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Towards a Maritime Security Governance Framework in the Gulf of Guinea

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Abstract

The significance of the ocean in terms of its economic potential is well established, however, it is plagued with many threats and challenges which call for a proper examination of its management and governance. This paper examines the legal and institutional frameworks at the global, regional, sub-regional, and national levels for governance of the oceans and its resources in the Gulf of Guinea (GoG). It further reviews the existing cooperative arrangements in the GoG using regime theory of international relations. Findings show that though, several arrangements exist at the international and regional levels with binding and enforceable provisions which are applicable in the GoG, their implementation and enforcement is lacking in the GoG. On the other hand, sub regional arrangements lack clearly defined binding character leading to uneven implementation at the national level. The paper makes a case and recommends that perhaps the national and sub regional arrangements constitute a developing regime cluster and ought to be evaluated in that frame.

Keywords: maritime security, Gulf of Guinea, governance framework, maritime domain, piracy, international law, national efforts

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1. Introduction

The world's oceans over the years have gained considerable relevance as they cover about 70% of the earth's surface and provide support for socio-economic growth and the development of states.[1] Coastal and island states worldwide are concerned about the management of their maritime spaces and events within them.[2] This is as a result of the economic opportunities the oceans present as a repository of valuable natural resources and as a gateway

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1   The oceans provide a source of livelihood for many people through fishing, shipping and logistics, exploration of hydrocarbons and petroleum resources as well as the exploitation of mineral resources and provision of leisure.

2   Articles 56, 57 and 58 of UNCLOS.

to the global supply chain with an estimated 80 percent of the volume of world trade carried by sea.[3] Africa as a continent has come to terms with the fact that the continent's socio-economic advancement cannot be separated from effective and efficient management of its maritime environment (the blue economy). This recognition is predicated on the fact that Africa's coastline covers over 26,000 nm, with thirty- eight (38) out of the fifty-four (54) African countries being coastal or islands (AIMS 2050).

The Gulf of Guinea (GoG) provides economic opportunities to both coastal and land-locked states and it is of strategic importance to global trade and international shipping.[4] The seamless flow of global goods and services to ports within the region, in addition to the vital resources in its waters, is critical for global energy production and transportation.[5] The GoG is also crucial to West Africa's fishing industry and provides employment and means of sustenance for a large percentage of the indigenous population.[6] It also offers vast mineral resources and commercially valuable marine life which are integral to the global trade network, justifying the need for maritime security and safety at all times (ibid). Despite the opportunities presented by the GoG, it is plagued with maritime instability and insecurity, emanating from weak governance, and leading to organised crime, such as illegal fishing, drug smuggling, human trafficking, money laundering and piracy. It has been argued that a common maritime security strategy is the requisite tool to successfully fight criminal activities in the GoG. Additionally, it has been proposed that policies must be framed within national and regional levels, extending beyond immediate needs and reactive engagements.[7]

In this light, several maritime security frameworks and agreements have been rolled out to combat emerging and existing threats and, most importantly, to safeguard the blue economy of Africa. This paper critically evaluates the effectiveness of regional and national frameworks designed to address maritime insecurity in the GoG.

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3   United Nations Conference on Trade and Development (UNCTAD), *Review of Maritime Transport* (United Nations 2016).

4   'Key Political Risk in the Gulf of Guinea' (2012) Reuters <www.reuters.com/article/2012/02gulfofguinea-risks-idAF-L5E8D73CZ201210?sp=true> accessed 10 January 2023.

5   Kaija Hurlburt and others, 'The Human Cost of Maritime Piracy 2012' (2012) Oceans Beyond Piracy <http://oceans-beyondpiracy.org/sites/default/files/hcop2012forweb.pdf> accessed 30 December 2022.

6   Bem I. Garba, 'Ocean Governance and Maritime Security in the Gulf of Guinea' (2020) CIMSEC <https://cimsec.org/ocean-governance-and-maritime-security-in-the-gulf-of-guinea/> accessed 15 January 2023.

7   'Ninth International Forum on Illegal, Unreported and Unregulated Fishing' (9th International Forum, London, February 2016) Chatham House <www.chathamhouse.org/sites/default/files/events/2016-02-15-9th-illegal-unreported-unregulated-fishing-forum-meeting-summary.pdf> accessed 29 December.

2. Protecting the African maritime domain: overview of continent-wide approach

The Gulf of Guinea (GoG) represents a significant portion, around 25%, of African maritime traffic and boasts close to 20 commercial seaports. It has a substantial share, approximately 60%, of Africa's oil production, along with 4.5% of the world's confirmed oil reserves and 2.7% of proven natural gas reserves.[8] Regional corruption, widespread unemployment and lack of good governance remain important push factors that have culminated in a surge in illicit activities in the GoG, and more particularly, further exacerbating existing transnational trafficking issues.[9] The limited capacity of the GoG states to combat these threats, coupled with the complex array of challenges, severely hampers efforts to create a blue economy in the African Maritime Domain (AMD). Therefore, it is imperative and urgent to adopt a continent-wide approach to tackle maritime insecurity in the region. AMD ultimately holds the key to poverty alleviation and job creation by ensuring that the resources of the sea are harnessed for the benefit of the people. However, the potential of AMD is grossly undermined by a plethora of challenges including piracy, transnational organised crimes and IUU fishing, among others (ibid). The 2050 AIM Strategy was therefore developed as an antithesis to the maritime challenges that confronted the continent. The strategy seeks to promote wealth creation from Africa's maritime space by developing a sustainable flourishing economy in an environmentally sustainable and secured manner.

The 2050 AIM Strategy adopts a coherent and coordinated action towards the management of the maritime space for the sustainable development of the continent, and sets a common template to guide maritime review, budgetary planning, and effective resource allocation to improve maritime viability for a prosperous Africa. The implementation of this continent-wide initiative is wrought with challenges that impedes the actualisation of the overarching goal. For instance, the Strategic Task Force (STF) is mandated to produce and fast track a roadmap for the implementation of AIMS 2050 and to bring the strategy in conformity with international law. Nonetheless, the STF has consistently been unable to meet to devise a roadmap for AIMS 2050.[10] It is important to note that STF's ineffectiveness is predicated on the failure to reach a quorum.[11] Indeed, findings

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8   Pierre Morcos, 'A Transatlantic Approach to Address Growing Maritime Insecurity in the Gulf of Guinea' (2021) Center for Strategic and International Studies <www.csis.org/analysis/transatlantic-approach-address-growing-maritime-insecurity-gulf-guinea> accessed 22 January 2024.

9   David Glass, 'Cyprus shipping concern over 'gravely dangerous' Gulf of Guinea situation' (2021) Seatrade Maritime <www.seatrade-maritime.com/piracy/cyprus-shipping-concern-over-gravely-dangerous-gulf-guinea-situation> accessed 20 January 2024.

