



Reconciling international priorities with local needs
**DENMARK AS A NEW SECURITY ACTOR
IN THE GULF OF GUINEA**



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INTRODUCTION



After a decade of dedicated attention to Somali piracy in the Horn of Africa, the international community is focusing increasingly on the rising challenges to maritime security in the Gulf of Guinea. This includes Denmark.

Recent Danish engagement in maritime security in the Global South has been consolidated in a series of strategies that have the overall objective of protecting Danish shipping interests. In these strategies, increasing priority has been given to the Gulf of Guinea since 2015, where maritime crime is rife off the coast of Nigeria in particular, but also in Ghana, Togo, Benin and Cameroon (OBP 2018). Denmark's interest in maritime security is clear: its shipping industry accounts for 10% of international trade.

Maritime security in the Gulf of Guinea is a complex area of intervention with multiple types of maritime crime.

With its historic naval capabilities, Denmark has therefore steadily contributed to counter-piracy operations off the coast of Somalia since 2008, both suppressing piracy at sea and supporting capacity-building of regional security structures on land. Denmark is more of a newcomer when it comes to maritime security in the Gulf of Guinea region specifically.

Maritime security in the Gulf of Guinea is a complex area of intervention with multiple types of maritime crime. The area has several African regional institutions, 18 sovereign coastal and island states, a series of regional strategic frameworks and a host of international actors working alongside littoral states to strengthen the maritime security infrastructure. From the perspective of Denmark's engagement in the region, it is therefore paramount to seek an understanding of existing activities there and to examine how Danish priorities may intersect with regional agendas to create synergies and avoid gaps or overlaps.

PURPOSE OF THE REPORT

This report links Denmark's strategic objective of protecting Danish interests in international shipping to the conditions and interventions that are specific to the Gulf of Guinea as of December 2018. The report coincides with the publication of the 2019-2022 map 1 priority paper concerning Danish efforts to combat piracy and other types of maritime crime (Denmark 2018). This includes the process of developing a three-year regional Peace and Stabilisation programme for the Gulf of Guinea, which seeks to turn its strategic priorities into action. The report presents the main challenges to maritime security in the region and maps the actors and activities addressing it in order to draw out the role that Denmark should play in this context. The purpose is to shed light on the regional and international strategies and interventions that are at play at a time when Denmark is a relatively new actor in the process of defining its role in the region's maritime security infrastructure.

From the perspective of Denmark's strategic priorities and planned activities, the report addresses the following broad but fundamental question:

” How can Denmark contribute to making the regional maritime security infrastructure work in the Gulf of Guinea? ”

To answer this question, the report maps the stakeholders involved as of December 2018. The report's analysis is developed in the light of the recently published priority paper guiding Danish engagement in maritime security. Rather than describing the individual actors and programmes that are present in the Gulf of Guinea, the report takes as its point of departure the regional frameworks establishing the maritime security infrastructure in the Gulf of Guinea and clarifying which parts of it are active, and which need attention. Against this backdrop, the report provides an overview of where existing actors and frameworks leave actual gaps and overlaps, and where Denmark's planned engagement in the region may add value.

MAIN RECOMMENDATIONS: THREE AREAS OF PRIORITY

While this report is concerned with interventions linked to maritime security, it is important to stress from the outset that maritime crime cannot be solved at sea alone but must focus on landward governance structures and livelihood strategies as well. It is therefore not enough to strengthen maritime law enforcement capabilities to suppress illicit activities in regional waters here and now: it is also necessary to address the root causes and structural deficiencies that feed them. However, of the 18 states that make up the Gulf of Guinea region, Denmark only has a presence in Nigeria and Ghana through its embassies and trade offices.

It is important to stress from the outset that maritime crime cannot be solved at sea alone but must focus on landward governance structures and livelihood strategies as well.

To make the most of Danish resources and influence in the light of its strategic priorities, the main recommendations of this report are that Denmark should support efforts to

- Promote regional ownership of activities
- Enhance coordination of regional activities, and
- Strengthen legal institutions

METHODOLOGY

The report is based on a number of different sources of data. Drawing on policy and programme documents, the authors conducted a comprehensive mapping of stakeholders and activities in the region as a desk study at the Danish Institute for International Studies (DIIS) in the autumn of 2018. The mapping divided the findings into actors (states and organisations) and frameworks (strategies and interventions), separating those of a 'regional' and 'international' nature respectively.

The authors then conducted meetings and interviews with key actors involved in Danish maritime security in the Gulf of Guinea. Some actors were part of the process of developing the new Danish maritime security priority paper for 2019-2022. Others were involved in the new regional programme for maritime security in the Gulf of Guinea under the Danish Peace and Stabilisation Fund. Yet others worked in the field. The intention with gathering first-hand accounts was to qualify and substantiate the map according to actual activities taking place in the region.

These sources of data were then analysed to understand the overall picture of maritime security activities in the Gulf of Guinea and identify areas that need addressing. The analysis focused on the policy intentions and practical needs of both regional and international actors in creating a sustainable infrastructure in the region. This report presents the outcome of this process.

STRUCTURE OF THE REPORT

Following this brief introduction in Section 1, Section 2 will present the context of maritime crime in the Gulf of Guinea. Section 3 will map its regional maritime security infrastructure. This section pays particular attention to the main regional and international initiatives that are being undertaken as of December 2018, when Denmark is embarking on a dedicated regional programme on the basis of its new strategic priority paper. Building on this, Section 4 will provide some general pointers to how Denmark should navigate the activities that are currently unfolding in the Gulf of Guinea. It briefly presents recent Danish strategic priorities within maritime security in the Global South before, in light of this, the section then discusses three recommended priority areas (as listed above) where Denmark can play an important role in making the regional maritime security infrastructure work. Finally, Section 5 offers some brief concluding remarks.



**MARITIME SECURITY IN THE
GULF OF GUINEA**

This section addresses the context in which Denmark is about to engage. It first provides a brief introduction to the types of maritime crime in the Gulf of Guinea and the regional capacities available to deal with them. Secondly, it discusses what makes the Gulf of Guinea distinct as a theatre of operations for Denmark as a new maritime security actor in the region.

MARITIME CRIME IN THE GULF OF GUINEA REGION: A BRIEF INTRODUCTION TO THE CONTEXT

While maritime crime in the Gulf of Guinea is often referred to as 'piracy', this is not the correct designation for it. Following in the immediate wake of Somali piracy, it is easy to understand why illicit activity at sea in the Gulf of Guinea would be called by this term. However, the Gulf of Guinea faces much broader challenges in the maritime domain than piracy alone. Centred around the coast of Nigeria, since the early 2010s the region has been marred in particular by illegal oil-bunkering. This entails attacks on ships transporting oil and transferring their cargo to the perpetrators' own vessels.

