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PEACE AND SECURITY COUNCIL
1128TH MEETING

ADDIS ABABA, ETHIOPIA
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PSC/PR/CN.1128(2022)

CONCEPT NOTE

MARITIME SECURITY IN THE GULF OF GUINEA

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MARITIME SECURITY IN THE GULF OF GUINEA

I. BACKGROUND

1. The Gulf of Guinea (GoG) spans the coastline from Senegal to Angola, covering approximately 6,000 km and 647,948 sq. nautical miles (nm) of maritime area. It comprises 19 coastal states, islands and land-accessed states that fall within West, East and Central African geographic economic communities. The sea area is one of the continents geo-strategic locations connecting Sub-Saharan Africa to most parts of the world, with direct links to Europe, North and South American continents. Furthermore, the region is endowed with numerous natural resources, hydrocarbons, minerals and fisheries. Additionally, it is a strategic highway for the African energy giants namely, Angola, Cameroon, Equatorial Guinea, Gabon, Nigeria, and São Tomé and Príncipe. As one of the major Sea Lane of Commerce (SLOC) of Sub-Saharan Africa, the GoG region is a critical space for the advancement of the African Continental Free Trade Area (AfCFTA).

2. Notwithstanding the numerous strategic importance of the GoG, the full potentials of the area is yet to be realized largely due to crimes such as piracy, armed robbery against ships, Illegal oil bunkering, crude oil theft, human trafficking, drug trafficking and illicit weapons trafficking. Others are environmental degradation, Illegal, Unreported and Unregulated (IUU) fishing, overfishing and shrimping. These have continued to hinder the peaceful harvest of abundant natural resources and safe conduct of economic activities within the region. As a result, the International Maritime Organization (IMO) has on several occasions raised the security alert status of the region to highest level of threat to lives of shippers. This action often translates into higher insurance premium to be paid by all shippers plying the route which is offset by vast majority of African consumers. This situation has continued to undermine the efforts of member states from profiting from the blue economy.

3. The aforementioned notwithstanding, the African continent has continued to vigorously pursue advancement of the continental blue economy through sustaining positive maritime activities in and around African waters, in line with the goals of the AfCFTA. The immediate focus is on improving the security situation in the GoG, which is occasioned by the absence of a formidable African presence at sea to fight the criminalities and, thus, creating a gap in the security architecture. This gap has continued to cost the continent billions of dollars in revenue. The situation has also attracted extra continental actors to patrol African waters in order to protect their interest. It would be recalled that at the peak of piracy in and around the Gulf of Aden in the Horn of Africa region, the US and some of its allies established a Combined Maritime Force (CMF) to ensure safety of their shipping interest in the area. In a related development, the EU recently activated the Coordinated Maritime Presence (CMP) initiative whereby some navies from Europe periodically deploy warships to patrol the GoG to safeguard their interest. While the initiative has assisted in reducing maritime threats in the GoG, it is, however, against the much-desired continental response to addressing insecurity, particularly, the African Union (AU) mantra of “African solutions to African problems”.

4. As part of efforts to drive homegrown solutions to maritime insecurity in the GoG, in June 2013, 25 countries in and around the GoG, met in Yaoundé, Cameroon, and signed the “ Yaoundé Code of Conduct concerning the Repression of Piracy, Armed Robbery against Ships,

and Illicit Maritime Activity in West and Central Africa”. The Yaoundé Code of Conduct produced a new maritime security architecture built around information and intelligence sharing, as well as coordinated naval operations. In accordance with the Code of Conduct, the signatories set up regional centers for information sharing and coordination. The Yaoundé architecture gave rise to the Interregional Coordination Center (ICC) based in Cameroon, and two Regional Maritime Security Centers based in Ivory Coast and Congo Brazzaville, covering the East and West African maritime domains respectively. Similarly, AU has taken various decisions aimed at strengthening measures to protect the continent's maritime domain in order to enable the member states benefit from the blue economy. In this vein, in July 2021, the AU signed a Memorandum of Understanding (MoU) with the Gulf of Guinea Commission (GGC) to reinforce collaboration between the AU and the GGC on issues of maritime security and safety. The AU has also taken steps towards the operationalization of the Africa Integrated Maritime Strategy 2050 (AIM Strategy 2050), including a planned maritime command post exercise in 2023.

