



## A socio-legal analysis of transnational organized crimes in the Gulf of Guinea: Assessing legal frameworks and governance challenges

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### Abstract

The Gulf of Guinea occupies a strategic position in global maritime trade and serves as a major source of petroleum resources, fisheries, and international shipping routes. Despite its economic significance, the region has become increasingly vulnerable to a wide range of transnational maritime crimes, including piracy, armed robbery at sea, illegal, unreported and unregulated (IUU) fishing, oil theft, drug trafficking, human trafficking, illicit arms trafficking, and marine pollution. These crimes pose serious threats to regional security, economic development, environmental sustainability, and the livelihoods of coastal communities. This study examines the nature and extent of transnational maritime crimes in the Gulf of Guinea and critically analyses the effectiveness of existing international, regional, and national legal frameworks designed to address these challenges. Particular attention is paid to the United Nations Convention on the Law of the Sea (UNCLOS), the United Nations Convention against Transnational Organized Crime (UNTOC), the Yaoundé Code of Conduct, the ECOWAS Integrated Maritime Strategy, ECCAS maritime initiatives, and selected national legal regimes. The study identifies major impediments to an effective regional response, including legal fragmentation, inadequate criminalization of maritime offences, weak maritime enforcement capabilities, corruption, poor information sharing, and ineffective regional coordination mechanisms. The paper argues that the transnational nature of maritime crimes necessitates a harmonized legal and institutional approach among Gulf of Guinea states. It concludes by proposing comprehensive legal reforms, enhanced intelligence sharing, strengthened operational cooperation, and sustainable funding mechanisms as essential measures for achieving long-term maritime security and stability in the region.

**Keywords:** UNCLOS, UNTOC, piracy, IUU, drug trafficking, human trafficking

### Introduction

The Gulf of Guinea is one of the most strategically important maritime regions in the world. Stretching along the western coast of Africa from Senegal to Angola, the region serves as a vital maritime corridor for international trade and energy transportation. The Gulf is endowed with abundant natural resources, including vast reserves of crude oil, natural gas, fisheries, and valuable minerals. It contributes significantly to global energy supply, accounting for a substantial percentage of Africa's petroleum production and serving as an important source of crude oil exports to Europe, North America, and other parts of the world. Notwithstanding its economic importance, the Gulf of Guinea has emerged as a hotspot for transnational maritime crimes. Over the past two decades, the region has experienced a significant increase in piracy, armed robbery at sea, illegal oil bunkering, illicit trafficking of drugs and persons, illegal fishing activities, arms smuggling, and environmental crimes. These criminal activities have negatively impacted maritime commerce, threatened regional stability, undermined economic development, and weakened state authority within coastal states <sup>[1]</sup>. The transnational character of these crimes presents unique challenges to law enforcement agencies and policymakers. Criminal networks frequently exploit porous maritime borders, jurisdictional limitations, weak institutional capacities, and inconsistencies in national legal frameworks to evade detection and prosecution <sup>[2]</sup>. Despite the gravity of this crisis, the international and regional responses have often been disjointed and insufficient. The primary legal

instrument governing maritime crime, the United Nations Convention on the Law of the Sea (UNCLOS), provides a robust framework for combating piracy, but its effectiveness is severely limited by a definitional paradox. UNCLOS defines piracy as an act committed on the "high seas," leaving a vast and vulnerable gap in jurisdiction for the majority of attacks that occur within a nation's territorial waters <sup>[3]</sup>. This jurisdictional fragmentation is compounded by a profound lack of legal harmonization among the littoral states <sup>[4]</sup>. While some countries may have specific laws on oil bunkering or kidnapping, their neighbors may not, creating legal safe havens for criminals to operate with impunity. To address this challenge, the states of the Gulf of Guinea have taken a crucial first step. They have provided a code of conduct which represents a landmark effort to establish a framework for regional cooperation on maritime security <sup>[5]</sup>. It laid out a vision for coordinated action, information sharing, and capacity building. However, the code of conduct's greatest strength—its status as a non-binding instrument—is also its greatest weakness <sup>[6]</sup>. Without a clear mechanism for enforcement or a legal mandate to compel compliance, the Code's aspirations have often been stymied by a lack of political will, insufficient funding, and persistent trust deficits among nations. The regional maritime security centers established under its framework are a testament to the desire for collaboration, but their effectiveness is too often hindered by delayed intelligence, bureaucratic inertia, and an inability to conduct joint operations seamlessly. This paper argues that the enduring maritime insecurity in the Gulf of Guinea is fundamentally a

result of a legal and institutional failure to match the scale and sophistication of the criminal threat. A fragmented approach, based on an outmoded legal framework and hindered by cooperation deficits, is simply no longer viable. The pathway toward a safer and more stable Gulf of Guinea lies not in isolated naval patrols or reactive measures, but in the forging of a new, cohesive, and legally binding regional strategy. This paper examined the adequacy of existing legal frameworks, analyzing the strengths and limitations of international, regional, and national laws. The paper also dissected the key challenges that impede effective law enforcement and cooperation, including jurisdictional fragmentation, a lack of legislative harmonization, and critical enforcement capacity deficits. Ultimately, through an indepth legal analysis and an assessment of current regional cooperation efforts, this paper advocated for a new paradigm centered on three core pillars: stronger legislative alignment, improved information-sharing mechanisms, and enhanced operational coordination.

### **Transnational Maritime Crimes in the Gulf of Guinea**

The Gulf of Guinea, also known in French as *Golfe de Guinée* and Spanish as *Golfo de Guinea*, is the northeastern most part of the tropical Atlantic Ocean from Cape Lopez in Gabon, north and west to Cape Palmas in Liberia<sup>[7]</sup>. Null Island, defined as the intersection of the Equator and Prime Meridian (zero degrees latitude and longitude), is in the gulf<sup>[8]</sup>. The Gulf of Guinea located at the West coast of Africa holds importance both geographically and geopolitically. Stretching from Senegal to Angola, it covers approximately 6000 km of coastline and is home to 19 countries<sup>[9]</sup>. The Gulf of Guinea holds rich historical significance dating back to ancient times. From the 15th to the 19th century, European maritime powers vied for control over coastal territories to exploit the vast resources found in the region, and established trading routes and forts along the coast, transforming the region into a crucial hub for trade. In the late 20th century, the region further attracted global interest not only due to its strategic location for global investment and transportation but also, more importantly, because of its natural resources, such as diamonds, gold, iron ore, and oil<sup>[10]</sup>. Approximately, 70% of Africa's oil output is situated in the Gulf of Guinea, which is home to major oil-producing nations<sup>[11]</sup>. The region holds an estimated 50 billion barrels of oil, about 5% of the world's reserves, and has also become crucial to the global oil market, shifting from neglect to a significant geopolitical focus in recent years<sup>[12]</sup>. In 2011, the region contributed significantly to the global oil market, with its oil supply constituting 40% of the European Union (EU) and 29% of the United States (US) total petroleum usage for that year. Notably, Angola and Nigeria were the two main drivers of this supply, responsible for 34% and 47% of the region's total oil output respectively<sup>[13]</sup>. The Gulf of Guinea is not only of strategic importance to the international system. Oil from the region satisfies some portions of global consumption, while the Gulf itself serves as a superhighway for the ships conveying goods to the international market in North America and Europe. The region is a major import market for global goods and services because of its growing population of about 417.6 million people, which is expected to account for 25 percent of the global population by 2050. In 2021, the collective GDP of the region reached US \$866.343 billion, comprising approximately 45% of the entire sub-Saharan Africa's

economic output<sup>[15]</sup>. However, despite the region's importance and affluence, the Gulf of Guinea has become a danger zone where maritime trade in the short-term and the stability of the coastal states in the long-term are perilously under severe threat. While the majority of the threats and crimes dwell more on piracy, it is in no way the only organised crime festering within the Gulf. The other crimes include crude oil theft otherwise known as illegal oil bunkering, massive importation of fake pharmaceuticals and psychotropic drugs, increasing arms and human trafficking, illegal, unauthorised and unregulated (IUU), fishing and marine pollution to name a few<sup>[16]</sup>. Nonetheless, the flow of threats and vulnerabilities between land and sea across the Gulf draws attention to the challenges of inadequate maritime governance, lack of sustainable maritime law enforcement and lack of legal harmonization among nations covered within the region towards a more coordinated regional response.

