified as state, non-state or intergovernmental actors. As noted earlier, maritime insecurities in the Gulf of Guinea are structurally embedded in both national and regional security complexes. Linked to this is the problem of state capacity weakness. As such, it is unlikely that any single country in the region can address the challenge on its own. At the same time, because maritime security processes unfold in the broader context of globalisation, events occurring in one part of the world often have implications for the rest of the globe. As such, the Yaoundé Code of Conduct “recognises the crucial role of international cooperation at the global level” in addition to its primary focus on regional actors. Therefore, while the primary focus of this paper is on the immediate regional actors that have direct obligations towards the implementation of the Yaoundé process, the critical role played by states and non-state actors, as well as intergovernmental actors and external partners are also considered, albeit in relation to their influence on the Yaoundé architecture and maritime dynamics in the region. As noted earlier, maritime security cooperation under the Yaoundé architecture is organised at four main levels, which are:

- Strategic or political levels;
- Regional level;
- Multinational level; and
- National level.

Fig.1, below, depicts these levels of operation, that are discussed in turn, while considering the influence of other relevant actors on their activities.



Source: Inter-regional Coordinating Council, Yaoundé

## Establishing Actors and Mandates under the Yaoundé Architecture

The Yaoundé architecture provides a comprehensive framework for coordinated actions at different levels in the maritime space in the Gulf of Guinea. The Yaoundé architecture outlines four levels of primary actors. The apex or *political level* of the structure is occupied by the Regional Economic Communities (RECs), made up of ECCAS, ECOWAS and the Gulf of Guinea Commission (GGC). These RECs are mandated to provide political oversight to the regional maritime centres in the Gulf of Guinea, while the Inter-regional Coordinating Centre (ICC), based in Yaoundé plays a coordinating role between the two regional maritime centres of Central (Pointe-Noire) and West Africa (Abidjan). In other words, the ICC serves as the coordination and information-sharing centre, which connects the activities of CRESMAC and CRESMAO,<sup>17</sup> which are the two regional centres operating at the *regional level*.

In October 2009, ECCAS adopted a maritime security Protocol in response to increased piracy activities off the coasts of Cameroun and Equatorial Guinea. The Protocol complements the broader ECCAS peace, security, stability and governance mechanisms<sup>18</sup> and enjoins Member States to work together to enhance information sharing, conduct joint surveillance and patrols and ensure harmonisation of the legal frameworks.<sup>19</sup> The adoption and ratification of the Protocol by all Member States gave the framework the legal and political backing for implementation. Subsequently, the Protocol established the maritime security structures of ECCAS comprising the regional, zonal and national maritime coordination centres. At the regional level, The Regional Centre for Maritime Security in Central Africa (CRESMAC) was created following the signing of the Memorandum of Understanding (MoU) between ECCAS Heads of States and

Governments in Kinshasa in October 2009 to serve as the coordinating centre for the multinational Maritime Coordination Centres (MMCCs). The maritime space is thus divided into zone A (Angola, Congo-Brazzaville, Democratic Republic of Congo) and zone D (Cameroun, Gabon, Equatorial Guinea and Sao Tome and Principe), with its Multinational Maritime Coordinating Centres located in Luanda and Douala respectively.

Until July 2013, ECOWAS, on the other hand, had relied on *ad-hoc* arrangements in tackling the threats posed by piracy and armed robbery at sea. One of such *ad-hoc* interventions was *Operation Prosperity*, which was a joint patrol conducted by Nigeria and Benin to address piracy activities in their waters. In order to ensure a more coordinated and coherent approach to maritime insecurity, the ECOWAS Integrated Maritime Strategy (EIMS) was adopted shortly after the Yaoundé summit to set up the relevant maritime security structures for coordination and cooperation. The mandate and legal basis of the EIMS derives from the Revised Treaty (1993) of ECOWAS, which provides the legal framework for collective security and the maintenance of regional peace, security and stability. Modelled after the ECCAS maritime security structures, the Regional Centre for Maritime Security of West Africa (CRESMAO) was set up to serve as the coordinating centre for the multinational Maritime Coordinating Centre (MMCC) in the region. The ECOWAS maritime space is however divided into three multinational maritime zones, namely; zone E (Benin, Nigeria, Togo and Niger) zone F (Cote d'Ivoire, Ghana, Guinea, Liberia, Sierra Leone and Burkina Faso) and zone G (Cape Verde, Gambia, Guinea Bissau, Senegal and Mali) with MMCCs in Cotonou, Accra and Praia. Maritime zones E and F are currently fully operational, while zone G is gradually taking off to become fully operational.

