

Threats to Maritime Navigational Safety within the Jurisdictional Waters of Cameroon and Beyond: The Response of the Law

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ABSTRACT

The sea has maintained its pivotality to international trade over the decades, serving as the primary conduit for international transportation of goods. This has in turn catalyzed the economic ascendance of both coastal and landlocked States. Empirical evidence reveals that over 90% of Cameroon's total exports and a substantial proportion of its imports are facilitated through maritime transportation. Concomitantly, the significance of maritime navigation has precipitated a proliferation of illicit activities offshore such as piracy, armed robbery at sea, terrorism, the transportation of contraband cargo, illegal fishing and environmental pollution. These challenges have engendered a considerable threat to navigational safety within Cameroonian waters and the Gulf of Guinea, necessitating an examination of the extant legal frameworks and remedies provided by international, regional and national instruments, as well as the progress made in mitigating these threats. The overarching objective of this endeavor is to augment maritime security governance and environmental stewardship within the jurisdictional waters of Cameroon and the Gulf of Guinea, thereby fostering a secure and sustainable maritime environment. This study adopts the doctrinal research methodology to achieve its objectives.

Keywords: Maritime Safety, Piracy, Jurisdictional Waters, Gulf of Guinea, International Transportation, Maritime Environment.

INTRODUCTION

The sea has maintained its strategic role to international trade for ages now. Compared to other forms of transportation, international transportation by sea is the best mood of transporting huge and heavy quantities of goods to distant places. This explains why over 80% of the total global trade, and over 90% of Africa's exports are done through this means. It is worth mentioning that, ensuring a safe environment for maritime transportation greatly contributes to the economic advancement of many countries across the globe. It also has a huge direct and indirect impact on many industries that rely on importation and exportation for their survival. The timely transportation of goods such as raw materials and finished products to the various manufacturers, distributors and the global market, highly depends on the safety of the sea route. Therefore, any disruption on maritime transportation will definitely have a devastating and catastrophic consequence on global trade, and the availability and prices of goods in the global market.

Located in the Gulf of Guinea, Cameroon is strategically positioned to enhance international trade through its access to the sea especially for landlocked countries such as Chad and the Central Africa Republic, who rely on Cameroon in accessing the sea. The Gulf of Guinea is notoriously one of the perilous maritime areas in the world, posing threats to ships, sailors and international trade. As at 2020, the International Maritime Bureau (IMB) reported that, 135 sailors were kidnapped and over 84 attacks were recorded on ships in the Gulf of Guinea, with kidnappings rising by over 50% between 2018 and 2019. The IMB further revealed in the 2021 that, the Gulf of Guinea is one of the most notorious sea routes in the world with about 94% of the total global kidnappings. However, there has been a significant decrease in piratical incidents in the Gulf of Guinea as at 2024, with 18 reported cases compared to 22 in 2023. Despite this decline, the region still remains a significant threat to navigational safety, accounting for 116 incidents of piracy and armed robbery against ships, slightly down from 120 in 2023 and up from 115 in 2022. The incidents included 94 vessels boarded, 13 attempted attacks, 6 hijackings and three vessels fired upon.

From the abovementioned reports, it is evident that, navigational safety and maritime security are still a big challenge in the Gulf of Guinea. It is true that, incidents within the jurisdiction of Cameroon are relatively smaller, but there is need to ensure and enforce safety measures within and beyond the jurisdictional waters of Cameroon in order to avoid a spread of these criminal activities. However, if the safety of navigation within the waters under the jurisdiction of Cameroon is not properly ensured, it will negatively impact the national economy, international trade and regional stability within the Gulf of Guinea. Currently, there are criminal networks specialised in piracy, illegal/unregulated and unreported fishing, oil bunkering, drug trafficking and marine pollution. These criminal activities have the potential of disrupting navigation, creating difficult economic situations for both the national and regional economies.

Cameroon has clearly spelled out the scope and breadth of its jurisdictional waters by virtue of the 2000 law relating to maritime zones of the republic of Cameroon. This law closely follows the provisions of the United Nations Law of the Sea Convention, which bestows on coastal States, jurisdictional rights over their internal waters, territorial sea, contiguous zone, exclusive economic zone and the continental shelf. Therefore, these maritime zones are concretely affixed under the legislative and enforcement jurisdiction of Cameroon, with a clear mandate of ensuring safety of navigation and environmental protection within these zones. This mandate gains its legality from both international and national legal instruments which we shall be analysing in the course of this work. The State within this context, has an obligation to ensure that, all maritime activities conducted within its jurisdictional waters are not a threat to maritime safety and security especially as concerns navigation and environmental protection.

