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Maritime Crimes and Incident Reporting Mechanisms under the Yaoundé Process: Towards an Effective Reporting System for the Gulf of Guinea

[Frank O. Okyere & Afua A. Lamptey]

Introduction

The Gulf of Guinea (GoG) region presents a maritime seascape with a unique potential for maritime commerce and development. Stretching from Senegal in West Africa to Angola in Central Africa, the waters of the GoG is estimated to have enormous oil deposits, fisheries, and aquaculture. For instance it is estimated that excluding the Persian Gulf, one in every four barrels of oil sold comes from the Gulf of Guinea.[1] Globally some of the most sought after fish species such as tuna, shrimp, sardinella, bonga, grouper, sole and octopus can be located in the region[2]. Further, the large number of natural harbours, inexistence of chokepoints and good weather conditions makes it an ideal shipping route.[3] The region's rich maritime resources has attracted both state and non-state actors, some of whom exploit the inadequate control of the maritime domain to engage in illicit activity.[4] Between 2016 and 2018, the littoral states in the Gulf of Guinea region, that is West Africa and its trading partners allegedly lost about $2.3billion to maritime crimes.[5]

[1] González, Y. S. (2016). The Gulf of Guinea: the future African Persian Gulf? BRAZILIAN JOURNAL, 1 (1), 85.

[2] Okafor-Yarwood, I. (2019). Illegal, unreported and unregulated fishing, and the complexities of the sustainable development goals (SDGs) for countries in the Gulf of Guinea. Marine Policy, 99, 414-422.

[3] https://revistamarina.cl/escenarios-de-actualidad/piracy-in-the-gulf-of-guinea/

[4] Okafor-Yarwood, I and Pigeon, M. 2020. Stable seas: Gulf of Guinea. Broomfield: One Earth Future.

[5] UNODC, 2019. West Africa loses $2.3 billion to Maritime Crime in Three Years as Nigeria, UNODC rally multi-national efforts to thwart Piracy in the Gulf of Guinea. Available at https://www.unodc.org/nigeria/en/press/west-africa-loses-2-3-billion-to-maritime-crime-in-three-years-as-nigeria--unodc-rally-multi-national-efforts-to-thwart-piracy-in-the-gulf-of-guinea.html

The International Chamber of Commerce's (ICC) International Maritime Bureau (IMB) third quarter report of 2019, indicates that the Gulf of Guinea remains a high risk area for piracy and armed robbery.[6] Available statistics show that the GoG, particularly the maritime domain off Nigeria continues to be the world's most dangerous waters for ships and crew. The region accounts for 86% of crew taken hostage and nearly 82% of kidnappings globally.[7] Although maritime incidents are slowing down, the GoG nonetheless continues to be a concern for piracy and armed robbery-related activities with kidnapping of crew members increasing in both scale and frequency.[8] West Africa is one of the main spots for illegal, unreported and unregulated (IUU) fishing in the world, with almost 40 per cent of the fish caught illegally.[9] This illegal activity at sea costs West African governments an estimated $1.5 billion annually.[10]

Yet statistics on maritime criminality in the region is haphazard and perceived highly conservative. The director of the ICC IMB has rightly emphasized the importance of reporting actual, attempted and suspected incidents to ensure an accurate picture of attacks so that action is taken against criminality before it escalates. Nonetheless, under-reporting, late reporting and unreported incidents are common and remain a challenge in the region. In ensuring a safer maritime domain, the UNSC passed resolutions 2018 (2011) and 2009 (2012) to support countries bordering the Gulf of Guinea. Both the United Nations Office on Drugs and Crime (UNODC) and International Maritime Organisation (IMO) have also sought to guide countries by providing some benchmarks for maritime security in the GoG region. For instance the IMO since 2017 has published its strategy for implementing sustainable maritime security measures in West and Central Africa, which encourages states to report maritime crime incidents. At the regional level, the African Union's Africa's Integrated Maritime Strategy 2050 (AIMS 2050) outlines a strategic objective of preventing hostile and criminal acts at sea and coordinating or harmonizing the prosecution of offenders.[11] Further the ECOWAS and ECCAS together with the GGC met in Yaoundé in June 2013 to discuss the strengthening of maritime safety and security in the region. Three distinct documents emerged from this process – the Declaration, Code of Conduct and MOU.[12] The MOU also birthed three coordinating structures

– the ICC[13], CRESMAC[14] and CRESMAO.[15]

Within the GOG, the issue of under-reporting, which is estimated to be around 60 to 70%[16] distorts the maritime criminality picture as it ultimately results in a lack of data and coordination. Several challenges emerge when it comes to the practicalities of reporting. Some of these revolve around the procedures for reporting and the structures for disseminating information. Further, under-reporting is engendered by undefined borders, legal discords, dispute mechanisms, unaccountable shipping companies, lack of capabilities, coordination and a general confusion of how to apply the regional declarations and international norms to national regulations.

