

Chapter 10

Other Regional and Sub-Regional Institutions Addressing Peace and Security

1 Introduction

Beyond those organisations and their corresponding legal instruments examined in the previous nine chapters, there remain several additional instruments worth addressing on a regional and sub-regional level. While the institutions addressed herein are not regional economic communities recognised by the African Union, nor may they be dedicated entirely to peace and security, they nonetheless possess security related interest in their respective regions. The institutions addressed in this chapter include: the Great Lakes Region and Horn of Africa Conference on the Proliferation of Small Arms and Light Weapons; the Gulf of Guinea Commission; the Economic and Monetary Community of Central Africa; the Eastern Africa Standby Force; the G5 Sahel; the Indian Ocean Commission and the Mano River Union.

2 Great Lakes Region and Horn of Africa Conference on the Proliferation of Small Arms and Light Weapons

In March 2000, the Foreign Ministers of ten countries based in the Great Lakes Region and the Horn of Africa met for a four-day conference in Nairobi, Kenya, to discuss issues of small arms and light weapons. The result of this conference was the signing of the Nairobi Declaration on the Problem of Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa. The principal objective of the declaration (as well as several protocols signed thereafter) is to address key issues surrounding small arms and light weapons, including: their availability, proliferation, prevention thereof, and contribution to conflict in the region. The ten original signatories to the declaration are: Burundi, Djibouti, Democratic Republic of the Congo, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, Tanzania and Uganda. Seychelles and Somalia signed the declaration in 2004 and 2005 respectively.

Nairobi Declaration on the Problem of the Proliferation of Illicit SALW (2000)

Full title: The Nairobi Declaration on the Problem of the Proliferation on Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa

Date/place of adoption/conclusion: 15 March 2000, Nairobi, Kenya

Available online at: <https://bit.ly/2BJxhfZ>

* Adopted on the occasion of the Great Lakes Region and Horn of Africa Conference on the Proliferation of Small Arms and Light Weapons, 12-15 March 2000, Nairobi, Kenya.

** Adopted by the Ministers of Foreign Affairs of Burundi, Democratic Republic of the Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Uganda and Tanzania.

We, the Ministers for Foreign Affairs of the countries of the Great Lakes Region and the Horn of Africa namely, Burundi, Democratic Republic of Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Uganda and United Republic of Tanzania, meeting at Nairobi on 12-15 March 2000 on the occasion of the Great Lakes Region and the Horn of Africa Conference on the Proliferation of Small Arms pursuant to UNGA resolutions regarding the convening of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects in June-July 2001 and in particular A/C.1/54/L.24 /Rev 1 of December 1999, as well as the African common position contained in the OAU decision AHG/DEC 137(LXX) adopted by the OAU summit in Algiers in July 1999, fully share the growing international concern that the easy availability of illicit small arms and light weapons escalates conflicts and undermines political stability and has devastating impacts on human and state security.

- *Re-affirming* the inherent right of states to individual or collective self-defence as recognised in Article 51 of the United Nations Charter;
- *Gravely* concerned with the problem of the proliferation of illicit small arms and light weapons in the Great Lakes and Horn of Africa Region and the devastating consequences they have had in sustaining armed conflict and abetting terrorism, cattle-rustling and other serious crimes in the region;
- *Recognising* that the problem derives mainly from past and ongoing armed conflicts in the region, as well as from illicit trade and terrorist activities by which these arms are infiltrated into the region;
- *Recognising* also that the inadequate capacity of states in the region

to effectively control and monitor their borders, poor and sometimes open immigration and customs controls, as well as mass movement of armed refugees across national borders in certain countries, have greatly contributed to the proliferation of illicit small arms and light weapons;

- *Acknowledging* that the problem of the proliferation of illicit small arms and light weapons in the region has been exacerbated by internal political strife and extreme poverty, and that a comprehensive strategy to arrest and deal with the problem must include putting in place structures and processes to promote democracy, the observance of human rights, the rule of law and good governance, as well as economic recovery and growth;
- *Underlining* that a sustainable solution to the problem requires active and concerted regional effort, as well as international understanding and support;
- *Considering* the international concern regarding the problem of illicit small arms and light weapons;
- *Acknowledging* the work of the United Nations, the Organisation of African Unity, the European Union, the Organisation of American States, as well as the efforts in West and Southern Africa to address problems associated with illicit small arms and light weapons;
- *Considering* also the impact on crime and security in the subregion exacerbated by the problem of illicit small arms and light weapons which emanate from outside the region;
- *Appalled* by the devastating effects of armed conflicts particularly on women and children, and by the unconscionable exploitation of children in armed conflicts;
- *Considering* that peace, stability, and security are prerequisites for sustainable development in the subregion, and that the prevailing conflicts hinder the prospects of realising the full economic potential of this geo-strategically important region;
- *Recognising* the relationship between security and development and the need to develop comprehensive and effective peacebuilding and other measures aimed at reducing the resort to arms and to help curb the problem of illicit small arms and light weapons within the region;
- *Acknowledging* also that the resolution of ongoing conflicts in the region requires the nurturing of environments in which root causes of conflicts can be adequately addressed and durable stability established;
- *Emphasising* the need to pursue negotiated solutions to conflicts so as to ensure their peaceful resolution, to promote a culture of peace, and to encourage education and awareness-raising programmes on the problem of illicit small arms, involving all sectors of society;
- *Conscious* of the need for effective controls of arms transfers by suppliers outside the region, including measures against transfers of

- surplus arms to prevent the problem of illicit small arms;
- *Acknowledging* the difficulties in addressing the question of illicit trade and accumulation of illicit small arms and light weapons due to different situations obtaining in the respective countries;
- *Welcoming* the Nairobi Initiative on Small Arms and Light Weapons for state and human security as a significant step in addressing the problem of illicit small arms and light weapons and their socioeconomic and political impacts on the people of the region;

Having deliberated in depth on the subject, decide to:

- (i) Rededicate ourselves to continue our efforts towards the peaceful resolution of the conflicts in the region and towards this end, call for the genuine and serious commitment of all parties concerned, as well as the international community;
- (ii) Seize this opportunity to comprehensively address the problem of the proliferation of illicit small arms and light weapons in the subregion;
- (iii) Join efforts to address the problem, recognising the need for information-sharing and co-operation in all matters relating to illicit small arms and light weapons including the promotion of research and data collection in the region and encouraging co-operation among governments and civil society;
- (iv) Encourage a concrete and co-ordinated agenda for action for the subregion to promote human security and ensure that all states have in place adequate laws, regulations and administrative procedures to exercise effective control over the possession and transfer of small arms and light weapons through measures, inter alia, to:-
 - Pursue positive policies and measures to create social, economic and political environments to reduce the resort to arms by individuals and communities;
 - Urge the strengthening and where they do not exist, the adoption of national laws, regulations and control mechanisms to govern civilian possession of arms;
 - Call on states to co-ordinate and publicise their policies, regulations and laws relating to the possession of arms by civilians;
 - Urge source countries to ensure that all manufacturers, traders, brokers, financiers and transporters of small arms and light weapons are regulated through licensing;
 - Urge also the States in the sub-region to monitor and effectively control all transactions relating to small arms and light weapons to licensed entities;
 - Call on states to strengthen subregional co-operation among police, intelligence, customs and border control officials in combating the illicit circulation and trafficking in small arms and light weapons and suppressing criminal activities relating to the use of these weapons;
 - Call upon states to strengthen or establish national mechanisms to

deal with the problem of illicit small arms, as well as to implement the Nairobi Declaration and invite them to hold regular meetings in this regard;

- Invite the UN in co-operation with the OAU and other regional and international organisations to assist countries of the region to carry out a detailed study on the problem of illicit arms within the region and to draw up appropriate programmes for the collection and destruction of illicit small arms and light weapons. The states parties to this Declaration will define the parameters of the study.
- (v) Recognising that the effective implementation of this declaration by individual states requires the co-operation of the UN, international organisations, regional organisations, as well as participation by civil society in preventing and reducing the problem of illicit small arms and light weapons, we further decide to:-
- Appeal for the support of other subregions in the continent, as well as the international community in order to effectively implement the measures agreed upon in this Declaration;
 - Appeal also for increased international support for programmes and initiatives that advance human security and promote conditions conducive to long-term peace, stability and development in the subregion;
 - Call for the effective implementation of the relevant decisions of the UN, the OAU and other regional arrangements to address the problem of illicit small arms and light weapons in the subregion;
 - Appeal for financial, technical and political support from the international community for the effective implementation of this Declaration;

Designate the Kenyan government to co-ordinate the follow-up to the Nairobi Declaration in consultation with states' respective national mechanisms dealing with the problem of illicit arms and light weapons.

Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (2004/2005)

Full title: Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa

Date/place of adoption/conclusion: 21 April 2004, Nairobi, Kenya

Entered into force (EIF): 5 May 2005

EIF provision: Article 23

Authentic texts: Arabic, English, French

Available online at: <https://bit.ly/3gG0y9Z>

* Adopted by the Ministers of Foreign Affairs of Burundi, Democratic Republic of the Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Seychelles, Sudan, Tanzania and Uganda.

Excerpts

Preamble

We, the Ministers of Foreign Affairs and other plenipotentiaries of

...

Reaffirming the inherent right of states to individual or collective self-defence as recognized in Article 51 of the United Nations Charter;

Gravely concerned with the problem of the proliferation of illicit small arms and light weapons in the Great Lakes Region and the Horn of Africa and the devastating consequences they have had in sustaining armed conflict and armed crime, degrading the environment, fuelling the illegal exploitation of natural resources and abetting terrorism and other serious crimes in the region;

Concerned about the supply of small arms and light weapons into the region and conscious of the need for effective controls of arms transfers by suppliers and brokers outside the region (including measures against transfer of surplus arms) to prevent the problem of illicit small arms and light weapons;

Aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of, excessive and destabilising accumulation of, trafficking in, illicit possession and use of small arms and light weapons, ammunition, and other related materials, owing to the harmful effects of those activities on the security of each state and the subregion and the danger they pose to the well-being of the population in the subregion, their social and economic development and their right to live in peace;

Acknowledging that the problem of proliferation of illicit small arms and light weapons in the region has been exacerbated by internal political strife, terrorist activities and extreme poverty, and that a comprehensive strategy to arrest and deal with the problem must include putting in place structures and processes to promote democracy, the observance of human rights, the rule of law and good governance, as well as economic recovery and growth;

Recognising also that the inadequate capacity of states in the region to effectively control and monitor their borders, poor and sometimes open immigration and customs controls, as well as movement of armed refugees across national borders in certain countries, have greatly contributed to the proliferation of illicit small arms and light weapons;

Recommending that States Parties should consider becoming parties to international instruments relating to the prevention, combating and eradication of illicit manufacturing of, excessive and destabilising accumulation of, trafficking in, illicit possession and use of small arms and light weapons and to implement such instruments within their jurisdiction;

Acknowledging the work of the United Nations, the African Union, the European Union, the Organisation of American States, as well as the efforts in Africa to address problems associated with illicit small arms and light weapons;

Agreeing that they shall fulfil their obligations and exercise their rights under this Protocol in a manner consistent with the principles of sovereign equality, territorial integrity of States and non-intervention in the domestic affairs of States Parties;

With the purpose of reaffirming the goals of, and implementing, the Nairobi Declaration and the Coordinating Agenda for Action,

Hereby agree as follows:

...

Article 2: Objectives

The objectives of this Protocol are to –

- (a) prevent, combat and eradicate the illicit manufacturing of, trafficking in, possession and use of small arms and light weapons in the sub-region.
- (b) prevent the excessive and destabilising accumulation of small arms and light weapons in the sub-region.
- (c) promote and facilitate information sharing and cooperation between the governments in the sub-region, as well as between governments, inter-governmental organisations and civil society, in all matters relating to the illicit trafficking and proliferation of small arms and light weapons.
- (d) promote cooperation at the sub-regional level as well as in

international fora to effectively combat the small arms and light weapons problem, in collaboration with relevant partners.

- (e) encourage accountability, law enforcement and efficient control and management of small arms and light weapons held by States Parties and civilians.

Article 3: Legislative Measures

- (a) Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its national law the following conduct, when committed intentionally:
 - (i) Illicit trafficking in small arms and light weapons.
 - (ii) Illicit manufacturing of small arms and light weapons.
 - (iii) Illicit possession and misuse of small arms and light weapons.
 - (iv) Falsifying or illicitly obliterating, removing or altering the markings on small arms and light weapons as required by this Protocol.
- (b) States Parties that have not yet done so shall adopt the necessary legislative or other measures to sanction criminally, civilly or administratively under their national law the violation of arms embargoes mandated by the Security Council of the United Nations and/or regional organisations.
- (c) States Parties undertake to incorporate in their national laws:
 - (i) the prohibition of unrestricted civilian possession of small arms;
 - (ii) the total prohibition of the civilian possession and use of all light weapons and automatic and semi-automatic rifles and machine guns;
 - (iii) the regulation and centralised registration of all civilian-owned small arms in their territories (without prejudice to Article 3 c (ii));
 - (iv) measures ensuring that proper controls be exercised over the manufacturing of small arms and light weapons;
 - (v) provisions promoting legal uniformity and minimum standards regarding the manufacture, control, possession, import, export, re-export, transit, transport and transfer of small arms and light weapons;
 - (vi) provisions ensuring the standardised marking and identification of small arms and light weapons;
 - (vii) provisions that adequately provide for the seizure, confiscation, and forfeiture to the State of all small arms and light weapons manufactured or conveyed in transit without or in contravention of licenses, permits, or written authority;
 - (viii) provisions for effective control of small arms and light weapons including the storage and usage thereof, competency testing of prospective small arms owners and restriction on owners' rights to relinquish control, use, and possession of small arms;
 - (ix) the monitoring and auditing of licenses held in a person's possession, and the restriction on the number of small arms that may be owned;
 - (x) provisions prohibiting the pawning and pledging of small arms and light weapons;

- (xi) provisions prohibiting the misrepresentation or withholding of any information given with a view to obtain any license or permit;
- (xii) provisions regulating brokering in the individual State Parties; and
- (xiii) provisions promoting legal uniformity in the sphere of sentencing.

Article 4: Operational Capacity

States Parties shall:

- (a) strengthen sub-regional co-operation among police, intelligence, customs and border control officials in combating the illicit circulation and trafficking in small arms and light weapons and suppressing criminal activities relating to the use of these weapons;
- (b) enhance the capacity of national law enforcement and security agencies, including appropriate training on investigative procedures, border control and law enforcement techniques, and upgrading of equipment and resources;
- (c) establish and improve national databases, communication systems and acquire equipment for monitoring and controlling small arms and light weapons movements across borders;
- (d) establish or enhance inter-agency groups, involving police, military, customs, home affairs and other relevant bodies, to improve policy co-ordination, information sharing and analysis at national level;
- (e) develop or improve national training programmes to enhance the capacity of law enforcement agencies to fulfil their roles in the implementation of the agenda for action.

Article 5: Control of Civilian Possession of Small Arms and Light Weapons

- (a) States Parties undertake to consider a co-ordinated review of national procedures and criteria for issuing and withdrawing of small arms and light weapons licenses, and establishing and maintaining national databases of licensed small arms and light weapons, small arms and light weapons owners, and commercial small arms and light weapons traders within their territories.
- (b) State Parties undertake to:
 - (i) introduce harmonised, heavy minimum sentences for small arms and light weapons crimes and the carrying of unlicensed small arms and light weapons;
 - (ii) register and ensure strict accountability and effective control of all small arms and light weapons owned by private security companies;
 - (iii) prohibit the civilian possession of semi-automatic and automatic rifles and machine guns and all light weapons.

Article 6: Control and Accountability of State-owned Small Arms and Light Weapons

States Parties undertake to:

- (a) establish and maintain complete national inventories of small arms and light weapons held by security forces and other state bodies, to

- enhance their capacity to manage and maintain secure storage of state-owned small arms and light weapons;
- (b) ensure strict national accountability and the effective tracing of all small arms and light weapons owned and distributed by the state.

Article 7: Marking and Tracing of Small Arms and Light Weapons and Record-keeping

States Parties undertake to:

- (a) mark each small arm or light weapon at the time of manufacture, with a unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number. The marking should be on the barrel, frame and, where applicable, the slide.
- (b) mark each small arm or light weapon at the time of import, with a simple marking permitting identification of the country of import and the year of import, and an individual serial number if the small arm or light weapon does not bear one at the time of import so that the source of the small arm or light weapon can be traced.
- (c) ensure that all small arms and light weapons in the possession of the state are marked with a unique mark.
- (d) ensure the maintenance, for not less than ten years, of information in relation to small arms and light weapons that is necessary to trace and identify those small arms and light weapons which are illicitly manufactured or trafficked and to prevent and detect such activities. Such information shall include:
 - (i) the appropriate markings required by this Article;
 - (ii) in cases involving international transactions in small arms and light weapons, the issuance and expiration dates of the appropriate licenses or authorisations, the country of export, the country of import, the transit countries, where appropriate, and the final recipient and the description and quantity of the articles.