10   Hurlburt (n 5).

11   Garba (n 6).

reveal that the first meeting originally scheduled in October 2014 was held in July 2015, due to failure to form a quorum, and the July 2015 meeting saw the participation of only 7 states and one representative of a Regional Economic Community (REC).[12]

Additionally, the African Charter on Maritime Security and Safety Development in Africa (Lomé Charter or ACMSSDA) was adopted on 15th October 2016. [10] The Charter requires member states to perform their obligations in good faith and to ensure utmost security and welfare for its citizenry. The Lomé Charter reinforces the need for effective information sharing and communication as a basis for easy maritime governance. Chapter 4 of the Charter also places importance on the development of the blue economy, requiring that state parties develop policies aimed at streamlining the exploitation of their marine resources, such as fisheries and aquaculture. The Charter has also seen quite a few challenges in its implementation. As of September 2019, out of 55 countries, only 35 have signed the Charter, with only 2 countries having ratified, while 2 countries have deposited it. This clearly highlights a plausible failure in the implementation status of the Charter after six years of its promulgation. Although chapter 4 of the Charter places emphasis on capacity building, it appears that beyond the textual commitment to boost capacity there is little to nothing being done to achieve that goal. There seems to be little knowledge on the opportunities in the Africa Maritime Domain and a low level of awareness of the potential the maritime domain possesses It could be inferred that the continent of Africa suffers from sea blindness and is in short supply of professionals in the maritime field.[13]

3. Regional Responses to Piracy in the GoG

The burgeoning effects of the threat posed by piracy has culminated in several regional institutional arrangements geared towards addressing piracy in the GoG. One key institution is the Gulf of Guinea Commission (GGC), established in 1999 by eight countries, seven of which were oil producing countries. Ghana became the nineth member in 2016.[14] The primary objective of the GGC is to strengthen cooperation and peace among members and, most importantly, to promote the well-being and economic development of member states. The GGC also enjoins member states to harmonize their respective policies in the areas of shared interest, such as peace and secu-

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12   Chatham House (n 7).

13   Mario Simões-Marques, Amindo Frias and Pedro B. Água, *Human factors impact in the security and safety of the maritime domain* (Springer, 2021).

14   Katja L. Jacobsen and Johannes. R. Nordby, *'Maritime Security in the Gulf of Guinea'* (Royal Danish Defence College Publishing House 2015).

rity, fishery, exploitation of hydrocarbons and mineral resources among others.[15]

Additionally, there is the Maritime Organization for West and Central Africa (MOWCA) – a successor institution to the Ministerial Conference of Marine Transport of West and Central African states (MINCONMA).[16] MOWCA is made up of 25 states, however, its large number has failed to garner any political gravitas. Through collaboration with relevant national, regional, and international bodies, MOWCA seeks to develop a cost-effective maritime transport service with safety standards to protect the marine environment. MOWCA's cooperative strategy in pursuing good order at sea became more apparent in 2008 when it collaborated with the IMO on the creation of a sub-regional Integrated Coast Guard Network (SICGN) for Western and Central Africa to improve maritime security.[17] The SICGN was aimed at improving search and rescue, and at preventing piracy in general. It also sought to combat marine pollution and illegal immigration, as well as to protect the marine environment from unauthorised exploitation of identified natural resources.[18] Nonetheless, the SICGN is yet to be implemented by any state.

Similarly, maritime strategies have been devised by each regional economic community; the Economic Community of Central African States (ECCAS) and the Economic Community of West African States (ECOWAS). It is important to note that ECCAS and ECOWAS were formed purely to advance regional economic cooperation in Central and West Africa respectively and did not focus on maritime security from its inception. However, in response to the rise of maritime security challenges, the Integrated System for Maritime Security (ISMS) and the ECOWAS Integrated Maritime Strategy (EIMS) were established in the ECCAS and ECOWAS sub-regions respectively.[19] The ECCAS-ISMS is built on six pillars; community surveillance through detection and sharing of assets, information management, harmonization of legal and institutional frameworks of states, institutionalized maritime conference in central Africa, self-financing through community tax and logistics provision. The EIMS, on the other hand, was primarily developed to create awareness and regulate the maritime space by preventing and combating maritime threats in West Africa.[20] The zonal approach is advanced by each sub-region to counter maritime threats.

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15   Treaty establishing the Gulf of Guinea Commission [July 2001].

16   The Memorandum of Understanding (MoU) on the Establishment of a Sub-Regional Integrated Coast Guard Function Network (the IMO/MOWCA MoU) (July 2008).

17   International Hydrographic Organization <https://legacy.iho.int/mtg_docs/circular_letters/french/2015/LC85F.pdf/> accessed 15 January 2022.

18   Bamidele M. Shafa, 'Maritime Security in the Gulf of Guinea Sub-region: Threats, Challenges and Solutions' (Dissertation, US Army War College 2011).

19   Adeniyi A. Osinowo, 'Combating Piracy in the Gulf of Guinea' (2015) 30 Africa Security Brief 1.

20   ECOWAS Integrated Maritime Strategy (EIMs) (August 2014).

ECCAS has divided its maritime space into zones A and D, with each zone under the supervision of the Centre for Multinational Coordination (CMC), which is also under the Regional Centre for Maritime Security in Central Africa (CRESMAC), located in Pointe-Noire, Congo (ibid). Likewise, the EIMS divides the maritime space into three zones (E, F and G) with each zone equipped with its own monitoring and enforcement mechanism, known as the Multilateral Coordination Centre (MCC). Zone E covers Nigeria, Benin, Togo, and Niger. Zone F comprises Ghana, Cote d'Ivoire, Liberia, Sierra Leone, Guinea, and Burkina Faso, while Zone G covers Senegal, Cape Verde, the Gambia, Guinea Bissau, and Mali. A Maritime Regional Centre (MRC) established in Cote d'Ivoire coordinates the activities of the three zones. Regrettably, most of the zonal structures are still non-operational.

3.1. The Yaoundé Code of Conduct, 2013

The intensity of piratical attacks along the GoG stimulated the need to establish an effective framework to combat piracy and other illegal maritime activities in Western and Central Africa. In this light, a new regional anti-piracy framework was adopted and titled the Code of Conduct concerning the Prevention and Repression of Piracy, Armed Robbery against ships and Illegal Maritime Activities in West and Central Africa (Yaoundé Code of Conduct or YCoC).[21] The Cotonou conference also saw the adoption of two key documents: the ECCAS/ECOWAS Political Declaration on Illegal Maritime Activities in the GoG, and the Memorandum of Understanding between ECOWAS, ECCAS and GGC on Maritime Security in West and Central Africa.

