



INTER-GOVERNMENTAL ACTION GROUP AGAINST MONEY LAUNDERING IN WEST AFRICA

REGIONAL REPORT



MONEY LAUNDERING, TERRORISM FINANCING AND ILLICIT FINANCIAL FLOWS LINKED TO MARITIME CRIME IN THE GULF OF GUINEA

May 2025



The Inter-Governmental Action Group against Money Laundering (GIABA) is a specialized institution of ECOWAS and a FATF Style Regional Body that promotes policies to protect member States financial system against money laundering, terrorist financing and the financing of the proliferation of weapons of mass destruction. The FATF Recommendations are recognized as the global anti-money laundering (AML) and counter terrorist financing (CTF) standard.

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ABBREVIATIONS AND ACRONYMS

ACMT:	African Charter of Maritime Transports
AML/CFT:	Anti-Money Laundering / Countering the Financing of Terrorism
BDC:	Bureau de change
CEEAC:	Economic Community of Central Africa States
CERMOC:	Central and West African Maritime Organisation
CGG:	Commission of the Gulf of Guinea
CIAPOL :	Ivorian Anti-Pollution Centre
CITES:	Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington Convention)
CONAC:	National Coordination Committee in AML/CFT
CRESMAC:	Coordination centre for maritime safety in West and Central Africa
CTR :	Cash Transaction Reports
ECOWAS:	Economic Community of West African States
EDF:	European Development Funds
FAD :	Fish aggregation device
FAO:	Food and Agriculture Organization of the United Nations
FATF:	Financial Action Task Force
FIU :	Financial Intelligence Unit
FoGG:	Friends of the Gulf of Guinea
GIABA:	Inter-Governmental Action Group against Money Laundering in West Africa
GoG:	Gulf of Guinea
IFF:	Illicit Financial Flows
IMB :	International Maritime Bureau
IMF:	International Monetary Funds
INN:	Illegal, Unregulated, Undeclared Fishery
IOM:	International Organization for Migration
LEA:	Law Enforcement Agency
MARPOL:	International Convention on Marine Pollution, signed in London on November 2, 1973, and its 1978 Protocol
ML:	Money Laundering
NEC:	National Exchange Commission
NEITI:	Nigeria Extractive Industry Transparency Initiative
NFIU:	Nigeria Financial Intelligence Unit
NRA:	National Risk Assessment
OCRTID:	Central Bureau for the fight against Drug and Illicit Trafficking
OECD:	Organization for Economic Cooperation and Development
OMAO:	Maritime Organization of West and Central Africa

ORGP:	Regional fisheries management organizations
PEP:	Politically Exposed Person
RTMG/PRG:	Risk, Trend and Method Group/ Policy Review Group
SAR:	International Convention on Maritime Search and Rescue
SAS:	State Action at Sea
SUA:	Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, adopted in London on October 14, 2005, and entered into force on July 28, 2010
SWAIMS:	Strengthening West Africa Integrated Maritime Security
TF:	Terrorist Financing
UNLSC:	United Nations Law of the Sea Convention (Montego Bay Convention)
UNODC:	United Nations Office against Drug and Crime

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GIABA Secretariat

EXECUTIVE SUMMARY

1. It is well known that the sea is the real theater of the world economy. In fact, 90% of the trade carried out throughout the world is facilitated by maritime navigation routes. In addition, three quarters (3/4) of the Planet is occupied by the oceans. This is why the issue of safety at sea remains at the center of the objectives of sustainable development. Despite all efforts, the Gulf of Guinea continues to struggle with insecurity. According to the International Maritime Bureau (IMB), Sixty-five (65) incidents of piracy and armed robbery against ships were recorded in the first half of 2023, an increase from 58 incidents in the first half of the same period in 2022. Of the 65 reported incidents, 57 vessels were boarded, four (4) were attacked, two (2) were hijacked and two (2) were fired upon. During the same period, violence against crews continued with, in particular, 36 hostage-takings and 14 kidnappings.
2. The Gulf of Guinea (GoG) is a part of the Atlantic Ocean that stretches from Senegal to Angola and covers approximately 2,874 nautical miles of coastline. It is an important maritime area for the transport of oil and gas as well as goods to and from Africa and the rest of the world. About 20,000 ships pass through the maritime waters of the Gulf of Guinea per year, and the weather conditions are not extreme. It is a maritime space also rich in **fuel, fish and other resources**, which makes it an immense potential for **maritime trade, resource extraction, maritime transport and development**.
3. The proceeds generated by maritime crime could very much constitute a source of facilitation and supply for organized criminal gangs to extend their networks and make their criminal activities prosper at sea and on land. And yet, until now, few studies had been conducted to explore the links between the associated financial flows and maritime crime, and to propose appropriate countermeasures. This study, fully funded by the European Union (EU) under the 11th EDF, is an attempt in this direction. It aims to be an important contribution to the West Africa Integrated Maritime Security Support Project (SWAIMS)¹, by raising maritime awareness around the need to prioritize the confiscation of proceeds and instrumentalities of the maritime offence, and the dismantling of groups operating in networks.
4. In summary, the results of this study, which relied heavily on the expertise of GIABA, its member States and the global network of actors in the fight against money laundering and the financing of terrorism, reveal a weak implementation of existing legal frameworks in terms of maritime security and safety, but above all a notorious lack of interministerial cooperation and inter-agency collaboration. This not only weakens the potential for detecting criminal activity at sea but makes it more difficult to trace the origin of funds generated by such activity, which may be concealed in complex offshore accounts or moved across multiple jurisdictions.
5. This report presents an inventory of the situation in six (6) countries of the Gulf of Guinea, namely: **Benin, Côte d'Ivoire, Ghana, Guinea Bissau, Nigeria and Togo**. It nevertheless hopes, through the relevant conclusions and recommendations it contains, to inspire all the other coastal countries in the region.
6. This regional report shows, approximately, that most illicit acts committed partially or totally at sea generate revenues to their perpetrators. It has the merit of dwelling on the weakness of the legal, institutional and operational responses to maritime crime, as well as the absence of public and private partnership to overcome this phenomenon. In light of the challenges and vulnerabilities identified through a desk review and an in-depth analysis of the case studies presented by the countries, the following recommendations have been formulated:

¹ The EU Action Plan for the Gulf of Guinea was launched to support the implementation of the EU Strategy for the Gulf of Guinea. Through the Strategy and Action Plan, the EU aims to support regional efforts to address the many challenges posed by maritime security and transnational organized crime through its work with the West and Central Africa.