This paper examines the maritime incident reporting practices and mechanisms in the Gulf of Guinea, utilizing selected countries as a case study. The scope of the paper covers four countries namely – Benin, Nigeria, Gabon and Cameroon, all of which fall within the Multinational Maritime Coordination Centres (MMCC) Zones D and E, which are among the fully operational zones in the region. Through interviews with a cross-section of maritime actors in the four countries, the paper presents an analysis of the current status of implementation of the provisions on incident reporting as captured in the Code of Conduct concerning the repression of piracy, armed robbery against ships, and illicit maritime activity in West and Central Africa, otherwise referred to as the Yaoundé Code of Conduct (YCC). The paper is structured in five sections. After the introduction, a synopsis of maritime crimes in the Gulf of Guinea is discussed, followed by a discussion on the broad framework for implementing the code. The final sections present the prospects and challenges in maritime crime reporting systems in the selected countries, and recommendations for improving incident reporting standards.

Overview of Maritime Crimes in the Gulf of Guinea: Insights from Four Countries

The GoG region is a 6,000 kilometers coastline stretching from Senegal in West Africa to Angola in Central Africa. The region is endowed with a vast wealth of minerals, hydrocarbons, and varied species of marine and fisheries resources. The waters of the GoG also serves as a

[6]   https://www.icc-ccs.org/index.php/1282-maritime-piracy-incidents-down-in-q3-yet-gulf-of-guinea-remains-a-hot-spot

[7] ibid

[8] ibid

[9] EJF (2012), Pirate Fishing Exposed: The Fight Against Illegal Fishing in West Africa and the EU. Available at https://ejfoundation.org/resources/downloads/Pirate-Fishing-Exposed.pdf

[10] Anyimadu, A. (2013). Maritime Security in the Gulf of Guinea: Lessons Learned from the Indian Ocean. London: Chatham House.

[11] AU, 2012:12

[12]   The declaration of the heads of state and the Government of Central

and West Africa on Maritime Safety and Security in their Common Maritime Domain; the Code of Conduct concerning the repression of piracy, armed robbery against ships and illicit maritime activity in West and Central Africa; and the Memorandum of Understanding on Maritime safety and security in Central and West Africa.

[13]   Interregional Coordination Centre

[14]   Centre Régional de Sécurité Maritime de l'Afrique Centrale / Regional Centre of Maritime Security in Central Africa

[15]   Centre Régional de Sécurité Maritime de l'Afrique de l'Ouest/ Regional Centre for Maritime Security in West Africa.

[16]   IMO, 2017

critical route for international commerce, and a shipping chokepoint. Thus the GoG region is an important source of livelihoods and development of countries across the region. Conversely, the GoG region has become a hotspot for criminal activity at sea. Coastal regions from Senegal to Angola experience a wide array of maritime threats including but not limited to piracy, armed robbery attacks, IUU fishing, oil bunkering, human trafficking and marine pollution. The International Chamber of Commerce's IMB Piracy Reporting Centre reported that 73% of all kidnappings at sea, and 92% of hostage-takings took place in the Gulf of Guinea in the first half of 2019.[17] These crimes occurred off the coasts of Benin, Cameroon, Guinea, Nigeria and Togo, all straddling west and central Africa. Two countries in West Africa – Benin and Nigeria and two in Central Africa- Gabon and Cameroon present varying seascapes of maritime crimes in the GoG, but with striking commonalities in the nature of these crimes.

Table 1: Common Maritime Crimes[18]

Country	Nigeria	Cameroon	Benin	Gabon
Dominant maritime crimes	Piracy and armed robbery at sea	Piracy and armed robbery at sea	IUU fishing	IUU fishing
	Oil bunkering (theft)	Marine pollution	Piracy and armed robbery at sea	Oil bunkering
	Marine pollution	IUU Fishing	Crude oil theft	Trafficking
		Illegal migration	Illegal migration	Piracy and hijacking
	IUU Fishing	Stowaways		Marine pollution
		Smuggling of arms		Illegal migration
		Dumping of toxic waste		Stowaways

