

RESEARCH ARTICLE · REGIONAL GOVERNANCE & LAW

Enhancing Maritime Security in the Gulf of Guinea through “Obligatory Regionalism”

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ABSTRACT

Regionalism is often presented as antithetical to multilateralism. However, regional pathways have proven to be the most effective approach to addressing maritime security concerns in an interdependent maritime world. Enforcement at sea is therefore structured to reinforce State sovereignty and at the same time, encourage interdependence of States to address the unique threats to security in their regions. Yet, this regional approach reinforces stark disparities in security measures across maritime zones and highlights the power of maritime security challenges of a transboundary nature to weaken region-based responses and render them parochial and ineffective. The overall effect of maritime security concerns evokes the urgent need for global cooperation to address contemporary maritime security issues and inspires a re-assessment of regional enforcement strategies in the Gulf of Guinea. A two-step approach of solving national security concerns and enhancing regional cooperation on trade, for instance, as a catalyst for boosting maritime security within the region, is recommended.

Introduction

Before the 17th Century, the seas historically played two key roles: as a means of communication or transportation and as a vast reservoir of living and non-living resources. These traditional uses evolved gradually through technological enhancement enabling States to discover and access deep ocean resources. The potential economic viability of the sea aroused extensive scholarly debates on the concept of “freedom” of the seas and led to the gradual carve-out of zones under the authority of coastal States. The High Seas became the free zone for both resource exploitation and navigation and negatively, the hub of maritime security threats. The security concerns were discussed extensively at the second session of the International Law Commission (ILC) leading up to the United Nations Conference on the Law of the Sea in 1950. In that Conference, enforcement principles ranged from according nationality to ships, establishing provisions concerning offences like collision, slave trade, piracy and pollution and preserving States’ powers to enforce against their vessels on the High Seas or extend their coastal powers through the rights of approach and pursuit. These were codified in the 1958 Geneva Convention for the High Seas and extended in Part VII of the 1982 UNCLOS. The observance of the security mechanisms enshrined in the UNCLOS across coastal, regional and global levels reveals that Part VII reflects accepted state practice in relation to the High Seas.

The challenging consequence of a collective ocean space is the governance and enforcement difficulty. After the exercise of freedoms – of navigation, overflight, laying cables or pipelines, fishing, scientific research and construction of artificial islands and installations – the equitable enjoyment of the High Seas will depend on some form of governance to control over-exploitation. According to the UNCLOS Treaty negotiators, this governance mechanism would appropriately involve all States but be spearheaded by no State in particular; it would rather be observed on the basis of zones and regions to fulfil the common goal of preserving the marine environment. This understanding birthed “obligatory regionalism” in the UNCLOS as a method of governance on the High Seas. “Obligatory regionalism” is a juxtaposition of the words “obligation” and “regionalism”. Obligations are requirements with which legal subjects are bound to conform; either an act or omission the law renders non-optional. Regionalism, in this case, defines the governance order involving geographically-proximate States. In the UNCLOS, enforcement against offences on the High Seas is organised through regional cooperation among States. The obvious challenge, however, is that the obligation to cooperate for enforcement on the High Seas does not imply an obligation to achieve equal security mechanisms across all regions of the world. The effect of this is stark disparities in State and regional action towards maritime security and this calls for a re-examination of the use of regionalism as the tool for overall global security at sea.

This paper will provide an outlook on the security framework of the UNCLOS and will explore the foundation of the maritime security provisions in the Convention. It examines the adoption of obligatory regionalism for enhancing maritime security in areas beyond national jurisdiction. It will argue that the tool of regionalism retained in UNCLOS is enforced differently across regions based on non-legal factors and creates a gulf in the development of different parts of the sea. The paper will also examine the practical application or domestication of the regional security framework in UNCLOS through key examples of managing illegal fishing, pollution and piracy or armed robbery at sea and rescue of persons. Finally, using the Gulf of Guinea as a point of reference, the paper provides recommendations to effectively enhance regional mechanism including addressing internal security challenges to avoid its spill-over effects to international waters and promoting regional cooperation in related aspects of the regional economy capable of influencing the maritime areas in the region.