GIABA Coastal Member States shall, among others:

- Conduct a sectoral risk assessment to determine the extent to which criminals can misuse their financial and non-financial sectors to conceal and launder proceeds from maritime crime and apply mitigating measures.
- Develop or update national maritime safety and security strategies to ensure that they appropriately involve the Financial Intelligence Units (FIU) and other relevant AML/CFT actors. Adopt a national policy document to combat all forms of crimes committed at sea.
- Revise existing national AML/CFT strategies to include maritime professionals and all direct stakeholders in maritime safety and security.
- Carry out legislative reforms to ensure that all forms of maritime crime are criminalized in accordance with acceptable international standards, including the United Nations Convention on the Law of the Sea (UNCLOS).
- Define through laws, regulations or any relevant directives, mechanisms by which key maritime agencies and institutions would collaborate with the financial intelligence units in order to facilitate oversight of the sector and create of a routine of information sharing for the AML/CFT purposes.
- Sensitize all actors operating in the port and maritime sectors so that they can strictly apply the FATF standards as an effective tool to combat the laundering of funds arising from maritime crime.
- Support archiving systems in all maritime agencies and develop a mechanism for spontaneous sharing or systematic access to information by Financial Intelligence Units (FIUs) and criminal investigation and prosecution authorities.
- Strengthen the operational capacities of criminal investigation and prosecution authorities to detect forms of maritime crime and conduct parallel financial investigations.
- Adopt a specific AML/CFT criminal policy that would systematize joint investigations, financial investigations, confiscation and recourse to regional and international cooperation.
- Equip maritime crime fighting agencies with rapid intervention gadgets (high-powered engines) and state-of-the-art equipment (drones).
- Set up a system for alerting and denouncing acts of corruption in the maritime environment, together with a protection regime for whistleblowers.
- Strengthen the powers and responsibilities of relevant maritime agencies to ensure that they contribute to AML/CFT financial flow detection, investigation and prosecution efforts.
- Take adequate measures to ensure the confiscation of all proceeds of criminal activities (including those committed at sea) and the property of their perpetrators (bank accounts, real estate and other valuables) when their guilt is established.
- Continue and intensify the training of actors in the criminal justice system (Police, Gendarmerie, Secretaries of Public Prosecutor's Office, Registry staff and Magistrates) to prepare them to act in a network with new working methods and special and innovative investigation techniques.
- Strengthen the capacities of lead maritime agencies in financial investigations and of all maritime courts in AML/CFT matters.
- Establish legal frameworks and institutional mechanisms to coordinate the use of international cooperation more effectively in the investigation and prosecution of ML/TF related to maritime crime.
- Establish a mechanism for regulatory control and supervision of private maritime companies and their activities to ensure that they comply with Law of the sea.
- Follow up beyond the EU project to support the establishment of a Regional Forum of Lead Maritime Agencies for the exchange of information and knowledge on critical emerging AML/CFT issues.
- Explore the opportunity to create a regional tribunal for the law of the sea to focus on the prosecution of maritime criminal acts committed in the marine area of the Gulf of Guinea.

CHAPTER ONE:

INTRODUCTION

1.1. Background

7. The Gulf of Guinea (GoG) is one of the maritime areas most affected by insecurity. This area is daily subject to various forms of crimes including maritime piracy, armed robbery against ships, illicit drug trafficking at sea, IUU fishing, etc. According to the International Maritime Bureau (IMB), sixty-five (65) incidents of piracy and armed robbery against ships were recorded in the first half of 2023, an increase from 58 incidents in the first half of the same period in 2022. Of the 65 reported incidents, 57 vessels were boarded, four (4) were attacked, two (2) were hijacked and two (2) were fired upon. During the same period, violence against crews continued with, in particular, 36 hostage-takings and 14 kidnappings.
8. Like these crimes, which constantly threaten the safety of ships as well as the security of property and people, an underground economy is developing, fueled by illicit financial flows. These flows generated by illicit activities at sea are accompanied by various maneuvers such as electronic transfers, the use of foreign bank accounts, the use of shell companies and non-profit entities, funding philanthropy projects, investments in real estate etc, aimed at making it impossible to detect their origins or destinations.
9. Although some of the maritime infractions in the Gulf of Guinea may seem fragmented and expedient, particularly in large port areas like Lagos, which can be addressed by improving passive defenses, they are often transnational in scope. Indeed, attacks on ships are sometimes the work of organized criminal gangs. These gangs have acquired increasingly adept maritime and operational skills, involving the use of motherships and technical equipment that allow them to cross the Gulf of Guinea even further. Well-armed, they are not deterred by the presence of armed guards and have considerable skill in boarding large, fast-moving ships. These specialized operators are plugged into the wider criminal economy with a range of support services. The very extent of their operations suggests the presence of networks of informants.
10. It is not impossible, given the high levels of technical sophistication of their methods of intervention, that different actors may be involved, including corrupt members of the security forces and regional militant groups. It is also not excluded that the financing of their operations comes largely from the proceeds of stolen oil which is processed in the local “bush refineries” and then sold directly to wholesalers, service stations or on the edge of the road. Although illicit Nigerian petroleum products are widely sold to motorists in Benin, Togo and Nigeria itself, little is **known about the financial mechanisms used to finance this trade. Not much is known either about the links between maritime crime and illicit financial flows, money laundering and terrorist financing.**
11. In response to this gap, the European Union (EU) is implementing the West Africa Integrated Maritime Security Support Program (SWAIMS), in collaboration with the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA), within the framework of the EU strategy for the Gulf of Guinea. The strategy recognizes that ECOWAS and EU interests are aligned in promoting security in the region, as the EU has supported security through a number of other similar initiatives.

12. GIABA is a specialized institution of ECOWAS and a Financial Action Task Force-Style Regional Body (FSRB). It is responsible for promoting, within its Member States, the implementation of national AML/CFT policies that comply with international standards. To achieve this, GIABA supports the work of Financial Intelligence Units (FIUs) whose mission is to receive, analyze and process suspicious transaction reports and other AML/CFT reports, with a view to detecting ML or TF offences. The United Nations Security Council Resolution 2462 rightly calls on all countries to value financial intelligence and support FIUs in their activities to combat terrorism financing.
13. Since the establishment of FIUs in GIABA member States, it should be noted that no player in the maritime sector has so far contributed, through suspicious transaction reports (STRs), cash transaction reports (CTRs) or the sharing of any information, to the detection of an act of ML or TF related to maritime crime, despite the persistence of the threat in the Gulf of Guinea and the high potential of players within this sector to know suspicious information . It is for all these reasons that the SWAIMS program, which is a coherent response designed to increase the capacity of security and non-security actors in the fight against maritime crime, has a component **that targets how the criminal networks launder the proceeds of crime committed at sea**. Hence, the essence of producing this report.
14. The general hypothesis that prevailed at the initiative of this study is that the lack of knowledge on the financial products resulting from maritime piracy, armed robbery at sea, illegal bunkering, marine pollution, illicit drug trafficking at sea, IUU fishing etc. and maritime corruption, is likely to significantly reduce the quality of the various political and operational responses to the phenomenon of maritime crime in the world in general, and in the Gulf of Guinea, in particular.

1.2. Objectives

15. The general objective of this report is to assess and understand how money laundering, terrorist financing and illicit financial flows are linked to maritime crime in the Gulf of Guinea, and to provide relevant recommendations that could be implemented to more effectively combat criminal activities committed at sea and to address other related challenges.

