

AN ANATOMY OF MARITIME INDUSTRY REGULATION IN WEST AFRICA

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Abstract

The maritime industry is a value-added asset to the economic development, security, and international trade of West African states. Despite the existence of an international legal framework governing maritime affairs, the region continues to face persistent challenges, including piracy, armed robbery at sea, illegal, unreported, and unregulated (IUU) fishing, and inadequate resource governance, among others. This paper x-rayed maritime regulations in West Africa through the lens of statutory and institutional regulation, with particular emphasis on the interaction between global legal instruments, regional frameworks, and domestic implementation across the region. The paper adopted a doctrinal methodology by relying on primary and secondary legal sources. The paper examined the extent to which international maritime legal obligations had been incorporated into effective regional and national regulatory action. The findings revealed that although international and regional legal frameworks provide a comprehensive normative foundation for maritime governance, their practical effectiveness remains constrained by fragmented and overlapping jurisdictions, among others. The paper recommends that effective international maritime law in West Africa depends largely on sustained political

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commitment, stronger institutional and enforcement frameworks, among others.

Keywords: Institutional framework, Legal framework, Maritime Industry, West Africa

1.0 INTRODUCTION

Beyond facilitating international trade, the maritime sector supports other critical development indices of any region. Consequently, the regulation of maritime activities has become a significant concern of international law, necessitating the development of legal frameworks to ensure the safe and sustainable use of the world's oceans.¹ West Africa occupies a strategic position along the Atlantic Ocean, with numerous coastal states whose economies depend significantly on maritime activities. The Gulf of Guinea, in particular, constitutes one of the world's most economically significant maritime regions due to its abundant oil and gas reserves, rich fishing grounds, and major shipping routes. The maritime sector contributes substantially to the economies of countries such as Nigeria, Ghana, Côte d'Ivoire, Senegal, and Benin through international trade, port operations, fisheries, and offshore petroleum activities².

However, despite its economic importance, the region has continued to face numerous challenges such as piracy, pollution at sea, weak enforcement, and a host of others. These challenges have adversely affected regional trade, threatened maritime safety, discouraged

¹ Donald Rothwell and Tim Stephens, *The International Law of the Sea* (3rd edn, Hart Publishing 2023) 6

² Christian Bueger and Timothy Edmunds, 'Blue Crime: Conceptualising Transnational Organised Crime at Sea' (2020) 34(2) *Marine Policy*.

foreign investment, and undermined sustainable economic development.³

The international community has responded to these challenges by establishing a legal regime governing maritime activities. The United Nations Convention on the Law of the Sea (UNCLOS) 1982 is the principal legal framework governing the rights and obligations of states in maritime zones, navigation, marine environmental protection, and the exploitation of marine resources⁴. In addition, the International Maritime Organization (IMO) has adopted numerous conventions, including the International Convention for the Safety of Life at Sea (SOLAS), the International Convention for the Prevention of Pollution from Ships (MARPOL), the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention), and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), all of which establish internationally accepted standards for maritime safety, security, and environmental protection.⁵

The Economic Community of West African States (ECOWAS) has assumed an increasingly important role in promoting maritime governance and security within the region. Although originally established to foster economic integration among Member States, ECOWAS has expanded its mandate to address transnational security

³United Nations Office on Drugs and Crime (UNODC), Transnational Organized Crime in the Fishing Industry (United Nations 2011) < https://www.unodc.org/documents/human-trafficking/Issue_Paper_-_TOC_in_the_Fishing_Industry.pdf > accessed 29th July 2026

⁴United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994). Art 1

⁵International Maritime Organization (IMO), International Conventions and Instruments on Maritime Safety and Security < <https://www.imo.org/en/about/conventions/pages/listofconventions.aspx> > accessed 29th July 2026

challenges affecting regional development, including maritime insecurity.⁶ Through the Revised ECOWAS Treaty, the ECOWAS Integrated Maritime Strategy, and its collaboration with the Maritime Organisation of West and Central Africa (MOWCA), the Gulf of Guinea Commission, and other regional and international organisations, ECOWAS has sought to strengthen maritime security, enhance regional cooperation, improve information sharing, and promote compliance with international maritime law. Furthermore, ECOWAS played a significant role in the implementation of the Yaoundé Code of Conduct, which established a cooperative framework for combating piracy, armed robbery, and other illicit maritime activities in the Gulf of Guinea.

Despite these initiatives, significant challenges continue to impede the effectiveness of maritime regulation in West Africa. Many Member States experience inadequate legislative implementation of international conventions, limited institutional capacity, insufficient funding, corruption, weak inter-agency coordination, and inadequate maritime surveillance infrastructure. These constraints have hindered the full realization of ECOWAS's maritime objectives and have limited the effectiveness of regional efforts to combat maritime crime and ensure the sustainable management of marine resources.⁷

Against this backdrop, this study examined maritime regulations in West Africa through the lens of international law. It assessed the extent to which ECOWAS has implemented international maritime legal standards, evaluated the effectiveness of its regulatory and institutional mechanisms, identified existing legal and practical

⁶ Economic Community of West African States (ECOWAS), Revised Treaty of the Economic Community of West African States (adopted 24 July 1993) art 3

⁷Economic Community of West African States (ECOWAS), ECOWAS Integrated Maritime Strategy (2014 Act 1.1

challenges, and proposed measures for strengthening maritime regulation and regional cooperation in West Africa⁸. The study contributed to the growing body of scholarship on international maritime law by critically analysing the relationship between global legal norms and regional institutional responses to maritime governance in West Africa.

2.0 MARITIME INDUSTRY IN WEST AFRICA

The maritime space of West Africa, particularly the Gulf of Guinea, is of immense strategic importance to global trade, energy transportation, fisheries, and regional economic development. Despite the existence of a robust international legal framework governing maritime activities, the sub-region continues to face persistent challenges of maritime insecurity and ineffective regulatory enforcement. Key international instruments, notably the United Nations Convention on the Law of the Sea (UNCLOS) 1982 and various conventions under the International Maritime Organization (IMO), impose clear obligations on coastal states regarding maritime safety, security, environmental protection, and the sustainable management of marine resources. However, the experience of many West African states reveals a continuing disparity between these legal obligations and their actual implementation. This gap raises serious concerns about the adequacy of the existing international legal regime, the effectiveness of regional cooperation mechanisms, and the capacity of states to fully implement their international commitments.