The legal basis for the development of the new Code was in response to the United Nations Security Council Resolutions 2018 (UNSC 2011)[22] and 2039 (UNSC 2012)[23]. The UNSC recognised the need for adopting 'a comprehensive approach led by the countries of the region to counter the threat of piracy and armed robbery at sea in the GoG and their underlying causes. More so, the resolutions recognised the need to build an 'existing national, regional and extra-regional initiative to enhance maritime safety and security in the GoG.' A decade after the UNSC resolutions, the Security Council has yet again adopted a new resolution to stem the increasing tide of

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21 Code of Conduct concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa (June 2013) (YCoC) <https://cggrps.com/wp-content/uploads/DECLARACAO-DE-YAOUNDE-EN.pdf/> accessed 1 January 2023.

22 UN Security Council resolution 2018 on acts of piracy and armed robbery at sea off the coast of the States of the Gulf of Guinea (2011) UN Doc S/RES/2018(2011).

23 UN Security Council resolution 2039 on acts of piracy and armed robbery at sea off the coast of the States of the Gulf of Guinea (2012) UN Doc S/RES/2039(2012).

maritime insecurity in the GoG,[24] raising questions about the effectiveness of existing responses.

3.1.1. The Yaoundé Code of Conduct and International Law

The character of maritime insecurity in the GoG is complex and thus requires a comprehensive framework responsive to the complexities at stake. The YCoC is not only designed to deal with piracy and armed robbery against ships but also includes illicit maritime activities set out in article 1(5) under a list of what is termed as transnational organised crime in the maritime enclave. For piracy, the Code adopted the same definition as expounded by article 101 of UNCLOS and the Djibouti Code of Conduct (DCoC). Article 1(3) of the YCoC maintains that an act constitutes a crime of piracy if it is (a) an illegal act of violence or detention, (b) committed for private ends, that is activities not sanctioned by states, (c) against another ship, person, or property in a place outside the jurisdiction of any state and (d) committed on the high seas. Similarly, the Code also accepts the definition of armed robbery as set out in the IMO Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against ships. Additionally, the wording of the Code on the duty to cooperate mirrors article 100 of the UNCLOS and adopts similar principles as enshrined in the DCoC. Under article 2 of the YCoC, the signatories declared their intention to cooperate '*to the fullest possible extent*' to tackle the maritime challenges.

Another key feature of the Code is that each state commits to share information regarding piracy attacks in the region. States are thus required to designate a national focal point and to declare and communicate it to other signatories at the time of signing the Code, or within a reasonable time thereafter.[25] Article 13(2) of the SUA Convention also imposes similar obligations on all states to cooperate to prevent the commission of offences by taking appropriate measures, including the exchange of information and the coordination of administrative and other measures. The rationale for the uniform reporting criteria is expressed in article 123 of YCoC and it is expected to 'ensure an accurate assessment of the threat of piracy and armed robbery in the West and Central Africa'.

It is important to note that the scope of the enforcement in YCoC is in line with the powers recognised under the UNCLOS. To repress piracy, each signatory, to the fullest possible extent, is to cooperate in the arrest, investigation and prosecution of persons who have committed the crime of piracy. Again, each state has the power to seize pirate ships and rescue ships, persons, and property subject to piracy. The only point of departure between the YCoC and UNCLOS on

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24 UN Security Council resolution 2634 Adopted by the Security Council at its 9050th meeting (2022) UN Doc S/RES/2634 (2022).

25 YCoC (n 21) Article 11(3).

the powers of enforcement is the right of hot pursuit. Whereas article 111 of UNCLOS confirms the right of a state to undertake hot pursuit of a foreign ship when the competent authorities of the coastal have good reason to believe that the ship has violated the laws and regulations of that state, article 6(3) of YCoC reiterates that any pursuit of ships extending in and over the territorial sea of a signatory is subject to the authority of that signatory, and that no signatory should pursue such a ship in or over the territorial sea of any coastal state without the permission of that state.

3.2. Inter-Regional Coordination Centre (ICC) and Code of Conduct

Following the two UN Security Council resolutions 2018 and 2039, calling on the states of the GoG to take steps to deal with the piracy menace, the states of the region, together with its international partners, began the journey to form the ICC in 2013. To this end, the 2013 heads of state meeting in Yaoundé adopted a code of conduct and an action plan to coordinate the effort of the sub regional economic groupings, ECOWAS and ECCAS in collaboration with GGC. To this end the heads of state and governments of the GoG signed the Yaoundé Declaration, as well as the Code of Conduct. Figure 4.1 presents the GoG maritime security architecture and the administrative structures that underly its operation.
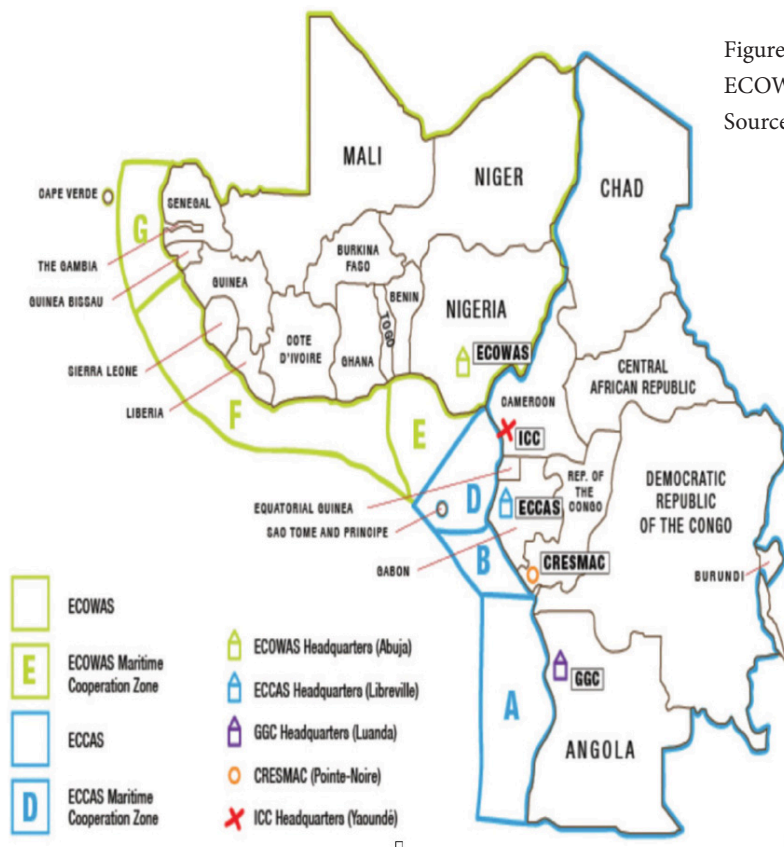

Figure 4.1 Maritime Securit Zones in ECOWAS and ECCAS sub-regions. Source: Osinowo, 2015.

