

AFRICA'S RESPONSE TO MARITIME INSECURITY: AN APPRAISAL OF LEGAL AND INSTITUTIONAL FRAMEWORKS FOR CURBING MARITIME INSECURITY IN AFRICA*

Abstract

Piracy, armed robbery at sea, illegal fishing, trafficking, and maritime terrorism continues to undermine Africa's economic stability, marine environmental sustainability, and regional integration. While examining the continental, regional, and national frameworks that govern maritime security, this paper undertook a legal evaluation of Africa's response to these maritime threats. With special focus on the Gulf of Guinea and Nigeria marine environment, the paper critically assessed key institutional and legal frameworks such as the Lomé Charter, regional protocols like the Djibouti Code and the Yaoundé Code and national legislations like Suppression of Piracy and Other Maritime Offences Act (SPOMO), 2019 and NIMASA Act. Applying the doctrinal research methodology, this paper identified gaps in coordination, enforcement capacity and harmonization of domestic laws. The paper also evaluated the role of international conventions particularly UNCLOS, the SUA Convention, and SOLAS Convention in shaping African maritime governance. The findings suggest that although Africa has developed a robust normative foundation, operational challenges, limited resources, and fragmented institutional arrangements hinder effective maritime security within the region. The paper concludes by proposing strengthened legal harmonization, enhanced regional cooperation, and improved accountability mechanisms to bolster Africa's capacity to address maritime insecurity comprehensively.

Keywords: Piracy, IUU, UNCLOS, Gulf of Guinea, Gulf of Aden, Maritime.

1. Introduction

Africa's maritime space host a growing number of threats that challenge both Africa and the global community. Narco traffickers now move an estimated 50–60 tons of cocaine every year through West Africa to Europe.¹ More than 1,000 hostages were seized in 218 piracy attacks off the coast of East Africa in 2010-double the number of incidents in 2008.² Armed robberies of local and international vessels in Nigerian waters continue to be a challenge and analysts expect increasing numbers of kidnappings at sea in the future.³ Illegal, unregulated, and unreported (IUU) fishing is estimated to cost sub-Saharan Africa about \$1 billion annually,⁴ the catch from which floods international markets, depresses prices, and discourages legal and environmentally sustainable practices around the world. Attacks on the oil sector in Nigeria have cost billions of dollars in lost revenue and repairs, helped destabilize prices globally, and contributed to an environmental disaster along Nigeria's coast caused by 546 million gallons of spilled oil.⁵ This includes a multibillion dollar black market in military arms, illegally logged forest products that represent as much as 70 percent of African timber harvests,⁶ and counterfeit medications that account for up to 50 percent of all sales on the African continent.⁷ The economic, security, social, and humanitarian effects of maritime insecurity in Africa and West Africa in particular have been momentous and severe. Among other implications, the African continent has become one of the most dangerous sea routes in the world as ships are advised to be vigilant while traversing these waters. Aside from kidnappings, assaults, and killings of seafarers, some shipping companies have refused to carry cargo to Nigerian ports and the attendant increase in insurance premiums due to the increasing spate of piracy in Nigerian waters.⁸ In the light of the above, this paper in the succeeding paragraphs will delineate and carry out an appraisal of legal and institutional framework for curbing maritime insecurity within African maritime environment.

2. Legal Framework

Armed Forces Act

The Armed Forces Act⁹ was promulgated in 1993 and revised in 2004. It provides for the creation, maintenance, and administration of the armed forces in Nigeria. The Act establishes, among others, the Nigerian Navy.¹⁰ The Nigerian Navy is charged with the defence of the Federal Republic of Nigeria at sea level.¹¹ It is also charged with enforcing and assisting

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¹ A Costa, 'Africa under Attack: Drug Trafficking Has Acquired a Whole New Dimension' (Address Delivered Before the U.N. Security Council, December 8, 2009).

² Pirate Attacks Increase in 2010, *The Maritime Executive*, December 30, 2010.

³ C Oyibo, Cash-driven Piracy to Rise in Nigeria's Oil Delta: Analysts, *Agence France-Presse*, (January 3, 2011).

⁴ J Pearce and Others, Review of Impacts of Illegal, Unreported, and Unregulated Fishing on Developing Countries (London: Marine Resources Assessment Group Ltd., 2005), 16.

⁵ A Nossiter, 'Far from Gulf, A Spill Scourge 5 Decades Old,' *The New York Times*, (June 16, 2010).

⁶ Strengthening Forest Law Enforcement and Governance: Addressing a Systemic Constraint to Sustainable Development (Washington, DC: World Bank, 2006), 78.

⁷ UN Office on Drugs and Crime, 'Transnational Trafficking and the Rule of Law in West Africa: A Threat Assessment,' 2009, 94.

⁸ K Anele, 'A Panoramic Definition of Piracy under the SPOMO Act: Matters Arising' *Afronomicslaw* <Available at <https://www.afronomicslaw.org/index.php/category/analysis/panoramic-definition-piracy-under-spomo-act-matters-arising>>, accessed on 20th August, 2025.

⁹ Chapter A20, LFN, 2004

¹⁰ AFA S. 1(1).

¹¹ *Ibid.* S. 1(3).

in coordinating the enforcement of customs and laws, including anti-bunkering, fishing, and immigration laws of Nigeria at sea;¹² enforcing and assisting in coordinating the enforcement of national and international maritime laws ascribed or acceded to by Nigeria;¹³ and promoting, coordinating, and enforcing safety regulations in the territorial waters and the exclusive economic zone of Nigeria.¹⁴ The creation of the Nigerian Navy, alongside its statutory duties, is a testament to Nigeria's effort towards combating maritime offences Nigeria territorial waters.