16. More specifically, this report aims to achieve the following objectives:

- Provide a better understanding of clandestine money laundering networks originating from criminal activities at sea and an assessment of the financial flows generated.
- Examine other illegal West African financial networks linked to other crimes such as drug and arms smuggling and through illegal, unregulated and unreported fishing or other forms of environmental crime.
- Assess and understand how money laundering, terrorist financing and illicit financial flows are linked to maritime crime in the Gulf of Guinea.
- Provide an understanding of terrorist and criminal financial networks, their money laundering methods, sources, networks and connections.
- Review and analyze policy and operational responses to maritime crime in ECOWAS coastal states.
- Make recommendations on institutional or operational adaptations to better respond to the nexus between financial networks and maritime crime.

1.3. Use of AML/CFT/CPF standards for maritime security

17. The FATF standards are the global reference in the fight against money laundering and its predicate offences, terrorism financing and the financing of proliferation of weapons of mass destruction as well as preventing the illegal acquisition, transfer or use of capital. They require countries to take a coherent set of political, institutional and operational measures aimed at depriving all offenders of the enjoyment of the crime. Among these requirements, the following should be noted, among others:

- ❖ **Criminalize money laundering** based on the Vienna Convention and the Palermo Convention and apply the money laundering offence to all serious offences in order to cover the widest range of predicate offences. For maritime security, the implementation of this requirement is timely in that it will make it easier to detect the flow of funds associated with crimes committed at sea.
- ❖ **Identify and assess risks, develop policies and interagency coordination mechanisms** at the national level to mitigate them. The implementation of this measure could allow the competent authorities of the maritime sector to better understand the vulnerabilities linked to the different forms of maritime crime (piracy, IUU fishing, marine pollution etc.), to apply a risk-based approach with a view to optimizing resources, strengthening the system for the prevention of abuse at sea and contributing to the detection of illicit flows and investigations through due diligence, record keeping and information sharing with the competent authorities, especially with the Financial Intelligence Units. It could also lead to some policy reforms whereby certain maritime professionals are subject to AML/CFT/CPF requirements as they would have the capability to report on maritime crimes.
- ❖ **Equip competent authorities (e.g. Law enforcement authorities and supervisory authorities) with the necessary powers and responsibilities.** Implementation of this requirement has the potential to raise maritime awareness of competent authorities on the importance of financial investigations and the confiscation of proceeds and instrumentalities of crime.
- ❖ **Implement preventive measures for financial and non-financial sectors.** This requirement calls for a range of measures aimed at fostering public/private partnership to act against ML and TF. These measures will provide investigators in the maritime sector with a variety of sources of information to develop evidence of offences committed at sea and to facilitate the location and repatriation of seized or confiscated assets.
- ❖ **Strengthen the transparency and availability of beneficial ownership information of legal persons and arrangements.** The implementation of this requirement can make it possible to ensure the integrity of the actors of the maritime system, in particular in terms of the real ownership of fishing vessels, the granting of operating permits, the fight against maritime corruption, etc.

- ❖ **Facilitate international cooperation.** The implementation of this requirement can help competent authorities in the maritime sector to have a wide range of international cooperation tools, both formal and informal, to make research more dynamic in matters of mutual legal assistance and ‘extradition. It can also provide an operational framework for the exercise of the right of sea pursuit recognized by the Montego Bay Convention (1982).

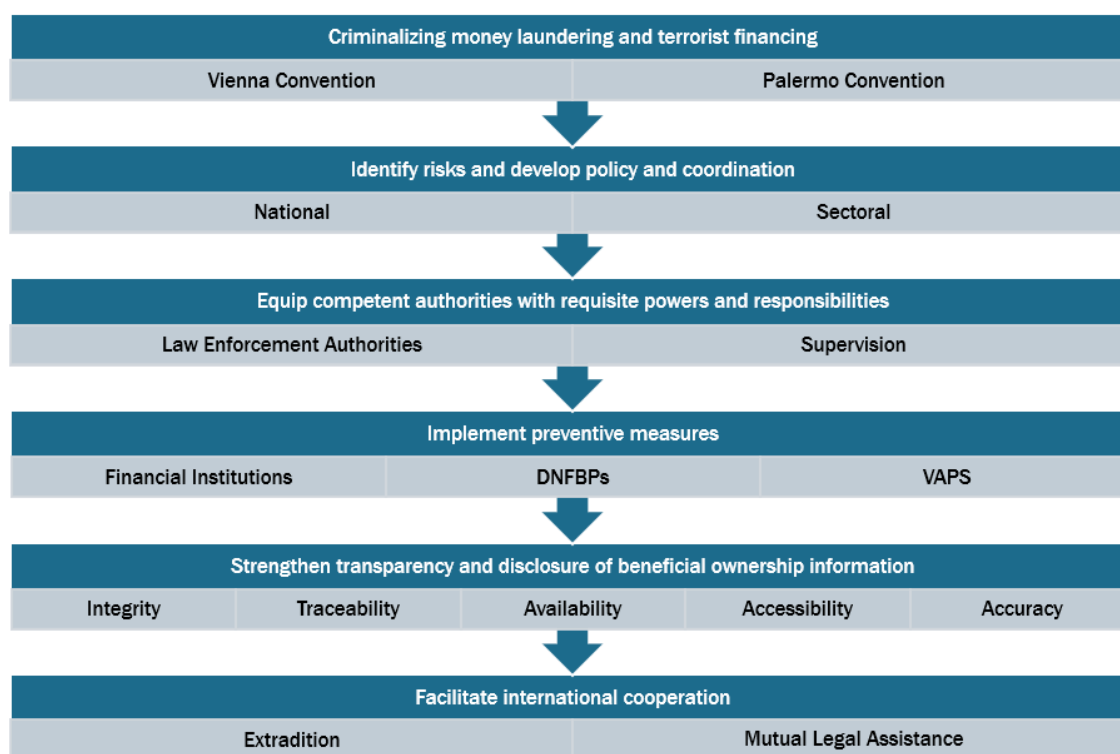


Figure 1: Mapping of the AML/CFT mechanism

Source: GIABA

18. More often than not, maritime crime does not simply concern the proceeds of crimes committed at sea, but also and above all criminal networks with links both within and outside the country’s borders. Like all other crimes, each of the forms of maritime crime is fuelled by illicit financial flows that function not only as enablers and facilitators, but also as an end to criminal activities in the region.
19. Therefore, while effective regulation and enforcement of the maritime sector is a crucial first step in addressing maritime threats in all countries, it is far from adequate. Criminal acts will continue to occur in our ocean space as long as there are illicit financial flows so that the gains for the criminals are well worth the risk of arrest and prosecution.
20. Although there has been an abundance of maritime security initiatives and interventions in the Gulf of Guinea in general (such as the G7++ Friends of the Gulf of Guinea (FoGG) and the Gulf Maritime Collaboration Forum from Guinea Shared Awareness and Deconfliction (GoG -MCF/SHADE)), each of these interventions focused on elements such as effective information sharing, improving maritime domain awareness and increasing States’ ability to conduct regulatory operations. and maritime law enforcement. Very little effort has been devoted to identifying the illicit flows that aggravate these maritime crimes or to systematically creating inhibitions to these flows in order to increase the opportunity cost of committing these crimes.