Article 8: Disposal of State-owned Small Arms and Light Weapons

States Parties undertake to identify and adopt effective programmes for the collection, safe-storage, destruction and responsible disposal of small arms and light weapons rendered surplus, redundant or obsolete, in accordance with domestic laws, through, inter alia, peace agreements, demobilisation or (re-)integration of ex-combatants, or re-equipment of armed forces or other armed state bodies. States Parties shall accordingly:

- (a) develop and implement, where they do not exist, national programmes for the identification of surplus, obsolete and seized stocks of small arms and light weapons in possession of the state;
- (b) ensure that small arms and light weapons rendered surplus, redundant or obsolete through the implementation of a peace process, the re-equipment or reorganisation of armed forces and/or other state bodies are securely stored, destroyed or disposed of in a way that prevents them from entering the illicit market or flowing

into regions in conflict or any other destination that is not fully consistent with agreed criteria for restraint.

Article 9: Disposal of Confiscated or Unlicensed Small Arms and Light Weapons

States Parties undertake to:

- (a) adopt within their domestic legal systems, such measures as may be necessary to enable confiscation of small arms and light weapons that have been illicitly manufactured or trafficked;
- (b) maintain and further develop joint and combined operations across the borders of States Parties to locate, seize and destroy caches of small arms and light weapons left over after conflicts and civil wars;
- (c) encourage law enforcement agencies to work with communities to identify small arms and light weapons caches and remove them from society;
- (d) establish an effective mechanism for storing impounded, recovered or unlicensed illicit small arms and light weapons pending the investigations that will release them for destruction.

Article 10: Import, Export, Transfer and Transit of Small Arms and Light Weapons

- (a) Each State Party shall establish and maintain an effective system of export and import licensing or authorisation, as well as of measures on international transit, for the transfer of small arms and light weapons.
- (b) Before issuing export licences or authorisations for shipments of small arms and light weapons, each State Party shall verify:
 - (i) that the importing States have issued import licences or authorisations; and
 - (ii) that, without prejudice to bilateral or multilateral agreements or arrangements favouring landlocked States, the States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit.
- (c) The export and import licence or authorisation and accompanying documentation together shall contain information that, at a minimum, shall include the place and the date of issuance, the date of expiration, the country of export, the country of import, the final recipient, a description and the quantity of the small arms and light weapons and, whenever there is transit, the countries of transit. The information contained in the import licence must be provided in advance to the transit States.
- (d) The importing State Party shall inform the exporting State Party of the receipt of the dispatched shipment of small arms and light weapons.
- (e) Each State Party shall, within available means, take such measures as may be necessary to ensure that licensing or authorisation procedures

are secure and that the authenticity of licensing or authorisation documents can be verified or validated.

- (f) States Parties may adopt simplified procedures for the temporary import and export and the transit of small arms and light weapons for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.

Article 11: Dealers, Brokers and Brokering

State Parties, that have not yet done so, shall establish a national system for regulating dealers and brokers of small arms and light weapons. Such a system of control shall include:

- (i) regulating all manufacturers, dealers, traders, financiers and transporters of small arms and light weapons through licensing;
- (ii) registering all brokers operating within their territory;
- (iii) ensuring that all registered brokers seek and obtain authorisation for each individual transaction taking place;
- (iv) ensuring that all brokering transactions provide full disclosure on import and export licenses or authorisation and accompanying documents of the names and locations of all brokers involved in the transaction; and
- (v) licensing, registering and checking regularly and randomly all independent manufacturers, dealers, traders and brokers.

Article 12: Voluntary Surrender

States Parties shall introduce programmes to encourage:

- (a) small arms and light weapons in lawful civilian possession may be voluntarily surrender their small arms and light weapons for destruction/disposal by the State in accordance with its domestic laws;
- (b) illegal small arms and light weapons holders shall surrender their small arms and light weapons for destruction. In such cases, the State may consider granting immunity from prosecution.

Article 13: Public/Community Education and Awareness Programmes

States Parties undertake to develop local, national and regional public/community education and awareness programmes to enhance the involvement of the public and communities and support for efforts to tackle the proliferation and illicit trafficking of small arms and light weapons, and to encourage responsible ownership and management of small arms and light weapons. These programmes shall:

- (a) Promote a culture of peace;
- (b) Involve, and cooperate with, all sectors of society.

Article 14: Mutual Legal Assistance

- (a) States Parties shall engage in the creation of a mutual legal assistance system in order to cooperate with each other to afford mutual legal

assistance in a concerted effort to eradicate the illicit manufacturing and trafficking of, and control the possession and use of, small arms and light weapons. Mutual legal assistance shall, inter alia, include the following:

- (i) investigation and detection of offences;
 - (ii) obtaining evidence and/or statements;
 - (iii) execution of searches and seizures;
 - (iv) communication of information and transfer of exhibits;
 - (v) inspection of sites or examination of objects and/or documents;
 - (vi) request for judicial documents;
 - (vii) service of judicial documents;
 - (viii) communication of relevant documents and records;
 - (ix) identification or tracing of suspects or proceeds of crime; and
 - (x) application of special investigative techniques, such as forensics, ballistics and fingerprinting.
- (b) States Parties may further agree upon any other form of mutual assistance consistent with their national laws.
 - (c) States Parties shall designate a competent authority which shall have the responsibility and power to execute and monitor requests for mutual legal assistance.
 - (d) Requests for mutual legal assistance shall be made in writing to the competent authority and shall contain:
 - (i) the identity of the authority making the request;
 - (ii) the subject matter and nature of the investigation or prosecution to which the request relates;
 - (iii) the description of the assistance sought;
 - (iv) the purpose for which the evidence, information or action is sought; and
 - (v) all relevant information available to the requesting State Party and which may be of use to the requested State Party.
 - (e) A State Party may seek any such additional information, which might be necessary for the execution of the request in accordance with its national laws.

Article 15: Law Enforcement

- (a) States Parties shall establish appropriate mechanisms for cooperation among law enforcement agencies to promote effective law enforcement including:
 - (i) strengthening regional and continental cooperation among police, customs and border control services to address the illicit proliferation, circulation and trafficking of small arms and light weapons. These efforts should include, but not be limited to, training, the exchange of information to support common action to contain and reduce illicit small arms and light weapons trafficking across borders, and the conclusion of necessary agreements in this regard;
 - (ii) establishing direct communication systems to facilitate free and fast

- flow of information among the law enforcement agencies in the sub-region;
- (iii) establishing multi-disciplinary/specialized law enforcement units for combating the illicit manufacturing of and trafficking in, possession and use of small arms and light weapons;
- (iv) promoting cooperation with international organisations such as the International Criminal Police Organisation (INTERPOL) and the World Customs Organisation (WCO) and to utilise existing data bases such as the Interpol Weapons and Explosives Tracing System (IWETS);
- (v) introducing effective extradition arrangements.

Article 16: Transparency, Information Exchange and Harmonisation

States Parties undertake to:

- (a) establish National Focal Points to, inter alia, facilitate the rapid information exchange to combat cross-border small arms and light weapons trafficking;
- (b) develop and improve transparency in small arms and light weapons accumulations, flows and policies relating to civilian-owned small arms and light weapons, including serious consideration to the development of a sub-regional small arms and light weapons register on civilian possession;
- (c) encourage the exchange of information among law enforcement agencies on criminal groups and their associates, types of small arms and light weapons, sources, supply routes, destinations, methods of transportation and financial support of these groups;
- (d) establish national small arms and light weapons databases so as to facilitate the exchange of information on small arms and light weapons imports, exports and transfers;
- (e) establish systems to verify the validity of documents issued by licensing authorities in the sub-region;
- (f) establish a sub-regional system to facilitate intelligence exchange on small arms and light weapons violations and trafficking;
- (g) establish a sub-regional system to harmonise relevant import, export and transfer documents and end-user certificates.

Article 17: Corruption

States Parties shall institute appropriate and effective measures for cooperation between law enforcement agencies to curb corruption associated with the illicit manufacturing of, trafficking in, illicit possession and use of small arms and light weapons.

Article 18: Institutional Arrangement

- (a) States Parties mandate the Nairobi Secretariat to oversee the implementation of this Protocol.
- (b) In this regard the Nairobi Secretariat shall be responsible for:
 - (i) development and issuance of guidelines and instructions for

the implementation of, monitoring the implementation of, the execution of, and the evaluation of this Protocol, in liaison with law enforcement agencies, and ensuring adherence to the standards set out therein informing Ministers on a regular basis of progress thereof;

- (ii) attending to the difficulties experienced in the application of this Protocol.

Article 19: Settlement of Disputes

Disputes arising out of the interpretation or application of this Protocol, which are not settled amicably, shall be settled in accordance with the principles of public international law.

...

3 Gulf of Guinea Commission

In July 2001, five states in the Gulf of Guinea established the Gulf of Guinea Commission, signing the founding treaty on 3 July 2001 in Libreville, Gabon. The Gulf of Guinea Commission is a joint institutional framework among member states which border the Gulf of Guinea for the promotion and enhancement of common interests related to peace, security, stability, and socio-economic issues. The founding member states were Angola, the Republic of the Congo, Gabon, Nigeria and Sao Tome and Principe. In 2008, Cameroon and the Democratic Republic of the Congo joined the Commission. The Gulf of Guinea Commission is composed of the following organs: the Assembly, the supreme decision-making organ composed of the Heads of State and Government of the member states; the Council of Ministers, composed of the Foreign Affairs Ministers of the member states; the Executive Secretariat; Specialised Committees, as established by the Assembly; and the Ad Hoc Arbitration Commission.

Treaty Establishing the Gulf of Guinea Commission (2001)

Full title: Treaty Establishing the Gulf of Guinea Commission

Date/place of adoption/conclusion: 3 July 2001, Libreville, Gabon

EIF provision: Article 26

Authentic texts: English, French, Portuguese, Spanish

Available online at: <https://bit.ly/3ehImSl>

Excerpts

Preamble

...

Resolved to remove obstacles likely to impede our cooperation, to create and maintain conditions of peace and security among our countries;

...

Convinced in this regard that our common and concerted action is the sure guarantee for a harmonious, rational and peaceful exploitation of our natural resources;

Desirous to harmonise our economic policies, bearing in mind the sovereignty of our States;

...

Anxious to settle our disputes by peaceful means;

...

Conscious of the need to put in place an appropriate dialogue and consultation mechanism for the prevention, management and resolution of conflicts connected to the delimitation of borders, to the economic and commercial exploitation of the natural resources within the territorial boundaries, particularly in the overlapping Exclusive Economic Zones (EEZ) of our States.

Hereby agree as follows:

Article 2: Establishment of the Gulf of Guinea Commission

A Commission, hereinafter referred to as the Gulf of Guinea Commission (GGC) shall be established.

The membership of the Commission shall be sovereign States bordering the Gulf of Guinea and parties to the present Treaty.

The Commission shall constitute a framework of consultation among the countries of the Gulf of Guinea for cooperation and development, as well as for the prevention, management and resolution of conflicts

that may arise from the delimitation of borders and the economic and commercial exploitation of natural resources within the territorial boundaries, particularly in the overlapping Exclusive Economic Zones (EEZ) of our States.

Article 3: Objectives

The objectives of the Commission shall be:

- (a) To strengthen ties of cooperation and solidarity existing among Member States;
- (b) To create conditions of mutual confidence, peace and security conducive to the harmonious development of States;
- ...
- (f) To protect, preserve and improve the natural environment of the Gulf of Guinea and cooperate in the event of natural disaster;
- (g) To formulate a concerted immigration policy and find appropriate solutions to the problem which might arise there from;

Article 4: Principles

In pursuit of the objectives stated above, the High Contracting Parties solemnly reaffirm their firm commitment to respect principles enshrined in the Charters of the United Nations and of the OAU/Constitutive Act of African Union, particularly:

- (a) Sovereign equality of all Member States;
- (b) Non-interference in the internal affairs of Member States;
- (c) Peaceful settlement of disputes;
- (d) Inviolability of borders inherited from colonialism;
- (e) Non-aggression;
- (f) Non-utilisation of the territory of one State for activities directed against the sovereignty and territorial integrity of another Member State.

Article 5: Areas of Cooperation

In pursuit of the objectives stated above, the High Contracting Parties undertake to pool their efforts towards the harmonization of their respective policies in the areas of common interest. To this end, they pledge to identify areas of common interest in the geographical area of the Gulf and map out common policies, particularly in the areas of peace and security, exploitation of hydrocarbons, fishery and mineral resources, the environment, the movement of people and goods, development of communications, promotion of the economic development and integration of the Gulf region.

Article 6: Organs

For the purpose of the Implementation of the above objectives, the following organs shall be established:

- (a) The Assembly of Heads of State and Government;

- (b) The Council of Ministers;
- (c) The Secretariat;
- (d) The Ad Hoc Arbitration Mechanism.

...

Article 20: Settlement of Disputes

Member States shall act collectively to guarantee peace, security and stability as prerequisites to the realization of the objectives set forth in this Treaty. To this end they undertake to settle their disputes amicably. Failing which either party shall refer the matter to the Ad Hoc Arbitration Mechanism of the Treaty or any mechanism for peaceful resolution of conflicts stated by the Charters of the United Nations, the Organisation of African Unity and the African Union.

...

Luanda Declaration on Peace and Security in the Gulf of Guinea Region (2012)

Full title: Luanda Declaration on Peace and Security in the Gulf of Guinea Region

Date/place of adoption/conclusion: 29 November 2012

Authentic texts: English, French, Portuguese, Spanish

Available online at: <https://bit.ly/2ObqGxn>

Excerpts

I. Preamble

Inspired by the will to develop and build on the good neighbourly relations among the Gulf of Guinea States and **resolved** to remove the obstacles that may hamper their cooperation and the maintenance of the conditions of peace and security among them, the Republic of Angola, the Republic of Cameroon, Republic of the Congo, the Democratic Republic of the Congo, the Republic of Gabon, the Republic of Equatorial Guinea, the Federal Republic of Nigeria and the Democratic Republic of São Tomé and Príncipe, signed on 3 July 2001, in Libreville, a Treaty establishing the Gulf of Guinea Commission as a permanent framework for collective action, with a view to ensure peace, security and stability as key conditions for economic development and social progress of its peoples.

Within this framework,

...

1. Considering that under Article 1 of the United Nations Charter, the Organization's main purpose is to maintain world peace and security;
2. Considering that Article 2 of the United Nations Charter provides that Member States shall settle their disputes by peaceful means so as not to endanger international peace and security, as well as justice;
3. Recognizing as valid the concept that states that "peace is more than strict absence of armed conflict" and that peace is related to the suppression of all kinds of violence directly or otherwise, including political, economic, social and cultural.

...

5. Considering the commitments made by African States to peace and security in the region through the Charter of the Organization of African Unity (OAU), reiterated by the Constitutive Act of the African Union (AU), the African Charter on Human and Peoples' Rights and the Protocol on Peace and Security Council of the African Union;

...

7. Convinced that without peace and security, it is not possible the harmonized development of regional states;
8. Concerned over the recurrence of armed conflicts in some states in the Gulf of Guinea Commission region, which endanger peace and security throughout the region and the continent;
9. Convinced that the deterioration of the natural environment of the region can contribute to the degeneration of the conditions of welfare of the people of the region and thus create situations that affect peace and security;
10. Convinced that immigration out of the national standards set by each country can generate conflicts that may affect the environment of peace and security in the region;
11. Concerned with the increasing inclusion of the region, on the route of drug trafficking and transnational organized crime of another kind;
12. Concerned with the increase in frequency and territorial extension of cases of piracy and armed robberies on the coastal seas of the region;
13. Convinced that respect for the territorial integrity, sovereignty, interests and objectives of the regional states is a prerequisite for the establishment, maintenance and development of an environment of peace and security, to facilitate economic and social progress of the region;
14. Convinced of the linkage between the theft of oil resources and

the increase in the number and violent nature of piracy attacks in the region aided by international syndicates that facilitate the sale thereof;

15. Considering the provisions of UNSC Resolutions 2018 (2011) and 2039 (2012);
16. Convinced that building a future of peace and security in the region requires the establishment of relations among member states, based on trust, solidarity, cooperation and integration within the framework of a comprehensive regional vision, as well as the promotion of a culture of peace among its citizens;

II. We urge the States of the Gulf of Guinea, international partners, both States and relevant international organizations, to

17. Support fully, and in all circumstances, the processes leading to the establishment of peace in the region, encourage actions towards deepening these processes and refrain from any attitude that may affect them negatively.

18. Develop concrete actions towards the materialization in the region, the “AU Pact of Non-Aggression and Common Defence”, with the aim of promoting cooperation and non-aggression between states, the common defence, promote peaceful coexistence, prevention of both inter-state and intra-state conflicts and ensure that disputes are resolved through peaceful means, meaning dialogue and negotiations.

19. Promote trust among regional states and between these regional states with those of other regions, through the establishment of policies, measures and mechanisms that strengthen good neighbourly relations and multilateral cooperation, based on the perception of absence of military threat, pressure, political coercion or other acts against the region or any of its members and that could jeopardize the lives of its citizens, the cultural values of the community, as well as its sustained development and the ability to promote the region as an international actor.

20. Initiate and canvass for an international framework against the purchase of stolen crude oil and develop national framework to prosecute and punish perpetrators of these illegal acts;

21. Develop common policies to prevent the proliferation and trafficking of small arms and light weapons and ensure implementation of agreements and other existing mechanisms.

22. Promote the development of concerted migration policies and measures that will encourage legal migration that guarantees the rights of migrants and the security of states.