Furthermore, long before illegal oil-bunkering became a problem deserving international attention, the region had other issues related to maritime security. This included not least the poor management and oversight of oil production, which has resulted in severe pollution and the destruction of marine-dependent livelihoods along the coast and in the Niger Delta. Other issues that fall under the concern of regional maritime security include so-called Illegal, Unreported and Unregulated fishing (IUU), as well as enabling effects on broader transnational organised crime, such as drug-smuggling or human trafficking. The region therefore faces multiple challenges in the maritime domain which require to be addressed simultaneously if maritime security interventions are to have an effect.

States in the Gulf of Guinea do have the necessary public institutions to deal with maritime crime, but they are generally considered to be based on limitations to the rule of law. A lack of human resources and equipment in the security sector, as well as weak governance structures, thus results in the ineffective monitoring of and response to maritime crime in the region.

As was the case with piracy in the Horn of Africa, the United Nations Security Council has become involved in the issue of piracy and maritime crime in the Gulf of Guinea. It adopted two resolutions in 2011-2012 condemning acts of piracy and armed robbery in the region (UNSCR 2018(2011); UNSCR 2039(2012)). Following this, the International Maritime Organization (IMO) adopted resolution A.1069(28) in 2013 supporting the prevention and suppression of piracy, armed robbery against ships and other illicit maritime activity in the Gulf of Guinea. Since then no resolution has been adopted on the issue. But, importantly, the resolutions that were passed called on regional states to take action. Against this backdrop, regional states have accordingly embarked on a range of bilateral and multilateral collaborations to address maritime crime as had happened five years earlier in the Gulf of Aden. These interventions are supported significantly by international actors and guided by regional frameworks, as the next section of this report will map.

States in the Gulf of Guinea do have the necessary public institutions to deal with maritime crime, but they are generally considered to be based on limitations to the rule of law.

While maritime security efforts in the Gulf of Guinea in certain respects reproduce significant aspects of the counter-piracy policy structures developed for the Horn of Africa, addressing maritime security in the Gulf of Guinea is somewhat complicated by conditions specific to the region. These conditions are important to keep in mind as Denmark begins engaging in the region as a security actor.

SOME ISSUES OF CLARIFICATION: WHY THE GULF OF GUINEA IS NOT THE SAME AS THE HORN OF AFRICA

There are at least three overall reasons why it is important to distinguish carefully between the Gulf of Guinea and the Horn of Africa.

First, maritime security in the Gulf of Guinea is conditioned by the wealth of regional states. The region is comprised of 18 sovereign states. They each have domestic agendas that may challenge the implementation of regional strategies and international efforts to address maritime security. In comparison, piracy off the coast of Somalia emanated from only one state which, in turn, was considered a so-called

'failed state' without the ability to patrol its waters for piracy incidents. Somalia needed – and welcomed – external support for suppressing piracy off its coast. To prosecute piracy suspects, three internationally hand-picked states in the region were engaged, namely Kenya, the Seychelles and Mauritius. Their selection was based on their willingness and ability to be engaged. The situation in the Gulf of Guinea is much more complex. Observers, whom the authors have interviewed for this report, note that some states in the region show little interest in interventions by foreign powers, which they perceive as meddling in their internal affairs. This places increased importance on constantly ensuring regional ownership of efforts for the sustainability and desired effect of the maritime security infrastructure.

It is important that littoral states have the necessary legal frameworks and practical capacities to deal with the various types of maritime crime that are taking place in their waters.

Secondly, maritime security in the Gulf of Guinea is conditioned by multiple institutional mandates. While often referred to as a challenge for West Africa specifically, maritime crime in the Gulf of Guinea actually spans two regional divisions of the African continent, namely West Africa and Central Africa, hereunder both littoral and landlocked states. Each region arranges joint governance issues through its own regional organisation, namely the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS). Thus, issues of maritime security in the Gulf of Guinea are addressed through these organisations and, in addition, through the Gulf of Guinea Commission (GGC). The GGC is the institutional framework for littoral states, including oil-producing countries in the region with stakes in keeping shipping routes safe for exports. In comparison, the so-called failed state of Somalia allowed the international community a greater degree of influence over ocean governance. Strategies and policies addressing maritime security in the western Indian Ocean region were developed in international forums dominated by like-minded donors, rather than being anchored in a variety of regional organisations. Intervening in the Gulf of Guinea as a security actor is thus a question of engagement with a myriad of regional mandates and national agendas. This places increased importance on the coordination of efforts across the entire region.

Thirdly, maritime security in the Gulf of Guinea is conditioned by a diversity of maritime crimes. As we shall map in the next section, regional strategies for creating maritime security in the Gulf of Guinea seek to address not only piracy but also IUU, smuggling and other types of maritime crime. In comparison, maritime security efforts off the coast of Somalia focused on counter-piracy actions. The broadened scope of maritime crime interventions requires a different range of expertise and instruments to be able to respond in a relevant manner, which goes beyond drawing on counter-piracy expertise alone. For example, illegal oil-bunkering and IUU often take place in part or in full in territorial waters. This is unlike piracy, which by definition takes place on the high seas (UNCLOS Article 101). There are obvious legal restrictions to operating in a law enforcement capacity in the territorial waters of third states, which was not the case when combatting piracy in the western Indian Ocean. In the Gulf of Guinea, interventions therefore require a greater degree of collaboration with relevant littoral states, possibly including the latter allowing a foreign presence in their territorial waters. Apart from legal restrictions, there are also new practical dimensions to take into account when it comes to law enforcement responses. Specifically, modes of interception necessarily vary between, for instance, a hostage situation and the detection of IUU fishing. Thus, maritime crime in the Gulf of Guinea cannot be approached by international actors in the same manner as was the case off the coast of Somalia, where the international community deployed warships to combat Somali piracy on the high seas. It is therefore all the more important that littoral states have the necessary legal frameworks and practical capacities to deal with the various types of maritime crime that are taking place in their waters.

