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Elements for the EU's Strategic Response to the Challenges in the Gulf of Guinea

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EXECUTIVE SUMMARY

States bordering the Gulf of Guinea coastline face many of the challenges familiar to countries throughout Africa. But the recent growth in threats emanating from the lack of control over the coastal waters and the weak control over access and security along the coast itself pose a particular challenge to the states of the region¹. The consequences include growth in criminal and terrorist activity, which also pose a growing threat to the EU. This Joint Communication therefore reviews the overall scale of the threat, the risks that it poses to the coastal states and the EU, and the potential actions that the EU with the international community can take to help those states tackle the problem.

Threats

The threats take various forms, are often interlinked across borders and can, collectively, lead to contagious criminal activity, putting at risk the stability or effectiveness of these states, reducing their chances of successful economic development or of reducing poverty, to which the EU is committed. There are three distinct types of threat:

- (a) those that take place uniquely at sea, including illegal fishing, illicit dumping of waste, and piracy and armed robbery at sea²
- (b) those that come from sea on to land, primarily trafficking of narcotics, arms, counterfeit goods and, often in the other direction, of human beings.
- (c) threats to sea-based economic activity from land, particularly to the offshore oil and gas industry, including hostage-taking, theft ("bunkering"), and criminal acts in ports.

Unchecked, these threats will grow to the extent that both local and international interests will be damaged.

Shared African and European interests

The EU and the countries of the region have major common interests. The region has a long coast line, and is rich in resources which are crucial both for local employment and consumption, and for trade with Europe. The sustainability of all maritime resources, including fisheries, is a key concern for local communities as well as European customers. Secure global shipping lanes are necessary for commerce and trouble-free fishing. A significant proportion of EU energy supplies come from this region, and both investors and workers should be safeguarded from physical attack. Narcotics and other illegal goods trafficked along the coast and across land borders are increasingly damaging local communities and fuel problems in Europe.

The EU's overriding objective is therefore to help the states of the region – many of them very fragile - to achieve peace, security and prosperity through the successful and legitimate development of

¹ Including the many neighbouring landlocked countries whose supplies depend on coastal economic activities.

² International law differentiates between "piracy" – incidents which take place in international waters – and "armed robbery at sea" – incidents which take place in territorial waters.

their economies and their institutions, in line with both the African Peace and Security Architecture (APSA) and overall EU policy; building political consensus, enabling and respecting African ownership and synchronising existing programmes in a comprehensive approach to regional development and security . Experience elsewhere in Africa, particularly in the Horn of Africa, the Sahel and the Great Lakes, suggests that early preventive action, in close coordination with the countries of the region and African regional bodies, is much more cost-effective than a later cure. That experience has also demonstrated the value of integrating all aspects for greater cumulative effect; political, good-governance/anti-corruption, security, institutional, economic, and development.

Response

The EU can mitigate the risks identified above by helping states to strengthen the rule of law and effective governance across the region, including through improvements in maritime administration, law enforcement activity by the police, navy, military, coastguard, customs and immigration services.

As maritime boundaries are still not fully delineated and inherently hard to police and entirely permeable, strengthening cooperation between the coastal states and nascent regional coordination mechanisms is an essential starting point. The EU can also support countries in the region to deliver on their international obligations as flag and coastal states.

It is therefore proposed that the EU, including its institutions, Delegations and Member States working in coordination with other international organisations and local partners, adopt a comprehensive approach focusing on four specific objectives:

1. Building a common understanding of the scale of the threat in the Gulf of Guinea and the need to address it among the countries in the region and the international community.
2. Helping governments of the region build robust institutions, maritime administrations and capabilities to ensure maritime awareness, security and the rule of law along the coast.
3. Supporting prosperous economies in this region in line with national and regional development strategies, to create employment and assist vulnerable communities to build resilience and resist criminal or violent activities.
4. Strengthening cooperation structures between the countries of the region and the regional organisations to take the necessary actions to mitigate the threats at sea and on land.

