

# Briefing on Maritime Security in the Gulf of Guinea

Briefing on Maritime Security in the Gulf of Guinea Date | 17 September 2023

Tomorrow (18 September) the African Union (AU) Peace and Security Council (PSC) will convene its 1174<sup>th</sup> Session that is dedicated to Maritime Security in the Gulf of Guinea.

The PSC Chair for the month and Permanent Representative of Cameroon to the AU, Ambassador ***Ewumbue-Monono Churchill*** will be delivering the opening remarks. The Commissioner for Political Affairs, Peace and Security (PAPS), **Bankole Adeoye**, is also expected to make a statement. Additionally, a briefing is expected to be delivered by the newly appointed Executive Secretary of the Gulf of Guinea Commission (GGC), **José Mba Abeso**, while the representatives of the Inter-Regional Coordination Centre, Yaoundé (CRESMAO/CRESMAC); the Coordinator of the Experts for the Establishment of the Regional Maritime Task Force; as well as the representatives of the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS) are expected to deliver statements.

The PSC have so far dedicated various sessions for the consideration of maritime security issues in the continent. Amongst those sessions, in 2022, the PSC has convened two sessions (1128<sup>th</sup> and 1090<sup>th</sup> sessions) particularly focused on the Maritime Security situation in the Gulf of Guinea (GoG). Similarly, Piracy and armed robbery at sea in the GoG have resulted in three United Nations Security Council (UNSC) resolutions ([S/RES/2634](#) (2022), [S /RES/2039](#) (2012) and [S /RES/2018](#) (2011)).

The last session of the PSC that addressed the issue of

maritime security in the GoG was the 1128<sup>th</sup> session held on 19 December 2022 during Nigeria's Chairship. In the [Communique](#) released following the session, the PSC reiterated its concern over the insecurity posed by pirates and organized criminal networks operating in the GoG. Apart from this communique the decline in the number of piracy and armed robbery incidents was also highlighted in the UNSC Resolution 2634 and the UN Secretary General's [report](#) that was released in November 2022.

However, not only that this decline is not steady but also is not indicative of the absence of maritime security in the GoG. According to the International Maritime Bureau (IMB), compared to 84 attacks on ships and 135 kidnapping of seafarers in 2020 the data has shown a significant decrease in recent years. While there were 45 incidents in 2021, there were only 11 in 2022. This trend changed during this year. Despite the positive progress observed in the past two years, the IBM's 2023 Mid-Year [Report](#) raises concern about the resurgence of maritime piracy and armed robbery in the GoG. The report indicates that 15 incidents were recorded from January – June 2023, which is higher than the total number of incidents recorded in the entire year of 2022. The UN Secretary General has also indicated new worrying trends and 'a noticeable shift' in the geographical location of piracy incidents from ECOWAS to ECCAS.

In order to further diminish maritime insecurity, the PSC at its 1128<sup>th</sup> session, among others, called for enhancement of the institutional capacities of national navies, law enforcement and border control agencies and the adoption of measures that ensure permanent presence of African naval forces at sea. In the light of the increase in incidents of maritime piracy and armed robbery, during tomorrow's session, apart from following up on these decisions and deliberating on the factors behind the spike in incidents of piracy and armed robbery during 2023, the PSC members may consider requesting the AU Commission to develop, in consultation with the Gulf of Guinea

Commission, a plan for the deployment of the naval force whose permanent presence it called for during its previous session.

Additionally, while as pointed out in the UN Secretary-General's report that increased conviction of pirates by national authorities, naval patrols, improved cooperation among countries of the region, and deployment of non-GoG navies contributed to mitigating maritime insecurity in GoG, these security measures need not only to be strengthened but also to be complemented by non-security measures that also target the root causes of maritime insecurity. As such, basing its premises upon the multidimensional nature of maritime security threats, the PSC may focus on the overlooked aspects of the issue. In doing so, it may be useful for the PSC to center its discussion on the implementation of the continental and regional legal and policy frameworks, such as the African Charter on Maritime Security and Safety and Development in Africa ([Lomé Charter](#)), the 2050 African Integrated Maritime Strategy ([2050 AIMS](#)) and the [Yaoundé Code of Conduct](#).

In this regard, it is important to note that the Lomé Charter is yet to come into force with the ratification of only [three countries](#) and some of its important provisions are pending further discussions before being added as annexes to the Charter. Given its importance, the PSC in different sessions has urged all Member States to ratify the Charter by reiterating the importance of the Charter as an African instrument for promoting peace, security and safety in Africa's maritime domain.

Additionally, the eight draft annexes to the Charter that were revised by the AU Maritime Taskforce seek to regulate the marine environment as well as the development aspect of maritime security. To this end, in its [682<sup>nd</sup> session](#) that was held in April 2017, the Council requested the AU Commission to expedite the finalization of the draft annexes. Subsequently, during the [858<sup>th</sup> session](#) that was held in July 2019, the AU

Commission was requested 'to include the consideration of the draft Annexes to the Lomé Charter in the agenda of the upcoming sessions of the relevant Specialized Technical Committees (STCs)' A further request was made 'to organize a meeting of the STCs Coordination Mechanism for the development of a roadmap on the finalization of the draft annexes to the Lomé Charter, before end of the year' (2019). However, the current status of these annexes is not known and looking back at the previous sessions of the PSC, no updates were given to the PSC on progress made with regards to the annexes. Hence, it is also pertinent that the Council follows up on the progress towards the development of the annexes and the entry into force of the Lomé Charter.