<sup>17</sup>See details on CRESMAC and CRESMAO below.

<sup>18</sup>See ECCAS peace, security, stability and governance. Available at: <https://www.uneca.org/oria/pages/eccas-peace-security-stability-and-governance>. Accessed Dec. 2019.

<sup>19</sup>See article 3 and 4 of Protocole Relatif à la Stratégie de Sécuritisation, 2009.

Thus, CRESMAC and CRESMAO coordinate the operations of the MMCCs, which operate at the multinational or zonal levels. Below the MMCCs, are the Maritime Operational Centres (MOC), which operate at the national levels. Operating in each country, the MOCs are mandated to mobilize the main stakeholders connected to State action at sea, including the national navies, maritime police, customs, fisheries and environment protection, as well as other relevant non-state actors. Each MOC is also expected to establish a designated focal point with relevant capacity to communicate or receive and effectively respond to alerts from the Inter-regional Coordination Centre, the MMCC or the zones.

The Gulf of Guinea Commission (GGC) represents the third strategic partner within the framework of the Yaoundé architecture. The Treaty establishing the Gulf of Guinea Commission (GGC) identified eight oil producing coastal states as members of the Commission, namely, Angola, Cameroun, Congo-Brazzaville, DR Congo, Equatorial Guinea, Gabon, Nigeria and Sao Tome and Principe.<sup>20</sup> The Commission's objective is to promote peace and security and to create a common platform for addressing common security challenges<sup>21</sup> but more specifically, to harmonise policies on oil and natural resources.<sup>22</sup> The Commission has become a critical actor in the region in identifying problems, pooling resources and encouraging member countries to secure their maritime borders. The member States of GCC also belong to either ECOWAS or ECCAS.

In accordance with the framework adopted during the Heads of State and Government of ECCAS, ECOWAS and the GGC, the Inter-regional Coordination Centre (ICC) for the implementation of the regional strategy for maritime safety and security in Central and West Africa was established and located in Yaoundé to enhance cooperation, coordination, mutualisation and systems

interoperability between the Central and West African maritime space. With this mandate, the ICC acts as the intersection of the operational, strategic, and political aspects of maritime safety and security in the Gulf of Guinea. In addition to the two regional centres, the ICC coordinates and supports the work of the five zones, and the 25 member states. At the same time, it has the important role of engaging both with international partners and national governments to build political will and ensure the Gulf of Guinea's momentum continues.

In terms of the sources of mandates of actors under the Yaoundé protocol, ECOWAS, ECCAS and the GGC derive their mandates primarily from their constitutive instruments such as Revised Treaty (1993) of ECOWAS, as well as the documents adopted at the 2013 Yaoundé Summit, which are the Yaoundé Code of Conduct and the ancillary documents adopted at the summit, including the Declaration of the Heads of State and Government; and the Memorandum of Understanding among ECCAS, ECOWAS and the GGC.<sup>23</sup> Also, domestic laws and regulations are major sources of mandate for parties to the Yaoundé Code of conduct. For instance, countries have specific domestic laws that address maritime crimes and, for that matter, issues relating to the governance of the maritime space. Unfortunately, majority of countries in the region have no laws that specifically deal with maritime crimes. With the exception of Togo and Nigeria, who have enacted anti-piracy laws, most states in the region do not have the relevant legal instruments to address maritime crimes, including piracy. Consequently, specific maritime-related legal frameworks are being adopted by countries where they do not exist while existing ones are being reviewed and strengthened. Other sources of mandate influencing state action at sea include multilateral arrangements such as the 1983 UN Law of the Sea also known as UNCLOS and bilateral arrangements entered into by states.