THE NATURE AND EVOLUTION OF THE THREAT

The geographic scope of this Joint Communication spans a 6.000 km coastline from Senegal to Angola including the islands of Cape Verde and Sao Tome and Principe, covering two geographical, political and economic regions: the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS), both of which are affiliated to the Gulf of Guinea Commission (GGC) and the African Union (AU).

Over the last decade, West and Central African states have experienced a mix of dynamic economic growth together with a strengthening of governance in some countries and a weakening of it in others. Some of the countries are securely on the path to middle income status, while others still have a way to go to reduce poverty in line with the Millennium Development Goals (MDG). Yet, both could be threatened by growing instability and criminal activity in the Gulf of Guinea; and instability or economic disruption there will have a direct impact on the EU itself.

Organised crime in the forms of trafficking of drugs, human beings, arms, rough diamonds, counterfeit medicines, illegal waste³, cybercrime and related money-laundering often take place in the interface between the porous land and sea borders in the Gulf of Guinea. Trafficking routes often overlap with areas of instability and crisis, and with terrorism in the Sahel and northern Nigeria. Trafficking of drugs, particularly cocaine, and arms⁴ has played a significant role in weakening governance institutions in several countries of West Africa, most notably in Guinea Bissau. In some cases this activity has become an extra source of revenue for terrorist groups in the Sahel. The United Nations Office on Drugs and Crime (UNODC) estimates the value of cocaine shipped from West Africa to Europe in 2011 alone, as USD 1.25 billion, and the bulk of illegal migrants, whether trafficked or not, are bound for Europe. Other illegal trafficking involves cocoa, cotton, timber, cashew nuts, gold and diamonds⁵.

Piracy and Armed Robbery at Sea is a second growing threat. Maritime trade to and from the Gulf of Guinea is largely conducted by the EU. The region is one of the EU's strategic maritime interests. There is an average of 30 EU flagged or owned vessels at any one time in the Gulf of Guinea. Over the last decade, of the 551 attacks and attempted attacks that have been reported, most took place in national jurisdictions, while fewer than 20% took place in international waters, with the largest number in 2012 off the coasts of Nigeria and Togo. These attacks occur mainly when ships are moored, bound for, or leaving offshore oil platforms or storage vessels. However, latest assessments are that the risk of attack could shift further from the coast similar to the approach used by Somali based pirates who use motherships to launch attacks in international waters. Fears are that pirates may mimic hostage-taking of seafarers in the Horn of Africa for higher-value dividends. The unpredictable use of violence against crews, including use of guns, is a worrying trend.

Oil theft and "**petro-piracy**" involves both "bunkering" and the hijacking of tankers for fuel theft. It was recently estimated to lose Nigeria around 100,000 barrels a day, which is then re-sold on the black market. Tugs ferrying oil workers to rigs have also been targeted by pirates and armed bandits. These activities cost governments revenue, increase commercial security costs and discourage further investment. Focusing on the security of the petroleum and petrochemical industry is important not just in Nigeria (at the epicentre up to now), but increasingly further afield, off the coast of Equatorial Guinea, Ghana, Cameroon, Republic of Congo, Gabon, Chad, Liberia and Angola⁶. Oil spills linked to oil theft often also exacerbate the damage to coastal environments and therefore fishing and agricultural livelihoods.

Illegal fishing: Fishing remains an important industry in many countries in the Gulf of Guinea, contributing 25-30% of revenue in Mauritania; from 25 to 30% of Senegal's exports; and 25-40% of government revenue in Guinea Bissau according to the World Bank and Food and Agriculture Organisation. Illegal, Unreported and Unregulated fishing (IUU) in the Gulf of Guinea is costing

³ Examples of illegal waste include herbicides and pesticides, oil spill, untreated industrial wastes including nuclear and aerosol contaminants.

⁴ 5-7 million Small Arms and Light Weapons are estimated by UNODC to be in circulation in the Gulf of Guinea region.

⁵ Diamonds have contributed to the fuelling of conflict in the region, which led to the establishment of the Kimberley Process (KP) Certificate Scheme to stop conflict diamonds reaching international markets.

