

# Piracy and the Porosity of Cameroon's Maritime Security Borders in the Gulf of Guinea: Legal Framework, Challenges and Policy Recommendations

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## Abstract

Maritime piracy and border crimes pose significant threats to Cameroon's security and regional stability and this justifies why the Gulf of Guinea has emerged as a focal point of global concern in Africa. This tumultuous maritime environment has weathered ongoing challenges over time, necessitating a meticulous examination of its security landscape. The study argues that the ineffectiveness of Cameroon's maritime security is largely due to weak legal framework, colonialism, inadequate enforcement mechanisms, corruption and lack of regional cooperation. It further highlights the fact that the country's piracy laws are often ineffective, and enforcement agencies lack the capacity and resources to combat piracy and related crimes. In addition, Cameroon faces significant maritime security challenges in the Gulf of Guinea, including limited resources for maritime patrols, surveillance, and judicial capacity, inadequate ports and coastal infrastructures, corruption and the involvement of organized criminal networks in maritime crimes and the lack of trust between coastal communities and law enforcement agencies. The study that made use of primary and secondary data, reveals that poverty, unemployment, and lack of economic opportunities in coastal communities are the root causes of maritime insecurity, piracy, armed robbery and oil related crimes in the Gulf of Guinea. To address these threats, Gulf of Guinea countries need to strengthen their legal framework to ensure effective prosecution of maritime criminals and to align its laws with international standards and invest in maritime security capacity building, including training for coast guard personnel, intelligence gathering, and judicial personnel. The study makes necessary policy recommendations and concludes that, for peace to return in the Gulf of Guinea, the evolving nature of challenges necessitates continued efforts to address emerging threats in the dynamic maritime security landscape.

**Keywords:** Piracy, Maritime, Security, Law, Borders, Challenges, Gulf of Guinea, Cameroon.

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## 1. INTRODUCTION

The Gulf of Guinea (GoG) emerges as a focal point of global concern due to escalating maritime insecurity, encompassing rampant illegal, unreported, and unregulated fishing, piracy, armed robbery, and oil-related crimes (Conflict Trends, 2024). Maritime law in Cameroon governs maritime activities within its territorial waters, encompassing shipping contracts, vessel registration, maritime accidents, cargo disputes, environmental protection, and the suppression of piracy, terrorism, and attacks against maritime navigation and platforms. The legal framework in place aims to deter pirate gangs and ensure the security of ships, particularly in the Douala anchorage, through measures like using local armed guards onboard vessels.

The past year has seen some positive developments regarding global security. According to

the International Chamber of Commerce (ICC) International Maritime Bureau (IMB), global piracy and armed robbery incidents are at their lowest recorded figure in three decades ((ICC IMB, 2022). The IMB's 2021 annual report showed a 32% drop in overall attacks in 2021 compared to 2020. These promising trends are also evident in the Gulf of Guinea. Of the 90 global piracy and armed robbery incidents reported between January and September 2022, 13 have been reported in the Gulf of Guinea region, compared to 27 over the same period in 2021 (Osler, 2022). The decline in the number of reported incidents in West African waters should be welcomed, but this progress is likely to be short-lived unless the international community increases its focus on the region. Bordering 20 countries and with 6,000 kilometres of coastline, the GoG is a key shipping route for a region that relies heavily on imports. This is why the costs of piracy weigh so heavily on the region's

economic and trade potential, with direct and indirect costs estimated at US\$1.925 billion annually for 12 Gulf of Guinea countries (Bell et al., 2021). Tackling piracy in the Gulf of Guinea will require both sustained political will at the national and regional levels and deeper and more effective cooperation among members of the international community.

The root causes of piracy in the Gulf of Guinea are linked to several factors due the porosity of the maritime borders, decades of poverty and youth unemployment, deep feelings of political marginalization and economic deprivations, militancy and insurgency, and quest for pecuniary financial gains. Others are legal and jurisdictional weaknesses; perennial underfunding of law enforcement institutions, particularly the Navy and Marine Police; uncontrolled access to and proliferation of small arms and light weapons; and also in varying degrees, decades of bad governance, disorder and conflict in virtually all the countries in the region. All of these have, in turn, resulted in occasional disruption of international trade and commerce, high cost of shipping and maritime insurance premium, massive decline or loss of national revenues, the intensification of organised crimes, and the region's poor international image (Olofin, 2021).

The existing literature review on maritime piracy and security threats bedeviling the Gulf of Guinea addresses the knowledge gap by providing a critical overview of existing research and inform evidence-based policy responses. Scholars have written on maritime terrorism, piracy at sea, illegal oil bunkering at sea, drug trafficking by sea, kidnapping or hostage taking, migrant and weapons smuggling and sea pollution. Davis and Stanley (2006) argue that maritime terrorism on African soils has made possible seizures and targets at sea thereby giving room for economic instability in all ramifications. Abiodun and Dahiru (2020: 86) see piracy as armed robbery at sea by private actors acting for selfish purposes, especially economic gain and think that Southeast Asia has accounted for a lion's share of all piratical attacks in the global system and that most attacks took place against anchored ships, and most of them took the form of boarding while at times, only knives and firearms. Forest and Sousa (2007) reaffirm that, with the downturn in the oil sector at present, following tumbling prices in the global market, governments in Africa have been acting fast to block further revenue losses from the illicit act by improving the maritime security at all cost. The smuggling of drugs though the sea poses security threats to all the states of the Gulf of Guinea region. The various drug trafficking cartels have developed complex systems for the transportation and distribution of illicit drugs (Ellis, 2009). In total, 73 percent of all kidnappings at sea, and 92 percent of hostage –taking, have taken place in the Gulf of Guinea. The number of crew kidnappings jumped from 78 in 2014 to 121 in the year 2017 while

the trend has gone down drastically now following the security measures taken against the surge (International Maritime Bureau Report, 2019). According to the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air (2000), migrant smuggling is seen as the procurement in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of person into a State party of which the person is not a national or permanent resident (Aljazeera News, 2019). The nationals who are seriously desperate to leave the continent get themselves involved criminal syndicates in West Africa, North Africa and East Africa. Finally, Abiodun and Dahiru (2020: 79) recommend the need to integrate and effectively coordinate the various security agencies and security intelligence services in the region into a functional system and improve on the Information and Communication Technology (ICT) and other allied gadgets to ensure lasting maritime security in the Gulf of Guinea region.