### **1. Piracy and Armed Robbery against Ship in the Gulf of Guinea**

Piracy and armed robbery in the Gulf of Guinea escalated around 2005, concurrently with the rise of insurgency in southern Nigeria's Niger Delta region<sup>[17]</sup>. The Gulf of Guinea has since become a global piracy hotspot, with piratical activities escalating significantly in both scale and violence in recent years. Piracy is a century-old maritime crime that continues to pose a significant threat to global trade, regional safety, and national sovereignty, particularly in regions such as the Gulf of Guinea. Piracy has evolved from its historical image of rogue sea bandits to a more organized and violent criminal enterprise involving sophisticated tactics and transnational criminal networks. Within some countries like the Nigerian maritime domain, piracy is not only a threat to shipping and commerce but also a reflection of border governance and security challenges. The legal definition of piracy is internationally codified under the United Nations Convention on the Law of the Sea 1982 (UNCLOS), which defines piracy as: Any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship...on the high sea, against another ship or aircraft, or against persons or property on board such ship or aircraft<sup>[18]</sup>. Piracy is an act of robbery or criminal violence by ship or boat-borne attackers upon another ship or a coastal area, typically with the goal of stealing cargo and other valuable goods<sup>[14, 19]</sup>. Maritime armed robbery at the Gulf of Guinea represents a critical security challenge that has earned the region the unfortunate reputation as the world's hotspot for maritime crime. Unlike piracy, which by international legal definition occurs on the high seas, armed robbery at sea typically takes place within a nation's territorial waters or ports. According to the International Maritime Organization (IMO), armed robbery against a ship is "Any unlawful act of violence or detention...committed for private ends against a ship or against persons or property on board such ship, within a State's internal waters, archipelagic waters and territorial sea"<sup>[20]</sup>. Unlike piracy, which by international legal definition occurs on the high seas, armed robbery at sea typically takes place within a nation's territorial waters or ports. This distinction is crucial as it places the primary responsibility for response and prosecution on the coastal states themselves, many of which lack the necessary naval

and judicial capacity. The significance of this distinction is particular in Nigeria, where most maritime crimes occur within the country's territorial waters and thus fall outside the strict UNCLOS definition of piracy. The UNCLOS definition which empathizes particularly on illegal acts of violence...committed in the high sea, is widely accepted in international law but has been criticised for its restrictive application, particularly the requirement that piracy occur on the high seas and must involve two ships (the pirate and the victim ship), thereby excluding most acts of maritime violence within a state's territorial waters<sup>[21]</sup>. Scholars have also contributed to the conceptual discourse. Guifoyle argues that the international definition of piracy under UNCLOS is outdated and inadequate to address the modern realities of maritime crime, especially in regions where jurisdictional complexities hinder enforcement efforts<sup>[22]</sup>. He suggests that national laws must supplement international law to ensure practical prosecution of maritime offenders within domestic courts<sup>[23]</sup>. The drivers of the crime of armed robbery at sea are complex and deeply rooted in socioeconomic and political issues. High rates of poverty and youth unemployment in coastal communities, particularly in the oil-rich Niger Delta, provide a ready pool of recruits for criminal gangs. These groups are often linked to illegal bunkering and oil theft, which fund their operations and fuel a black market economy. The prevalence of weak governance and corruption further exacerbates the problem, with some criminal activities occurring in collusion with state officials, making effective law enforcement extremely difficult. While international efforts have been made, such as naval patrols and capacity-building initiatives, the fragmented legal frameworks and jurisdictional gaps across the region remain a significant challenge. The lack of a harmonized legal approach allows criminals to escape justice by simply crossing into a neighboring country's waters. Combating this threat requires a coordinated regional response that not only enhances maritime patrol capabilities but also addresses the underlying drivers of crime and strengthens the legal and judicial systems to ensure perpetrators are brought to justice.

## **2. Illegal, Unreported, and Unregulated (IUU) Fishing in the Gulf of Guinea**

In the Gulf of Guinea, Illegal, Unreported, and Unregulated (IUU) fishing is a major problem with devastating economic and environmental consequences<sup>[24]</sup>. It is estimated that the region loses over \$2 billion annually from IUU fishing<sup>[25]</sup>. This practice undermines the economies of coastal states by draining valuable resources, depriving them of revenue from fishing licenses and taxes, and undercutting legitimate, regulated fisheries. This leads to economic losses and food insecurity for local communities<sup>[26]</sup>. Environmentally, IUU fishing contributes significantly to the overexploitation of marine resources. The use of illegal fishing gear and unsustainable practices destroys habitats, harms protected species, and leads to a decline in fish stocks. This ecological damage threatens the long-term health of the marine ecosystem and reduces the viability of fishing for future generations<sup>[27]</sup>. IUU fishing also acts as a precursor or facilitator for other maritime crimes. The economic hardship caused by depleted fish stocks can push unemployed fishermen towards more lucrative illegal activities, such as piracy and armed robbery at sea<sup>[28]</sup>. IUU vessels themselves are often used by criminal networks for other illicit

purposes, including human smuggling, drug trafficking, and weapons smuggling, leveraging their presence in international waters to avoid detection. One of the main issues of IUU is that a lot of the fish that is caught in the Gulf of Guinea is fish that is unreported when caught. This causes overfishing and overfishing causes depleting fisheries all around the region<sup>[29]</sup>. IUU fishing also becomes a severe issue in the region because it allows fishermen to fish in vessels that are not nationally regulated or managed<sup>[30]</sup>. There have been many reports of forced labor at sea in the Gulf of Guinea on illegal fishing boats. The Environmental Justice Foundation reports that through their studies they found that some fishermen and immigrant workers have been forced to work on fishing boats in the Gulf of Guinea for months at a time without access to land<sup>[31]</sup>. Some of these workers were deployed to sea each day in canoes and in the night where they were forced to return to the mother ship to unload fish. Many illegal fishing boats have operated like this for many years and the workers are often contracted for two years at a time, with no chance to visit home or at times even land in general<sup>[32]</sup>. Thus, the lack of effective monitoring and enforcement of IUU fishing through a harmonized and coordinated regional response creates a permissive environment for organized crime to flourish.

## **3. Illegal Bunkering and Oil Theft in the Gulf of Guinea**

In the Gulf of Guinea, particularly in Nigeria's oil-rich Niger Delta, illegal bunkering and oil theft have evolved from a low-level crime into a sophisticated, multi-billion dollar illicit enterprise<sup>[33]</sup>. This criminal activity involves the siphoning of crude oil from pipelines and wellheads, often with the use of makeshift hoses and barges<sup>[34]</sup>. The stolen oil is then sold on the international black market or refined in illegal, makeshift refineries scattered throughout the mangroves<sup>[35]</sup>. This practice is a major source of revenue for criminal networks, allowing them to finance other illicit activities such as arms trafficking and drug smuggling<sup>[36]</sup>. The economic and human consequences are devastating. For the nations involved, the theft of oil represents a massive loss of national revenue, undermining the government's ability to fund essential services like healthcare, education, and infrastructure. It cripples the national economies of these states and creates a parallel, illicit economy that operates beyond the reach of state control<sup>[37]</sup>. For local communities, the impact is even more immediate and profound. The constant rupturing of pipelines leads to severe environmental degradation, causing catastrophic oil spills that pollute rivers, destroy farmlands, and decimate fishing stocks. This not only threatens the health of residents but also strips away their traditional livelihoods, pushing them deeper into poverty and, ironically, making them more vulnerable to being recruited into the very criminal networks that are destroying their homes. The cycle of crime, environmental destruction, and poverty is a brutal reality that defines the daily lives of countless people in the region.