5. Prior to the aforementioned initiatives, in 2011, Nigeria and Benin signed a bilateral maritime patrol agreement that enabled their navies conduct combined operations within their maritime corridor of the GoG. The operation, code-named Operation PROSPERITY, recorded huge successes with piracy and associated criminalities reduced to the barest minimum during the period of the Operations, which was from 2011 to 2012. This is indicative that collaborative efforts are necessary to ensure maximum security in the maritime space, especially as no nation can adequately police its waters without undermining the territorial integrity of neighboring areas. It is against this backdrop that the AU Peace and Security Council (PSC), in July 2021, included the maritime security challenges in the GoG and the Horn of Africa on its agenda. Consequently, the Council invited the Chiefs of the Naval Staff of Nigeria and Tanzania to brief on the security situation in their respective domains. Drawing from the successes recorded by the US-led CMF, in Operation PROSPERITY in the Gulf of Aden, and the Multi-National Joint Task Force (MNJTF) in the Sahel region respectively, the AU PSC, in its Communiqué PSC/PR/COMM. 1012(2021) adopted at the 1012th meeting held on 23 July 2021, called for the establishment of a regional multi-national maritime task force in collaboration with existing structures, the Regional Economic Communities and Regional Mechanisms (RECs/RMs), for Conflict Prevention, Management and Resolution.

6. Besides the call for the creation of a regional multi-national maritime task force, several GoG nations have championed initiatives independently as well as jointly towards enhancing maritime security in the GoG. Notably, Ghana and Norway undertook meetings and engagements towards advancing the security situation in the GoG. Similarly, during the International Maritime Conference (IMC) in Port Harcourt- Nigeria in May 2022, some heads of African navies met to proffer solutions to some of the security challenges, including setting up a technical expert committee to establish a maritime task force for the GoG. It is noteworthy that the Assembly of African Heads of State and Government in the 2020 Summit called for the creation of an African maritime consultative strategic support group to facilitate periodic review of the continent's progress in the development of the continental blue economy for further action of the AU PSC. Additionally, the African Integrated Maritime Strategy 2050 (AIMS 2050) also called for the establishment of the Committee of Heads of African Navies and Coastguards (CHANS) to provide the AU leadership with strategic level engagement on maritime security matters. However, despite all these efforts, maritime crimes in the GoG region appears to maintain a fluctuating pattern that calls for more collaborative engagements. The spate of terrorism on the continent has also escalated the use of narcotics, and it has been estimated that in 15 years the GoG may become a major

conduit for drug traffickers and gun-runners from the South American region to terrorist organizations in Sub-Saharan Africa, if urgent steps are not taken to forestall the trend.

7. The increased manifestation of these threats maybe related to weak implementation of maritime regimes, poor funding of maritime security organizations and effects from the long-term neglect of the maritime domain. Additionally, the strategic nature of activities at sea and the high cost of sustaining naval presence may further exacerbate the situation. Therefore, it has become incumbent on the AU-PSC to re-appraise the current maritime security situation in the GoG with a view to proffering pragmatic and effective response to the security challenges along one of the major sea corridors of the continent in order to unlock the economic potentials of the African blue economy.

II. OVERVIEW ON AFRICA'S MARITIME DOMAIN

8. Africa as the second largest continent is endowed with expansive coastline, covering over 26,000 nm. Thirty-eight (38) African countries are either coastal or island states. However, African-owned ships account for only a fraction of global shipping and with African ports handling only 6 per cent of worldwide water borne cargo traffic and approximately 3 per cent of the worldwide container traffic. In Africa, almost 90 per cent of imports and exports are conducted by sea, though the continent is yet to effectively secure its maritime domain. Interestingly, in the past four decades, the volume of global sea borne trade has quadrupled and may continue to rise. Additionally, the abundance of marine resources, fisheries and hydrocarbons have made the continental waters very attractive and lucrative. Furthermore, the ascension of the AfCFTA is envisaged to attract more activities in and around the continent's waters.