An escalation in piracy and other transnational maritime threats in the Gulf of Guinea has exposed the limited levels of maritime domain awareness in the region. The highly fungible nature of maritime security threats means that this challenge cannot be addressed solely by individual states but requires cohesive regional security cooperation. While progress has been made, stronger political commitment is needed if regional maritime security cooperation plans are to be operationalized. This paper, therefore, examines the geo-historical context of maritime security and piracy in the Gulf of Guinea, looks at the roots of maritime piracy and legal framework established to combat piracy by Cameroon and other African nations, highlights the reasons for the porosity of Cameroon's maritime borders, treats the challenges encountered as well as some policy recommendations.

## 2. GEO-HISTORICAL BACKGROUND

The Gulf of Guinea spans over 6 000 km of coastline and 19 states. The region is rich in natural resources: it holds significant reserves of gas (2.7% of total world reserves) and oil (4.5%), as well as other valuable minerals including diamonds, tin, bauxite, manganese and cobalt. While the piracy threat in the region appears to be waning, other illicit activities are thriving. Its geographical location makes it an ideal gateway for illegal trafficking towards Africa and Europe, including narcotics from Latin America. Illegal, Unreported and Undocumented (IUU) fishing threatens local livelihoods and fish stocks in the region and accounts for 4% of global fish production. While piracy and armed robbery incidents dropped by roughly 90% in 2024, compared to a peak in 2020 (2), weak rule-of-law and justice systems, coupled with the ongoing threats posed by IUU fishing and trafficking, continue to undermine security efforts.

The Gulf of Guinea forms part of the eastern tropical Atlantic Ocean off the western African coast, and extends westward from Cap López, near the Equator, to Cape Palmas at longitude 7° west. The coastline of the Gulf of Guinea forms part of the western edge of the African tectonic plate. The region comprises states members of different Regional Economic Communities (RECs): the Economic Community of West African States (ECOWAS), Economic Community of Central African States (ECCAS) and maritime organisations: Maritime Organisation of West and Central Africa (MOWCA) and the Gulf of Guinea Commission (GGC). Vreÿ (2013) defines the Gulf of Guinea as ‘roughly demarcated by Angola in the south and runs north towards Cameroon and then west via Nigeria towards Liberia and Sierra Leone on its western perimeter’. By the word ‘roughly’ Vreÿ speaks to the vagueness of the definition (Aljazeera News Report, 2019).

The United Nations 2008 report defined the region: ‘...geographical area that stretches from Guinea in the north western part of the African continent to

Angola in the south-central part of the continent’ (United Nations Security Council, 2012: 11). The Yaoundé Code of Conduct which focusing on maritime security in the Gulf of Guinea has 25 signatory states and includes landlocked states - Angola, Benin, Cameroon, Cape Verde, Chad, Congo, Côte d’Ivoire, The Democratic Republic of the Congo, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Equatorial Guinea, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, São Tomé and Príncipe and Togo (See Map 1). This demonstrates that the band of states that comprise the region is fluid. Vreÿ argue that certain states generally form part of any definition and that the geographical remit of the Gulf of Guinea will begin from Liberia in the West and end with Angola in the South East. This definition of the Gulf of Guinea includes specific members of the two adjoining RECs. The definition includes member states of the GGC – the organisation specifically tasked with addressing maritime security. This group of states together or in differing combinations is charted as the Gulf of Guinea.

**Map 1: The Gulf of Guinea**



Source: GIS (2022).

History holds that the maritime profile of the region is rich and diverse. It is a major trade route, energy producer and fisheries region. The Atlantic Council (2010) notes that “the area is strategically located along important trade, transit, and immigration routes of increasing significance to global commerce and security (Raidt and Smith, 2010: 9).” The hydrocarbon potential in the region is globally significant and increasing. Nearly seventy per cent of African oil production is located in the Gulf of Guinea (Onuoha (2012: 3). Fisheries represent security in its wider sense as a food and human security issue. The United Nations Food and Agriculture Organisation states that this region derives

higher than the global average of nutritional intake from this resource (Kébé and Muir, 2008: 48). This region is a major fisheries exporter. The United Kingdom imports a significant volume of fish from the region, including £50 million worth of stock from Ghana alone. Both the states themselves, their populations, the international community, industry and other organisations have cause to be invested in achieving maritime security in the region (UK Chamber of Shipping, 2014: 14).

The region recognises that it suffers significant maritime security threats, defined non exhaustively in the Yaoundé Code of Conduct as piracy, armed robbery

at sea, and transnational organised crime: money laundering, illegal arms and drug trafficking, illegal oil bunkering, crude oil theft, human trafficking, human smuggling, maritime pollution, IUU fishing, illegal dumping of toxic waste, maritime terrorism and hostage taking, and vandalism of offshore oil infrastructure. Regional bodies have to varying extents concluded plans or memoranda of understanding with the objective of securing the Gulf against challenges to maritime activity that refer to the need to establish maritime boundaries. This record of cooperation across traditional organisational lines is of recent origin and there are challenges in overcoming a historic separation of competences. There are also challenges stemming from the differing priorities of states in their respective maritime domains. States rely on the sea for different purposes. For example Onohua (2010: 369) finds that “among the major oil-producing countries in the region ... are Nigeria, Angola, Equatorial Guinea, Cameroon, Republic of Congo, Gabon, and, by extension, Chad.” São Tomé and Príncipe has recently joined this group of countries (Onuoha, 2010). Despite ongoing challenges in maritime capabilities for patrolling the extensive coastline, deterrence of piracy and armed robbery at sea, efforts are being made to address the root causes of piracy by establishing institutional legal framework.

### 3. LEGAL FRAMEWORK FOR COMBATING MARITIME PIRACY IN THE GULF OF GUINEA

The legal framework for combating maritime piracy in the Gulf of Guinea relies on a combination of international law, regional agreements, and national legislation, with a focus on the United Nations Convention on the Law of the Sea (UNCLOS) and the Yaoundé Code of Conduct. Key aspects include strengthening national maritime security, establishing regional cooperation, and addressing the root causes of piracy.