In order to properly ensure safety of navigation and dismantle criminal gangs specialised in carrying out illegal activities within the Gulf of Guinea, the United Nations Security Council passed a resolution in March 2022 calling on States in the Gulf of Guinea to adopt laws criminalising certain activities within their maritime jurisdictional zones. Cameroon responded favourably that same year with the passing of Law No. 2022/017 of 27th December 2022 relating to the Suppression of Piracy, Terrorism, and Offences Against the Safety of Maritime Navigation and Platforms. Just like the nomenclature implies, this law is specifically designed to effectively curb and penalise offences that compromise the safety and security of maritime navigation. However, there are still some criminal activities striving within the jurisdictional waters of Cameroon and the Gulf of Guinea in general. Below, we shall examine some of these offshore maritime activities that are posing significant threats to navigational safety, maritime environmental protection, paying particular attention to the response of the law in tackling these activities.

Challenges to Navigational Safety within the Gulf of Guinea

As aforementioned, the sea contributes significantly to the economy of Cameroon, as it is the main route through which international transportation is conducted. The significance of the sea is loudly echoed in the 2030 Agenda for Sustainable Development, adopted by the United Nations General Assembly in 2015. The realisation of the 17 goals greatly relies on the safety of the ocean which is popular known internationally as the “Blue Economy”. Despite the crucial role the ocean plays in the realisation of the sustainable development goals, there are some illegal activities being carried out in the ocean which if not properly checked, will bring negative returns to the State of Cameroon and the entire Gulf of Guinea. This therefore calls for a unified fight against activities such as piracy, armed robbery, illegal/unregulated and unreported fishing, illegal activities relating to oil, drug and human trafficking within the jurisdictional waters of Cameroon and beyond.

Piratical Activities

Piratical activities are notorious for having a huge negative impact on the humanitarian, economic and environmental prerogatives of a country. Piracy is one of the oldest obstacles to international transportation by sea and international trade. Piracy is defined by the United Nations Law of the Sea Convention as any illegal acts of violence, detention or depredation committed for personal gains by those onboard a private ship or aircraft in the high seas. This definition clearly demonstrates that, the classification of criminal offences offshore greatly depends on the maritime zone in which these crimes occur. For a criminal offence to be considered as a piratical act, it must have occurred in the high seas or in any maritime zone out of the jurisdiction of a State. Therefore,

acts of kidnapping and armed robbery committed in the high seas and out of the jurisdictional waters of any State will constitute acts of piracy.

Piratical activities within the Gulf of Guinea, unlike in other maritime zones across the globe, usually occur within the territorial waters of States such as Nigeria and Cameroon. The strategic location of the Gulf of Guinea makes it prone to piratical activities such as kidnappings for ransom and theft of cargo. Piratical activities within the Gulf of Guinea are having a devastating impact on the lives of individuals and the economic stability of the region, with estimated annual financial losses exceeding \$1.9 billion. This staggering figure underscores the severity of the issue, which threatens to undermine the economic progress and development of the affected countries.

The Gulf of Guinea has witnessed a notable trend in piracy cases between 2020 and mid-2025, with a total of over 189 reported incidents. Despite the substantial number of cases, the region has seen a consistent decline in piracy incidents over the years, as evidenced by the decreasing percentage of cases annually. This is as a result of unified efforts in adopting and enforcing laws on piracy and other criminal maritime activities within the Gulf of Guinea.