9. The maritime domain provides for inter and intra continental trade, job creation, continental industrialization and economic advancement of the continent. Similarly, the success of the AfCFTA partly hinges on a secure and conducive maritime environment, especially in view of the global dynamics and contemporary issues leading up to economic downturns and strategic alliances. The continent's waters would remain critical in years to come as the continent is fast becoming the cornerstone for global natural resources.

III. OBJECTIVE OF THE PSC SESSION

10. The main objective of the PSC session is to enable Council, Member States and other key stakeholders to re-appraise the maritime security situation in the GoG. It would also serve as a veritable avenue to receive update on the status of the implementation of regional maritime security framework in accordance with Communiqué PSC/PR/COMM. 1012(2021), as well as to provide policy direction on ways and means to effectively respond to maritime insecurity in the region.

IV. KEY AU AND INTERNATIONAL INSTRUMENTS, RESOLUTIONS AND DECISIONS

11. Several AU, international instruments as well as key decisions and resolutions of the AU organs underpin maritime security in the continent. These instruments include:

a. AU Instruments, resolutions and decisions:

- Africa's Integrated Maritime Strategy (AIMS 2050) and its Plan of Action adopted by the 22nd Ordinary Session of the AU Assembly, held in January 2014, Decision [[Assembly/AU/Dec.496 \(XXII\)](#)];
- Decision [Ext/Assembly/AU/Dec.1 (VI) adopted by the AU Extraordinary Summit held on 15 October 2016, in Lomé, Togo, which adopted the Africa Charter on Maritime Security, Safety and Development in Africa;
- Communiqué [[PSC/PR/COMM. 1012\(2021\)](#)] adopted by the PSC of the AU at its 1012th meeting held on 23 July 2021 on the State of Maritime Security in Africa;
- Communiqué [[PSC/PR/COMM. \(DCCCLVIII\)](#)] adopted by the PSC of the AU at its 858th meeting held on 16 July 2019 on the status of implementation of the African Charter on Maritime Security, Safety and Development in Africa (Lomé Charter);
- Communiqué [[PSC/PR/COMM.\(DCCCXXXIV\)](#)] adopted by the PSC of the AU at its 834th meeting held on 21 March 2019;
- Communiqué [[PSC/PR/COMM. \(DCLXXXII\)](#)] adopted by the PSC of the AU at its 682nd meeting held on 25 April 2017;
- Africa Maritime Transport Charter (AMTC) and the Plan of Action adopted by the Fifteenth Ordinary Session of the Assembly of the African Union, held in Kampala, Uganda, 26 July 2010;
- The Outcomes of the Sustainable Blue Economy Conference held in Nairobi, Kenya from 26 to 28 November 2018; and
- Decisions of the Port Harcourt Document by Heads of African Navies meeting during the International Maritime Conference held in Port Harcourt Nigeria.

International Instruments:

- 1982 United Nations Convention on the Law of the Sea (UNCLOS);
- FAO instruments on IUU Fishing;
- UNSC 9198th meeting held on Tuesday 22 November 2022;
- 1988 Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention);
- International Convention for the Safety of Life at Sea, 1974 (SOLAS 74);
- International Safety Management (ISM) Code;
- International Ship and Port Facility Security (ISPS) Code;
- International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL 73/78);
- International Convention on Load Lines, 1966, includes the 1988 Protocol (LL 66);
- International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 78);
- International Labour Organization Merchant Shipping (Minimum Standards) Convention 1976 (ILO 147);
- Maritime Labour Convention, 2006;
- International Convention on Civil Liability for Oil Pollution Damage, 1992;
- International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (CLC/Fund 92);
- Control and Management of Ships 'Ballast (BWM);
- Anti-fouling Systems (AFS);
- Limitation of Liability for Maritime Claims (LLMC) and its 1996 Protocol;
- Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS);
- Civil Liability for Bunker Oil Pollution Damage (Bunkers).