1.4. Terminology

21. The term “ **maritime crime** “ is very encompassing and refers to several forms of violations of the Law of the sea. This concept alone is likely to involve a multitude of sectors for its management (mining, environmental, fisheries, transport, trade, etc.). As a result, it is difficult to find a universal legal definition. The criminal law of the countries is dedicated to a specific treatment of each form of crime committed at sea. The UNODC defines **maritime crime** as a “crime committed in whole or in part at sea and prohibited by national and international law apply”.
22. The Yaoundé Code of Conduct relating to the prevention and suppression of acts of piracy, armed robbery against ships and illicit maritime activities in West and Central Africa, identifies twelve (12) transnational criminal acts in the maritime domain, which constitute a baseline for the present study. (See graph below).
23. “**Vessel**” means a seagoing vessel of any type that is not permanently attached to the seabed and includes dynamically supported craft, submersible craft and all other floating craft ².
24. A “**Pirate Vessel**” means a vessel effectively controlled by people who intends to use it to commit an act of piracy, or which has been used to commit such an act, as long as it remains under the control of such persons;
25. A **Suspicious Vessel** is a Vessel of which there are serious grounds that it has no nationality, and which may be visited under the international law of the sea. This term may encompass the case where the nationality of a vessel is unknown, uncertain, suspicious or non-existent.
26. **Piracy** means any act of violence or detention, committed for private gain by the crew or passengers of a ship or private aircraft and directed: (i) on the high seas against a ship or aircraft, or against **persons** or property on board such ships or aircraft; (ii) against a ship, aircraft or property in a place beyond the jurisdiction of a State. It follows that an act of piracy can only be constituted if it has been committed on the high seas, in a maritime zone not under the jurisdiction of any State or in the exclusive economic zone. Outside these areas, it is more appropriate to speak of robbery at sea.
27. **Armed robbery** is defined in IMO Resolution A.1025(26), Code of Conduct for the Investigation of Crimes of Piracy and Armed Robbery against vessels as: (i) any unlawful act of violence or detention or any act of depredation or threat, other than an act of piracy, committed for private gain and directly against a vessel or against persons or property on board such a vessel, internal waters, Archipelagic waters and territorial sea; (ii) any act intended to incite the commission of acts defined in (i) or committed with the intention of facilitating them.
28. **Pavilion State** represents the State where the vessel is registered. The jurisdiction of the Pavilion State is that which is exercised primarily on board any vessel legally flying the flag of that State. Landlocked States can also be Pavilion States.
29. **Territorial sea** is the belt of water whose breadth does not exceed 12 nautical miles seaward measured from the baselines of a State and considered part of the sovereign waters of that State.
30. **Maritime Zone** is an area of the ocean to which at least one of the regimes described in the Convention on the law of the sea or recognized in customary international law applies. The particular rights and obligations associated with the coastal State on the one hand, and with the Pavilion State, on the other, and between which a balance has been struck, may differ according to the maritime zones.

² Article 1 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, which entered into force on March 1, 1992 (Treaty Series, vol. 1678, No. 29004)

- 31. Illegal bunkering is the** illegal sale of crude or refined oil, not giving rise to the payment of any tax, levy or duty, in particular in the case where the product has been stolen or has been the subject of contraband.
- 32. Illegal fishing** refers to activities (i) carried out by national or foreign vessels in the territorial waters of a State, without the permission of that State; or in violation of its laws and regulations; (ii) carried out by vessels flying the flag of Member States of a relevant regional organization, but which operate in violation of the conservation and management measures adopted by that organization and which are binding on the Member States, or the relevant provisions of international law applicable or (iii) in violation of domestic laws or international obligations, including those committing States to cooperate in a relevant regional organization of fisheries management.
- 33. Unreported fishing** refers to fishing activities (i) which are not reported, or which are incorrectly reported to the relevant domestic authorities, in violation of domestic laws and regulations or (ii) carried out in the areas of jurisdiction of a competent regional fisheries management organization that are unreported or misrepresented to the relevant national authorities, in violation of reporting procedures to that organization.
- 34. Unregulated fishing** refers to fishing activities (i) within the area of jurisdiction of a relevant regional fisheries organization, by foreign vessels, or by vessels flying the flag of a State that is not a party to that organization, or by a fishing entity, in a manner that does not comply with or violates the conservation or management measures of that organization; (ii) or in areas or for fish stocks in respect of which there are no applicable conservation management measures, and where activities are carried out in a manner inconsistent with the State's responsibilities for conservation of living marine resources under international law.
- 35.** The concept of “ **IUU fishing** “ is used to characterize all of these illegal acts related to the exploitation of fishery resources.



1.5. Methodology

36. This study was piloted by the GIABA Secretariat in collaboration with the technical assistance team of the SWAIMS project and a group of experts from Benin, Côte d'Ivoire, Ghana, Guinea Bissau, Nigeria and from Togo. The project team also relied on inputs made by members of the GIABA Technical Commission/Plenary, those of the FATF and the Global Network.
37. The research was conducted in several phases (see figure below) and used a mixed approach involving mainly qualitative data, but with some useful quantitative datasets provided in the case studies. The project team first carried out a detailed literature review in order to identify relevant publications and press articles on maritime crime in the Gulf of Guinea. The purpose of this review was to obtain a clear assessment of the extent to which this topic had been publicly documented and to identify gaps that this project could fill (See the list of bibliographical references in the Appendix). Country experts were then recruited and supervised to carry out data collection in the field and produce national reports, which were discussed in workshops and synchronized into a regional report.
38. Prior to this study, the following assumptions had been established:
- The fight against maritime crime is governed by international legal instruments, the provisions of which are yet to be fully transcribed into the domestic law of the countries.
 - The Gulf of Guinea countries have no specific national maritime security policies. In the GoG States which have an integrated strategy to fight against maritime insecurity, there are still challenges such as the inadequate legal framework for prevention and repression, weak institutions in place, lack of a real policy for the coordination and harmonization of control measures and the lack of operational capacities at domestic level.

- The AML/CFT and the fight against maritime crime systems operate separately without their operational aspects being coordinated and articulated to dispossess offenders of the proceeds of crime. Joint investigations and financial investigations in this area are not carried out. Despite the foreign elements and transnational ramifications involved in maritime offences, the potential for international cooperation is inadequately explored.