In the Gulf of Guinea, Nigeria is said to be the hotspot for maritime crimes, accounting for over 60 percent of all actual and attempted piracy and armed robbery attacks in the region.[19] Boasting of a large maritime expanse, weak maritime law enforcement, and a seemingly boundless

stock of hydrocarbons, 'petro-piracy', arguably the most common and worrying maritime crime in the country, has flourished and expanded to the littoral states in the region. Nigeria alone generates more than 70 per cent of the seaborne trade in West Africa and the Gulf of Guinea. The Calabar River of Nigeria, which shares a maritime boundary with Cameroon, is touted as a hotbed of maritime incidents where boats are forced to pay transit taxes on their way in or out of the zone, under threat of attack.[20] Abduction of passengers and crew on-board is a central part of the modus operandi of the groups racketeering vessels in transit. However, the dynamics and manifestations of these crimes in the region are far more complex. In general, piracy and armed robbery at sea remain the most reported maritime crime in the Gulf of Guinea even though it is difficult to conclude whether it is also the most common criminal activity at sea due to the problem of under-reporting. Figure 2 below presents a snapshot of the spread of piracy and armed robbery attacks recorded in the Gulf of Guinea from 2015 to 2019.

Figure 1: Distribution of Actual and Attempted Attacks in the Gulf of Guinea, 2015-2019
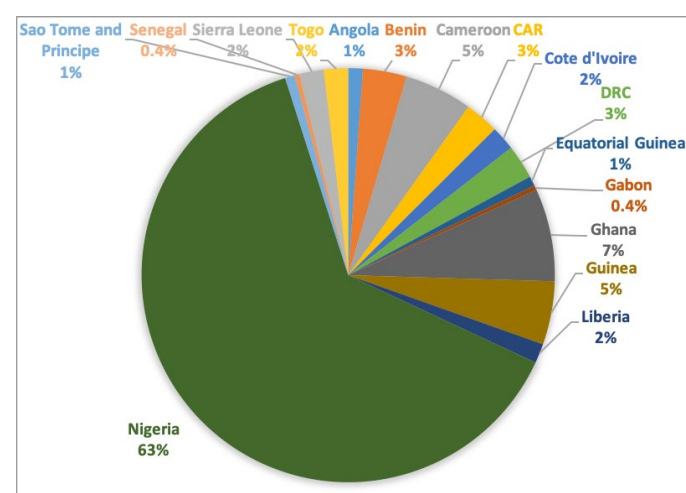
Adapted from IMB Piracy and Armed Robbery against Ships Annual Reports, 2015-2019

In West Africa, Benin and Nigeria, both belonging to the Multinational Maritime Coordination Centre (MMCC) Zone E headquartered in Benin have collaborated at several levels in the past particularly during Operation Prosperity from 2011 to 2013 at the height of the piracy crisis in their mutual waters which saw a marked decline in piracy threats. Operation Prosperity was a collaboration between the navies of Nigeria and Benin to ensure a secure maritime environment and strengthen their close security cooperation by maintaining maritime domain awareness. In this collaborative arrangement, the Nigerian navy provided

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[17] International Chamber of Commerce. (2019, July 8). Seas off West Africa world's worst for pirate attacks, IMB reports. Retrieved from International Chamber of Commerce: https://iccwbo.org/media-wall/news-speeches/seas-off-west-africa-worlds-worst-pirate-attacks-imb-reports/

[18] Based on interviews and maritime crime reports collated between 2017 and 2019.

[19] ICC IMB Piracy and Armed Robbery Against Ships – 2019 Annual Report

[20] Presentation by Head of Zone D, Multinational Coordination Center, International Forum on the status of implementation of the YCC, 4 December 2019.

the vessels and most of the logistics and human resources for the operation, while the Benin navy opened it waters for Nigerian naval vessels to patrol. Benin also hosted the Operation Prosperity headquarters in Cotonou.[21]

Further, though the IMO in its annual report for 2019, reported a 14% downward trend in the levels of piracy globally, from 223 in 2018 to 193 in 2019, West Africa recorded the highest incidents – 67 out of the global records of 193. Similarly, while the figures in West Africa were also down from 81 incidents in 2018, the number of incidents involving kidnapping and missing crew increased from 11 in 2018 to 20 in 2019. In all 151 crew were reported kidnapped or missing. Additionally, crude oil theft and artisanal oil refining are rife, particularly in Nigeria.[22] Benin's waters are principally rich in biodiversity as the country is positioned in a wildlife corridor frequented by migrating tuna and humpback whales. Benin also hosts the UNESCO-listed Mono Biosphere Reserve, home to nearly 2 million people in Benin and Togo and consisting of mangroves and lagoons critical to fish nurseries.[23] The country produces 70,000 tonnes of fish per year and imports 160,000 tonnes.[24] This makes IUU fishing a critical area of concern in Benin as there are several incursions from foreign industrial vessels. The marine police has a traditional agreement with the fishermen to report or inform of suspicious activity at sea. The country also has an aqua culture system that allows for more fish to be bred to complement the catch at sea. Further, the MMC coordinates with the fisheries department to collect information on all the fishing vessels to make sure they have the required license to fish in the waters. Patrol ships and the US provide radars of long range of up to 50m which allows surveillance on all fishing vessels on the waters. Some of the threats experienced at the port includes stowaways[25], theft on ships moored at the port and illegal entry.