## **4. Drug and Human Trafficking in the Gulf of Guinea**

The Gulf of Guinea serves as a critical transit hub for illicit narcotics and as a major route for human smuggling, largely due to its strategic location and a host of underlying vulnerabilities<sup>[38]</sup>. The region's extensive, poorly policed

coastline, coupled with weak governance and institutional corruption, creates a perfect storm for criminal networks to operate with relative ease. The Gulf of Guinea is a primary maritime corridor for cocaine trafficking from South America to Europe. Powerful transnational criminal organizations, including Latin American cartels and West African networks, have established sophisticated logistical chains. Cocaine is transported by sea, often concealed in container ships, fishing trawlers, or even smaller, faster vessels. Once it reaches West African ports like those in Ghana, Benin, and Nigeria, it is then moved overland through the Sahel or via air couriers to European markets. This illicit trade generates enormous profits, which criminal groups use to finance other activities, including the acquisition of weapons and the payment of bribes to corrupt officials<sup>[39]</sup>. In addition to narcotics, the Gulf of Guinea is a significant nexus for human smuggling and trafficking<sup>[40]</sup>. Migrants, often lured by the promise of work or a better life, are exploited by criminal networks<sup>[41]</sup>. These routes facilitate both intra-regional and extra-regional trafficking. Victims, including men, women, and children, are transported through West Africa to North Africa before making the perilous journey across the Mediterranean Sea to Europe. The criminal networks involved are highly organized, leveraging local contacts and exploiting porous borders to move people across multiple countries<sup>[42]</sup>. The money generated from this illicit trade is often used to fuel other criminal enterprises, from arms trafficking to drug smuggling.

## **5. Illicit Arm Trafficking and Waste Dumping in the Gulf of Guinea**

Beyond the high-profile crimes of piracy and oil theft, the Gulf of Guinea is grappling with other, less visible but equally damaging threats. These emerging crimes not only destabilize the region but also often serve as a backbone for more notorious criminal activities. The Gulf of Guinea has become a key maritime corridor for illicit arms trafficking. Criminal networks exploit the region's porous maritime borders and weak law enforcement to Smuggle Small Arms and Light Weapons (SALW). These weapons are funneled to non-state actors, including violent extremist groups, militias, and criminal gangs operating both at sea and on land. The flow of illegal weapons fuels conflict, exacerbates instability, and enhances the firepower of pirate gangs, making maritime attacks more frequent and violent. This threat is particularly concerning as it directly links maritime insecurity with broader regional instability in the Sahel and West Africa. Another growing issue is the illegal dumping of waste, which includes both general solid waste and hazardous materials. The Gulf of Guinea faces a significant problem with marine litter, especially plastics, which pollute coastlines and harm marine life. More insidiously, some Western countries have used the region as a dumping ground for toxic and electronic waste. This practice sometimes referred to as "environmental racism," poses severe health risks to coastal communities that handle the materials without proper protection. It also contributes to long-term environmental degradation, poisoning the water and damaging marine ecosystems. The lack of robust regulations and enforcement makes the Gulf of Guinea a convenient target for this transnational environmental crime.

## **Analysis of Relevant Legal Frameworks**

### **1. National Legal Frameworks**

National legal frameworks in the Gulf of Guinea are a patchwork of laws that vary significantly from one country to another, posing a major obstacle to a coordinated regional response against maritime crime. While some nations have made notable progress, inconsistencies and legal gaps persist, creating what are often referred to as "legal vacuums." Nigeria has emerged as a regional leader in maritime law with the enactment of the Suppression of Piracy and Other Maritime Offences (SPOMO) Act in 2019. This landmark legislation is a critical step because it criminalizes a wide range of maritime offenses that were not previously covered by its criminal code<sup>[43]</sup>. Critically, it explicitly addresses and provides for the prosecution of armed robbery at sea, which, as a domestic crime, falls outside the scope of international anti-piracy conventions. The SPOMO Act has had a significant deterrent effect and has led to several high-profile convictions. Nigeria's legal framework is now seen as a model for other nations in the region. The Suppression of Piracy and Other Maritime Offences (SPOMO) Act 2019 represents Nigeria's first comprehensive legislative attempts to domesticate international legal standards on piracy and other maritime offences. The Act was enacted to fill a significant gap in Nigeria's legal framework, which for decades lacked a specific law criminalising acts of piracy in line with international law obligations, especially those outlined in the United Nations Convention on the Law of the Sea 1982 (UNCLOS). Prior to the SPOMO Act, Nigerian courts were largely constrained in prosecuting piracy because the offence had not been domesticated under Nigerian law, despite Nigeria's ratification of UNCLOS and other relevant treaties<sup>[44]</sup>. The SPOMO Act defines piracy in terms consistent with Article 101 of UNCLOS, which includes any illegal acts of violence, detention, or depredation committed for private ends by the crew or passengers of a private ship against another ship on the high seas. The Act vests jurisdiction in the Federal High Court of Nigeria, irrespective of where the offence occurs, provided the offence affects Nigeria's maritime interests<sup>[45]</sup>. This extraterritorial jurisdiction is in line with the principle of universal jurisdiction, allowing Nigerian courts to try piracy committed even beyond territorial waters<sup>[46]</sup>. A landmark prosecution under the SPOMO Act was seen in *Federal Republic of Nigeria v Binaebi Johnson & Ors*<sup>[47]</sup>, where the Federal High Court sitting in Port Harcourt convicted three pirates for hijacking the vessel *MV Elobey VI*. This marked the first conviction under the Act, demonstrating its effectiveness in addressing long-standing issues of impunity. Justice Mohammed Sani held that the prosecution had proved its case beyond reasonable doubt and imposed fines in accordance with Section 3 of the Act. Furthermore, the SPOMO Act is not limited to piracy but also criminalises other maritime offences such as armed robbery at sea, hijacking of ships, and maritime terrorism<sup>[48]</sup>. Its adoption is also indicative of Nigeria's commitment to international obligations under the Convention or the Suppression of Unlawful Acts Against the Safety of Maritime Navigation SUA(Convention), which requires states to criminalise and prosecute acts that threaten maritime security<sup>[49]</sup>. Despite its innovative features, the SPOMO Act faces challenges in implementation. These include operational limitations of maritime enforcement

agencies, lack of inter-agency cooperation, and logistical constraints in surveillance and prosecution<sup>[50]</sup>. Some scholars have also critiqued the ambiguity of certain provisions, such as the distinction between piracy and armed robbery within territorial waters, and the heavy reliance on prosecutorial discretion<sup>[51]</sup>. Nonetheless, the Act has significantly improved Nigeria's legal capability to address maritime piracy, and its effectiveness is steadily becoming apparent with increased convictions and cooperation with international partners such as the International Maritime Organisation (IMO) and INTERPOL<sup>[52]</sup>. Ghana's legal framework is a mix of its criminal code and specific maritime security legislation, such as the Ghana Maritime Security Act of 2004. While these laws provide a basis for maritime law enforcement, they are generally less comprehensive and explicit in addressing the full range of transnational crimes compared to Nigeria's SPOMO Act. Ghana's laws have been primarily focused on implementing international codes like the International Ship and Port Facility Security (ISPS) Code for port security<sup>[53]</sup>. The code is mandated by the Ghana Maritime Security Act, 2004 (Act 675), which provides the legal framework to implement the IMO's ISPS Code and enhance maritime security<sup>[54]</sup>. The Ghana Maritime Authority (GMA) is responsible for enforcing these regulations, ensuring that Ghanaian ships and port facilities meet the security standards required for international trade and to deter threats to the maritime industry<sup>[55]</sup>. The country has a functioning legal system, but the absence of a single, modern anti-piracy law can complicate prosecution. The legal framework in Côte d'Ivoire is still catching up to the evolving nature of maritime crime. While the country is a signatory to international conventions, its domestic laws are often outdated and may not align with international best practices. A primary challenge is that its criminal code may not contain specific provisions to fully prosecute all aspects of mod The ability of states in the Gulf of Guinea to mount an effective and coordinated response to maritime crime is significantly constrained by a combination of legal, operational, institutional, and political challenges. These obstacles continue to create vulnerabilities within the region's maritime security architecture, allowing criminal networks to exploit existing weaknesses and undermine collective efforts aimed at securing the Gulf of Guinea.