To better appreciate Figure 4.1, it is important to note that the three regional bodies, the ECOWAS, ECCAS and the Gulf of Guinea Commission, form the highest administrative organ of the architecture. They come together to hold annual meetings called the Heads of Institution Meetings. Leadership of these meetings rotates between ECOWAS and ECCAS, because they contribute to the day-to-day running of the centre. Then the next level is called the strategic level, which is the Inter-Regional Coordination Centre Level. At this level, the ICC's role is to coordinate the policies of ECOWAS and ECCAS.

Below the ICC, are the two (2) Regional Centres. The regional centre in the ECCAS region is called CRESMAC (in Pointe Noire, in Republic of Congo). Whereas CRESMAO (in Abidjan) is for ECOWAS region. For effective coordination of maritime activities, these two (2) regional bodies have been sub-divided into sub-regional bodies or zonal centres. Under the ECCAS Regional Centre, there are two (2) Zonal Centres, classified as Zone A and Zone D. Within the ECOWAS region, there are three (3), E, F and G. Put together the GOG has zones A, D, E, F and G. The countries have been put in groups of three (3), four (4) or five (5) states under each of these zones. In the zonal arrangements, the coastal states are included as a priority and the landlocked states are then integrated among the zones, so that at least they would all be involved in the Gulf of Guinea project. Therefore, Zone A comprises Angola, Democratic Republic of Congo, Burundi, and Congo, with the centre in Luanda, Angola. Zone D comprises Cameroon, Gabon, Equatorial Guinea, Chad, Central African Republic and Sao Tome and Principe, with the centre in Douala, Cameroon. Zone E comprises Benin, Nigeria, Togo, and Niger, with the centre in Cotonou, Benin. Zone F comprises Ghana, Cote D'Ivoire, Liberia, Burkina Faso, and Sierra Leone, with the centre in Ghana. Zone G comprises Senegal, Guinea, Guinea Bissau, Gambia, Cape Verde, and Mali, with the centre in Praia, Cape Verde.

3.3.   Sub Regional Fisheries Arrangements

In recognizing the importance of the fisheries sector to the GOG, states of the region have organised themselves into two fishery groupings, namely the Sub Regional Fisheries Commission (SRFC) based in Dakar, Senegal, and the Fisheries Committee for West Central Gulf of Guinea (FCWC) based in Tema, Ghana. Membership of the SRFC include Cape Verde, Gambia, Guinea, Guinea Bissau, Mauritania, Senegal, and Sierra Leone. The mandate of the commission is to strengthen regional cooperation to enhance the sustainable management of fishery resources in maritime waters under the jurisdiction of member states. The fishing sector is estimated to contribute US$1.5 billion per year to the economies of the states of the region and employs about

1 million people.[26] The SRFC operates with the Convention on the Minimal Conditions for Access to Marine Resources (known as MCA Convention) which amends the Convention of 14th July 1993 on the Determination of the Minimal Conditions for Access and Exploitation of Marine Resources within the Maritime Areas under Jurisdiction of the Member States of the SRFC to regulate the minimal access conditions for foreign vessels to marine resources of member states of the SRFC. The convention further ensures that artisanal fisheries are protected; maritime safety and the protection of the marine environment; implementation of the 2001 International Action Plan to prevent, deter and eliminate IUU fishing and the 2009 Agreement on Port State Measures (ibid).

The FCWC, on the other hand, facilitates cooperation in fisheries management between its member states, namely Liberia, Côte d'Ivoire, Ghana, Togo, Benin, and Nigeria. In terms of its legal framework, the committee is guided by the 2006 Ministerial Declaration of Abidjan, which established the Committee; the adoption of the 2007 Cotonou Convention, establishing the Committee; the adoption of the structure of the Secretariat and a permanent funding mechanism to support the Committee's activities in 2008 and; the 2009 Ministerial Declaration of Accra, combating illegal fishing and adoption of the regional action plan against illegal fishing.[27]

4. Assessments of national response to piracy

Although, both international and regional legal frameworks underscore the need for a concerted approach in combating piracy, the primary responsibility to eradicate and clamp down on piratical activities lies with the state, as noted in the UNCLOS and SUA. By virtue of this fact, it is the responsibility of the states to build national capacities through the legislation of anti-piracy laws. Like the regional framework discussed above, countries in the GoG have devised national, bilateral, and multilateral strategies, such as beefing up security and deploying Special Forces to piracy prone areas.[28]

4.1. Nigeria

Undoubtedly, piratical attacks in the GoG are largely situated in Nigerian waters; a develop-

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26 FAO, 'Regional Fishery Bodies Summary Descriptions SRFC' <www.fao.org/fishery/rfb/srfc/en/> accessed 15 January 2023.

27 Fisheries Committee for West and Central Gulf of Guinea (FCWC) <https://fcwc-fish.org> accessed 26 December 2022.

28 Sayed M. Hasan, 'The adequacies and inadequacies of the piracy regime: A Gulf of Guinea perspective' (DPhil thesis, University of Western Sydney 2014).

ment arising out of the enormous resources that lie off the cost of Nigeria. In 2010, the International Maritime Bureau counted 34 incidents, including the kidnapping of 44 crew members. Hasan emphasizes that much of the piratical activities in the GoG arise from the proliferation of insurgency and instability in Nigeria. In this regard, the piracy issue in GoG is fundamentally a Nigerian problem and must be tackled from the root.[29]

To manage the developing problems arising from piratical attacks, on 25th June 2009, the government of Nigeria offered unconditional amnesty to militants responsible for the problems in and around the Niger Delta.[30] The idea of the wholesome grant of amnesty was intended as a strategy to pacify the insurgents. The amnesty programme came along with monthly allowances and vocational training for militants, but it was short-lived following the death of then President Yar'Adua.[31] The slow pace of reintegration and the uneven disbursement of allowances failed to restore peace and security and, on the contrary, facilitated incessant piracy attacks.

In response to this, the Nigerian government established a Joint Task Force comprising the Army, the Navy and paramilitary agencies. In January 2012, the Nigerian government dissolved its Joint Task Force (Operation Restore Hope), established to address piracy and insurgency around the Nigerian Delta, and replaced it with the Joint Task Force (Operation Pulo Shield) with objective of protecting oil installations and curbing oil theft and sea piracy. To give effect to the International Ship and Port Facility Security Code, which is an amendment to the Safety of Life at Sea (SOLAS) Convention 1974/1988 on maritime security, including minimum security arrangement for chips, ports and government agencies, the Presidential Implementation Committee on Maritime Safety and Security was set up in 2004. In this light, a regional maritime rescue coordination centre was established to ensure effective search and rescue. Additionally, the Nigerian government also signed multilateral agreements with neighbouring countries geared towards protecting the maritime domain and tackling piracy.