#### 3.1 The United Nations Convention on the Law of the Sea (UNCLOS)

The UNCLOS of 1982 signed by 166 parties provides a comprehensive legal framework for maritime governance in the Gulf of Guinea. The UNCLOS remains the foundation of the global framework and contributes to the maintenance of peace, justice, and progress for all issues relating to the law of the sea.<sup>1</sup>

<sup>1</sup> Main documents: UNCLOS; UN resolution 67/78 “Oceans and the law of the sea; SUA convention (1988) and its protocols; IMO code of practice for the investigation of crimes of piracy and armed robbery against ship; FAO agreement on port state measures to prevent, deter and eliminate Illegal, Unreported, and Unregulated (IUU) fishing.

<sup>2</sup> The SUA convention (Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, Protocol for the Suppression of Unlawful

While the Convention is widely adopted, its effective application in the Gulf of Guinea faces challenges, particularly regarding maritime security and the suppression of piracy. It provides a stable and widely accepted legal order of the oceans that effectively balances the rights of flag, port, and coastal states; protects freedom of navigation and overflight and other freedoms; and provides a basis for states to cooperate in enhancing maritime security. The UN Law of the Sea (LOS) Convention serves as a cornerstone for peacetime maritime security, providing a stable and widely accepted legal order of the oceans. Articles 58 and 87 of the LOS Convention reflect the freedom of navigation and other freedoms on the high seas and throughout the exclusive economic zone, and other internationally lawful uses of the sea related to those freedoms (Africa Center for Strategic Studies, 2015).

All Gulf of Guinea nations have ratified UNCLOS, but only two States in the region have ratified the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) convention.<sup>2</sup> Beyond addressing piracy and crimes at sea, the International Maritime Organisation (IMO) released important norms such as the Basel convention, which plays a role in protecting maritime environment. The Food and Agriculture Organisation of the United Nations (FAO) has also released an Agreement on Port State Measures (PSMA) to prevent, deter and eliminate Illegal, Unreported, and Unregulated Fishing (IUUF), through the adoption and implementation of effective Port State measures as a means of ensuring the long-term conservation and sustainable use of living marine resources. The FAO has also published a Code of Conduct for responsible fisheries setting out principles and international standards of behaviour for responsible practices with a view to ensuring the effective conservation, management, and development of living aquatic resources, with due respect for the ecosystem and biodiversity. These documents give special emphasis to the requirements of developing countries to sustain their implementation efforts (FAO, 2016).

#### 3.2 The African Union 2050 Africa’s Integrated Maritime (AIM) Strategy

The African Union (AU) has made significant progress in improving maritime security on the continent by providing a framework for developing and implementing

Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (imo.org)) is one of the fundamental documents that criminalises several criminal behaviors at sea such as Seizing control of a ship by force or threat of force, committing an act of violence against a person on ship if it is likely to endanger the safety of the ship, destroying or damaging a ship or its cargo in such a way that endangers the safe navigation of the ship, etc.



policies, laws, and initiatives to address maritime security challenges in Africa. The AU has translated international norms into the 2050 Africa's Integrated Maritime (AIM) Strategy (African Union, 2012), a document that prioritizes inclusive human development and sees maritime security primarily as a condition for that. Just like ECOWAS' Integrated Maritime Strategy, it also promotes maritime awareness. Therefore, a human-centered approach to development and maritime security is necessary to avoid issues and resources being confined to a few sectors or industries.

The AIM Strategy also describes the common maritime challenges faced by AU Member States, and stresses that it is the individual States that are responsible for implementing maritime security governance. One of the central responsibilities here for States is to harmonize legal and policy frameworks relating to the Blue Economy, a theme reiterated at the AU's governing council (PSC, 2019). These sentiments echo the Lomé Charter on maritime security and development, signed in 2016. It emphasizes that no country can singlehandedly address maritime threats or sustainably develop its maritime domain. The Charter calls on neighbouring States and partners to work together on training, education, business, and industry. Although 35 countries signed the Lomé Charter, only two have ratified it. The slow pace of ratification thus far illustrates a lack of awareness on the critical dimension of maritime security governance or the lack of willingness to actual implement measure in this domain.

The AU has also established the Maritime Safety and Security Information Sharing (MSSIS) platform, which allows African countries to share information on maritime security threats and coordinate responses. The AU has also launched several regional maritime security initiatives, such as the Djibouti or the Yaoundé Code of Conduct. Overall, the AU's efforts have contributed to a significant improvement in maritime security in Africa, although there are still challenges that need to be addressed, including illegal fishing, drug trafficking, human smuggling and all the protection of environment domain.

### 3.3 Regional Agreements and Initiatives

Ensuring the security of the Gulf of Guinea is beyond the capacity of any existing regional body acting alone and organizations such as the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS), the Maritime Organization of West and Central Africa (MOWCA) and the Gulf of Guinea

Commission (GGC) have addressed some maritime security governance issues.

Work to find an inter-regional approach in the Gulf of Guinea has precedent, and regional leaders formed the Maritime Organisation of West and Central Africa (MOWCA) in 1975 and the Gulf of Guinea Commission (GGC, 2001). Building on this, the concepts and commitments embodied in UNCLOS, AIMS and the Lomé Charter have been pursued by actors in the Gulf of Guinea and their international partners, considering the particular and pressing security challenges that affect the region.

ECOWAS has developed a comprehensive Integrated Maritime Strategy (EIMS),<sup>3</sup> calling for an inter-ministerial collaboration at the national level, which could bring together political affairs, legal matters, regional security and defence, law enforcement (police, gendarmerie, intelligence, investigation), maritime administration, and port authority. The EIMS set five strategic objectives, the first one being focused on strengthening maritime governance that includes the development and promotion of efficient and responsible maritime resources management, the characterization of the maritime domain, the establishment of governance mechanisms, the strengthening of regulations, rule of law and international cooperation.