Criminal Code Act

The Criminal Code Act is Nigeria's primary penal statute applicable in the southern states of Nigeria. Though not a maritime-specific legislation, the Criminal Code contains provisions that were historically invoked to prosecute piracy and related offences before the enactment of more specialised laws such as the SPOMO Act. The Code defines piracy as 'any attack or seizure made by persons not acting under governmental authority or known allegiance,' when committed on the high seas.¹⁵ The offence is also punishable under the Act, which prescribes life imprisonment for anyone convicted of piracy.¹⁶ The inclusion of piracy in the Criminal Code was in accordance with Nigeria's obligations under international customary law to criminalise piracy as an enemy of all mankind. However, the provisions under the Criminal Code have been criticised for being outdated and inconsistent with modern international legal standards. For example, they do not distinguish between piracy *jure gentium* (under international law) and armed robbery at sea within territorial waters – an omission that created confusion over jurisdictional boundaries.¹⁷ Moreover, there were procedural deficiencies, such as lack of clear guidelines on investigation, prosecution, and cooperation with international maritime agencies.¹⁸ The limitations of the Criminal Code became evident in high-profile piracy cases where courts struggled with the application of these archaic provisions.¹⁹

Suppression of Piracy and Other Maritime Offences Act, 2019 (SPOMO)

As a dualistic territory, various documents and conventions under international law which criminalize piracy lack enforceability in Nigeria. Nigeria has ratified both UNCLOS²⁰ and the SUA²¹ Convention. However, though ratified, Section 12 of the Constitution²² requires that such Conventions have to be enacted into law before they can be enforceable in Nigeria. What this means is that the bulk of international jurisprudence on piracy is unenforceable in Nigeria. Consequently, while Section 216 (a) and (h) of the Merchant Shipping Act,²³ provided for the application of the SUA and SOLAS²⁴, the provision falls short of the requirements of domestication under Nigerian law. Furthermore, the SUA Convention does not stipulate punishments for the offences created. Thus, even if the Merchant Shipping Act is assumed to have domesticated the Convention, it would fail the requirements for a valid offence provided for under Section 36(12) of the 1999 Constitution. Thus, there was a dire need for a local legislation criminalizing these offences of piracy and other maritime offences. To cure this legislative malady, the late President Mohammed Buhari signed the Suppression of Piracy and Other Maritime Offences Act ('SPOMO Act') on 24 June 2019, making Nigeria the first nation in West and Central Africa to have a standalone anti-piracy law with the aim of preventing and suppressing piracy, armed robbery, and other unlawful acts against a ship, aircraft, and any other maritime craft.²⁵ The definition of piracy under the SPOMO is for all material purposes, identical to the definition of piracy contained under Article 15 of the 1958 Convention on the High Seas (HSC), and Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS), except for certain textual differences.²⁶ Despite, being the first country in the Gulf of Guinea to pass an anti-piracy law, tackling a transnational crime like piracy demands more than national efforts. Nigeria's anti-piracy law could be seen altercating with regional maritime legal regimes like the Yaoundé Code of Conduct as well as domestic legislation dealing with kidnapping, firearms and money laundering. This altercation could be seen on the role of the navy as the sole agency for Nigeria maritime security as provided for by the Armed Forces Act 1993 while Section 17(1-2) of the SPOMO Act tasked NIMASA with coordinating all maritime activities and security including 'to prevent and combat piracy, maritime offences and any other unlawful acts. Such lack of clarity on roles and responsibilities deepen inter-agency rivalry which shows preponderance of irregular practices rather than the absence of laws, and this account for Nigeria's weak maritime security.²⁷

¹² *Ibid.* S. 1(4)(a)(i).

¹³ *Ibid.* S. 1(4)(a)(ii).

¹⁴ *Ibid.* S. 1(4)(a)(iv).

¹⁵ Criminal Code Act, S. 401.

¹⁶ *Ibid.*, S. 402.

¹⁷ Y Osibanjo, 'Legal Framework for Maritime Security in Nigeria' (2007) 3(1) *Nigerian Journal of International Law*, 45.

¹⁸ *Ibid.*

¹⁹ See *MV Nordica v Nigerian Ports Authority* (2015) LCN/8029(CA).

²⁰ UNCLOS stands for the United Nations Convention on the Law of the Sea.

²¹ SUA stands for the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.

²² Constitution of the Federal Republic of Nigeria, 1999 (As amended).

²³ 2007.

²⁴ SOLAS stands for Safety of Life at Sea.

²⁵ O Alao, *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* (2021) vol. 4(2): *Unilag Law Review*, 204.

²⁶ OE, Nkomadu, 'Private Ends in Maritime Piracy Legislation in Nigeria': *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, (2022) 13(1) 80.

²⁷ UV Unachukwu 'Gulf of Guinea and Maritime Security Challenges: The Nigerian Experience,' *International Journal of Social Science, Management, Peace and Conflict Research* (IJSMPCR), (2023) 01(02), 014–027.

Merchant Shipping Act 2007

The Act is a cornerstone legislation governing maritime commerce and safety in Nigeria. It repealed the 1962 Act and modernised the legal framework regulating shipping activities, vessel registration, crew requirements, marine insurance, and maritime safety, in line with international standards. While its primary thrust lies in commercial and administrative regulation of shipping, the Act has crucial implications for Nigeria's anti-piracy regime. Particularly, the Act addresses safety and security standards for Nigerian flagged vessels, thereby establishing a preventive framework for deterring acts of piracy and other unlawful activities at sea.²⁸ The Act criminalises offences committed on the high seas by persons aboard Nigerian ships or by Nigerian citizens, thus asserting extra-territorial jurisdiction in line with the principle of flag state control.²⁹ This jurisdictional reach is vital in Nigeria's ability to prosecute piracy committed beyond its territorial waters. The Act also incorporates relevant international conventions and maritime safety protocols, including provisions under UNCLOS and International Maritime Organisation (IMO) guidelines. For example, compliance with SOLAS (Safety of Life and Sea) and MARPOL (Marine Pollution) conventions under the Act mandates vessels to implement shipboard security and safety measures, thereby contributing indirectly to the suppression of piracy.³⁰ Moreover, the Act empowers the Minister of Transport to issue regulations for the prevention of maritime crimes.³¹

Federal High Court Act

The Federal High Court Act³² establishes the Federal High Court as the primary court with jurisdiction over federal causes, including matters arising from maritime law. This Act is of significant importance in Nigeria's legal regime for combating maritime piracy, as it delineates the court's jurisdiction, procedural powers, and authority to try piracy and other maritime-related offences. Pursuant to provisions of the Constitution of Federal Republic of Nigeria 1999 (Fifth Alteration), the Federal High Court has exclusive jurisdiction over causes and matters relating to 'any admiralty jurisdiction, including shipping and navigation on the River Niger or River Benue and their effluents and on such other inland waterways.'³³ The Federal High Court Act operationalises this constitutional provision, enabling the Court to entertain matters involving piracy on Nigeria's territorial waters, exclusive economic zone, and on the high seas where Nigeria asserts jurisdiction under international law.³⁴

International Convention for the Safety of Life at Sea, 1974 (SOLAS).