This challenge is further exacerbated by the fragmented nature of maritime governance in the sub-region. Issues such as overlapping

⁸United Nations Security Council, Resolution 2634 (2022) on piracy and armed robbery at sea in the Gulf of Guinea <
<https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/02634.pdf>
> accessed 29th July 2026

maritime boundaries, inconsistent incorporation of international standards into domestic law, weak institutional structures, limited financial and technological capacity, poor inter-agency coordination, and uneven enforcement practices have collectively weakened the effectiveness of maritime regulation. Although regional bodies such as the Economic Community of West African States (ECOWAS) have developed important legal and policy instruments including the Revised ECOWAS Treaty, the ECOWAS Integrated Maritime Strategy, and complementary frameworks such as the Yaoundé Code of Conduct, their implementation has remained largely ineffective. Concerns persist regarding their binding force, institutional support systems, and overall capacity to ensure consistent compliance among Member States.

In addition, while there is a substantial body of literature on international maritime law and security in the Gulf of Guinea, relatively limited scholarly attention has been given to critically assessing the role of ECOWAS in translating international maritime legal obligations into coordinated and enforceable regional action. This gap limits a comprehensive understanding of the legal, institutional, and operational constraints affecting maritime governance in West Africa.

The first part of the paper shall examine the extent to which international maritime law addresses the maritime challenges facing West Africa. The second part shall evaluate the effectiveness of the Yaoundé Code of Conduct, with the support of the Economic Community of West African States (ECOWAS), in promoting regional cooperation on maritime security and governance in West Africa. The third part shall examine the legal and institutional challenges that have hindered the effective implementation of international maritime law by West African States. The last leg of the paper shall propose measures

for strengthening the harmonisation, implementation, and enforcement of international maritime law within the ECOWAS region.

2.0 CONCEPTUAL CLARIFICATIONS

2.1 Maritime Law

Maritime law is the body of national and international legal rules that governs activities conducted on the seas and other navigable waters. It regulates matters relating to shipping, navigation, marine commerce, carriage of goods by sea, marine environmental protection, maritime security, marine insurance, salvage, and the rights and obligations of coastal, flag, and port states. At the international level, maritime law is principally governed by the United Nations Convention on the Law of the Sea (UNCLOS) 1982 and several conventions adopted under the auspices of the International Maritime Organization (IMO).⁹

2.2 Maritime Regulations

Maritime regulations refer to the legal rules, policies, standards, and administrative measures governing activities within the maritime domain. They are designed to ensure maritime safety, security, environmental protection, sustainable exploitation of marine resources, and the orderly conduct of navigation and shipping. These regulations may originate from international treaties, regional agreements, or domestic legislation.¹⁰

2.3 International Maritime Law

International maritime law is the branch of public international law that governs the rights and obligations of states and other actors in relation to the use of the oceans and seas. It establishes legal principles

⁹ Yoshifumi Tanaka, *The International Law of the Sea* (4th edn, Cambridge University Press 2023) 3–10.

¹⁰ Alan E Branch and Michael Robarts, *The Business of Shipping* (10th edn, Routledge 2021) 19–31.

governing maritime zones, navigation, marine environmental protection, resource exploitation, maritime security, and the settlement of maritime disputes. The primary source of international maritime law is the United Nations Convention on the Law of the Sea (UNCLOS) 1982, supplemented by conventions adopted by the International Maritime Organization (IMO).¹¹

2.4 Maritime Security

Maritime security encompasses the measures adopted to safeguard maritime spaces, shipping, ports, offshore installations, and marine resources from threats such as piracy, armed robbery at sea, terrorism, illegal fishing, marine pollution, human trafficking, drug trafficking, and other transnational crimes. Effective maritime security is essential for protecting international trade, economic development, and regional stability.¹²

3.0 LITERATURE REVIEW

The regulation of maritime activities in West Africa from the perspective of international law has received increasing scholarly attention, particularly due to the emergence of the Gulf of Guinea as a significant area of maritime insecurity. Egede provided an extensive examination of the international legal instruments relevant to maritime insecurity within the sub-region, focusing on frameworks such as the United Nations Convention on the Law of the Sea (UNCLOS), the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention), and relevant United Nations

¹¹Robin R Churchill, Alan Vaughan Lowe and Amy Sander, *The Law of the Sea* (4th edn, Manchester University Press 2022) <
<https://www.scribd.com/document/1020478694/12348> > accessed 30 th July

¹² Ibid

Security Council resolutions.¹³ Although his work offered a useful overview of the legal framework applicable to maritime security in the Gulf of Guinea, it was primarily concerned with identifying existing instruments and did not sufficiently explore the reasons behind the failure to effectively incorporate these obligations into domestic legal systems. This limitation created a basis for the present study, which examined the challenges affecting the implementation of international maritime obligations at the national level.

Iheduru examined maritime insecurity from a broader analytical perspective by questioning the common explanation that piracy in the Gulf of Guinea was primarily the result of corruption, weak enforcement structures, and socioeconomic challenges.¹⁴ He argued that these explanations largely addressed the visible causes of piracy without adequately considering the deeper structural issues that allowed maritime crimes to persist despite improvements in naval capabilities among coastal states. This perspective was significant to the present study because it shifted attention from merely identifying the causes of maritime insecurity to examining the institutional, legal, and jurisdictional weaknesses within the existing regulatory framework.

Within the national context, Enebeli and Njoku assessed Nigeria's Suppression of Piracy and Other Maritime Offences Act (SPOMO Act) 2019, particularly its relationship with Nigeria's obligations

¹³ Edwin E Egede, 'Gulf of Guinea and Maritime (In)Security: Musings on Some Implications of Applicable Legal Instruments' (2021) 46(2) Brooklyn Journal of International Law 369.

¹⁴ Okechukwu Iheduru, 'Hybrid Maritime Security Governance and Limited Statehood in the Gulf of Guinea: A Nigerian Case Study' (2023) Journal of Military and Strategic Studies.

under UNCLOS and the SUA Convention.¹⁵ their study revealed that although the legislation represented a significant advancement in addressing maritime offences, challenges relating to enforcement and compliance continued to limit its effectiveness. Similarly, Atere analysed the provisions of the SPOMO Act from a practical perspective, highlighting the difficulties that had historically affected piracy prosecutions in Nigeria before the enactment of the legislation, as well as concerns regarding aspects of its legal definition of piracy.¹⁶ However, both studies were largely restricted to the Nigerian experience and did not provide a comparative examination of maritime legislation and enforcement approaches across other West African states. Furthermore, they did not extensively evaluate the practical outcomes of prosecutions following the introduction of the Act.

At the regional level, Herpolsheimer examined the Yaoundé Process as an innovative framework for maritime security cooperation involving ECOWAS, the Economic Community of Central African States (ECCAS), and the Gulf of Guinea Commission.¹⁷ His study provided valuable insight into the development, structure, and operational mechanisms of the regional security framework. Nevertheless, the analysis focused primarily on regional cooperation and security governance rather than the legal implications of the Yaoundé Code of Conduct, particularly its non-binding character and the consequences of this limitation for compliance and enforcement. Similarly, Ifesinachi and Nwangwu examined the implementation

¹⁵ Victor Nonso Enebeli and Daniel Chibuike Njoku, 'A Critical Appraisal of the Anti-Piracy Law of Nigeria' (2021) 113 *Journal of Law, Policy and Globalization* 57.