39. In the light of the above-mentioned assumptions and issues, terms of reference were prepared for national experts to prioritize: (i) identification of the relevant provisions of international legal instruments to be included in national legislation; (ii) an analysis of existing national texts based on the relevant provisions of international law relating to criminalization, jurisdiction, definition of offences, coercive measures and cooperation; (iii) outlining the dysfunctional areas in the institutional and operational Community supervisory framework as well as the harmonized supervisory framework adopted in other regions of the world; (iv) outlining the implementation constraints in the GoG Member States, and measures to fight against money laundering, terrorism financing terrorism and proliferation financing.

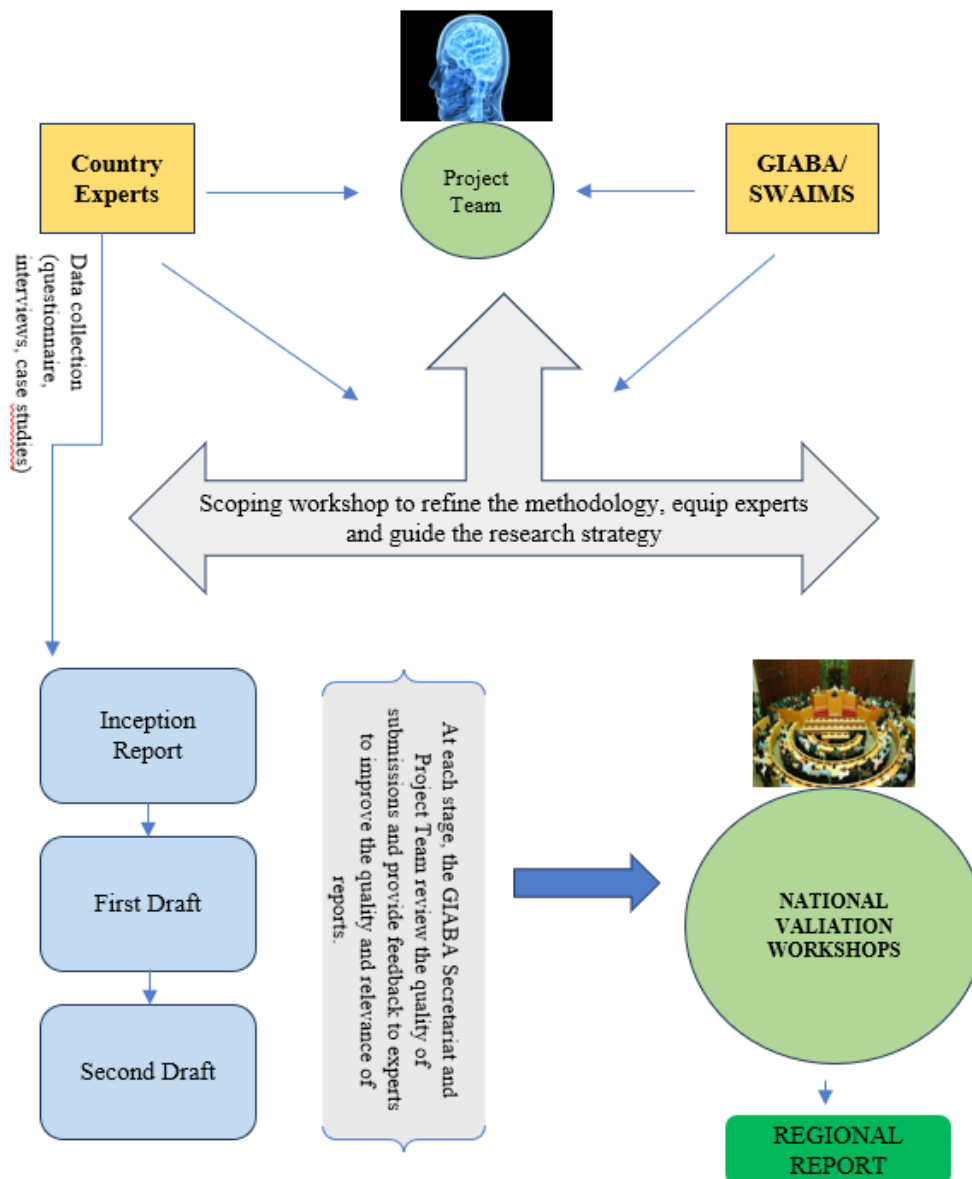


Figure 3: Descriptive diagram of the report methodology.

CHAPTER TWO:

MARITIME SECURITY SITUATION IN THE GULF OF GUINEA

Introduction

40. The waters in the GoG are home to many resources. Its oil reserves increase its production and generate significant flows, particularly linked to the coastal maritime axis, giving it the hope of gradually becoming, despite the conflicts and nefarious action of pirates, a new center of energy gravity and therefore an area of strategic interest.
41. In its broadest definition, the strategic ³GoG region is made up of 25 States, including 17 coastal states, 2 islands and 6 hinterland states, and presents characteristics that are rather favorable to trade relations: relatively politically stable countries, with economic growth rates above the continental average and foreign investment attraction policies. Furthermore, as the world's second largest province in terms of energy after the Middle East, the GoG represents almost 50% of the African continent's oil production or 10% of world production ⁴. It covers approximately 40% of European needs, 25% of American needs (2015) and contains more than 24 billion barrels of hydrocarbon reserves. Fisheries wealth complements this picture with a capacity of one billion tonnes per year. The GoG is a potentially very rich region which, however, fails to make its States prosper. This implies that the GoG is a region of all contradictions with 86.8 million people living in extreme poverty in Nigeria alone, and 59 million in the rest of the ECOWAS States ⁵.
42. This chapter will be analyzing how the threat has evolved over the years and especially how the countries' responses have continuously adapted to contain the risk factors.

2.1. Growing threat

43. Insecurity at sea has often been seen as the result of instability on land. It is gaining ground in the Gulf of Guinea and highly structured criminal organizations are prospering by gradually extending their range of actions, taking advantage of the deficiencies that characterize many States in the region: insufficient intra- and inter-State coordination, inadequate legal frameworks, insufficient knowledge and mastery of the maritime domain, corruption which facilitates the disposal on land of stolen products and the sluggish implementation of the decisions taken. For example, in terms of piracy, the radius of action of pirates, which was originally located on the Nigerian coast, has gradually developed, to such an extent that the phenomenon has spread and now covers Benin, Côte d'Ivoire, Cameroon, Equatorial Guinea, Gabon and Togo.
44. While it was often directed against ships or maritime structures, maritime crime has continued to evolve year in year out. New forms of crime are increasingly observed in the GoG waters, including kidnapping of crew members for ransom, hijacking of vessels to serve as parent vessels, theft of cargo and bunkering of fuel (*Bunkering*), theft (*deck fittings, personal belongings of crew members*), illegal, undeclared and unregulated fishing (*known as IUU fishing*), migrants' smuggling, arms and narcotics smuggling, illegal dumping and marine pollution.
45. Originally, pirate groups usually sought to steal cargo, but Nigerian criminal organizations and pirates are now moving towards kidnapping crew members; they often target tankers and abduct the most valuable crew members to demand a ransom for their release. West African pirates have been known to be interested in refined petroleum