In Central Africa, Cameroon and Gabon, both in maritime zone D, face varying maritime threats including piracy, oil bunkering, armed robbery against ships, IUU fishing stowaways, smuggling (migrants, trafficking of humans,

narcotics, small arms) and dumping of toxic waste. Further, an on-going insurgency in the south-western and north-western parts of Cameroon has led to insurgents smuggling arms across the creeks in Cameroon. The country's proximity to Nigeria also makes it prone to pirate attacks as pirates with fast boats launch attacks with sophisticated weapons and also engage in hijacking for ransom[26]. Both countries have a huge production base of oil and as such oil theft is rife in both countries. Further, Cameroon is at the crossroads of the Gulf of Guinea in terms of the activities that percolate around the area such as oil, fisheries and merchandise. The Doula port is the gateway for land locked countries such as Chad and CAR. Further there is a pipeline flowing from Chad to Cameroon and another agreement in the offing with Niger to transport its oil through Kribi Terminal. All these have implications for heightened criminal activity.

In June 2017, at the United Nations Ocean Conference in NYC, Gabon[27] declared the creation of nine new national marine parks and 11 new aquatic reserves[28], this falls in line with the UN's Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas, and marine resources for sustainable development. A year after this declaration, 3 fishing vessels were arrested in Gabon. Assisted by the marine conservation Sea Shepherd (which assists governments in combating illegal fishing), two trawlers[29] were arrested in the northern waters of Gabon as they crossed the border from neighbouring Equatorial Guinea to fish in marine reserves protected under Gabonese law. The third foreign vessel was arrested for fishing without a licence near the Congolese border.[30] Despite these arrests, IUU fishing continues to be a critical threat to the fish stocks in the country. IUU fishing undermines efforts to conserve and manage fish stocks, and greatly disadvantages those fishers that follow the laws and fishing guidelines. Complicated systems of trans-boundaries in the Gulf of Guinea, coupled with the fact that operational resources of many regional Coastal States are already stretched thin, is why IUU fishing is so prevalent in waters off Africa's west coast.[31] The maritime boundary between the Republic of Congo and Gabon is also said to be an emerging zone of maritime insecurity in Central Africa, where several cases of tankers taken hostage have been diverted in recent times.

Though a lot is being done by the respective governments to reduce maritime criminality, experiences from the

[21] Osei-Tutu, J. A. (2013). Lowering the Anchor on Maritime Insecurity along the Gulf of Guinea: Lessons from Operation Prosperity.

[22] Interviews with the National Oil Spill Detection and Response Agency – NOSDRA- in Nigeria indicates an alarming increase and spread in illegal crude oil refining in Nigeria particularly in the River and Delta states with a huge environmental toll. Abuja, July, 2019.

[23] Available at: https://www.seashepherdglobal.org/latest-news/benin-partnership/#:~:text=Monday%2C%20May%2027%2C%202019.%20In%20a%20joint%20operation,stop%20poaching%20activity%20in%20the%20waters%20of%20Benin.

[24] Interview with fisheries department, 1 October, 2019, Cotonou, Benin

[25] On Monday 30th September, 2019, 4 stowaways were intercepted on board a vessel from Nigeria hiding behind the ships rudder. They were first reported to the navy at anchorage then the marine police took over and arrested them processing them for prosecution etc.

[26] Interview with Cameroun Navy Official, July, 2019. Doula, Cameroun.

[27] Gabon has 880km of coastline with a maritime area of 213, 000 km2.

[28] See:https://oceanconference.un.org/coa/BlueEconomy

[29] These were the F/V Jin Li 961 and F/V Jin Li 962

[30] See: https://businessandmaritimewestafrica.com/gabon-three-illegal-fishing-vessels-arrested/

[31] See: https://www.seashepherdglobal.org/our-campaigns/operation-albacore/learn-more/

countries visited indicates a general lack of resources and or adequate capacity to police the waters. The IMB has commended the Nigerian Navy for actively responding to reported incidents by dispatching patrol boats. But there are serious concerns that many incidents and attacks go unreported, hampering efforts to respond swiftly.