Armed Robbery at Sea and other related Crimes

Unlike the case of piracy, armed robbery at sea occurs within the jurisdictional waters of coastal States. For an offence to be considered as armed robbery at sea, it must have generally occurred within the jurisdictional waters of a State. The 2022 law on the suppression of piracy and other related offences against the safety of navigation in Cameroon has clearly identified activities that constitutes armed robbery in its Article 4. This is in conjunction with regional instruments like the Yaoundé Code of Conduct. Even though the reported number of armed robbery cases at sea within the jurisdictional waters of Cameroon are relatively low to other countries in the Gulf of Guinea, there is an acute need to strengthen the defence and security mechanisms in place, in order to avoid the proliferation and spread of these criminal activities from neighbouring countries. For example, on the 1st of October 2024, the Divisional Officer of the Idabato Sub-division, Ndian Division of the South West region of Cameroon, was kidnapped by pirates from a neighbouring country, and carried through the waters of Cameroon to where he was held captive. The State official was only released months later following intense negotiations with the government of Cameroon. This clearly demonstrates that, criminal activities can easily spread to other countries if not properly checked.

The 2020 IMB reports reveals that, the Gulf of Guinea accounted for over 95% of the total global maritime kidnappings recorded. The causes of this high rate in criminality within this maritime zone stems from various sources such as the permissive economic and political environment in most of the countries within this region. From recent reports released by the IMB, the jurisdictional waters of Cameroon are relatively safe within the region. Therefore, to enhance the safety of navigation within the waters of Cameroon and the Gulf of Guinea in general, it is imperative for offshore criminal activities to be properly addressed through the legislative and enforcement powers of the State of Cameroon.

Illegal Fishing Activities

The fishing sector greatly contributes to the economies of many coastal States especially in Africa. This sector is vital for strengthening food security, health promotion and poverty alleviation. Reports reveal that, the Gulf of Guinea is one of the vital fishing zones in the world which accounted for over 4% of the global fish production in 2021. However, the benefits of this sector are not fully enjoyed due to illegal fishing activities, which negatively affects the economies of countries and the region at large, and further leads to marine environmental challenges. Illegal fishing in simple terms is the act of carrying out fishing activities in maritime zones under the jurisdiction of a State without obtaining the legal authorisation or permission to do so. It also includes the breach or violation of existing permits by fishing in unauthorised areas reserved by the State, or in total disregard of the international instruments in force.

The perpetuation of this illicit activity within the maritime zones of coastal States is facilitated by the sophisticated evasion mechanism, deliberately engineered to circumvent detection by these unauthorised fishing

vessels. For instance, to avoid surveillance, industrial fishing operators often disable their Automatic Identification System (AIS) transponders and trafficking devices, which are essential for monitoring the fishing zones exploited by these vessels. This egregious practice poses a significant hazard, as it heightens the risks of catastrophic collisions with other vessels transiting these waters. Furthermore, some of the vessels engage in these nefarious activities are substandard, failing to conform to requisite safety protocols, thereby augmenting the likelihood of accidents and imperilling crew members, other maritime traffic, and the marine ecosystem.

Another detrimental consequence of illegal fishing on the safety of navigation stems from the disposal of fishing gears. Fishing gears such as nets are usually abandoned by these illegal fishermen who in some cases are escaping from being arrested. This poses a huge navigational threat because these nets in some cases entangle and damage the propellers and rudders of ships, which further contributes to maritime pollution. These debris also cause damage to underwater structures or other maritime infrastructures, leading to a potential navigational hazard. Therefore, the proper regulation of fishing activities within the maritime zones under the jurisdiction of Cameroon in particular, and the Gulf of Guinea in general is essential for ensuring navigational safety.

Irregularities in Oil Production and Transportation

Oil is a very important resource that significantly contributes to the economic growth of many countries in the world. The Gulf of Guinea is heavily endowed with enormous oil deposits, with countries like France, the Netherlands, Italy and the United Kingdom involved in oil and gas exploration activities. The Gulf of Guinea is estimated to have about 4.5% of the total global oil deposits and over 2.7% of the total global natural gas deposit. This zone also serves as a strategic route for the transportation of oil products, especially to countries like the United States of America which transports approximately 30% of its oil imports through this route. It is worth noting that, a country like Nigeria alone has over 2/3 of the oil deposits in the Gulf of Guinea found within its Exclusive Economic Zone. The fragility of the security dispensations within this zone has led to serious cases of illegal activities relating to oil in Nigeria, with an estimated 900-billion-naira worth of oil lost annually. These illegal activities relating to oil usually take the form of illegal bunkering, pipeline vandalism and fuel scooping.

