

NOTES ON THE EXPERT LEVEL VIRTUAL DISCUSSION GROUP (VDG) MEETING

SUSTAINABILITY OF THE YAOUNDE CODE OF CONDUCT ARCHITECTURE

DATE: 26th - 27th January, 2021



INTERNATIONAL
MARITIME
ORGANIZATION

Supported by the International Maritime Organization (IMO)

1. INTRODUCTION

The Gulf of Guinea (GoG) currently leads global statistics in the number of piracy and other maritime crimes against ships, with many of the attacks being focused on violence against seafarers. Of the 195 incidents of piracy and armed robbery against ships reported worldwide in 2020, the Gulf of Guinea alone accounted for 45 % of the total figure (88 incidents), according to the International Maritime Bureau (IMB). The Gulf of Guinea recorded the highest ever number of crew kidnapped in 2020 with 130 crewmembers taken in 22 separate incidents, as compared to the previous high of 121 crew kidnapped in 2019 from 17 incidents. The piracy incidents are becoming increasingly more violent against seafarers. This urgent security situation requires improved collaboration and innovative measures to respond to and prevent the continuous threats.

The 2013 commitment made in Yaoundé by 25 West and Central African countries to enhance cooperation and information sharing in the Gulf of Guinea through a regional approach to maritime security has never been more critical. Although progress has been made in improving regional cooperation, implementation of the Yaoundé Code of Conduct (YCoC) remains a significant challenge. In an effort to address this, the International Maritime Organization (IMO) has organized a series of expert level Virtual Discussion Group (VDG) meetings to engage African maritime security experts to assess implementation progress to date in the GoG and to draft results-oriented recommendations.

On the 26th and 27th January 2021, the Gulf of Guinea Maritime Institute (GoGMI) hosted the first of the Expert level VGD series on the topic, “Sustainability of the Yaoundé Code of Conduct (YCoC) Architecture.” The meeting brought together 28 experts with diverse stakes in marine security in the GoG, to deliberate on vital aspects of sustainability of the Architecture and make viable recommendations to the Heads of States of the YCoC member states. “Sustainability” in the context of the discussion referred to the ability for the Yaoundé Code of Conduct to be self-supported and maintained to continually achieve its primary purpose of fostering cooperation among signatory countries to combat crime in the Gulf of Guinea maritime domain. Participants were separated in 3 focus groups to discuss the role of Industry; Regional bodies and Member states; and International partners to contribute to the sustainability effort.

2. EXPERT OBSERVATIONS ON IMPLEMENTATION OF THE YCoC ARCHITECTURE IN THE GoG

Observations by African GoG experts on implementation of the YCoC since its inception in 2013 included the following:

- The current proposed size of the Yaoundé Architecture has not been fully realized, since funding for the staff of the architecture is not adequate. The intended design was to include international staff in the various Centres to foster cooperation and collaboration, but this has not been achieved, as the various Centres have not been financially viable to be fully staffed. A program to encourage and incentivize additional funding from African regional organizations needs to be created and implemented. Part of this plan must include a strategic communications component so that decisionmakers and stakeholders understand why full implementation of YCoC is essential and beneficial to the region.
- To a large extent, the Architecture has not been adequately integrated into the Member States' national laws and regulations. As a result, implementers are largely unable to fully operationalize the Architecture.
- Response to maritime distress calls is minimal; this has been a major reason for the lack of trust by international vessels operating in the GoG. There is no central, coordinated manner in which distress calls may be received by the coastal states and monitored by the Zone MMCCs. Therefore, there is no confidence in either an effective and professional national response, or a coordinated regional response. The experts emphasized that this is a significant short coming that needs to be fixed by the YCoC architecture, most notably, the ICC. Finding and implementing a solution to this challenge would be a game changer for maritime security and stakeholder perceptions.
- ICC, in conjunction with CRESMAC and CRESMAO, has drafted a document which outlines the roles and missions of various levels of the organization within the architecture. The document is currently being reviewed by ECOWAS. The experts requested a copy of this document from ICC and ECOWAS.

3. FOCUS GROUP DISCUSSIONS

Group A: ROLE OF THE AU, RECS, AND MEMBER STATES IN SUSTAINING THE YCoC ARCHITECTURE.