<sup>20</sup>See Article III of the Treaty of the Gulf of Guinea Commission, 2001.

<sup>21</sup>See article VI, Treaty of the Gulf of Guinea Commission, 2001.

<sup>22</sup>International Crisis Group (2012). The Gulf of Guinea: the new danger zone. *Africa Report No. 195*.

<sup>23</sup>Ifesinachi, K. and Nwangwu, C. (2015). Implementation of the Yaounde Code of Conduct and maritime insecurity in the Gulf of Guinea. *Research on Humanities and Social Sciences*. Vol.5, No.21.

The maritime-related activities of Gulf of Guinea states are also influenced by the African Union (AU) Integrated Maritime Strategy, also referred to as the “2050 AIMS” Strategy,<sup>24</sup> which was adopted in 2014. In that document, the AU outlines specific maritime aims and objectives for the next thirty-five years. The strategy seeks to understand the variety of security challenges confronting the continent, as well as opportunities opened to African states in the maritime domain. It focuses, among other priorities, on piracy, IUU fishing, smuggling and terrorism. While the strategy attempts to define a clear focus on enhanced wealth creation from a sustainable governance of Africa's maritime domain, it does not fully take cognisance of land-based challenges and their linkages to maritime security threat. Moreover, the connection between the AIM Strategy and Yaoundé Process is tenuous.

### **States as Critical Actors in the Maritime Domain**

Whether or not the objectives of the Yaoundé process would be achieved depends significantly on the actions of states, in the Gulf of Guinea particularly. States represent the most significant actors in the GoG in that they have great influence on the actions of the other actors within the maritime space. Since the ECOWAS, ECCAS or GGC do not have their own maritime capacity, what can be achieved under the Yaoundé Architecture ultimately depends on the support of the states that are party to the Yaoundé Code of Conduct. Moreover, states in the region have adopted their own national maritime strategies or national security policies that are influenced by their national interests and the need to uphold their sovereignty. Thus, a plethora of maritime actors exist at the state level, implying that governance of the maritime domain is achieved primarily through the efforts of various state agencies. Several state institutions and agencies, including ministries and agencies, national navies, police, ports and harbours authorities, customs, fisheries

commissions, petroleum commissions, immigration services, and judicial services have emerged as critical actors in the provision of maritime security in the Gulf of Guinea.

While the role of state agencies are critical, their activities are somewhat uncoordinated in most instances, implying that effective cooperation among them is lacking in almost all the Gulf of Guinea countries. Moreover, a number of state agencies are yet to recognise maritime domain awareness as a priority focus. In fact, the field research conducted in October 2019 to inform this paper indicates that most government personnel serving in such agencies as the navy, marine police and customs are not even aware of the r Yaoundé Code of Conduct or the broader Yaoundé process. Also, despite the growing importance of non-governmental organisations or civil society groups, these actors are often ignored in ongoing approaches to maritime security governance in the region. Not only is broad-based participation critical for mobilizing the diversity of expertise required for effective maritime security governance, it is also crucial for the buy-in of a broad segment of society.

### **International and External Partners as maritime Stakeholders in the Gulf of Guinea**

Countries in the Gulf of Guinea are increasingly having to respond to multiple forms of maritime security threats while operationalizing the Yaoundé architecture. This is happening against the backdrop of critical capacity limitations, as explained above. As a result, external technical assistance, for example to the ICC, have been very useful. The Yaoundé Code of Conduct expressly welcomes the initiatives of international actors such as the UN and its regional offices for Central and West Africa as well as other UN agencies such as UNODC and UNDP, the IMO and donor countries and relevant international entities to provide training, technical assistance and other forms of capacity building to assist governments address maritime security threats.

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Different international partners tend to focus on different aspects of capacity building including, training national navies, provision of equipment and facilitation of exercises that contribute to improving the needed capacities for ensuring effective maritime security in the region.