23. Intensify the fight against cross-border crime and international terrorism, by harmonizing and/or establishing common policies and laws on the subject.

24. Promote a political, economic and social environment in the region,

based on the values of democracy, respect for human rights and good governance, by combating any ideology, policy or practice that promotes racism, ethnicity, or any other form of segregation and/or violence, and to ensure an improved efficiency of judicial services, consolidation of the rule of law and transparency of electoral processes.

25. Promote an effective participation of the civil society in strengthening democracy and good governance of the states in the region, particularly through the promotion of their participation at the local level and the implementation of policies for the development of a free, pluralistic and responsible media.

26. Engage in promoting policies that, apart from strengthening the national unity of States in the region in the context of multiculturalism, develop a culture of peace, dialogue and tolerance between people of the region.

...

30. Observe strictly the norms and principles of International Humanitarian Law and relevant conventions, particularly the Geneva Conventions of 1949 on the protection of civilians in conflict areas.

31. Be open to international cooperation at the global level, with all states and organizations concerned in maintaining and consolidating peace, security, democracy and good governance in the Gulf of Guinea.

32. Work together to develop and implement a comprehensive (long term) strategy for peace, security and development of the Gulf of Guinea region, on both sea and land, by the sub-regional organizations of ECCAS, ECOWAS and GGC, in close collaboration with AU, ZOPACAS and UN.

33. Consider the possibility of establishing a permanent mechanism to monitor and enforce peace and security in the region.

...

Additional Protocol to the Treaty Establishing the Gulf of Guinea Commission (GGC) Relating to the Ad Hoc Arbitration Mechanism (2013)

Full title: Additional Protocol to the Treaty Establishing the Gulf of Guinea Commission (GGC) Relating to the Ad Hoc Arbitration Mechanism

Date/place of adoption/conclusion: July 2013, Malabo, Equatorial Guinea

Available online at: <https://bit.ly/2DpzSMu>

Excerpts

Article 1: General Conditions

1. There is hereby created an ad hoc Arbitration Mechanism within the Gulf of Guinea Commission, in accordance with the provisions of the Treaty, and aimed at ensuring the prevention, management and resolution of conflicts arising from border disputes and the economic exploitation and commercialization of the natural resources of the Member States of the Gulf of Guinea Commission.
2. To this end, the parties shall undertake to settle all disputes amicably. Where this fails, they shall refer the matter to the ad hoc Arbitration Mechanism or any other mechanism for the peaceful resolution of conflicts provided for in the United Nations Charter and the Treaty of the African Union.
3. The Rules of Procedure and any other matters concerning the ad hoc Arbitration Mechanism shall be drawn up by council and approved by the Assembly.
4. The structure created by the Mechanism shall adopt their own Rules of Procedure.

Article 2: Composition

- (a) The Members of the ad hoc Arbitration Mechanism shall be elected by the Heads of State and Government
- (b) Each Member State of the Commission shall have one Representative within the Mechanism
- (c) Members of the Mechanism shall be eminent persons of recognized competence
- (d) Each Member State of the Commission shall be entitled to propose a candidate for membership of the Mechanism e. The Executive Secretary shall draw up a list of candidate proposed by the Member States for the consideration of the Heads of States and Government

Article 3: Duration of Mandate

1. Members of the Mechanism shall be elected for a renewable period of..... years
2. Members of the Mechanism shall retain their positions until the election of new members
3. Outgoing Members shall continue to serve until the conclusion of the process in which they are engaged.

Article 4: Organisation and Functioning

The Mechanism shall comprise a Chairperson and Vice Chairperson, who shall be chosen by the Assembly from among its Member;

The Chairperson and Vice chairperson may not be re-elected to the same positions;

A secretary and other staff shall be recruited by the Mechanism;

Conditions of service of the Secretary and other Staff of the Mechanism shall be laid down by its Rules and Procedure.

...

Article 10: Procedure for Acceptance of the Jurisdiction of the Mechanism

Willingness of one of the Parties to a conflict to accept the jurisdiction of the Mechanism may be indicated in the following manner:

- (a) Through a written understanding signed by the other Part, expressing its readiness to accept recourse to mediation, reconciliation or arbitration
- (b) Through a submission made to the Mechanism by the other Party
- (c) Acceptance of the intervention of the Mechanism by the Party which will have brought the issue under contention before the bodies enumerated in Article 9, paragraph 1 above.

Article 11: Enquiries and Investigations

If, in the process of resolving a conflict, there should be a need to conduct an investigation or enquiry into the facts of the matter, or to clarify certain issues relating to the conflict, the interested Parties and the Member States shall assist in the conduct of the enquiry or investigation.

Member States shall refrain from any act of commission or omission which may aggravate a situation brought before the Mechanism.

Article 12: Modalities for Conflict Resolution

In the event of conflict between Member States, the parties may agree to resolve issues through mediation, conciliation or arbitration.

Article 13: Mediation

When a situation of conflict between member States is brought before the Mechanism for mediation, the Chairperson shall, in collaboration with the interested Parties, set up a special mediation committee comprising three neutral members of the mechanism, who shall serve as mediators in the conflict. The committee may request necessary technical assistance from the Executive Secretariat.

...

Article 15: Conciliation

1. Where one or more Parties to a conflict opt(s) for a settlement by conciliation under the auspices of the mechanism, it/they may present a request to this effect to the Chairperson.

2. If such a request is presented by one of the Parties, it must indicate that prior notification of the fact has been made in writing to the other Party.
3. The request shall indicate the underlying reasons for the conflict.
- ...

Article 18: Arbitration

1. When all parties have agreed to seek arbitration, a panel of Arbitration shall be set up as follows:
 - (a) Each party shall designate an arbiter with legal qualifications from among the Members of the Mechanism
 - (b) The two arbiters shall agree on the choice of a third person from the Members of the Mechanism to preside over the Panel
 - (c) If, by the end of one month the two arbiters have failed to agree on the designation of a Chairperson for the Panel, the choice shall be made by the Bureau of the Gulf of Guinea Commission.
2. The Chairperson of the panel may, in agreement with the Parties, appoint two or more arbiters who may not necessarily be Members of the Mechanism, but who shall have the same powers as the other Members of the Panel.
3. The arbiters not be nationals of a Party State, residents of a Party State, in the employment of a Party State, or already have served as Mediator or Conciliator in the same conflict. The arbiters must all be different nationalities.
- ...

**Declaration on Maritime Safety and Security in the Common
Maritime Domain (Yaoundé Declaration) (2013)**

Full title: Declaration of the Heads of State and Government of Central and West African States on Maritime Safety and Security in the Common Maritime Domain

Date/place of adoption/conclusion: 25 June 2013, Yaoundé, Cameroon

Available online: <https://bit.ly/31YKRXt>

* Adopted by the Joint Summit of the Heads of State and Government of Central and West African States, 24-25 June 2013, Yaoundé, Cameroon.

Excerpts

1. We, the Heads of State and Government of Central and West African States, meeting on June 24-25, 2013 in Yaoundé, Republic of Cameroon, at the Joint Summit on the regional strategy to combat piracy, armed robbery, and other illicit activities committed at sea in the Gulf of Guinea.
 - 1.1. **Considering** the United Nations Security Council Declaration of 30 August 2011 and Resolution 2018 of 31 October 2011 on acts of piracy and armed robbery in the Gulf of Guinea,
 - 1.2. **Recalling** the United Nations Security Council Resolution 2039 of 29 February 2012 which urges the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS) and the Gulf of Guinea Commission (GGC) to work together to develop a regional strategy to fight against piracy, armed robbery, and other illicit activities committed at sea, in collaboration with the African Union (AU),
 - 1.3. **Recognizing** that maritime piracy, armed robbery and other illegal activities at sea have become worrying threats in the maritime area of West and Central Africa and constitute a violation of the International Law of the Sea,
 - 1.4. **Concerned** about the serious threats that transnational organised crime, including trafficking in arms and drugs, human trafficking, piracy and armed robbery at sea, pose to international shipping, security, socio-economic development of coastal countries, as well as international peace and stability,
 - 1.5. **Recognizing** the fact that the economic development of West and Central African countries depends largely on their ability to create wealth through sustainable governance of their maritime areas and implementation of a green economy,
 - 1.6. **Recognizing also** the important role of international Partners in the capacity building of States and Regional Organisations to fight against piracy, armed robbery, and other illegal activities at sea,
 - 1.7. **Reaffirming** their commitment to the sovereignty and territorial integrity of ECCAS and ECOWAS Member States,
 - 1.8. **Recalling** that the provisions of this Declaration apply to the entire maritime area of West and Central Africa,
 - 1.9. **Encouraging** the implementation of a transitional Code of Conduct in view of facilitating the adoption of a binding multilateral agreement aimed at eradicating illegal activities off the coast of West and Central Africa,
 - 1.10. **Acknowledging** the possibility for Member States of ECCAS, ECOWAS and GGC to conclude bilateral binding agreements on maritime safety and security,

- 1.11. **Welcoming** the contribution of representatives of the United Nations, African Union and strategic partners in the fight against piracy, armed robbery, and other illegal activities in the West and Central African maritime area,
- 1.12. **Welcoming also** the contribution of the International Maritime Organisation (IMO) and the Maritime Organisation of West and Central Africa (MOWCA) to ensure cooperation in maritime safety and security,

...

2. Declare to:

- 2.1. **Fully commit** to work for the promotion of peace, security and stability in the West and Central African maritime area through the mobilisation of adequate operational resources both at the institutional level and in terms of logistics;
- 2.2. **Support** the initiative of the African Union to develop and implement a 2050 African integrated maritime strategy (2050 AIM Strategy),
- 2.3. **Request** ECCAS, ECOWAS and GGC to promote activities aimed at cooperation, coordination, pooling together and interoperability of resources between Member States by:
 - (a) Establishing between them an inter-Community framework for cooperation in maritime safety and security;
 - (b) Monitoring the maritime sector by developing joint operational procedures;
 - (c) Facilitating the harmonisation of the legal and institutional frameworks of Member States;
 - (d) Establishing a common mechanism for sharing information and intelligence;
 - (e) Institutionalising a conference on development and maritime security;
 - (f) Putting in place a contribution-based funding mechanism;
- 2.4. **Request also** each Regional Economic Community and the GGC to:
 - (a) Develop and adopt a regional strategy to fight against piracy, armed robbery, and other illegal activities at sea, consistent with the 2050 AIM Strategy,
 - (b) Continue the implementation and operationalization of coordination mechanisms to enable their Member States to effectively take action against all maritime threats,
- 2.5. **Commit** the Member States to:
 - (a) Mutually collect and share information between themselves, with regional coordination mechanisms and the support of strategic partners;
 - (b) Build the capacities of persons responsible for enforcing maritime safety and security laws;
 - (c) Raise awareness on the maritime sector;
 - (d) Develop and implement relevant national laws;
 - (e) Develop national policies on the fight against piracy, armed

- robbery, and other illegal activities at sea;
 - (f) Establish national agencies to coordinate the activities of the State at sea with sufficient powers to carry out their roles,
 - (g) Put in place national mechanisms for financing policies against piracy, armed robbery, and other illegal activities at sea;
 - (h) Oversee the acquisition and maintenance of major maritime equipment in their respective maritime areas;
- 2.6. **Exhort** international strategic partners to support the initiatives relating to the implementation of this regional cooperation,
- 2.7. **Call on** the United Nations' Secretary-General and the President of the AU Commission to support efforts for the mobilisation of the resources required for the implementation of this Declaration,
- ...

Memorandum of Understanding Among ECCAS, ECOWAS and the Gulf of Guinea Commission (GGC) on Maritime Safety and Security in Central and West Africa (2013)

Full title: Memorandum of Understanding Among the Economic Community of Central African States, the Economic Community of West African States and the Gulf of Guinea Commission (GGC) on Maritime Safety and Security in Central and West Africa

Date/place of adoption/conclusion: 25 June 2013, Yaoundé, Cameroon

Available online at: <https://bit.ly/322PQpY>

Excerpts

Preamble

...

Considering that the objective of the ECCAS is to promote and reinforce a harmonious cooperation and a balanced and self-sufficient development in every area of economic and social activity, to increase and to maintain economic stability, to reinforce the close and peaceful relations between member states and to contribute to the progress and the development of Africa,

Considering that the main objective of ECOWAS is to promote cooperation, integration and maintain regional stability in order to establish an economic and monetary union in West Africa,

Considering the provisions of the Protocol establishing the Peace and

Security Council of the African Union (AU) adopted by the first session of the Conference of the AU at Durban on 9 July 2002,

Considering also the provisions of the Memorandum of Understanding on Cooperation in the area of Peace and Security between the AU, Regional Economic Communities and the regional mechanisms adopted on 28 June 2008,

Considering in addition the Luanda Declaration on Peace and Security in the Gulf of Guinea Region of 29 November 2012,

Recalling the relevant provisions of Resolutions 2018 of 31 October 2011 and 2039 of 29 February 2012 of the United Nations (UN) Security Council, calling for the development and implementation of regional, sub-regional and national strategies on maritime safety and security,

Recalling the relevant provisions of the UN Charter and the Constitutive Act of the AU,

Conscious of the fact that piracy, armed robbery and the other illegal activities perpetrated at sea in the maritime area of Central and West Africa, constitute an obstacle to regional integration and the sustainable economic development of their regions,

Taking into account the Declaration of Heads of State and Government of ECCAS, ECOWAS and GGC on maritime safety and security in their common maritime domain signed in Yaounde (Cameroon) on 25 June, 2013,

Recalling the objectives of the 2050 Africa Integrated Maritime Strategy (AIM 2050 Strategy) adopted in Addis-Ababa on 6 December 2012,

Determined to strengthen cooperation and coordination of their activities, with a view to ensuring safety and security in the West and Central Africa maritime area,

Having taken note of the recommendations of the UN Evaluation Mission report on piracy in the Gulf of Guinea dated 24 November, 2011.

Hereby agree as follows:

Chapter I: Definitions, Specific Objectives

Article 2: Objectives

This Memorandum of Understanding is established in order to achieve better cooperation among the regional ECCAS, ECOWAS and GGC maritime centres. The cooperation shall seek to promote synergy through the pooling and interoperability of Community resources.

To this end, it shall have the following specific objectives:

- (a) coordination and implementation of joint activities,
- (b) promotion of close partnership among the Parties,
- (c) regular exchange of information and experience sharing,

- (d) harmonisation of control procedures for ships, port installations sea farers, ship owners and insurers in the area of maritime safety and security,
- (e) harmonisation of laws on piracy and other illegal activities at sea,
- (f) adoption and implementation of a methodology for Automatic Identification of ships (AIS),
- (g) strengthening of cooperation with the International Criminal Police Organisation ICPO-INTERPOL),
- (h) promotion of the fight against crimes at sea.

Chapter II: Principles and Areas of Cooperation

Article 3: Principles

The implementation of this Memorandum shall be guided by the principles of International Law stated below:

- (a) subsidiarity
- (b) complementarity
- (c) equality
- (d) independence
- (e) consensus
- (f) cooperation
- (g) rights-based approach to contractual relations among the Parties

Article 4: Areas of Cooperation

To achieve the specific objectives stated in Article 2 of this Memorandum, the Parties shall cooperate in all areas regarding maritime safety and security, including:

- (a) technical cooperation
- (b) training and capacity budding
- (c) information management and data collection
- (d) mobilisation of resources necessary to achieve the objectives
- (e) coordination of joint activities
- (f) management of sea borders
- (g) any other area of common interest recognised as relevant by the Parties;

Chapter III: Implementation and Monitoring Mechanism

Article 5: Implementation

1. In the implementation of the provisions of this Memorandum, the Parties agree to:
 - (a) hold annual meetings of the Chief Executives of ECCAS, ECOWAS and GGC which shall provide guidance, monitoring and evaluation of regional cooperation,
 - (b) create an inter-regional Coordination Centre (ICC) for the implementation of the regional strategy for maritime safety and security.

2. The structure and functioning of these platforms shall be specified by supplementary texts.

Article 6: Partner Support

The support of all strategic partners at the international, bilateral and multilateral levels, is envisaged in the implementation of this Memorandum.

Chapter IV: Transitional and Final Provisions

Article 7: Amendment, Termination and Withdrawal

- (a) The Memorandum shall be amended by mutual agreement of the Parties
- (b) Any Party may withdraw from this MoU having given a minimum of three-month notice to the other Signatories without prejudice to activities in progress.
- (c) Withdrawal by one of the Parties shall not prevent the implementation of this Memorandum by the remaining Parties in their maritime areas.

Article 8: Dispute Settlement

All disputes arising from the interpretation and/or implementation of this Memorandum shall be settled through diplomatic means.

Article 9: Entry into force

This Memorandum of Understanding shall enter into force from the date of its signature by the Parties. It shall be produced in twelve (12) copies, three (3) copies each in English, French, Portuguese and Spanish languages, all four texts being equally authentic and handed to each Party.

Article 10: Publication

- This Memorandum of Understanding shall be published in the working languages of the Member countries of ECCAS, ECOWAS and GGC member States.
- It shall also be published in the national gazettes of ECCAS, ECOWAS and GGC Member States.

...