**MAPPING THE MARITIME SECURITY
INFRASTRUCTURE IN THE GULF OF GUINEA**



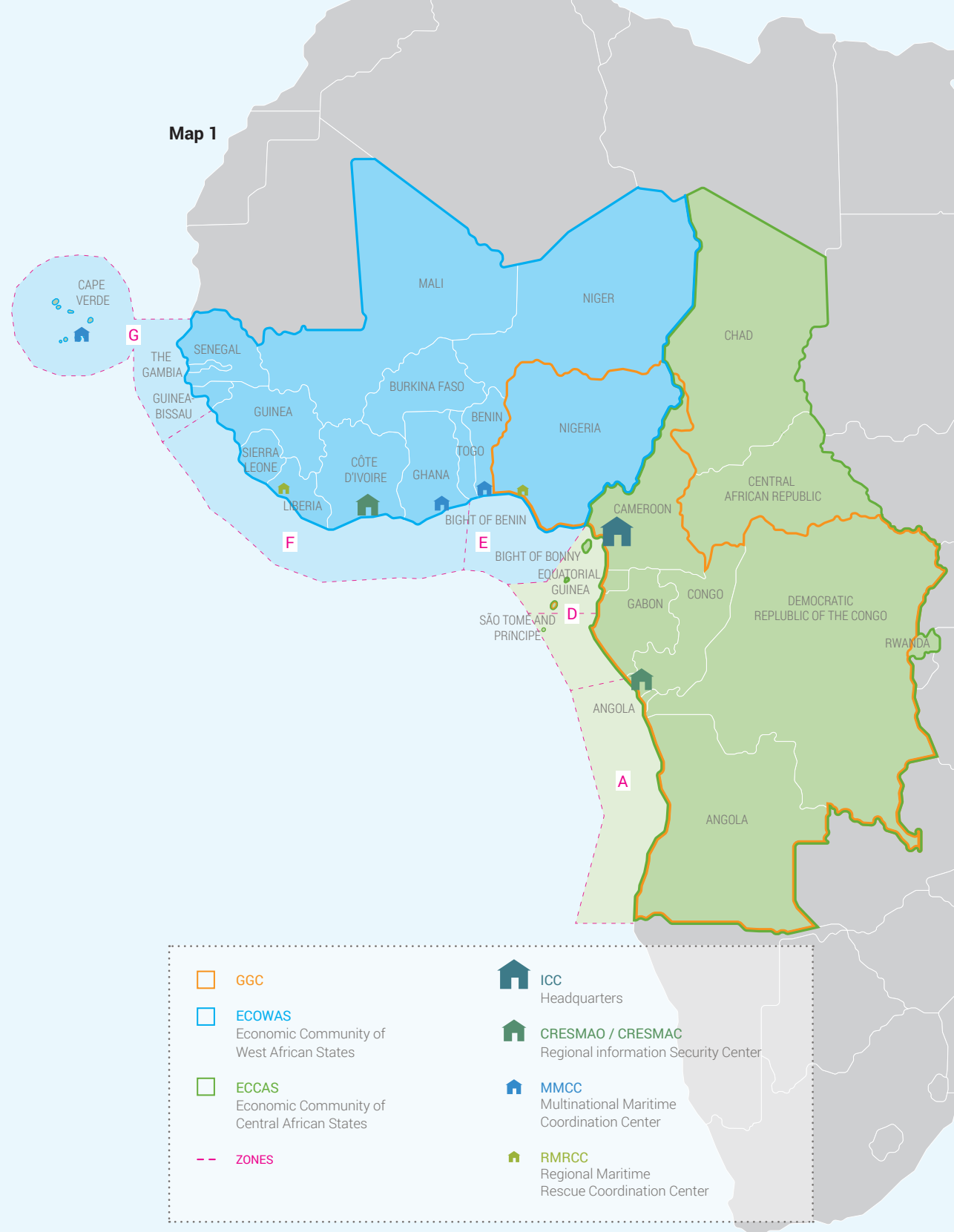
This section maps the strategies and institutional frameworks that have been initiated by regional states and the main international actors respectively to address maritime security in the Gulf of Guinea. It then provides a non-exhaustive presentation of central activities in progress as of December 2018 to clarify the broader context in which Denmark is engaging. Map 1 provides an overview of the regional strategic frameworks organising the maritime security infrastructure in the Gulf of Guinea.

THE REGIONAL INFRASTRUCTURE OF MARITIME SECURITY IN THE GULF OF GUINEA

Already preceding the 2011-2012 UN Security Council resolutions mentioned in Section 2, the Gulf of Guinea region began a concerted effort to address maritime security jointly in relation to various strategies and institutional frameworks. These processes enjoyed significant support from extra-regional states and international organisations with stakes in the maritime domain.

In 2009, ECCAS was the first organisation to develop a strategy generally addressing maritime security (ECCAS 2009). As part of this initiative, a regional information-sharing centre, CRESMAC, was established in Angola. The waters along the coast of Cameroon, Equatorial Guinea, São Tomé and Príncipe, Gabon, Republic of Congo and Angola were divided into three zones (A, B, D), for each of which a multinational maritime coordination centre (MMCC) was set up. Some of these centres are still not operational, almost ten years after their launch.

In 2012, the GGC passed the Luanda Declaration of Peace and Security in the Gulf of Guinea Region (GGC 2012). It urged cooperation but did not lay out a concrete framework to achieve it. However, the following year the GGC, ECOWAS and ECCAS adopted the so-called Yaoundé Code of Conduct, establishing the framework within which piracy, armed robbery and other maritime crime would be addressed (Yaoundé CoC 2013). It focused on law enforcement, information-sharing and the handling of affected seafarers and urged national capacity-building. As part of the Yaoundé process, an Inter-Regional Coordination Centre (ICC) was set up in Yaoundé, Cameroon, to act as a governing body stretching across west and central Africa. The ICC draws together regional activities related to maritime security. Its mandate is to facilitate the coordination, collaboration and interoperability of activities in the maritime domain of the Gulf of Guinea region.



In 2014, ECOWAS followed a similar track to ECCAS in drawing up its own maritime security strategy for the West African region (ECOWAS 2014). It established a regional coordination centre for West Africa, CRESMAO, in Côte d'Ivoire. It extended the zoning idea from ECCAS along the west coast of Africa, spanning Nigeria, Togo, Benin, Ghana, Côte d'Ivoire, Liberia, Sierra Leone, Guinea, Guinea Bissau, the Gambia and Senegal (zones E, F, G). An MMCC was set up in Zone E to manage the waters off the coasts of Nigeria, Togo and Benin, where piracy attacks in particular are concentrated.

With ECCAS and ECOWAS each having a maritime security framework, the role of the ICC arising out of the Yaoundé process is thus to coordinate the efforts of the coordination centres in Central and West Africa (CRESMAC and CRESMAO), as well as MMCCs in the maritime zones established under the strategies of ECCAS and ECOWAS, where these are functional.

Finally, on the continental level, the African Union (AU) adopted its African Integrated Maritime Strategy (AIMS) 2050 in 2014, the same year as ECOWAS (AU 2014). Through various strategic objectives centred around wealth creation, security and sustainable ocean use, AIMS 2050 sets out a framework of collaboration for the achievement of its objectives. Observers, with whom the authors have spoken, consider AIMS to be more ambitious on paper than it is effective in practice. However, it was the first major continental attempt to define an African agenda for ocean governance in respect of security, development and natural resource management in Africa's maritime domain.