## **2. International and Regional Legal Frameworks**

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

The United Nations Convention on the Law of the Sea (UNCLOS) is widely regarded as the principal international legal framework governing the use and management of the world's oceans. Often described as the "Constitution for the Oceans," UNCLOS establishes the rights and obligations of states in various maritime zones and provides the foundational legal framework for maritime activities, including the suppression of piracy and other unlawful acts at sea<sup>[56]</sup>. One of the most important contributions of UNCLOS to maritime security is the establishment of a universal obligation for states to cooperate in the repression of piracy. The Convention provides that all states shall cooperate to the fullest possible extent in combating piracy on the high seas or in any place beyond the jurisdiction of any state<sup>[57]</sup>. This provision creates a collective responsibility among nations to address piracy irrespective

of their direct national interests<sup>[58]</sup>. Part VII of UNCLOS contains the core legal definition of piracy. According to the Convention, piracy consists of illegal acts of violence, detention, or depredation committed for private ends by the crew or passengers of a private ship or aircraft against another ship, aircraft, persons, or property on the high seas or in areas outside the jurisdiction of any state. The Convention also extends the definition to include acts of voluntary participation in pirate activities as well as acts of incitement or intentional facilitation of piracy. A significant feature of the UNCLOS anti-piracy regime is the principle of universal jurisdiction. Under this principle, any state may seize a pirate ship or aircraft on the high seas, arrest the persons involved, and prosecute them in its domestic courts regardless of the nationality of the offenders or victims. This principle reflects the international community's recognition of piracy as a crime of universal concern requiring collective action. Despite its importance, UNCLOS has several limitations in addressing contemporary maritime security challenges. The most notable limitation is its narrow geographical definition of piracy, which confines the offence to acts committed on the high seas or in areas beyond national jurisdiction<sup>[59]</sup>. Consequently, similar criminal acts occurring within a state's territorial waters are excluded from the definition of piracy and are instead classified as maritime armed robbery<sup>[60]</sup>. Such offences fall under the exclusive jurisdiction of the coastal state concerned. This distinction poses significant enforcement and prosecution challenges. For example, when an attack occurs within a state's territorial sea, foreign naval forces cannot lawfully intervene without the consent of the coastal state. The limitation is particularly problematic in the Gulf of Guinea, where most maritime attacks, kidnappings, and robberies occur within territorial waters and anchorages rather than on the high seas. As a result, the UNCLOS framework often proves inadequate in addressing the predominant forms of maritime crime in the region, leaving responsibility to coastal states that may lack sufficient resources, legal frameworks, or institutional capacity to effectively combat such offences.

### **2.2 The United Nations Convention against Transnational Organized Crime (UNTOC)**

While UNCLOS provides the primary legal framework for addressing piracy, it is insufficient to deal with the broader range of transnational criminal activities prevalent in the Gulf of Guinea. Consequently, the United Nations Convention against Transnational Organized Crime (UNTOC), commonly referred to as the Palermo Convention, serves as a complementary international instrument for combating organized criminal networks operating across national boundaries. Adopted by the United Nations General Assembly on 15 November 2000 and entering into force on 29 September 2003, UNTOC represents the international community's commitment to addressing the growing threat of transnational organized crime. The Convention was specifically designed to facilitate international cooperation in the prevention, investigation, and prosecution of organized criminal activities that transcend national borders. Over time, it has become one of the most widely ratified international criminal law instruments and remains a cornerstone of global efforts against organized crime. Unlike UNCLOS, which focuses primarily on piracy, UNTOC addresses the

broader organizational structures that facilitate criminal activities. The Convention requires state parties to criminalize participation in organized criminal groups, money laundering, corruption, and obstruction of justice. It also establishes mechanisms for mutual legal assistance, extradition, law enforcement cooperation, and asset recovery. These provisions are particularly relevant to the Gulf of Guinea, where maritime crimes are often perpetrated by sophisticated criminal networks operating across multiple jurisdictions. The significance of UNTOC lies in its ability to fill the legal gaps left by UNCLOS. Even where an act of maritime armed robbery cannot be prosecuted as piracy under international law, it may still constitute a transnational organized crime if it involves criminal groups operating across borders. This broader approach enables states to target not only the direct perpetrators of maritime crimes but also the financiers, organizers, and facilitators who sustain criminal enterprises<sup>[61]</sup>. The effectiveness of UNTOC is further strengthened by its three supplementary protocols, each of which addresses specific forms of transnational crime<sup>[62]</sup>. The Protocol to Prevent, Suppress and Punish Trafficking in Persons provides a legal framework for combating human trafficking and protecting victims, including those transported through maritime routes. The Protocol against the Smuggling of Migrants criminalizes the organized movement of persons by land, sea, and air for financial gain, an activity increasingly associated with maritime routes in West and Central Africa<sup>[63]</sup>. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms provides states with legal mechanisms for addressing the illegal flow of weapons that often fuel piracy, armed robbery, and other maritime crimes. The adoption and effective implementation of UNTOC and its protocols offer Gulf of Guinea states a comprehensive legal framework for addressing the interconnected nature of maritime criminality. By enabling the prosecution of entire criminal networks rather than isolated offenders, the Convention strengthens regional and international efforts to combat transnational organized crime. As such, UNTOC represents a significant advancement in global criminal justice and underscores the necessity of international cooperation in addressing complex maritime security challenges in the Gulf of Guinea.

### 2.3 The Yaoundé Code of Conduct (YCC)

The prevalence of piracy, sea robbery, and other forms of maritime criminality has posed significant challenges to maritime commerce, navigation, offshore hydrocarbon exploration, and vessel operations in the Gulf of Guinea. Over the years, these security threats have adversely affected regional economic development and undermined the safety of one of the world's most strategically important maritime regions<sup>[64]</sup>. Consequently, the Gulf of Guinea gained notoriety as a global hotspot for piracy and maritime crime. In response to this growing threat, the states of West and Central Africa adopted the Yaoundé Code of Conduct (YCC) in 2013 and established a regional cooperative framework known as the Yaoundé Architecture to coordinate efforts aimed at enhancing maritime security within the region. The Yaoundé Code of Conduct was signed by twenty-five West and Central African states<sup>[65]</sup> with the primary objective of promoting maritime safety and security through regional cooperation, information sharing,

and capacity building. The framework is coordinated by the Interregional Coordination Centre (ICC), headquartered in Yaoundé, Cameroon, which oversees the implementation of the Code and facilitates collaboration among regional organizations, particularly the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS). The overarching goal of the YCC is to prevent and suppress piracy, armed robbery against ships, and other unlawful maritime activities, including Illegal, Unreported and Unregulated (IUU) fishing. In doing so, the Code seeks to foster regional cooperation, maintain peace and stability at sea, and promote economic prosperity within the Gulf of Guinea. A notable feature of the Yaoundé Code of Conduct is its broad approach to maritime security. Unlike earlier international initiatives that focused primarily on piracy, the YCC recognizes the multidimensional nature of maritime threats within the region<sup>[66]</sup>. Consequently, it extends its scope to include armed robbery at sea and IUU fishing, both of which pose serious risks to the blue economy, food security, and sustainable development<sup>[67]</sup>. By linking maritime security to economic growth and regional integration, the Code represents a landmark initiative that has encouraged collective action and strengthened cooperation among Gulf of Guinea states. The effectiveness of the Yaoundé Code of Conduct is founded upon three interrelated pillars: information sharing, capacity building, and operational coordination. Information sharing constitutes the cornerstone of the framework. To facilitate the timely exchange of maritime intelligence, the YCC established a network of regional institutions comprising the Interregional Coordination Centre (ICC), the Regional Centre for Maritime Security in Central Africa (CRESMAC), and the Regional Centre for Maritime Security in West Africa (CRESMAC). These institutions, together with their national counterparts, are responsible for collecting, analysing, and disseminating information relating to maritime threats and criminal activities. Through this mechanism, the Code seeks to eliminate institutional fragmentation and enhance collaboration among naval forces, coast guards, and law enforcement agencies across the region. Another key pillar of the YCC is capacity building. Recognizing that many states within the region face significant resource and institutional constraints, the Code emphasizes the need to strengthen maritime governance structures and security capabilities. This includes improving domestic legal frameworks, providing technical assistance, enhancing maritime surveillance capabilities, and training naval and law enforcement personnel. Such measures are intended to equip member states with the resources and expertise required to effectively patrol their territorial waters, detect maritime crimes, and prosecute offenders. Operational coordination constitutes the third pillar of the Yaoundé framework. The Code promotes coordinated maritime operations, including joint patrols, multinational exercises, and collaborative responses to maritime incidents. By encouraging interoperability among the naval and coast guard forces of member states, the YCC seeks to establish a unified maritime security presence capable of deterring and responding to transnational maritime threats that transcend national boundaries. Such cooperation enhances collective security and improves the region's capacity to address emerging maritime challenges. One of the greatest strengths