According to Adejuyigbe, Nigeria's government has placed a high priority on addressing piracy and armed robbery at sea and, therefore, has made significant investment in, among others, the procurement of security equipment and essential infrastructure to combat the menace.[32] In

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29 ibid.

30 Kathryn Nwajiaku-Dahou, 'The Politics of Amnesty in the Niger Delta: Challenges Ahead' (2010) French Institute of International Affairs 3.

31 Kenneth Ehigiator, 'Why Amnesty Ends 2015—Kuku' (2015) The Vanguard <www.vanguardngr.com/2013/06/why-amnesty-ends-2015-kuku/> accessed 18 January 2023.

32 Aluseyi Adejuyigbe, 'Piracy in the Gulf of Guinea: an unending menace' (Ibanet, 1 December 2021) <www.ibanet.org/piracy-gulf-of-guinea> accessed 20 January 2024.

2018, the Nigerian Navy acquired over 173 boats to enhance patrols in the Gulf of Guinea and riverine areas on a regular basis. Additionally, upgrades to surveillance technology, such as the Regional Maritime Awareness Capability System (RMAC) and the Falcon Eye System, have been implemented.[33]

Moreover, Nigeria, in collaboration with international shipping partners, has launched a new strategy in 2022 to combat piracy in the GoG.[34] This strategy includes regular evaluations of country-specific anti-piracy initiatives and commitments in the region. It also identifies areas for enhancement and reinforcement to eradicate maritime piracy effectively. The plan involves two main components: (1) actions managed by the Nigerian Industry Working Group (NIWG) and (2) measures requiring cooperation from regional and international stakeholders. The overarching goal of the alliance is to diminish piracy in the GoG and ensure the safety of trade routes and maritime users.

It is essential to highlight two significant milestones in Nigeria's efforts to combat insecurity in the Gulf of Guinea. These include the initiation of the Deep Blue Project in 2021 and the enactment of the SPOMO Act in 2019.[35] Through the Nigerian Maritime Administration and Safety Agency (NIMASA), Nigeria established the "Integrated National Security and Waterways Protection Infrastructure," known as the Deep Blue Project. This initiative represents the first integrated maritime security strategy in West and Central Africa, aimed at addressing piracy, sea robbery, and other maritime crimes.[36] The Deep Blue Project serves as a national endeavour to enhance maritime security within Nigerian territorial waters and extend its impact to the Gulf of Guinea, aligning with NIMASA's mission of ensuring safe and secure shipping. The project's framework revolves around four key components: situational awareness of the maritime domain, rapid response capabilities, law enforcement, and internal and regional collaboration.[37] The effective deployment of resources to implement these elements is instrumental in Nigeria's pursuit of the project's objectives, which include curbing maritime piracy, oil theft, armed robbery, and the

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33 ibid.

34 'Nigeria and shipping industry launch strategy to eliminate piracy threat in Gulf of Guinea' (2022) BIMCO <www.bimco.org/news/priority-news/20220711-gulf-of-guinea-press-release> accessed 24 January 2024.

35 Badaru Garba, 'Maritime Security in the Gulf of Guinea with emphasis on Nigeria' (Master's thesis, World Maritime University 2022).

36 Nigerian Maritime Administration and Safety Agency, 'President Buhari Launces Deep Blue Project in Lagos' (NIMASA, 2021) <https://nimasa.gov.ng/president-buhari-launches-deep-blue-project-inlagos/#:~:text=The%20Deep%20Blue%20Project%20is%20the%20first%20integrated%20maritime%20security> accessed 23 January 2024.

37 'As Nigeria set to launch maritime security, pirates abduct five in Gulf of Guinea' (20 May 2021) Tribune Online <https://tribuneonlineng.com/as-nigeria-set-to-launch-maritime-security-pirates-abduct-five-in-gulf-of-guinea/> accessed 25 January 2024.

illegal trafficking of humans and drugs. There has also been a civil-military partnership employed to tackle piracy. For instance, the NAVY and NIMASA in concert intensified security patrols within Nigeria's territorial waters.[38]

4.2. Ghana

Undoubtedly, Ghana's maritime landscape has experienced significant changes over the past twelve years, particularly with the recent discovery of hydrocarbon resources reshaping the economic outlook. However, maritime security challenges, notably piracy, persist as a major concern for Ghana's maritime domain and the wider Gulf of Guinea region.[39] Key threats to Ghana's maritime domain include marine pollution, IUU fishing, illegal bunkering, and crude oil theft.[40] In response to these challenges, the Ghana Maritime Authority (GMA) has taken proactive measures. It has acquired six modern speedboats and four search and rescue vessels to enhance security and safety along its coastal areas. This procurement aligns with the Authority's objective of collaborating with other law enforcement agencies to combat sea piracy and curb illegal maritime activities in coastal regions.[41]

A collaborative effort involving the Ghana Maritime Authority (GMA), the Navy, the Port Authority and the Marine Police Unit is using these newly purchased boats to conduct night-time surveillance of the anchorages at Takoradi and Tema Ports, along with several national installations, to prevent illegal activities. The Authority is committed to preparedness for disasters and emergencies, with the Search and Rescue vessels being a key component of this preparedness strategy.[42] This initiative is particularly significant given the estimated passage of around 1500 cargo ships, tankers, and fishing vessels through the Gulf of Guinea (GoG) daily.[43]

Furthermore, Ghana maintains dedicated troops under the Strengthening Border Security (SBS) initiative, who engage in annual training exercises with support from Danish and American

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38 Hasan (n 28).

39 Dimitrios Dalaklis, 'Exploring the Issue of Maritime Domain Awareness in Ghana' (2019) Maritime Interdictions Operations Journal <www.academia.edu/40624464/Exploring_the_Issue_of_Maritime_Domain_Awareness_in_Ghana> accessed 23 January 2024.

40 ibid.

41 Garba, 'Maritime Security in the Gulf of Guinea' (n 35).

42 Ghana Maritime Authority, 'Maritime Security' (GMA, 2022) <https://ghanamaritime.org/home/maritime-security/> accessed 25 January 2024.