FROM STRUCTURE TO PRACTICE

Thus within a span of a mere five years, the entire Gulf of Guinea was covered by regional and even continental strategies. To underscore a sound strategic infrastructure, the Yaoundé CoC was followed by the adoption of the 2016 Lomé Charter on the security, safety and development of the African maritime domain under the auspices of the AU (AU 2016). As a joint agreement the Charter was a significant achievement because it moved from soft law language to binding law. It thus takes the African blue economy and maritime security a step further after the Yaoundé process, which focused on maritime crime. As a legal document, however, it still lacks the ratification required for its provisions to have an effect in practice.

While the main regional institutions now have their own strategies dedicated to maritime security, what seems to be lagging somewhat behind is the operationalisation of the infrastructure of maritime security, in other words the implementation of its strategic intentions. For instance, the hard law of the Lomé Charter has little effect until it is ratified by AU member states, and it needs a strategic road map to facilitate its implementation (Egede 2017). As with AIMS 2050, its value in practice is yet to be seen. Observers interviewed for this report noted that domestic laws, inter-state agreements and inter-regional harmonisation of procedures are not yet in place to meet the formal requirements of regional collaboration.

While the main regional institutions now have their own strategies dedicated to maritime security, what seems to be lagging somewhat behind is the operationalisation of the infrastructure of maritime security, in other words the implementation of its strategic intentions.

But operationalisation is not only running behind schedule, it is also revealing an assortment of structural problems. The maritime security infrastructure in the region is still new. It therefore does not have an established body of expertise to draw on. Further, the Gulf of Guinea is a region consisting of states with only a relative rule of law and with varying capacities and resources in different parts of its security sector. For instance, while many MMCCs have been established, they do not have the necessary equipment to function. In this respect, various international actors have a key role to play in ensuring that the maritime security infrastructure will be translated into practice.

SUPPLEMENTING THE REGIONAL INFRASTRUCTURE: THE ROLE OF INTERNATIONAL ACTORS

Maritime security in the Gulf of Guinea is not only in the interests of the region itself, it is very much a concern of international actors external to the region as well, such as the US and Europe. Multiple states in the Gulf of Guinea produce oil. Recent estimates show that the Gulf of Guinea provides 15% of US oil consumption and 20% of European consumption (Blédé 2017). Furthermore, the region serves the international economy by being integrated into global logistics networks. Ports in

the region are important hubs for international trade. The Danish shipping line Mærsk alone pays between 600-700 port calls annually to Nigerian ports. It is therefore crucial to large parts of the world that the waters in the Gulf of Guinea are safe for passage.

A range of international actors have thus launched extensive maritime security strategies of their own focusing on the Gulf of Guinea, such as the EU (2014), the IMO (2016), France (2015), the US (2014), the UK (2014) and Denmark (2015, 2018). These strategies cover a broad array of strategic objectives and emphasise the need to address piracy and other maritime crime in the region.

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With a basis in such strategies, a long series of regional and international actors have launched specific initiatives and activities aimed at strengthening maritime security in the region.

THESE INITIATIVES AND ACTIVITIES CAN BE DIVIDED INTO THREE OVERALL CATEGORIES:

- Coordination and information-sharing for the purposes of maritime domain awareness,
- Capacity-building of maritime law enforcement at sea, and
- Capacity-building of legal institutions on land.

The substance of these activities is described below to illustrate the context in which Denmark is engaging.

COORDINATION AND INFORMATION-SHARING: CAPACITY-BUILDING OF REGIONAL MARITIME DOMAIN AWARENESS

The challenge of effectively patrolling the region's waters and reacting to suspicious activity is largely caused by a lack of capacity. An important part of overcoming this is to improve regional and local authorities' joint awareness through information-sharing and creating structures that facilitate coordination and collaboration across government bodies and state borders.

An overarching component of achieving security in the region is thus to create sustainable structures for coordination and information-sharing across the various bodies involved in maritime law enforcement. This is known as maritime domain awareness (MDA). The IMO defines MDA as 'The effective understanding of any activity associated with the maritime environment that could impact upon the security, safety, economy or environment' (IMO 2010: section 2).

To enhance MDA, a range of bilateral and multilateral initiatives in support of the Yaoundé process have been launched. The aim is to make crime prevention and interdiction occurring in, or across, territorial waters (and beyond them) more effective, as it allows states to alert one another of suspicious activity, work together on evidence collection etc.

The UN, the EU and the IMO, as well as states such as Germany, France and Spain, have been supporting ECOWAS, ECCAS and the GGC's efforts to enhance MDA. This support includes in particular economic resources and donations of equipment for the operationalisation of the ICC and the MMCCs.

Specifically, the EU launched the Critical Maritime Routes Gulf of Guinea (CRIMGO) programme in 2013 to enhance the level of information-sharing, inter-agency cooperation and coordination at the regional level. CRIMGO supported the implementation of the Yaoundé Code of Conduct by playing a role in setting up the ICC (EEAS, 2016). CRIMGO was concluded in the summer of 2016, and the EU has since continued its support to the region with new projects, not least the Gulf of Guinea Inter-Regional Network (GOG IN). Launched in December 2016 and running until 2020, it builds on the achievements of CRIMGO. GOG IN focuses more specifically on supporting information-sharing by all Gulf of Guinea countries. For example, it has provided basic support to CRESMAC and CRESMAO in the form of

computers, internet etc. As of December 2018, GOG IN is still limited in scope, with a budget of EUR 9.3 million, including a EUR 1.8 million Danish contribution (EEAS, 2017). It is also limited to focusing on a pilot area corresponding to zones D and E of the Yaoundé architecture (see map 1), although the idea is that the project will ultimately cover 19 countries across the Gulf of Guinea. The EU envisages that the new GOG IN project should focus on legal capacity-building, but such activities have yet to be implemented (EEAS, 2017).

Also, a French-British reporting centre called Maritime Domain Awareness for Trade-Gulf of Guinea (MDAT-GoG) started operations in June 2016 (Guidelines 2016). MDAT-GoG is dedicated to supporting the maritime industry and shipowners by sharing information on maritime threats and suspicious activity relating to piracy and armed robbery in the Gulf of Guinea. It receives reports from, shares information with and provides guidance to vessel operating patterns and security risks in the region. MDAT-GoG replaced the now dissolved Maritime Trade Information Sharing Centre-Gulf of Guinea (MTISC-GOG), a pilot project created in 2014 on the initiative of the shipping industry (Jacobsen and Nordby, 2015: 36). Whereas the MTISC-GOG was located in Accra, Ghana, the MDAT-GoG is operated by the French and UK navies from centres in Brest and Portsmouth.

The UN, the EU and the IMO, as well as states such as Germany, France and Spain, have been supporting ECOWAS, ECCAS and the GGC's efforts to enhance MDA.