Regional security framework in the UNCLOS and other instruments

To appreciate regionalism on the High Seas, it is important to understand its legal characterisation. As a free region for the enjoyment of all States, the High Seas oscillates between the concepts of *res nullius* and *res communis*. The latter is akin to the “Common Heritage of Mankind” principle which was substantiated by the recognition of the seabed beyond national jurisdiction as an area for the equal enjoyment by States. The High Seas is *res nullius*, belonging to no State in particular and also *res communis*, belonging to all States. The problem with the *res nullius* characterisation is that it justifies the appropriation of the High Seas by technologically developed States and creates an avenue for creeping jurisdiction onto the High Seas. With *res communis*, all States enjoy the right to free exploitation, unfortunately, to the detriment of the marine environment and ecosystem. Thus, between these two concepts, the more appropriate

option is the middle ground between *res nullius* and *res communis*, making the High Seas a public zone which cannot be appropriated, but whose resources could become the subject of State ownership after extraction. This balanced view reflects the statement of Mr Justice Story in *The Marianna Flora*:

“Upon the ocean, in time of peace, all possess an entire equality. It is the common highway of all, appropriated to the use of all; and no one can vindicate to himself a superior or exclusive prerogative there.”

Accordingly, enforcement against violation on the High Seas reflects the balance of its characterisation, such that all States enjoying the zone and its extensive benefits are also responsible for managing, conserving and protecting the environment. However, given the overarching international law principle of sovereignty and equality, the interpretation of “management by all States” makes for logistical difficulty since no State or organisation bears the responsibility of managing the practices of other States in this maritime zone. To prevent this, two propositions were conceived: (a) the creation of an international organisation made up of all States to regulate the activities of States on the High Seas or (b) including provisions to facilitate regional cooperation among States and thus break the enforcement of management principles into regional-based management. The texture of the UNCLOS reveals the adoption of the latter.

Accordingly, the UNCLOS is explicit on region-based enforcement through cooperation among States. Three problems with exclusive flag State jurisdiction make region-based enforcement favoured: First, the majority of States are unwilling to or incapable of expending resources on monitoring their vessels and this is worse in open flag States. Secondly, the economic interest of amassing the resources from the sea often makes States disinterested in enforcement efforts where it might affect their exploits at sea. Finally, the UNCLOS provides no method of enforcing compliance against flag states not exercising their jurisdiction, making checks and balances absent. Regardless of its essence, modern challenges in maritime security call for a re-examination of region-based enforcement: First, the obligations for maritime security in the UNCLOS are obligations to cooperate and not necessarily to reach an agreement. In principle, this leaves room for unwilling States to ignore subregional or regional mechanisms for protection. For the offences of piracy, illegal fishing and pollution, the UNCLOS simply mandates States to “cooperate”, using terms like “to the fullest possible extent”, “using the best practicable means at their disposal”, among others, to denote the extent of the obligation and reinforce the authority of the flag State as the principal enforcer on the High Seas. Secondly, the adoption of regional security measures leaves security and development unequal since implementation falls to be determined by the political willingness and technological capacity of States within a region. Thirdly, the sea is a fluid environment, so security threats affecting one region are capable of, and in fact, do spill over to other regions and territories thus limiting the enjoyment other States have within their maritime zones and grinding “effective” regional security mechanisms to a halt.

By making both regional and trans-regional agreements, States recognise the extensive impact of violations and offences at sea and seek to expand the meaning of cooperation on the High

Seas. The result is a complex governance regime on the High Seas and multiple streams of interpretation of UNCLOS provisions.