Cameroon being a neighbouring country to Nigeria, is an obvious destination for illicit oil products, despite the laws of Cameroon prohibiting the importation of contraband oil. These oil products are usually transported from Nigeria by sea, passing through Cameroonian waters into small ports in the South West region. There are reports that, this illicit activity is still triumphing due to the complicity of some administrative, customs and security officials of Cameroon. This situation constitutes a grave concern, as the transportation of contraband fuel poses a substantial menace to navigational safety. The propensity for catastrophic collisions between vessels conveying this illicit product and other maritime traffics is alarmingly high. The substandard vessels employed for oil smuggling frequently fail to adhere to the stringent safety protocols instituted by the States, thereby exacerbating the risks of accidents and collisions. Consequently, the likelihood of oil spills and resultant marine pollution is significantly heightened imperilling navigational safety through diminished visibility and potential damage to vessel equipment, with far reaching consequences for the maritime ecosystem.

In addition, these illegal activities relating to oil also leads to the disruption of maritime traffic with the tendency of delays in the international transportation of goods. However, the Cameroonian authorities can only target this product through the transportation lines and not from the source, due to jurisdictional issues. The criminal syndicates involved in oil theft are principally found in zones within the jurisdiction of Nigeria, and Cameroon can not infringe on the sovereignty of Nigeria by entering its territorial jurisdiction to arrest those involved in this activity. Therefore, there is an absolute need for international cooperation in tackling these illicit activities, in order to ensure that both the waters of Cameroon and the entire Gulf of Guinea is safe for navigation purposes.

Drug Trafficking

Drug trafficking is gaining grounds within the Gulf of Guinea. Reports suggest that, there has been a significant increase in the rate of drug trafficking within the Gulf of Guinea over the years. Drug trafficking is a very dangerous activity that compromises the security of vessels, crew members and other maritime facilities. This is due to the fact that, most of the drug smuggling vessels are usually poorly maintained, overloaded and operate with complete disregard for safety standards and protocols. It therefore increases the chances for accidents, with

consequences on the marine environment and the economies of countries within the zone. As of mid-2024, an estimated 126.4 tons of cocaine was confiscated in the Gulf of Guinea. Most of the drugs were being transported to other places through the sea route and the vessels were intercepted. The strategic geographical location of the Gulf of Guinea makes it an ideal gateway for illicit drug trafficking from Latin America. This therefore highlights the need for a fruitful cooperation between States in the Gulf of Guinea, to enforce both domestic and international laws aimed at preventing and deterring the trafficking of drugs through this maritime zone.

From the analysis made above, it is clear that, maritime activities such as piracy, armed robbery, illegal fishing, irregularities in the production and transportation of oil, and drug trafficking, are very dangerous and poses a great threat to the safety of navigation within Cameroonian waters and the Gulf of Guinea in general. There is therefore an acute need for a sufficient legal response in suppressing these illegal activities.

The Legal Recourse for Safeguarding Maritime Navigation within Cameroonian Waters and Beyond

As aforesaid, the Gulf of Guinea is a very strategic maritime zones endowed with an enormous deposit of natural resources and a strategic sea route for international transportation of goods. International trade has been the main pillar supporting most economies in the world today including Cameroon. Therefore, we shall make an appraisal of the current legal response designed to ensure navigational safety starting from the international, regional and national spectrums.

The International Legal Response

To properly manage the ocean and ensure uniformity across the globe, the law of the sea convention was adopted under the auspices of the United Nations in 1982. This convention is generally considered to be the constitution of the sea because, it covers all aspects of maritime activities, including maritime safety and security. The most significant aspect of this convention is the division of the ocean into various jurisdictional zones, thereby giving a clear demarcation of the sea, and also establishing the duties and rights of both coastal and third States. All coastal States now have a clear formular for claiming jurisdiction over certain zones of the ocean, with their rights and duties clearly spelled out in the convention. The convention bestows on coastal States, the authority to explore, exploit, manage and conserve resources found within their maritime jurisdictional zones. The exclusive economic zone is a very strategic zone that the convention bequeaths to the coastal States, thereby permitting them to legislate and enforce their laws within this zone for the purpose of exercising economic rights and ensuring maritime safety.