Operationalizing the Yaoundé Code of Conduct

Adopted in Yaoundé, Cameroon on 25 June, 2013 the YCC brings together signatory states from West and Central Africa with an objective to cooperate fully in the suppression of transnational organized crime in the maritime domain, including piracy, IUU fishing, and other illegal activities. The Code of Conduct is supplemented by the Declaration of the Heads of State and Government of Central and West African States on Maritime Safety and Security in their Common Maritime Domain; a Memorandum of Understanding among the ECCAS, ECOWAS and GGC on Maritime Safety and Security in Central and West Africa; and the Additional MoU, creating a substantial normative framework that enables member states to dedicate efforts towards tackling maritime crimes through different measures and actions. The Yaoundé process enabled an inter-regional cooperation platform for West and Central Africa to be developed with the view to improving regional maritime safety and security. The Yaoundé documents in themselves are evidence of the political will for engagement between Gulf of Guinea States in the fight against maritime crime.

The adoption of the YCC addresses a critical leadership lacunae in the governance of the Gulf of Guinea's maritime domain. The volatile situation prior to the Yaoundé conference did in fact mobilize Heads of States to take actions in the promotion of maritime security, and being led by ECOWAS, ECCAS and the GGC, the paramountcy of cooperation culminated in the creation of CRESMAC, CRESMAO and the ICC, three new regional centres for monitoring maritime safety. It is therefore evident that West and Central Africa prioritize cooperation, notably by codifying international norms to regulate maritime safety and to homogenize collaborative efforts. The implementation of the Yaoundé Code of Conduct is premised on information sharing and coordination, aided by a designated national contact point in each State, transnational and trans- regional maritime security coordination centres and the development of uniform reporting criteria to ensure accurate assessment of maritime threats.[32]

However, in view of the slow pace of implementation following the Yaoundé Summit, and the continuous surge

in maritime crimes, one might question whether these dispositions were truly tailored to West and Central Africa, and whether the Code is effective in addressing the challenge of crime reporting in the region. In particular, certain aspects of the Code of Conduct have been slow to fully develop, such as Article 9 relating to embarked officers, or Article 11 dealing with the coordination and exchange of information.[33] While the YCC is still in its embryonic stage of implementation, the slow pace of development of the foundational mechanisms for the smooth takeoff of the architecture remains a major hurdle. For instance, not all member states have designated national focal points in charge of maritime crime reporting. As at the end of 2019, none of the countries visited: Nigeria, Benin, Cameroon and Gabon had established a national focal point. This situation hampers effective communication between the maritime operations centres (MOCs) and the MMCCs. Incident reporting also tends to be haphazard as the uniform reporting criteria intended under Article 12 of the YCC has yet to be achieved. Contributing to this challenge is the lack of a central repository for recording maritime incidents, and ambiguity on which agency is responsible for developing the reporting criteria. While the Code of Conduct is not a binding document, and can thus not force any government to take proactive measures, a tacit agreement was made in Yaoundé, especially by denoting the national and regional response it received thereon after, which proves to what extent it has become an objective framework to fight maritime crime. A second assessment of the YCC, which has yet to be completed, will pave way for the YCC to be transformed into a binding instrument that will enable its structures to elicit compliance from member states towards the achievement of the stated goals.

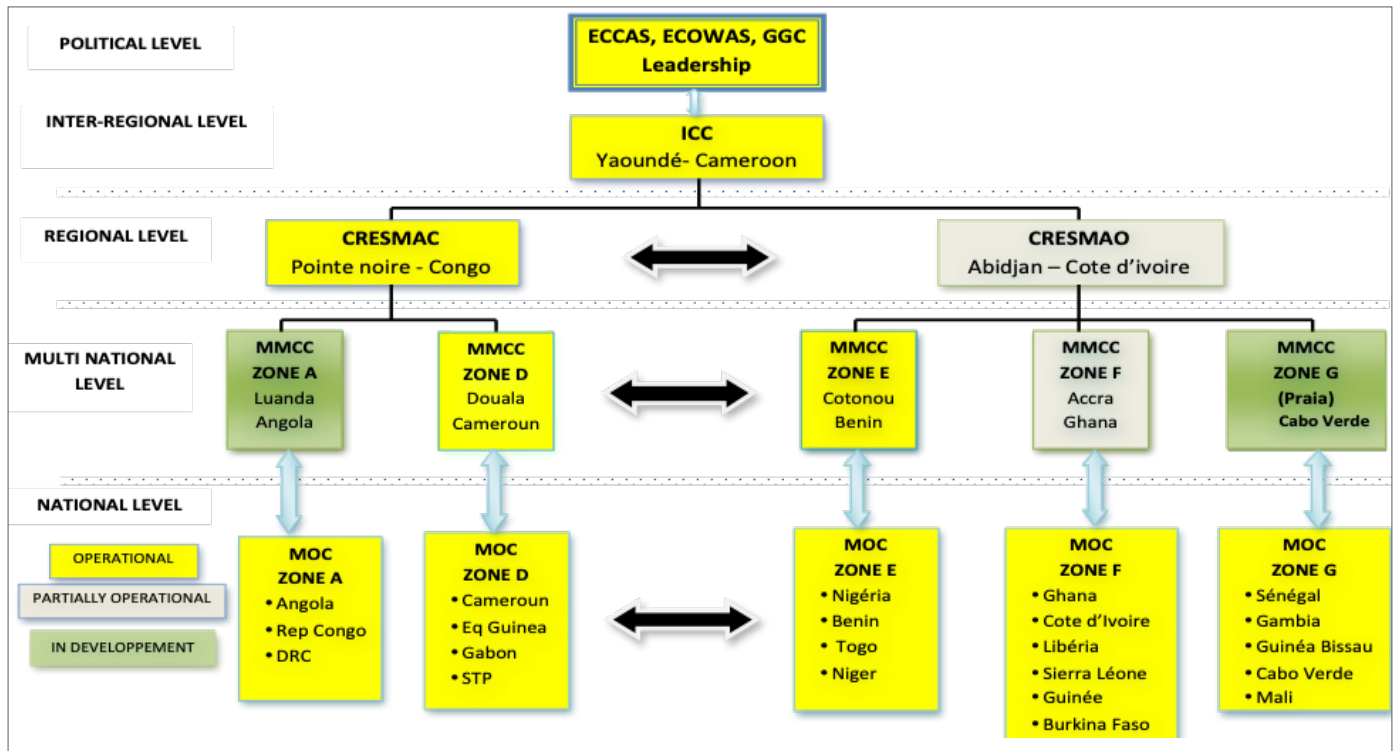## Maritime Incident Reporting Systems in the Gulf of Guinea