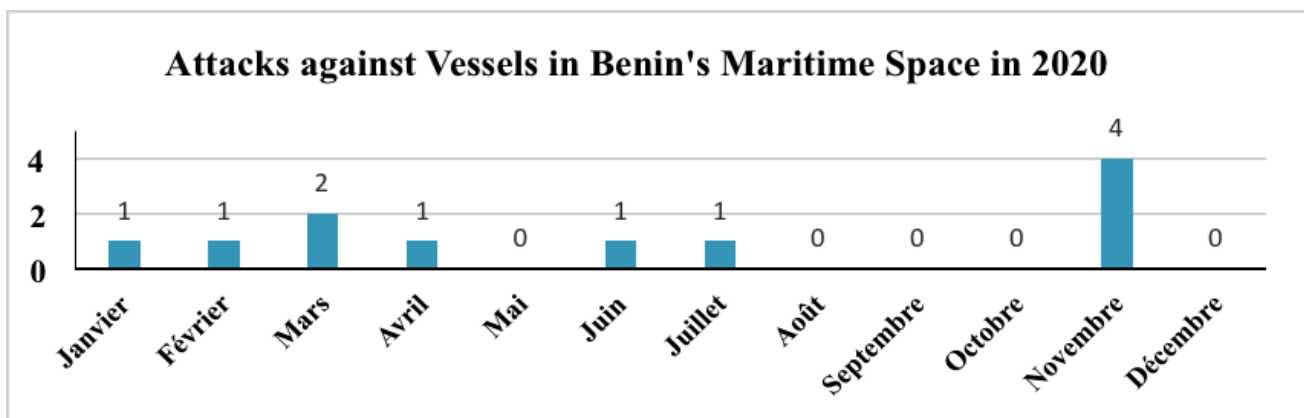
3 Michel, Luntumbue . *Piracy and insecurity in the Gulf of Guinea: challenges and issues of regional maritime governance* . GRIP Analysis Note, 30 September 2011, Brussels. URL: http://www.grip.org/fr/siteweb/images/notes_analyse/2011/na_2011-09-30_fr_m-luntumbue.pdf

4 Abdelhak, Bassou. *The Gulf of Guinea, zone of contrasts: Wealth and vulnerability* . In: OCP Policy Paper, September 2016, 32 p

5 Curtis, Bell. *Pirates of the Gulf of Guinea: A Cost Analysis for Coastal States* . Nov. 2021

products such as gasoline. Oil trafficking is extremely lucrative for pirates. Furthermore, pirates operating in the Gulf of Guinea have an awful reputation for using violent *modus operandi*, which often involve the kidnapping, torture and murder of crew members. The increasingly violent methods used by these groups are considered as part of a low-risk, high-reward business model that emphasizes violence and intimidation ⁶.

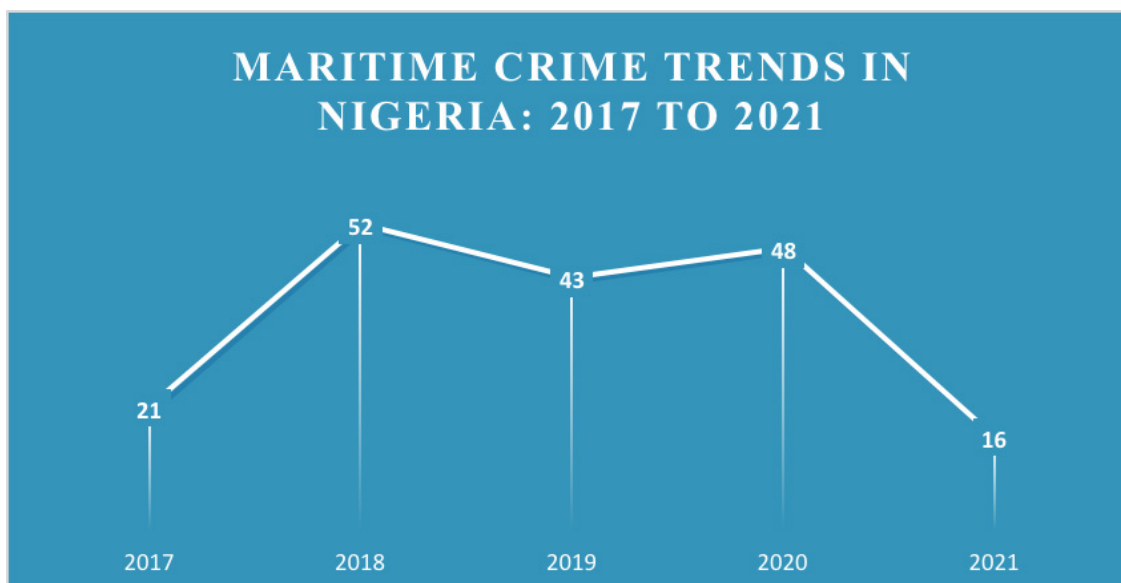
46. The main threats to maritime security in the GoG region mainly come from attacks against ships and boats. In **Benin**, the first acts of maritime piracy were committed in 2008 in its Exclusive Economic Zone (EEZ). Due to the operational weakness of the national navy, the threat had shifted from the EEZ towards territorial waters against oil tankers at anchor in the harbor of Cotonou, whose decks are relatively low and therefore easy to access, as compared to container ships. Incident statistics over several years have revealed that attacks change with the weather throughout the year.



Source : National Navy Headquarters.

47. The Ghana Navy has revealed that the country has recorded 39 pirate attacks between January and October 2021 alone, with an increasing shift from hijacking tankers to kidnapping seafarers for ransom. Juxtaposing this number to the ten (10) separate piracy incidents that occurred off the coast of Ghana between 2015 and 2019, it is clear that the threat is growing in Ghanaian waters. Although, in accordance with international law, several attacks recorded in the territorial waters and EEZ of Ghana are in fact armed robbery at sea as opposed to piracy, it is highly likely that they are perpetrated by the same groups or pirate networks.
48. According to the International Maritime Bureau (IMB), Sixty-five (65) incidents of piracy and armed robbery against ships were recorded in the first half of 2023, an increase from 58 incidents in the first half of the same period in 2022. Of the 65 reported incidents, 57 vessels were boarded, four (4) were attacked, two (2) were hijacked and two (2) were shot at. During the same period, violence against crew members continued, with 36 hostage-takings and 14 kidnappings.
49. Maritime piracy is one of the most formidable forms of maritime crime in Nigeria due to its interconnections with organized crime. Hence the country is considered as the epicenter of the current wave of piracy in the Gulf of Guinea. The figure below shows the evolution of the phenomenon between 2017 and 2021. These statistics relate exclusively to acts of piracy, kidnapping and armed robbery at sea.