Experts in this focus group discussed the importance of the African Union (AU), Regional Economic Communities (RECs), Gulf of Guinea Commission (GGC) and member states in sustaining the YCoC and recommended the following critical issues be addressed:

Guiding Principles:

1. ACTION TO SUPPORT IMPLEMENTATION OF THE YCoC AT THE NATIONAL LEVEL

Experts' Proposed Next Step:

- a. The ICC should begin strategic communication programs aimed at educating member state audiences to the provisions of the YCoC to aid understanding and potential positive economic and employment impact of national level implementation of the YCoC.

2. FUNDING – Member states should consider the YCoC Architecture as an investment in regional and national maritime security and in economic development that will enhance their recovery from COVID-19. Funding the personnel costs for their citizens who have been sent to Regional Centres (CRESMAO, CRESMAC and MMCCs) in other countries to serve as international staff, will result in a greater return in investment and security for the Member states. The current version of the YCoC is a policy document, and not legally binding. As such, member states who are signatories to it are not necessarily obliged to comply with its provisions. Implementation is largely dependent on the political leadership within the individual member states. Therefore, more focus needs to be paid to generating an understanding of how full implementation of YCoC benefits local populations.

Expert's Proposed Next Steps:

- a. For sustainability of the YCoC to be realized, there should be a change of the document from a non-binding Code of Conduct to a multi-lateral legally binding YCoC document.
- b. The RECs and ICC should conduct a study on the current funding mechanisms to determine new approaches to sustainability.

3. CONVERT THE YCoC TO A MULTI-LATERAL LEGALLY BINDING DOCUMENT

Expert's Proposed Next Steps

- a. The process of developing the YCoC into a legally binding document should be led by ECOWAS, ECCAS and GGC with the ICC coordinating activities and mobilizing International partners to provide funding support.
- b. The African Union, ECOWAS, ECCAS and GGC can provide much needed political support for “refreshing” of the YCoC and preparing a binding agreement for approval by Heads of State.

Group B: ROLE OF INTERNATIONAL PARTNERS IN SUSTAINING THE YCoC ARCHITECTURE.

Guiding Principles:

1. PARTNERSHIPS WITH INTERNATIONAL ORGANIZATIONS – International organizations are crucial stakeholders in implementing Regional architecture like the YCoC. They can assist with expertise, financing and building trust. They may bring additional technical expertise, a broader perspective, and additional financial resources to collective regional efforts.

IOs are affected by a lack of security and higher risk in the GoG when there is an absence of regional maritime cooperation. They have ample incentive to try to help find sustainable solutions. Experts' Proposed Next Step:

- a. International partners could play significant roles in sustaining the YCoC Architecture by facilitating a boost in Atlantic (West & Central) African Navies' implementation of the YCoC Architecture via the following means:
 - Increase funding for African satellite communications and data networks;
 - Continue support of combined and joint operations on the high seas where local response is insufficient;
 - Increase sharing of data with the YCoC Centres with accurate, relevant and timely information;
 - Assist with surface / and embarked air assets like helicopters or UAS to boost response capabilities; and
 - Continue to assist in developing the local naval/maritime equipment and infrastructure, especially small navies / countries.

2. SUPPORT FOR INCREASED CAPACITY BUILDING IN THE REGION – Centres of Excellence (COEs) for education and training are essential for capacity building in the region. While they currently exist in the ECOWAS area (Regional Maritime University, Interregional Maritime Safety Institute, and University of Cape Verde), there is a need to develop such facilities in the ECCAS region.

Experts' Proposed Next Step:

- a. Partners should consider investing in the development of such Centres of Excellence in the ECCAS Region.
- b. Joint and Combined naval Exercises (for example, OBANGAME) and Combined Law Enforcement (LE) Operations (for example JUNCTION RAIN) supported by international partners in the Region should be sustained and integrate Centre's of Excellence in the planning and execution of the activities. Such Exercises and Operations should also consider embarking civilians from these COEs for hands-on training and capacity building.

3. VISIBILITY FOR YCoC COMPLIANCE – International partners could provide incentive to decision makers of the YCoC Architecture to comply with their commitments by highlighting the return of investment of increased maritime security. The Expert's emphasized that International partners should refrain from directly comparing the Gulf of Guinea situation with the Somalian context and work with the Member States of the YCoC to develop tailored solutions to address the maritime crime in the unique area based on best practices from other regions.