ECCAS developed the "Protocole relative à la stratégie de sécurisation des intérêts vitaux en mer des Etats de la CEEAC du Golfe de Guinée" (ECCAS, 2024). This document goes far beyond piracy and includes considerations about criminal activities (smuggling, arms trafficking, human trafficking) and pollution. The GGC which was established in 2001 as a permanent framework for collective action to ensure peace, security, and stability conducive to economic development in the region, has the most significant mandate for dealing specifically with maritime issues, and released the Luanda Declaration<sup>58</sup> in 2012, stating that in response to increasing maritime insecurity, GGC member States needed to establish regional cooperation and inter-state dialogue. The Luanda Declaration encourages the international community to assist the States concerned in the region, ECOWAS, ECCAS, GGC and other relevant organizations and agencies in strengthening their efforts to counter piracy and armed robbery at sea, in the Gulf of Guinea. It also enjoins States to counter piracy and armed robbery at sea in the Gulf of Guinea and, in doing so, requests that States ensure their interventions do not have a practical effect

<sup>3</sup> EIMS requests synergies and coordinated responses in terms of early warning/observation and monitoring and response, agriculture, environment, water resources, customs, industry, fisheries, strategic planning, transport and telecommunication, energy, trade, research and statistics, free movement of people, multilateral

surveillance, employment and drug control, humanitarian and social affairs, human resources and development, gender, youth and civil society organizations, industry, oceanography, shipping, and aquaculture.

of denying or impairing freedom of navigation on the high seas or the right of innocent passage in the territorial sea to vessels of third States.

### 3.4 The Gulf of Guinea Commission (GGC)

The Republic of Cameroon has been a member State of the Gulf of Guinea Treaty since it joined in 2008. The GGC treaty was signed in Libreville, Gabon, on 3 July 2001. The main aim of the Treaty was to ensure that the natural resources of member States were made available for their economic development and social progress. Member States were to map out common policies, particularly concerning peace and security, exploitation of hydrocarbons, fishery and mineral resources, the environment and the movement of people and goods. To ensure maritime security, the United Nations Security Council adopted Resolution 2634 (2022), in which it calls on Gulf of Guinea countries to criminalize piracy and armed robbery at sea under domestic laws. GGC promoted close commutation in the exploitation of the natural resources of the Gulf of Guinea and created a collective framework for regulating oil multinationals that already operated in the area and those that may be attracted to do so in the future.

In reaction to United Nations Security Council Resolution 2039 of 29 February 2012, which urged ECCAS, ECOWAS, and GGC to work together to develop a legal strategy to fight against piracy, armed robbery and other illicit activities in the Gulf of Guinea, the trio convened the Yaoundé Summit in Cameroon that adopted a Memorandum of Understanding on Maritime Safety and Security in Central and West Africa.

At the 2013 Yaoundé Summit, by a resolution of the Heads of State and Governments of ECCAS, ECOWAS and GGC, the Interregional Coordination Center (ICC) was established to coordinate the safety and security of the maritime space of Central and West Africa. ICC is in charge of enhancing the activities geared towards cooperation, coordination, mutualization and systems interoperability and implementing the regional strategy on safety and security within the Central and West African common maritime space (Nyuimbe and Endomo, 2022).

### 3.5 The Yaoundé Architecture

Through the early 2010s, regional and international momentum to address growing security concerns in the Gulf built. In June 2013, Heads of State of Central and West Africa gathered in Yaoundé, to lay the basis for a common regional strategy to prevent and prosecute illicit activities in the waters of the Gulf of Guinea. The Yaoundé Summit led to the creation of three mechanisms: the Declaration of the Heads of States (Heads of State, 2013), the Yaoundé Code of Conduct (YCoC) (ECCAS, ECOWAS, and GGC, 2014), and the Memorandum of Understanding between ECOWAS,

ECCAS and GGC (ECCAS, ECOWAS, and GGC, 2013).

In the Declaration, the Heads of State commit to promoting peace, security, and stability in the West and Central African maritime area through mobilizing adequate operational resources both at the institutional level and in terms of logistics. They request ECCAS, ECOWAS and GGC to promote activities aimed at cooperation, coordination, pooling together and interoperability of resources between Member States. Amongst the practical measures, they also request the three regional originations to put a contribution-based funding mechanism in place. Additionally, the Declaration requests Member States to establish national mechanisms for financing policies against piracy, armed robbery, and other illegal activities at sea. Beyond the absence of a financial architecture, all the other practical measures have seen significant progress over the past ten years. As a result, funding remains an impediment to ensuring a functioning Yaoundé architecture.

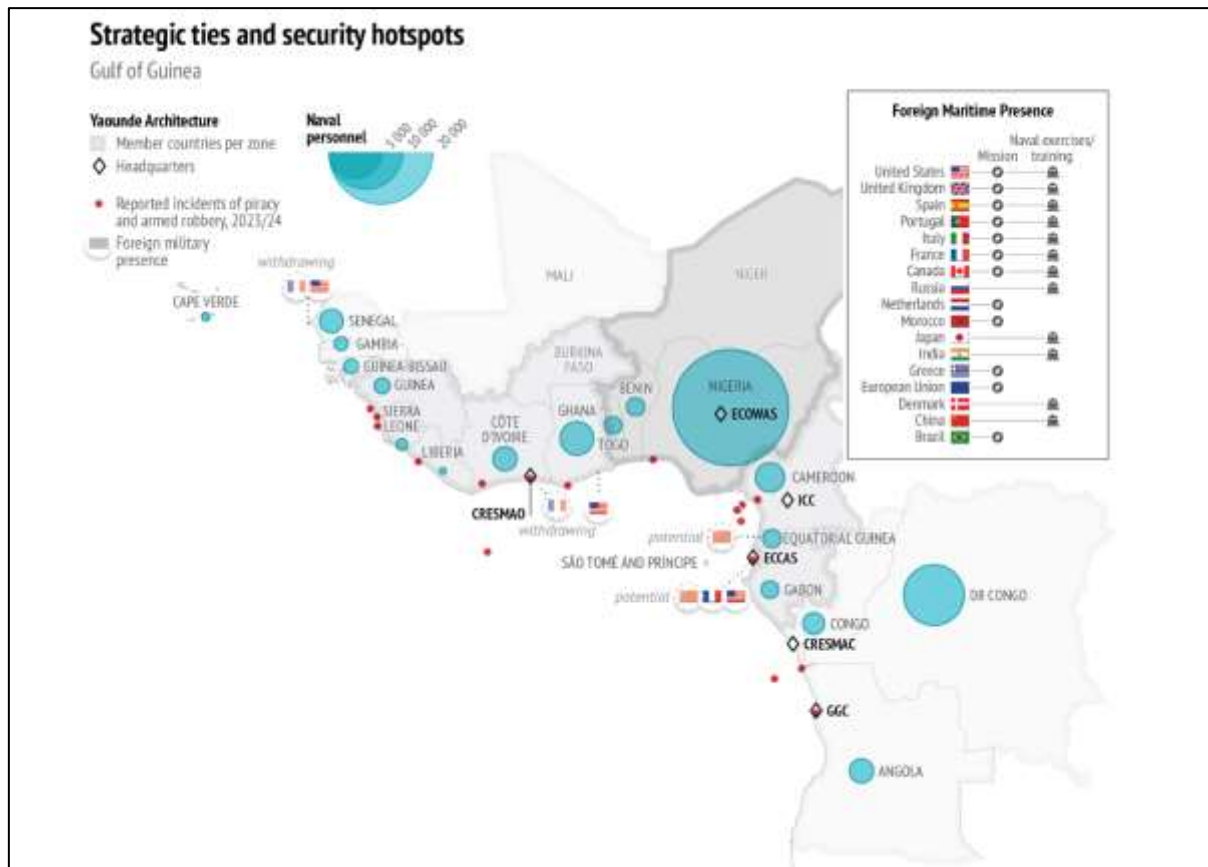
The text of the YCoC stems mostly from the Djibouti Code of Conduct adopted in January 2009. It is a comprehensive document that contains several provisions that require signatories to take action to enhance maritime security. These provisions include the establishment of national and regional maritime security centers, the sharing of maritime information, the prosecution of pirates and armed robbers, the strengthening of law enforcement and judicial capacities, and the promotion of sustainable use of maritime resources. Although the YCoC addresses IUUF, it does not specifically address protection of environment issues and the Blue Economy. Putting the Yaoundé Architecture centers fully into use remains unfinished, particularly in terms of human and material resources. To effectively optimize the Yaoundé structure, resourcing needs to be well articulated to boost the operational capacity of the centers, while also solidifying multilateral cooperation toward sustainable maritime governance in the gulf (ADF, 2023).