¹⁶ Issa Abdulazeez Atere, 'Combating Maritime Insecurity In Nigeria: Legal Analysis of Suppression of The Piracy And Other Maritime Offences Act (SPOMO Act) 2019' < <https://barristerng.com/combating-maritime-insecurity-in-nigerialegal-analysis-of-suppression-of-the-piracy-and-other-maritime-offences-act-sp-oissa-abdulazeez-ateremo-act-2019/> > accessed 30th June 2026

¹⁷ Jens Herpolsheimer, 'Transregional Conflicts and the Re-spatialization of Regions "at Sea": The Yaoundé Process in the Gulf of Guinea' (2018) 28(6) 68.

challenges of the Yaoundé Code of Conduct, identifying gaps between its objectives and actual application.¹⁸ However, their study was conducted before significant developments such as the adoption of the African Union's Lomé Charter in 2016 and the further institutional development of the Yaoundé Architecture, thereby limiting its ability to assess subsequent progress.

Ademola Abass examined the role of regional organisations in promoting collective security and addressing transnational challenges within Africa. His work highlighted the importance of regional institutions in coordinating responses to security threats and demonstrated that the effectiveness of such mechanisms depends largely on institutional capacity, political commitment, and the willingness of member states to implement agreed obligations. Although his analysis was not focused specifically on maritime insecurity in the Gulf of Guinea, it provided a useful theoretical foundation for assessing the role of ECOWAS and related regional frameworks in addressing maritime challenges.¹⁹

Hassan and Hassan provided a wider assessment of the effectiveness of existing maritime legal frameworks in addressing piracy within the Gulf of Guinea.²⁰ Their work, alongside other studies on maritime capacity building, revealed a recurring limitation within existing scholarship: the tendency to analyse individual states separately rather than considering the interconnected nature of maritime threats and

¹⁸ Ken Ifesinachi and Chikodiri Nwangwu, 'Implementation of the Yaoundé Code of Conduct and Maritime Insecurity in the Gulf of Guinea' *Research on Humanities and Social Sciences* (2015) 5(21)54.

¹⁹ Ademola Abass, *Regional Organisations and the Development of Collective Security: Beyond Chapter VIII of the UN Charter* (Hart Publishing 2004). 239

²⁰ Daud Hassan and Sayed Hassan, 'Effectiveness of the Current Regimes to Combat Piracy in the Gulf of Guinea: An Evaluation' *African Journal of Legal Studies* (2017) 10(1) 35.

comparing legal and institutional responses across the region. This limitation reinforced the need for a broader comparative approach, which the present study sought to undertake by examining maritime governance frameworks across West African states.

Agyekum explored the relationship between international shipping interests and Ghanaian maritime authorities, highlighting tensions that emerged where global maritime actors and domestic institutions possessed different perspectives on appropriate security governance structures.²¹ Although his study focused specifically on Ghana, it raised important questions about how similar tensions may exist throughout the wider West African maritime space. This issue was relevant to the present study's examination of the interaction between international obligations, regional mechanisms, and domestic implementation.

Additionally, Okafor criticised the dominant state-centred approach within maritime security scholarship, drawing attention to the relatively limited consideration given to illegal, unreported, and unregulated (IUU) fishing compared with piracy.²² Her contribution highlighted the need for a broader understanding of maritime security challenges beyond piracy alone. Similarly, Ali and Tsamenyi examined unresolved maritime boundary disputes as sources of instability in the Gulf of Guinea, demonstrating how jurisdictional uncertainty affected regional cooperation.²³ However, their analysis

²¹ Humphrey Asamoah Agyekum, 'Tackling Maritime Security in the Gulf of Guinea: Interactions Between Global Shipping and Ghanaian State Agents' *African security* (2024) 17(1-2) 115.

²² Ifesinachi Okafor-Yarwood, 'The Cyclical Nature of Maritime Security Threats: Illegal, Unreported, and Unregulated Fishing as a Threat to Human and National Security in the Gulf of Guinea' *African security* (2020) 13(2) 116.

²³ Kamal-Deen Ali and Martin Tsamenyi, 'Fault Lines in Maritime Security' *African security review* (2013) 22(3) 95.

preceded the establishment of the Yaoundé Code of Conduct and therefore did not consider whether subsequent regional mechanisms had addressed these challenges.

Overall, the reviewed literature demonstrated extensive scholarship on international maritime law, regional security initiatives, and state-specific responses to maritime challenges. However, existing studies remained limited in their comparative examination of West African maritime regulatory systems and in their analysis of the gap between international legal commitments and effective domestic implementation. The present study sought to address this gap by examining the relationship between international maritime obligations, regional frameworks, and national enforcement mechanisms within West Africa.

3.0 INTERNATIONAL LEGAL AND INSTITUTIONAL FRAMEWORK GOVERNING MARITIME REGULATIONS IN WEST AFRICA

3.1 INTERNATIONAL LEGAL FRAMEWORK

The regulation of maritime activities in West Africa is largely influenced by international legal instruments that establish standards for maritime safety, security, environmental protection, navigation, and the sustainable use of marine resources. These instruments provide the foundation upon which regional organisations such as the Economic Community of West African States (ECOWAS) develop maritime governance mechanisms. The major international legal frameworks relevant to maritime regulation in West Africa include the United Nations Convention on the Law of the Sea (UNCLOS) 1982 and conventions adopted under the auspices of the International

Maritime Organization (IMO), particularly SOLAS, SUA, and MARPOL.²⁴

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

The United Nations Convention on the Law of the Sea (UNCLOS) 1982 is the primary international legal instrument governing the use of oceans and maritime spaces. Often regarded as the “constitution of the oceans,” UNCLOS provides a comprehensive framework regulating maritime zones, navigation rights, resource exploitation, marine environmental protection, and the obligations of states within the maritime domain. The Convention is particularly significant to West African coastal states because their economic activities are closely connected to shipping, fisheries, offshore resources, and marine trade.²⁵

UNCLOS establishes different maritime zones and defines the rights and responsibilities of coastal states within those zones. Under Articles 2 and 3, coastal states exercise sovereignty over their territorial seas, extending up to 12 nautical miles from their baselines²⁶. This provision allows West African states to regulate activities within their territorial waters, including issues relating to maritime security, navigation, and resource protection.