Finally, on the international level of coordination and information-sharing, the G7++ Friends of the Gulf of Guinea (G7++ FOGG) serves as the primary international coordination body for maritime security in the Gulf of Guinea (OBP, 2018). It seeks to mirror the successful Contact Group on Piracy off the Coast of Somalia, which coordinates maritime security operations in the Horn of Africa.

MILITARY EXERCISES AND TRAINING: CAPACITY-BUILDING OF LAW ENFORCEMENT

Besides aiming to strengthen regional coordination and information-sharing, international partners also support Gulf of Guinea countries in establishing and upgrading their regional and national maritime law enforcement capabilities. This includes in particular involvement and participation in various multilateral activities, such as maritime security sector reform, search and rescue, and 'train and equip' exercises.

Besides aiming to strengthen regional coordination and information-sharing, international partners also support Gulf of Guinea countries in establishing and upgrading their regional and national maritime law enforcement capabilities.

When it comes to security sector reform, France, which has been active in the region for several decades, launched a Maritime Security Sector Reform Support (ASECMAR) programme in 2011. ASECMAR aimed to help reinforce the maritime security sector across 15 countries of the Gulf of Guinea with ongoing practical and theoretical training adapted to the needs of the beneficiaries and audits on demand in the field of maritime security and safety (EEAS, 2017). As part of the ASECMAR programme, France deployed 19 naval officers to national navies and/or maritime authorities until 2015 (French Diplomatie, 2018).

While ASECMAR was concluded in December 2015, France is still highly present in the region, partly through its Corymbe naval mission, which has been led by the French armed forces since 1990. Corymbe provides technical assistance to navies in the region to reinforce their capacities in the fields of security and maritime surveillance (ibid.).

The US also has a standing maritime force in the region through the US Africa Command (AFRICOM). It carries out capacity-building of maritime law enforcement capabilities through the Africa Partnership Station (APS), a programme focused on maritime security. Through APS, AFRICOM conducts various activities with international partners to enhance the region's maritime capabilities. Notably, APS has

held annual maritime military exercises since 2010, the so-called Obangame Express.¹ It brings together various national, regional and international stakeholders to enhance the region's ability to monitor its maritime domain and exercise jurisdiction over breaches of maritime law. It aims to create realistic scenarios that mirror past piracy incidents, in which a hijacked vessel will transit from one states' territory to another. Examples of specific exercises include boarding techniques, search and rescue operations, medical casualty responses, radio communications and information management techniques. The former Saharan Express exercise, introduced in 2011, had similar goals but operated in a different part of West Africa. In 2016 the two separate exercises were merged into one with the aim of increasing capacity-building for more partners.

The US also carries out capacity-building through its African Maritime Law Enforcement Partnership (AMLEP), which aims to support regional maritime law enforcement. This is done through actual maritime law enforcement operations, where a boarding team from the US Navy employs an African nation's own boarding team and acts in an 'advise and assist' role to the latter, while the two teams cooperate around at-sea boarding.

The US also carries out capacity-building through its African Maritime Law Enforcement Partnership (AMLEP), which aims to support regional maritime law enforcement.

In addition to such large-scale naval contributions to capacity-building, various other international actors are also involved in the implementation of capacity-building programmes for maritime law enforcement. One example is the Seaport Cooperation Programme (SEACOP). Implemented by a consortium of EU states, it aims to tackle maritime trafficking in countries along the so-called Cocaine Route, including several Gulf of Guinea countries spanning Zones E, F and G. It does so through specialised training for Joint Maritime Control Units (JMCUs) officers from Benin, Cape Verde, Ghana, Senegal, Sierra Leone and Togo. Exercises include intelligence training, along with the equipment needed to address maritime trafficking.

Moreover, the EU's CRIMGO programme, mentioned above, has also been involved in various law enforcement capacity-building activities, including the training of coastguards. The EU has also spent a portion of the European Development Fund (EDF) on grants to ECOWAS for the training of ECOWAS staff in three zones (E, F and G; see map 1).

The IMO undertakes various capacity-building activities in the maritime sector, notably through the Integrated Technical Cooperation Programme (ITCP). Activities here have included shorter training seminars for officials from the region's countries on topics such as search and rescue administration, oil spill preparedness, and assessment and training in the use of modern technologies (IMO, 2016: 27). Through the IMO, individual countries, including the UK, have also supported the development of regional countries' own national maritime strategies.

REFORMING LEGAL FRAMEWORKS AND TRAINING COURT STAFF: CAPACITY-BUILDING OF LEGAL STRUCTURES

Besides capacity-building relating to MDA and maritime law enforcement, a related yet distinct group of activities intended to enhance and support operational capabilities is the capacity-building of on-shore legal institutions, i.e. law reform and strengthening court systems to allow states sufficient legal structures to deal with maritime crime. It is generally agreed that a pivotal element in building MDA is the need to enhance the judicial capacities of the regional states (Jacobsen and Nordby, 2015: 46).

UN agencies, notably the United Nations Office on Drugs and Crime (UNODC) and the United Nations Office for West Africa and the Sahel (UNOWAS), are carrying out some capacity-building in the judicial sector. UNODC has facilitated workshops for representatives from the judicial system from Gulf of Guinea countries aimed at identifying areas for legal capacity-building (Jacobsen, 2017: 243). Moreover, in 2009 UNODC launched the West African Coast Initiative (WACI) in cooperation with INTERPOL, which has trained a little over 100 judicial and law enforcement authorities in various ECOWAS countries on topics relating to operational techniques (OBP, 2015; UNODC, 2018).

The EU also contributes to legal capacity-building related to the maritime domain in the region through various initiatives. The EU Commission (DG MARE) assists a number of regional countries in reforming their legal frameworks governing fisheries and in developing adequate institutional structures to manage fisheries and fight IUU fishing. DG MARE actively promotes the ratification and implementation of all the relevant international legal instruments against IUU fishing (EEAS, 2017). Also under the EU, the EDF supports projects enhancing the justice sector in several countries, including the police force.

Some individual states also carry out activities, although on a smaller scale. France did so through the aforementioned ASECMAR programme, which included a component specific to legal capacity-building. Examples of concrete projects carried out by ASECMAR are a workshop held in Ghana in 2015 dedicated to enhancing the justice system in ECOWAS countries and the training of magistrates from Equatorial Guinea.



**POINTERS FOR DANISH MARITIME SECURITY
ENGAGEMENT IN THE GULF OF GUINEA**

This section provides pointers for the Danish authorities who are taking forward a new priority paper on maritime security and regional programmes in the Gulf of Guinea region. First, the section sets out recent Danish maritime engagement in the Global South. Second, it discusses the main challenges and opportunities involved in building sustainable maritime security governance in the Gulf of Guinea to suggest areas where Denmark should give priority to supporting the functioning of the regional maritime security infrastructure.