43 'Ghana to push for international response on Gulf of Guinea piracy' (15 December 2021) Safety4Sea <https://safety-4sea.com/ghana-to-push-for-international-response-on-gulf-of-guinea-piracy/> accessed 21 January 2024.

forces.[44] These drills, including offensive manoeuvres and emergency medical training, aim to enhance Ghana's maritime security capabilities, fortify its defence of territorial waters, and foster regional cooperation within the Gulf of Guinea (GoG). Established in 2016, with assistance from Nigerian Special Forces, the SBS currently operates within Ghana's Exclusive Economic Zone (EEZ) utilizing a fleet of vessels, including fast patrol crafts, and coordinates closely with the Ghanaian Air Force to swiftly deploy troops when needed.[45]

Ghana has also leveraged on its role/opportunities at the international front to advocate for international action to combat the prevalence of piracy in the GoG.[46] It is well-documented that Ghana and Norway jointly promoted a United Nations resolution on piracy in the GoG.[47] As a result of this advocacy, the UN Security Council passed Resolution 2634 in 2022, which calls upon member countries of the Gulf of Guinea (GoG) to enact laws within their domestic legal systems to criminalize piracy and armed robbery at sea. The resolution also emphasizes the importance of investigating, prosecuting or extraditing individuals involved in such crimes, as well as those who incite, finance, or intentionally facilitate them, in accordance with applicable international law. Furthermore, the resolution urges GoG countries to promptly respond to requests for internal or regional cooperation, with the assistance of the international community if needed. [48]

5. Assessment of national responses to IUU fishing

In this context, an attempt will be made to critically evaluate the responses of some of the states within the GoG challenged by the phenomena of IUU fishing, and the extent to which international and regional frameworks are domesticated to address IUU fishing as part of the overall objective of tackling the maritime challenges in the GoG.

5.1. Liberia

Liberia has adopted quite a number of strategies for the management and regulation against IUU fishing. The Liberian Fisheries Policy was formulated to mirror the international obligation

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44   ADF, 'Ghana Navy Special Boat Squadron Trains to Secure Gulf of Guinea' (Accra, 24 May 2022) <https://adf-maga-zine.com/2022/05/ghana-navy-special-boat-squadron-trains-to-secure-gulf-of-guinea/> accessed 26 January 2024.

45   ibid.

46   'Ghana to push for international response on Gulf of Guinea piracy' (n 43).

47   Maritime Executive, 'UN Security Council Calls for Renewed focus on Gulf of Guinea Piracy' (3 June 2022) <https://mari-time-executive.com/article/un-security-council-calls-for-renewed-focus-on-gulf-of-guinea-piracy> accessed 25 January 2024.

48   UN Res 2634 (n 24).

imposed on states to implement effective monitoring, control, and surveillance.[49] The Fisheries legal framework consists of the Natural Resources Act 1956 and the Liberia Fisheries Regulations 2010. Worryingly, the Exclusive Economic Zone as sanctioned through Executive Order 39 was not delineated in accordance with the baseline under Part IV of UNCLOS; a development contrary to article 57 of UNCLOS.[50]

Currently, Liberia has fashioned an action plan akin to that of the IPOA-IUU to tackle IUU fishing. Liberia's NPOA-IUU outlines 8 action plans to tackle the menace that comes with IUU fishing. The overall objective of the NPOA-IUU is to give effect to international fisheries agreements to which Liberia is a party. Thus, Liberia commits to ratifying and implementing the UN Fish Stock Agreement, as well as ratifying the FAO Port State Measures Agreement. The second action plan is aimed at strengthening the regulatory framework for operation fisheries management in Liberia. The third is directed at effectively controlling activities associated with IUU fishing. Under this action plan, the state commits to strengthening the Fisheries Monitoring, Control, Surveillance and Enforcement Unit and to coordinate fisheries enforcement tasking with the MCSCC. Action plan 4 of the NPOA mirrors both regional and international obligations imposed on state parties to identify and monitor IUU vessels and share information with neighbouring states.[51] Similarly, Liberia's NPOA-IUU also seeks to identify and quantify illegal catches[52] and most importantly, seeks to contribute to improved global information on IUU fishing vessels.[53]

5.2. Cameroon

Cameroon makes use of both institutional and legislative frameworks to tackle challenges surrounding IUU fishing. Through a Presidential decree, the Ministry of Fisheries Livestock & Animal Husbandry (MINEPIA) was created and vested with the responsibility for the expansion, execution, and follow-up of government policies with respect to fishing, fisheries management, and sustainable development of the sector. MINEPIA is to provide fishing authorizations, follow-up activities of licensed vessels and, most importantly, to ensure the respect of all fisheries legislation

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49 Thus, under article 3.2.5 of the Liberia Fisheries Policy the law runs that, implementing effective monitoring, control, and surveillance (MCS) mechanisms that encourage, enforce and monitor compliance government will adopt innovative and appropriate technology and tools; appropriate enforcement hardware; information sharing and cooperation at local, national, regional and international levels and risk assessment, to prevent IUU fishing in a cost-effective and practical manner.

50 Republic of Liberia, National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fisheries (NPOA-IUU) (September 2018).

51 Article 13(2) of the SUA Convention and article 11 of the Yaoundé Code of Conduct.

52 NPOA-IUU (n 50) Action 5.

53 NPOA-IUU (n 50) Action 6.

and to promote fisheries production.[54] The MINEPIA is subdivided into four sub-departments answerable to the Minister and charged with the obligation of performing the aforementioned functions. The institutional frameworks established by the Cameroonian government are not to operate *in vacuo*. In addition, Law Number 96/12 of 1996, which covers the management of the environment, was promulgated. This law provides a universal framework for the management of the environment and provides guiding doctrines for the protection of the coastal marine environment and the management of resources, as well as sustainable development.

It is important to note that the law governing the licensing of vessels is in sharp contrast with quite a number of international instruments due to the lack of harmonisation and domestication. For example, article 119 of the 1994 Fishery legislation makes provisions for high seas fishing licenses even though there are no conditions laid down for this type of fishing together with access to other coastal waters. This is in disagreement with CA 1993 and UNFSA 1995.[55] In article 92(2) of UNCLOS; 'a ship which sails under the flag of two or more States, using them according to convenience may not claim any of the nationalities in question with respect to any State and may be assimilated to a ship without nationality.' The law governing the control of coastal state vessels is provided for in articles 34 to 41 of IPOA-IUU. That notwithstanding, the 1994 Fishery Legislation presents six types of sanctions, as required by article 21 of the IPOA-IUU, which encourages coastal states to put in place very severe sanctions. The newly proposed fishery regulation in Cameroon increases the number of sanctions from 6 to 7.

However, Cameroon lacks Monitoring, Control and Surveillance (MCS) systems because they are less operational in its coastal waters, which makes it difficult for effective monitoring and control.

6. Evaluation of regional and national efforts on piracy related activities

Undoubtedly, the YCoC is a significant step towards enhancing regional maritime governance in the GoG. Hasan describes the YCoC as 'a good model of effective regional cooperation as it elaborates a common maritime security strategy for the entire maritime domain of West and Central Africa'. However, considering the fact that the Code is not a legally binding instrument, it imposes no legal obligation on any state to implement it. Therefore, compliance with the Code is premised on the political will of the signatory country. Additionally, a careful review of regional

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54   Noella N. Mbotiji, 'An impact assessment of Illegal Unreported Unregulated (IUU) fishing in Central Africa as a step towards sustainability in Africa's fishing industry: case study: Cameroon' (M.Sc. Thesis, World Maritime University 2019).