Furthermore, Articles 56 and 58 establish the legal regime of the Exclusive Economic Zone (EEZ). Article 56 grants coastal states sovereign rights over the exploration, exploitation, conservation, and management of natural resources within their EEZ, while Article 58

²⁴ Donald Rothwell and Tim Stephens(n2) 4

²⁵ Yoshifumi Tanaka(10) 6

²⁶ United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3, arts 2–3.

preserves the rights of other states, including freedom of navigation²⁷. This balance is important in West Africa, where states must protect marine resources while allowing international maritime commerce to continue. UNCLOS also provides a legal framework for addressing maritime insecurity. Article 100 imposes an obligation on states to cooperate in the suppression of piracy,²⁸ while Article 101 defines piracy and identifies acts that constitute piracy under international law²⁹. These provisions are relevant to West Africa, particularly the Gulf of Guinea, where piracy and armed robbery at sea have affected maritime trade and security.

In addition, UNCLOS places obligations on states to protect the marine environment. Articles 192 and 194 require states to protect and preserve the marine environment and to take measures to prevent, reduce, and control marine pollution³⁰. In the *M/V Saiga* case, the Tribunal held that States must exercise maritime jurisdiction in accordance with the Convention and respect the rights of other States.³¹ These obligations are important in addressing environmental challenges arising from shipping activities, offshore oil exploration, and other maritime operations in West Africa.³²

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

The International Convention for the Safety of Life at Sea (SOLAS) 1974 is one of the most important international maritime safety conventions. Its primary objective is to establish minimum safety

²⁷ Ibid art 58

²⁸ Ibid art 100

²⁹ Ibid art 101

³⁰ Ibid art 190

³¹ The *M/V “Saiga”* (No 2) Case (Saint Vincent and the Grenadines v Guinea) (Judgment) ITLOS Case No 2 (1 July 1999).

³² Ibid art 194

standards for the construction, equipment, and operation of ships. The Convention regulates areas such as ship stability, fire protection, navigation safety, communication systems, and emergency procedures.³³

A significant development under SOLAS is Chapter XI-2, which introduced special measures to enhance maritime security through the International Ship and Port Facility Security (ISPS) Code. The ISPS Code requires ships and port facilities to develop security plans, conduct risk assessments, and adopt measures to prevent security threats.³⁴

For West Africa, SOLAS is important because the region depends heavily on maritime transportation and port activities. Compliance with SOLAS standards can improve shipping safety, strengthen port security, and promote confidence in maritime trade. However, effective implementation remains affected by challenges such as inadequate port infrastructure, limited technical expertise, and weak enforcement mechanisms.

c. Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention) 1988

The SUA Convention was adopted to address unlawful acts that threaten the safety of maritime navigation. It was developed in response to concerns over violent attacks against ships and other forms of maritime insecurity. The Convention requires states to criminalise acts that endanger the safety of maritime navigation and to cooperate in preventing and prosecuting offenders.³⁵

³³International Convention for the Safety of Life at Sea (SOLAS) 1974 art 2

³⁴ Ibid

³⁵Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention) 1988 art 3

Under Article 3, the Convention identifies offences such as the seizure of ships, acts of violence against persons on board vessels, and placing dangerous devices on ships.³⁶ Article 6 establishes jurisdictional obligations for states,³⁷ while Article 10 requires states to either prosecute alleged offenders or extradite them to another state with jurisdiction³⁸.

The SUA Convention is relevant to West Africa because maritime crimes in the Gulf of Guinea extend beyond piracy to include attacks on vessels, kidnapping, and other forms of organised maritime crime³⁹. The Convention provides a legal basis for regional cooperation; however, its effectiveness depends on the willingness and capacity of states to incorporate its provisions into domestic law and enforce them.

d. International Convention for the Prevention of Pollution from Ships (MARPOL) 1973/78

The MARPOL Convention is the principal international instrument regulating pollution caused by ships. Its objective is to prevent and reduce marine pollution resulting from shipping activities and to protect the marine environment from harmful substances.⁴⁰

MARPOL regulates different categories of pollution through its annexes, including oil pollution, pollution from harmful liquid substances, garbage disposal, and air emissions from ships.⁴¹ Annex I focuses on the prevention of pollution by oil, while Annex V addresses

³⁶ Ibid art 3

³⁷ Ibid art 6

³⁸ Ibid art 10

³⁹ United Nations Security Council Resolution 2634 (2022) on piracy and armed robbery at sea in the Gulf of Guinea.

⁴⁰ International Convention for the Prevention of Pollution from Ships (MARPOL) 1973/78 annex I

⁴¹ Ibid annex I

pollution caused by garbage from ships⁴² and Annex VI regulates air pollution from shipping activities.⁴³

The Convention is particularly significant for West Africa due to the region's dependence on maritime trade, offshore oil exploration, and fisheries. Pollution from vessels and offshore activities poses serious threats to marine ecosystems and coastal communities. Although MARPOL provides a strong legal framework for environmental protection, implementation challenges such as inadequate monitoring systems, limited enforcement capacity, and insufficient infrastructure continue to affect compliance.⁴⁴

e. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978

The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978 is an important maritime safety instrument adopted under the auspices of the International Maritime Organization (IMO). The Convention establishes minimum international standards for the training, certification, and watchkeeping of seafarers to ensure that personnel operating ships possess the required competence and skills for safe maritime operations.⁴⁵

The Convention imposes obligations on States Parties to ensure that seafarers are properly trained, assessed, and certified before performing duties on board vessels. Under Article VI, certificates may

⁴² Ibid annex v

⁴³ Ibid annex vI

⁴⁴ Natalie Klein, *Maritime Security and the Law of the Sea* (Oxford University Press 2011) 200–205.

⁴⁵ International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), adopted 7 July 1978, entered into force 28 April 1984.

only be issued to persons who meet the required standards of competence prescribed by the Convention.⁴⁶ The Annex to the Convention provides detailed requirements relating to different categories of seafarers, including masters, officers, and watchkeeping personnel.⁴⁷

The STCW Convention is relevant to West Africa because effective maritime regulation depends not only on legal frameworks but also on the availability of qualified maritime personnel. Compliance with STCW standards contributes to improved maritime safety, reduced accidents, and effective implementation of other international maritime regulations such as SOLAS and MARPOL. However, the implementation of STCW standards in West Africa has been affected by challenges such as inadequate training facilities, limited resources, and difficulties in maintaining internationally recognised certification systems. Addressing these challenges requires increased investment in maritime education, capacity building, and regional cooperation among West African States.

3.2 REGIONAL LEGAL FRAMEWORK

The regional maritime framework in West Africa complements international maritime law by providing mechanisms for cooperation, implementation, and enforcement. Through instruments developed by ECOWAS and other regional bodies, states collaborate to address challenges such as piracy, armed robbery at sea, illegal fishing, and marine pollution. This section examines key frameworks, including the Revised ECOWAS Treaty, the ECOWAS Integrated Maritime Strategy, and the Yaoundé Code of Conduct, and assesses their role in strengthening maritime governance in the region.