More specifically, the United Nations Office on Drugs and Crime (UNODC) has since 2009 been assisting countries in the Gulf of Guinea in apprehending and prosecuting maritime crimes by providing capacity building for law enforcement agencies and actors of criminal justice agencies through the Global Maritime Crime Programme.<sup>25</sup> Cognisant of challenges confronting states in the region including impunity, weak law enforcement, poor functioning of the criminal justice chain and limited capacity to control and secure the maritime spaces, UNODC has trained hundreds of judges, investigators and prosecutors across the region. These initiatives have contributed to raising awareness among states on the need to domesticate international frameworks and enacting effective laws in order to effectively prosecute maritime crimes.

The International Maritime Organisation (IMO) on the other hand, has provided support to the implementation of the Yaoundé protocol with the adoption of Resolution A.1069 (28) on Prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea in December 2013<sup>26</sup>. Among others, the Resolution calls on states in the region to forge close cooperation with international and regional partners to address acts or attempted acts of piracy, armed robbery against ships and other illicit maritime activities. It also calls on governments to make financial contributions to the West and Central Africa maritime security Trust Fund to assist national and regional capabilities of states in the region to improve maritime governance.<sup>27</sup>

International partners, such as the European Union (EU), have also provided support to promote greater interregional maritime security cooperation. The EU in 2016 supported various maritime security capacity building programmes in the Gulf of Guinea with more than US \$60 million. These programmes addressed piracy and armed robbery as well as human and drug trafficking, illegal fishing, oil theft and illicit resource extraction, and marine environment management, among others.<sup>28</sup> Other international partners such as France the United States (U.S.), Japan have also established themselves as strategic partners in the region, supporting national navies with training, equipment and capacity building programmes.

More recently, Denmark has also emerged as a critical partner to Gulf of Guinea countries in addressing maritime piracy. Denmark's engagement in the region began in 2015 as part of the EU-led Gulf of Guinea Inter-regional Network (GoGIN) which provided support to the Yaoundé process within the broader context of securing the region's waters and promoting the blue economy. Further to this, in 2019, as part of responses to the growing incidents of piracy and the threat it poses to international shipping and commerce, the Danish government further increased support to the Gulf of Guinea through a more elaborate and comprehensive strategy under the Gulf of Guinea Maritime Security Programme envisaged for 2019 to 2021. With a funding support of about 46 million DKK, the programme seeks to enhance regional maritime security through more capable maritime and law enforcement institutions at national and regional levels.<sup>29</sup> In partnership with various institutions such as the UNODC, IMO, Danish Defense and the Kofi Annan International Peacekeeping Training Centre (KA IPTC), the programme envisages strengthened maritime response, operational planning and response, maritime strategies and research, dialogue and training.

<sup>25</sup>See UNODC. (2020) Maritime Crime and Piracy. Available at: <https://www.unodc.org/westandcentralafrica/en/newrosenwebsite/TOC/maritime-crime-and-unodc.html>. Accessed on April. 2020.

<sup>26</sup>IMO Resolution A.1069 (28) (2013). Available at: [http://www.imo.org/en/OurWork/Security/WestAfrica/Documents/A.1069\(28\).pdf](http://www.imo.org/en/OurWork/Security/WestAfrica/Documents/A.1069(28).pdf). Accessed Dec. 2019.

<sup>27</sup>IMO (2017). IMO strategy for implementing sustainable maritime security measures

<sup>28</sup>Husted, T. () Gulf of Guinea: Recent Trends in Piracy and Armed Robbery at Sea. Available at: <https://fas.org/sgp/crs/row/IF11117.pdf>. Accessed, Oct. 2019.

<sup>29</sup>See Ministry of Foreign Affairs of Denmark (2019). Gulf of Guinea maritime Security Programme. Available at: <https://ghana.um.dk/en/danida-en/maritime-security/phase-ii>. Accessed in May 2021.

For instance, under the KAIPTC component of the programme *'enhancing regional research, capacity building and convening of stakeholders towards a safer maritime domain in the Gulf of Guinea'* the KAIPTC, has contributed to developing capacities of nearly one hundred maritime security actors across the region with other ongoing processes such as the convening a common platform for dialogue among regional and national actors. Whereas, the research component of the project contributes to generating knowledge products to inform capacity building, policy and dialogue engagements among actors. By far, this programme demonstrates a concrete commitment of the Danish government in supporting national and regional efforts at strengthening maritime security in the Gulf of Guinea.