⁶ European Parliament report Aug 2011, PE 433.768: "The Effects of Oil Companies' Activities on the Environment, Health and Development in Sub-Saharan Africa" focuses on lessons from Angola and Nigeria.

coastal states around USD 350 million a year, and is posing a serious environmental threat to fish stocks and the potential overall collapse of the fishing industry. Total estimated catches in the Gulf of Guinea coastline are believed to be up to 40% higher than reported. Significant resources, revenue, nutrition and livelihoods are lost as a result.

Unemployment in countries in the Gulf of Guinea is estimated at around 40% with levels of youth unemployment at over 60%. There are insufficient economic opportunities in the formal, legal economy for young people. In addition, food insecurity in the countryside has encouraged migration from rural areas to cities, leading to rapid urban population growth, stretching already struggling social and economic infrastructure and creating tensions amongst urban populations. Such a high level of unemployment encourages young people into criminal activity simply to make a living, so that they become foot-soldiers for pirate and criminal gangs, or leads them into illegal migration in very dangerous conditions.

EU INTERESTS

The EU has significant economic, developmental, commercial and security interests in the Gulf of Guinea. Its commitment to address poverty and support economic development is enshrined in the Cotonou Agreement. The EU is also committed to supporting the sustainable exploitation of natural resources in the region, including hydrocarbons and fish. Europe imports about half of its energy needs, of which nearly 10% of its oil and 4% of its natural gas come from the Gulf of Guinea. Nigeria, Angola, Equatorial Guinea and Gabon are significant suppliers of crude oil, and Nigeria of natural gas. The region's proximity to Europe with easy sea access gives it a comparative advantage over the Middle East for our oil needs and Europe remains a primary export market for other regional products, including forestry, agricultural and mineral resources⁷.

The region is an increasing magnet for European investment, not only in the natural resources but in the consumer goods and services sectors, including mobile telephony. That combines with a growing importance as a potential market for exports as the region's economic growth accelerates. All this makes for a growing mutual interest in a partnership to promote growth and jobs by ensuring security and stability.

It is equally in the EU's interests to promote stability in the Gulf of Guinea to protect the EU's own citizens from the threats of drugs, terrorism, piracy and armed robbery, and other forms of crime emanating from the region.

WHAT HAS BEEN DONE

The responses so far to these threats have included a range of initiatives over the last 5 years at international, regional and national levels:

- Two **UN Security Council resolutions** on Piracy and Armed Robbery in the Gulf of Guinea⁸ that set-out the need for adopting “a comprehensive approach led by the countries of the region to counter the threat of piracy and armed robbery at sea in the Gulf of Guinea and their underlying causes”; and the need to build on “existing national, regional and extra-regional initiatives to

⁷ Examples include iron ore (Nigeria, Gabon and Cameroon), diamonds (Guinea, Liberia, Sierra Leone), manganese (Gabon), bauxite (Guinea), cobalt and timber (Cameroon) and cocoa (Ghana, Ivory Coast).

⁸ UNSCR (2011) 2018 and (2012) 2039

enhance maritime safety and security in the Gulf of Guinea". Both resolutions focus on promoting the maintenance of peace and stability in general in the Gulf of Guinea region.