RECENT DANISH ENGAGEMENT IN MARITIME SECURITY IN THE GLOBAL SOUTH

For the past eight years, Danish engagement in maritime security in the Global South has been consolidated in a series of strategies dedicated to maritime security (see Larsen and Nissen 2017). They were formulated through inter-ministerial processes encompassing in particular the Ministry of Foreign Affairs and the Ministry of Defence.

The first strategy covered 2011-2014. It focused on piracy in the Horn of Africa, which was addressed through maritime law enforcement by the Danish navy and capacity-building of regional states' judicial structures and security sectors. The second strategy covered 2015-2018. It was similar in content but broadened its geographical scope to include the Gulf of Guinea. This reflects developments that had taken place on the ground, with Somali piracy waning around 2012, while the shipping industry was growing increasingly concerned about illegal activities in the Gulf of Guinea. The second strategy was followed by a so-called priority paper covering the period 2019-2022. The priority paper retained its geographical focus on the Horn of Africa and the Gulf of Guinea but broadened its thematic scope to include 'other maritime crime', defined, inter alia, as armed robbery at sea, human trafficking, the smuggling of illicit goods, illegal fishing and fuel theft (Denmark, 2018: 2). The priority paper thus acknowledged that security at sea is not only affected by piracy but has multiple spoilers. In fact, the various types of maritime crime are not always easy to separate into distinct categories of crime (Jacobsen and Høy-Carrasco 2018: 3).

While shifting in geographical and thematic scope according to developments in the maritime domains of the Global South, Denmark's strategies have three overall aims in common:

- combating piracy through law enforcement;
- protecting the shipping industry; and
- capacity-building of the regional maritime security sector.

To put these aims into action, the respective strategies have been complemented by regionally specific programmes. These programmes are devised under the auspices of the Peace and Stabilisation Fund and organise interventions through the so-called comprehensive approach, which combines civilian and military instruments. Programmes specific to maritime security were first developed for the Horn of Africa programme (2011-2014; 2015-2018; 2018-2022), when Somali piracy was considered the main maritime security issue for international trade. More recently, the Gulf of Guinea was included (2016-2018; 2019-2021). The purpose of these programmes is to strengthen the regional maritime security infrastructure through combined civilian and military policy instruments.

For the past eight years, Danish engagement in maritime security in the Global South has been consolidated in a series of strategies dedicated to maritime security.

Denmark's maritime security strategies illustrate a recent global policy trend: maritime security, particularly in the Global South, is becoming an increasing focus area for policy-makers (Edmunds and Bueger 2017: 1293). As we have seen in Section 3, the US, the UK, France, the EU, the AU and Denmark are just some of the states and international institutions to have paid the maritime domain dedicated attention over the past decade through distinct strategies and programmes that address the security, safety and sustainable development of the world's oceans. They seek to build the capacity of local security sectors in the regions facing challenges. They do so through training in law enforcement, reforming domestic

legal institutions and strengthening regional maritime domain awareness, as shown in Section 3. The aim is to ensure safe passage for seafarers and international shipping and to sustain the oceans through the proper management of marine resources. Here, the Gulf of Guinea is climbing up the priority ladder, having long overtaken Somalia in maritime crime statistics (IMB 2018).

The US, the UK, France, the EU, the AU and Denmark are just some of the states and international institutions to have paid the maritime domain dedicated attention over the past decade.

Yet while Denmark has explicitly retained a strategic focus on maritime security in the Gulf of Guinea since 2015, Denmark's actual engagement in this region has been limited. First, the regional maritime security programme for the Gulf of Guinea from 2019-2021 is the first of its kind for Denmark. There is therefore no precedent regarding military engagement, and partnerships with local authorities in the security sector are still in the making with a military advisor who has been deployed to Nigeria since 2016. Secondly, the eastern and southern parts of the Gulf of Guinea are a relatively new theatre of engagement for Danish maritime security policy. Danish engagement in the western and northern parts of the Gulf of Guinea is generally established through the embassy in Ghana, while its presence to the east is recent. Denmark has had an ambassador to Nigeria since August 2014, but the embassy building was only completed in February 2016.

In comparison to the East Africa region, where Denmark has pursued diplomatic, developmental and defence-related engagement in many of its states for decades, Denmark's reach into and knowledge about maritime security in the broader Gulf of Guinea region thus relies on its partners and its own learning through the 2019-2021 regional maritime security programme. The pointers below to Danish maritime engagement in the Gulf of Guinea take this condition as their premise to be realistic in scope and ambition.

REGIONALISE ENGAGEMENT: PROMOTING LOCAL OWNERSHIP

As we have seen, there is a range of international actors involved in the Gulf of Guinea maritime security infrastructure. Key actors include UN agencies (UNODC, IMO, UNOWAS), the EU and in particular certain Western states, namely the US, France, the UK, Denmark, the Netherlands and Germany. Each of these international actors partners with certain regional countries and focuses on certain aspects of capacity-building.

The involvement of international actors is generally an advantage, as it supports the overall effort to promote maritime security in the region. However, it also implies that the maritime security infrastructure is conditioned by strategic priorities and budgetary caveats which are external to the region. While international actors' strategies do emphasise human security needs of regional states, it is noticeable that core drivers of international engagement relate to the strategic interests of the organisation or state in question. For instance, the strategies of the EU, the US, France and the UK all emphasise how protecting (their) blue economy remains the fundamental driver of their engagement in the region (EU 2014: 2; Denmark, 2015: 31; France, 2014: 31; US, 2014: 2; UK, 2014: 10, 33). Other key interests are those relating to the protection of international actors' oil imports, since the states involved meet a large share of their energy needs through resources from the Gulf of Guinea region (EU 2014: 2; France, 2014: 33; US, 2014: 2; UK, 2014: 10, 33).

The involvement of international actors is generally an advantage, as it supports the overall effort to promote maritime security in the region.

If support to the functioning of the maritime security infrastructure is determined, at least in part, by the economic and security interests of international donors, activities risk becoming disconnected from regional governments' policies and local communities' challenges, as external agendas become mixed with regional aspirations. A key example of this is the experience with MDAT-GoG. Meant for regional information-sharing, it is driven by France and the UK and is mostly used by the European shipping industry. According to interviews conducted by the authors, it is perceived by local and regional actors to be disconnected from the needs of the

region for two reasons in particular. First it is not even anchored organisationally in the region but is operated by foreign military. Second it focuses solely on piracy, when in fact piracy is only one dimension challenging maritime security.

Such tendencies can cause problems for the local ownership of initiatives. Local ownership means that Gulf of Guinea states identify the problems, define the solutions and drive the process of implementing them. Local ownership is essential in creating a sustainable infrastructure, developing sufficient capacity and, ultimately, strengthening maritime security in the Gulf of Guinea.