Concerning the Memorandum of Understanding between regional organizations, this document sets a series of objectives, principles, and areas of cooperation for the three organizations: ECCAS, ECOWAS and GGC. Article 5 is dedicated to “implementation”, and parties agree to hold annuals meetings at Chief Executives level. Article 5 also creates the Interregional Coordination Centre (ICC), for the implementation of the “regional strategy for maritime safety and security”. In 2022, the UNSC Resolution 2634 welcomed the initiatives by regional organizations, including ECCAS, ECOWAS and GGC, to enhance maritime safety and security in the Gulf of Guinea, the YCoC and its operational framework, the ICC, the Abidjan Interregional Maritime Security Institute (ISMI), the Regional Maritime Safety and Security

Centres, and the Multinational Maritime Coordination Centres (MMCCs). The initiative unites regional countries and partners to improve security and navigation safety in the Gulf of Guinea through joint

exercises, training, and capacity-building efforts (See Map 2).

**Map 2: Strategic Ties and Security Hotspots in the Gulf of Guinea**



Source: Rossella Marangio (2025).

### 3.6 The Gulf of Guinea Declaration on Suppression of Piracy

The Gulf of Guinea Declaration on Suppression of Piracy was signed on May 18, 2021. It is a call to action by the maritime industry to combat piracy and kidnappings in the Gulf of Guinea. The declaration aims to reduce piracy attacks by at least 80% and ensure that no seafarers are kidnapped from ships in the preceding 12 months by the end of 2023. It encourages collaboration among stakeholders, including coastal and flag states, shipowners, and maritime organizations, to address the issue. The declaration reflects the industry's belief that piracy and kidnappings are preventable with active anti-piracy operations.

The signatories firmly believed that piracy and attempts at kidnapping are preventable through active anti-piracy operations and that the attacks by pirates can be reduced. During its session from 5 to 14 May 2021 that led to the signing, the Maritime Safety Committee of the International Maritime Organization (IMO) discussed Gulf of Guinea piracy. The launch of the Gulf of Guinea Declaration on Suppression of Piracy is

therefore a timely expression of the maritime industry's call for further action, through a wide range of collective efforts, to end piracy urgently in the Gulf of Guinea (BIMCO, 2021). All stakeholders like coastal and flag States, shipowners, charterers, maritime organisations, importers and exporters, oil, and mining companies, offshore operators, fishers, supranational organisations, labour unions and NGOs, pledged and join together in a coalition to end the threat of piracy in the Gulf of Guinea through (Ibid.). The Gulf of Guinea Declaration on the Suppression of Piracy has seen some positive impact, with a notable reduction in seafarer kidnappings and attacks, but faces ongoing challenges related to law enforcement, regional cooperation, and judicial shortcomings. While the declaration has spurred some progress, the long-term effectiveness depends on addressing these persistent issues. It has been signed by 292 shipping companies, maritime organisations, and maritime service providers. As a statement, the very existence of the Declaration is a strong indicator to Governments in the region that the world's shipping industry expects them to act and to generate results (Arete, 2021).

### 3.7 Cameroon's Security Maritime Law

Cameroon's maritime legal framework for security is a blend of international conventions, regional agreements, and domestic laws. It aims to protect maritime navigation, combat piracy, terrorism, and other illegal activities at sea. Main components include international conventions like UNCLOS and International Maritime Organization (IMO), regional agreements like Central African Economic and Monetary Community (CEMAC) regulations, and domestic laws like the Merchant Shipping Code and Law No. 2022/017 on the repression of piracy (Law, 2022).

This Law fills the gap and provides the country with a legal framework for punishing any illegal act perpetrated against the safety of maritime navigation and platforms. The Law implements the relevant provisions of UNCLOS, including its definition and provisions on piracy; the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocols; and the International Convention for the Suppression of the Financing of Terrorism. The Law defines piracy in Section 2(a) as follows: a) Any illegal act of violence committed for private ends by the crew or passengers of a private ship and directed on the high seas against another ship, persons or property in a place outside the jurisdiction of any State or against a ship, persons or property in a place outside the jurisdiction of any State; b) Any act of voluntary participation in the use of a pirate ship, with full knowledge of the facts; c) Any act of inciting or intentionally facilitating the commission of the acts set out in Subsections (a) and (b) above. Section 3(1) punishes the offence of piracy with life imprisonment and/or with a fine of 20,000,000 to 200,000,000 CFA Franc.