⁴⁶ Ibid art VI

⁴⁷ Ibid

a. The Revised Treaty of the Economic Community of West African States (ECOWAS) 1993

The Economic Community of West African States (ECOWAS) was established through the Treaty of Lagos in 1975 with the primary objective of promoting economic integration among West African States. However, the organisation's mandate has expanded beyond economic cooperation to include regional peace, security, environmental protection, and cooperation on transnational challenges. This expansion reflects the understanding that sustainable economic integration cannot be achieved without addressing security threats, including maritime insecurity.⁴⁸

The Revised ECOWAS Treaty of 1993 provides the legal foundation for cooperation among Member States in areas relevant to maritime regulation. Although the Treaty does not establish a specific maritime security regime, several provisions provide a basis for ECOWAS involvement in maritime affairs. Under Article 3, ECOWAS seeks to promote cooperation and integration among Member States through the harmonisation of policies and the establishment of common institutions.⁴⁹ This objective supports regional efforts aimed at developing coordinated responses to maritime challenges that extend beyond national boundaries.

Furthermore, Article 32 of the Revised Treaty provides for cooperation in transport and communications. This provision is relevant to maritime transportation, port development, and regional trade because many West African economies depend on maritime routes for international commerce.⁵⁰ Similarly, Article 58 requires

⁴⁸Kofi Oteng Kufuor, *The Institutional Transformation of the Economic Community of West African States* (Ashgate Publishing 2006) 1–10.

⁴⁹ Revised treaty of ECOWAS(n20) art 3

⁵⁰ Ibid art 32

Member States to cooperate in environmental protection and the preservation of natural resources, thereby supporting efforts to address marine pollution and protect coastal ecosystems.⁵¹

The relevance of ECOWAS in maritime governance arises from the transnational nature of maritime threats such as piracy, armed robbery at sea, illegal fishing, trafficking, and marine pollution. These challenges cannot be effectively addressed through isolated national actions and require regional cooperation, information sharing, and coordinated enforcement mechanisms.

The importance of balancing coastal State enforcement powers with international maritime rights was demonstrated in *M/V Saiga (No 2)* (Saint Vincent and the Grenadines v Guinea), where the International Tribunal for the Law of the Sea (ITLOS) held that the exercise of State jurisdiction at sea must comply with the limitations established by international law.⁵² The decision is relevant to West African States because maritime enforcement measures must be exercised within the framework of UNCLOS while respecting the rights of other States.

b. ECOWAS Integrated Maritime Strategy (EIMS) 2014

The ECOWAS Integrated Maritime Strategy (EIMS) was developed as a regional policy framework to strengthen maritime security and promote sustainable maritime governance within West Africa.⁵³ The Strategy recognises that maritime insecurity affects regional trade, economic development, and stability.

⁵¹ Ibid art 58

⁵² *M/v Saiga* (n39)

⁵³ Economic Community of West African States (ECOWAS), ECOWAS Integrated Maritime Strategy (2014) art 3

The Strategy identifies major maritime challenges confronting the region, including piracy, armed robbery at sea, illegal, unreported and unregulated fishing, marine pollution, trafficking, and inadequate maritime surveillance.⁵⁴ It seeks to address these challenges through cooperation among Member States, information sharing, capacity building, and harmonisation of maritime policies.

The EIMS reflects the principle that effective maritime governance requires cooperation among States. This principle is consistent with the decision of the International Court of Justice in *Pulp Mills on the River Uruguay* (Argentina v Uruguay), where the Court emphasised the importance of cooperation and consultation in managing shared natural resources. Although the case concerned a river system, the principle applies to marine environmental governance in West Africa.⁵⁵

However, the effectiveness of the EIMS has been affected by challenges such as inadequate funding, weak institutional capacity, limited surveillance capabilities, and inconsistent implementation by Member States.⁵⁶

c. The Yaoundé Code of Conduct 2013

The Yaoundé Code of Conduct was adopted in 2013 by West and Central African States as a regional response to piracy, armed robbery at sea, and other maritime crimes affecting the Gulf of Guinea.⁵⁷ The

⁵⁴ Ibid art 4

⁵⁵ *Pulp Mills on the River Uruguay* (Argentina v Uruguay) (Judgment) ICJ Reports 2010.

⁵⁶ Christian Bueger and Timothy Edmunds (n3) 104067

⁵⁷ Code of Conduct Concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa (adopted 25 June 2013) arts 6

Code forms part of the wider Yaoundé Architecture for Maritime Security and seeks to enhance cooperation among participating States.

The Code promotes information sharing, coordinated maritime operations, capacity building, and cooperation in the investigation and prosecution of maritime offences.⁵⁸ It provides a practical framework for implementing the duty of States to cooperate in suppressing piracy under Article 100 of UNCLOS.

The importance of cooperation in maritime enforcement was considered in *Arctic Sunrise* (Netherlands v Russian Federation), where ITLOS examined the relationship between State enforcement actions and obligations under international law.⁵⁹ The case highlights the need for maritime security measures to be carried out within established legal boundaries. Despite its significance, the implementation of the Yaoundé Code faces challenges including limited resources, weak domestic legal frameworks, and differences in the enforcement capacity of participating States.⁶⁰

d. African Charter on Maritime Security, Safety and Development in Africa (Lomé Charter) 2016

The African Charter on Maritime Security, Safety and Development in Africa, commonly known as the Lomé Charter, was adopted by the African Union on 15 October 2016 in Lomé, Togo, to provide a comprehensive legal and policy framework for maritime governance across the African continent. The Charter recognises the strategic

⁵⁸ Ibid art 4

⁵⁹ *Arctic Sunrise* (Kingdom of the Netherlands v Russian Federation) (Provisional Measures) ITLOS Case No 22 (2013).

⁶⁰ United Nations Office on Drugs and Crime (UNODC), *Transnational Organized Crime in the Fishing Industry* (2011) (n4)

importance of Africa's maritime domain to economic development, environmental sustainability, peace, and regional security.⁶¹

The Charter seeks to promote cooperation among African States in preventing and combating maritime crimes, including piracy, armed robbery at sea, illegal fishing, trafficking in persons, smuggling of migrants, illicit trafficking in arms and narcotic drugs, and marine pollution. It also encourages Member States to develop effective maritime policies, strengthen maritime institutions, and harmonise domestic legislation with international maritime standards.⁶² One of the major objectives of the Lomé Charter is the promotion of the African Integrated Maritime Strategy (AIMS 2050), which envisages a secure and sustainably managed maritime domain capable of contributing significantly to Africa's socio-economic development. The Charter therefore encourages Member States to adopt coordinated maritime governance mechanisms, improve maritime domain awareness, promote information sharing, and strengthen regional and continental cooperation in addressing maritime security challenges.⁶³

The relevance of the Lomé Charter to West Africa lies in its complementarity with ECOWAS initiatives such as the ECOWAS Integrated Maritime Strategy and the Yaoundé Code of Conduct. While ECOWAS focuses on sub-regional maritime governance, the Lomé Charter provides a broader continental framework that promotes harmonisation of maritime laws and cooperation among African States. Together, these instruments reinforce the implementation of international maritime obligations under UNCLOS and relevant International Maritime Organization (IMO) conventions.

