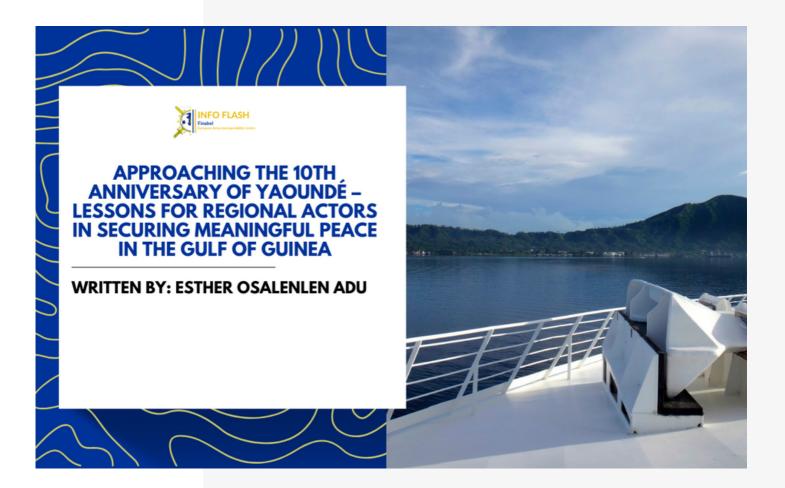**APRIL 2023**

APPROACHING THE 10TH ANNIVERSARY OF YAOUNDÉ – LESSONS FOR REGIONAL ACTORS IN SECURING MEANINGFUL PEACE IN THE GULF OF GUINEA

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Abstract

As we are approaching the tenth anniversary of the Yaoundé Code of Conduct (hereinafter "the Code") and its Architecture, it is fitting that we take stock of their impact on maritime security and safety in the Gulf of Guinea (hereinafter "the Gulf"). The Code is a multilateral maritime security framework that coordinates State and regional involvement in combatting piracy, kidnapping and robbery in the Gulf of Guinea (Code, 2013, p. 1). It gathers coastal states from Senegal to Angola, members of the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS), and the Gulf of Guinea Commission (GGC) (Egede 2021, p.374). To complement this strategy, the EU adopted its maritime security strategy in 2014, which sought to enhance the Code's implementation and compliance (EU External Actions Service 2021). This is further supported by other initiatives by international partners such as the G7++ Friends of Gulf of Guinea (FoGG), the International Maritime Organization (IMO), the United Nations Office on Drugs and Crime (UNODC) and the International Criminal Police Organization (INTERPOL) (Côrte-Real 2022, p.69). Together, these regional initiatives demonstrate the increasing strategic importance of this maritime route, for coastal states, the greater West African region and internationally. In considering this, this paper will provide a brief overview of the impact of these regional initiatives, most notably the Code and the Architecture, and provide some recommendations coastal states and their partners should consider as we approach the 10th anniversary in June 2023.

The Current State of Play

The Gulf of Guinea's centrality, both present and future, in Africa's economic activity cannot be overstated. The Gulf hosts "20 commercial ports and 25% of all maritime trade in Africa" (Arfin & Juned, 2023, p.111). This figure is set to rise in the coming decades. It is therefore clear that a comprehensive security architecture is necessary to secure the region's critical assets and to address the underlying causes of the rise of illicit activities in the Gulf. This notion was recognised by more than 25 heads of State through the introduction of the Yaoundé Code of Conduct in June 2013 (Maritimes Crimes, 2022). The subsequent establishment of the Yaoundé Architecture created an inter-regional and cooperative framework that aimed to address maritime piracy, terrorism, and overfishing. The urgency for such action was captured by the mounting economic costs the region incurs each year due to these illicit activities, conservatively estimated at $1.9 billion (UN Security Council, 2022).

The EU adopted its maritime security strategy in 2014 to enhance compliance with the Yaoundé architecture (EU External Actions Service 2021). Subsequent initiatives by the G7, IMO, UNODC and INTERPOL began to focus on information sharing and capacity training (Côrte-Real, 2022, p. 69). In addition, States have also enhanced their compliance with the Code by instituting domestic initiatives, such as Nigeria, which adopted the Suppression of Piracy and Other Maritime Offence (POMO) Act in 2019 (Enebeli & Njoku, 2021, p. 57). This Act formed the basis by which domestic courts can effectively prosecute individuals or groups for their illicit activities within Nigeria's territorial and international waters (International Maritime Bureau, 2022). These frameworks and initiatives collectively indicate that the threat of persistent maritime insecurity in the Gulf has captured the attention of regional and international actors. But what has been the actual impact in reducing these illicit activities?

According to recent reports by the International Maritime Bureau, incidents of "piracy and armed robbery decreased by 77%" (International Maritime Bureau, 2022; Arfin & Juned, 2023, p. 116). Furthermore, kidnapping for ransom decreased from 123 to 45 in 2021" (UN Security Council, 2022). And as a first, Nigeria and Togo have successfully convicted individuals for criminal charges linked to piracy (UN Security Council, 2022). Indeed, these positive developments demonstrate Yaoundé Architecture's dividends and coastal states' commitment to tackle illicit activities in the Gulf. That said, more concerted efforts are needed to translate these efforts into a robust maritime security strategy that entrenches peace and stability in the region. This means that coastal states and international partners should increase their attention to the interoperability of these overlapping regimes and the full implementation of the Code, as both remain elusive. This is concerning as the drastic decline of illicit activities in the Gulf indicates that criminal networks may have changed tactics or focused on other 'hotspots' around Lake Chad or the greater Sahelian region (UN Security Council, 2022; Pouya, 2023). These realities must be considered as we rethink the broader maritime security architecture for the Gulf of Guinea.