With respect to measures at the continental level, one of the key decisions of PSC's earlier session was the establishment of a body of experts or a Task Force to coordinate, share knowledge and make recommendations on maritime security. It is to be seen whether the AU Commission will provide update on this. The other decision for update concerns the decision for the conduct of the first-ever Regional Maritime Command Post Exercise within the framework of the African Standby Force (ASF) and Combined Maritime Task Force (CMTF). The Council planned a follow-up session in March 2023 during Tanzania's chairship of the PSC to review the progress of the exercise. However, the session was postponed, although the 1159<sup>th</sup> PSC session expressed its anticipation for the successful execution of the planned ASF continental maritime exercise. It is however worth noting that current financial, logistical, institutional and political dynamics in the AU and continentally are far from conducive for the conduct of such exercise.

Another expected issue to be discussed in tomorrow's meeting is the other security measure that the PSC envisioned during its [1012<sup>th</sup> session](#) in July 2021, which is the need for a naval capacity within the ASF framework to address maritime security

threats in Africa. To this end, the [1159<sup>th</sup> session](#) held in June 2023 emphasized the importance of having a maritime component within the ASF to support maritime trade and enable the implementation of the African Continental Free Trade Area (AfCFTA). **However**, the Council may need to clarify what the creation of a naval capacity within the ASF framework mean to the already existing plethora of security initiatives.

On the other hand, as a regional instrument, the Yaoundé Code of Conduct serves as the primary framework for addressing piracy and maritime crimes in the Gulf of Guinea (GoG). Signed by 25 countries from West and Central Africa, this non-binding instrument utilizes the Yaoundé Architecture as a regional framework to mitigate maritime threats. Recently, the Yaoundé Code of Conduct reached its 10-year milestone since its adoption in June 2013. In an effort to strengthen the existing framework, the Third Extraordinary Session of the Assembly of Heads of State and Government of the Gulf of Guinea Commission (GGC) was convened in Accra on 25 April. During this meeting, the heads of state instructed the GGC to create a strategic framework within a three-month timeframe. This framework will include an evaluation of existing systems and structures, leveraging successful ones and investigating methods to strengthen areas that need improvement.

During the upcoming PSC session, it is expected that the Council will receive a briefing on these developments. The session may also present the opportunity to assess the effectiveness of the Yaoundé Code of Conduct and discussions are expected to focus on exploring ways to further strengthen existing mechanisms.

In this evaluation process, it is important to consider the challenges outlined in the UN Secretary General's report. While highlighting that the Yaoundé Architecture has made notable progress towards achieving some of its primary objectives, the report identified inadequate staffing, a lack

of appropriate equipment and logistical support, and unpredictable and unsustainable financing as significant barriers. Moreover, the report also emphasized challenges related to the timeliness and effectiveness of information. In this regard, by taking into consideration that the suppressive approach adopted by the Yaounde Architecture lacks the mechanisms to address the root causes of the problem, the PSC may explore ways to address the root causes that are resulting the cyclical effect on maritime crimes. By extension, this will also require the PSC to assess the underlying governance concerns.

Another significant matter that warrants the attention of the PSC is the linkage between maritime security and the implementation of the African Continental Free Trade Area (AfCFTA), which is a key focus for the AU this year. With 38 coastal states out of 55, Africa heavily relies on maritime transport for its imports and exports, with 90% of trade being transported by sea. The successful implementation of the AfCFTA has the potential to significantly boost intra-African trade and industrialization. As [stated](#) by the Acting Executive Secretary, Mr. Antonio Pedro of the Economic Commission for Africa (ECA), the AfCFTA could increase intra-African trade by 34% in 2045. However, achieving the promise of the AfCFTA requires not only improved transport infrastructure but also enhanced maritime safety and security measures.

As trade increases and shipping levels rise, there is a growing need for effective safety measures at sea. Again, it is crucial to address the root causes of maritime insecurities to ensure long-term resolution of the problem. In this regard, it is expected that the PSC will highlight that this goes beyond simply reducing the number of incidents and requires a comprehensive approach to maritime safety and security.

The expected outcome of the session is a communiqué. The PSC is expected to express serious concern over the resurgence in piracy and armed robbery in the Gulf of Guinea region as well

as the economic cost to the countries of the region. The PSC may further express concern regarding the emerging shift in the geographical location of piracy incidents from ECOWAS to ECCAS regional waters, and in that regard, it may call upon Member States in the region, ECOWAS, ECCAS, and the GGC to enhance cooperation and coordination in the fight against maritime crimes in the GoG. The PSC may encourage Gulf of Guinea states that have developed and enforced domestic legislation to prosecute maritime crimes, notably piracy and armed robbery and call on those states that have not done so to enact national laws that allow for the prosecution of pirates and maritime criminals. The PSC may also emphasize on the need to give equal focus on a non-repressive/security approach that aim at solving factors such as enabling coastal communities to benefit from the use and development of maritime resources. The PSC may encourage Member States that have not yet signed and ratified the Lomé Charter, taking into account the ongoing review of its annexes, to consider signing and ratifying the Charter. In this regard the PSC may also encourage Member States to make all necessary efforts in implementing 2050 AIMS and its Plan of Action. The PSC may acknowledge the political determination of Member States in the region, as demonstrated by their efforts to implement the Yaoundé architecture and enhance enforcement measures. However, it may also underscore the importance of addressing the remaining obstacles to fully operationalize the architecture. PSC may request the AU Commission as a follow up to its 1128<sup>th</sup> session decision on the presence of naval forces to develop, in consultation with the Gulf of Guinea Commission, a plan for the deployment of such forces. Similarly, the PSC may also request the AU Commission to report to it concrete action plans with respect to the establishment of the proposed body of experts or a Task Force to coordinate, share knowledge and make recommendations on maritime security and the finalization of the eight annexes to the Lomé Charter with clear timelines.