⁶ Source: Study on Illegal Fishing off the Coasts of West Africa, September 2014, INTERPOL

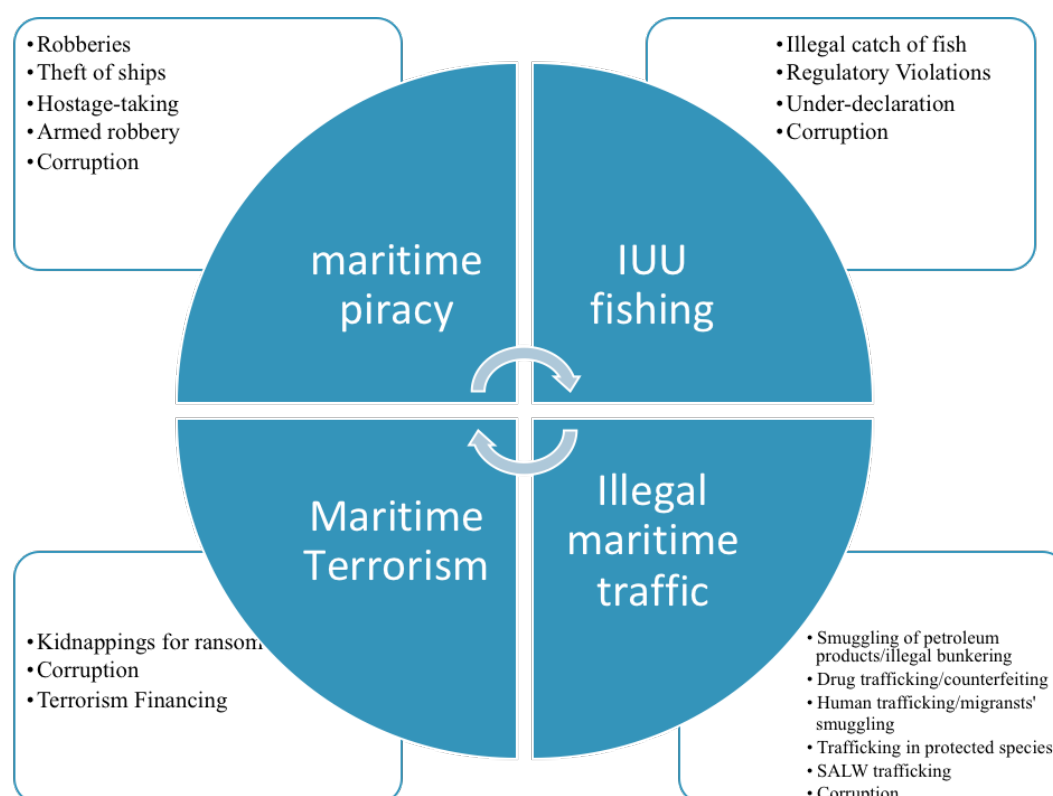


50. In addition to attacks against vessels which constitute an essential aspect of maritime crime, there is also a high prevalence of IUU fishing causing enormous economic losses to States. **Globally, illegal and unreported fishing accounts for 26 million metric tons of fish annually, worth US\$23.5 billion. This represents more than 816 kg of wild fish stolen at sea every seconds. With nearly 90% of the world's stocks exploited at maximum capacity or overexploited, it is now more crucial than ever to take action against illegal, unreported and unregulated (IUU) fishing.**
51. In May 2021, in Nigeria, the House of Representatives decided to investigate alleged illegal fishing worth \$70 million a year by Chinese and European trawlers in Nigerian waters. The country lost such an amount in its home waters, as the Nigerian Navy observed in 2017, despite Nigeria's no-fishing agreement with distant countries such as China and the European Union.
52. According to a 2014 study conducted by INTERPOL on Illegal Fishing in West Africa, the types of illegality and crime affecting the fishing sector today include:
- The implementation of tactics to evade surveillance, for example disrupting electronic surveillance systems and hiding the distinctive marks and identity of vessels;
 - Transshipment at sea, which can facilitate the laundering of illegally caught fish by transferring the catches to cargo vessels, which then unload the fish in distant seaports;
 - Fraudulent registrations, in the region and elsewhere, to facilitate illegal fishing activities around the world (a problem compounded by the lack of transparency of most vessel registration records);
 - Licensing offences, for example fishing with fraudulent licenses (a problem compounded by the lack of transparency in licensing in the region);
 - Complicity with the local sector, which takes the form, for example, of illegal transshipments from local vessels to industrial vessels;
 - Illegal fishing in local fishing areas by industrial vessels.
53. Regarding **maritime trafficking**, incidents relating to the smuggling and trafficking of drugs, fuel, wildlife and weapons are intensifying in the Gulf of Guinea. In **Togo**, the phenomenon of crime linked to protected species assumed an alarming scale between 2012 and 2014 and mainly concerns ivory, shark fins and pangolin scales. Indeed, according to the ML/TF National Risk Assessment (NRA) report conducted in Togo between 2018 and 2019, at least 3,815 tonnes of ivory in two export containers at the Port of Lomé were seized in January 2014 involving a Vietnamese.

54. In Benin, the illicit trade in adulterated fuel commonly known as « kpayo gasoline» exploded in 1980, when the country faced a socio-economic and political crisis that led to unprecedented levels of unemployment, leaving few opportunities for many employees. This contraband fuel comes from Nigeria, West Africa's leading oil producer, which shares a 780 kilometer border with Benin. In this country, government subsidies make fuel cheaper and therefore easily accessible to smugglers.

55. The illicit oil stealing activity (by puncturing pipelines) for resale contributes to the illicit trade in fuel, as Benin dealers buy it on the black market. Even the closure of the **Benin-Nigeria border** between 2019 and 2021 did not dent these trafficking networks as dozens of informal and poorly monitored entry points from Nigeria into Benin were identified. This fuel, resold around 30 to 40% cheaper than pump price, attracts many Benin nationals despite its poor quality. Involved in this trade are men, women and even children of all ages, schoolchildren, students or otherwise. The income derived from this trade supports several thousand families to build a home, provide medical care and pay for their children's education. On other occasions, it would not be exaggerated to think that part of the contraband gasoline enters a formal circuit and finances political activities or feeds the armed groups, thereby fueling chaos in the Sahel or funds their criminal activities.