The International Convention for the Safety of Life at Sea ('**SOLAS Convention**'), in its successive forms, is ranked the highest amongst other international treaties concerning the safety of merchant ships. The first version of the treaty was adopted in 1914, in response to the Titanic disaster, the second in 1929, the third in 1948, the fourth in 1960, and the fifth in 1974. The main objective of the SOLAS Convention is to specify minimum standards for the construction, equipment and operation of ships, compatible with their safety. Flag States³⁵ are responsible for ensuring that ships under their flag comply with its requirements, and several certificates are prescribed in the SOLAS Convention as proof that this has been done. Chapter V of the convention identifies certain navigation safety services which should be provided by contracting governments and sets forth provisions of an operational nature applicable in general to all ships on all voyages. The subjects covered include the maintenance of meteorological services for ships; the ice patrol service; the routing of ships³⁶ and the maintenance of search and rescue services.³⁷ The convention makes mandatory the carriage of voyage data recorders (VDRs) and automatic ship identification systems (AIS).³⁸

United Nations Convention on the Law of the Sea 1982 (UNCLOS)

The United Nations Convention on the Law of the Sea (UNCLOS), also called the Law of the Sea Convention or the Law of the Sea Treaty, is an international treaty that establishes a legal framework for all marine and maritime activities. As of February 2025, there are 170 state parties.³⁹ The convention resulted from the third United Nations Conference on the Law of the Sea (UNCLOS III), which took place between 1973 and 1982. Today, it is the globally recognized regime dealing with all matters relating to the law of the sea. The preamble outlines the objectives and the intention of the convention, including promoting peace, order, and cooperation in the world's oceans. Part I define key terms used throughout the

²⁸Merchant Shipping Act, 2007, Part VI.

²⁹Merchant Shipping Act, 2007, S. 215.

³⁰O Akinola, 'An Analysis of Nigeria's Merchant Shipping Regime in the Context of Piracy Prevention' *Nigerian Journal of Maritime Law and Policy*, (2021) 13 47.

³¹Merchant Shipping Act 2007, S. 335.

³²Federal High Court Act, Cap F12, Laws of the Federation of Nigeria 2004.

³³Constitution of the Federal Republic of Nigeria, 1999 (Fifth Alteration), S. 251(1) (g).

³⁴CC Ani & P Iloka, 'Delineating Jurisdictional Indicators of Maritime Claims in Nigeria: The Case of Unpaid Crew Wages of the Vessel Mt Sam Purpose (EX MT TAPTI)' *International Review of Law and Jurisprudence* (IRLJ) (2021) 3 (3) 77.

³⁵The flag state of a merchant vessel is the jurisdiction under whose laws the vessel is registered or licensed, and is deemed the nationality of the vessel.

³⁶Chapter V, Reg.10.

³⁷Chapter V, Reg. 7.

³⁸Chapter XI. Reg.3.

³⁹'State Parties' (*International Tribunal for the Law of the Sea*) <[---

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convention and provide the foundational principles.⁴⁰ Part II covers the rights and responsibilities of coastal states regarding their territorial sea (up to 12 nautical miles from the baseline). It also discusses the contiguous zone (up to 24 nautical miles) where a state can exercise control over customs, immigration, and environmental regulations.⁴¹ Part III covers the legal regime governing international straits, ensuring unimpeded navigation for all states.⁴² Part IV defines the rights of archipelagic states (island nations), detailing the delineation of their territorial waters and right of passage for foreign vessels.⁴³ Part V States' rights to an exclusive economic zone extending 200 nautical miles from the baseline, within which they have special rights regarding natural resources, including fishing and seabed exploitation. It also includes provisions for the sustainable use of resources and environmental protection.⁴⁴ Part VI outlines the rights of coastal states to extend their continental shelf beyond 200 nautical miles if they can demonstrate that the continental shelf naturally extends.⁴⁵ Part VII defines the 'high seas' (areas beyond national jurisdiction), where all states have freedom of navigation, fishing, and scientific research, subject to regulation. It establishes rules for the conservation of living resources on the high seas.⁴⁶ Part VIII establishes guidelines for the prevention of marine pollution and the protection of marine ecosystems.⁴⁷ Part IX regulates scientific research in the oceans, ensuring that it is conducted in a manner that does not harm the marine environment or interfere with other states' rights.⁴⁸ Part X aims to promote the transfer of marine technology, especially to developing countries, to foster sustainable use of marine resources.⁴⁹

Convention for the Suppression of Unlawful Acts of Violence against the Safety of Maritime Navigation, 1988 (SUA)

The Convention for the Suppression of Unlawful Acts of Violence against the Safety of Maritime Navigation was adopted in Rome at a conference in March 1988. The main purpose of the Convention is to ensure that appropriate action is taken against persons committing unlawful acts against ships. These unlawful acts against ships according to the SUA Convention include the seizure of ships by force, acts of violence against persons on board ships, and the placing of devices on board a ship which are likely to destroy or damage it.⁵⁰ Under the SUA Convention, a person commits an offence where such person intentionally and unlawfully seizes or exercises control over a ship by force or threat thereof or any other form of intimidation,⁵¹ places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship;⁵² or where such person communicates information which that person knows to be false, thereby endangering the safe navigation of a ship.⁵³

United Nations Convention against Transnational Organized Crime 2000 (UNTOC)

The ocean has over the years proven to be a veritable route for all forms of trafficking which includes human trafficking. The United Nations Convention against Transnational Organized Crime is the main international instrument in the fight against transnational organized crime.⁵⁴ UNTOC is further supplemented by three Protocols, which target specific areas and manifestations of organized crime: 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.