As concerns the responsibility of the coastal States within their jurisdictional waters, the provisions of Article 21(1) of the Convention bestow authority on the coastal States to ensure the safety of navigation and regulate maritime traffic within their territorial sea. The coastal States enjoy both *rationae personae* and *rationae materiae* jurisdiction over their maritime zones. It is within the powers of the coastal States to demarcate specific maritime zones meant for navigation within their jurisdictional waters, as a means of ensuring maritime safety. Ships are required to conform to the safety standards instituted by the coastal States. States are also required to ensure that ships flying their flags conform to both the national and international safety standards with regards to maritime navigation. Some of the activities that endanger navigational safety have been expressly proscribed by the law of the sea convention, and they include; piracy, illegal fishing and drug trafficking. States have been encouraged to work in synergy to combat piracy especially in international waters where national laws do not prevail. In this light, States are permitted to intercept and seize any pirate ship found in international waters and the national courts of the State that seized the vessel are competent to try those involved.

The law of the sea convention also proscribes the transportation of narcotic drugs through international waters. To achieve this, States have been given the legal mandate to work in synergy towards ensuring the suppression of narcotic drugs in zones beyond their national jurisdiction. In applying these jurisdictional powers, the government or military vessels of these coastal States are authorised to visit suspected drug smuggling vessels, even if they are flying a foreign flag. If the suspected vessel resist being visited and tries to escape, the government or military ships are permitted to pursue such a vessel (hot pursuit) with the objective of intercepting the suspected ship. However, in doing this, the State-owned vessels are required to be cautious in ensuring that they do not endanger the safety of navigation or cause an unbearable maritime hazard.

Furthermore, as concerns the conservation of the maritime environment, it is within the responsibilities of States to implement measures that are consistent with international law, as expressly provided in the provisions of Article 117 UNCLOS. It is worth mentioning that, the convention has been specific on prohibiting illegal acts in the high seas because, the other maritime zones are under the jurisdiction of the coastal States, and these States have the duty to legislate and enforce their domestic laws in these zones. Therefore, it is the responsibility of coastal States to legislate and oversee the enforcement of their national laws, ensuring that maritime activities within their jurisdictional waters do not pose a threat to the safety of navigation. However, despite the comprehensive and rich nature of the law of the sea convention, there are still some ugly sides which requires attention. For example, the convention only defines piracy and fails to define other serious illegal activities such as illegal fishing and armed robbery which are rampant in the Gulf of Guinea. These shortcomings have limited the effectiveness of the convention in relation to the abovementioned issues, especially in situations where the coastal States have not legislated.

The International Maritime Organisation (IMO) has also been very instrumental since its creation in 1948, towards ensuring safe, secure, efficient and sustainable shipping through cooperation between States. The IMO functions under the auspices of the United Nations and has succeeded in birthing a number of conventions relating to maritime safety. This organisation provides a comprehensive definition of armed robbery against ships, and also delivers a strategic approach for member States to adopt a standardised and unified understanding in addressing illegal maritime activities within their jurisdictional waters. The IMO has also been pivotal in influencing coastal States such as Cameroon to adopt national legislations handling all illegal activities within their jurisdictional waters, especially in situations where international law is not explicit enough. It has further championed inter-State cooperation as well as the development of highly proficient technical, operational and logistical staff capable of ensuring maritime safety, security and environmental preservation.

Despite the instrumentality of the IMO in ensuring navigational safety, there are still some setbacks experienced. Many countries still lack the appropriate material and human resource needed for carrying out proper enforcement of the legal instruments in force. In addition, the organisation has failed in persuading some countries in the Gulf of Guinea (such as Cameroon) to ratify the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA) and its 2005 Protocol. These are important international instruments necessary for enhancing the prevention and prosecution of illegal activities within the jurisdictional waters of Cameroon and beyond.

In addressing some of the lacuna that existed with the fight against the high rate of criminal and piratical activities in the Gulf of Guinea, the United Nations Security Council adopted a resolution in 2022, calling on countries in the Gulf of Guinea to put in place national laws tackling piracy and all other illegal activities within their maritime jurisdiction. In addition to this call, the resolution strongly condemned the high rate of piracy and armed robbery in the Gulf of Guinea, manifested through murder, kidnapping and hostage taking. This resolution is very comprehensive because, it reiterates the responsibility of the coastal States in the Gulf of Guinea to counter piratical activities and armed robbery at sea, while paying particular attention to the root causes of these criminal activities. The principal objective for doing this is to ensure that, the entire Gulf of Guinea is safe for maritime navigation. To this end, the resolution underscores the need for international cooperation, and requires a synergy between subregional, regional and international partners in tackling the aforementioned problems. In addition, the resolution calls on member States to the Yaoundé architecture, to expand on the operability of the architecture, while sharing information on piracy and other illegal activities at sea through INTERPOL. This resolution has greatly enhanced maritime security in the Gulf of Guinea because it triggered countries like Cameroon to adopt a law punishing acts of piracy and other maritime offences in December 2022.