of the Yaoundé Code of Conduct lies in its ability to provide a consensus-based framework for regional cooperation. Its non-binding nature enabled states with diverse legal systems, political structures, and levels of development to agree on a common maritime security agenda without compromising their sovereignty. This achievement facilitated the establishment of a regional maritime security architecture that previously did not exist and laid the foundation for enhanced cooperation among Gulf of Guinea states. Nevertheless, the non-binding character of the Code also constitutes its most significant limitation. Since the YCC does not possess the status of a legally enforceable treaty, member states cannot be compelled to comply with its provisions or fulfil their obligations. As a result, implementation has been uneven across the region, often reflecting differing levels of political commitment and institutional capacity. Furthermore, inadequate funding, bureaucratic obstacles, and persistent mistrust among states continue to impede effective information sharing and operational cooperation. These challenges have constrained the full realization of the Code's objectives and limited its overall impact on maritime security in the Gulf of Guinea.

#### **2.4 The ECOWAS Integrated Maritime Strategy and ECCAS Maritime Strategy**

In recognition of the strategic importance of maritime security to economic growth and regional integration, both the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS) have incorporated maritime security into their broader regional development agendas. Rather than treating maritime crime solely as a security concern, these organizations acknowledge that a secure maritime environment is essential for trade, investment, resource exploitation, and sustainable development. The ECOWAS Integrated Maritime Strategy (EIMS) was adopted on 29 March 2014 during the ECOWAS Summit held in Yamoussoukro, Côte d'Ivoire. The strategy serves as a comprehensive framework for addressing the diverse security and economic challenges affecting the maritime domain of ECOWAS member states. It seeks to establish a safe, secure, and sustainable maritime environment capable of supporting economic and social development across the region. Importantly, the EIMS adopts a holistic approach to maritime security by integrating security, governance, and development considerations. Its strategic objectives include strengthening legal and judicial frameworks, enhancing regional cooperation, improving maritime governance, and building the institutional capacity of member states. Through these measures, the strategy provides a roadmap for collective action against maritime threats while simultaneously promoting the development of the blue economy as a catalyst for regional prosperity. Similarly, the maritime strategy of ECCAS, commonly referred to as ECCASMAR, places maritime security at the centre of regional integration and economic development efforts. Adopted in 2008, ECCASMAR was designed to address the specific maritime security challenges confronting Central African states within the Gulf of Guinea. The strategy emphasizes the harmonization of national legal frameworks, the promotion of joint maritime operations, and the establishment of effective information-sharing mechanisms among member states. It further prioritizes the protection of critical maritime assets, including offshore oil installations,

fisheries resources, and commercial shipping routes. Recognizing that crimes such as piracy and illegal fishing are inherently transnational in nature, ECCASMAR advocates a coordinated regional response that transcends national boundaries. Through the promotion of maritime safety and security, the strategy seeks to create a stable environment capable of attracting investment and supporting the sustainable exploitation of marine resources. The significance of both the ECOWAS Integrated Maritime Strategy and ECCASMAR lies in the political and strategic support they provide for regional maritime security initiatives. While the Yaoundé Code of Conduct focuses primarily on operational cooperation and information sharing, the ECOWAS and ECCAS strategies provide the broader policy direction necessary for sustained maritime governance. Together, these frameworks ensure that maritime security remains a priority within regional development planning and national budgetary processes, thereby contributing to long-term stability, economic growth, and sustainable development within the Gulf of Guinea.

#### **Key Challenges to a Coordinated Regional Response:**

One of the foremost challenges is the lack of legal harmonization among the littoral states<sup>[68]</sup>. Although international legal instruments such as the United Nations Convention on the Law of the Sea (UNCLOS) provide a definition of piracy, such definitions are generally limited to acts committed on the high seas. However, most maritime attacks in the Gulf of Guinea occur within territorial waters, where they are classified as maritime armed robbery and therefore fall under the exclusive jurisdiction of the affected coastal state. This legal distinction often complicates prosecution efforts, particularly when offenders are apprehended by foreign naval forces or in neighboring jurisdictions. In such cases, suspects must be transferred to the state where the offence occurred for prosecution<sup>[69]</sup>. Unfortunately, differences in national legislation, inadequate extradition frameworks, and the absence of specific laws criminalizing certain maritime offences create legal inconsistencies that criminals can exploit. Consequently, offenders may evade justice simply by crossing maritime boundaries, thereby weakening regional efforts to combat maritime crime. Closely related to this challenge is the problem of insufficient criminalization of maritime offences in domestic legal systems. Several states in the region lack comprehensive laws addressing crimes such as illegal bunkering, oil theft, and the financing of maritime criminal activities. As a result, offenders are frequently prosecuted under general criminal laws relating to theft or vandalism, which often carry lighter penalties and fail to reflect the seriousness and transnational character of these crimes. The absence of specific legal provisions not only weakens deterrence but also limits the ability of law enforcement agencies and prosecutors to dismantle criminal organizations. Since maritime crimes are often interconnected, the failure to criminalize one aspect of a criminal enterprise can significantly hinder the prosecution of related offences such as piracy, human trafficking, and drug smuggling<sup>[70]</sup>. Another major challenge is the inadequate availability of naval and coast guard assets. The Gulf of Guinea encompasses an extensive coastline and vast Exclusive Economic Zones (EEZs), requiring substantial maritime surveillance and enforcement capabilities.

However, many coastal states lack sufficient patrol vessels, surveillance aircraft, technological resources, and trained personnel to effectively monitor and secure their maritime domains. This shortage of assets creates security gaps that criminal groups readily exploit. Illegal activities such as oil theft, human smuggling, drug trafficking, and illegal fishing can therefore be conducted with relatively little risk of interception. Furthermore, limited operational capacity often delays responses to maritime incidents, allowing perpetrators to escape before security forces arrive. Corruption and inadequate political will also represent significant impediments to effective maritime security governance in the region <sup>[71]</sup>. Corruption within key institutions such as customs agencies, port authorities, and maritime security forces frequently facilitates the movement of illicit goods and enables criminal enterprises to operate with impunity <sup>[72]</sup>. In many instances, criminal syndicates use the substantial profits generated from activities such as oil theft and illegal bunkering to bribe public officials, thereby securing protection from investigation and prosecution. This systemic corruption undermines public trust in state institutions and weakens the overall effectiveness of law enforcement efforts <sup>[73]</sup>. Equally problematic is the lack of sustained political commitment among some governments. Without strong political leadership, maritime security initiatives often suffer from inadequate funding, weak institutional support, and poor implementation. Consequently, regional agreements and frameworks remain underutilized, while criminal networks continue to exploit governance weaknesses. The lack of effective information sharing among states further undermines regional maritime security efforts. Although several mechanisms for cooperation and intelligence exchange have been established, significant barriers continue to impede the timely flow of information. A major contributing factor is the persistent trust deficit among states, with many governments reluctant to share sensitive intelligence due to concerns about confidentiality, corruption, or potential misuse of information. In addition, technical limitations, inadequate communication infrastructure, and poor institutional coordination often result in fragmented intelligence systems. These deficiencies prevent the development of a comprehensive and real-time maritime situational awareness framework. As a result, states are unable to effectively coordinate patrols, track criminal movements, or respond promptly to emerging threats, thereby allowing criminals to exploit jurisdictional and operational gaps. Finally, inefficient regional coordination remains a critical challenge. The maritime security architecture of the Gulf of Guinea comprises numerous actors, including national maritime agencies, regional economic communities, and multinational coordination centres established under regional agreements. While this framework is intended to promote comprehensive maritime governance, overlapping mandates and unclear divisions of responsibility frequently result in duplication of efforts, competition for resources, and operational inefficiencies. Additionally, differences in communication systems, operational procedures, legal authorities, and rules of engagement hinder interoperability among maritime forces. Such challenges make it difficult to conduct joint operations, pursue suspects across maritime boundaries, and respond effectively to transnational threats. Consequently, the fragmented nature of the region's maritime security