⁶¹ African Charter on Maritime Security, Safety and Development in Africa (Lomé Charter) (adopted 15 October 2016, Lomé, Togo) art 1

⁶² Ibid art 3,8

⁶³ Ibid art 4

Despite its significance, the implementation of the Charter has been constrained by the slow pace of ratification by African Union Member States, inadequate financial resources, and institutional capacity challenges. Consequently, although the Charter provides a comprehensive continental framework for maritime governance, its effectiveness largely depends on the commitment of Member States to domesticate and implement its provisions through national legislation and regional cooperation.⁶⁴

e. Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (1999)

The Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security 1999 significantly expanded ECOWAS's mandate beyond economic integration to include regional peace and security. It establishes institutional mechanisms for preventing and managing conflicts and provides the legal basis for collective responses to security threats within the sub-region.⁶⁵

Although the Protocol does not specifically regulate maritime affairs, it is relevant to maritime governance because maritime crimes such as piracy, armed robbery at sea, trafficking in persons, drug trafficking, and illegal arms trafficking constitute transnational security threats. Article 46 requires Member States to cooperate in combating trans-

⁶⁴Franca Princess Igwela and Michael Aondona Chiangi, 'Maritime Security and Development in Africa: An Examination of the Challenges and Prospects of the African Charter on Maritime Security, Safety and Development 2016' (2021) 5 *Uniport Law Review* 117–129.

⁶⁵ Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (adopted 10 December 1999, Lomé, Togo) art 1

border crime by strengthening collaboration among security agencies, establishing specialised departments for mutual legal assistance and extradition, harmonising domestic laws, and improving information exchange⁶⁶. These provisions support regional cooperation in addressing maritime crimes in the Gulf of Guinea and complement obligations under UNCLOS and the Yaoundé Code of Conduct.

f. ECOWAS Convention on Mutual Assistance in Criminal Matters (1992)

The ECOWAS Convention on Mutual Assistance in Criminal Matters was adopted on 29 July 1992 to strengthen judicial cooperation among Member States in the investigation, prosecution, and adjudication of criminal offences. The Convention recognises that the increasing nature of transnational crimes requires cooperation beyond national jurisdictions and establishes a legal framework through which Member States may provide mutual legal assistance in criminal proceedings.⁶⁷

Under Article 1, Member States undertake to afford one another the widest possible measure of mutual assistance in criminal investigations, prosecutions, and judicial proceedings relating to offences within the jurisdiction of the requesting State.⁶⁸ The Convention further provides procedures for the execution of requests for assistance, the service of judicial documents, the taking of evidence, the identification and seizure of property, and the exchange of relevant information required for criminal proceedings.⁶⁹ These provisions are intended to facilitate effective cross-border law

⁶⁶ Ibid art 46

⁶⁷ ECOWAS Convention on Mutual Assistance in Criminal Matters (adopted 29 July 1992) art 1

⁶⁸ Ibid art 1

⁶⁹ Ibid art 6

enforcement and reduce the procedural obstacles that often hinder the prosecution of transnational crimes.

The Convention is particularly relevant to maritime regulation in West Africa because many maritime offences, including piracy, armed robbery at sea, trafficking in persons, drug trafficking, illegal fishing, and maritime fraud, frequently involve more than one jurisdiction. Criminal investigations often require evidence located in another Member State or the cooperation of foreign law enforcement authorities.⁷⁰ The Convention therefore provides an essential legal basis for cooperation among ECOWAS Member States in investigating and prosecuting maritime crimes, thereby strengthening regional maritime security and supporting the effective implementation of international maritime law.

g. ECOWAS Convention on Extradition (1994)

The ECOWAS Convention on Extradition was adopted on 6 August 1994 to facilitate the surrender of persons accused or convicted of criminal offences between Member States. The Convention seeks to ensure that offenders do not evade justice by fleeing from one Member State to another and promotes closer judicial cooperation in combating transnational crime.⁷¹

Article 1 establishes the obligation of Member States to extradite persons who are wanted for prosecution or who have been convicted of extraditable offences, subject to the conditions prescribed by the Convention.⁷² Article 2 further defines extraditable offences by providing that extradition shall apply to offences punishable under the laws of both the requesting and requested States by a specified

⁷⁰ Ibid art 12

⁷¹ ECOWAS Convention on Extradition (adopted 6 August 1994) art 1

⁷² Ibid art 1

minimum penalty.⁷³ These provisions are designed to promote uniformity and certainty in extradition proceedings within the ECOWAS region.

The Convention is highly relevant to maritime governance because many maritime crimes are transnational in character. Individuals involved in piracy, maritime terrorism, trafficking, illegal fishing, and other maritime offences may commit crimes in one State and seek refuge in another. The Convention ensures that such individuals may be surrendered to the appropriate jurisdiction for prosecution, thereby discouraging impunity and strengthening the enforcement of both regional and international maritime law. It also complements international instruments such as the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) 1988 by providing a regional mechanism for bringing maritime offenders to justice.

4.0 INSTITUTIONAL FRAMEWORK FOR MARITIME GOVERNANCE IN WEST AFRICA

a. Economic Community of West African States (ECOWAS)

The Economic Community of West African States (ECOWAS) is the principal regional institution responsible for promoting economic integration, peace, security, and sustainable development among its Member States. Although ECOWAS was established primarily as an economic organisation under the Treaty of Lagos in 1975, the increasing prevalence of transnational crimes and maritime insecurity in the Gulf of Guinea has resulted in an expanded institutional mandate to include maritime governance and regional security.⁷⁴

⁷³ Ibid art 2

⁷⁴ Kofi Oteng Kufuor(n56) 10

Within the maritime sector, ECOWAS plays a coordinating role by developing regional policies and legal instruments aimed at strengthening maritime safety, security, and environmental protection. Through the Revised ECOWAS Treaty, the ECOWAS Integrated Maritime Strategy (EIMS), and its participation in the implementation of the Yaoundé Code of Conduct, ECOWAS promotes the harmonisation of maritime laws, facilitates cooperation among Member States, and supports capacity building for maritime institutions.⁷⁵

ECOWAS also collaborates with international organisations such as the International Maritime Organization (IMO), the African Union (AU), and the Gulf of Guinea Commission to improve maritime domain awareness, enhance information sharing, and strengthen regional responses to piracy, armed robbery at sea, illegal fishing, trafficking, and marine pollution. These collaborative efforts have contributed to the development of a more coordinated regional maritime security architecture⁷⁶.

