

Governing Blue Crime in the Gulf of Guinea

Assessing cooperation within the Yaoundé structure

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- Projects under the Danish Peace and Stabilisation Fund.
- *Facilitated Dialogue*-concept: Discussing ideas, building trust, creating networks
- Afghanistan-Pakistan (previously)
- Gulf of Guinea
 - Conference with KAIPTC in Feb 2020
 - Seminar with MMCCs and Commercial Maritime Actors

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Current Research

Research Question:

How can cooperation on fighting blue crime within the Yaoundé structure be strengthened?

Motivation

Formal transnational structure for governing blue crime exists, but remains, in some ways, an **unfulfilled promise**

So, how can it be better?

Research Objective

Provide specific and useful recommendations

Research Scope

The Yaoundé Structure – information sharing

(other *essential* parts of combatting maritime crime not included)

I argue that...

Perceive the structure more as a network and less as a hierarchy (ideal types)

Network basic organization form can provide useful insights.

The structure must work within existing framework (as argued by Okafor-Yarwood et al. 2020)

- Less dependent on (further) political attention and will.
- Does not require further expansion of the structure's mandate

Persistent issue

Illegal, unreported and unregulated fishing, and the complexities of the sustainable development goals (SDGs) for countries in the Gulf of Guinea

Ifesinachi Okafor-Yarwood 

Highlights

- IUU fishing highlights the loophole in the fisheries management systems of countries in the Gulf of Guinea.
- The threat amounts to 65% of the legal reported catch in the Gulf of Guinea.
- It undermines marine conservation efforts, and so is a threat to the SDGs.
- Regional cooperation as a possible solution to combating IUU fishing in the region.

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Yaoundé Structure

Named after Yaoundé, Cameroon,

In 2013, 25 Heads of State from ECOWAS and ECCAS states agreed to

Article 2: PURPOSE AND SCOPE

1. Consistent with their available resources and related priorities, their respective national laws and regulations, and applicable rules of international law, the Signatories **intend to co-operate to the fullest possible extent in the repression of transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea** with a view towards:

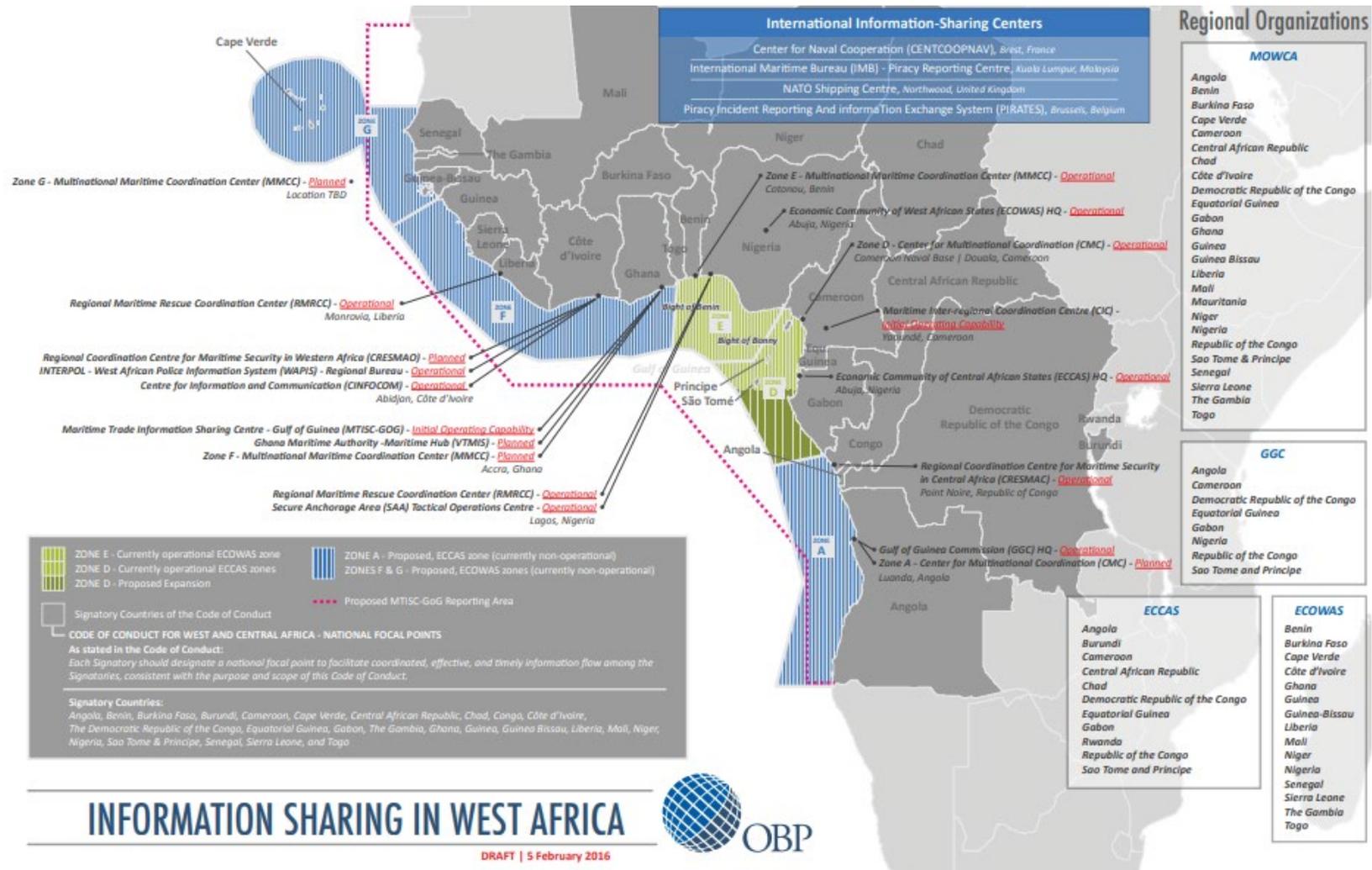
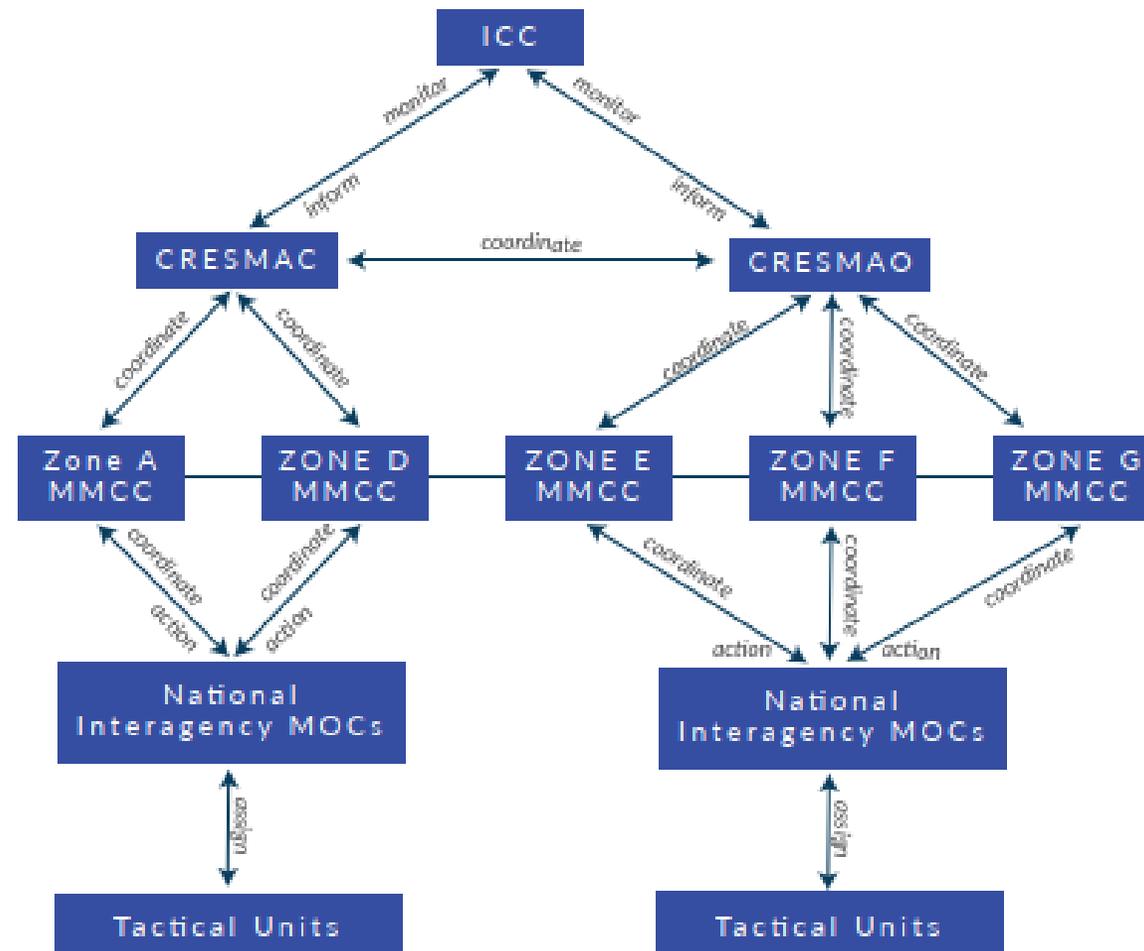