A. Piracy

By definition in the UNCLOS, piracy is an offence consisting of three main elements: (a) committed against another vessel; (b) committed on the High Seas; (c) for private gain. All States have enforcement power against piracy on the High Seas regardless of whichever region it occurs and this power includes prosecuting pirates under the national laws of States. The texture of this provision shows that States have no jurisdictional or geographical limitations for enforcing against piracy. Enhanced by UNCLOS obligation for States to cooperate “to the fullest possible extent”, piracy records the most state cooperation and two other factors could be responsible: (a) the increase of offences not conforming to the UNCLOS definition of piracy but as devastating as piracy and (b) the surge in piracy activities in certain parts of the sea like the Gulf of Guinea, Gulf of Aden, Somalia and Malacca Straits and these regions’ inability to properly control the recurring violations. The latest piracy monthly report by the International Maritime Organisation confirms this to also occur in the Malacca Straits, the Indian Ocean and around South American waters. To support States’ cooperation to the fullest extent, the International Maritime Organisation (IMO), through its Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships expands the definition of piracy to include armed robbery at sea and supports regional cohesion to address newer forms of piracy. Regional cooperation in Asia necessitated the formation of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) in 2006 to address issues of piracy and armed robbery. 21 States, including non-Asian States) are contracting parties and all agree to cooperate in information sharing, arrest and prosecution, extradition of pirates to a contracting State having primary jurisdiction and detection of victim ships of piracy and armed robbery. This is a broader effort than the Malacca Strait Patrols (MSP) set up by Malaysia, Singapore and Indonesia and Thailand in 2004 to promote security in the Straits of Malacca and Singapore. The existence of the MSP in the same region covered by ReCAAP is proof that there is no limit to the amount of cooperation States can form for addressing piracy and armed robbery. Also, obligatory regionalism provides avenues for cooperating States to extensively address specific maritime problems not included in the UNCLOS or other Conventions. The framework for counter-piracy activities in Asia inspired the architecture of the 2009 Djibouti Code of Conduct (DCoC) concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden Signed by 20 States, it extends cooperation against piracy to include armed robbery and like ReCAAP, establishes an information-sharing and capacity-building programme for member States and like the ReCAAP, facilitates the care, treatment and safety of seafarers affected by piracy. An important addition to the DCoC is the implementation of “embarked officers” which promotes direct enforcement by authorising the security agent of another State on a host’s vessel for the purpose of facilitating communication and authorisation. More impressively, the DCoC undertook an amendment in 2017 (Jeddah Amendment) which expanded the scope of offences to include human trafficking and other illegal maritime activities like (a) Human trafficking and smuggling, (b) Illegal, unreported and

unregulated (IUU) fishing, (c) Trafficking in narcotics and psychotropic substances. (d) Arms trafficking, (e) Illegal trade in wildlife, (f) Crude oil theft, and (g) Illegal dumping of toxic waste. The focus of recent piratical events has been within the Gulf of Guinea in the African region. Since the past decade this region has overtaken others in the frequency of piracy attacks and at the height of its prevalence, was the hub of 130 out of 135 incidents of kidnapping at sea in 2020. Initially, States undertook enforcement to the extent of their capacity but the alarming rise in security threats triggered the establishment of the Code of Conduct concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa (Yaoundé Code) in 2013 which aimed to enhance cooperation among States in the Gulf on enforcing against piracy, armed robbery at sea and transnational organised crime. The Yaounde Architecture is designed to assist Multinational Maritime Coordination Centres (MMCC) to properly trace and stop offences. These zonal centres include Douala covering Gabon, Equatorial Guinea, and Cameroon (Zone D); Cotonou, covering Nigeria, Benin, and Togo (Zone E); and Accra, covering Ghana, Cote d'Ivoire, Liberia, Sierra Leone, and Guinea (Zone F), Luanda covering Angola, Congo, and DRC (Zone A) and in Praia, covering Guinea Bissau, Senegal, The Gambia and Cape Verde (Zone G). These work in cooperation with the Interregional Coordination Centre (ICC) in Yaoundé, Cameroon; the Regional Centre for Maritime Security of West Africa (CRESMAO) in Abidjan, Ivory Coast; and the Regional Centre for Maritime Security of Central Africa (CRESMAC) in Pointe Noire, Congo.

In Europe, EUROPOL continues to combine its multi-pronged logistical response against piracy with the EU Naval Force to fight piracy in the region as well as extend the efforts to other regions like Somalia, where piracy is endemic. Accordingly, in 2010 the United Nations Security Council unanimously endorsed a resolution that called on all Member States to work with Europol and INTERPOL in the fight against the criminal networks involved in maritime piracy. This expanded the reach of the EUROPOL to achieve a Joint Declaration on a partnership to counter maritime piracy and armed robbery in the Western Indian Ocean 2012 between the EU and IMO, and more recently, the linking of the ReCAAP with the Djibouti Code of Conduct and the conclusion of bilateral agreements for the prosecution of pirates of the EU with Kenya, Seychelles, Mauritius and other States.