55   ibid.

and national strategies employed to repress piracy in the region highlights that the full and effective implementation of the Code requires both technical know-how and financial muscle. Not only are countries within the region lacking the requisite skills and training to embark on such an ambitious agenda of tackling maritime security challenges in the GoG, but they also lack the financial wherewithal to procure logistics and equipment necessary to tackle maritime challenges in the region. In addition, implementation requires significant legal and institutional adjustments at the national level. Differences in the wealth and capacity of signatories are expected to affect their implementation capabilities at the national level.

Going forward, it is important to note that while there is a concerted approach through the codification of the Yaoundé Code of Conduct 2013, the establishment of ICC and a host of other initiatives, the harmonisation of frameworks at the national level is rather slow. The lack of harmonisation in piracy laws among states stalls any process aimed at deterring piracy. While certain states within the Gulf of Guinea (GoG) possess sufficient assets to conduct effective patrols in their maritime zones, the majority are significantly constrained in their ability to participate in regional maritime security collaboration. This collaboration is deemed essential due to overlapping jurisdictions and the interconnected nature of maritime challenges, which pose threats to neighbouring countries' maritime passages, particularly those located far from coastlines.[56] According to Ali, the operationalization of cooperative maritime security in the GoG faces serious limitations due to the limited capabilities of the states involved.[57] Despite some countries in the region showing promising progress, the Gulf of Guinea remains one of the most perilous areas globally for ships and seafarers.[58]

The examples provided below serve to illustrate the prevalent lack of adequate capability and underscore the necessity for mutual support. According to data from the Military Balance, the disparity between the number of military personnel allocated to the Navy compared to the Army is significant across all countries in the Gulf of Guinea (GoG), and the level of military funding allocated to the Navy is disproportionately smaller compared to the overall defence budgets.[59] Specifically, Nigeria lacks the necessary capabilities to effectively patrol its maritime domain, thereby severely constraining its ability to contribute to regional maritime security cooperation in the

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56   Felix N. Ajeagah, 'Combating Piracy in the Gulf of Guinea: Understanding the Challenges of the Yaoundé Architecture for Maritime Security' (Master's thesis, Naval Postgraduate School 2022).

57   Kamal-Deen Ali, *Maritime Security Cooperation in the Gulf of Guinea: Prospects and Challenges* (Brill 2015).

58   Donald Inwalomhe, 'Maritime Security in the Gulf of Guinea', The Sun (Abuja, 26 August 2019).

59   IISS, 'International Comparisons of Defence Expenditures and Military Personnel', The Military Balance (2022) 122(1).

context of the heightened threats in the region.[60] IISS further observes that the Nigerian Navy suffers from underfunding and limited capability in patrolling its maritime zones.[61] Despite having the largest Navy in the GoG, Nigeria's naval budget consistently ranks as the smallest among the country's three armed services.[62] Despite recent enhancements and procurement efforts aimed at bolstering its counterpiracy capabilities, Nigeria's capacity is reportedly capable of securing its maritime waters up to 200 nautical miles. However, pirates in the GoG have expanded their reach, now posing a threat to commercial shipping well beyond Nigeria's Exclusive Economic Zone (EEZ) (Binnie; Janes, 2021).[63]

Similarly, while Ghana possesses certain assets for patrolling its territorial waters, its capabilities fall short of the expansive operations carried out by pirates.[64] It is widely acknowledged that Ghana faces a higher frequency of piracy incidents compared to terrorist attacks. Nevertheless, the budget allocation for the Ghana Navy significantly lags behind that of other branches of the Armed Forces. Relative to the army, the Ghana Navy commands only 15 percent of military personnel, and it receives a mere 12 percent of the defence budget.[65] Like other countries within the Gulf of Guinea (GoG), Ghana has invested in acquiring assets to counter piracy in the region. Its inventory includes four offshore patrol vessels (OPVs) measuring 58 metres and four fast attack crafts of 47 metres.[66] Since 2014, Ghana has also established radar stations and command-and-control centres along its coastline. However, these capabilities appear insufficient to address Ghana's varied maritime interests, particularly in ensuring security within its Exclusive Economic Zone (EEZ) and safeguarding its offshore oil platforms.[67]

6.1.   Effectiveness of National Response to IUU fishing in the GoG

The varied response from states to halt IUU fishing activities in the maritime domain of the GoG clearly evinces the willingness to fight the menace. However, the various national institution-

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60   Ajeagah (n 56).

61   IISS, '2022 Chapter Nine: Sub-Saharan Africa: Regional Trends' *The Military Balance* (2022) 122(1) 452.

62   'Nigeria: Defense Budget' (2022) Janes <https://customer.janes.com/DefenceBudgets/Guided?view=chart&f=COUNTRY(nigeria)&pg=1&template=> accessed 22 January 2024.

63   Jeremy Binnie, 'Nigerian Navy Inaugurates Falcon Eye Surveillance System (C4ISR)' (15 July 2021) Janes <www.janes.com/defence-news/news-detail/nigerian-navy-inaugurates-falcon-eye-surveillance-system> accessed 24 January 2024.

64   ICC International Maritime Bureau, 'Piracy and Armed Robbery Against Ships: Report for the period 1 January-31 December 2021' (2022).

65   IISS, '2022 Chapter Nine' (n 61).

66   ibid.

67   Ajeagah (n 56).

al and legal frameworks discussed above shows that the response from the national level remains inadequate and weak. IUU fishing in the region is on the ascendancy due to weak national fishery strategies bridled with ambiguous provisions for arresting the menace. In the Liberian case, it is well-documented that the current understanding by fishers of the regulations, or at least the most important ones, are difficult to access and to understand.[68] One sure way to tackle IUU fishing is to build an effective MCS system to ensure rigorous monitoring of vessels and to clamp down on illicit activities. Data in the fishery sector in Cameroon is incomplete, poorly coordinated, and overly centralized with inadequate sharing of information.[69]

There is also an existing gap between international legal frameworks, the regional frameworks, and the national legal and institutional frameworks. Generally, states are obliged to cooperate with competent organizations at the sub-regional, regional, and global levels with the aim of avoiding over-exploitation and of exchanging scientific data for the better management of living resources, as provided in article 61(2) and (5) of the UNCLOS. This obligation, at best, exists on paper at the international level, because fisheries laws in countries such as Cameroon are not in tandem with international principles. All these existing gaps have culminated in the weak security architecture designed and rolled out to combat the maritime security challenges in the GoG.

As stated above, the overall ineffectiveness of the maritime security architecture of the GoG cannot be solely attributed to the legal, institutional, and structural imbalances among member countries but also partly to the language and inherent inadequacies of international frameworks.