The YCC contains provisions on incident reporting which emphasize the development of a uniform reporting criteria in order to ensure that an accurate assessment of the threat of piracy and armed robbery in the West and Central Africa is developed taking into considerations the IMO recommendations. In this regard, signatories to the YCC are to support the various maritime centers to collect, collate and analyze information transmitted by the member states concerning piracy and armed robbery against ships. This also includes information on transnational organized criminal groups. Additionally, they are to prepare statistics and reports on the basis of the information gathered and analyzed and to disseminate them to the signatory states. Information on incidents and threats are envisaged to be

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[32] See Articles 7 to 12 of the Yaoundé Code of Conduct.

[33] Presentation by Cameroon Navy Officer, International Forum on the status of implementation of the YCC, 4 December 2019.

shared both horizontally and vertically at different levels, with reporting lines flowing from and between national MOCs through multinational MMCCs to the regional level. However, with some reporting structures at the multinational and regional level either non-existent or partially functional, incident reporting, and consequently, information flow tends to be curtailed in some areas of the region.

Figure 2: Gulf of Guinea Information Sharing Framework

From studies undertaken in the 4 targeted countries, it was observed that all the navies had some frameworks for incident reporting specific to their context. For instance the Benin Navy through it Maritime Operating Centre in Cotonou uses a template that allows it to capture incidents at sea and transmit them onwards to the MMCCs who then forward them to the regional coordinating centre in Abidjan – CRESMAO. The reporting framework gives a situational analysis of the incident encountered at sea. The MMC stationed in Benin also uses a similar template in its reports of incidents to CRESMAO weekly and also monthly. The reporting framework is designed per the incident reported. The situation is similar in Nigeria, Cameroun and Gabon with all 4 navies using an incident reporting template to record incidents at sea and then disseminating them through the relevant stakeholders. Among the other agencies and institutions there exists some reporting mechanisms (some do not have at all) but generally incident reporting is institution based and not always disseminated to other bodies for analysis and response.

It was observed that there is some lack of clarity regarding the reporting format and data gathering. Currently the IMO Global Integrated Shipping Information System (GISIS), and the IMB collect actual and attempted illicit acts at sea through on-line databases and reports through the IMB Piracy reporting Centre (IMB PRC) and the Maritime Domain Awareness for Trade – Gulf of Guinea (MDAT-GoG) Voluntary Reporting Area (VRA). These mechanisms give the responsibility for reporting to ship owners, ship operators and shipmasters who are obliged to report committed crimes. This arrangement thus limits the involvement of states in the incident reporting process. However in 2017, a Maritime Safety Committee (MSC) circular was effective in giving coastal states the room to collaborate with the MDAT-GoG in the implementation of the YCC.[34] Whiles this has been somewhat effective, the national implementation remains to be seen. Understandably, the international character of both procedures might be an obstacle to national commitments and may also not align with the region's objectives. Thus a guideline or some set criteria for the incident reporting template would have been useful for stakeholders in the maritime security domain in the GoG.