The Regional Legal Response

While the international instruments have been very pivotal in ensuring maritime safety, the difficulties and shortcomings faced with the effective implementation has led to the development of regional initiatives that reflect the specific realities of the Gulf of Guinea. Some of the very significant instruments pertaining to the Gulf of Guinea includes; the Yaoundé Code of Conduct and the African Charter on Maritime Safety and Development in Africa. These initiatives have been very instrumental in the reduction of illegal activities in the Gulf of Guinea

in recent times. This is substantiated by the record reduction in the number of reported cases relating to piracy and armed robbery.

As earlier stated, the Yaoundé code of Conduct is one of the most significant achievements of the submit which was held in Yaoundé in 2013 by representatives of 25 countries found within West and Central Africa, and the Gulf of Guinea Commission. The high rate of piracy and armed robbery, illegal fishing, maritime terrorism, smuggling of narcotics and environmental pollution within the Gulf of Guinea at the time, coupled with the absence of a comprehensive coverage of these illicit activities within the ambits of the law of the sea convention and the other international instruments, prompted the development of this initiative. This code of conduct is very comprehensive based on the fact that, it succinctly covers illegal activities that occur within the jurisdictional waters of coastal States, thereby clearing the ambiguity that exists in the law of the sea convention. The provisions of this code of conduct are stern on illegal activities such as arms and drugs trafficking, piracy and armed robbery, illegal fishing, human trafficking, maritime terrorism, hostage taking, and the vandalization of offshore {oil} facilities or installations carried out within the Gulf of Guinea.

The introduction of a separate definition for piracy and armed robbery at sea in this code of conduct, further addresses the criticisms raised in the definition of piracy in the law of the sea convention. Article 1 (3) clearly defines what piracy means by taking the same approach as the law of the sea convention. According to this code of conduct, just like the law of the sea convention, a maritime offence is only considered to be piratical if it occurs in the high seas or in any maritime zone out of the jurisdiction of any particular State. As concerns armed robbery, it is clearly stated in the provisions of this code of conduct that, attacks on ships within the internal waters, archipelagic waters or the territorial sea of a State will constitute armed robbery at sea and not piracy.

The main objective of this code of conduct is to enhance cooperation between States to ensure that illegal activities in the ocean are suppressed with a vision of making the Gulf of Guinea safe for navigational and other purposes. In doing so, States are required to develop national laws aimed at securing maritime trade, international transportation by sea, port facilities, and ensure maritime environmental protection. In suppressing piracy and armed robbery at sea, the code of conduct empowers States to arrest and prosecute individuals suspected of committing those offences. In instances where the vessels suspected of harbouring these pirates and criminals resist being intercepted, the navy officers of the State are permitted to pursue these vessels (hot pursuit). However, if the vessel enters the territorial waters of another State, the pursuing State can only proceed with the pursuit with the express authorisation of the coastal State. As concerns illegal fishing, it is the responsibility of the States in the Gulf of Guinea to jointly establish mechanisms aimed at ensuring the conservation, management and the sustainable use of maritime living resources in general.

Despite the affluence of this code of conduct demonstrated through its seductive provisions, it failed to persuade most signatory States to immediately institute the corresponding national laws relating to the abovementioned issues. It was only after the adoption of the United Nations Security Council Resolution of 2022, that countries like Cameroon finally came up with laws punishing piracy, armed robbery at sea and other maritime offences. In addition, going through the various International Maritime Bureau reports on the state of piracy, armed robbery and other incidents within the Gulf of Guinea from the time this code of conduct was adopted to 2021, it is clear that, the rate of illegal activities was still very high in the maritime zones of the Gulf of Guinea. Therefore, it is safe to say that, the code of conduct failed to significantly influence the suppression of piracy and armed robbery in the Gulf of Guinea.