FIGURE 1: EXISTING INFORMATION SHARING NETWORK



Okafor-Yarwood et al.,
2020, p. 69

Why is transnational cooperation necessary?

- Seas are *communal* (Jacobsen, K., and Larsen, J. 2019: 1038)
- Neither fish nor pirates respect national boundaries (Till, 2013: 283)
- Maritime Security is **cross-jurisdictional** (Bueger, C. and Edmunds, T. 2017: 1301)

Because maritime security is inherently a transnational issue

Many Aspects of Maritime Security and Blue Crime

Root Causes (Things that result in Blue Crime)

Types of Blue Crime (Crimes against Mobility, Criminal Flows, Environmental Crimes, (Bueger and Edmunds, 2020))

Jurisdictional Framework (for dealing with criminals)

Role of the Structure: Maritime Law Enforcement

-> **Information sharing as a force multiplier** (research scope)

In this specific aspect of maritime security governance, **states are the primary actor**

- **Why?**
 - **Hesitation to relinquish sovereignty to international bodies (Ali, 2015 & YCOC Art. 2)**
 - States respond to specific instances of maritime crime (but lacks capacities)
 - States prosecute according to national law (but has not ratified international law)

What makes the Yaoundé structure promising?

- **Pragmatic and workable:** Not too taxing on national sovereignty, yet politically legitimized by heads of state (Ali, 2014: 319 & Okafor-Yarwood et al., 2020: 86)

The Yaoundé Code provides a mechanism for states to cooperate without the associated loss of sovereignty that a binding agreement would entail,⁶⁴¹ precisely because it is not binding but was agreed to by heads of state. In other words, the Yaoundé Code does not require governments to take additional steps in order for personnel at the working level to make things happen. Under the Yaoundé Code, an MOC director in one nation can arrange a communication exercise with another MOC or request information from a neighbor about a suspect ship without going through lengthy political channels. On the other hand, the aspects of the Yaoundé Code which require some relinquishment of sovereignty, such

- -> Structure can work without further requiring further political willingness (ibid.)

What makes it not-so-great?