B. Illegal Fishing

The emphasis on regional cooperation for the conservation of living resources is more pronounced due to the nature of fish as an ambulatory economic and nutritional resource. States thus have more incentive to cooperate and prevent overexploitation. Starting with the Exclusive Economic Zone (EEZ), the UNCLOS obligates cooperation for the preservation of stocks occurring within the EEZ of two or more adjacent states, highly migratory species, and marine mammals. On the High Seas, States are obligated to cooperate for taking “necessary conservatory measures.” These umbrella principles are reinforced by the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks 1995 (UNFSA) which was initiated as a response to the fisheries management crises and creates a more robust structure for the establishment of regional and subregional measures

for conserving fisheries. Accordingly, the UNFSA states that where a competent subregional or regional fishery body or arrangement exists for the management of the stocks concerned, the obligation of cooperation under the Agreement requires States to become members of, or to agree to apply the conservation and management measures established by such organisation or arrangement. This provision is strengthened by prescribing that non-member fishing vessels are prevented from fishing in specific regions without the authorisation of the existing regional management organisation. Perhaps the most important addition to conservation measures by the UNFSA is the direct boarding provisions to permit States to enforce against ships suspected to have illegally fished on the High Seas and the inclusion of port state enforcement against fisheries offences – an adaptation of the UNCLOS innovation against pollution offences.

Unfortunately, however, the reach of the UNFSA is limited by the ratification requirement, separate from the UNCLOS. This limitation is evident by its ratification by only 91 States. Compared to the UNCLOS ratified by 168 States, the UNFSA remains poorly subscribed, leaving room for potential disregard of its provisions by unwilling States.

In terms of region-based management, presently, there are about 20 existing Regional Fisheries Management Organisations (RFMOs) but much is left to be achieved in proper fisheries management. The latest IUU Fishing Index covering all 152 coastal States and ranked based on 40 indicators revealed that compared with the record of 2019, countries improving their ranking the most were Guinea, Cameroon, Sri Lanka, Portugal and the Cook Islands. The countries showing the greatest drop in overall rank were Argentina, Mauritania, Guatemala, United Arab Emirates and Equatorial Guinea. In 2019, Asia was of the highest concern in terms of vulnerability to IUU fishing and weakness of response and this has remained the case in 2021. For Africa, coastal state responsibility towards IUU fishing dwindled considerably and has made it a region of concern. Overall, the three regions indicated to have the worst response and management of fisheries are the Western Pacific, West Indian Ocean and the East Indian Ocean basins while growing risks are indicated for the Eastern Pacific and the Middle East region. In terms of States, the worst-performing were China, Russia, Somalia, Taiwan and Yemen. South Korea, Ukraine, Eritrea, Egypt and Libya with Guinea, Portugal, Cameroon and Sri Lanka showing signs of improvement from the 2019 rankings. Overall, developing countries feature strongly in the countries with the worst scores for prevalence and response, underlining the combination of strong exposure to risk and weaker governance affecting such states and Africa has replaced Asia as the worst-performing region, due to an increase in its prevalence score in 2021. For Africa, both the Fisheries Committee for the West Central Gulf of Guinea and the South West Indian Ocean Fisheries Commission aim to monitor fishing activities within the region. The proliferation of institutions and agreements without inter-institutional coordination risks the efficiency of conservation mechanisms in regions not economically developed to contribute equally to the efforts of multiple regional groups.

C. Pollution

Pollution prevention has received the oldest regional attention due to its potential for catastrophe at sea. Thus, regional mechanisms for pollution preceded the 1982 UNCLOS. As a

result of the Torrey Canyon Incident of 1967 following the discovery of oil resources at sea, the President Truman Proclamation on the Continental Shelf which gave States exploratory leverage and other pollution concerns, pollution prevention and control was institutionalised by the 1954 Convention on the Prevention of Pollution by Ships at Sea (OILPOL) and developed into the 1958 Geneva Convention for the High Seas where Articles 24 and 25 made reference to State cooperation to control pollution. OILPOL passed through three iterations and became the International Convention for the Prevention of Pollution from Ships (MARPOL) 1973 which considered new forms of pollutive substances like radioactive materials. This wave spread through the 1972 London and Oslo Dumping Conventions, 1974 Paris Convention on the Prevention of Marine Pollution from Land-Based Sources and the 1974 Helsinki Convention for the Protection of the Marine Environment. All became precedents which formed the basis of Part XII of the 1982 UNCLOS which specifically obligates cooperation along regional lines or with the direction of a competent international organisation. Coupled with the robust existing treaties and conventions calling on States to take action against pollution, there exists a variety of material for regions and States to independently frame their anti-pollution interventions after.