The African Charter on Maritime Security, Safety and Development in Africa is another very significant instrument which contributes to navigational safety in Cameroonian waters and the Gulf of Guinea in general. This charter underscores that maritime safety and security can be achieved through the fights against all illegal activities or threats of illicit activities against ships, crew, passengers, ports and other maritime facilities, not leaving out the maritime environment. Mindful of the fact these illegal activities are usually triggered or fuelled by economic and social difficulties in the coastal States, the charter goes further in obliging States to address the abovementioned difficulties properly, through the creation of jobs, reduce poverty and eliminate extreme poverty. This is a very significant contribution because it permits the problem to be tackled from its source. The charter is also significant for providing a comprehensive guideline on enhancing ocean governance through

facilitating the establishment of localised or regional institutions and maritime intelligent agencies capable of countering illegal maritime activities.

However, despite the determination to enhance maritime safety and security in the charter, there has been little results towards this end. The charter generally faces serious enforcement and implementation difficulties. For example, even though some States have been making remarkable efforts in securing their jurisdictional waters, many other States have paid very little attention towards ensuring maritime safety and security within their jurisdictional waters. This is mainly due to the lack of political will, corruption and financial difficulties which makes the effective implementation of the provisions of this charter almost impossible in most countries. In addition, just like the Yaoundé code of conduct, this charter also failed to significantly reduced the rate of armed robbery at sea and piracy from the time it was adopted.

All in all, the regional instruments have significantly contributed towards the enhancement of security and safety measures in the jurisdictional waters of Cameroon and the Gulf of Guinea. These instruments have addressed some of the lacuna which exists in the law of the sea convention, especially with the differentiation in the definition of piracy and armed robbery at sea. However, just like we have clearly argued *supra*, these instruments have some very glaring shortcomings which need to be properly addressed in order to ensure navigational safety and maritime security in general within the jurisdictional waters of Cameroon and the Gulf of Guinea in general.

The National Legal Response

In compliance with the 2022 resolution of the United Nations Security Council, Cameroon swiftly adopted a national legislation in December 2022, prohibiting acts of piracy and other related offences at sea. This law conforms to the provisions of the various international and regional legal instruments which have been ratified by Cameroon pertaining to the sector. The 2022 law is specifically designed to suppress piracy, terrorism, and other offences committed against the safety of navigation in the jurisdictional waters of Cameroon. This law also incorporates the same definition of piracy as contained in the law of the sea convention and other regional instruments like the Yaoundé code of conduct. Piracy is defined here as any act of violence committed for private ends by the passengers or crew of a private ship, committed in the high seas or in waters out of the jurisdiction of any State. The same categorisation is given to those who knowingly use private ships to incite or facilitate the commission of piratical activities. To this end, the law punishes those found guilty of these offences with a life time imprisonment term, and/or with a fine of 20 million to 200 million francs CFA. In ensuring maritime navigational safety, the law frowns at activities such as the seizure or exercise of control over a ship, damage or destruction to a ship with the potential of endangering the safety of navigation, communication of false information capable of endangering the safety of navigation, the manufacture and illegal transportation of dangerous cargo, and acts that generally infringe on the maritime navigational safety regulations. The law punishes these illegal activities with life imprisonment and a fine of 20 million to 200 million France CFA as well.

The law defines maritime terrorism as the unlawful and intentional use of dangerous weapons or nuclear substances onboard a ship or from a ship, hostage taking, forcefully taking a ship to cause casualties or serious damage, transporting illegal weapons or substances capable of being converted into nuclear weapons in total disregards of the International Atomic Energy Agency regulations, with the main objective of coercing or intimidating the population or government. Maritime terrorism is punishable with life imprisonment and a fine as from 20 million to 200 million francs CFA. As concerns maritime environmental protection, the 2022 law severely punishes those who intentionally discharge noxious liquid substances into the sea and waterways with a fine as from 500 million to 2.5 billion francs CFA. In order to have a coherent meaning of noxious substances, recourse is made to the categorisation of noxious substances as contained in Regulation 3, Annex II of the Convention on the Prevention of Pollution from Ships. In order to destroy the chain of criminality, the law extends the same standards of punishment on all those who finance or sponsor these criminal activities cited above.