Code of Conduct Concerning the Repression of Piracy, Armed Robbery Against Ships and Illicit Maritime Activity in West and Central Africa (2014)

Full title: Code of Conduct Concerning the Repression of Piracy, Armed Robbery Against Ships and Illicit Maritime Activity in West and Central Africa

Date/place of adoption/conclusion: 25 June 2013, Yaoundé, Cameroon

Entered into force (EIF): Article 20

Authentic texts: English, French, Portuguese, Spanish

Available online at: <https://bit.ly/2ZbjJ5x>

* The Code of Conduct was developed by the Economic Community of Central African States, the Economic Community of West African States and the Gulf of Guinea, with the assistance of the International Maritime Organisation.

Excerpts

The Governments of [Angola, Benin, Burkina Faso, Burundi, Cameroon, Cape Verde, the Central African Republic, Chad, Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, the Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone, and Togo] (hereinafter referred to as “the Signatories”),

Considering the relevant provisions of the United Nations Millennium Declaration 55/2, in particular Section II on Peace, Security and Disarmament; Section III on Development and poverty eradication; section IV on Protecting our common environment; and section VII on Meeting the special needs of Africa.

Noting Resolution 2018 (2011) and 2039 (2012) of the United Nations Security Council in relation to piracy and armed robbery in the Gulf of Guinea, which, inter alia, welcomes the intention to convene a summit of Gulf of Guinea Heads of State in order to consider a comprehensive response in the region and encourages the States of the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS), and the Gulf of Guinea Commission (GGC) to develop a comprehensive strategy, including through:

- (a) the development of domestic laws and regulations, where these are not in place, criminalizing piracy and armed robbery at sea;
- (b) the development of a regional framework to counter piracy and armed robbery at sea, including information-sharing and operational coordination mechanisms in the region;

- (c) the development and strengthening of domestic laws and regulations, as appropriate, to implement relevant international agreements addressing the safety and security of navigation, in accordance with international law;

Noting in particular that resolution 2039 (2012) recognizes the urgent need to devise and adopt effective and practical measures to counter piracy and armed robbery at sea in the Gulf of Guinea; emphasizes the importance of building on existing national, regional and extra regional initiatives to enhance maritime safety and security in the Gulf of Guinea; and welcomes the initiatives already taken by States in the region and regional organizations, including ECCAS, ECOWAS, GGC, and the Maritime Organization for West and Central Africa (MOWCA), to enhance maritime safety and security in the Gulf of Guinea,

Noting also that the General Assembly of the United Nations, at its sixth-seventh session, adopted, on 5 December 2012, resolution 67/78 on Oceans and the Law of the Sea which, *inter alia*:

- (a) Notes with concern the continuing problem of transnational organized crime committed at sea, including illicit traffic in narcotic drugs and psychotropic substances, the smuggling of migrants and trafficking in persons, and threats to maritime safety and security, including piracy, armed robbery at sea, smuggling, and terrorist acts against shipping, offshore installations and other maritime interests, and deploring the loss of life and adverse impact on international trade, energy security, and the global economy resulting from such activities,
- (b) Recognizes the crucial role of international cooperation at the global, regional, sub-regional, and bilateral levels in combating, in accordance with international law,
threats to maritime security, including piracy, armed robbery at sea, terrorist acts against shipping, offshore installations and other maritime interests, through bilateral and multilateral instruments and mechanisms aimed at monitoring, preventing and responding to such threats, the enhanced sharing of information among States relevant to the detection, prevention and suppression of such threats, and the prosecution of offenders with due regard to national legislation, and the need to sustainably build capacity which permits the attainment of these objectives,
- (c) Recognizes the importance of enhancing international cooperation at all levels to fight transnational organized criminal activities, including illicit traffic in narcotic drugs and psychotropic substances within the scope of the United Nations instruments against illicit drug trafficking, as well as the smuggling of migrants, and trafficking in persons and illicit trafficking in firearms and criminal activities at sea falling within the scope of the United Nations Convention against Transnational Organized Crime;
- (d) Recognising the importance of enhancing international cooperation

in the fight against piracy oil theft and safety of offshore infrastructures
Recalling that the United Nations General Assembly, in its resolution 67/79 on sustainable fisheries of December 11, 2012 expressed its serious concern that illegal, unreported and unregulated fishing remains one of the greatest threats to fish stocks and marine ecosystems and continues to have serious and major implications for the conservation and management of ocean resources, as well as the food security and the economies of many States, particularly developing States, and renews its call upon States to comply fully with all existing obligations and to combat such fishing and urgently to take all necessary steps to implement the International Plan of Action to Prevent, Deter and Eliminate illegal, Unreported and Unregulated Fishing;

Recalling the decision Assembly/AU/Dec.252(X111) adopted at the 13th Ordinary Session of the Assembly of Heads of States and Governments of the African Union (AU), held in Sirte, Libya, in July 2009, in which the Assembly expressed its serious concern at the mounting insecurity in Africa's maritime domain, strongly condemned all illegal activities therein and welcomed the initiatives undertaken by the Commission to develop a comprehensive and coherent strategy to address Africa's geostrategic maritime challenges and opportunities;

...

Taking into account the Treaty for an Economic Community of West African States (Treaty of Lagos) on 28 May 1975, as amended by the revised ECOWAS Treaty July 1993; and the ECOWAS Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security, done at Lome on 10 December 1999, and in particular its Chapter X on Sub-Regional Security,

Taking also into account the Treaty Establishing the Economic Community of Central African States; and the ECCAS comprehensive joint maritime security architecture to counter piracy in the Central African sub-region, including the December 2009 Protocol on Maritime Cooperation, the establishment of the Regional Centre for Maritime Security in Central Africa (CRESMAC) in Pointe-Noire, Congo, as well as the multinational coordination centres in the region,

Further taking into account the GGC Treaty establishing as one of its organs the Ad Hoc Arbitration Mechanism,

Recalling that the Memorandum of Understanding on the Establishment of a Sub-Regional Integrated Coast Guard Network in West and Central Africa, adopted in Dakar, Senegal on 30 July 2008, signed by fifteen coastal States from West and Central Africa, provided a framework to promote regional maritime cooperation and a stable maritime environment, contribute to the peace, good order and continuing prosperity of the West and Central Africa,

Recalling the Assembly of IMO, at its twenty-sixth regular session, adopted

on 2 December 2009 resolution A.1025(26) on the Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships which amongst others invited Governments to develop, as appropriate, agreements and procedures to facilitate co-operation in applying efficient and effective measures to prevent acts of piracy and armed robbery against ships;

Taking into account the Special measures to enhance maritime security adopted on 12 December 2002 by the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 as amended, including the International Ship and Port Facility Security Code;

Inspired by the Code of Conduct Concerning the Repression of Piracy and Armed Robbery Against Ships in the Western Indian Ocean and the Gulf of Aden (“the Djibouti Code of Conduct”) adopted in Djibouti on 29 January 2009;

Inspired also the United Nations Convention on the Law of the Sea (UNCLOS) on 10th December 1982 in its Article 100 in the fight against piracy armed robberies, and illicit activities at sea;

Recalling that the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988 and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988 (hereinafter referred to as “SUA Treaties”) provide, inter alia, for parties to create criminal offences, establish jurisdiction, and accept delivery or persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation;

Welcoming the initiatives of the United Nations, including the United Nations Regional Offices for West Africa (UNOWA) and Central Africa (UNOCA), United Nations Office on Drugs and Crime, and the United Nations Development Programme, the International Maritime Organization, ECOWAS, ECCAS, GGC, MOWCA, donor States and other relevant international entities to provide training, technical assistance and other forms of capacity building to assist Governments, upon request, to adopt and implement practical measures to apprehend and prosecute those persons engaged in transnational organized crime in the maritime domain, maritime terrorism, and illegal, unreported, and unregulated (IUU) fishing;

Convinced that the following transitional Code of Conduct will promote regional maritime cooperation and a stable maritime environment, contribute to the peace, good order and continuing prosperity of the West and Central Africa;

Have agreed as follows:

Article 1: Definition

For the purposes of this Code of Conduct, the following terms, expressions, and acronyms are understood as specified below unless the context otherwise requires:

1. “**Signatory**” is a State having signed this present Code of Conduct.
2. “**Host Signatory**” is a State having signed this Code of Conduct and that receives the embarked officers of another Signatory State with that State’s authorization.
3. “**Piracy**” consists of any of the following acts:
 - (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
 - (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
 - (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).
4. “**Armed robbery at sea**” consists of any of the following acts:
 - (a) unlawful act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State’s internal waters, archipelagic waters or territorial sea;
 - (b) any act of inciting or of intentionally facilitating an act described in subparagraph (a).
5. “**Transnational organized crime in the maritime domain**” includes but is not limited to any of the following acts when committed at sea:
 - (a) money laundering,
 - (b) illegal arms and drug trafficking,
 - (c) piracy and armed robbery at sea,
 - (d) illegal oil bunkering,
 - (e) crude oil theft,
 - (f) human trafficking,
 - (g) human smuggling,
 - (h) maritime pollution,
 - (i) IUU fishing
 - (j) illegal dumping of toxic waste
 - (k) maritime terrorism and hostage taking
 - (l) vandalisation of offshore oil infrastructure.
6. “**Embarked Officers**” consists of law enforcement officers or other authorized officials embarked on ships or patrol aircraft;
7. “**Pirate ship**” means a vessel effectively controlled by people who intend to use it to commit an act of piracy, or used it to commit such

an act, as long as it remains under the control of such persons;

Article 2: Purpose and Scope

1. Consistent with their available resources and related priorities, their respective national laws and regulations, and applicable rules of international law, the Signatories intend to co-operate to the fullest possible extent in the repression of transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea with a view towards:
 - (a) sharing and reporting relevant information;
 - (b) interdicting ships and/or aircraft suspected of engaging in in transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea;
 - (c) ensuring that persons committing or attempting to commit in transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea are apprehended and prosecuted; and
 - (d) facilitating proper care, treatment, and repatriation of seafarers, fishermen, other shipboard personnel and passengers subjected to transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea, particularly those who have been subjected to violence.
2. The Signatories intend this Code of Conduct to be applicable in relation to transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea in Central and West Africa.
3. The Signatories should carry out their obligations and responsibilities under this Code in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.
4. Operations to suppress transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea in and over the territorial sea of a Signatory are the responsibility of, and subject to the sovereign authority of that Signatory.

Article 3: Guiding Principles

1. The Signatories intend that any measures taken pursuant to this Code of Conduct should be carried out by law enforcement or other authorized officials from warships or military aircraft, or from other ships or aircraft clearly marked and identifiable as being in government service and authorized to that effect.
2. The Signatories recognize that multiple States, including the flag State, State of suspected origin of the perpetrators, the State of nationality of persons on board the ship, and the State of ownership of cargo

may have legitimate interests in cases arising pursuant to Articles 4 and 5. Therefore, the Signatories intend to liaise and co-operate with such States and other stakeholders, and to coordinate such activities with each other to facilitate the rescue, interdiction, investigation, and prosecution.

3. The Signatories intend, to the fullest possible extent, to conduct and support the conduct of investigations in cases of in transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea taking into account the relevant international standards and practices, and, in particular, recommendations adopted by IMO.
4. The Signatories intend to co-operate to the fullest possible extent in medical and decedent affairs arising from operations in furtherance of the repression in transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea.
5. The Signatories intend to ensure that, in seeking the fulfilment of the above objectives, a balance is maintained between the need to enhance maritime security and facilitation of maritime traffic and to avoid any unnecessary delays to international maritime trade in West and Central Africa;

Article 4: Measures at the National Level

1. The Signatories intend to develop and implement, as necessary:
 - (a) Appropriate national maritime security policies to safeguard maritime trade from all forms of unlawful acts;
 - (b) National legislation, practices and procedures, which together provide the security necessary for the safe and secure operation of port facilities and ships at all security levels; and
 - (c) National legislation which ensures effective protection of the marine environment,
2. The Signatories intend to establish, as necessary, a national maritime security committee or other system for co-ordinating the related activities between the departments, agencies, control authorities, and other organizations of the State, port operators, Companies and other entities concerned with, or responsible for the implementation of, compliance with, and enforcement of, measures to enhance maritime security and search and rescue procedures,
3. The Signatories intend to establish, as necessary, a national maritime security plan with related contingency plans (or other system) for harmonizing and co-ordinating the implementation of security measures designed to enhance the security in the international maritime transport sector with those of other modes of transport,
4. The Signatories intend to prosecute, in their domestic courts and in accordance with relevant domestic laws, perpetrators of all forms

- of piracy and unlawful acts against seafarers, ships, port facility personnel and port facilities,
5. The organization and functioning of this national system is exclusively the responsibility of each State, in conformity with applicable laws and regulations.

Article 5: Protection Measures for Ships

The Signatories intend to encourage States, ship owners, and ship operators, where appropriate, to take protective measures against transnational organized crime in the maritime domain, maritime terrorism, and other illegal activities at sea, taking into account the relevant international Conventions, Codes, Standards and Recommended Practices, and guidance adopted by IMO. The Signatories intend to cooperate in the implementation of measures to protect ships.

Article 6: Measures to Repress Piracy

1. Consistent with Article 2, each Signatory to the fullest possible extent intends to co-operate in:
 - (a) arresting, investigating, and prosecuting persons who have committed piracy or are reasonably suspected of committing piracy;
 - (b) seizing pirate ships and/or aircraft and the property on board such ships and/or aircraft; and
 - (c) rescuing ships, persons, and property subject to piracy.
2. Any Signatory may seize a pirate ship beyond the outer limit of any State's territorial sea, and arrest the persons and seize the property on board.
3. Any pursuit of a ship, where there are reasonable grounds to suspect that the ship is engaged in piracy, extending in and over the territorial sea of a Signatory is subject to the authority of that Signatory. No Signatory should pursue such a ship in or over the territory or territorial sea of any coastal State without the permission of that State.
4. Consistent with international law, the courts of the Signatory which carries out a seizure pursuant to paragraph 4 may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ship or property, subject to the rights of third parties acting in good faith.
5. The Signatory which carried out the seizure pursuant to paragraph 4 may, subject to its national laws, and in consultation with other interested entities, waive its primary right to exercise jurisdiction and authorize any other Signatory to enforce its laws against the ship and/or persons on board.
6. Unless otherwise arranged by the affected Signatories, any seizure

made in the territorial sea of a Signatory pursuant to paragraph 5 should be subject to the jurisdiction of that Signatory.

Article 7: Measures to Repress Armed Robbery Against Ships

1. The Signatories intend for operations to suppress armed robbery against ships in the territorial sea and airspace of a Signatory to be subject to the authority of that Signatory, including in the case of hot pursuit from that Signatory's territorial sea or archipelagic waters in accordance with UNCLOS.
2. The Signatories intend for their respective focal points and Centres (as designated pursuant to Article 8) to communicate expeditiously alerts, reports, and information related to armed robbery against ships to other Signatories and interested parties.
- ...

Article 9: Embarked Officers

1. In furtherance of operations contemplated by this Code of Conduct, a Signatory may nominate law enforcement or other authorized officials (hereafter referred to as "the embarked officers") to embark in the patrol ships or aircraft of another Signatory (hereafter referred to as "the host Signatory") as may be authorized by the host Signatory.
2. The embarked officers may be armed in accordance with their national law and policy and the approval of the host Signatory.
3. When embarked, the host Signatory should facilitate communications between the embarked officers and their headquarters, and should provide quarters and messing for the embarked officers aboard the patrol ships or aircraft in a manner consistent with host Signatory personnel of the same rank.
4. Embarked officers may assist the host Signatory and conduct operations from the host Signatory ship or aircraft if expressly requested to do so by the host Signatory, and only in the manner requested. Such request may only be made, agreed to, and acted upon in a manner that is not prohibited by the laws and policies of both Signatories.
5. When duly authorized, embarked officers may:
 - (a) embark on law enforcement vessels of any of the Signatories;
 - (b) enforce the laws of the designating Signatory to suppress transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea in the waters of the designating Signatory, or seaward of its waters in the exercise of the right of hot pursuit or otherwise in accordance with international law;
 - (c) authorize the entry of the law enforcement vessels on which they are embarked into and navigation within the waters of the

- designating Signatory;
- (d) authorize the law enforcement vessels on which they are embarked to conduct patrols in the waters of the designating Signatory;
- (e) authorize law enforcement officials of the vessel on which the embarked officer is embarked to assist in the enforcement of the laws of the designating Signatory to suppress transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea; and
- (f) advise and assist law enforcement officials of the other Signatory in the conduct of boardings of vessels to enforce the laws of the other Signatory to suppress transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea.

...

Article 12: Incident Reporting

1. The Signatories intend to undertake development of uniform reporting criteria in order to ensure that an accurate assessment of the threat of piracy and armed robbery in the West and Central Africa is developed taking into account the recommendations adopted by IMO. The Signatories intend for the Centres to manage the collection and dissemination of this information in their respective geographic areas of responsibility.
2. Consistent with its laws and policies, a Signatory conducting a boarding, investigation, prosecution, or judicial proceeding pursuant to this Code of Conduct should promptly notify the results thereof to any affected flag and coastal States and the Secretary-General of the International Maritime Organization [the Secretary General of ECCAS, the President of the ECOWAS Commission, and the GGC Executive Secretary].
3. The Signatories intend for the Centres to:
 - (a) collect, collate and analyse the information transmitted by the Signatories concerning piracy and armed robbery against ships, including other relevant information relating to individuals and transnational organized criminal groups committing transnational organized crime in the maritime domain, maritime terrorism, IUU fishing or other illegal activities at sea in their respective geographical areas of responsibility; and
 - (b) prepare statistics and reports on the basis of the information gathered and analyzed under subparagraph (a), and to disseminate them to the Signatories, the shipping community, and the Secretary-General of the International Maritime Organization [the Secretary General of ECCAS, the President of the ECOWAS Commission, and the GGC Executive Secretary].