Agreement on Port State Measures, 2005

The United Nations Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing (IUU) is an international treaty.⁵⁵ It seeks to prevent IUU fishing through the adoption and implementation of effective port state measures as a means of ensuring the long-term conservation and sustainable use of marine life.⁵⁶ One of the major provisions of the Agreement is increased information sharing and communications among participating states, enforcement agencies, and international organizations such as regional fisheries management organizations.⁵⁷

⁴⁰ Art. 1-4.

⁴¹ Art. 5-24.

⁴² Art. 34-45.

⁴³ Art. 46-54.

⁴⁴ Art. 57-75.

⁴⁵ Art. 76-85.

⁴⁶ Art. 86-120.

⁴⁷ Art. 192-196.

⁴⁸ Art. 238-265.

⁴⁹ Art. 266-275.

⁵⁰ 'Convention for the Suppression of Unlawful Acts of Violence Against the Safety of Maritime Navigation....' (*International Maritime Organization*) <<https://www.imo.org/en/KnowledgeCentre/ConferencesMeetings/Pages/SUA.aspx>> accessed 29th February 2025.

⁵¹ Art 3(1)(a).

⁵² Art 3(1)(d).

⁵³ Art 3 (1)(f).

⁵⁴ <<https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>>. Accessed on 25 Nov 2025.

⁵⁵ 'Agreement on Port State Measures: Background' (*Food and Agriculture Organization of the United Nations*) <<https://www.fao.org/port-state-measures/background/en/>> accessed 29th February 2025.

⁵⁶ Art. 2.

⁵⁷ Art. 6.

Code of Conduct Concerning the Repression of Piracy and Armed Robbery Against Ships in the Western Indian Ocean and the Gulf of Aden 2009 (Djibouti Code of Conduct)

The Code of Conduct Concerning the Repression of Piracy and Armed Robbery Against Ships in the Western Indian Ocean and the Gulf of Aden (Djibouti Code of Conduct) is a grouping on maritime matters which comprises more than 18 member states adjoining the Red Sea, Gulf of Aden, the East coast of Africa and Island countries in the Indian Ocean Region. The Djibouti Code which was established in January 2009 is aimed at repression of piracy and armed robbery against ships in the Western Indian Ocean Region, the Gulf of Aden and the Red Sea. It takes into account and promotes the implementation of those aspects of UN Security Council resolutions 1816, 1838, 1846, and 1851 and of UN General Assembly resolution 63/111, which fall within the competence of IMO.⁵⁸ The Code provides for sharing of piracy-related information, through its information sharing network established in 2011. The network is centred on the three Information Sharing Centres: the Regional Maritime Rescue Coordination Centre (RMRCC) in Mombasa, Kenya, Maritime Rescue Coordination Centre (MRCC) in Dar es Salaam, United Republic of Tanzania and the Regional Maritime Information Sharing Centre (ReMISC) in Sana'a, Yemen.⁵⁹ The Djibouti Code of Conduct has played a key role in combating piracy and armed robbery against ships in the western Indian Ocean and the Gulf of Aden.⁶⁰ In 2017, the scope of the code was expanded to address a wider range of illicit maritime activities in the western Indian Ocean and the Gulf of Aden. These activities include human trafficking and smuggling, IUU fishing, trafficking in narcotics and psychotropic substances, arms trafficking, illegal wildlife trade, crude oil theft, and the illegal dumping of toxic waste.⁶¹ This expansion, signed in Jeddah, Saudi Arabia, on January 12, 2017, became known as the Jeddah Amendment.⁶² Over time, it has become an important regional framework for maritime capacity-building and offers a platform for coordinating technical assistance from the international community.⁶³

Code of Conduct Concerning the Repression of Piracy, Armed Robbery against and Illicit Maritime Activity in the West and Central Africa, 2013 (Yaoundé Code of Conduct)

In June 2013, the governments of countries (the leaders of the Economic Community of West African States, the Economic Community of Central African States and the Gulf of Guinea Commission) in and around the Gulf of Guinea signed the Code of Conduct concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa in Yaoundé, Cameroon. The Yaoundé Summit led to the creation of three mechanisms: the Yaoundé Code of Conduct, the Heads of States Declaration and the Memorandum of Understanding between regional organisations. This set of instruments inspired the elaboration of the Yaoundé Architecture. The Yaoundé Architecture comprises the Interregional Coordination Centre (ICC), the coordination and information-sharing structure which connects the Regional Maritime Security Centre for Central Africa (CRESMAC) and the Regional Maritime Security Centre for West Africa (CREMAO).⁶⁴ The objective of the Yaoundé Code of Conduct is to promote regional maritime cooperation and a stable maritime environment that can contribute to regional prosperity.⁶⁵ The Code addresses various maritime crimes, including piracy, armed robbery, illegal, unreported, and unregulated (IUU) fishing, maritime terrorism, and trafficking in narcotics and wildlife products.⁶⁶ The Code emphasizes the importance of sharing maritime information among states to enhance situational awareness and response capabilities.⁶⁷ It encourages joint maritime operations to combat piracy and other illicit activities effectively.⁶⁸ The code calls for the harmonization of national laws to facilitate the prosecution of maritime crimes.⁶⁹

African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter)

The African Charter on Maritime Security and Safety and Development in Africa, also commonly known as the Lomé Charter, is a legally binding document adopted by the African Union. It is aimed at securing the continent's maritime domain by addressing threats like piracy, illegal fishing, terrorism, and environmental degradation through regional cooperation and coordinated action. The Charter focuses on promoting a sustainable blue economy while enhancing maritime security and safety across Africa. The Charter was adopted by the Extraordinary Session of the AU Assembly, held in Lomé, Togo, on October 15th 2016.⁷⁰ Since around 2005, the African maritime domain increasingly has been discussed in the context of piracy in the Gulf of Aden, the Indian Ocean (East Africa) and the Gulf of Guinea (West Africa).⁷¹ Member States of the African Union, the Regional Mechanisms for Conflict Prevention, Management and Resolution (RMS), Regional Economic

⁵⁸About DCOC' (*Djibouti Code of Conduct*) <<https://dcoc.org/about-us/>> accessed 29th February 2025.