As regards offences against the safety of maritime navigation, Section 4(1) stipulates that whoever: a) seizes or exercises control over a ship by force or threat thereof; b) performs an act of violence against a person on board a ship, if that act is likely to endanger the safety of navigation or that ship; c) destroys a ship or causes damage to a ship or to its cargo which endangers or is likely to endanger the safety of navigation or that ship; d) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship or its cargo which endangers or is likely to endanger the safety of navigation or that ship; e) destroys or damages maritime navigation facilities or services or interferes with their operation, if any of such act is likely to endanger the safety of navigation; f) communicates false information likely to endanger the safe navigation of a ship; g) threatens or commits unlawful acts of interference against passengers, crew, ground staff or the public; h) manufactures or transports unmarked explosives, excluding military devices authorized under the Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991); i) commits an act that

infringes maritime navigation safety regulations; shall be punished with life imprisonment and/or with fine of 20,000,000 to 200,000,000 CFA Franc.

Part IV of the Law deals with acts of terrorism on board ships and platforms. Section 6 states that whoever unlawfully and intentionally a) uses on board, against or from a ship, weapons, explosives or biological, chemical or nuclear substances to intimidate or coerce the population or Governments; b) takes hostages for the purpose of intimidating or coercing the population or Governments; c) carries on board a ship the same weapons or substances for the same purpose of intimidation or coercion; d) uses a ship for the purpose of causing casualties or serious damage; e) knowingly transports on board a ship biological, chemical or nuclear weapons; f) knowingly transports on board a ship substances intended to be used in the production of nuclear devices, without any agreement or control by the International Atomic Energy Agency; g) knowingly transports on board a ship materials intended to be significantly used in the production of biological, chemical or nuclear weapons shall be punished with life imprisonment and/or with fine of 20,000,000 to 200,000,000 CFA Franc.

Finally, Section 10 of the Law provides the same punishment as in the categories above for those financing offences against the safety of ships and navigation platforms. From the body language of this Law, it is clear that provisions of other laws such as the Penal Code, the Criminal Procedure Code and the Code of Military Justice that are not contrary to this Law shall remain applicable to tackle other forms of maritime criminality. Other maritime crimes, such as drug smuggling, smuggling of people by sea are not within the purview of the Law.

### 4. CHALLENGES ENCOUNTERED COMBATING MARITIME PIRACY IN THE GULF OF GUINEA

Cameroon faces maritime security challenges in the Gulf of Guinea, including piracy, armed robbery, and the threat of IUU fishing (EJF, 2012). These challenges are exacerbated by weak rule of law, corruption, and the region's geographical location, which serves as a transit point for illegal trafficking. States, regional communities, and international institutions have devised multiple initiatives to secure the maritime zone. A closer look at the strategies deployed, however, reveals duplications, overlaps, interference, conflicts of interest, and even competition between various stakeholders, all of which point to an uncoordinated and rather counter-productive approach towards combating maritime insecurity in the Gulf of Guinea. Through an analysis of the policies and actions of various actors involved in combating maritime insecurity, this study examines the challenges facing the Gulf of Guinea.



#### 4.1 Challenges of Navigating the Gulf of Guinea Waters

The coastal states of the Gulf of Guinea have prioritized the issue of securing their maritime region due to the rising rate of maritime piracy. In response to an upsurge in attacks on ships and kidnappings, the coastal states of the Gulf of Guinea implemented various measures, such as providing national navies with more equipment and weapons, stepping up maritime patrols, setting up maritime surveillance zones, and building a legal and institutional framework for state action at sea (Tisseron, 2023). Since 2013, these initiatives have been strengthened by the construction of integrated maritime strategies on a national level. Despite these advances, there is still a lack of inter-administrative collaboration or even the creation of a genuine platform dedicated to this purpose, as in the case of the General Delegation for the sea in Cameroon. The creation of such a structure was recommended at the Yaoundé Summit (Okafor-Yarwood, 2020) which is closely in line with the 2007 decrees strengthening the action of the State at Sea and the text from the Prime Minister of Cameroon instructing the setting up of a national committee for the facilitation of international maritime traffic (Tedongmo, 2024). The fight against maritime insecurity in the Gulf of Guinea also reveals ambiguity between the actors involved. In Cameroon, two forces coexist and embody the secular arm of the State at Sea: the national navy and the BIR-Delta. While the latter force was particularly effective in the early days of the fight against maritime piracy, the second force was distinguished by its active (and even more effective action). However, the coexistence of these two forces poses a problem due to the duplication of missions (Tedongmo, 2024).

#### 4.2 Legal Complexity in the Gulf of Guinea

Piracy in the Gulf of Guinea presents distinct legal challenges. The complexities are evolving unsettled. Current and future counter-piracy responses (national, regional and international) have to navigate these legal conundrums. The Gulf of Guinea presents a different scenario, with its hybrid of traditional and insurgent piracy. Unlike Somalia, pirates of West Africa frequently disable ship's equipment and take control of the ship. This model necessitates not just combating "crimes of piracy" but also those offenses provided under the 1988 Convention for the Suppression of Unlawful Acts at Sea against the Safety of Maritime Navigation (SUA) and its 2005 Protocols that are directed at safeguarding the safety and security of the ship. This gives rise to mix jurisdiction in relation to the 'heads' of crime and therefore multiple criminal investigation and prosecution requirements. Another key challenge in the Gulf of Guinea context relates to the article of crime, and consequently the proceeds of crime. Stealing petroleum cargo is the primary motivation of pirates in the Gulf of Guinea. The cargo is often transferred and sold at sea, while the hijacked ship released. The duration of the crime generally is short,

compared to the kidnapping for ransom model that prevails along the Somali coast. More significantly, it is often difficult to trace both the article and proceeds of the time. This additional limiting factor impedes successful prosecution of piracy offenses in the Gulf of Guinea (Ali, 2017).

#### 4.3 Lack of Central Repository for Reporting Incidents and Mistrust in Information Sharing

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 Yaoundé Architecture Regional Information Sharing (YARIS) will go a long way to addressing this challenge (Okyerere and Lampsey, 2020). Also, despite the political leadership and collaboration on maritime issues, mistrust in information sharing 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.