Expert's Proposed Next Steps:

- a. The Experts agreed that international partners be supportive of African Member state sovereignty issues and provide information to political decision makers on the positive impact of maritime security on the Blue Economy, especially for recovery from the global COVID-19 pandemic.

Group C: ROLE OF INDUSTRY IN SUSTAINING THE YCoC ARCHITECTURE

The Experts defined “Industry” as a group of enterprises or organizations that produce or supply goods, services, or sources of income in the maritime domain for profit. Industry in the context of this discussion would include Shipping companies, Oil & Gas companies, Port Authorities, International Fishing and other related maritime enterprises.

Guiding Principles/Next Steps:

1. In the Expert's opinion, industry can contribute to the YCoC Architecture through the following means:
 - Provide suggestions for technology support to improve Maritime Domain Awareness;
 - Assist in improving communications between stakeholders, national Maritime Operations Centres (MOCs) and responders to facilitate timely response to maritime emergencies;
 - Foster effective collaboration between industry and the African navies/coast guards, maritime police, ports authorities, and academia;
 - Provide capacity building (training) and infrastructure support (funding) to Ministries of Justice;
 - Foster collaboration to effectively develop technical expertise in maritime security issues;
 - Enhance collective advocacy of all stakeholders and agencies; and
 - Facilitate the integration of industry representatives into the ICC and Regional operational centres via the following means:
 - Sponsor college-level interns to the ICC and other regional centres to build their knowledge of and experience in maritime security.
 - Fund education programs for school children to stress the importance of the maritime industry and the country's responsibility for good stewardship of national resources. Encourage them to train for positions in related institutions in the future.
 - Enhance networking and collaboration among maritime professionals to identify and further develop expertise that may be of use to ICC and regional operational centres.

4. CONCLUSION: GAPS THAT HINDER SUSTAINABILITY OF THE YAOUNDÉ CODE OF CONDUCT AS IDENTIFIED BY THE EXPERTS

According to the Experts in VGD#1 (Sustainability) the most significant existing gaps that hinder sustainability of the YCoC are as follows:

1. Lack of strong political will and limited involvement of some Member States to implement the terms of agreements and technical protocols between the RECs and host countries at the Zonal and Regional level due to the nature of the Architecture as a non-legally binding instrument.

Experts' Recommendation: Transforming the YCoC from a non-binding document to a legally binding multilateral document should be treated with urgency:

- When accorded legal status, member states will be bound by the provisions of the YCoC;
- Such a document should contain provisions for Member States to contribute some amount to fund the implementation of the Architecture; and
- ECOWAS, ECCAS and GGC should co-lead the process with support from ICC, member states and International partners.

2. Limited capacity in terms of adequate sea and air resources capable of carrying out missions beyond territorial waters.

Experts' Recommendation: The ICC should design a program which will assist Member States to popularize the YCoC in their local context to attract the necessary support from Industry and other stakeholders for successful implementation of the YCoC. This communications strategy should include the active involvement of the Media, Academia and Governmental and Non-Governmental Organisations.

3. Poor communication and cooperation among member states and key stakeholders like Merchant Vessels.

Expert's Recommendation: As key stakeholders of maritime security in the Gulf of Guinea, Industry should be actively involved in the implementation, and funding, of the YCoC Architecture. In particular, industry could assist in the provision of relevant technology and adequate capacity to curb incidents of crime in the YCoC.

4. Consistent and predictable sources of funding for the organizations responsible for the conduct of operations both at the national, zonal and regional level.

Expert's Recommendation: The current manning of the Architecture should be studied by ECOWAS, ECCAS and GGC in order to ascertain the necessary size of the Architecture as well as how it will be sustainably funded.

5. Lack of clear understanding by the political leadership of member states and industry of the roles and missions of the components of the YCoC Architecture and the potential positive impact on the economies of the member states.

Expert's Recommendation: A written report of the “Roles and Missions” of the various components of the YCoC Architecture is an important briefing document for the GoG Heads of State. It has been drafted by ICC and should be reviewed and approved by ECOWAS, ECCAS and GGC.