⁵⁹Art. 8 (Djibouti Code of Conduct) Article 11(Jeddah Amendment to Djibouti Code of Conduct)

⁶⁰Djibouti Code of Conduct' (International Maritime Organization) <<https://www.imo.org/en/OurWork/Security/Pages/DCoC.aspx> > accessed 1 September 2025

⁶¹Art. 2, DCOC (as amended)

⁶²'Jeddah Amendment' (DCOC) <https://dcoc.org/about-us/jeddah-amendment/>> accessed 1 September 2025

⁶³*Ibid.*

⁶⁴*Ibid.*

⁶⁵Art. 2.

⁶⁶Art. 2(3).

⁶⁷Art. 11.

⁶⁸Art. 6.

⁶⁹Art. 4.

⁷⁰AU, 'African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter), Lomé,' Togo, October 15, 2016. <https://au.int/sites/default/files/treaties/37286-treaty%20-0060_-_Lome_Charter_e.pdf> accessed 1 March 2025.

⁷¹U Engel, The African Union, the African Peace and Security Architecture, and Maritime Security, Addis Ababa- Friedrich-Ebert-Stiftung, (2014), P.7. <<http://library.fes.de/pdf-files/bue/ros/aethiopien/10878.pdf>> accessed 1 March 2025.

Communities (RECS) and the African Union Commission (AUC) have responded to dimensions of the African Maritime Domain (AMD) with a set of policies to integrate their evolving practices into a coherent Maritime Security and Safety Policy.⁷² This led in January 2014 to the adoption of the 2050 AIM Strategy by the AU Assembly. The 2050 AIM Strategy, which is a long-term strategic vision for the development of Africa's blue economy, was developed as a tool to address Africa's maritime challenges for sustainable development and competitiveness.⁷³ According to Edwin Egede, the Lomé Charter is a momentous document in three main ways. First, it moves the African maritime security agenda from a mainly soft law, non-binding approach, as reflected in vital instruments such as the 2009 Djibouti Code of Conduct, the 2013 Yaoundé Code of Conduct or the 2050 Africa's Integrated Maritime Strategy (AIM Strategy) adopted in 2014, to a hard law, legally binding treaty approach.⁷⁴ Second, it seeks to accentuate the crucial linkages between maritime security and safety, and the huge prospects of utilising the marine spaces and resources as a key driver of Africa's economic and social development.⁷⁵ Third, it provides a legally binding definition, though framed in rather general terms, of Blue/Ocean Economy.⁷⁶ The Lomé Charter requests states to create productive jobs and implement fair, inclusive and equitable policy to address socio-economic issues.⁷⁷ Chapter II of the Charter delves deeper into crime prevention and control measures within the maritime domain. State parties are bound to address the root causes of criminal activity by bolstering employment opportunities, strengthening social cohesion, and improving law enforcement capacities. The Charter emphasizes the establishment of national coordinating structures, robust cooperation between flag states, and the creation of a dedicated Maritime Security and Safety Fund.⁷⁸ Addressing issues such as unemployment, corruption and discrimination onshore, reduces the risk of people turning to the sea to undertake illegal activities which threaten the peaceful enjoyment of the sea and its resources. The Lomé Charter also provides for the protection of the marine biodiversity and ecosystem in Africa.⁷⁹

3. Institutional Frameworks

Nigerian Navy

The Naval Headquarters is the administrative and policy-making organ of the Nigerian Navy. At its head is the Chief of the Naval Staff who exercises full command of the Nigerian Navy.⁸⁰ Despite the recent incidents of piracy in the Gulf of Guinea waters, the Nigerian Navy has been able to sustain the presence of its capital ships at sea while employing her surveillance infrastructure to monitor shipping activities within its waters, thus maintaining the sanctity of the Nigerian maritime environment in the past years.⁸¹

Nigerian Maritime Administration and Safety Agency (NIMASA)

The Nigerian Maritime Administration and Safety Agency ('NIMASA') was created on 1st August 2006 when the National Maritime Authority was merged with the Joint Maritime Labour Industrial Council. NIMASA is known for its strong influence and role in combating maritime piracy in Nigeria and the region. Under the presidency of Late Muhammadu Buhari, the Federal Ministry of Transportation and Federal Ministry of Defence initiated the Deep Blue Project which is currently implemented by NIMASA. The main objective of the Deep Blue Project is to secure Nigerian waters up to the Gulf of Guinea.

Nigeria Police Force – Marine Police Unit

The Marine Police Unit of the Nigeria Police Force plays a complementary role in Nigeria's maritime security architecture. Though not as prominently featured as the Nigerian Navy or NIMASA, the unit is responsible for policing inland waterways, coastal areas, and port vicinities, particularly in collaboration with other agencies to prevent piracy, smuggling, and illegal fishing activities.⁸² Established under the general powers of the Nigeria Police Force under Section 4 of the Police Act 2020, the Marine Police has jurisdiction over crimes committed on Nigeria's internal and territorial waters. The unit operates patrol boats and works closely with port authorities, customs, and maritime stakeholders to ensure law and order within and around harbours and jetties. In order to combat maritime piracy, the Marine Police Unit often provides first response enforcement, arrests, and transfers suspects to the Nigerian Navy or the Federal Ministry of Justice for prosecution under the SPOMO Act 2019.⁸³ Although their operational capacity is constrained by inadequate funding, manpower, and equipment, their local presence in riverine and high-risk piracy areas like the Niger Delta makes them a critical component of Nigeria's maritime enforcement ecosystem.