Lack of implementation

Lack of law harmonization

Does not address capacity gap

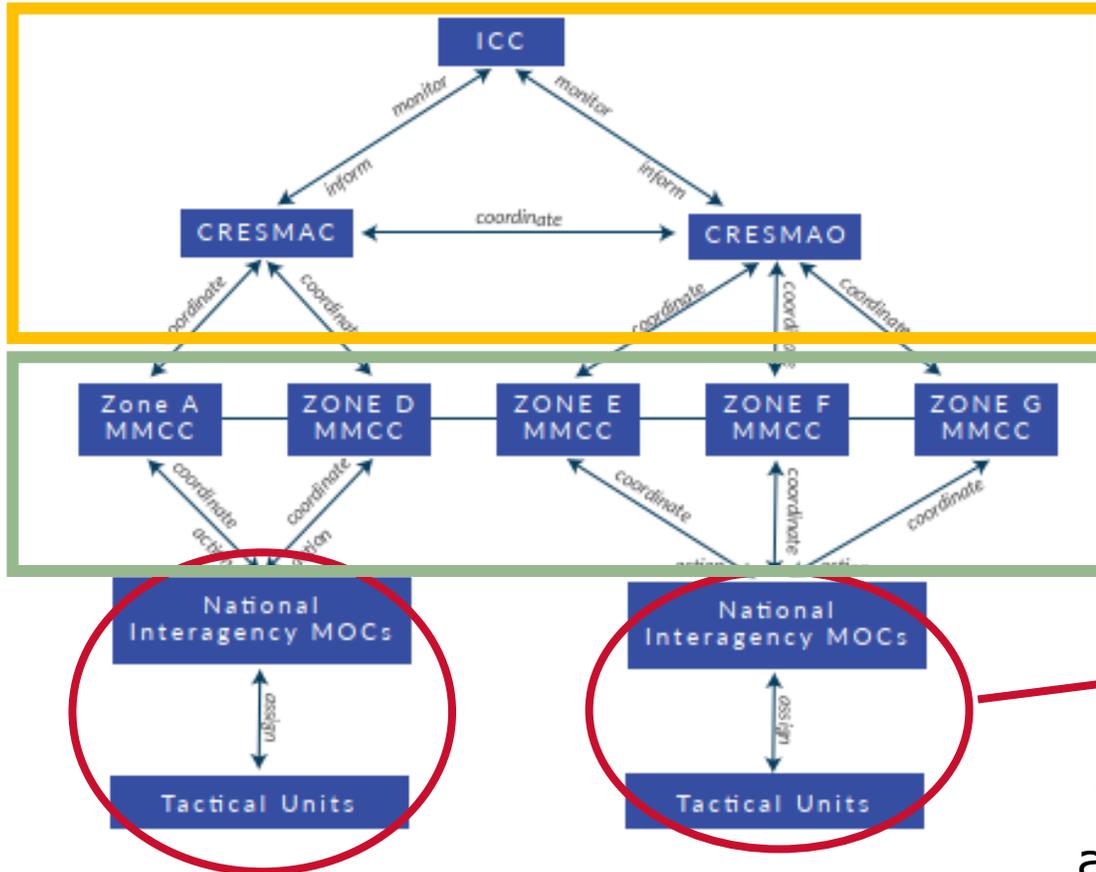
Does not address jurisdictional issues

Does not involve non-state actors

Perceived as a hierarchy/system

Not a hierarchy – a network

FIGURE 1: EXISTING INFORMATION SHARING NETWORK



Perception as network important, because it **identifies critical parts** of information sharing – and on how to **strengthen it!**

Strategic/political guidance

Information sharing

National responsibility (not changing anytime soon)

Okafor-Yarwood et al., 2020, p. 69

How can “network coordination” contribute?

- Studying bonds between institutions/actors – or the lack thereof
 - Information flow between MOC – MMCC – CRESMs
 - Pending implementation
- Relevant actor inclusion
 - No bonds with Commercial Maritime Actors or Civil Society
 - Pending dialogue...
- Sufficiency of social and structural control elements? (Herrhausen, 2017)

Strengthening coordination

Are relevant actors included and available?

- Not all MMCCs are multinationally staffed.
- National MOCs are not yet functioning as focal points
- The Role of CRESMs and ICC is not certain
- Commercial Maritime Actors or civil society actors are not included
- Bonds between relevant individuals

Further research could look into social and structural control mechanisms

Conclusion

- **Improve on existing framework**
 - expansion of mandate unlikely
 - without implementation it would be irrelevant
- **Strengthen critical parts** of framework first (less demanding?)
- Include relevant actors – this is the first step towards effective information sharing.

Literature

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Thank you for your attention
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