Article 13: Assistance Among Signatories

1. A Signatory may request any other Signatory, through the Centres or

directly, to co-operate in detecting:

- (a) persons who have committed, or are reasonably suspected of committing, transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea;
 - (b) pirate ships, where there are reasonable grounds to suspect that those ships are engaged in piracy;
 - (c) other ships or aircraft, where there are reasonable grounds to suspect that those ships or aircraft are engaged in transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, or other illegal activities at sea and
 - (d) ships or persons who have been subjected to piracy or armed robbery against ships.
2. A Signatory may also request any other Signatory, through the Centres or directly, to take effective measures in response to reported transnational organized crime in the maritime domain, maritime terrorism, IUU fishing or other illegal activities at sea.
 3. Co-operative arrangements such as joint exercises or other forms of co-operation, as appropriate, may be undertaken as determined by the Signatories concerned.
 4. Capacity building co-operation may include technical assistance such as educational and training programmes to share experiences and best practices.

Article 14: Training and Education

1. The Signatories intend to co-operate on the development and promotion of training and educational programs for the management of the marine environment, particularly for the maintenance of safety and law and order at sea, the preservation and protection of the marine environment, and the prevention, reduction and control of marine pollution. Such cooperation might include:
 - (a) the offer of places on national training courses to other States, subject to payment of relevant costs;
 - (b) sharing curriculum and course information;
 - (c) the exchange of naval and law enforcement personnel, scientists and other experts;
 - (d) the exchange of views on maritime issues;
 - (e) holding conferences, seminars, workshops and symposia on maritime subjects of common interest; and
 - (f) fostering cooperation among maritime training institutions and research centres.
 - (g) the offer of places on national training courses to other States, subject to payment of relevant costs and training provided by the International Seabed Authority;
2. Signatories are invited to institute regular meetings to enhance cooperation and coordination in their maritime enforcement activities.

Article 15: Indictment, Prosecution and Conviction

Signatories are encouraged to incorporate in national legislation, transnational crimes in the maritime domain, as defined in Article 1 (3) of this Code of Conduct, in order to ensure effective indictment, prosecution and conviction in the territory of the Signatories. Signatories are encouraged to develop adequate guidelines for the exercise of jurisdiction, conduct of investigations and prosecution of alleged offenders.

Article 16: Dispute Settlement

The Signatories intend to settle by consultation and peaceful means amongst each other any disputes that arise from the implementation of this Code of Conduct.

Article 17: Consultations

Within three (3) years of the effective date of this Code of Conduct the Signatories intend to consult, at the invitation of the Inter-Regional Coordination Centre to

- (a) Eventually transform this Code of Conduct into a binding multi-lateral agreement.
- (b) Assess the implementation of this Code of Conduct
- (c) Share information and experiences and best practices
- (d) Review activities which National Maritime Security Centres have carried out and recommend actions to be taken thereafter
- (e) Review all other issues concerning Maritime Security in the Gulf of Guinea

...

Article 19: Miscellaneous Provisions

Nothing in this Code of Conduct is intended to:

- (a) create or establish a binding agreement, except as noted in Article [13];
- (b) affect in any way the rules of international law pertaining to the competence of States to exercise investigative or enforcement jurisdiction on board ships not flying their flag;
- (c) affect the immunities of warships and other government ships operated for non-commercial purposes;
- (d) apply to or limit boarding of ships conducted by any Signatory in accordance with international law, beyond the outer limit of any State's territorial sea, including boardings based upon the right of visit, the rendering of assistance to persons, ships and property in distress or peril, or an authorization from the flag State to take law enforcement or other action;
- (e) preclude the Signatories from otherwise agreeing on operations or other forms of co-operation to repress piracy and armed robbery against ships;
- (f) prevent the Signatories from taking additional measures to repress

- piracy and armed robbery at sea through appropriate actions in their land territory;
- (g) supersede any bilateral or multilateral agreement or other co-operative mechanism concluded by the Signatories to repress piracy and armed robbery against ships;
 - (h) alter the rights and privileges due to any individual in any legal proceeding;

Article 20: Signature and Entry into Force

1. This Code of Conduct is open for signatures by Signatories in Yaoundé and at the Headquarters of the ECCAS, ECOWAS and GGC with one copy at IMO, AU, ECCAS, ECOWAS and GGC.
 2. This Code of Conduct shall enter into force upon date of signature by two or more Signatories
 3. It becomes effective for subsequent Signatories upon their respective date of deposit of a signature instrument at the ECCAS, ECOWAS and GGC.
- ...

4 The Economic and Monetary Community of Central Africa

In 1964, the signing of the Brazzaville Treaty established the Customs and Economic Union of Central Africa (*Union Douanière et Économique de l'Afrique Centrale (UDEAC)*). The signatory states to the Brazzaville Treaty were Cameroon, the Central African Republic, Chad, the Republic of Congo and Gabon and it entered into force in 1966. In an attempt towards regional integration of the greater region, member states established CEMAC in 1994, which eventually superseded UDEAC in 1999 when its founding treaty entered into force.

FOMUC (Multinational Force in the Central African Republic)

On 2 October 2002 at a Summit in Libreville, CEMAC authorised the deployment of the Multinational Force in the Central African Republic (FOMUC). The deployment was composed of troops from Chad, the Republic of the Congo and Gabon and was initially an observer mission. Its mandate was later expanded to include monitoring security in Bangui and along the Central African Republic's border with Chad. FOMUC's deployment was in 2005 acknowledged and supported by the United Nations Security Council before it was succeeded in 2008 by the Mission

of Consolidation of Peace in CAR (MICOPAX), a specified mission established by the Economic Community of Central African States (ECCAS).

Member States

Cameroon

Central African Republic

Republic of the Congo

Gabon

Equatorial Guinea

Chad

Treaty establishing CEMAC (1994/1999)

Full title: Treaty establishing the Economic and Monetary Community of Central Africa (French: Traité instituant la Communauté Economique et Monétaire de l'Afrique Centrale)

Date/place of adoption/conclusion: 16 March 1994, Ndjamen, Chad

Entered into force (EIF): June 1999

EIF provision: Article 7

Authentic texts: English, French, Spanish

Available online at: <https://bit.ly/3iJi7I4>

Revised CEMAC Treaty (2009)

Full title: Revised Treaty of the Economic and Monetary Community of Central Africa/ French: Traite Révisé de la Communauté Economique et Monétaire de l'Afrique Centrale (C.E.M.A.C.)

Date/place of adoption/conclusion: 30 January 2009, Libreville, Gabon

EIF provision: Article 65

Authentic texts: Arabic, English, French, Spanish

Available online at: <https://bit.ly/31UV3QK>

Non-Aggression, Solidarity and Mutual Assistance Pact between CEMAC Member States (2004)

Full title: Non-Aggression, Solidarity and Mutual Assistance Pact between CEMAC Member States (French: Pacte de non agression, de solidarite et d'assistance mutuelle entre les Etats Membres de la CEMAC)

Date/place of adoption/conclusion: 28 January 2004

EIF provision: Article 11

Available online at: <https://bit.ly/2CerDCh>

Additional Act of the Heads of State and Government adjusting the Mandate of the Multinational Force of CEMAC (FOMUC) (2006)

Full title: Additional Act No: 07/06-CEMAC-168-CCE-SE adjusting the mandate of the Multinational Force of CEMAC (FOMUC) (French: Acte Additionnel n°: 07/06-CEMAC-168-CCE-SE Portant aménagement du Mandat de la Force Multinationale de la CEMAC (FOMUC))

Date/place of adoption/conclusion: 26 June 2006, Libreville, Gabon

Available online at: <https://bit.ly/2ZQfpYB>

5 The Eastern Africa Standby Force

The EASF is one of five regional forces under the African Union's Peace Support Operations of the Africa Standby Force. The other Standby Forces include: Northern Standby Brigade; Western Africa Standby Brigade; Central African Standby Brigade; and Southern Africa Standby Brigade. Established in 2014, EASF was previously known as the Eastern African Standby Brigade and is currently composed of ten member states. Unlike other Standby Brigades/Forces, the EASF is not attached to a specific regional economic community but operates independently under the direction of the EASF Secretariat. The AU's Peace and Security Architecture labels the EASF as a Regional Mechanism. The EASF includes three 'organs' – the Assembly of the EASF Heads of State and Government, the EASF Council of Ministers of Defence and Security, and the Committee of Chiefs of Defence Staff. Additionally, the EASF includes the Secretariat (based in Nairobi, Kenya), and a Logistical Base and EASF headquarters (based in Addis Ababa, Ethiopia).

The EASF is composed of civilian and military contingents from its respective member states and mandated among others under the Protocol Relating to the Establishment of the Peace and Security Council of the African Union. Its mandate includes: observation and monitoring missions; peace support mission; intervention into a member state in respect of grave circumstances in accordance with Article 4(h) to restore peace and security, or upon the request of a member state under Article 4(j) of the Constitutive Act of the Africa Union; deployments to prevent the escalation of disputes or conflicts, prevent the spread of ongoing conflicts, or prevent any resurgence of violence subsequent to the conclusion of

peace agreements; peace-building and post-conflict disarmament and demobilisation; humanitarian assistance missions; and any other function designated to it by the Assembly or the Peace and Security Council.

Member States

Burundi
The Comoros
Djibouti
Ethiopia
Kenya
Rwanda
Seychelles
Somalia
Sudan
Uganda

Policy Framework for the Establishment of the Eastern Africa Standby Brigade (EASBRIG) (2005)

Full title: Policy Framework for the Establishment of the Eastern Africa Standby Brigade (EASBRIG)

Date/place of adoption/conclusion: 11 April 2005, Addis Ababa, Ethiopia

* Adopted at the First EASBRIG Assembly of Heads of State and Government, 11 April 2005, Addis Ababa, Ethiopia.

** Subsequently succeeded/complimented by the Memorandum of Understanding Establishing the Eastern Africa Standby Force (29 January 2011), and the Agreement on the Establishment of the Eastern Africa Standby Force (EASF) (26 June 2014) (see below).

Excerpts

Introduction

1. Pursuant to the provision of article 4 of the Constitutive Act of the African Union and the Protocol for the establishment of the Peace and Security Council (PSC), adopted by the Heads of State and Government at the Meeting held in July 2002, in Durban, South Africa, relating to the maintenance of peace and security in Africa,

- consistent with Chapter VIII of the Charter of the United Nations and;
2. Consistent with the Protocol adopted by the Summit of the African Union, held between 6 and 8 July, 2004, in Addis Ababa, Ethiopia, relating to the establishment of the African Standby Force (ASF) and;
 3. Following the Decision of the Summit of the African Union held between 6 and 8 July 2004, in Addis Ababa, Ethiopia, obligating the establishment of the Eastern Africa Standby Brigade (EASBRIG), a Policy Framework for the establishment of the Brigade HQ (BRIG HQ), the Planning Element (PLANELM) and Logistics base, is hereby formulated.

4. Establishment of EASBRIG

There shall be an Eastern Africa Standby Brigade (EASBRIG) composed of countries in the region namely Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Mauritius, Rwanda, Seychelles, Somalia, Sudan, Tanzania and Uganda.

5. Decision making structure

The decision making structure of the EASBRIG shall be composed as follows:

- (a) The Assembly of Heads of State and Government;
- (b) The Council of Ministers of Defence and Security; and
- (c) The Committee of Chiefs of Defence Staff.

6. The Chair, the Vice Chair and the Rapporteur

- (a) The Chair of the EASBRIG of all three structures shall be held by one Member State on a one-year rotational basis. The Chairing country will co-ordinate with IGAD on all matters affecting the EASBRIG, in the interim period;
- (b) The Vice Chair: There shall be a Vice Chair of all three structures of the EASBRIG, to be held on a one year rotational basis;
- (c) The Rapporteur: The Rapporteur shall be the outgoing Chair.

7. The EASBRIG structures

The EASBRIG shall be composed of the Standby Brigade HQs, the Planning Element (PLANELM) and the Logistic Base.

8. Standby Brigade HQ

The arrangements for the Standby Brigade HQ shall be:

- (a) A Standby Brigade HQ shall be established and located as a separate entity from the PLANELM;
- (b) The Brigade HQ shall be located in Ethiopia;
- (c) The head of the Brigade HQ shall be a military officer of the rank of a Brigadier or equivalent;

- (d) Each Member State shall second officers to the Brigade Headquarters for a period of one year. A mechanism for staggering the rotations shall be worked out, in order to ensure continuity;
- (e) The country hosting the HQ shall appoint the Commander of the Brigade in the first year. Subsequently, the appointment of the commander shall be on a rotational basis (alphabetical order of Member States);
- (f) When nominating a commander for appointment by the Council, the Chiefs of Defense shall consider the appropriateness of the offer;
- (g) Where the AU mandates a deployment the PSC shall appoint the commander;
- (h) The host nation shall offer to the EASBRIG HQ physical facilities, such as office buildings, furniture, fittings and other facilities that may be required for the smooth functioning for the Brigade HQ.

9. The PLANELM

There shall be a Planning Element (PLANELM) of the Brigade.

- (a) A PLANELM shall be established and located in Kenya;
- (b) The host nation shall offer free physical facilities, such as office buildings, furniture, fittings and other facilities, that may be required for the smooth functioning of the PLANELM;
- (c) The head of PLANELM shall be a Chief of Staff, a military officer of the military rank of Colonel, or equivalent;
- (d) The Chief of Staff in the first year shall be appointed from the country hosting the PLANELM. Thereafter, the Chief of Staff should be appointed on a rotational basis (alphabetical order of Member States);
- (e) Each Member State of the EASBRIG shall second officers to the PLANELM for a minimum period of one year. A mechanism for staggering the rotations shall be worked out, in order to ensure continuity.

10. Logistic base

In consideration of the need for effective command and control of the regional logistic resources, in support of the EASBRIG deployments, the EASBRIG Logistic Base shall be co-located with the standby Brigade HQ.

- (a) The EASBRIG Logistic Base shall be located in Ethiopia, with outposts in Member States as and when required;
- (b) The head of the Logistic Base shall be a military officer of the rank of Colonel or equivalent;
- (c) Positions at the Logistic Base shall be held on rotational basis.

11. Staffing and remuneration

- (a) Officers and professional civilians who shall man specific positions in the Brigade HQ, the PLANELM and the Log Base shall be contributed by Member States, who shall continue to pay their

salaries. As for mission allowances the said staff shall be covered by the EASBRIG;

- (b) The Non Commissioned Officers (NCOs), employed in the three Organs of the EASBRIG, shall be contributed and remunerated by the host nations;
- (c) The civilian support staff employed in the three Organs of the EASBRIG shall be employed and paid by the EASBRIG;
- (d) All other allowances such as medical, insurance, travel and out of station duty allowance for all staff working at the EASBRIG shall be met by the EASBRIG.

12. Hosting agreements

Hosting agreements shall be concluded between the EASBRIG coordinating body and the host Nations, for the Brigade HQ, PLANELM and Logistic Base, regarding the status of the facilities and their legal and administrative aspects.

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14. Interim coordination of the EASBRIG

IGAD shall play an interim coordination role:

- (a) Co-ordinate all activities of the EASBRIG;
- (b) Call meetings of the Council of Ministers of Defence and Security for EASBRIG;
- (c) Calling the meetings of the Assembly of Heads of States;
- (d) Undertake fundraising in conjunction with other RECs, the AU and the UN to support the work of the EASBRIG;
- (e) Provide/share information to facilitate planning for the EASBRIG;
- (f) Establish an EASBRIG Fund, to which all funds and resources offered by the International Community and partners will be deposited.

15. Mandate

All the EASBRIG missions shall be mandated by the Peace and Security Council (PSC) of the African Union (AU).