### **Examining Existing Relationships among Actors under the Yaoundé Protocol**

That, the effective functioning of the Yaoundé Architecture requires effective collaboration among the relevant stakeholders seems incontrovertible. While a multiplicity of actors exist in the region sharing similar goals, they continue to discharge highly uncoordinated roles, leading to duplication of efforts. For example, the Maritime Organisation of West and Central Africa (MOWCA) has been in existence since 1975 with the prime objective that seeks to “serve the regional and international community for handling all maritime matters that are regional in character”<sup>30</sup>. Despite the similarities in objective, and in spite of the experiences accrued by MOWCA over the years, the organisation is not linked to the Yaoundé Architecture in ancoherent manner. As Jacobsen and Nordby<sup>31</sup>, observe, “the institution does not currently hold a particularly strong position vis-à-vis the new structure for maritime security architecture, which was laid down during the 2013 Yaoundé Summit”. Similarly, no coherent synergies exist between the Yaoundé architecture and the region's universities and research institutions such as

the Abidjan-based Regional Academy of Science and Technology of the Sea (ARSTM), or the Regional Maritime University (RMU) in Accra.

More fundamentally, although NGOs play multiple roles in areas that include research, environmental protection, and human rights protection within the maritime domain, they have largely been overlooked. According to Art. 11(4) of the Yaoundé Code of Conduct:

“Each signatory should ensure smooth and effective communication between its designated focal point and other competent national authorities....as well as relevant non-governmental organisations”

Yet, non-governmental organisations and their roles are overlooked in the maritime security policy discourse. Similarly, local communities, including coastal communities, are given no visible place in the emerging maritime architecture, perhaps because they are perceived as objects, rather than subjects of security governance, thereby denying them agency. The failure to recognise local communities as central actors in maritime security governance, ignoring their concerns, ends up rendering them less secured.

### **Examining Gaps and Challenges in the Implementation of the Yaoundé Architecture**

Seven years after its adoption, the Yaoundé architecture has yet to emerge as an effective framework for maritime security governance in the Gulf of Guinea. The process of operationalising the architecture is encountering a range of institutional, relational and logistical challenges leading to multiple dysfunctions. A number of critical challenges were identified during the field research are discussed below.

<sup>30</sup>AMSSA. (2008). Maritime Organisation for West and Central Africa. Available at: <http://www.amssa.net/framework/MOWCA.aspx>

<sup>31</sup>Jacobsen, K.L. & Nordby, J.R. (2015). Maritime security in the Gulf of Guinea. Royal Danish Defence College Publishing House. P. 28.

### ***Lack of Effective Coordination at Multiple Levels***

State level structures constitute the backbone to the entire architecture. Therefore, effective coordination and cooperation in information both within and among states is critical to the successful implementation of the Yaoundé architecture. This notwithstanding, horizontal coordination and cooperation among state agencies at the national level remains weak, as state agencies appear to be operating in silos, resulting in the duplication of efforts by different agencies. With the exception of a few countries, many of the countries lack a clearly defined national maritime strategy that specifies the nature of the relationship among agencies and their roles as actors of maritime security governance. Moreover, most of the countries are yet to establish a designated focal point for communication and coordination. At the national level, coordination challenges have been ascribed to such issues as mistrust, unhealthy competition for recognition among agencies and lack of role clarity among others. A similar lack of effective coordination is equally evident at the intra-regional and inter regional levels. For example, there appears to be lack of role clarity between the GGC and the ICC, leading some to question whether the GGC has not become anachronistic following the establishment of the ICC. Furthermore, the absence of maritime security strategies and focal points in most countries means that the ICC, for example, is sometimes compelled to rely on unofficial contacts and channels to communicate and send alerts to relevant stakeholders. Similarly, the feedback loop between the ICC and political actors remain weak, in that information flow has been mainly one-sided from the direction of the ICC, while feedback from the political actors is often not forthcoming. Thus, the communication gaps undermine the effectiveness of actors at all levels, including the MMCCs and the MOCs. Besides, there is weak coordination with the AU when it comes to issues of maritime security. In other words, the connection between the AIM Strategy of the AU and the

Yaoundé Process is tenuous, perhaps because there is currently no maritime department at the AU to coordinate maritime security issues or even the implementation of the AIMS.