- Under the auspices of the G8, a **Friends of the Gulf of Guinea Group (FOGG)** initiative has been launched to address maritime security in the Gulf of Guinea, of which the EU is a member. It focuses on the importance of African ownership; the link between economic development and security; the importance of coordination and exchange of information; and the need for a comprehensive response including governance and justice.
- **The EU** is addressing IUU fishing through the implementation of the IUU Regulation and through EU Fishery Partnership Agreements with many of the coastal countries of West and Central Africa helping regulate fishing, including by EU vessels, and supporting development/improved governance and control efforts in the fishing sector.
- Regional Organisations **ECOWAS and ECCAS** have adopted policies and launched specific actions, mainly as a result of both increasing international pressure and international support, including for ECOWAS a comprehensive Crisis Prevention Framework in 2008 addressing inter alia cross border and maritime security issues, a landmark Praia Plan to address the growing drugs problem, and a Counter Terrorism Strategy and Implementation Plan. ECCAS has an Integrated Strategy for Maritime Security since 2008 and set up the CRESMAC (Regional Centre for Maritime Security in Central Africa). The African Union adopted an African Integrated Maritime Security Strategy (2050 AIM Strategy) in 2012.
- **Individual countries** in the Gulf of Guinea have begun to increase resources and develop strategies in partnership to address organised crime both offshore and on land such as the joint patrols (Operation Prosperity) by the Federal Republic of Nigeria and the Republic of Benin.
- Increasing support from **bilateral EU Member States programmes**, and other international partners such as the US, Brazil, China, India, South Africa, and others, for policy formulation, coordination and institutional capacity building. EU Member States support is already very substantial, notably as regards capacity building of key institutions and services.
- The **Summit of Gulf of Guinea Heads of State** held in Yaoundé on 24-25 June 2013 has led to:
 - (a) The Adoption of a 'Code of Conduct Concerning the Prevention and Repression of Piracy, Armed Robbery against Ships, and Illegal Maritime Activities in West and Central Africa' which will be reviewed in 3 years⁹.
 - (b) The Adoption of a Memorandum of Understanding (MoU) signed by the ECCAS, ECOWAS and GGC Heads on Maritime Safety and Security in West and Central Africa, setting out the establishment of an experts group to prepare a follow-up action plan for implementation of the Code of Conduct.

⁹ The Code is inspired by the IMO Djibouti Code of Conduct for the Western Indian Ocean. Its main features are a particular emphasis on information sharing and coordination, facilitated by a designated national contact point in each State, and a number of regional transnational and trans-regional maritime security coordination centres; and clear engagement by States to declare their exclusive economic zones and enforce their own laws, including on fishing, piracy and armed robbery at sea, environmental protection, waste dumping and mineral resources including oil. The Code will be kept under the African Union auspices, rather than the IMO, for greater African ownership. The Code is non-binding for now.

(c) Decision to locate the Intra-regional Coordination Centre (as outlined in the MoU) in Yaoundé. This will be the mechanism to oversee implementation, under AU auspices.

In terms of defining the strategic requirements and necessary policies, much work has therefore been done. Implementation, however, has been severely limited by resource constraints and the gap with the level of further investment needed to reverse the rising trend of organised crime remains wide.

THE WAY FORWARD

The Yaoundé Summit signalled a firm commitment from individual states, the regional organisations and GGC to work together and with international partners to develop regional maritime security in its widest sense.¹⁰ Follow-up to this Summit is therefore a useful starting point for the EU's approach.

The EU's approach should be based on three principles:

- partnership with the countries of the Gulf of Guinea, their regional organisations and other international organisations active in the region (ECOWAS, ECCAS, GGC, Maritime Organisation for West and Central Africa (MOWCA), plus UN Offices for Central and for West Africa, UNOCA and UNOWA, and international organisations including the AU, UN agencies such as International Maritime Organisation (IMO), as well as INTERPOL, World Customs Organisation (WCO) and others);
- a comprehensive approach to the problems, ensuring that security, development and governance issues are integrated in to a single strategic framework.
- applying the lessons learnt from our strategies in other regions of Africa.

The EU proposes an integrated approach to governance issues and all security risks and challenges on land and sea, addressing all aspects of transnational organised crime in the maritime domain as set out in the Code of Conduct signed in Yaoundé, tackling the underlying causes, and promoting regional peace, security, stability, good governance and development. Supporting border management, the rule of law, reforming legal and security frameworks, ensuring access to justice and human rights, fighting corruption and organised crime including illegal migration, are essential components of the long term work ahead. Economic governance is also key, such as better management and societal participation in the exploitation of natural resources, including oil, fisheries and others. Other important elements should include building on existing successful EU actions and learning the lessons of the EU Sahel and Horn of Africa strategies; working at national, regional and international levels, with individual or groups of States which have the political will to act (and encouraging others to join).