16. Mission scenarios

The EASBRIG shall adopt the following the following mission scenarios:

- (a) Scenario 1: AU/Regional military advice to a political mission, e.g., in Cote d'Ivoire;
- (b) Scenario 2: AU/Regional observer mission co-deployed with a UN Mission, e.g., the OAU/AU Liaison Mission in Ethiopia-Eritrea (OLMEE) or the Verification Monitoring Team (VMT) in the Sudan;
- (c) Scenario 3: Stand-alone AU/Regional observer mission, e.g., the AU Mission in Burundi (AMIB) or the AU Mission in the Comoros (AMIC);
- (d) Scenario 4: AU/Regional peacekeeping force for Chapter VI and

- preventive deployment missions (and peacebuilding), e.g., the AU Mission in Burundi (AMIB);
- (e) Scenario 5: AU peacekeeping force for complex multidimensional peacekeeping missions, including those involving low-level spoilers;
 - (f) Scenario 6: AU intervention, e.g., in genocide situations where the international community does not act promptly.
17. The EASBRIG shall conform to the two-phased approach recommended by the African Chiefs of Defence Staff and Ministers of Defence and Security.
 - (a) Phase One. (Up to the year 2005) the AU's key objective is to establish a strategic level management capacity, while RECs would complement the AU by establishing regional forces up to a brigade;
 - (b) Phase Two. It is envisaged that by the Year 2010 AU shall develop capacity to manage complex peacekeeping operations, while the RECs continue to develop the capacity to deploy a mission HQ for Scenario 4, involving AU/Regional peacekeeping forces.
 18. In Phase One (up to June 2005) the priority shall be on the military and police aspects of EASBRIG since UN humanitarian, development and human rights elements, which do not require UN Security Council mandate, could deploy in tandem with EASBRIG and other ASF missions.
 19. Scenarios 1–3 entail less complex structures, minimal management effort and lesser resources for deployment and sustainment. In contrast, Scenarios 5–6 entail enormous management effort, as well as considerable resources for deployment and sustainment of missions, that may only be attained during Phase 2 of the establishment of the ASF (up to June 2010). Between these 2 extremes, Scenario 4 appears to be the type of mission and structure for which all regional brigades, including the EASBRIG, are likely to be involved in normally and in the foreseeable future. In line with the guidelines received from the various AU meetings, the efforts of the Eastern Africa region should therefore aim at establishing an EASBRIG for Chapter VI peacekeeping operations and preventive deployment, as well as peace-building missions along the lines of AMIB. (The relevant structure is at Annex D–3 of the Framework Policy, Part II 'Annexes' adopted by the 3rd ACDS Meeting, May 2003).

20. The EASBRIG force structure

Based on continental view in favour of moving towards standardised regional standby brigades optimised for scenario 4 as opposed to specific structures for each of the ASF structures, the EACDS concurred with the basic force requirements as set out by the AU. In doing so the EACDS recognised that the tables as set out below are largely derived from the UN tables for reimbursement purposes and that the AU would probably utilise

the same standardised system.

- (a) Brigade (Mission Level) HQ Support Unit of up to 65 personnel and 16 vehicles;
 - (b) HQ Company and Support Unit of up to 120 personnel;
 - (c) 4 x Light Infantry Battalions, each composed of up to 750 personnel and 70 vehicles. Note: The EACDS decided that EASBRIG aim to establish 3 x Light Infantry Battalions and one Mechanised Battalion;
 - (d) Engineer Unit of up to 505 personnel;
 - (e) Light Signals Unit of up to 135 personnel;
 - (f) Reconnaissance Company (Wheeled) of up to 150 personnel;
 - (g) Helicopter Unit of up to 80 personnel, 10 vehicles and 4 helicopters;
 - (h) Military Police Unit of up to 48 personnel and 17 vehicles;
 - (i) Light Multi-Role Logistical Unit of up to 190 personnel and 40 vehicles;
 - (j) Level 2 Medical Unit of up to 35 personnel and 10 vehicles;
 - (k) Military Observer Group of up to 120 officers;
 - (l) Civilian Support Group consisting of logistical, administration and budget components.
21. The TOE's of EASBRIG shall conform to the standards set by the AU for the development of Tables of Organisation and Equipment.
 22. The EACDS decided that when the PLANELM finalises the TOE of the EASBRIG, it should also include:
 - (a) Sealift capabilities given the extended coastline of the Eastern Africa region;
 - (b) Additional fire-support capabilities in case of scenario's 5 and 6.
 23. The PLANELM in conjunction with the brigade HQ shall deal with shortfalls on an on going basis through the planning exercises and / or verification visits. In doing so the brigade HQ and the PLANELM will have to ensure that the contributions include and retain a pool of units on standby in Member States that are supported by appropriate administrative, logistics and training infrastructures, to ensure the EASBRIG Member states provide for redundancy against rotations and multiple commitments. Thereafter the PLANELM, shall be responsible for ongoing rectification of shortfalls. The Regional PLANELM therefore constitutes a permanent and separate structure, responsible for force preparation of EASBRIG. The Staff of the PLANELM may deploy in – theatre and /or at the real headquarters, or be divided between the two locations and determined by the Brigade Commander.

24. Tables of Organisations and Equipment

The EASBRIG national contingents shall continue to use their respective national TOEs, pending the development of standardised regional TOEs that are consistent with those of the AU and the UN.

25. Centres of Excellence

There shall be Centres of Excellence in the Eastern Africa Region, with the capacity to train the three levels for peace support operations: Tactical, Operational and Strategic.

26. Standardisation of Doctrine and SOPs

The EASBRIG's doctrine shall be consistent with the doctrine, procedures and standards of the UN. Furthermore, the training curriculum shall include the African Charter on Human and Peoples Rights (ACHPR), the International Humanitarian Law (IHL), the Human Rights Law (HRL) and the Refugee Law (RL), as well as the UN code of conduct for peacekeepers.

In conformity with the guidelines from the AU, the EASBRIG shall adopt the relevant UN doctrine for PSO. In this respect, the Eastern African PLANELM shall not only start the development of appropriate SOPs for EASBRIG, given requisite resources and expertise, it shall in addition start the development of appropriate doctrine for the operational and tactical employment of the Brigade.

The development of such a document shall enable the region to tap regional expertise and resources for a contribution towards the work of the joint work group to be established by the AU and the RECs. It is not necessary for the PLANELM to aim at the development of a document covering the whole spectrum of operational and tactical employment of the EASBRIG; it shall develop appropriate sections of the document for submission to the AU Commission to facilitate the harmonisation of the ASF doctrine.

27. The EASBRIG fund, budget and financial contribution

The following guidelines shall apply:

- (a) An EASBRIG Fund shall be established;
- (b) Member States of the EASBRIG shall meet the cost of equipment and running the EASBRIG;
- (c) The Council shall examine and approve an annual budget of the EASBRIG;
- (d) Member States shall contribute towards the annual budget of the EASBRIG in accordance with the AU formula for assessed contribution;
- (e) IGAD, in conjunction with the AU, the UN, and other RECs, shall undertake resource mobilisation from Member States, Donors, and Partners for the EASBRIG;
- (f) Member States shall themselves make contributions to the fund, in order to make it possible for essential activities to start off towards the establishment of the EASBRIG;
- (g) The EASBRIG as part of the ASF shall therefore benefit from the African Peace Facility.

28. External initiatives

The Eastern Africa Member States shall as much as possible, undertake the establishment of the EASBRIG with their own resources. The AU shall co-ordinate all external initiatives to build African peacekeeping capacity and that the Eastern Africa Region shall devise a central and common approach to external initiatives.

29. Legal framework

The EASBRIG shall operate on the basis of a Memorandum of Understanding (MOU). The MOU shall outline the mode of establishment and management of the Brigade. It shall also outline the principles, which guide the Brigade and the other Organs of EASBRIG.

...

Agreement on the Establishment of the Eastern Africa Standby Force (EASF) (2014)

Full title: Agreement on the Establishment of the Eastern Africa Standby Force (EASF)

Date/place of adoption/conclusion: 26 June 2014, Malabo, Equatorial Guinea

EIF provision: Article 23

Authentic texts: Arabic, English, French

Available at: <https://bit.ly/3gJIn34>

* Replaced the 'Memorandum of Understanding Establishing the Eastern Africa Standby Force' (29 January 2011).

** Endorsed by the Seventeenth Ordinary Session of the Council of Ministers of Defence and Security of the Eastern Africa Region (22 August 2014, Kigali, Rwanda).

Excerpts

We, the Member States of the Eastern Africa Region;

...

Recalling the principles and objectives enshrined in the Constitutive Act of the African Union and the Protocol Establishing the Peace and Security Council of the African Union;

Inspired by the commitment of the Member States to act collectively to preserve peace, security and stability, as essential prerequisites for economic development and social progress in the region;

Recalling that Chapter VIII of the United Nations Charter recognized the role of regional arrangements in dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action;

Reaffirming the primary responsibility of the United Nations Security Council in the maintenance of international peace and security, and the role of the Peace and Security Council of the African Union as a standing decision-making organ for the prevention, management and resolution of conflicts, and a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa.

Determined to respond in a timely manner to conflicts in Africa particularly in Eastern Africa region;

Recognizing and **re-affirming** the principles of peaceful settlement of disputes and conflicts, respect for sovereignty, sovereign equality, territorial integrity, good neighborliness, interdependence, non-aggression and non-interference in the internal affairs of other States, and respect for boundaries inherited at independence;

Convinced that the development of strong democratic institutions and culture, observance of human rights and the rule of law, as well as the implementation of post-conflict recovery programmes and sustainable development policies, are essential for the prevention of conflicts for the promotion of collective security, durable peace and security;

Desirous of establishing an operational structure for the effective implementation of the decision taken to pursue the objectives of promoting regional peace, security and stability and to create a mechanism for the prevention, management and resolution of inter-and intra-state conflicts;

Committed to act collectively to preserve peace, security and stability in the Eastern African region, to enhance regional co-operation and to eliminate all forms of threat thereto;

Desirous of establishing an effective mechanism of consultation and cooperation for the peaceful settlement of disputes in accordance with commitments of Member States in the Protocol Relating to the Establishment of the Peace and Security Council of the African Union; Cognizant of the decision adopted by the 3rd Ordinary Session of the African Union Heads of State and Government in Addis Ababa, Ethiopia, Doc. EX.CL/110(V) regarding the establishment of the African Standby Force and the Military Staff Committee;

Have Agreed as Follows:

Article 1: Definitions

In this Agreement, unless the context otherwise requires:

- (a) “African Standby Force” means the Force established under Article 2 of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union;
- (b) “Assembly” means the Assembly of Heads of State and Government party to this Agreement as established under Article 6(1)(a) of this Agreement;
- (c) “Chairperson of the Assembly” means the Chairperson of the Assembly of Heads of State and Government of the EASF;
- (d) “Chairperson of the Council” means the Chairperson of the Council of Ministers of Defence and Security of the EASF;
- (e) “Committee of Chiefs of Defence Staff” or “EACDS” means the Eastern Africa Committee of Chiefs of Defence Staff of States party to this Agreement as established under Article 6(1)(c) of this Agreement;
- (f) “Council” means the Council of the Ministers of Defence and Security of Member States party to this Agreement as established under Article 6(1)(b) of this Agreement;
- (g) “Director” shall mean the Director of the EASF Secretariat;
- (h) “Easter Africa Standby Force” or “EASF” means the intergovernmental regional organization established with membership of countries in the Eastern Africa Region for promotion of peace, security and stability in the Region;
- (i) “Logistics Base” means the central logistics base for the EASF;
- (j) “Member State” means a country in the Eastern Africa Region party to this Agreement;
- (k) “Peace and Security Council” means the Council established by Article 5(2) of the Constitutive Act establishing the African Union;
- (l) “PLANELM” means the Planning Element of the EASF which contains the Military, Civilian and Police Components
- (m) “Regional Mechanism” means mechanisms as envisaged under Article 16 of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union;
- (n) “Secretariat” means the Secretariat of the EASF as established under Article 10 of this Agreement; and
- (o) “Standby Force Headquarters” means the command headquarters of the EASF for force preparation and operational command.

Article 2: Establishment and Legal Status

1. The Eastern Africa Standby Force, as part of the African peace and security architecture, is hereby established as a regional mechanism for conflict prevention, management and resolution in the Eastern Africa Region.
2. The EASF shall have international legal personality to perform any of the functions conferred upon it by this Agreement. In particular, it shall have the capacity to enter into contract, to acquire and dispose

- of property, and to institute legal proceedings in its own name.
3. The EASF shall, in the exercise of its legal personality, be represented by the Director of the Secretariat.

Article 3: Objective

The objective of the EASF is to carry out in a timely manner the functions of maintenance of peace, security and stability, as authorized by the EASF Assembly and mandated by the Peace and Security Council of the African Union.

Article 4: Principles

1. The EASF shall be guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the Constitutive Act of the African Union, the African Charter on Human and Peoples' Rights, the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, and other regional and international legal instruments.
2. Ownership and management of the EASF belongs to the Member States without prejudice to their responsibilities and sovereignty.

Article 5: Functions

The EASF shall perform the functions of conflict prevention, management and resolution in the context of the African Peace and Security Architecture.

Article 6: Policy Organs of the EASF

1. The Policy Organs of the EASF shall be:
 - (a) The Assembly of Heads of State and Government;
 - (b) The Council of Ministers of Defence and Security; and
 - (c) The Committee of Chiefs of Defence Staff.
2. The Assembly may establish other Organs as deemed necessary.

Article 7: The Assembly of Heads of State and Government

1. The Assembly shall be composed of the Heads of State and Government of Member States party to this Agreement.
2. The Assembly shall be the supreme authority of the EASF.
3. The Assembly shall perform the following functions:
 - (a) Formulate policy, and direct and control the functioning of EASF;
 - (b) Consider requests for Membership of the EASF;
 - (c) Establish any organ of the EASF;
 - (d) Authorize the deployment of EASF in accordance with the Constitutive Act of the African Union and the Protocol Establishing the Peace and Security Council of the Africa Union;
 - (e) Appoint the Head of Mission, the Force Commander, the Head of Civilian Component and the Police Commissioner of a mission upon recommendation of the Council for stand-alone missions

within the Eastern Africa region.

4. The Assembly may delegate some of its functions to the Council of Ministers as deemed necessary.
5. The Assembly shall meet at least once a year and at any time upon the request of any Member State and upon the agreement of the majority of the Member States. The Assembly shall adopt its own Rules of Procedure.

Article 8: The Council of Ministers of Defence and Security

1. The Council shall be comprised of the Ministers of Defence and Security of EASF Member States that are party to this Agreement.
2. The Council shall perform the following functions:
 - (a) Appoint the Director, heads of department, and heads of Structure of the EASF;
 - (b) Manage all aspects relating to the EASF as set out in this Agreement and as shall be determined by the Assembly.
3. The Minister of Defence and Security of the country that chairs the EASF Assembly shall also chair the Council.
4. The Council shall submit its Rules of Procedure for approval to the Assembly.
5. The Council shall meet at least twice a year.

Article 9: The Committee of Chiefs of Defense Staff

1. The EACDS shall be composed of the Chiefs of Defense Staff of EASF Member States party to this Agreement.
2. The functions of the EACDS shall be to:
 - (a) Serve as an Advisory Military Committee of the Council and the Assembly;
 - (b) Oversee and provide guidance to the Secretariat in the performance of its functions.
3. The Chief of Defense Staff of the country that chairs the Assembly shall also chair the EACDS.
4. The EACDS shall submit its Rules of Procedure for approval to the Council.
5. The EACDS shall recommend to the Council the objectives, staffing, annual work plan and budget of the EASF.
6. Meetings of the EACDS shall rotate annually in accordance with the country that chairs the Assembly. Should a country not be able or willing to host, the meetings shall be held at the Standby Force Headquarters or the Secretariat.
7. The EACDS shall meet at least twice a year.

Article 10: Structures of the EASF

The EASF shall have a Secretariat; a Standby Force Headquarters; a Planning Element (PLANELM); and a Logistics Base.

Article 11: The Secretariat

1. The Secretariat shall be composed of a Director, who shall head the EASF Secretariat, assisted by heads of department and necessary support staff.
2. The Director shall have executive authority over the EASF Structures and shall report to the EACDS.
3. The functions of the Secretariat shall be:
 - (a) Conflict analysis and early warning;
 - (b) Strategic mission planning;
 - (c) Provide initial mission startup staff;
 - (d) Mission management and sustainment;
 - (e) Implementation of EASF Policies;
 - (f) Mobilization of resources;
 - (g) Management of the EASF Funds;
 - (h) Coordination of meetings in consultations with relevant authorities;
 - (i) Performing public relation activities, receive and disseminate information;
 - (j) Liaise with the African Union, Regional Economic Communities and other organizations on matters relating to EASF;
 - (k) Initiative, develop and review of EASF policy documents for approval by Policy Organs; and
 - (l) Perform any other functions as directed by the Policy Organs of the EASF.

Article 12: The Standby Force Headquarters

1. The Standby Force Headquarter shall be composed of regional military and civilian stall on secondment from Member States
2. The function of the Standby Force Headquarters shall be to:
 - (a) Serve as a command headquarters for force preparation;
 - (b) Provide operational command headquarters of a deployed force;
 - (c) Train the land force including a multinational force headquarters;
 - (d) Develop contingency plan for future missions;
 - (e) Conduct training needs analysis;
 - (f) Conduct verification of standby forces in Member States;
 - (g) Conduct pre-deployment training; and
 - (h) Form the initial Force Headquarters in the deployment phase.
3. The Standby Force Headquarters shall be located in Addis Ababa, Ethiopia.

Article 13: The PLANELM

1. The PLANELM shall be composed of a regional military, police and civilian staff on secondment from Member States.
2. The function of the PLANELM shall be to:
 - (a) Serve as multi-national full-time planning headquarters;
 - (b) Be part of the Mission Planning and Management Section when activated; and

- (c) Form part of the Mission Headquarters (Mission HQ) at the initial phase.
- 3. The PLANELM shall be located in Nairobi, Kenya.