This law is very contemporary as it incorporates modern realities faced within the maritime sector, especially as concerns criminality. The introduction of terrorism within the tenets of prohibited activities at sea is a welcome innovation which did not exist previously. From the recent reports published by the International Maritime

Bureau, there has been a significant rate of reduction in criminal activities within Cameroonian waters since this law came into force. This is definitely not just a coincidence because, the stern and severe nature of the punishments contained in the provisions of this law are a great source of deterrence for anyone who intended to get involved in the prohibited activities.

As concerns the regulation of illegal fishing activities, the 2024 law generally authorises fishing within the jurisdictional waters of Cameroon. The law however restricts fishing around offshore oil production facilities, military installations, ports and anchorage areas for ships, and in maritime protected areas. However, fishing is possible within these zones subject to a special authorisation issued by the ministry in charge of fisheries and the other concerned sectoral ministries. It could be deduced from this provision that, the central goal for doing this is to prevent any incidents capable of jeopardising the safety of maritime navigation, military facilities and ensure maritime environmental protection within the jurisdictional waters of Cameroon and even beyond.

This law also extends its coverage to the high seas, by mandating all the fishing vessels flying the flag of Cameroon to obtain a special license from the ministry in charge of fisheries before indulging in fishing activities in the high seas. Before this license is issued, specialised officials are supposed to carry out thorough inspections on the vessels involved in industrial fishing. This is to ensure that they conform to the safety standards. Furthermore, the ministry of fisheries and all other relevant ministries and international organisations are supposed to take measures aimed at preventing, combatting, and illuminating illegal fishing within the jurisdictional waters of Cameroon. In ensuring that fishing vessels comply with the said measures, the ministry in charge of fisheries carries out regular surveyance and monitoring activities within the jurisdictional waters of Cameroon to ensure that fishing is done only within the designated zones for that purpose with sea worthy vessels.

While carrying out surveyance and monitoring activities within the jurisdictional waters of Cameroon, the navy officers in charge of that activity are authorised to visit suspected fishing vessels. The captain of the State-owned ship who intends to make a visit is required by law to use the methods consistent with maritime navigational practices in ordering the fishing vessel to stop its engine for a visit to be carried out. If the ship resists this order, the captain is within the ambits of the law to fire three warning shots and if the vessel does not yield to the orders, the captain is then authorised to shoot at the vessel. This is aimed at forcefully stopping the vessel, provided such actions will not pose a significant problem or threat to the safety of maritime navigation.

The 2022 and 2024 laws are very significant laws, with seductive provisions that have positively influenced maritime navigational safety and environmental protection within the jurisdictional waters of the republic of Cameroon. However, the effective implementation and enforcement of the provisions of these laws are still to be concretely felt.

CONCLUSION

The enhancement of maritime navigational safety through the jurisdictional waters of Cameroon and the Gulf of Guinea in general, has been one of the main maritime priorities of the government of Cameroon and its international and regional partners. The importance given to this sector is not surprising due to the pivotal role the sea plays in the socio-economic development of the country. Therefore, the adequate and efficient handling of threats to the maritime environment and maritime navigational safety such as piracy, armed robbery at sea, terrorism, illegal fishing and the transportation of illicit cargo such as narcotic drugs and illicit fuel, are essential for enhancing maritime safety in the jurisdictional waters of Cameroon and the Gulf of Guinea in general. Cameroon being a signatory to a number of international conventions and regional initiatives relating to the sustainable management of maritime activities in general, has strategically positioned itself in conjunction with national instruments, to adequately regulate maritime activities within its jurisdictional waters and the Gulf of Guinea in general. As a matter of fact, the reduction in the number of reported cases of criminal and piratical activities in Cameroonian waters and the Gulf of Guinea in general, is not just a mere coincidence.

However, more efforts are still needed in terms of enforcement. Despite the seductive nature of the provisions of the above-mentioned legal frameworks, enforcement is still a big problem due to the absence of sophisticated equipment capable of ensuring proper surveyance and monitoring of maritime activities within jurisdictional

waters of Cameroon. In addition, Cameroon has failed to ratify significant international conventions such as the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and its 2005 Protocol. This is a very significant convention relating to the safety of maritime navigation and it is recommended that Cameroon ratifies this convention to further enhance security within its jurisdictional waters and beyond.

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