framework often enables highly adaptive criminal networks to outmaneuver law enforcement agencies. In summary, the effectiveness of regional efforts to combat maritime crime in the Gulf of Guinea is undermined by legal inconsistencies, inadequate criminalization of offences, insufficient maritime assets, corruption, weak political commitment, poor information sharing, and ineffective regional coordination. Addressing these challenges is essential for developing a robust and sustainable maritime security framework capable of combating the evolving threat of transnational maritime crime in the region.

### **Strategies for Strengthening the Regional Response to Maritime Crime in the Gulf of Guinea**

Addressing the persistent challenge of transnational maritime crime in the Gulf of Guinea requires comprehensive legal, institutional, and operational reforms. Given the transnational nature of these crimes, fragmented national approaches have proven inadequate. A coordinated regional strategy that combines legal harmonization, enhanced intelligence sharing, operational cooperation, and sustainable funding mechanisms is essential to effectively combat maritime insecurity within the region.

#### **1. Legal and Legislative Reforms**

To address the legal and legislative deficiencies that continue to undermine maritime security efforts, there must be a fundamental shift from fragmented national laws towards a harmonized regional legal framework. One of the most significant reforms would be the adoption of a unified and legally binding regional instrument. While the Yaoundé Code of Conduct has provided an important foundation for regional cooperation, its non-binding nature limits its effectiveness. A new enforceable regional treaty should therefore be established to harmonize the definitions of transnational maritime crimes, including piracy, illegal bunkering, human trafficking, drug trafficking, arms smuggling, and other related offences across all member states. Such an instrument should also establish uniform rules governing jurisdiction, extradition, mutual legal assistance, and prosecution procedures, thereby eliminating the legal loopholes currently exploited by criminal networks. In addition to regional legal harmonization, littoral states must undertake comprehensive reforms of their domestic legislation. National criminal laws should be reviewed and amended to align with international legal standards, particularly the provisions of the United Nations Convention against Transnational Organized Crime (UNTOC). A key aspect of these reforms should be the incorporation of the principle of universal jurisdiction for serious transnational maritime crimes. This would empower states to prosecute their nationals who engage in criminal activities beyond their territorial waters or within the jurisdiction of another state, thereby preventing offenders from exploiting jurisdictional gaps to evade prosecution. Furthermore, domestic legislation must expressly criminalize all forms of transnational maritime crime. Existing legal frameworks in many Gulf of Guinea states were not designed to address contemporary maritime threats and therefore fail to adequately define and punish offences such as illegal bunkering, trafficking in persons, maritime-related drug trafficking, and arms smuggling. Explicit criminalization of these offences would provide a clear legal basis for prosecution and ensure that perpetrators are

charged appropriately rather than under lesser offences such as theft or vandalism. Equally important is the establishment of stringent penalties, including substantial terms of imprisonment, heavy fines, and the confiscation of assets, vessels, and proceeds derived from criminal activities. Such penalties would enhance deterrence and reflect the seriousness of these offences. Effective prosecution also requires reforms aimed at streamlining judicial cooperation among states. Extradition procedures should be simplified and accelerated to facilitate the prompt transfer of suspects to jurisdictions where they can be effectively prosecuted. In addition, national legal systems should permit the admissibility of evidence obtained by foreign law enforcement agencies and naval forces. The ability to utilize such evidence in domestic courts would significantly strengthen international cooperation and improve the prospects of successful prosecutions arising from multinational maritime security operations.

## **2. Enhanced Information Sharing and Intelligence Cooperation**

Effective intelligence sharing remains a cornerstone of maritime security. To improve the collection, analysis, and dissemination of maritime intelligence, the establishment of a centralized regional maritime information fusion centre is essential. Such a centre would serve as a hub for the integration of data obtained from multiple sources, including satellite imagery, coastal radar systems, aerial surveillance platforms, vessel tracking systems, and intelligence reports from national security agencies. Through the consolidation and analysis of this information, the centre would provide a comprehensive real-time maritime operating picture that could support coordinated responses to maritime threats. The operationalization and strengthening of the institutions established under the Yaoundé Code of Conduct are equally important. This requires substantial investment in modern technological infrastructure capable of facilitating secure and real-time communication among national Maritime Operations Centres, regional coordination centres, and the Interregional Coordination Centre. A secure digital network linking these institutions would eliminate information silos, enhance situational awareness, and support rapid decision-making during maritime incidents. However, technological advancement alone is insufficient. Capacity building initiatives must also be prioritized to enhance the analytical and operational capabilities of personnel responsible for maritime security. Specialized training programmes should focus on intelligence analysis, information fusion, maritime domain awareness, and secure communication protocols. Continuous professional development is necessary to ensure that personnel remain capable of responding to the evolving tactics and methods employed by transnational criminal organizations. Equally critical is the cultivation of trust among member states. Effective intelligence sharing depends on mutual confidence and a willingness to cooperate. Building such trust requires regular joint training exercises, workshops, and professional exchanges that enable security personnel from different countries to develop strong working relationships. Member states must also demonstrate a sustained commitment to transparent information-sharing practices and active participation in regional initiatives. Furthermore, clear and reliable confidentiality protocols should be established to assure

states that sensitive information will be adequately protected and utilized solely for legitimate security purposes.

## **3. Improved Operational Coordination and Capacity Building**

Beyond legal and intelligence reforms, greater operational coordination among Gulf of Guinea states is essential for strengthening maritime security. Regular joint maritime patrols and multinational exercises should be conducted to enhance interoperability among naval and coast guard forces. These exercises should simulate a wide range of maritime security scenarios, including piracy incidents, armed robbery at sea, human trafficking, drug interdiction operations, and search-and-rescue missions. Such collaborative activities would not only improve operational readiness but also foster trust and cooperation among participating states. International partnerships should also be leveraged to strengthen regional maritime capabilities. Collaboration with international partners, including the European Union, the United States, and the United Kingdom, should extend beyond temporary naval deployments to encompass long-term technical assistance, training, and institutional support. Such partnerships can provide valuable expertise in areas such as maritime domain awareness, evidence collection and preservation, prosecution of maritime crimes, and the maintenance and modernization of maritime security assets. To ensure the sustainability of these initiatives, a dedicated and reliable funding mechanism must be established. Excessive reliance on external donor support often creates uncertainty and limits long-term planning. A regional maritime security fund could therefore be created and financed through contributions from member states, a percentage of maritime-related revenues, or a modest levy on commercial shipping activities within the region. Such a mechanism would provide a stable source of funding for maritime patrols, training programmes, technological upgrades, intelligence-sharing platforms, and institutional maintenance. In conclusion, strengthening the regional response to maritime crime in the Gulf of Guinea requires a holistic approach that integrates legal harmonization, robust intelligence-sharing mechanisms, enhanced operational coordination, sustained capacity building, and reliable funding arrangements. The successful implementation of these reforms would significantly improve the ability of Gulf of Guinea states to prevent, detect, and prosecute transnational maritime crimes while promoting long-term maritime security and economic development within the region.