#### 4.4 Doctrinal Differences and Lack of Parity in Legal Frameworks

There is currently no parity in legal frameworks governing maritime incidents in the Gulf of Guinea. For instance, Nigeria 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 Gulf of Guinea countries failing to enact appropriate legislation that criminalizes maritime offenses, it has become difficult to harmonize legislation to bridge the gaps in incident reporting as prescribed in the Yaoundé Code of Conduct. 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. While varying doctrinal approaches to maritime security remains a challenge to incident reporting, a deeper analysis seems to suggest that mutual suspicion and mistrust are more evident (Okafor-Yarwood, 2019: 415).

#### **4.5 Legal, Operational Issues and Lack of Effective Prosecution of Pirates**

Frustration perhaps is the word that better defines the situation of the legal aspects of the majority of the coastal States in the Gulf of Guinea. The lack of effective prosecution of pirates is extensive to many countries of Central and West Africa. This is a result of the absence of domestic laws for the prosecution of piracy and the weakness in the penalties applied and judicial processes (Maritime, 2018). In several coastal states, navies and coast guards suffer a lack of prosecution powers, relying on the police and other governmental agencies for that imperative component of the cycle of enforcement. For example, in the conflictive area of Niger Delta, the trial for piracy and oil theft suspects could be extended for many months due to the reduced availability of judicial officers, giving the chance to many suspects to recover their freedom in a short period of time after the arrest (Osinowo, 2015: 2). Even though international legislation allows countries to act beyond territorial waters, operational aspects affect the enforcement of these legal bodies. United Nations Convention of the Law of the Sea (UNCLOS) on its articles 101 to 103 and 105 to 107, gives to the countries the faculties to operate on international waters (universal jurisdiction); unfortunately the means of many countries are not sufficient to achieve positive results in areas beyond national jurisdiction (Kamal-Deen, 2015: 93). The operational capacities vary from one country to another in the Gulf of Guinea; however, the joint work in the region will depend on the establishment of a strong position on three key actions: surveillance, response, and enforcement (Osinowo, 2015).

#### **4.6 Causalities, limitations of Surveillance, Intelligence, and Community Policing**

The Gulf of Guinea provides an ideal shipping and fishing venue. The ease with which robbers can disappear along the coastline after an attack exposes another, less favorable aspect about the region - limitations of surveillance, intelligence, and community policing in the coastal areas. In particular, political and

socioeconomic conditions onshore, especially the growing army of jobless youth, are drivers of piracy in the region. In the Niger Delta, for instance, the government's amnesty program for ex-militants in 2009 caused an immediate abatement in attacks on shipping. The resurgence in 2013 has been attributed partly to challenges in sustaining gainful employment opportunities to growing numbers of youth in the area (Abell, 2014). Governments are equally obligated to pursue more effective enforcement actions against piracy networks on land. For example, the illicit markets where pirated goods (especially oil) are sold around the world remain largely unimpeded. In addition, access to affordable broadband and local maintenance capacity to facilitate communication and patrols presents a problem for many states (Vogel, 2011).

#### **4.7 Poverty, Failing Infrastructure and Violence**

One of the unintended consequences of the militarisation of the region has been a deepening of socio-economic crisis along the coastal belt of the Gulf of Guinea. This is largely because as scarce resources are diverted to fund military programs and the purchase of military hardware, the neglect of social services such as education and health become inevitable. The longterm effects are perhaps not yet evident, but any peace bought at the price of economic and social decline would inevitably be fragile and unsustainable. Invariably, this pattern produces a vicious cycle of poverty, failing infrastructure and violence which ultimately raises the stake for insecurity.

#### **4.8 Endemic Corruption and Thriving Neo-Patrimonial Networks**

The problems associated with endemic corruption and thriving neo-patrimonial networks blunt the effectiveness of even the most creative policies. Corruption significantly contributes to the issue of piracy and maritime insecurity in the Gulf of Guinea. This corruption, often involving complicity from law enforcement agencies and corrupt officials, allows pirates to operate with impunity, compromising maritime security and disrupting economic activities. Weak governance, coupled with rampant illegal fishing, trafficking, and transnational organized crime, further exacerbates the problem. There is a growing body of evidence which indicates that top officials of security agencies, politicians and highly placed government personnel are themselves corrupt and implicated in the criminal activities, making even the best efforts of addressing the trend so far ineffective. A parallel example of the involvement of prominent state officials in high-stake criminality is the role of top military officials, serving or retired, in the drug trafficking cartel in Guinea Bissau.

#### **4.9 Security Challenges**

The number of incidents in the Gulf of Guinea has steadily decreased in the last few years: for example,

from 61 in 2018 to 48 in 2019, 44 in 2020, 27 in 2021 (ICC Commercial Crime Services, 2022). Despite the decrease in reported incidents in the Gulf of Guinea, the waters off West Africa remain a piracy hotspot. In 2021, the region accounted for 43% of all reported global piracy incidents and 95% of kidnapping cases, with 57 crew members captured in seven separate incidents in 2021. Michael Howlett, the director of the IMB, has made clear that “there is no room for complacency” (Teixeira, 2022). Key security challenges remain, especially the expanded reach of pirates, their increasingly violent tactics and their potential links to terrorist groups. Despite the current lull in reported incidents, there is legitimate concern that piracy in the Gulf of Guinea is becoming more violent and sometimes deadlier than in other piracy hotspots.

#### 4.10 Potential Links to Terrorist Groups

UNSC Resolution 2634 voiced concerns about potential linkages between pirates in the Gulf of Guinea and terrorist groups in West and Central Africa and the Sahel. Nigeria's ongoing battle with insurgent groups in the north-east of the country has provided some pirates with combat experience while fighting for separatist groups (The Economist, 2019). There are also reports about terrorist groups in the region using piracy to finance their operations. These fears should be taken seriously, because the rise of piracy could cause even great instability at both the national and regional levels.

### 5. Policy Recommendations

To effectively address maritime security and piracy in the Gulf of Guinea, policy recommendations should focus on a multi-faceted approach, including strengthening regional cooperation, enhancing maritime domain awareness, and addressing the root causes of piracy. This includes bolstering national and regional law enforcement capacities, improving judicial systems for prosecuting maritime crimes, and supporting economic development in coastal communities to reduce vulnerability to recruitment by criminal groups.