Despite these achievements, ECOWAS continues to face challenges in effectively implementing its maritime initiatives. These include inadequate funding, varying levels of political commitment among Member States, weak institutional capacity, and inconsistencies in the domestication and enforcement of regional legal instruments. Consequently, while ECOWAS has established an important institutional framework for maritime governance, greater commitment by Member States is required to achieve effective implementation of regional maritime policies.⁷⁷

⁷⁵Economic Community of West African States, ECOWAS Integrated Maritime Strategy (2014) Action 1.1

⁷⁶Ibid act 2.1

⁷⁷Christian Bueger, 'What is Maritime Security?' (2015) 53 Marine Policy 159–164.

b. The Yaoundé Architecture for Maritime Security

The Yaoundé Architecture for Maritime Security was established following the adoption of the Yaoundé Code of Conduct in 2013 as a regional institutional framework for combating piracy, armed robbery at sea, and other illicit maritime activities in the Gulf of Guinea. The Architecture was jointly developed by ECOWAS, the Economic Community of Central African States (ECCAS), and the Gulf of Guinea Commission with the support of the African Union and the International Maritime Organization.⁷⁸

The Architecture consists of an integrated network of national, zonal, regional, and inter-regional coordination centres responsible for maritime information sharing, surveillance, intelligence gathering, and operational coordination. These institutions facilitate communication among participating States, coordinate joint maritime operations, and promote rapid responses to maritime incidents occurring within the Gulf of Guinea.⁷⁹

One of the major strengths of the Yaoundé Architecture is its emphasis on regional cooperation. Since maritime crimes frequently involve multiple jurisdictions, effective enforcement depends upon timely intelligence sharing and coordinated operational responses. The Architecture therefore strengthens the implementation of international obligations under UNCLOS and the Yaoundé Code of Conduct by providing practical mechanisms for regional cooperation.⁸⁰

⁷⁸ Code of Conduct concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa (n65) 1

⁷⁹ Ibid

⁸⁰ UNCLOS (n34) art 100

However, the effectiveness of the Architecture has been constrained by inadequate technological infrastructure, insufficient financial resources, and disparities in the operational capacities of participating States. Continuous investment in maritime surveillance systems and institutional capacity remains necessary for the Architecture to achieve its objectives.⁸¹

c. National Maritime Administrations

National maritime administrations constitute the primary institutions responsible for implementing international and regional maritime obligations at the domestic level. They serve as the regulatory authorities responsible for enforcing maritime legislation, registering ships, conducting port State control inspections, certifying seafarers, protecting the marine environment, and coordinating responses to maritime incidents.⁸²

The effectiveness of maritime regulation in West Africa largely depends on the capacity of these national institutions. While several Member States have enacted legislation implementing major international maritime conventions, enforcement remains uneven due to inadequate funding, shortage of skilled personnel, obsolete equipment, and weak institutional coordination. These deficiencies often undermine compliance with international obligations and reduce the effectiveness of regional maritime cooperation.⁸³ Strengthening national maritime administrations through improved funding, specialised training, legislative reforms, and technological

⁸¹ Christian Bueger and Timothy Edmunds (n3)104067

⁸² Ibid

⁸³ Ibid

advancement is therefore essential for the effective implementation of both international and ECOWAS maritime legal frameworks.⁸⁴

d. The Regional Maritime Security Centre for West Africa (CRESMAO)

CRESMAO was one of two regional coordination centres within the Yaoundé Architecture, established by ECOWAS Authority decision on 31 July 2018 to implement the ECOWAS Integrated Maritime Strategy of 2014.⁸⁵ Its headquarters in Abidjan, Côte d'Ivoire, was formally inaugurated in March 2022, following institutional groundwork dating back to around 2016. CRESMAO's mandate covered four core functions: information sharing, operational watch over the ECOWAS maritime domain, crisis coordination, and training and capacity-building, working in tandem with the zonal Multinational Maritime Coordination Centres to aggregate their operational activities at the regional level.⁸⁶ ECOWAS reporting has credited this combined architecture with contributing to a measurable decline in piracy incidents in the sub-region, though earlier assessments noted the Centre required sustained institutional support to mature into full operational readiness.⁸⁷

e. Maritime Organisation of West and Central Africa (MOWCA)

The Maritime Organisation of West and Central Africa (MOWCA) is a regional institution established to promote cooperation among

⁸⁴ Natalie Klein, *Maritime Security and the Law of the Sea* (Oxford University Press 2011) 215–220.

⁸⁵ ECOWAS, 'ECOWAS to Unveil the Headquarters of the West Africa Regional Maritime Security Centre (CRESMAO) in Abidjan, Côte d'Ivoire' (ECOWAS, 27 March 2022) < <https://www.ecowas.int/ecowas-to-unveil-the-headquarters-of-the-west-africa-regional-maritime-security-centre-cresmao-in-abidjan-cote-divoire/> > accessed 30th July 2026

⁸⁶ Ibid

⁸⁷ Ibid

African maritime administrations.⁸⁸ It focuses on maritime safety, shipping regulation, port development, and the implementation of international maritime standards.

MOWCA complements ECOWAS initiatives by supporting technical cooperation and strengthening the capacity of Member States to implement international maritime obligations. Its role is particularly important because compliance with conventions such as SOLAS, MARPOL, and STCW requires specialised expertise and effective maritime institutions.⁸⁹

5.0 CHALLENGES TO THE IMPLEMENTATION OF MARITIME REGULATIONS IN WEST AFRICA

a. Weak Enforcement and Institutional Capacity

One of the major challenges confronting maritime regulation in West Africa is the weak enforcement capacity of maritime institutions. Although most States in the region have ratified major international maritime conventions and regional instruments, implementation remains inconsistent due to inadequate funding, shortage of trained personnel, obsolete surveillance equipment, and poor coordination among maritime agencies. Consequently, many maritime offences are either inadequately investigated or prosecuted, thereby undermining the effectiveness of international maritime law.

b. Inadequate Harmonisation of Domestic Laws

The effectiveness of regional maritime cooperation is also limited by differences in the domestic legal frameworks of Member States. While some countries have enacted legislation implementing international conventions such as UNCLOS, SOLAS, MARPOL, and the SUA Convention, others have not fully domesticated these instruments. This

⁸⁸ Kofi Oteng Kufuor (n56)142–146.