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[34] IMO 2017

There is also on-going development of the Yaoundé Architecture Regional Information Sharing (YARIS) which is being spearheaded by the European Union (EU) with support from the Government of Denmark. Envisaged as a multi-agency coordination platform, YARIS aims to support maritime operations in the GoG, thereby enabling all operation centres and organizations that are a part of the Yaoundé architecture to compile, analyze and exchange relevant information with each other in a standardized, efficient and effective manner.[35] Incorporated within the Gulf of Guinea Inter-regional Network (GoGIN) project, YARIS is expected to continue after the end of the project.

Following from above, not all incidents reported at sea are sent to the national or regional centres for data gathering, collation and analysis. Some ship owners prefer to still report first through the international systems they are already familiar with and the member states then have secondary information from these international actors. Though the states have their own surveillance systems, it is not based on real time activities and hence they are unable to take action at the moment of crisis. This often means that response to incidents at sea is delayed resulting in loss of life and or the perpetrators fleeing the crime scene. Gradually though, there is more awareness through more concerted and collaborative efforts to engage with the relevant actors.

Another issue is what to do with the incidents reported in terms of criminal prosecution. It must be noted that in the GoG region, the capacity for judicial response to maritime crimes is inadequate. To start with, only Nigeria and Togo have enacted laws on maritime piracy or crimes with other countries at varying levels of revision or formulation of new laws. Further magistrates and lawyers are also now gradually building capacities in maritime law and prosecution. This therefore presents a challenge in terms of maritime prosecution. For instance in Benin, there are currently no laws on maritime criminality and criminals are charged under the common law and if not suitable to the offence simply released.[36]

Many coastal states in the GoG region do not possess the capability to monitor the high seas, thus rendering them helpless. With criminal networks possessing more sophisticated boats, weapons and other logistics, and becoming more daring, illicit acts happening on the high seas have become prevalent. Thus states must either take responsibility of the high seas or enter into some arrangements with other collaborators with enough logistics to help. These include collaborating with private shipping companies and other neighboring states who can report immediately.

Towards an Effective Reporting System: Challenges and Prospects

In working towards an effective incident reporting system, states in the Yaoundé process must be willing commit to the process in ensuring maritime safety and security in the GoG. To this end, the study uncovered some bottlenecks which must necessarily be addressed to ensure the objectives of the YCC are met.

By way of structure, there is no central repository for reporting incidents in the region. This is the main contributory factor to the lack of accurate and easily accessible database of maritime incidents in the region. The lack of a repository makes it challenging to validate the historical trends with current dynamics in maritime incidents, making future projections difficult. The full establishment and operationalization of the YARIS will go a long way to addressing this challenge.

One key area of concern also gleaned from all four countries visited was the issue of mistrust in information sharing. Despite the political leadership and collaboration on maritime issues, this has become the single most critical ingredient hampering collaboration and information sharing in the region. It is also the most important component for any attempt at establishing common reporting standards. Member states are highly reluctant to share information amongst themselves. The challenge of information sharing also cuts across institutions within the same country, as well as agencies across country. At the inter-institutional level, rivalry has become the main impediment to sharing information. For instance, there appears to be a lack of cooperation between customs officers and drug enforcement officers in some jurisdictions, creating lapses in responding to maritime threats. Thus some states have constantly questioned the utility of sharing information with the MMCC and the regional maritime security centres. In the zone D, exchange of information or intelligence on the threat of piracy, particularly through the MCC was found to be particularly weak.

The lack of trust and mutual suspicions among member states was cited as the main challenge to information sharing. In this vein, it was revealed that member states are more inclined to share information with international maritime agencies such as the IMB and IMO than with partner agencies in neighboring states.[37] Likewise, commercial ships and vessels entering the GoG domain are less inclined to report incidents to national, zonal or

[35] https://www.gogin.eu/en/information-sharing/yaris-yaounde-architecture-regional-information-sharing/
[36] Interview with Marine Police Commandant, Benin, 30 September 2019.

[37] Interview with Director General, National Agency for the Prohibition of Trafficking in Persons, Abuja-Nigeria, 22 October 2019.

regional maritime operational centres. Research findings suggests that nearly all the MOCs interviewed indicated that they readily share information but hardly receive information back.

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

Another challenge observed was in the area of doctrinal differences. There is currently no parity in legal frameworks governing maritime incidents in the GoG. For instance, Nigeria has recently passed into law the Suppression of Piracy and other Maritime Offenses Act. Neighboring countries however do not have specific legal provisions to prosecute maritime crimes, often relying on common law. Maritime incidents or crimes do not carry the same penalties across country. Thus, there is a huge potential for threat migration based on the perception of which states have lax or less stiff penalty. Further, the differences in recognition of what constitutes maritime offense affects incident reporting at sea, as certain incidents may not be reported. With most GoG countries failing to enact appropriate legislation that criminalizes maritime offenses, it has become difficult to harmonize legislation and SOPs to bridge the gaps in incident reporting as prescribed in the YCC.