⁷² *Ibid.*

⁷³ C Rustomjee, 'Green Shoots for the African Blue Economy?' *Center for International Governance innovation Policy, Brief No.132 (2018)*, P.1 <https://media.africaportal.org/documents/PB_No.132.pdf> accessed 1 March 2025

⁷⁴ E Egede, 'Africa's Lomé Charter on Maritime Security: What are the Next Steps? (*Safeseas*)' <<http://www.safeseas.net/wp-content/uploads/2020/07/Lome-Charter.pdf>> accessed 1 March 2025

⁷⁵ *Ibid.*

⁷⁶ (n.42)

⁷⁷ Art 5 (a) & (b)

⁷⁸ Art 5-10, Lomé Charter

⁷⁹ Art 26, Lomé Charter

⁸⁰ O Chukwu, 'Nigerian Navy Command: List of Naval Commands in Nigeria' (*Nigerian Queries*) <<https://nigerianqueries.com/nigerian-navy-command-list-of-naval-commands-in-nigeria/>> accessed 29th February 2025.

⁸¹ (n.37).

⁸² O Alao, '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.

⁸³ SPOMO Act 2019, S. 8(2).

International Chamber of Shipping (ICS)

The International Chamber of Shipping, headquartered in London (United Kingdom), was established in 1921 to ensure the development, promotion, and application of best practices throughout the shipping industry.⁸⁴ It is the international trade association for merchant ship operators which represents the collective views of the international industry from different nations, sectors and trades.⁸⁵ ICS is heavily involved in a wide variety of areas including any technical, legal and operational matters affecting merchant ships. ICS is unique in that it represents the global interests of all the different trades in the industry: bulk carrier, tanker, container, and passenger ship operators. It is concerned with all technical, legal, employment and trade policy issues that impact on international ship operations.⁸⁶ To ICS, piracy can only be suppressed through cooperation between industry, militaries and governments and is committed to this cooperation, and continues to work widely with all relevant partners to end the threat of piracy.⁸⁷

International Maritime Organization (IMO)

The International Maritime Organization is the United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine and atmospheric pollution by ships. IMO, headquartered in London, United Kingdom, was established following an agreement at a UN conference held in Geneva in 1948.⁸⁸ IMO is the global standard-setting authority for the safety, security and environmental performance of international shipping. Its main role is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and universally implemented. In other words, its role is to create a level playing field so that ship operators cannot address their financial issues by simply cutting corners and compromising on safety, security and environmental performance. During its existence, IMO has established a comprehensive body of international conventions, supported by hundreds of recommendations governing every facet of the shipping industry. Key treaties are the SOLAS Convention for the safety of life at sea, the MARPOL Convention for the prevention of pollution by ships - both marine and atmospheric - and the STCW Convention on standards of training for seafarers. Other treaty instruments include those providing compensation and liability regimes for oil pollution damage and for damage suffered by passengers and their belongings at sea.

International Maritime Bureau

The International Maritime Bureau ('IMB') is a specialized division of the International Chamber Of Commerce (ICC). The IMB is a non-profit making organization, established in 1981 to act as a focal point in the fight against all types of maritime crime and malpractice. The IMB in its half-year report of 2022 lauded the reduction in piracy in the globe and expressed optimism that it is a new dawn for the shipping community globally.⁸⁹

International Tribunal for the Law of Sea (ITLOS)

The International Tribunal for the Law of the Sea, founded in October 1996 and based in Hamburg, adjudicates disputes relating to the interpretation and application of the UNCLOS.⁹⁰ The Convention gives the Tribunal jurisdiction to resolve a variety of international law of the sea disputes such as the delimitation of maritime zones, fisheries, navigation and the protection of the marine environment. Its Seabed Disputes Chamber has compulsory jurisdiction to resolve disputes amongst States, the International Seabed Authority, companies and private individuals, arising out of the exploitation of the deep seabed.⁹¹ The Tribunal also has compulsory jurisdiction in certain instances to protect the rights of parties to a dispute or to prevent serious harm to the marine environment, and over the prompt release of arrested vessels and their crews upon the deposit of a security. ITLOS plays a key role in the regime of the Law of the Sea Convention relating to the prompt release of ships and their crews that are arrested or detained in a foreign port. ITLOS also has the possibility to serve as a judicial organ for the settlement of disputes under other maritime agreements and contracts, if the parties to the agreements or contracts agree to confer jurisdiction on it.⁹² On 28 May 2013, the Tribunal delivered its judgment on *The M/V Louisa* Case between Saint Vincent and the Grenadines and the Kingdom of Spain.⁹³ The Tribunal found that no dispute concerning the interpretation or application of UNCLOS existed between the parties at the time of the filing of the Application and that, therefore, it had no jurisdiction *ratione materiae* (by reason of the matter) to entertain the case. Noteworthy, however, is the Separate Opinion of Vice-President Wolfrum in *M/V Saiga* (No. 2),⁹⁴ who suggested that the Tribunal should have

⁸⁴About ICS' (*International Chamber of Shipping*) <<https://www.ics-shipping.org/about-ics/>> accessed 29th February 2025.

⁸⁵International Chamber of Shipping' (*Maritime Global Security*) <<https://www.maritimeglobalsecurity.org/about/organisations/ics/>> accessed 29th February 2025.

⁸⁶International Chamber of Shipping: Shaping the Future' (ICS Shipping) <<https://www.ics-shipping.org/>> accessed 1 September 2025.

⁸⁷Piracy and Violence: An Unacceptable Problem (*International Chamber of Shipping*) <<https://www.ics-shipping.org/current-issue/piracy-and-violence-an-unacceptable-problem/>> accessed 29th February 2025.

⁸⁸History of IMO' (13th February 2024, *Britannica*) <<https://www.britannica.com/topic/International-Maritime-Organization>> accessed 29th February 2025.

⁸⁹International Maritime Bureau Confirms Piracy Decline in The Gulf of Guinea, available at <https://nimasa.gov.ng/international-maritime-bureau-confirms-piracy-decline-in-the-gulf-of-guinea/> accessed 29th February 2024.