## **Conclusion**

The Gulf of Guinea remains one of the world's most economically significant yet security-challenged maritime regions. The persistence of piracy, maritime armed robbery, illegal fishing, oil theft, human trafficking, drug smuggling, arms trafficking, and environmental crimes demonstrates the complex and transnational nature of contemporary maritime threats. These criminal activities not only undermine regional security but also erode economic growth, environmental sustainability, food security, and public confidence in state institutions. Although substantial efforts have been made through international instruments such as UNCLOS and UNTOC, as well as regional initiatives including the Yaoundé Code of Conduct, ECOWAS Integrated Maritime Strategy, and ECCAS maritime

programmes, significant legal and operational challenges continue to hinder effective enforcement. The absence of harmonized legal frameworks, inadequate criminalization of certain maritime offences, insufficient maritime assets, corruption, weak intelligence sharing mechanisms, and fragmented institutional structures have created opportunities for criminal networks to operate with relative impunity. Given the transboundary nature of maritime crimes, no single state can effectively address these challenges in isolation. A sustainable solution requires stronger regional cooperation, legal harmonization, institutional capacity building, and collective political commitment. By strengthening existing legal frameworks, improving intelligence-sharing mechanisms, enhancing operational coordination, and investing in maritime enforcement capabilities, Gulf of Guinea states can create a more secure maritime environment that supports economic development, protects marine resources, and promotes regional stability. Ultimately, an integrated and coordinated regional approach remains indispensable for combating transnational maritime crimes and ensuring the long-term security and prosperity of the Gulf of Guinea.

### **Recommendations**

In order to effectively combat transnational organized crimes in the Gulf of Guinea, there is an urgent need for the adoption of a binding regional maritime security treaty that harmonizes the definitions of maritime offences, prosecution procedures, jurisdictional rules, and penalties among littoral states. While existing frameworks such as the Yaoundé Code of Conduct have facilitated regional cooperation, their non-binding nature limits their effectiveness. A legally enforceable regional instrument would eliminate legal inconsistencies and reduce the jurisdictional loopholes currently exploited by criminal networks. Furthermore, Gulf of Guinea states should strengthen their domestic legal frameworks by fully domesticating relevant international conventions and enacting comprehensive legislation that criminalizes piracy, maritime armed robbery, illegal bunkering, human trafficking, drug trafficking, arms smuggling, and Illegal, Unreported, and Unregulated (IUU) fishing. Such reforms would enhance the capacity of national courts to prosecute maritime offenders and ensure greater conformity with international legal standards. There is also a need to establish specialized maritime courts or dedicated maritime divisions within existing national judicial systems to facilitate the speedy and effective prosecution of maritime crimes. Given the technical and transnational nature of these offences, specialized judicial mechanisms would improve the quality of adjudication, reduce delays, and enhance deterrence. Effective regional maritime security further requires robust information-sharing and intelligence cooperation among Gulf of Guinea states. To this end, regional maritime information fusion centres should be adequately funded, equipped, and interconnected to facilitate real-time intelligence gathering, analysis, and dissemination. Enhanced information exchange would improve maritime domain awareness and enable coordinated responses to emerging threats. In addition, governments within the region must invest significantly in maritime enforcement capabilities through the acquisition of modern naval assets, coast guard vessels, maritime

surveillance technologies, and advanced training programmes for security personnel. Strengthening maritime law enforcement institutions is essential for improving patrol capacity, surveillance operations, and rapid response mechanisms across the region's extensive maritime domain. Regular joint naval patrols and multinational maritime exercises should also be institutionalized among Gulf of Guinea states. Such collaborative operations would strengthen interoperability among maritime security agencies, foster mutual trust, and enhance collective capacity to respond to transnational maritime threats that frequently transcend national jurisdictions. Sustainable funding remains critical to the success of maritime security initiatives in the region. Consequently, Gulf of Guinea states should establish dedicated regional funding mechanisms supported by member-state contributions, maritime levies, and strategic partnerships with international development agencies. Reliable funding would ensure the continuity of maritime security operations, training programmes, and institutional development efforts. The fight against transnational organized crime must also address the persistent problem of corruption within maritime institutions. Governments should strengthen transparency and accountability mechanisms, establish effective oversight structures, and vigorously enforce anti-corruption laws. Eliminating corruption within customs services, port authorities, naval institutions, and other maritime agencies would significantly reduce opportunities for criminal infiltration and collusion. Moreover, regional extradition arrangements and mutual legal assistance frameworks should be strengthened to facilitate cross-border investigations, evidence sharing, and prosecution of maritime offenders. Enhanced judicial cooperation would help prevent criminals from exploiting jurisdictional boundaries to evade justice. Beyond legal and enforcement measures, efforts to combat maritime crime must address the underlying socioeconomic conditions that drive criminality in coastal communities. Governments should implement policies aimed at reducing poverty, unemployment, environmental degradation, and social exclusion through sustainable livelihood programmes, community development initiatives, and environmental restoration projects. Addressing these root causes would reduce the vulnerability of local populations to recruitment by criminal organizations. International partnerships should also be deepened through sustained collaboration with organizations such as the International Maritime Organization (IMO), INTERPOL, the Economic Community of West African States (ECOWAS), and the Economic Community of Central African States (ECCAS). These partnerships can provide technical expertise, capacity-building support, intelligence-sharing platforms, and financial assistance necessary for strengthening maritime governance in the region. Finally, the Yaoundé Architecture should be fully operationalized and strengthened through increased funding, improved infrastructure, enhanced technical capabilities, and the development of standardized operational procedures among participating states. Greater political commitment to the objectives of the Yaoundé framework would significantly improve regional coordination and contribute to a more effective and sustainable response to transnational organized crimes in the Gulf of Guinea.