### ***Tension between Information Sharing and Information Protection***

Closely related to the gaps in coordination is the tension between information sharing and information protection. While information sharing is widely thought of as fundamental to effective coordination, partners at both the national and regional levels are sometimes confronted with a dilemma as to whether to share or withhold specific information. This dilemma derives from lack of trust, and limited capacity, on the part of designated partners, to handle sensitive information. There is also the concern that corrupt officials may divulge sensitive information to pirates or criminals.

### ***Inadequate Knowledge about the Yaoundé Process among National Actors***

Data from the field research indicates that not much is known about the Yaoundé process among national actors. Many state officials interviewed in Ghana, Nigeria, Cameroun, Benin and Gabon claimed they had never heard of the Yaoundé Protocol or the Code of Conduct. As such, some actors still hold the traditional state-centric view of maritime security governance which prioritizes the role played by state agencies such as the navy and marine police at the expense of other critical actors. Others could not explain the synergies between their functional roles and the attainment of the objectives for which the Yaoundé architecture was established to achieve. As a result, they tended to define the maritime space within the confines of their scope of operation. For instance, although fishing regulations may fall within the purview of the ministry of fisheries or fisheries commissions, the authorization of fishing vessels may have to be coordinated with other relevant ministries and agencies such as ministry of finance to ensure accountability<sup>32</sup>

<sup>32</sup>Interview with Navy officer, Cotonou, Sept. 2019.

### ***Divergent Legal Doctrines and Cultures***

Although the Yaoundé process has multiple signatories from Anglophone, Francophone and Lusophone countries, having different legal doctrines or cultures. This presents an absence of a harmonised maritime legal framework in relation to maritime crimes. The absence of common legal systems and the lack of ratification of anti-piracy laws remain a major challenge. So far, only two countries in the region have ratified anti-piracy<sup>33</sup> laws with only Nigeria having a stand-alone law on anti-piracy. As a result, maritime prosecution and punishment have tended to differ from country to country. This constitutes a major obstacle to sanctioning perpetrators of maritime crimes. Another implication is that aberrant actors are likely to shift from countries with punitive legal regimes to those with lenient ones, thereby defeating the objective of securing the entire region. The absence of a harmonized legal regime also affects the development of common procedures for cooperation among national agencies. This usually results in mistrust, lack of understanding of roles and turf wars among national actors.

### ***Prioritisation of Bilateral & Multilateral Arrangements at the Expense of Yaoundé Protocol***

Despite the fact that the Yaoundé architecture remains the most comprehensive framework for regional maritime security governance in the Gulf of Guinea, countries tend to prioritise external (bi-lateral) collaborations over and above inter-interagency and inter-regional collaborations, thereby relegating strategic interactions through the architecture to the margins. This seems to result from many of the issues discussed above, as well as weak capabilities of member states to address maritime threats, compelling some GoG countries to rely on foreign partners for assistance. In this way, national strategies become more aligned to external partners' goals and objectives. External partners on the other hand, may not have the same interests and priorities with regards to the threats that confront the States resulting in low commitment to inter-regional cooperation.

### ***The Non-Binding Nature of the Yaoundé Code of Conduct***

The Yaoundé Code of Conduct in its current formulation is not likely to elicit the kind of compliance required for effective maritime security governance. This is because the Code is not yet a prescript for behaviour or an enforceable rule that bind state parties in terms of their conduct within the maritime space. It is basically broad guidelines that encourage states to act in specific ways in order to enhance mutually beneficial exchanges among parties. It is unlikely that the Code will mutate into an effective regime if adherence or compliance and enforcement of the terms acceded to cannot be elicited.