An important avenue to ensuring ownership is to support regional states in translating their own strategies and institutional frameworks into national objectives. As described in the previous section, regional actors have successfully adopted maritime strategies meant for the region in order to address maritime crime jointly. Now the time has come for such regional strategies to be implemented nationally for them to have an effect.

Local ownership is essential in creating a sustainable infrastructure, developing sufficient capacity and, ultimately, strengthening maritime security in the Gulf of Guinea.

Another avenue for ensuring ownership is to provide a forum in which operational actors in and of the region may discuss concrete legal and practical issues and develop context-specific solutions across states, regional bodies and sectors. In the case of Somali piracy, the Contact Group on Piracy off the Coast of Somalia was one such forum. It hosted a range of working groups dealing with various issues of immediate and long-term importance to creating and sustaining maritime security. In the Gulf of Guinea, the G7++ FOGG is a similarly encompassing forum. However, G7++ FOGG consists of executive-level representatives, which empowers the forum as a decision-making body, but lacks the operational experience to speak concretely about issues relating to implementation. This was emphasised as a critical issue in interviews conducted by the authors and has also been pointed out in the academic literature (Jacobsen and Winther 2018: 34, 35, 44).

In sum, the wealth of international actors and instruments risks foregrounding the economic and security interests of the donors and disconnecting their activities from regional governments' policies and local communities' challenges.

Against this backdrop, Denmark should regionalise its engagement, adopting the premise that the regional frameworks should be the pivot around which all activities are carried out in order for the comprehensive infrastructure to have an impact on maritime security in practice. This can be achieved by:

- Focusing on adapting regional strategies to domestic frameworks in Nigeria and Ghana in order to anchor the comprehensive regional infrastructure nationally and empower those state actors that make up and remain in the region to act with political legitimacy domestically and collaborate on equal terms transnationally.
- Strengthening the operational side of G7++ FoGG by gathering actors on the ground into working groups to give them a platform for the exchange of information and shaping policy based on current challenges and local needs.
- Continued international focus on the region, in particular because the Gulf of Guinea is in close proximity to the Sahel, which poses a grave security risk and consumes international concern. Denmark could join forces with, for example, the US and France in lobbying the UN Security Council to pass a resolution regarding maritime security in the Gulf of Guinea, thus sustaining a focus on the outcomes of the Yaoundé process and supporting current activities to implement them.

FOCUS ON THE 'IN BETWEEN': ENHANCING COORDINATION AND DECONFLICTION

Maritime crime in the Gulf of Guinea is transnational, as should be the solutions. Indeed, ensuring security in the Gulf of Guinea is beyond the capacity of any existing regional body acting alone. As shown in Section 3, a wealth of actors, strategies and frameworks are currently addressing maritime security in the Gulf of Guinea. This carries with it the risks of duplicating effort and has introduced challenges to coordination. At this point there exist various examples where implementation is

fragmented between actors with only the beginning contours of cohesion. Interviewees involved in the region point out that there is a need to avoid overlap. For instance, the distribution of concrete functions between the multiple institutional frameworks set in motion with the strategies of ECOWAS, ECCAS and the AU should be clarified. Furthermore, interviewees explain that the management of implementation processes lack oversight. For instance, AIMS 2050 has been considerably delayed despite the intentions of an action plan, while the establishment of the MMCCs is so far more framework ideas than of action.

Maritime crime in the Gulf of Guinea is transnational, as should be the solutions.

Such tendencies make it very important for donors to emphasise coordination and deconfliction. This pertains not only to the different capacity-building interventions currently being undertaken by international actors to address certain components of the maritime security infrastructure: coordination should focus fundamentally on the range of regional frameworks and policy agendas of its individual states. Indeed, adding to the complexity of the maritime security infrastructure in the Gulf of Guinea is the fact that it encompasses 18 sovereign states and therefore 18 separate legal regimes governing each maritime crime. A fundamental challenge leading from this situation is creating uniform procedures and practices when operating across borders. Furthermore, silo thinking between sectors and government bodies within individual states was mentioned by interviewees as a roadblock in moving forward. This can hamper effective coordination at the national level and, in turn, have spill-over effects on the regional and inter-regional levels.

Adding to the complexity of the maritime security infrastructure in the Gulf of Guinea is the fact that it encompasses 18 sovereign states and therefore 18 separate legal regimes governing each maritime crime.

Another aspect of coordination pertains to the presence of private actors. Both international and regional actors must actively engage with private users of the sea. This includes both the industry as protagonists in need of protection, as well as

private security companies that are involved in certain parts of the region to provide this protection. The industry plays a role in several of the institutional arrangements in the Gulf of Guinea, but on an ad hoc basis. For example, the G7++ FoGG framework meets on a regular basis with representatives from the oil and gas and the shipping industries, but it is not a permanent member of the group. G7++ FoGG could learn from the success of the Contact Group on Piracy off the coast of Somalia by inviting representatives from the industry to become permanent members of the group.

In conclusion, the sheer number of regional strategies and institutions in the maritime domain has created a complex web of public and private actors. The multiple activities of such actors may easily lead to the duplication of capacity-building efforts and difficulties in coordinating regional activities.

Against this backdrop, Denmark should focus on the ‘in between’ by seeking to close the legal and operational gaps between regions and states, and between the public and private sectors. This can be achieved by:

- Promoting efforts within the Yaoundé framework to clearly define the roles of, and separate out tasks between, central regional bodies within the maritime security infrastructure, such as the ICC, CRESMAO, CRESMAC and the MMCCs.
- Supporting efforts in Nigeria and Ghana, where Denmark is present, to develop common regional standards and unify regulations to ease transborder collaboration by advocating that all Gulf of Guinea states not only ratify but also incorporate the relevant international legal frameworks into domestic law on maritime crime, including piracy, IUU, smuggling and marine pollution.
- Advocating that G7++FoGG become a forum attended not only by regional and international public actors, but also include private actors as permanent members.

LOOK LANDWARD: STRENGTHENING LEGAL STRUCTURES

The fact that international actors are, in part, focused on promoting their own strategic interests implies that the initiatives and activities that address maritime security are largely security-oriented. As we have seen in Section 3, the capacity-building of MDA and maritime law enforcement predominates, as international donors provide training and equipment to local navies and coastguards. And indeed, there are many forms of crime in the Gulf of Guinea region that affect maritime security, which makes maritime patrolling for incidents and maritime capacity-building pivotal.