## References

1. Ani CC. An Appraisal of the Regional Efforts of Gulf of Guinea Commission in Curbing Maritime Crimes and Insecurity. *ESUT Public Law Journal*,2023;4(1):110-137.
2. Ikpeze OVC, Ani CC. To What Extent Does Maritime Piracy in the Gulf of Guinea Affect the Liability of Carriers under Contracts of Carriage of Goods by Sea. *International Journal of Comparative Law and Legal Philosophy (IJOCLLEP)*, 2025, 7(2).
3. United Nations Convention on Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3 (UNCLOS), art.101 defined "Piracy consists of any of the following acts: (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed: (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
4. Adsanya OP. Maritime Crimes and the Gulf of Guinea. *Cogent Social Sciences*, 2023, 9(1). <https://doi.org/10.1080/23311886.2023.2241263>
5. Yaounde Code of Conduct (YCC), 2013.
6. Ibid.
7. International Hydrographic Organization. Limits of Ocean and Sea, Draft 4th Edition: North Atlantic Ocean and its Sub-Division, 2002. Archived from the original on 4 March 2006.
8. Matt R. "Where Do the Prime Meridian and the Equator Intersect?" 30 January 2020 ThoughtCo, 2020.
9. Freedom O. Piracy and Maritime Security in the Gulf of Guinea: Trends, Concerns, and Propositions. *The Journal of the Middle East and Africa*,2013;4(3):269.
10. Fidelis A. Oil and Security in the Gulf of Guinea: Reflections on the External and Domestic Linkages. *Journal of Sustainable Development*,2012;5(4):132-132.
11. Onuoha FC. Geo-Strategy of Oil in the Gulf of Guinea: Implications for Regional Stability. *Journal of Asian and African Studies*,2010;45(3):370.
12. Ricardo O. Oil and Politics in the Gulf of Guinea. Hurst & Co., 2007.
13. Beckley BN. The framework and Challenges In Addressing Maritime Security In The Gulf of Guinea : A Comparative Study. United Nations – The Nippon Foundation of Japan Fellowship Programme, 2024.
14. Adesanya OP. Maritime crimes and the Gulf of Guinea. *Cogent Social Science*, 2023.
15. Teixeira CA, Pinto JN. Maritime Piracy in the Gulf of Guinea. *Geopolitical Intelligence Service Report*, 2022.
16. Adesanya OP. Maritime Crimes and the Gulf of Guinea. *Cogent Social Sciences*, 2023.
17. Ali KD. The Anatomy of the Gulf of Guinea piracy. *Naval War College Review*,2015;68(1):97-99.
18. UNCLOS, art 101.
19. Nonju KDS. Sea Piracy in Nigeria Territorial Waters, Its Implication to National Security. *American Journal of Public Law and Political Education*,2024;1(2):6-20. <https://publishingjournals.org/ajplpe> accessed on 12 March 2026.
20. IMO. Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships (Resolution A.1025(26)), 2010.
21. MW, Kokoszkiewicz A. Maritime Piracy and Limitations of the International Law of the Sea. *Historia Polityka*,2019;28:25.
22. Guilfoyle D. *Shipping Interdiction and the Law of the Sea*. Cambridge University Press, 2009, 34.
23. Ibid.
24. Addressing IUU Fishing in the Gulf of Guinea through Effective Training in Fisheries Management and Climate Change Adaptation, 2023. <https://acecor.ucc.edu.gh/addressing-iuu-fishing-gulf-guinea-through-effective-training-fisheries-management-and-climate>
25. Ibid.
26. Okafor Yarwood I. Illegal, unreported and unregulated fishing, and the complexities of the sustainable development goals (SDGs) for countries in the Gulf of Guinea. *ISSN 0308-597X*,2019;99:414-422.
27. Oritse G. The impact of IUU fishing on blue economy prospects of GoG States, 2023.
28. Ani CC, Agbo CU, Agu EA. A Legal Appraisal of the Regional Efforts of African States towards Curbing Maritime Insecurity within the Continent. *Enugu State University of Science and Technology Journal of Business Law*, 2025.
29. Ani CC, Amaefule ER, Eze A. Beyond Compliance: Evaluating African States' Obligations and Enforcement Gaps in Addressing Illegal, Unreported and Unregulated (IUU) Fishing under International Maritime and Fisheries Law. *Achievers University Law Journal*, 2025, 6(1).
30. Ginger LD, Harris JR. The Impact of Illegal Fishing on Maritime Piracy: Evidence from West Africa. *Studies in Conflict & Terrorism*,2021;44(11):938-957. doi:10.1080/1057610X.2019.1594660
31. Beseng M, Malcolm JA. Maritime Security and the Securitisation of Fisheries in the Gulf of Guinea: experiences from Cameroon. *Conflict, Security & Development*,2021;21(5):517-539. <https://doi.org/10.1080/14678802.2021.1985848>
32. *Pirate Fishing Exposed*. Environmental Justice Foundation.
33. Boris OH. The Upsurge of Oil Theft and Illegal Bunkering in the Niger Delta Region of Nigeria: Is There a Way Out?. *Mediterranean Journal of Social Sciences*,2015;6(3):563-573. doi:10.5901/mjss.2015.v6n3s2p563
34. African Defence Forum (ADF). *Piracy Down, Oil Theft Up in Gulf of Guinea*, 2022.
35. Petit Z. *The Gulf of Guinea: From Piracy to Oil Bunkering*, 2023.
36. Boris OH. The Upsurge of Oil Theft and Illegal Bunkering in the Niger Delta Region of Nigeria: Is There a Way Out?. *Mediterranean Journal of Social Sciences*,2015;6(3):563-573. doi:10.5901/mjss.2015.v6n3s2p563
37. Petit Z. *The Gulf of Guinea: From Piracy to Oil Bunkering*, 2023.
38. European Union Institute for Security Studies. *Deep waters: the maritime security landscape in the Gulf of Guinea*, 2025.
39. United Nations. *Trafficking in the Sahel: Cracking down on illicit drugs - UN News*, 2024.
40. Adesanya OP. Maritime Crimes and the Gulf of Guinea. *Cogent Social Sciences*, 2023,

- 9(1). <https://doi.org/10.1080/23311886.2023.2241263> accessed August 24 2025.
41. Villepinte PN. Nigeria: At The Centre of Human Trafficking in West Africa, 2025.
  42. Ogunniyi D, Idowu OI. Human Trafficking in West Africa: an Assessment of the Implementation of International and Regional Normative Standards, 2022. DOI: 10.17561/tahrj.v19.6851
  43. Law Pavilion. Combating Maritime Insecurity In Nigeria: Legal Analysis of Suppression of The Piracy And Other Maritime Offences Act (SPOMO ACT) 2019, 2024.
  44. Alao O. Combatting the Threat of Piracy in the Nigerian Maritime Industry: The Pith and Potentials of the Suppression of Piracy and Other Maritime Offences Act 2019. UNILAG Law Review, 2021;4(2):204.
  45. Suppression of Piracy and Other Maritime Offences Act, 2019, S. 12(1).
  46. Alao (n. 44).
  47. Unreported, Federal High Court, Port Harcourt Division, 2020.
  48. SPOMO Act, 2019, S. 2 and 3.
  49. SUA Convention, 1988, art 3.
  50. Anele KK. Analysis of the Enforcement of the Suppression of Piracy and Other Maritime Offences Act in Nigeria. Criminal Law Forum, 2023;34:375.
  51. Ehanire T. SPOMO Act and the Challenge of Maritime Enforcement in Nigeria. Nigerian Journal of Maritime Law, 2021;15(2):116.
  52. Ikpeze OVC, Ani CC. Africa's Response to Maritime Insecurity: An Appraisal of Legal and Institutional Frameworks for Curbing Maritime insecurity in Africa. Nnamdi Azikiwe University Awka Journal of Public Law and, 2025, (3).
  53. Ghana Maritime Authority Act 675 also provides the legal framework for the implementation of the International Ship and Port Facility Security Code (ISPS Code).
  54. Agyekum A. Tackling Maritime Security in the Gulf of Guinea: Interactions Between Global Shipping and Ghanaian State Agents. African Security, 2024;17(1-2):115-140. <https://doi.org/10.1080/19392206.2024.2379186>
  55. Ghana Maritime Security Act, 2024, act 675.
  56. United Nations Convention on the Law of the Sea, 1982.
  57. UNCLOS, Art 100.
  58. United Nations. Legal Framework for the Repression of Piracy Under UNCLOS.
  59. Steele NNL. UNCLOS Definition of Piracy: Is it still Relevant for Modern Piracy?. E-Journal Vol. 7 No. 2: Mulawarman Law Review, 2022.
  60. IMO. Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships (Resolution A.1025(26)), 2010.
  61. Pianta L. Researchers simulate mafia and terrorism recruitment. Phys.org, 2019.
  62. UN Convention Against Transnational Organized Crimes and the Protocols thereto : the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.
  63. Atienza D. Transnational Crime: Challenges & Cooperation, 2024.
  64. Tanimu K. The 2013 Yaounde code of conduct: an evaluation. International Journal of Maritime Crime & Security (IMCS), 2025, 3(2).
  65. Angola, Benin, Burkina Faso, Burundi, Cameroon, Cape Verde et al.
  66. Mohammed LA, Dalaklis D. The Current Status of Maritime Security in the Gulf of Guinea. Journal of Maritime Research ISSN: 1697-4840, 2024;XXI(II):78-86.
  67. Sumner V. Africa Center Alumni: A Key Force Behind the 2013 Yaoundé Code of Conduct, 2023.
  68. Asamoah H. Tackling Maritime Security in the Gulf of Guinea: Interactions Between Global Shipping and Ghanaian State Agents, 2024;17(1-2):115-140.
  69. Pigeon M. Atlantic piracy, current threats, and maritime governance in the Gulf of Guinea, 2025.
  70. The threat extends to neighboring countries-including Benin, Togo, Ghana, and eventually to Côte d'Ivoire, Cameroon, Equatorial Guinea, and Gabon-where incidents are typically classified as armed robberies at sea and occur inside territorial waters.
  71. Marangio R. Deep waters: the maritime security landscape in the Gulf of Guinea, 2025.
  72. Maisie (n 69) Extreme poverty drives many coastal communities to view piracy as a viable economic alternative in the absence of sustainable livelihoods. Corruption and limited enforcement capacity weaken the rule of law, allowing pirate groups to operate with relative impunity.
  73. U4 Anti-Corruption Resource Centre. Piracy in the Gulf of Guinea: time to bring anti-corruption on board capacity-building programmes, 2020.
  74. Maisie (n 69) In West Africa, crude oil theft is linked to a legacy of economic inequality, corruption, and criminal networks within the region.