Coordination is Key

Undoubtedly, the Yaoundé Architecture has contributed to reducing illicit activities in the Gulf, but this

has yet to translate into an effective maritime security architecture that deters malign actors from committing these illicit activities in this critical maritime route. As has been hinted, increasing evidence indicates that the reduction of illicit activities may be partly attributed to a shift in the tactics amongst criminal networks (UN Security Council, 2022). For instance, they could be exploiting existing regional hotspots in the Lake Chad region or persistent boundary issues amongst coastal states. Interestingly, these boundary issues within the notion of state sovereignty are evident in the Code's wording (Yücel, 2021). For example, Article 2 of the Code emphasises that all measures to combat maritime crimes must be "consistent with the   principles of sovereign equality and territorial integrity... and non-intervention in the domestic affairs of other States" (Code, 2013, p. 5). This demonstrates that any regional and international engagement will be viewed through these legitimate principles of state sovereignty. Therefore, the efficacy of the Yaoundé Architecture lies in acknowledging these principles as we are rethinking what tools or measures are needed to achieve the underlying goals of this architecture – effectively combatting illicit activities in the Gulf of Guinea. If we do not, we risk entrenching these tensions into a permanent impasse, thus reducing the likelihood of achieving any meaningful change in the Gulf.

Having said that, concrete developments signal a firm resolve amongst coastal states and their partners to build a robust maritime security architecture. Recently, Nigeria launched the Deep Blue Project, a $195 million maritime security platform that aims expand its naval capabilities, including "inter-navy cooperation under the Yaoundé Architecture." (UN Security Council, 2022). Similarly, in November 2022, Ghana, Benin, Burkina Faso, Ivory Coast, Mali, Niger, and Togo launched the Accra Initiative, establishing a shared strategic vision for combatting extremism and terrorism (Pouya, 2023). One of its objectives includes "opening up to other countries in the sub-region" (Pouya, 2023). Whilst the Initiative is focused on land-based threats linked to Mali and the Sahel, it is likely that it will be expanded to the maritime sphere to disrupt criminal networks that supply terrorist cells with weaponry and relevant resources. Equally so, international partners, such as Denmark, France, Italy, Portugal, Spain, Brazil, Canada, India, Morocco, the UK, and the USA, have increased their naval presence under the EU's Coordinated Maritimes Presences initiative (UN Security Council, 2022). So, we begin to see these overlapping initiatives that aim to enhance compliance with the Yaoundé Architecture.

These are promising developments, but if a robust security architecture is to be created then the dividends of these initiatives must be aligned with the Yaoundé Architecture. This framework's efficacy is undermined when compliance among its signatories is inconsistent. For instance, only one-third of the signatories have enacted legislation that criminalises illicit activities in the Gulf (UN Security Council, 2022). Such apathy undermines any concerted efforts to combat such activities through naval patrols, as even if arrests are made, there is no guarantee that this will lead to convictions. So, again we see evidence of the absence of a common view, amongst its signatories, on threat perceptions related to illicit activities in the Gulf. It thus places the onus on signatories to Yaoundé to focus on this gap if they are committed to building a robust maritime security architecture that proactively deters such illicit activities. To address this, the focus should be on enhancing cooperation amongst all relevant parties to enable these overlapping initiatives and regimes to be interoperable in accordance with the existing capacities of coastal states. This means a greater emphasis on knowledge sharing, joint naval patrols, training, and capacity-building in partnership with regional and international partners. This communal approach will contribute to building an organisational culture of trust, and

eventually, transnational coordination (Yücel 2021, p. 155).

That said, greater efforts should be made to make the Code a legally binding framework to incentivise engagement amongst civil society groups and commercial maritime actors. It could provide a legal avenue for such actors to hold coastal states accountable through the local court system. Besides, there is scope to increase interactions between relevant stakeholders in the shipping and insurance sectors and Multinational Maritime Coordinating Centres (MMCC). At present, these actors remain disaggregated from the evolving security apparatus due to a lack of trust in these MMCCs and regional institutions (Anabia-Tiah, 2022, p. 57). This should be addressed if coastal states seek to tackle knowledge gaps on maritime insecurities that hamper efforts to develop shared situational awareness in these MMCCs.

In sum, these recommendations serve to anchor the successes of the Yaoundé Architecture by attempting to transform the framework into a proactive deterrence instrument that is supported by a robust maritime security framework. In time, this will enable coastal states and their partners to focus on instituting non-military tools to combat the underlying factors that contributed to maritime and cross-border insecurities in the Gulf and the greater West African region (Côrte-Real, 2022, p.70).

The Role of Regional Actors and Beyond

Notwithstanding the current gaps within the Yaoundé Architecture, it still presents itself as a robust framework that coordinates regional actors in effectively tackling maritime insecurities in the Gulf. If fully implemented, its signatories will be one step closer to reaching this objective. The analysis shows that there is a shared understanding of the threat of illicit activities, such as piracy and armed robbery, in the Gulf. However, it is unclear whether this has translated to a shared strategic vision, thus situational awareness, on the requisite tools and commitment needed to effectively eradicate and deter such activities in the Gulf. And it is this rift that must be addressed in the following months to attain ownership amongst coastal states to create a robust maritime security strategy that ensures lasting peace and stability in this critical maritime route. Why? Its success will determine the efficacy of subsequent maritime security frameworks that aim to protect strategic assets along Africa's vast coastal waters to propel the African Union's vision of an integrated African Blue Economy (ADF, 2023).

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