⁹⁰Laws of the Sea and the UN Conventions' (Washington College of Law) <<https://wcl.american.libguides.com/c.php?g=563260&p=3877828>> accessed 1 September 2024

⁹¹*Ibid.*

⁹²TA Mensah, The significance of the International Tribunal for the Law of the Sea for the shipping industry. *WMU J Marit Affairs* 3, 111–121 (2004).

⁹³ITLOS case No 18, ICGJ 450 (ITLOS 2013).

⁹⁴*Case no 2 St Vincent and the Grenadines v Guinea* ICGJ 336 (ITLOS 2001).

explained the basis on which it was assessing the evidence. In the *MOX Plant, Provisional Measures case*,⁹⁵ the Tribunal had to consider whether there had been an exchange of views, a precondition for the institution of proceedings under Article 283 of the Convention, a point that many courts have had to deal with. It concluded that in the view of the Tribunal, a State Party is not obliged to continue with an exchange of views when it concludes that the possibilities of reaching agreement have been exhausted. Article 283 was also at issue in the land reclamation case, where it was discussed at some length, and in the *Barbados v. Republic of Trinidad and Tobago*⁹⁶ delimitation case.⁹⁷

Regional Fisheries Management Organisations (RFMO)

RFMOs are international organisations set up to establish binding measures for conservation and sustainable management of specific fish species, particularly those that migrate across regions or straddle multiple jurisdictions. RFMOs aim to ensure that fishing activities do not have a significant negative impact on biodiversity and marine ecosystems. RFMOs consist of countries with fishing interests in a given area and are open to coastal states, as well as nations with historical or potential future fishing activities in these areas. These rules include management tools such as catch limits (quotas), technical measures, spatial and temporal restrictions, and monitoring, control, and surveillance activities to ensure compliance. Decisions are made based on scientific advice from their scientific bodies, with regular reviews of member compliance.

International Court of Justice

The International Court of Justice (ICJ), commonly referred to as the World Court, is one of the six principal organs of the United Nations (UN), alongside the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, and the UN Secretariat. The ICJ is located in The Hague, Netherlands. The ICJ's first case was submitted in 1947 by the United Kingdom against Albania, concerning the Corfu Channel incidents. The Statute of the ICJ, similar to its predecessor, governs the court's operations and establishes its workload. The court deals with a broad array of judicial matters, and in 1986, after the ICJ ruled against the United States in the Nicaragua case,⁹⁸ the U.S. withdrew from the court's compulsory jurisdiction, agreeing only to accept its jurisdiction on a discretionary basis.⁹⁹ Chapter XIV of the UN Charter authorizes the Security Council to enforce ICJ rulings, though enforcement is subject to the veto power of the five permanent members, which was exercised by the U.S. in the Nicaragua case.¹⁰⁰ Under Article 31 of the ICJ Statute, parties involved in contentious cases may appoint ad hoc judges to sit on cases, especially if their country's nationals are not already serving on the bench. This system is meant to encourage states to submit cases to the court by ensuring that their interests are represented. The International Court of Justice (ICJ) plays a significant role in the interpretation and application of maritime law, particularly in resolving disputes involving maritime offenses, rights, and boundaries. While the ICJ does not have exclusive jurisdiction over maritime disputes, it plays a crucial role in resolving conflicts that arise under UNCLOS and other international treaties. The ICJ has been involved in several landmark cases that have shaped maritime law and the rights of states in relation to the seas such as questions of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast,¹⁰¹ and the alleged violations of sovereign rights and maritime spaces in the Caribbean Sea.

Gulf of Guinea Commission (GoGC)

The Gulf of Guinea Commission was established via a treaty signed in Libreville, Gabon, on 3rd July 2001, comprising Angola, the Republic of Congo, the Democratic Republic of Congo, Gabon, Equatorial Guinea, Cameroun, Nigeria and Sao Tome and Principe.¹⁰² The Commission has a framework of consultation among the coastal states of the Gulf of Guinea for cooperation, development and expansion as well as for the prevention, management and resolution of conflicts that may arise from the delineation of maritime borders and the economic and commercial exploitation of natural resources within the territorial boundaries. The Commission is also equipped with the framework for the resolution of any dispute that may arise within the intersections of the Exclusive Economic Zones (EEZ) of the contracting States.¹⁰³ The Commission provides an institutional framework for cooperation amongst the contracting countries bordering the Gulf with a view of defending their common interest and promoting peace and socio-economic development founded on dialogue, consensus, ties of friendship, solidarity and fraternity.¹⁰⁴ The Gulf of Guinea Commission has the following organs: Assembly of Heads of States and Governments, Council of Ministers, Secretariat and the Ad Hoc Arbitration Mechanisms.¹⁰⁵ Finally, the creation

⁹⁵ *Ireland v United Kingdom* No 10, ICGJ 343 (ITLOS 2001).

⁹⁶ (2006) 45 ILM 839.

⁹⁷ M. Wood The International Tribunal for the Law of the Sea and General International Law, *The International Journal of Marine and Coastal Law*, Vol 22, No 3, (2007), 351.

⁹⁸ *United States v Nicaragua* 1986 ICJ 14.

⁹⁹ 'United Nations Official Document' (United Nations 12 November 2020) <https://www.un.org/en/ga/search/view_doc.asp?symbol=S%2FPV.2718> accessed 1 September 2025.

¹⁰⁰ *Ibid.*

¹⁰¹ *Nicaragua v Colombia* ICGJ 436 (ICJ 2012) <<https://www.icj-cij.org/case/154>> accessed 1 September 2025.

¹⁰² Preamble and Art 2, Gulf of Guinea Commission Treaty. Ghana has recently joined.

¹⁰³ C.C Ani, 'An Appraisal of the Regional Efforts of The Gulf of Guinea Commission in Curbing Maritime Crimes and Insecurity', *ESUT Public Law Journal* 4 (1), 2023 104.