Across regions, States adopt these international conventions in part or whole for the purpose of giving it effect. Under the auspices of the United Nations Environmental Programme, there are 5 regional seas conventions and 2 action plans against pollution at sea. Other regions have established non-UN administered programmes and independent programmes, all aimed at preventing the occurrence of pollution and mitigating disaster at sea. To this end, several regional enforcement groups exist highlighted by UNEP Regional Seas Programme established in 1974 and covering 18 different regions. Further regional agreements upon which offences against the sea environment are enforced include Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, and a Protocol concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency (Barcelona, 16 February 1976, in force 12 February 1978); followed by a Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources (Athens, 17 May 1980, in force 17 June 1983);¹¹ and a Protocol concerning Mediterranean Specially Protected Areas (Geneva, 3 April 1982, in force 23 March 1986) for the Mediterranean, Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, together with a Protocol concerning Cooperation in Combating Oil Spills (Cartagena de Indias, 24 March 1983, in force 11 May 1987) for the Caribbean region, Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, together with a Protocol concerning Protected Areas and Wild Fauna and Flora and a Protocol concerning Cooperation in Combating Marine Pollution in Cases of Emergency (Nairobi, 21 June 1985, not yet in force) for the Indian Ocean and Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region, together with a Protocol concerning Cooperation in Combating Pollution in Cases of Emergency (Abidjan, 23 March 1981, in force 5 August 1984) in the Gulf of Guinea.

In terms of institutions, enforcement against pollution is not as distinctively separated as other regional programmes. At least three regions are covered by UNEP-sponsored agreements,

making it futile to consider enforcement action by regional mechanisms. As a result, the first UNEP “Task Force on Legal Instruments for Regional Seas” was not convened until November 1976 (after the Mediterranean Convention had already been finalised and other regional projects initiated); and it was not until 1978 that the UNEP Governing Council adopted a systematic regional seas strategy. The conceptual impact of the Regional Seas Programme on the development of contemporary international environmental law and policy has been considerable. It introduced a new type of regionalism, not unlike the emergence of regional bodies in the law of international fisheries, but radically different from the traditional land-based or “continental” outlook of other international organisations dealing with environmental matters. The very fact that the Mediterranean Sea reaches across the geographical boundaries of three different UN regional commissions (for Europe, Africa and West Asia), as well as across the substantive jurisdiction of at least four UN specialised agencies, thus enabled UNEP to move in and occupy a unique “ecological niche” for new intergovernmental programmes.

D. Rescue of Persons

Article 99 of the UNCLOS is perhaps the most ambiguous provision in relation to offences at sea. It is however enhanced by Article 98 which obligates flag States to require the masters of their ships to provide rescue if it can be done without harm to the ship, crew or passengers. This obligation is reinforced in the Convention for the Suppression of Unlawful Acts against Safety of Maritime Navigation (SUA) 1988 and the International Convention for the Safety of Life at Sea (SOLAS) Convention 1979. Accordingly, numerous bilateral and regional agreements have emerged to strengthen obligations for rescue and apply the guidelines released by the IMO on the disembarkation of rescued persons to safety. In the EU, the establishment of Frontex as a regional mechanism for the adoption of SAR operations for both member states in the EU and non-EU countries is relevant. The operations of Frontex have been heavily criticised as not living up to its purpose of establishment. It is argued that its role has switched from search and rescue to border controls leading to pushbacks of migrants and the eventual death of persons at sea. In the Pacific region, 5 States - New Zealand, Australia, Fiji, France and the United States form the Pacific Search and Rescue Steering Committee with responsibility for significant search and rescue regions of the Central and South Eastern Pacific. Africa operates a multilateral Search and Rescue Agreement containing a sub-regional agreement that established regional maritime SAR arrangements in Africa and invited all African coastal states to agree to the establishment of sub-regional RCCs. Accordingly, 5 sub-regional areas with Maritime Rescue Coordinating Centres (MRCCs) were created in South Africa, Mombasa (Kenya: 2006), Lagos (Nigeria: 2008), Monrovia (Liberia: 2009) and Buoznika (Morocco: 2011), covering all African countries bordering the Atlantic and Indian Oceans, from Morocco to Somalia, anti-clockwise, as well as the nearby Atlantic and Indian Ocean Island States.