However, to make maritime patrolling effective and to reap the benefits of enhanced MDA, it is just as necessary to pay close attention to the 'backstage' legal structures. First, an immediate need is to build the capacities of on-shore judicial institutions and prisons that deal with the aftermath of a crime. From its previous and on-going engagement in East Africa, Denmark has experience in facilitating the prosecution of maritime crimes and promoting the rule of law through bilateral engagement with prosecuting states and multilateral collaboration. In this context, it is important to acknowledge that engaging beneficiaries in capacity-building and training in one area of law enforcement takes resources and staff away from other areas. This was seen in the case of counter-piracy off Somalia, where the Seychelles in particular undertook the bulk of piracy prosecution on behalf of the international community. Due to the global attention paid to Somali piracy, these trials were given a priority in domestic courts. This had a negative impact on the legal system dealing with domestic cases, such as backlogs built up causing delays in prosecution involving Seychellois nationals (Larsen, 2017: 239).

Secondly, one aspect of enhancing legal structures that requires attention is regulating the involvement of private security companies. Outsourcing the protection of vessels to private security companies proved very successful off the coast of Somalia, although it also came with a range of legal challenges, particularly related to state oversight (see Larsen and Nissen, 2017). As already discussed, the context for involving private security companies is very different in the Gulf of Guinea than in the western Indian Ocean, as vessels in the Gulf of Guinea are often attacked in territorial waters rather than on the high seas. As such, the domestic laws of coastal states in the Gulf of Guinea have jurisdictional influence over how security companies can be used.

Until now, observers and interviewees with whom the authors have spoken note that Gulf of Guinea states have not been willing to tolerate the use of private security companies (see also Cook, 2016). Nonetheless, there are examples of private security companies being used by the national security forces of the coastal states. This is most prominently the case in Nigeria, which has also been the epicentre of maritime crime in the region. Their precise involvement remains unclear, even to the maritime security actors involved in the region whom the authors have interviewed. However, when private armed forces take on conventional state responsibility for providing security, an array of legal and operational issues are raised. In a maritime context, where criminal activities are transborder, the issue is further complicated by private security companies being subject to several states' laws when transiting through the region. As we have seen, the Gulf of Guinea accommodates 18 states, each with their legal regimes governing the issue.

In sum, a distinct focus on security-related activities prioritises capacity-building in the maritime domain over how landward capabilities meet the requirements of following law enforcement to its conclusion in the courts and beyond.

Against this backdrop, Denmark should look landward to emphasise the capacity-building of legal structures and thus support the region in providing legal finish, avoiding impunity and regulating private sector involvement in the provision of maritime security. This can be achieved by:

- Using the UNODC Maritime Crime Programme to build regional capacities that deal with crimes at sea as law enforcement challenges, rather than expanding regional naval forces or deploying Western naval vessels to fill a perceived security void.
- Using G7++ FOGG as a preliminary discussion forum to ensure that key states have the necessary legal frameworks to deal not only with piracy but also other maritime crimes, such as IUU, smuggling and marine pollution.
- Using G7++ FOGG to clarify the role of private security actors within the maritime domain and to ensure unified legal standards across the region for the private use of force in a common effort to ease the shipping industry's deployment of protection within regional frameworks.

CONCLUDING REMARKS



The maritime security infrastructure in the Gulf of Guinea aims at transnational and inter-regional collaboration and coordination around the suppression and prevention of maritime crime. The wealth of regional and international actors that are currently addressing maritime security in the Gulf of Guinea through strategies and institutional frameworks indicates the increasing importance ascribed to the stability of the maritime domain as a common good.

International and regional stakeholders must not lose sight of the importance of eradicating the root causes underlying the proliferation of illicit activities at sea.

The sheer number of actors, strategies and institutional frameworks involved makes for a complex environment. This in itself is a challenge, which Denmark as a donor must address when seeking to reconcile its strategic priorities on the one hand and the regional state of play on the other hand. This is nothing new: the comprehensive counter-piracy arrangements off the coast of Somalia provide a recent example of how a proliferation of actors and policies may shape international security interventions – and can be successful in doing so. Indeed, governing transborder crime on the world’s oceans requires the cooperation and combined resources of able and willing states and organisations.

The stakeholder mapping and subsequent analysis of the maritime security infrastructure in the Gulf of Guinea suggests three overall observations of relevance to Danish engagement in the region:

- The wealth of international actors and instruments risks foregrounding the economic and security interests of the donors and disconnecting their activities from regional governments’ policies and local communities’ challenges.
- The sheer number of regional strategies and institutions in the maritime domain has created a complex web of actors and interests that may easily lead to the duplication of capacity-building efforts and difficulties in coordinating regional activities.
- A distinct focus on security-related activities prioritises capacity-building in the maritime domain over how landward capabilities can meet the requirements of following law enforcement to its conclusion in the courts and beyond.

This report therefore offers Denmark three sets of pointers for how to prioritise its activities in the Gulf of Guinea:

- Regionalise engagement by promoting local ownership
- Focus on the ‘in between’ by enhancing coordination and deconfliction
- Look landward by strengthening legal structures

While this approach may discourage maritime crime in the short term, it does not impact sufficiently on the root causes that lead to such crimes being committed in the first place. Fighting maritime crime on the water only scratches the surface of much larger problems. As touched upon in Section 2, many factors influencing or exacerbating insecurity in the Gulf of Guinea. Corruption, poverty, the mismanagement of natural resources and water pollution due to the weak regulation of oil production are just some of the issues calling for improved governance in the region.

As such, maritime crime is a component of a larger set of challenges. International and regional stakeholders must not lose sight of the importance of eradicating the root causes underlying the proliferation of illicit activities at sea. Addressing such issues include long-term efforts to combat corruption in order to prevent the loss of public money that could be used to address unemployment and poverty, to strengthen state institutions and the rule of law, and to tackle criminal networks ‘on land’ that are widely acknowledged to be closely linked to acts of piracy and armed robbery at sea. However, initiatives to address the root causes in the context of maritime security are rare.

With its 2019-2022 priority paper and the new Peace and Stabilisation Fund programme for the Gulf of Guinea, Denmark has taken its first steps to reconcile its strategic priorities with local needs of the region. The implementation of the maritime security infrastructure in the region is still under development. Continued assessment of actual activities, budgetary needs and capacities will be needed in order to establish a baseline for what is required to operationalise regional strategies and make the maritime security infrastructure effective.

NOTE

- 1 Participating nations include a mix of regional and international states: Angola, Benin, Belgium, Brazil, Cabo Verde, Cameroon, Canada, Côte d'Ivoire, Democratic Republic of Congo, Denmark, France, Gabon, Germany, Ghana, Guinea, Guinea-Bissau, Liberia, Morocco, Namibia, Netherlands, Nigeria, Norway, Portugal, Republic of Congo, Sao Tome & Principe, Senegal, Sierra Leone, Spain, Togo, Turkey, the US and the UK, as well as ECOWAS and ECCAS.

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