Bearing that in mind, the EU approach will focus on the following four objectives:

Objective 1 – *Building a common understanding of the scale of the threat in the Gulf of Guinea and the need to address it among the countries in the region and the international community.*

¹⁰ The EU defines maritime security Regulation 725/2004, Art. 2.5 as the combination of preventive measures intended to protect shipping and port facilities against threats of intentional unlawful acts.

The aim is to develop a sound, factual basis for policy-making and action, promote a sense of ownership among African countries, and encourage the political will to tackle the problems. It will also enable the EU to judge better the cost and benefit of actions proposed.

Cooperation with key stakeholders in countries and regional organisations, including civil society organisations, Non-Governmental Organisations (NGOs), Regional Fisheries Management Organisations (RFMOs) and the private sector will make it possible to define a comprehensive picture of the scale of the threat, identify opportunities and agree priorities.

Possible action:

- improve data collection (currently only 30-50% of maritime incidents are reported) and information sharing;
- identifying geographic and thematic priority zones to focus the EU response, including in cooperation with other international actors;
- address the wider drivers of instability according to the level of risk using tools like the Conflict Early Warning System and Conflict Risk Assessments, and EU Human Rights strategies;
- ensure alignment of thematic (security, drug trafficking, and counter-terrorism) and geographical policies/strategies;
- maintaining close links with the private sector, notably industrial, artisanal fisheries and mining sectors, and shipping companies to ensure their perspectives are taken into account by governments.
- Support dialogue with civil society, industry and governments.

Objective 2 - *Helping regional governments put in place the institutions and capabilities to ensure security and the rule of law.*

Resilient national (and regional) institutions able to counter the threats on a sustainable basis are essential for an effective fight against organised criminal networks. These institutions need to have the will to counter criminality, the mandate and resources to do so, as well as the technical capability, including in specialist areas. The EU has the experience and resources to help build local capacity, and should encourage the necessary political support through political dialogue.

The institutions include:

- political institutions (for example parliaments, election management bodies, political parties) that can provide other institutions with a mandate to intervene and an appropriate legal framework to do so;
- security institutions (for example internal security forces, coastguards, port authorities, customs authorities and military – land, sea and air forces, all with associated intelligence gathering functions) that can conduct surveillance operations and where necessary, intervene to protect trade routes, oil installations and disrupt illegal activities such as drug and human trafficking. A suitable legal framework and political accountability need to be in place to ensure clear responsibilities in relation to serious crimes on land or sea. Capacity reinforcement is needed in specific areas where they are weakest (for example countering piracy at sea, or detecting drugs).

- rule of law institutions (for example police, courts and prisons, including specialised tribunals for example in the areas of customs or fishing) that can a) enable suspects to be investigated, tried and suitably punished according to law and with respect for human rights standards; b) facilitate access to justice and human rights protection (also for victims of human trafficking); to promote judiciary and home affairs reform. Some key dimensions here are the independence and protection of judges and investigating magistrates, forensic capacity to provide evidence in court and reduce the use of illegal interrogation methods.
- economic and environmental management institutions: national authorities need to reduce corruption where it exists, prevent money-laundering through national financial institutions, avoid corrupt or incompetent management of natural resources contracts, and ensure sound environmental management by commercial operations.
- oversight institutions and civil society (for example auditor general, ombudsman, anti-corruption institutions, media, NGOs, think tanks, community groups) that can encourage good governance and rule of law to counter the enabling space for organised criminal networks to operate in.

The EU should seek to engage with the local communities, civil society and media to help citizens hold these institutions accountable.

Possible action:

- a) to improve the rule of law through strengthening national law enforcement agencies and the judiciary; improving sea and land surveillance capacity; supporting enhanced interagency and regional coordination in the fight against drugs and organised crime including security and legal cooperation, data sharing, and cross-border anti-trafficking joint actions; supporting the development of the 2050 Africa Integrated Maritime Strategy and improving monitoring and reporting of maritime security breaches, including collection of evidence for prosecution
- b) to improve economic and environmental governance through development or enforcement of legal frameworks for fishing and offshore mineral exploitation, including fish licensing systems; working with international organisations, Regional Fisheries Management Organisations, and other key bodies in ensuring respect for international law and regional norms; working with the private sector – including oil and maritime industry to promote corporate responsibility actions and consultation with civil society and local communities.