Appraisal of Obligatory Regionalism - Recommendations for the Gulf of Guinea

While the mechanisms adopted by regions in furtherance of the UNCLOS provisions exist, the extent of implementation differs depending on the political willingness of States making up a region. The economic capacity of States in a region determines its ability to enforce obligations for security and safety, conservation and non-pollution on the High Seas. The conundrum with uneven security at sea is that it eventually affects all States and all regions. First, the sea is a connected environment which inevitably leads all States to require the use of other parts of the sea either for navigation, laying of submarine cables or exploration of resources. Thus, insecurity in some parts of the ocean becomes a collective burden for all States and regions albeit an immediate emergency for the States directly concerned. Secondly, as a tool for the preservation of humanity and other living species, the preservation of the sea space benefits all of life and must be safeguarded by all of life regardless of where problems specifically originate from.

In view of the spread of violations at sea and the difficulty of many States to respond to these challenges, non-state actors have been considered as a viable option to achieve the result of safety at sea. Through the unilateral action of civil society groups, activist organisations and through the inclusion of private military contractors by soft law instruments and guidelines, non-state actors as enforcers at sea have come to be recognised and gradually accepted. Perhaps, this is the future of maritime security especially in the Gulf of Guinea and other volatile regions where the experiment of obligatory regionalism has not been entirely successful.

An overall appraisal of regionalism in International Law reveals its essence in ensuring the reach of International law to several parts of the world thereby encouraging equal development. The reason for the proliferation of regionalism as a solution to global crises is aptly considered by Berhanykun Andemicael,

“it must be conceded that in the atmosphere of Dumbarton Oaks and San Francisco, it was not apparent that the “One World”, then vaguely envisaged mainly for purposes of preservation of the peace, would soon become so much a reality in the broader sense that innumerable problems of society could no longer be seen in local isolation, and that the major problems facing mankind would become inextricably linked with one another both by their nature and in the extent of their application... this altered perspective is of course fundamental to any reconsideration of the role and structures of the United Nations today and demands that they be perceived and controlled as a coherent whole. This in turn can only be achieved if provision is made within the system for correctly defined in regional parts.”

Conclusion

With the increasing range of concerns evolving around the ocean space - security, climate change and human rights - the global response at sea is approached through the tool of regionalism, complemented by the participation and support of States. However, as clearly indicated in the parts above, regionalism in the UNCLOS, though intended to promote all-round development across the oceans of the world, falls short in fulfilling this mandate in areas like the Gulf of Guinea. A glance through the three concentric circles of law, political will and implementation point to the reasons for the challenges with regionalism in International

Law of the Sea. Unfortunately, while the laws are abundant in assigning rights to regional organisations, the political will for the implementation of regional policies remains a stumbling block to fulfilling the goal of regionalism. Precisely in the negotiations on the High Seas, States differed as to the appropriate method of cooperation, even though they unanimously accepted that it must be reserved for peaceful purposes. Interestingly, in the African draft supplied by the then Organisation of African Unity (OAU), there was a recognition and acceptance of the necessity of regionalism in the inter-state relationship at sea. The negotiation manuscripts capture the following statement by the OAU on the EEZ and High Seas areas: “the international area lies outside the economic zones which states are entitled to define in accordance with regional considerations”. Presently, both political and economic differences exist in the region to make regional cooperation a difficult concept to implement.