#### 5.1 Involvement of Broader Spectrum of Stakeholders in Anti-Piracy Efforts

It is imperative to involve a broader spectrum of stakeholders in anti-piracy efforts as well as addressing maritime insecurity holistically. This should encompass civil society organizations (CSO), women's groups and the media, to enhance transparency and accountability. Furthermore, addressing any existing challenges in cooperation, coordination, and information-sharing with international partners, is vital.

#### 5.2 Improve Law Enforcement Capabilities

Law enforcement forces and the military have demonstrated through their weaknesses that their capabilities to respond to incidents of kidnapping and armed robbery at sea are limited. The Yaoundé architecture lacks an appropriate legislative and judicial

framework, without which it is very difficult to enforce the rule of law. Investigating and effectively prosecuting criminal networks, as has been done in Somalia in over 300 cases, is key to guaranteeing that sea lanes are safe. As recommended in UNSC Resolution 2634, states in the Gulf of Guinea should criminalize and prosecute acts of piracy under their domestic laws. Also, more needs to be done to improve the reporting of piracy incidents, which remain under-recorded (The Economist, 2019).

#### 5.3 Strengthen Regional Cooperation

Some years back, the Horn of Africa was the world's leading piracy hub. Multilateral action and sustained coordination by international navies have helped to mitigate the problem. West African governments should acknowledge that current regional and international cooperation in the Gulf of Guinea is insufficient. A multifaceted approach is needed aimed at assisting military and civilian actors and regional organisations to strengthen maritime governance and prevent further attacks. In addition to supporting poorly equipped navies in the region, the international community should also redouble efforts to bolster the Yaoundé framework with the aim of improving regional information and intelligence sharing.

#### 5.4 Improve Governance and Tackle Underlying Causes of Piracy

Illicit maritime activities and piracy are directly linked to weak governance. According to Chatham House, deep-rooted corruption and transnational organised crime fuel piracy in a “complex criminal web” consisting of “foreign oil traders, shippers, bankers, refiners, high-level politicians and military officials” (Anyimadu, 2013). The black market for oil and illegal fishing are key drivers of piracy in the Gulf of Guinea. In Nigeria, fuel and oil theft and smuggling result in an estimated loss of 6-10% of the country's output. Illegal fishing is estimated to cost local governments US\$1.5 billion, increasing economic instability in the region. To successfully mitigate the threat of piracy, the international community needs to tackle the structural problems underpinning maritime crime in the region, particularly, weak political institutions, corruption, resource-control-led conflicts and migration flows. Also, more needs to be done to generate economic opportunities for young people in the region to deter them from joining criminal groups.

#### 5.5 Bolster Ship Protection Measures

New guidelines recommended by international shipping organisations based on what worked in the Horn of Africa should be implemented by all vessels travelling to high-risk waters. This includes measures such as protecting ships' railings with razor wire to prevent boarding and obtaining threat information, which is crucial for risk assessment and decision-making (Institute of Chartered Shipbrokers et al., 2020). Closer

cooperation with other ships, military forces and law enforcement agencies is also key.

### 5.6 Increase Naval Presence

International naval vessels in the Gulf of Guinea have helped to deter and sometimes thwart attacks. This was demonstrated in April 2022, when pirates boarded a vessel 260 nautical miles off GCSP Policy Brief No 19 the coast of Ghana (Commercial Crime Services, 2022). The IMB Piracy Reporting Centre was alerted and immediately liaised with regional authorities and international warships: an Italian warship and its helicopter intervened, rescuing the crew and enabling the vessel to proceed to a safe port under escort. The presence of international naval vessels in the region should be increased to a level where they are able to safeguard ships and seafarers.

### 5.7 Enhancing the Capabilities of African Navies

Enhancing the capabilities of African navies to sustain maritime presence is crucial for effective maritime security. Littoral states in the region must also collaborate effectively, not only in countering off shore piracy but also in addressing onshore drivers of piracy.

### 5.8 Profiling Piracy Networks

Breaking the cyclical chain of attacks on shipping in a cost-effective manner requires a robust capacity for profiling maritime crime and sharing information among stakeholders in the region. Such a capacity would involve monitoring transiting vessels, their crews, and their ownership with a view to profiling suspicious vessels and individuals, including activities in coastal communities. A watch list for suspect vessels as well as human accomplices should be developed, updated, and shared.

### 5.9 Targeted Economic Development on the Coast

The situation in the Gulf of Guinea and widespread poverty in the region underscore the need for more concerted infrastructural development, youth employment generation, and coastal environmental protections. Also, given that the waters off the Niger Delta account for over half of the piracy attacks recorded in recent years, there is a need to improve economic opportunities for coastal communities. Likewise, given the socioeconomic impacts of illegal fishing, pollution, and environmental degradation, state and local governments across the region must focus on maritime-related policy matters that directly impact coastal residents.

## 6. CONCLUSION

The study has argued that maritime piracy and border crimes pose significant threats to Cameroon's security and stability in the Gulf of Guinea. It has highlighted the fact that, addressing maritime piracy in the Gulf of Guinea, required a multi-pronged approach that strengthened regional and international cooperation,

enhanced legal frameworks, and tackled the underlying causes of piracy. In addition, maritime security has increased in the Gulf of Guinea in the past decade, but rooting out piracy will be short-lived unless its underlying causes on land are tackled properly. In the Gulf of Guinea this means alleviating chronic lawlessness, tackling transnational organised crime, and improving economic prospects and political stability in the region. The Gulf of Guinea's strategic importance for the stability of coastal states and international maritime trade makes it too dangerous to neglect. However, if the maritime security challenges in the Gulf of Guinea such as limited resources for maritime patrols, inadequate ports and coastal infrastructures, corruption and the involvement of organized criminal networks in maritime crimes, the region would be a safer zone for citizens in the region. While acknowledging the stopgap measures, there is a need for caution on the part of vessel owners, governments, and regional bodies against the over-commercialization of maritime security. Governments must also uproot the drivers of piracy as well as expand the resources and shared interests in a secure maritime domain. These recommendations could gain enough traction to be self-sustaining, if the discussion of maritime security in the Gulf of Guinea is raised from the operational to the ministerial level where the purse strings are held. Until there is political will in each Central and West African country to protect the region's waters, the Gulf of Guinea will remain a challenged security space.

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