At the operational level, varying modes of functioning leads to different approaches to addressing maritime issues. For instance, some countries rely on the Navy, whereas others rely on Coast Guards to respond to similar incidents. Liberia and São Tomé and Príncipe have preferred the Coast Guards to the Navy in responding to maritime crimes. These varying operational standards reflect in doctrinal differences that make coordination problematic. Further, in Cameroon for example, there are currently no environmental agents on board Navy vessels to identify and respond to issues relating to environmental pollution. This means that incidents of an environmental nature are less likely to be reported as Navy officers and other embarked officials may not have the expertise to analyze environmental issues. In spite of the challenges posed by doctrinal differences, the study identified that

GOG member states are able to cooperate seamlessly with western counterparts at the institutional and state levels. Thus while varying doctrinal approaches to maritime security remains a challenge to incident reporting, a deeper analysis seem to suggest that mutual suspicion and mistrust are more evident.

Information sharing and common reporting standards is further hampered by the varying levels of appreciation of maritime security threats by member states as a result of different geostrategic interests and unequal maritime capabilities.[38] For instance, landlocked countries in the GoG are said to have minimal interest in developing capability to deal with maritime crimes as it is not considered as a direct and immediate threat. To most of these countries, maritime crimes become an issue largely to the extent that it hinders their access to sea ports. Therefore the allocation of significant resources towards developing institutions and mechanisms to share information and report maritime incidents is not quite appealing. Nonetheless, capability and levels of state interest among coastal countries also varies, affecting the desire to create national focal points that will facilitate the timely sharing of information. With a non-binding Code of Conduct, little can be done to ensure compliance by member states in this regard. Further, the non-binding nature of the YCC makes reporting of incidents voluntary, which creates hesitancy on the part of member states to report recorded incidents. With varying interests in the maritime domain, it is practically difficult to police member states to report accurately and in a timely manner.

Finally, very few member states have established national focal points to facilitate coordinated and timely information flow among signatories of the YCC. Where these focal points exist, not all possess the capability to receive and respond to alerts and requests for information as provided for in the YCC. Key impediment to establishing Focal Points is the inability of many states to adopt appropriate maritime security strategies, or establish a national maritime security committee.

Conclusion

International cooperation is one of the best responses to transnational maritime crime in the GoG waters in general. And the Yaoundé architecture is an initiative for collective response to maritime insecurity in the Gulf of Guinea, which constitutes a serious socio-cultural threat for African countries. The Yaoundé process, with its flagship YCC, is an important mechanism to promote coordination of maritime threat response in the GoG. This multilateral arrangement offers a suitable framework for

[38] Interview with a senior Nigerian Navy officer, Abuja, 18 October 2019.

sharing information and espousing coordinated responses to threats that undermine maritime safety and security. It is a framework favorable to regional integration. While the YCC makes a number of provisions that are yet to be implemented or operationalized at the national and regional levels, the entire architecture can be argued to be relatively nascent. Indeed it is unrealistic to expect an international Charter to be implemented with quick pace, particularly in a complex region inundated with other equally pressing developmental issues. Coupled with issues of capacity and resources, absence of national legislation that provides a framework for engagement, varying degrees of state interest and commitment, and mistrust among and between agencies, these have all worked to impede prompt information sharing and uniform incident reporting in the GoG.

The YCC has provided an opportunity to coordinate state action at sea. However, strong national ownership, greater responsibility and commitment are vital if regional collaboration is to be made more efficient. One key requirement is the development of the national maritime strategies of the various countries and implementation of platforms for coordinating State action at sea. With fully developed and operational national focal points, and secured repository for recording incidents, and a binding mechanism to elicit compliance, it would be easier to require member states to report fully on incidents at sea, as well as require commercial ships and international partners operating in the GoG maritime space to report any incident that occur at sea. These will eventually facilitate the development of an effective and comprehensive coordinated response to maritime incidents and thereby promote safety, security and development in the region.

About the Centre

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

The three-year project on "Enhancing Regional Research, Capacity Building and Convening of Stakeholders towards a Safer Maritime Domain in the Gulf of Guinea'', covers the coastal countries in West and Central Africa and is being implemented through three key approaches: research, dialogue and capacity building. The project is primarily aimed at promoting a safer maritime security domain in the Gulf of Guinea. Knowledge-based products highlighting key maritime security issues are part of the research outputs in efforts to raise the level of awareness at a policy, technical and operational level. Overall, the project recognizes that piracy and armed robbery in the Gulf of Guinea continue to be significant threats not only to the economies of Gulf of Guinea countries, but also regional and international shipping, necessitating a harmonized regional response to counter these threats.