First, one of the problems setting the Gulf of Guinea behind in maritime security is the difficult security crises existing within their land borders through insurgency and military takeover of power. This, coupled with the volatile economic regime in these countries accounts for the rise in maritime violations in the region. For example, for an oil-rich nation like Nigeria, fraught with agitations by indigenous groups of the Niger Delta, States in the Gulf of Guinea have yet to effectively suppress growing strife, poverty and criminality within their land borders and thus prove politically unprepared to embrace and implement complex maritime security tactics at sea. Seeing also that most of the States within the region face differing levels of economic challenges, there is an obvious setback in the effort required for maritime security measures to thrive. The financial, technical and personnel demands prove difficult for the Gulf of Guinea States to provide given the prioritisation of crisis control and security within their respective States, leaving only one or few countries focused on combatting insecurity in the regional waters. Nigeria recently launched the Deep Blue Project aimed at attacking piracy in the Gulf of Guinea. In doing so, the State provided ships, aircraft and personnel to facilitate security within the area. This is after a long period of poor staffing that the Gulf of Guinea had suffered since the entry into effect of the Yaounde Convention 2013. Unfortunately, unlike other regions where a more collaborative approach to maritime security is implemented, States in the Gulf of Guinea have resolved to protect their own national waters as the solution to gulf-wide security. This approach appears untenable given that insecurity at sea affects all others within a region.

Secondly, it is advanced that Africa’s inability to implement other regional agreements successfully like the Free Trade Agreement, gives impetus to the individualism that enhances insecurity in the region. On the other hand, regions considered trade hubs or hosts to global trading powers ensure that maritime security is not compromised since this is synonymous with free trade. In the European Union, for instance, 90% of its external and 40% of its internal trade is seaborne. The value of goods transported by sea is 1.8 times higher than that of goods transported by air and almost three times higher than that of goods transported overland. In 2018 alone, the value of trade between the EU and Asia, home to its main economic partners, reached €1.4 trillion, with 50% of it transiting through the Indian Ocean. As a result of this, the strategic and economic interest of seeing trade thrive within the continent powered by its working trade agreement and also beyond the continent along its trading partners, especially in Asia, triggers more response by the EU to maritime security challenges along its maritime domain. For African countries, the situation differs. Since the launch of the Africa

Continental Free Trade Area (AfCFTA), there has largely been a variety of challenges preventing the Agreement from taking off across Africa regardless of its potential for growth within the continent. If put to function, the AfCFTA aims to create the largest free trade area in the world measured by the number of countries participating. Connecting 1.3 billion people across 55 countries with a combined gross domestic product (GDP) valued at \$3.4 trillion. With this glowing prospect and the potential of much of the trade exchanges being sea-borne, African States including those bordering the Gulf of Guinea would become energised to defend this important trade route from vandalism and insecurity. Moreso, with the potential for effective trade within the region, State trading partners will become keen to provide support to combat piracy and robbery within the Gulf of Guinea. This is the case influencing the EU's contribution to maritime security in the Indo-Pacific region and the South China Sea, which carries one-third of overall global shipping, have contributed to safety in those waters, boosted inter-state relations and cooperation on maritime security and protected the interests of the EU States and other States sailing along those routes. Acknowledged that the EU extends maritime security support to parts of the African region, through its role in counterpiracy operations in Somalia and through the establishment of the Maritime Security Centre of the Horn of Africa (MSCHOA) and its real-time information-sharing platform "Mercury", African States can enjoy more benefit of global cooperation through releasing the trade potential of the region, making it a hotspot for global economic interest in the world and vesting the global interest of maritime security within the region.

Finally, it is emphasised that regionalism is the safest solution to a complex framework treaty as the UNCLOS. Obligatory regionalism, established by the cooperative mechanisms installed by States to address different maritime security challenges has become the tool for secure seas in some regions of the world while also being difficult to fully comply with in other parts. One of the highlighted reasons for this is the lack of political will and infrastructure to implement sophisticated security architecture across all regional waters, thereby leaving maritime security lopsided across the globe. Within the Gulf of Guinea, the execution of regional obligations will be improved by more cooperation among States within the region in ocean affairs as well as in trade.

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CITE THIS ARTICLE

Nwarueze, E. C. (2023). Enhancing Maritime Security in the Gulf of Guinea through “Obligatory Regionalism”. Gulf Spectrum Journal, 1(1).

<https://www.gulfspectrumjournal.com/articles/enhancing-maritime-security-in-the-gulf-of-guinea-through>