V. RECOMMENDATIONS

12. In light of the foregoing, Council may wish to:

- Reiterate its previous decisions and pronouncements on maritime security, in particular those related to maritime security in the GoG;
- Commend all AU Member States of the GoG region, the regional bodies, including ECCAS, ECOWAS, the GGC for their proactive engagement and collaborative efforts undertaken to address and prevent maritime crimes and offenses;
- Commend the efforts of the Chiefs of the Naval Staff that met in Port Harcourt- Nigeria to advance the establishment of the Regional Maritime Task Force for the GoG in compliance with Communiqué [PSC/PR/COMM. 1012(2021)] adopted by the PSC of the AU at its 1012th
- Acknowledge the support of the Nigerian Navy and the ISS in pursuing and funding the activities of the Technical Expert Committee on the establishment of the Regional Maritime Task Force for the GoG region;
- Support the creation of the Regional Maritime Task Force and call on Member States, including stakeholders, to support the endeavors of the technical expert committee set up by the Chiefs of the Naval Staff;
- Welcome the CMTF (in full) as a much needed kinetic capability to strengthen YCC (in full) and other proclamations that advance maritime security and continental blue economy;
- Express deep concerns over the loss of revenue undermining the gains of the continental blue economy and stagnating the AfCFTA;
- Strongly condemn all illicit maritime acts, including terrorism, piracy, armed robbery against ships, kidnappings, gunrunning, drugs and human trafficking committed in the GoG; also call for the prosecution of those who encourage, finance or facilitate such acts, including the masterminds of criminal piracy networks;
- Call on the Captains of industries and other relevant stakeholders to support security agencies in the fight against maritime crimes;
- Call on Member States to ratify and harmonize laws criminalizing maritime offenses, including extradition of maritime offenders and facilitation of hot pursuit;
- Stress that the primary responsibility for combating maritime crimes rests with the concerned coastal Member States of the GoG region, in this regard, Council may call upon Member States in the region to put measures in place to ensure permanent presence of African naval forces at sea;
- Encourage regional organizations and the GGC to strengthen cooperation on maritime safety and security in the region and to continue the implementation of the Yaoundé Mechanism;
- Also, encourage the AU Commission, RECs/RMs to assist Member States of the region, to ensure that the necessary measures are taken to break the linkage between drug traffickers, gunrunners and terrorist groups on the Continent with a view to suffocating their activities on land;
- Further encourage, the alignment of the activities of the CMTF with the GGC;
- Decide that maritime security and transnational crimes at sea must become a regular item in the PSC's discussions and reports; in this vein, the AU Commission should consider convening the inaugural meeting of the Committee of the Heads of African Navies and Coastguards (CHANS);

- African maritime consultative forum to facilitate periodic progress reviews on maritime security in the continent;
- Also direct AU Commission to establish a body of experts who coordinate, share knowledge and make recommendations on maritime security matters;
- Call on the AU Commission to initiate process that would facilitate quick take-off of the CMTF, including training and capacity building;
- Look forward to the flag-off of CMTF for the GoG giving practical expression of the AU and stakeholders collaborative efforts in stamping out maritime crimes and offenses on the continent; and
- Call on bilateral, regional and international partners to continue providing the necessary support and resources to combat maritime crimes and offenses as well as all other illicit maritime acts in the region.

VI. PARTICIPATION

13. It is envisaged that all AU Member States of the GoG region, relevant regional bodies/RECs and RMs, will participate in the meeting. Representatives of international community are also expected to participate.

VII. PRESENTATIONS

14. Presentations and statements will be made by the following:

- Permanent Representative of the Federal Republic of Nigeria and Chairperson of the Peace and Security Council for the month of December 2022;
- Commissioner for Political Affairs, Peace and Security;
- Executive Secretary of the GGC;
- Representative of the Inter-regional Coordination Centre, Yaoundé (CRESMAO/CRESMAC);
- Coordinator of the Experts for the Establishment of the CMTF;
- Chief of the Naval Staff Nigeria;
- Chief of the Naval Staff Congo;
- Representative of ECCAS;
- Representative of ECOWAS;
- Representative of UNOAU.
- Representative of EU.

VIII. DATE AND VENUE

15. The virtual meeting is scheduled for Monday, 19 December 2022 by 10:00 a.m., Addis Ababa local time, using the ZOOM platform. It is expected that the PSC will adopt a Communiqué of the meeting.

2022-12-19

Communiqué of the 1128th Meeting of the Peace and Security Council, held on 19 December 2022 on Maritime Security in the Gulf of Guinea.

Peace and Security Council

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