Article 14: The Logistics Base

- 1. The Logistics Base shall be composed of a multidimensional regional military, police and civilian staff on secondment from Member States.
- 2. The functions of the Logistics Base shall be:
 - (a) Serve as a central regional logistics base for stocking mission startup kits;
 - (b) Manage the logistics infrastructure of the EASF;
 - (c) Undertake contingency planning for future mission support;
 - (d) Train for capacity development of logistics staff;
 - (e) Form the nucleus of the mission support staff;
 - (f) Develop just-in-time contracts for mission support including in-theatre and strategic lift capabilities.
- 3. The Logistics Base and the EASF Regional Logistics Training Centre shall be located in Addis Ababa, Ethiopia.

Article 15: Pledge of Force and Deployment

- 1. In order to realise the objectives of the EASF as envisaged in this Agreement, Member States undertake to:
 - (a) Pledge forces and requisite equipment to the EASF Force and Mission Structure; and
 - (b) Avail the pledged forces to deployment in Peace Support Operations.
- 2. The commitment of the individual Member States' force pledges for deployment shall be specified in a separate agreement.

Article 16: Training and Exercises

- 1. The collective training of formed units pledged to the EASF shall be the responsibility of each Member State.
- 2. The required level of training proficiency for personnel and units assigned to the EASF shall be achieved through the use of the EASF training standards.
- 3. Such training shall include command post and field training exercises at national and multinational levels.

Article 17: Privileges and Immunities

- 1. Member States agree to extend to the EASF and its personnel immunities and privileges as may be necessary for carrying out their tasks within their respective national territories as are accorded to personnel of other regional or international organizations.
- 2. A Host Nation of an EASF establishment shall accord the EASF

and personnel of such establishment such privileges and immunities to facilitate its activities. These privilege and immunities shall not be less than those accorded to other regional or international organizations of comparable status.

Article 18: Funding Mechanism

1. An EASF Fund shall be established for general use of the organization.
2. The EASF Fund shall be generated from:
 - (a) Contributions from all Member States assessed in accordance with the AU mode of contributions; and,
 - (b) Grants and donations from Member States and other sources.
3. An EASF Peace Fund shall be established as a special fund to be utilized for the purposes of deployment in peace support operations.
4. The Peace Fund shall be generated from:
 - (a) 12% of annual budget inclusive of partners support or as the Assembly may deem necessary;
 - (b) Surplus accrued from arrears in assessed contribution as determined by the Council from time to time;
 - (c) Voluntary contributions from Member States;
 - (d) Grants and donations from external sources including support from the African Peace Facility; and
 - (e) Other sources as determined by the Policy Organs.
5. The EASF Funds shall be independently audited on an annual basis. The results of the audit shall be made public.
6. The Secretariat shall mobilize resources from Member States, donors, partners and other international organizations.

Article 19: Imposition of Sanctions

The Assembly shall determine the appropriate sanctions to be imposed on a Member St to that defaults on payment of its contributions to the budget of the EASF for more than thirty ix (36) months in a y of the following manner: denial of the right to speak at meetings, to vote, to resent candidates f r any position or post wit in EASF, or to benefit from any activity or commitment there from, or any other sanction the Assembly may deem necessary.

Article 20: Admission

1. Any State from the Eastern Africa Region may submit a request in writing to the Chairperson of the Assembly, through the Secretariat, to be admitted as a Member State of the EASF. The Chairperson shall, upon receipt of such request, immediately transmit copies thereof to all Member States for their consideration.
2. Admission shall be decided by consensus of the Assembly.
- ...

Article 27: Additional Instruments

Member States may conclude such other instruments as may be necessary to accomplish the aims and objectives of this Agreement.

...

6 The G5 Sahel

The G5 Sahel is an intergovernmental framework for cooperation between the “group of five countries” in the Sahel: Burkina Faso, Chad, Mali, Mauritania and Niger. The G5 Sahel was established on 19 December 2014 and principally strives for cooperation in security and defence. In its current form, the G5 Sahel is composed of a Conference of Heads of State and Government; a Council of Ministers; and a Permanent Secretariat. Additionally, the G5 Sahel also includes National Coordination Committees and a Committee on Defence and Security.

FC-G5S (Force conjointe du G5 Sahel)

Faced with increasing security challenges, least of which included the continued resurgence of terrorism, on 6 February 2017, the G5 Sahel established a joint force known as the *Force conjointe du G5 Sahel* (FC-G5S). The force includes some 5000 soldiers from their origin states and is organised into seven battalions. The FC-G5S is currently supported by the AU, the EU, France, and has been endorsed by the United Nations Security Council. On 8 December 2017 with the adoption of United Nations Security Council Resolution 2394 (2017), the United Nations Security Council agreed to provide technical assistance to the FC-G5S through its United Nations Multidimensional Integrated Stabilisation Mission in Mali.

Convention on the Creation of the G5 Sahel (2014)

Full title: Convention on the Creation of the G5 Sahel (French: Convention Portant Creation de G5 Sahel)

Date/place of adoption/conclusion: 19 December 2014, Nouakchott, Mauritania

EIF provision: Article 18

Authentic texts: French

Available online at: <https://bit.ly/2VZHgEC> (French text only)

Declaration by the G5 Sahel Countries on the Fight Against Radicalisation and Violent Extremism (2015)

Full title: Declaration by the G5 Sahel Countries on the Fight Against Radicalisation and Violent Extremism (French : Déclaration des pays du G5 Sahel sur la lutte contre la radicalisation et l'extrémisme violent au sahel)

Date/place of adoption/conclusion: 14 May 2015, Niamey, Niger

Available online at: <https://bit.ly/3iNKdlk> (French text only)

Niamey Declaration on Security (2015)

Full title: Niamey Declaration on Security (French: Déclaration de Niamey sur la sécurité)

Date/place of adoption/conclusion: 14 May 2015, Niamey, Niger

Available online at: <https://bit.ly/2O8B8Wf> (French text only)

* Adopted at the Second Conference of the Interior Ministers of the G5 Sahel Countries

Bamako Declaration on the Management of Borders and Border Communities in the G5 Sahel Area (2016)

Full title: Bamako Declaration on the Management of Borders and Border Communities in the G5 Sahel Area (French: Déclaration de Bamako sur la Gestion des Frontières et des Communautés Frontalières dans l'espace G5 Sahel)

Date/place of adoption/conclusion: 11 March 2016, Bamako Mali

Available online at: <https://bit.ly/3fh49ey> (French text only)

Resolution Relating to the Creation of a Joint Force of the G5 Sahel (2017)

Full title: Resolution No 00-01/2017 Relating to the Creation of a Joint Force of the G5 Sahel (French: Resolution N° 00-01/2017 Relative à la Création d'Une Force Conjointe de G5 Sahel)

Date/place of adoption/conclusion: 6 February 2017, Bamako, Mali

Available online at: <https://bit.ly/2CmJJCK> (French text only)

7 The Indian Ocean Commission

The Indian Ocean Commission is an intergovernmental organisation premised on co-operation of those African states linked to the Indian Ocean. While it is principally composed of African states, Reunion is also a member along with five observer entities: China, India, Malta, the European Union and the International Organisation of La Francophonie. The Indian Ocean Commission was established in 1982 with the signing of the Port Louis Declaration and is the only regional organisation in Africa composed entirely of island states. The Commission's principal objectives revolve around cooperation and sustainable development, although peace and security feature as one of four strategic axes of intervention. The Commission is composed of the Summit of Heads of State; the Council

of Ministers; the Committee of Permanent Liaison Officers; and the Secretariat.

Member States

The Comoros

Madagascar

Mauritius

Réunion

Seychelles

Convention on Regional Security of the Member States of the Indian Ocean Commission (2006)

Full title: Convention on Regional Security of the Member States of the Indian Ocean Commission (French: Convention sur la Sécurité Régionale des Etats Membres de la Commission de L'Océan Indien)

Date/place of adoption/conclusion: 17 March 2006, Antananarivo, Madagascar

Authentic texts: French

**Joint Communiqué from the Eastern and Southern Africa
– Indian Ocean Ministers and European Union High
Representative at the 2nd Regional Ministerial Meeting on
Piracy and Maritime Security in the Eastern and Southern
Africa and Indian Ocean Region (2010)**

Full title: Joint Communiqué from the Eastern and Southern Africa – Indian Ocean Ministers and European Union High Representative at the 2nd Regional Ministerial Meeting on Piracy and Maritime Security in the Eastern and Southern Africa and Indian Ocean Region

Date/place of adoption/conclusion: 7 October 2010, Grand Bay, Mauritius

Available online at: <https://bit.ly/2CmtG7b>

The ESA-IO Ministers and Representatives of the Republic of Comoros, the Republic of Djibouti, the Republic of Kenya, the Republic of Mauritius, the Republic of Seychelles, the Somali Republic, the Republic of South Africa, the United Republic of Tanzania, and the EU High Representative and Vice President of the European Commission Baroness Catherine Ashton meet at Grand Bay, Mauritius on the 7th October 2010. Republic of France/Réunion also attended the meeting as a member of IOC.

In attendance are: COMESA, EAC, IGAD, IOC and SADC. In addition to the Minister of the Republic of Maldives, representatives of the following countries and organisations were also present: People's Republic of China, India, Pakistan, Russian Federation and the US, UN, AU, INTERPOL, IONS.

The Ministers:

1. Express deep concern over the persistent scourge of piracy, particularly its impact on peace, security, stability and maritime security, its links to transnational organised crime, as well as its possible links to terrorist activities and the challenges it poses to private sector development, regional and international trade, economic integration and development.
2. Note the relevant UN Security Council Resolutions, the Press Statement issued during the 242nd meeting of the African Union Peace and Security Council, the African Maritime Transport Charter and Plan of Action, the AU Durban Resolution and Plan of Action on Maritime Transport, the Djibouti Code of Conduct the International Maritime Organization's resolution A.1002 (25), the UN Secretary-General's report on Somalia with the 7 options mentioned in it, and the important work undertaken by the UN

- Contact Group on Piracy off the coast of Somalia.
3. Also further note of the COMESA, EAC, IGAD and IOC policy organs' decisions to counter piracy and for which they have undertaken to strengthen bilateral, regional and international cooperation for comprehensively combating piracy and promoting maritime security;
 4. Recalling the Joint Communiqué of the 1st Regional Ministerial Meeting and the European Union High Representative in Seychelles in May 2010 and its commitment to strengthening dialogue and cooperation to suppress maritime piracy in the Indian Ocean region, acknowledge that substantive work has been done since then, especially through the International Symposium and the Regional Workshop in Seychelles in July 2010 to enhance domestic action plans and to develop a comprehensive, coherent and sustainable Regional Strategy and a rolling Regional Plan of Action against piracy and for maritime security.
 5. Also acknowledge with appreciation the endorsement by the COMESA Summit of the Action Plan for the fight against Piracy and that IGAD is formulating a specific plan of Action for Inland Somalia.
 6. Recognise the crucial role of the European Union Atalanta Operation, States of the region, and other naval forces in combating piracy and particularly commended Kenya and Seychelles as prosecuting States, and encouraged others to engage.
 7. Consider and adopt a Regional Strategy (RS) which provides for a regional framework to prevent and combat piracy, and promote maritime security through a three-pillar approach:
 - (i) Develop, agree and implement a Somalia Inland Action Plan to counter and prevent piracy;
 - (ii) Encourage States of the region to undertake prosecution of pirates apprehended in the region with the financial and technical support of the international community;
 - (iii) Strengthen capacities of States of the region to secure their maritime zones.
 8. Adopt a rolling Regional Plan of Action (RPA) underpinning the Regional Strategy which encompasses exchange of information, cooperation, joint action, and capacity-building as cross-cutting principles.
 9. Agree that the ESA-IO configuration, which includes Member States and RECS of the region, will be used as Regional Coordination Mechanism for the timely and effective implementation and follow-up of the Regional Strategy and Regional Plan of Action. The Inter-Regional Coordination Committee (IRCC) shall serve as the secretariat of this Regional Coordination platform. This may take the form of an annual ESA-IO Regional Ministerial Meeting

against Piracy (ERMMP) and would also include participation from key stakeholders.

10. Further agree that the Regional Strategy and its Regional Plan of Action, which are complementary to the AU African Maritime Transport Charter, provide additional basis for strengthening cooperation with the international partners such as the UN and EU, in political dialogue and collaboration in the fight against piracy and for maritime security.
11. Request the international partners, especially the EU, to provide the necessary support and agreed that the Regional Organisations and Member States of the ESA-IO region follow-up on the Communiqué through the Network of Contact Points on Piracy.
12. Decide to remain seized with the matter, called upon other partners to collaborate with the region to identify sustainable solutions on piracy and for maritime security.

The EU HR/VP Baroness Ashton welcomes the ESA-IO region's determination to work together in a spirit of solidarity and burden sharing and reiterated the strong commitment of the EU to cooperate with the region in support of the ESA-IO Regional Strategy and Regional Plan of Action in collaboration with the other international partners.

Djibouti Declaration on Maritime Safety and Security in ESA-IO (2016)

Full title: The Djibouti Declaration on Maritime Safety and Security in ESA-IO from the ESA-IO Ministers and High Representatives

Date/place of adoption/conclusion: 15 May 2016, Djibouti, Djibouti

Available online at: <https://bit.ly/3e9InIh>

* Adopted during the Third Regional Ministerial Meeting for Promoting Maritime Safety and Security in the Eastern and Southern Africa and Indian Ocean Region (ESA-IO).

A. Preamble

The ESA-IO Ministers and High Representatives of the Republic of Djibouti, Union of Comoros, Republic of Kenya, Republic of Madagascar, Republic of Seychelles, Federal Government of Somalia, Federal Democratic Republic of Ethiopia met in Djibouti on the 15th May 2016.

In attendance are the ESA-IO Regional Organisations, namely Common

Market for Eastern and Southern Africa (COMESA), Intergovernmental Authority on Development (IGAD) and Indian Ocean Commission (IOC). Southern Africa Development Community (SADC) and Port Management Association for Eastern and Southern Africa (PMAESA) attended the Meeting as observers. In addition, other organisations were also present: European Union, International Maritime Organization, African Maritime Safety and Security Agency (AMSSA).

The 3rd ESA-IO Ministerial Meeting for Promoting Maritime Safety and Security adopted the “The Djibouti Declaration on Maritime Safety and Security in ESA-IO Region” that identify key priorities and pave the way for a long term maritime safety and security and for sustainable development in the region.

B. Context

1. **Noting** that maritime insecurity linked to piracy encouraged States of the region and the International Community having major interest at stake to contribute to actions against piracy and for maritime security in the ESA-IO region.
2. **Commending** the UN Security Council for Resolution 1851 on 18th December 2008 where it encouraged “all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an international cooperation mechanism to act as a common point of contact between and among states, regional and international organizations on all aspects of combating piracy and armed robbery at sea off Somalia’s coast”.
3. **Appreciating** the effectiveness of the Contact Group on Piracy off the Coast of Somalia (CGPCS), a major cornerstone of the response established following the UN Resolution 1851, and noting however that the number of challenges and issues that require attention have been reduced.
4. **Reaffirming** that the African Union’s 2050 Africa Integrated Maritime Strategy (AIMS) gives a strong basis for maritime safety and security and for a sustainable blue economy and **agreeing** that the ESA-IO Regional Organisations shall contribute to the effective implementation of this continental Strategy.
5. **Considering** that the ESA-IO Regional Strategy and Plan of Action against Piracy and on Maritime Security at the 2nd Ministerial Meeting held in Mauritius on 7th October 2010 provided an excellent framework for the countries in the region and Regional Organisations to provide their response, individually and collectively, and **recalling** the Joint Communiqué of this **2nd Ministerial Meeting**.
6. **Reminding** the principle of cooperation against piracy that prevailed at the signature of the **Djibouti Code of Conduct** in 2009 regrouping 21 countries of the Western Indian Ocean and of the Gulf of Aden,

and **recalling** that the Djibouti Code of Conduct took into account and promoted amongst other things the implementation of relevant UN resolutions.

7. **Acknowledging** the significant progress in the implementation of the 2010 ESA-IO Strategy by the Member States, the ESA-IO Regional Organisations (COMESA, EAC, IGAD and IOC) with the support of the International Community, particularly the European Union (EU) funder of the MASE Programme.
8. **Reaffirming** the value-addition of the ESA-IO Regional mobilization, and some major achievement such as the setting up of regional information sharing centres and operational coordination centres under the MASE Programme and the Djibouti Code of Conduct.
9. **Noting** that the threat of piracy in the region persists despite the drastic diminution of acts of piracy **and** the fact that no large scale piracy attack was successful since 2012, and **underlining** that the ESA-IO Region is at the crossroads in terms of counter-piracy response in the Horn of Africa, in particular regarding the reduction of the involvement of the International Community in counter-piracy.
10. **Recognizing** that current capacity building projects under the Djibouti Code of Conduct's, training activities including the Djibouti Regional Training Centre (DRTC) and UNODC's Indian Ocean Maritime Crime Forum. Also recognizing the Crimario, MASE and EUCAP Nestor EU funded projects, or, that participate to capacity building in addressing maritime security more broadly.
11. **Noting** that ESA-IO States are taking key policies and measures to build up their maritime capability with the support of Regional Organisations.
12. **Recognizing** the need to combat all forms of maritime threats and crimes such as, amongst others, IUU fishing, toxic dumping, human trafficking, drug smuggling...
13. **Noting** the particular case of Somalia where priority actions were taken and planned. **Taking** note that the National Threats Assessment was undertaken and shared with regional States in December 2015. **Noting** the finalisation of the National Security Policy by the Deputy Prime Minister and **acknowledging** that, regarding Maritime Governance in Somalia, the Maritime Security Coordination Committee (MSCC) supported by MASE Programme has been established and agreed by the Council of Ministers while the maritime administration has been established and Coast Guard Laws promulgated. **Noting** that much work has been initiated for the establishment of maritime law enforcement, maritime security and safety, maritime response and recovery, and maritime economy.