### ***Funding, Logistics & Capacity***

The all too familiar issues regarding inadequate funding, logistics and capacity remain critical obstacles to the effective implementation of the architecture. Few countries in the region are bearing the burden of funding joint maritime security operations. In addition, the lack of adequate technical capacity to implement the Code of Conduct has resulted in overreliance on external donors and experts. This affects sustainability and predictability, which, in turn, undermine effective operations of CRESMAC, CRESMAO, the MMCCs and the MOCs. Policy articulation, ownership and sustainability of maritime security in the GoG greatly depends on consistent and sustained resource provision by the actors in the region that are the immediate stakeholders of this emerging maritime security mechanism.

### ***Prospects for Enhanced Cooperation under the Yaoundé Architecture***

In order to address the challenges highlight, the following policy-relevant recommendations are proposed:

- The ECOWAS, ECCAS, and GGC should transform the Yaoundé Protocol/Code of Conduct into binding documents;

<sup>33</sup>See: Nigeria signs standalone anti-piracy law in the Gulf of Guinea. Available at: <https://criticalmaritimeroutes.eu/2019/07/11/nigeria-signs-first-standalone-anti-piracy-law-in-the-gulf-of-guinea/>. Accessed Dec. 2019.

- The political and strategic level actors should design specific interventions for enhancing effective coordination at all levels of the architecture by prioritizing the importance of trust building, for example, through increased and or frequent contacts among agencies, while countries should build the capacity of state agents for strategic or crisis information management;
- Countries in the region should expedite domestic processes required for the adoption of their national maritime security strategies, while establishing and fully operationalising designated focal points;
- Maritime operational Centres should be provided with up-to-date information from CRESMAO and CRESMAC, as the current arrangement only allows for a bottom-up information sharing only;
- The ICC should collaborate with states to improve maritime domain awareness and sensitization and knowledge about the Protocol and Code of Conduct;
- There is need for role clarity between GGC and ICC and other actors;
- Serious attention should be given to the use of African Training institutions for capacity building;
- Steps towards the harmonization and adoption of a common legal regime should be expedited by the political and strategic actors;
- There is critical need for research on the role played by non-state actors, with particular emphasis on local communities, and how they could be integrated into the architecture as subjects, rather than objects of security; and
- Develop more consistent funding sources, for example, through taxes or import duties at the national level.

## Conclusion

Over the past two decades, threats to maritime security in the Gulf of Guinea have become increasingly complex, overwhelming the prevention and response capacities of states in the region. The complexity of the threat is challenging state monopoly in the provision of security as the countries in the region generally lack sufficient military and civilian assets to secure their individual maritime domains. This has given rise to a regional maritime security complex characterised most obviously by the unavailability of interdependence. Thus, the maritime security threats in the region have tied the countries inextricably together in that their security concerns cannot be considered apart. This is transforming the security culture from a power-based approach to a collective security-based approach. While the resulting Yaoundé architecture is critical for strategic interaction and effective security governance, the conditions needed to foster effective cooperation have yet been created. Key among the impediments to cooperative solutions to maritime security in the region have been the tension between information sharing and information protection, the prioritization of extra-regional cooperation at the expense of regional cooperation as well as funding and logistical constraints that undermine policy articulation and ownership of the scheme, while casting a shadow over its sustainability. Moreover, critical actors that include local communities are virtually excluded from the project as they are denied agency and perceived as objects of security needing state protection rather than critical subjects of security. In the changing context of maritime security, there is need for constant review of policies and strategies in order to respond effectively to emerging insecurities.

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## About the Centre

The Kofi Annan International Peacekeeping Training Centre (KAIPTC) is an internationally preferred Centre of excellence for research into and training for conflict prevention, management and resolution, research and innovative thinking in integrated peace support operations and sustainable delivery of enhanced regional capacity building for peace support operations.

## About the Project

This publication was supported by the Government of Denmark under the project “Enhancing Regional Research, Capacity Building and Convening of Stakeholders towards a Safer Maritime Domain in the Gulf of Guinea”. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the KAIPTC or the Government of Denmark.



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