¹⁰⁴ *Ibid.*

¹⁰⁵ Art 6 (n.38).

of the oil and environment specialized committee with the obligation to address issues related to oil exploitation so that best practices can be applied in the region as well as issues of environmental pollution.¹⁰⁶

Indian Ocean Commission

The Indian Ocean Commission ('IOC') is an intergovernmental organization that connects African nations surrounding the Indian Ocean,¹⁰⁷ including Comoros, Madagascar, Mauritius, Réunion (an overseas region of France), and Seychelles. The IOC also maintains relationships with seven observer members, including China, the European Union, the Organization Internationale de la Francophonie, the Sovereign Order of Malta, India, Japan, and the United Nations. Formed in 1982 in Port-Louis, Mauritius, by the foreign ministers of Mauritius, Madagascar, and Seychelles, the IOC's mission was later formalized in 1984 under the Victoria Agreement signed in Seychelles. This agreement officially institutionalized the organization and set its foundational framework.¹⁰⁸ Since its establishment, the IOC has focused on fostering cooperation between its member states and observers. The organization is primarily dedicated to addressing the unique environmental, economic, and social challenges faced by island nations. Its key areas of focus include environmental management and preservation, maritime concerns, fisheries, the needs of growing island states, climate change adaptation, food security, and public health. The importance of environmental sustainability has been at the heart of IOC's projects, with efforts directed at managing marine and coastal ecosystems, protecting biodiversity, and ensuring the sustainable use of ocean resources.¹⁰⁹ The IOC plays a crucial role in promoting peace and stability in the region, enhancing maritime security, and safeguarding food security.¹¹⁰

Maritime Organization for West and Central Africa

The Maritime Organization for the West and Central Africa ('MOWCA') was founded in May 1975 under the name Ministerial Conference of West and Central African States on Maritime Transport (MINCONMAR) through the Charter of Abidjan.¹¹¹ This name was changed to MOWCA in August 1999 during an extraordinary session of the General Assembly of Ministers of Transport, held in Abidjan, Côte d'Ivoire, as part of a series of reforms.¹¹² MOWCA's main goal is to handle maritime matters that have a regional character, both for the local and international communities.¹¹³ MOWCA has identified a series of regional challenges affecting the shipping industry, including the availability of shipping space, frequency of sailings, the level of freight rates, the competitiveness of national and regional operators, port efficiency, cargo and ship safety, inland transportation networks, coastal shipping services, multimodal transport systems, and trade facilitation.

4. Conclusion and Recommendations

This paper has shown that Africa has made significant strides in developing a comprehensive legal and institutional framework to confront the growing challenge of maritime insecurity. Continental instruments such as the Lomé Charter, together with regional agreements under ECOWAS and ECCAS, demonstrate a strong commitment to safeguarding Africa's maritime domain. However, the effectiveness of these frameworks remains limited by gaps in implementation, uneven incorporation of international norms into domestic legislation, weak enforcement capacity, and inadequate inter-state cooperation. A coherent and coordinated legal approach is therefore essential for strengthening Africa's maritime security architecture. Harmonizing national laws, enhancing judicial cooperation, investing in maritime law-enforcement capabilities, and operationalizing existing regional mechanisms will be crucial steps toward sustained progress. Ultimately, addressing maritime insecurity requires not only legal reforms but also political will, resource mobilization, and a unified continental vision. If these elements are aligned, Africa will be better positioned to secure its waters, protect its blue economy, and ensure long-term stability within the continent. Thus, African states should adopt harmonized legal standards across regional blocs to ensure uniform definitions, penalties, and prosecutorial procedures for piracy and related maritime offences. This would eliminate inconsistencies that obstruct regional cooperation and make prosecution more effective. Also, the Djibouti and Yaoundé Code of Conduct should be transformed from a largely voluntary framework into a binding legal instrument. It should incorporate enforceable compliance mechanisms and adequate funding to ensure full implementation.

¹⁰⁶ www.newsexpressngr.com/news/46671--Buhari-demands-improved-efforts-against-piracy-human-trafficking-Emerges-Chairman-of-Gulf-of-Guinea-Commission, Accessed on 12th August, 2025.

¹⁰⁷ The term 'African Indian Ocean nations' refers to the countries located along the coastline of the Indian Ocean, specifically those in Africa. These nations are either island states or coastal countries that border the Indian Ocean, and they are part of the broader region known as the 'Indian Ocean Rim.'

¹⁰⁸ 'IOC and the EU' (European External Action Service. 6 October 2016) <https://www.eeas.europa.eu/en> accessed 1 September 2025.

¹⁰⁹ G Yufeng, 'The 35th Council of Ministers of the Indian Ocean Commission' ((China Embassy Government 2 June 2021) <http://mu.china-embassy.gov.cn/eng/sgxw/202106/t20210602_9101136.htm> accessed 9 September 2025.

¹¹⁰ EUNAVFOR Conducts Its First Combined Maritime Surveillance Operation with RMIFC AND RCOC' (eunavfor.eu. 30 September 2022) <https://eunavfor.eu/news/eunavfor-conducts-its-first-combined-maritime-surveillance-operation-rmifc-and-rcoc> accessed 9 September 2025.

¹¹¹ V Obia, 'MOWCA: Keeping Nigerians Ahead in Shipping Stakes' *This Day* (Abuja) <<https://www.thisdaylive.com/index.php/2021/11/15/mowca-keeping-nigeria-one-step-ahead-in-shipping-stakes/>> accessed 1 September 2025.

¹¹² *Ibid.*

¹¹³ 'Maritime Organization for West and Central Africa' (AMASSA) <[http://amssa.net/technical-cooperation/MOWCA.aspx#:~:text=Maritime%20Organisaton%20for%20West%20and%20Central%20Africa%20\(MOWCA\)&text=The%20main%20objective%20of%20MOWCA,inclusive%20of%20five%20landlocked%20countries.\)](http://amssa.net/technical-cooperation/MOWCA.aspx#:~:text=Maritime%20Organisaton%20for%20West%20and%20Central%20Africa%20(MOWCA)&text=The%20main%20objective%20of%20MOWCA,inclusive%20of%20five%20landlocked%20countries.))> accessed 1 September 2025.