Objective 3 – *Supporting the development of prosperous economies in the coastal countries, enabling them to provide basic services, employment opportunities and poverty reduction for their citizens.*

Many States of the Gulf of Guinea are fragile Least Developed Countries (LDCs), with low key development indicators such as life expectancy, health and literacy. Widespread poverty, poor governance and under-development can facilitate the emergence of criminal activities. Generating legitimate and sustainable jobs for young people could help tackle some of the underlying causes feeding insecurity in many Gulf of Guinea countries.

EU development policy, including the EU's Agenda for Change, prioritises assistance to the poorest countries, particularly fragile states. Key issues addressed in the Agenda for Change include good governance, inclusive and sustainable growth, agriculture, food security, clean energy, and improving resilience to the consequences of climate change. In terms of nutrition, trade, economic

development and employment, the importance for the region of improvements to the management of the fisheries sector, notably artisanal coastal fishing, is evident.¹¹

Possible action

- Continue and extend the ongoing work to improve regulation and management of key industries in Gulf of Guinea countries including fishing and extractives;
- Increase community participation in local economic development and support communities through expansion of access to energy and basic services;
- Engage with Gulf of Guinea countries, Regional Fisheries Management Organisations, International Organisations and other key stakeholders to improve regulation and management of fisheries and extractive industries.

Objective 4 – *Putting in place cooperation structures between the countries of the region to ensure effective action across borders at sea and on land.*

The importance of information sharing and cooperation among a wide range of agencies and actors, public and private, makes it essential to build strong planning and coordination among them, notably with the key regional organisations; ECOWAS, ECCAS and GGC. The broader coordinating role of the African Union has proven its value in the Horn of Africa and is increasingly appreciated by the regional organisations in the Gulf of Guinea. EU cooperation needs to support this integration and coordination of effort.

Possible Action:

- Improve planning, coordination and communication amongst regional partners; help regional organisations work more collaboratively in follow-up to the Yaoundé Summit;
- Identify where active partners like the US, Canada, Japan, China, as well as the UN, World Bank, and other multi-lateral organisations/institutions can have a positive impact, including the Gulf of Guinea in our political dialogue with these partners;
- EU Political Dialogues with the States and the Regional Organisations and other regional bodies should regularly assess the security at sea and on land as well as the development situation, trends and needs;
- Support ECOWAS, ECCAS, GGC and the African Union in their efforts to coordinate internally, with their Member States and with each other, and with external partners.

CONCLUSIONS

Although some promising steps have been taken nationally, regionally and internationally, the scale, variety and shifting nature of criminal activities and the complexity of the underlying problems require much more attention at national, regional and international levels. This approach is fully

¹¹ For the EU there are also considerable potential gains from strengthening local capacities to conserve and manage fish stocks, in the form of improved perspectives for EU fishing fleets and increased security of maritime routes due to better local surveillance.

consistent with and complementary to national poverty reduction policies and regional initiatives, as well as in synergy with actions implemented through the Fisheries Partnership Agreements and actions implementing the IUU Regulation. It is clear that activity across the different objectives as set out in this framework can be mutually reinforcing and complementary.

It will be important however to coordinate all these different initiatives both in the region and amongst EU institutions in Brussels, and with EU Member States own programmes as well as the international community. Our level of ambition, albeit broad and encompassing the full range of economic, social, governance, security and development challenges, is the right approach at this stage.

It will be wise to concentrate where the EU can have the most effect. Post-Yaoundé there is an opportunity to lever support to the regional African-led coordinating platforms that are developing.

Ultimately, this strategic framework will allow us to better judge and plan the EU's work with its partners in the Gulf of Guinea in a more coherent way. Increasing the EU's focus now on coordinating better will have significant effects on security, investor confidence, prosperity, livelihoods, the environment, and energy supplies.