7. Realities of the maritime security arrangements of the GoG and the policy implications

In summary, several arrangements exist at the international and regional levels with binding, enforceable provisions that are applicable in the GoG. Most of the key arrangements at the sub regional level, such as the ECOWAS and ECCAS maritime strategies, as well as the Yaoundé architecture, exist without clearly defined binding character, and this affects their enforcement. Notwithstanding, these sub regional arrangements continue to grow in relevance in relation to the governance of the GoG. In this context, therefore, a number of issues should be considered.

First, the two critical maritime strategies in the GoG exist at regional economic communi-

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68　NPOA-IUU (n 50).

69　Mbotiji, 'An impact assessment of Illegal Unreported Unregulated' (n 54).

ty levels. The Constitutive Acts of both ECOWAS and ECCAS enjoin member states to respect, enforce and implement the rules, policies and strategies adopted at the community levels. Even though these may in themselves suffer from the general limitations of the enforcement of treaty obligations and international law, they are still enforceable through the constitutive obligation of member states to respect and implement the policies and strategies. Consequently, the paper takes the position that the dynamics of regimes in the GoG need to be looked at holistically and inclusively to be able to accommodate the realities of the GoG. Second, these strategies should be widely accepted by member states. The reality is that all twenty-five-member states of ECOWAS and ECCAS have signed up to the respective strategies. Additionally, several of the states have in this regard implemented some aspects of the strategies, albeit with limited success. Consequently, these sub-regional strategies continue to influence cooperative actions and the behaviour of these GoG states regardless of the differing levels of success and implementation levels. The absence of rules proscribing wayward conduct may not in themselves be fatal to demonstrate regime formation or effectiveness. As it is with other regime or cooperative arrangements, the costs of noncompliance with collective action or decisions would be the consequences of reputational damage and diminishing trust in future cooperative action.

Another stark reality is that existing frameworks wholly borrowed the definition of piracy and its related activities from recognized international conventions with no necessary modifications to suit the nature of attacks in the GoG. The policy implication is that what may be deemed as piracy within the parlance of international law may not be reflective of the situation in the GoG, thus creating a significant gap between policies on paper and the reality on the ground.

Furthermore, there are multiple institutions at the sub regional level with differing rules, aims and objectives, as well as memberships. The ICC and the Yaoundé Code of Conduct, ECOWAS, ECCAS and MOWCA have the largest support of member states, even though they exist at different levels. Whilst ECOWAS and ECCAS exist at the highest political levels, MOWCA exists at the ministerial level. Again, even though the ICC exists at the highest political level, its mandate is only operational and does not set the rules or engage in policy. Even though the code of conduct in its current form is non-binding, recommendations by the panel of experts from member countries, who undertook its review in 2017, have proposed that the legal text of the code of conduct should be made binding. This would make it enforceable as a binding treaty. Notwithstanding, the operational arrangements proposed by the code of conduct have been mostly implemented by GoG states.

Lastly, the GGC, which has been given the mandate at the highest political level to implement the Yaoundé architecture with ECOWAS and ECCAS, has a membership of nine (9) states and a

limited role in terms of the running of the administrative structures of the ICC.

This cluster of institutions presents, in essence, principles and beliefs of fact, causation and rectitude to guide the behaviour of its members. Additionally, there are norms which are standards of behaviour defined in terms of rights and obligations, as noted in the zonal arrangements under the ICC code of conduct. In terms of rules, while there may be no specific proscriptions, there are prescriptions for action in terms of multilevel cooperative arrangements for information sharing and surveillance. Decision-making procedures that are prevailing practices for making and implementing collective action are also present in the current sub regional arrangements in the GoG.[70]

The issues of maritime security continue to receive attention at the GoG and international levels, and this increased what Krasner calls "issue density".[71] For Krasner, this would lead to greater demand for international regimes and, in this regard, a sub-regional regime. Since the issues of maritime insecurity have national, sub regional and international repercussions, it presents a situation of high interdependence that forges a link between interdependence and international regimes. The fragmented institutional interplay speaks to an emerging regime, regime clusters or complex in the GoG, and the literature and academic views on regimes would have to be applied broadly in the GoG to explain the realities of the region.

This view is supported by the conclusions of a dialogue published by the Friedrich-Ebert-Stiftung foundation.[72] Giessen also argues that a regime is a complex set of governance arrangements that are more or less loosely linked together, sometimes reinforcing each other but at other times overlapping and conflicting.[73] The existing GoG arrangements sometimes overlap and conflict with each other in dealing with issues of insecurity but are also able to reinforce each other and facilitate cooperation, as demonstrated by the Yaoundé architecture.

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70   Stephen D. Krasner, *Structural conflict: The Third World against global liberalism* (University of California Press 1985).

71   Stephen D. Krasner, 'Structural Causes and Regime Consequences: Regimes as Intervening Variables' (1982) 36 International Organization 185.

72   Friedrich-Ebert-Stiftung, 'A comprehensive regime for maritime security in the Gulf of Guinea' (2014) <www.fes-westafrica.org> accessed 26 January 2024; Robert O. Keohane R. and David G. Victor, 'The regime complex for climate change' (2011) 9 Perspectives on Politics 7.

73   Lukas Giessen, 'Reviewing the main characteristics of the international forest regime complex and partial explanations for its fragmentation' (2013) 15 International Forestry Review 60.

8. Conclusion

Despite the importance of the GoG, it has endured serious maritime instability as well as insecurity from weak governance, meaning that proper management through laws and strengthened institutional arrangements are needed to realize the blue economy.

Given the acknowledged importance of the blue economy to the realization of the development goals of GoG states, a critical assessment of the nature of, and the interface between, regional and national responses towards dealing with insecurity within the region is necessary.

This article has sought to critically evaluate the effectiveness of regional and national responses towards maritime security in the region.

The evaluation has shown that the legal and institutional arrangements at the global level have been cast to reflect binding regime arrangements. However, the trend among sub-regional arrangements to emulate international agreements by adopting non-binding language is concerning. These can be explained from two angles. First, states in the sub region are sceptical due to the state centric security posture they adopt, especially in relation to information sharing and erosion of their border controls. On the other hand, most states are sea blind about the significance of these arrangements in terms of the realization of the blue economy, hence they are not willing to invest their resources in the potential of the sea.

Notwithstanding the non-binding nature of these arrangements regarding the GoG, they are highly subscribed to by major regional players. Even though these emerging arrangements do not fit into the regime theory as formulated by Krasner, they constitute a cluster when the net effects of all sub-regional arrangements are considered together, as they reinforce one another in ways leading to a regime cluster or complex.

While this article contributes to our understanding of the importance of the existing maritime security arrangements, particularly national responses, given the non-binding nature of key regional efforts, further research is needed to understand how to move from a cluster of arrangements into a binding regime complex.