14. **Acknowledging** that the 2010 ESA-IO Strategy enabled Regional Organisations and Member States with a comprehensive framework for capacity building and information exchange to address piracy and maritime security in the immediate, short, medium and long-term, and allowed for the promotion of intra-African and international partnerships and regional cooperation, the protection of sovereignty, countering criminality across the sea and associated infrastructure, and ensuring environmental governance.
15. **Noting** in particular that the 2010 ESA-IO Strategy:
 - (a) Enabled resource mobilization, human resources development, action against money laundering, and development of harmonized legislation, procedures and instruments for dealing with piracy.
 - (b) Enabled COMESA to promote regional cooperation for combatting money laundering and illicit financing activities, building capacity of Financial Intelligence Units, Law Enforcement Agencies and supporting the development of laws and regulations;
 - (c) Enabled EAC to strengthen Criminal Justice Systems, capacity for capture, arrest, detain, investigate, prosecute and imprison convicted pirates; and strengthen the capacity of the States and its institutions and all the stakeholders to address crimes related to piracy.
16. **Acknowledging** SADC's Region contribution to curb maritime threats and other manifestations through the adoption of a Regional Maritime Security Strategy and Action Plan as well as a recently adopted Regional Anti-terrorism Strategy.
17. **Acknowledging** the work of PMAESA Member Countries which contributes to maritime safety and security and protection of environment is called upon to collaborate and contribute to the ESA-IO Strategy.
18. **Reiterating** the need for the ESA-IO region to strengthen its capacity to combat illicit financial crimes that relate to piracy and other transnational crimes, and **aware** that financial incentives are the propagating factors in maritime financial crimes.
19. **Appreciating** efforts made by COMESA to support the Member States to comply to the standards set up by the Financial Action Task Force and to strengthen the capacity of the Financial Intelligence Units and Law Enforcement Agencies to ensure that systems and structures are in place to identify, investigate and prosecute money laundering crimes, and **noting** that such efforts will effectively reduce the ability of the criminals and also reduce their incentive.
20. **Noting** that the IGAD Integrated Maritime Strategy 2030 and its associated Implementation Action Plan has been validated in December 2015.
21. **Appreciating** and acknowledging the contribution of the US-led Combined Maritime Forces, the NATO's Operation Ocean Shield

and the EU's EUNAVFOR Atalanta in curbing down piracy.

22. **Appreciating** the commitment of International Partners in supporting the National and Regional actions in the ESA-IO Region, such as European Union, International Maritime Organization, EUCAPNESTOR, UNODC, Interpol, Food and Agricultural Organisation...

C. Decisions

The Ministers and High Representatives participating at the 3rd ESA IO Ministerial Meeting

1. **Reaffirm** the importance of the region to take responsibility for the protection of its waters, including against IUU Fishing and dumping of toxic materials.
2. **Reiterate** their political commitment to combat all forms of maritime crimes and to address safety actions at sea issues.
3. **Reaffirm** their commitment to support the implementation of the Regional Organisations' Maritime Strategies in line with the AU 2050 AIMS and AU Maritime Transport Charter.
4. **Reaffirm** their support to the ongoing programmes and activities which contribute to enhance national and regional capabilities.

And,

Concerning piracy

5. **Call upon** the International Community to review the CGPCS mandate to consider including other maritime security threats and transnational organized crimes, in particular fishery related crimes, while maintaining the current regional focus on Somalia, Horn of Africa and the Western Indian Ocean region. **Call upon** the UN and the International Community to continue capacity building of the Federal Government of Somalia Institutions and its regional States to address the root causes of piracy and other maritime crimes.

And,

Moving beyond piracy to address all forms of maritime threats and crimes

6. **Support** the extension of the mandate of the Djibouti Code of Conduct.
7. **Recognize** the IGAD 2030 Integrated Maritime Strategy as one of the pillars contributing of the ESA-IO maritime security architecture.
8. **Call upon** the AU for the establishment of an ESA-IO regional Strategy for the operationalisation of the AIMS, while taking into consideration the global maritime security initiatives and capacity building actions including the speedy transfer of best practices, lessons learned and ideas.

9. **Call upon** the ESA-IO Member States to continue contributing to the full involvement of the Federal Government of Somalia to the wider regional integration processes including the establishment of regional VMS, regional mechanisms and tools for IUU fishing.
10. **Invite** the International Community to support the regional maritime capability and participate in the establishment of the Regional Maritime Surveillance Mechanism under the EU-funded MASE Programme through the operationalisation of the Regional Maritime Information Fusion Centre in Madagascar and the Regional Coordination Operational Centre in Seychelles.
11. **Recommend** that a national maritime information fusion Centre and a national Centre for operations at sea are established in Somalia.
12. **Recommend** ESA-IO Member States to continue building national maritime capability towards a regional minimum capability in the short, medium and long term.
13. **Urge** the region to mobilize additional resources to support law enforcement since criminal financial activities can only be effectively addressed if all relevant stakeholders are adequately capacitated in an environment where the investigation, prosecution and asset recovery capacity is relatively low.
14. **Urge** COMESA and the ESA-IO Regional Organisations to extend the capacity building to some inland countries to ensure that the crime does not move inland and thus reduce any gains made since financial crimes transcends international borders.
15. **Recognize** the link between the inland waterways and the maritime facades of the ESA-IO Region in line with the definition of the AIMS 2050.

Way forward

16. Building on the 2050 AU AIMS and the AU Charter on Maritime Transport as well as the current achievements of the MASE programme, **the Ministerial Meeting agrees** to move towards an ESA-IO sustainable development region by establishing a maritime safety and security architecture, and **recommends** the elaboration of a new comprehensive and integrated ESA-IO strategy for Maritime Safety and Security that focus on technical capacity building on the following five pillars:
 - Maritime Governance and Regulation
 - Maritime Safety, Security and Judicial/Financial Review
 - Maritime Blue Economy and Critical Maritime Infrastructures
 - Maritime Human and Technical Resource Development
 - Marine Environmental Protection and Sustainable management.

8 Mano River Union

The Mano River Union (MRU) was initially an agreement between Liberia and Sierra Leone meant to serve as a foundation of peace, stability and economic cooperation. The Mano River Union Declaration was signed on 3 October 1973 between the two states with six principal protocols. A period of internal conflicts within the two states, namely the Sierra Leone civil war and the Liberian civil wars left the union largely inactive. On 20 May 2004 however it was reactivated along with a third member state – Guinea. On 15 May 2008, the Ivory Coast also joined the union. While its initial instruments and protocols did not entirely account for regional peace and security, in 2000, the MRU adopted the fifteenth protocol to the Mano River Union Declaration – its most comprehensive instrument relating to regional peace, security and stability. The adoption of the 15th Protocol was a turning point for the MRU– focusing specifically on regional peace and security. The Protocol formally established the Mano River Joint Security Committee to among others, address border security issues in the region. In addition, the Protocol also established subsidiary bodies under the Committee, a Technical Committee charged with investigating and reviewing border security issues and Joint Border Security and Confidence-Building Units, to among others, conduct and patrol borders, facilitate cross-border relations and resolve border security violations.

Mano River Declaration (1973/1973)

Full title: Mano River Declaration

Date/place of adoption/conclusion: 3 October 1973, Malema Sierra Leone

Entered into force (EIF): 3 October 1973

Available online at: <https://bit.ly/2W1bEyl>

Excerpts

We, the Presidents of Liberia and Sierra Leone,
Desiring to establish a firm economic foundation for lasting peace,
friendship, freedom and social progress between our countries,
In pursuance of our determination as already affirmed in the Joint
Statements issued on 16th March, 1971, and 28th January, 1972, to

accelerate the economic growth, social progress and cultural advancement of our two countries,

Recognizing that this can best be accomplished by active collaboration and mutual assistance in matters of common interest in economic, social, technical, scientific and administrative fields,

Having resolved to intensify our efforts for closer economic cooperation between our two countries, and having decided to take the necessary steps for the attainment of this objective,

Do hereby declare:

First, that a Customs Union to be called the Mano River Union shall be established between Liberia and Sierra Leone;

Second, that the aims and objectives of the Union shall be: 1. to expand trade by the elimination of all barriers to mutual trade; by cooperation in the expansion of international trade; by the creation of conditions favourable to an expansion of mutual productive capacity, including the progressive development of a common protective policy and cooperation in the creation of new productive capacity;

...

Fifteenth Protocol to the Mano River Union Declaration: Cooperation on Defence, Security, Internal Affairs and Foreign Affairs (2000)

Full title: Fifteenth Protocol to the Mano River Union Declaration:
Cooperation on Defence, Security, Internal Affairs and Foreign Affairs

Date/place of adoption/conclusion: 9 May 2000, Conakry, Guinea

Authentic texts: English, French

Available online at: <https://bit.ly/2OaHpRq>

We, the heads of State and Government of the Member States of the Mano River Union;

In furtherance of the aims and objectives of the Mano River Union;

Consequent on the decision as recorded in Article Eight of the Mano River Union Declaration;

Recalling the Final Communiqué of the Consultation Meeting of the Heads of State of the Mano River Union held in Bamako on 2 March 2000, in particular the reiteration of our will to immediately reinstate

dialogue at all levels, in order to promote good will, neighborliness and cooperation among members;

Desirous of strengthening the institutional capacity of the Union to contribute to the maintenance of peace, security and stability of the Member States of the Union;

Mindful of the need for the establishment of a framework to create an effective mechanism to monitor and ensure the security of common borders with the aim of preventing, controlling, discouraging, forestalling and averting security related problems in the border regions of the Member States;

Deciding for the purpose of the foregoing to create an institutional framework for Defense, Security and Internal Affairs;

Do hereby establish this Protocol to the Declaration:

1. The Mano River Union Joint Security Committee

There shall be a Mano River Union Joint Security Committee, hereafter called “Committee” which shall be subordinate to the Heads of State and Government of the Mano River Union:

I. Composition of the Joint Security Committee

The Committee shall consist of Ministers of each Member State

- (a) The Minister in charge of Defense
- (b) The Minister in charge of Security/Justice wherever applicable;
- (c) The Minister for Foreign Affairs;
- (d) The Minister for Internal Affairs

II. Functions of the Joint Security Committee

The Committee shall perform the following functions:

- (a) Address border security issues;
- (b) Broaden the scope of its mandate to include other related issues that may arise from time to time;
- (c) Deal with policy issues, monitoring and oversight;
- (d) Direct the Technical Committee and ensure that its decisions and those taken by Heads of State and Government relating to border security and related issues are implemented;
- (e) Receive and review all reports arising from border security and related issues in Member States;
- (f) Initiate and develop training programmes;
- (g) Draw up an Action Plan for the mobilization of financial resources through the Mano River Union for the implementation of its programmes and
- (h) Perform any other function that may be deemed appropriate.

III. Procedure of the Committee

- (a) The Committee shall elect a Chairman from amongst its members on a rotational basis from the Member States for a period of one year;
- (b) The Committee shall meet quarterly on a rotational basis in the three Member States;

2. Subsidiary Bodies of the Committee

A. Technical Committee

1. Composition of the Technical Committee

The Technical Committee shall comprise of:

- (a) A representative of the National Security Adviser
- (b) Representatives of the Ministries for Defense, Security/Justice where applicable, Foreign Affairs, and Internal Affairs
- (c) The Chief of Defense staff or his Representative
- (d) The Inspector-General of Police or his representative
- (e) A representative of the Mano River Union Secretariat

2. Functions of the Technical Committee

The functions of the Technical Committee shall include the following:

- (a) Review on a regular basis borders security and related issues in Member States;
- (b) Receive, investigate and analyze reports on border security and related issues;
- (c) Create a structure that would ensure that reports from the field are submitted directly to the current Chairman of the joint Security Committee who shall make such reports available to his/her colleague committee members including their counterparts in the other Member States. A copy should also be directed to the Secretary-General of the Mano River Union for information and necessary action;
- (d) Establish the Joint Border Security and Confidence-Building Units whenever deemed necessary;
- (e) Perform any other functions that may be deemed appropriate.

2. Procedure of the Technical Committee

- (a) The Technical Committee shall elect a Chairman from amongst its members who will serve for a period of one year on a rotational basis;
- (b) The Technical Committee shall meet at least once every month unless the Joint Security Committee decides otherwise.

B. Joint Border Security and Confidence Building Units

1. Composition of the Joint Border Security and Confidence-Building Units

The composition of these Units shall include:

- (a) District officers of border districts in the case of Sierra Leone and Liberia, and “Sous-prefets” in the case of Guinea;
- (b) The Paramount Chiefs or their counterparts in the border areas;
- (c) The Senior Police and/or Immigration Officer at the border areas;
- (d) The Senior Customs Officer at the border post or his equivalent;
- (e) The Senior Border Guard at the border;
- (f) The Commanding Army Officer at the border;
- (g) The youth representative at the border;
- (h) The representative of women at the border area;
- (i) Chairman of the Rural Development Committee in Guinea, or his equivalent in the other Member States.

1. Functions of The Joint Border and Security Confidence-Building

The Units shall be non-political and shall perform the following functions:

- (a) Organize and conduct joint patrols of the borders;
- (b) Develop, facilitate, foster and promote cordial relations between the peoples of the border regions through cultural, social and sporting activities;
- (c) Exchange information and investigate reports or observations with regards to all border security activities;
- (d) Submit reports to the Chairman of the Technical Committee promptly;
- (e) Resolve minor cases of borders security violations occurring in their own administrative areas;
- (f) Any other functions that may be delegated to them by the Technical Committee.

2. Procedure of the Joint Security and Confidence-Building Units

- (a) The Committee shall elect a Chairman from amongst its members to serve for a period of one year on a rotational basis;
- (b) The Units shall meet as frequently as possible and in any case no less than once a month.

...

See also:

Gulf of Guinea Commission

- Additional Protocol to the Memorandum of Understanding among ECCAS, ECOWAS, and GGC on Safety and Security in the Central and West African Maritime Space Relating to the Organisation and Functioning of the Inter-Regional Coordination Centre for the Implementation of Regional Strategy for Maritime Safety and Security in Central and West Africa (5 June 2014, Yaoundé, Cameroon) available online at: <https://bit.ly/2O5q7Fc>

CEMAC

- Règlement N° 07/05-UEAC-057-CM-13 portant adoption de la Convention créant un Centre de Formation spécialisée en matière d'Enquête criminelle (2005)
- Acte Additionnel N° 21/08-CEMAC-CCE-09 Autorisant le Transfert de l'Autorité de la FOMUC de la CEMAC à la CEEAC (2008)

EASF

- Memorandum of Understanding on the Establishment of the Eastern Africa Standby Brigade (11 April 2005, Addis Abba, Ethiopia) available online at: <https://bit.ly/2ZPnUDi>
- Eastern Africa Standby Brigade Communique of the Council of Ministers of Defence and Security of Eastern Africa (15 September 2005, Kigali, Rwanda) available online at: <https://bit.ly/38GIE4n>
- Memorandum of Understanding Establishing the Eastern Africa Standby Force' (29 January 2011)
- Eastern Africa Standby Force Annual Report 2018 | available online at: <https://bit.ly/2ZbPcVc>
- MoU for Force Pledges and Operationalisation of the EASF
- Communiqué of the 17th Ordinary Session of the Council of Ministers of Defence and Security of the Eastern Africa Region (22 August 2014, Kigali, Rwanda) available online at: <https://bit.ly/3edVWqb>

G5 Sahel

- Conclusions and Recommendations of the Meeting of Experts on the Operationalisation of the G5 Sahel Security Cooperation Platform (PCMS) (8-9 November 2016, Nouakchott, Mauritania) [French text: Conclusions et recommandations de la reunion d'experts sur l'operationnalisation de la plateforme de cooperation en matière de securite (PCMS) du G5 Sahel | available online: <https://bit.ly/3217CtW>
- Bamako Declaration | High Level Political Dialogue on Women's

Leadership in Prevention and the Fight Against Violent Extremism in the G5 Sahel Countries (22 February 2017, Bamako, Mali) [French text: Déclaration de Bamako | Dialogue Politique du haut niveau sur le leadership des femmes dans la prévention et la lutte contre l'extrémisme violent dans les pays du G5 Sahel | available online : <https://bit.ly/38G3z7k>

Indian Ocean Commission

- Declaration of the Ministerial Conference on Maritime Security in the Western Indian Ocean Region (19 June 2019, BalACLava, Mauritius) available online at: <https://bit.ly/2ZPoalK>

MRU

- Mano River Union Strategic Plan 2010 – 2020 | available online: <https://bit.ly/3edf8nR>
- MRU-Freetown Declaration on Countering the Illegal Wildlife Trade within the Subregion (June 2019, Freetown, Sierra Leone) | available online: <https://bit.ly/2Zedv1m>