⁸⁹ Ibid

lack of legislative uniformity creates legal gaps that hinder joint maritime operations, prosecution of offenders, and effective regional cooperation.

c. Piracy and Other Transnational Maritime Crimes

Despite significant regional efforts, piracy, armed robbery at sea, illegal fishing, trafficking in persons, smuggling of weapons, and drug trafficking remain major threats within the Gulf of Guinea. These crimes often involve multiple jurisdictions, making investigation and prosecution difficult without effective regional cooperation. Although the Yaoundé Code of Conduct and ECOWAS initiatives have strengthened collaboration, persistent security threats continue to affect maritime trade, investment, and regional economic development.

d. Inadequate Funding and Technological Limitations

Most maritime institutions within West Africa continue to experience financial constraints that limit their operational effectiveness. Insufficient investment in modern surveillance technologies, coastal radar systems, patrol vessels, and maritime communication infrastructure reduces the ability of States to monitor their maritime domains effectively. These deficiencies weaken maritime law enforcement and reduce the capacity to respond promptly to maritime incidents.

e. Limited Regional Cooperation and Political Commitment

Although ECOWAS has established several legal and institutional mechanisms to promote maritime cooperation, differences in national priorities and political commitment continue to impede effective implementation. Information sharing among Member States remains inconsistent, while delays in implementing regional agreements and fulfilling financial obligations have reduced the effectiveness of

collective maritime security initiatives. Effective regional governance therefore depends not only on the existence of legal frameworks but also on sustained political will and cooperation among Member States.

f. Marine Environmental Degradation

Marine pollution resulting from oil spills, illegal discharge of ship-generated waste, overfishing, and environmental degradation continues to threaten the sustainable use of marine resources in West Africa. Weak enforcement of environmental regulations and inadequate monitoring mechanisms have contributed to increasing degradation of the marine environment. These environmental challenges undermine the objectives of international instruments such as MARPOL and regional initiatives aimed at achieving sustainable maritime development.

6.0 SUMMARY OF FINDINGS

This study examined maritime regulations in West Africa within the framework of international law, with particular emphasis on the role of the Economic Community of West African States (ECOWAS). The study found that international maritime law provides a comprehensive legal framework for regulating maritime activities through instruments such as the United Nations Convention on the Law of the Sea (UNCLOS), the International Convention for the Safety of Life at Sea (SOLAS), the International Convention for the Prevention of Pollution from Ships (MARPOL), the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), and the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention). These instruments establish internationally accepted standards for maritime safety, security, environmental protection, and the suppression of maritime crimes.

The study further found that ECOWAS has played a significant role in strengthening regional maritime governance through the Revised ECOWAS Treaty, the ECOWAS Integrated Maritime Strategy, the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, and its collaboration in implementing the Yaoundé Code of Conduct. These regional instruments have enhanced cooperation among Member States, particularly in maritime security, information sharing, and coordinated responses to transnational maritime threats.

The study also found that the Yaoundé Code of Conduct has contributed to improved regional cooperation in combating piracy, armed robbery at sea, and other illicit maritime activities in the Gulf of Guinea by establishing mechanisms for information sharing and coordinated maritime operations. However, its effectiveness has been constrained by inadequate funding, weak institutional capacity, inconsistent implementation, and varying levels of political commitment among participating States.

Furthermore, the study revealed that despite the existence of robust international and regional legal frameworks, maritime governance in West Africa continues to face significant challenges. These include weak enforcement mechanisms, inadequate harmonisation of domestic maritime laws, insufficient maritime surveillance infrastructure, shortage of trained personnel, marine environmental degradation, and the persistence of transnational maritime crimes such as piracy, illegal fishing, trafficking in persons, and drug smuggling.

Finally, the study found that effective maritime governance in West Africa requires stronger implementation of international and regional legal instruments, greater harmonisation of national maritime legislation, enhanced institutional capacity, improved regional

cooperation through ECOWAS, and sustained political commitment by Member States. Addressing these issues is essential for improving maritime security, promoting regional trade, protecting the marine environment, and ensuring the sustainable development of the maritime sector in West Africa.

7.0 RECOMMENDATIONS

The paper recommends the following:

- i. Strengthen the implementation of international maritime instruments. West African States should fully domesticate and effectively implement international maritime conventions, including UNCLOS, SOLAS, MARPOL, STCW, and the SUA Convention, by aligning their domestic legislation with international standards and ensuring effective enforcement.
- ii. Enhance regional cooperation through ECOWAS. ECOWAS should strengthen the implementation of the ECOWAS Integrated Maritime Strategy and improve coordination among Member States through enhanced intelligence sharing, joint maritime patrols, and harmonised maritime policies. Greater collaboration with the Gulf of Guinea Commission, the African Union, the International Maritime Organization, and the Yaoundé Architecture should also be encouraged.
- iii. Strengthen the implementation of the Yaoundé Code of Conduct. Member States should demonstrate greater political commitment to the objectives of the Yaoundé Code of Conduct by improving information sharing, strengthening regional coordination centres, and allocating adequate financial and technical resources for maritime security operations.
- iv. Improve institutional and enforcement capacity. Governments should invest in maritime institutions by providing adequate funding, modern surveillance technology, patrol vessels, communication systems, and continuous training for maritime

law enforcement agencies. Strengthening judicial institutions responsible for prosecuting maritime offences is equally essential.

- v. Promote harmonisation of maritime laws. ECOWAS should facilitate the harmonisation of maritime legislation among Member States to eliminate legal inconsistencies that hinder regional cooperation in the investigation, prosecution, and extradition of offenders involved in maritime crimes.
- vi. Strengthen environmental protection and sustainable maritime governance. Member States should intensify the enforcement of marine environmental laws, adopt effective pollution control measures, and promote sustainable management of marine resources in accordance with MARPOL, the Lomé Charter, and other relevant regional instruments.

8.0 CONCLUSION

This study examined maritime regulations in West Africa through the lens of international law, with particular emphasis on the role of ECOWAS in promoting regional maritime governance. It found that international legal instruments, particularly UNCLOS, SOLAS, MARPOL, STCW, and the SUA Convention, provide a comprehensive legal framework for maritime safety, security, environmental protection, and the suppression of unlawful activities at sea. At the regional level, the Revised ECOWAS Treaty, the ECOWAS Integrated Maritime Strategy, the Yaoundé Code of Conduct, the Lomé Charter, and other regional instruments have strengthened cooperation among West African States in addressing maritime challenges.

The study further found that, although ECOWAS has made significant contributions to regional maritime governance by promoting policy harmonisation, institutional cooperation, and

collective security initiatives, the implementation of these legal frameworks remains inadequate. Weak institutional capacity, insufficient funding, limited political commitment, inconsistent domestication of international instruments, inadequate technological infrastructure, and persistent transnational maritime crimes continue to undermine effective maritime governance in the region.

The study also concluded that the Yaoundé Code of Conduct has improved regional cooperation through information sharing and coordinated maritime security initiatives. However, its effectiveness has been limited by operational and institutional challenges that require stronger commitment from Member States and sustained support from regional and international partners. Ultimately, the study concludes that effective maritime governance in West Africa depends not on the existence of legal frameworks alone but on their consistent implementation. Strengthening ECOWAS institutions, harmonising national maritime laws, improving institutional capacity, enhancing regional cooperation, and ensuring full compliance with international maritime obligations will significantly improve maritime security, facilitate regional trade, and promote the sustainable development of the maritime sector in West Africa.