56. The maritime crime landscape in the Gulf of Guinea is mapped below.



2.2. Nature and extent of associated financial flows

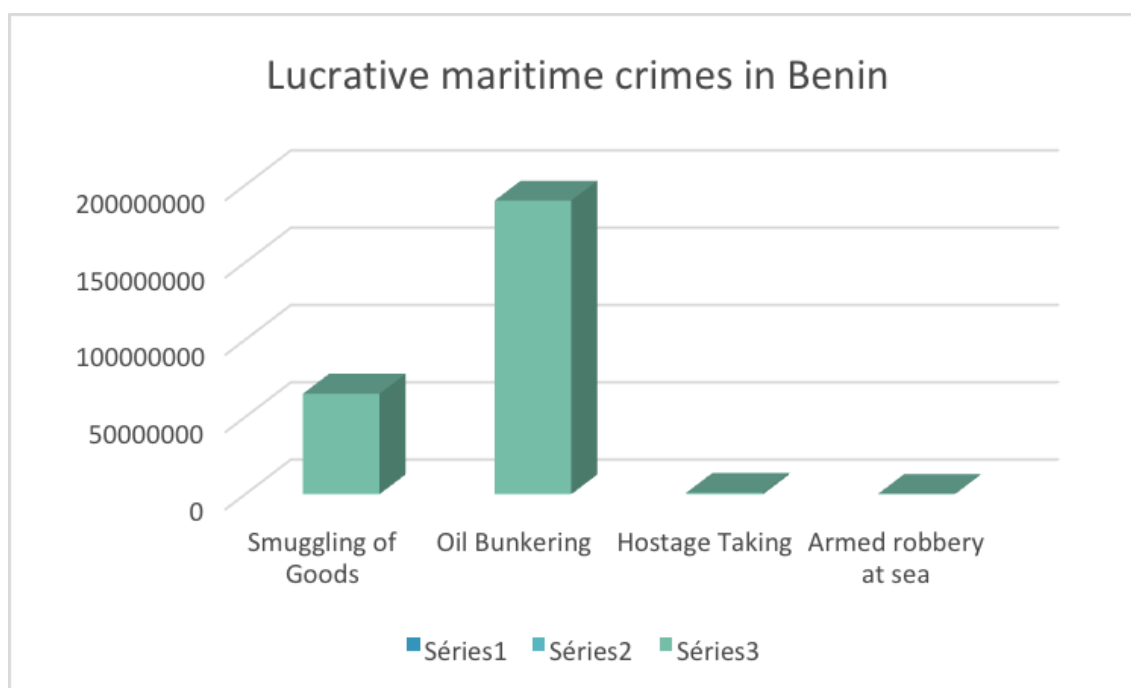
57. It is generally accepted that crime is motivated by the lure of profit. According to the report on Illicit Financial Flows published by the OECD in 2018 ⁷, the annual costs of piracy in West Africa stands at around US\$565 million to 2 billion. The thefts of goods orchestrated by pirates stand at more than one million dollars (\$1m) per year according to the report *Pirates of the Gulf of Guinea*, published December 2021 by Stable Seas ⁸. This study has revealed that several maritime offences provide significant income to their perpetrators.

⁷ OECD (2018), Illicit Financial Flows: The Economics of Illicit Trade in West Africa

⁸ <https://www.stableseas.org/post/pirates-of-the-gulf-of-guinea-a-cost-analysis-for-coastal-states>

BENIN

58. The lucrative benefits of maritime crime are not negligible in Benin. Indeed, the **smuggling of goods** in Benin waters generates proceeds of crime estimated at an average of 625 million USD annually, **fuel theft (siphoning)** 190 million USD and **hostage taking** 1 million USD per group of hostages. **Armed robbery, on its part** earns criminals US\$250,000 per year. Since statistics on the resale of fuel from the **hijacking of oil tankers** are not available, the financial losses can easily be assessed at several tens of millions of USD.
59. General intelligence recently reported that in northern Benin, two large clandestine fuel depots had been destroyed. This traffic supplies armed men who get their supplies there on motorbikes, in an area straddling Burkina Faso and Benin. This channel for the flow of fuel of dubious origin generates a lot of money because this fuel being vital for the movement of motorcycles and other pickups, the terrorists enriched by other types of trafficking (narcotics, weapons, human beings, organized crime, etc..) do not hesitate to buy it at a high price. Fuel is most often transported legally in tank trucks, from various GoG seaports (Nigeria, Benin, Togo), under the same conditions as those which, in principle, are regularly destined for countries in the hinterland (Burkina Faso, Niger, Mali).



COTE D'IVOIRE

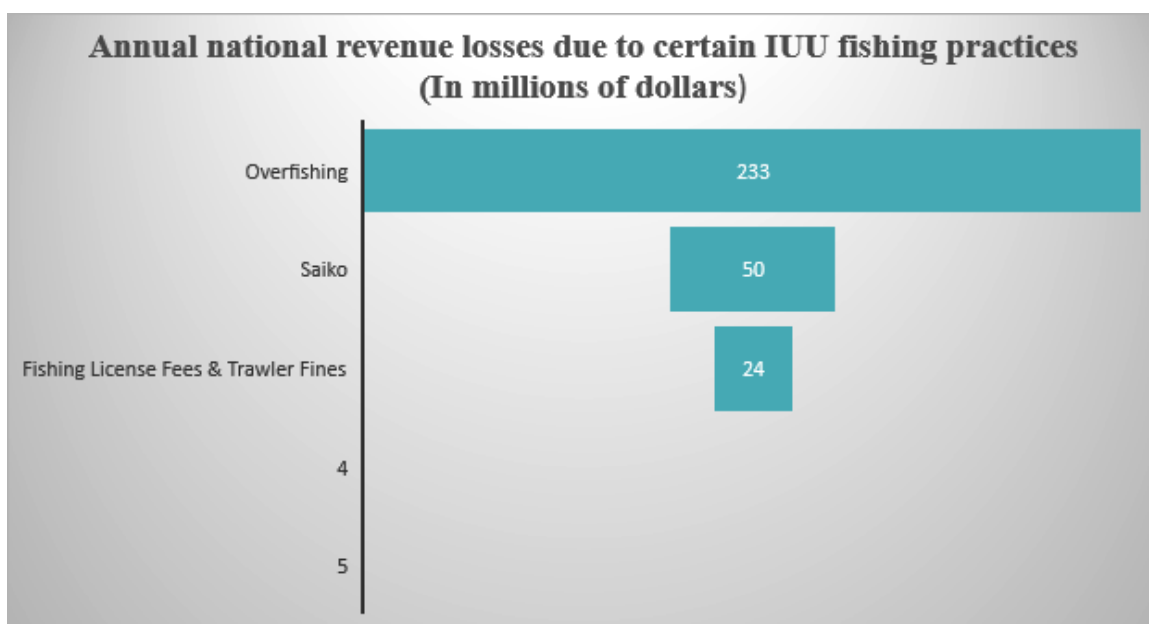
60. In Côte d'Ivoire, revenue derived from maritime crime comes mainly from IUU fishing, maritime trafficking of illicit products (false averaging, drugs, counterfeit medicines, etc.) and corruption. The analysis of the various data collected has estimated the losses in terms of IFFs, restricted to outgoing IFFs, to date between 685 and 950 billion CFA francs in recent years (2018/2021), i.e. representing an average increase of 104. 4% of the amount of IFFs, about ten years ago. On average, this amount represents 62.9% of the official development assistance received by the country in 2020. In accordance with the rates taken from recent studies relating to the risks of money laundering, terrorist financing and trafficking in weapons of mass destruction, the UNODC reports on narcotics and corruption, **the maritime sector has contributed on average about 35% of IFFs, or about 286.1 billion CFA francs per year over the past three years.**

1. Box 1: Use of maritime traffic to fraudulently import counterfeit banknotes.

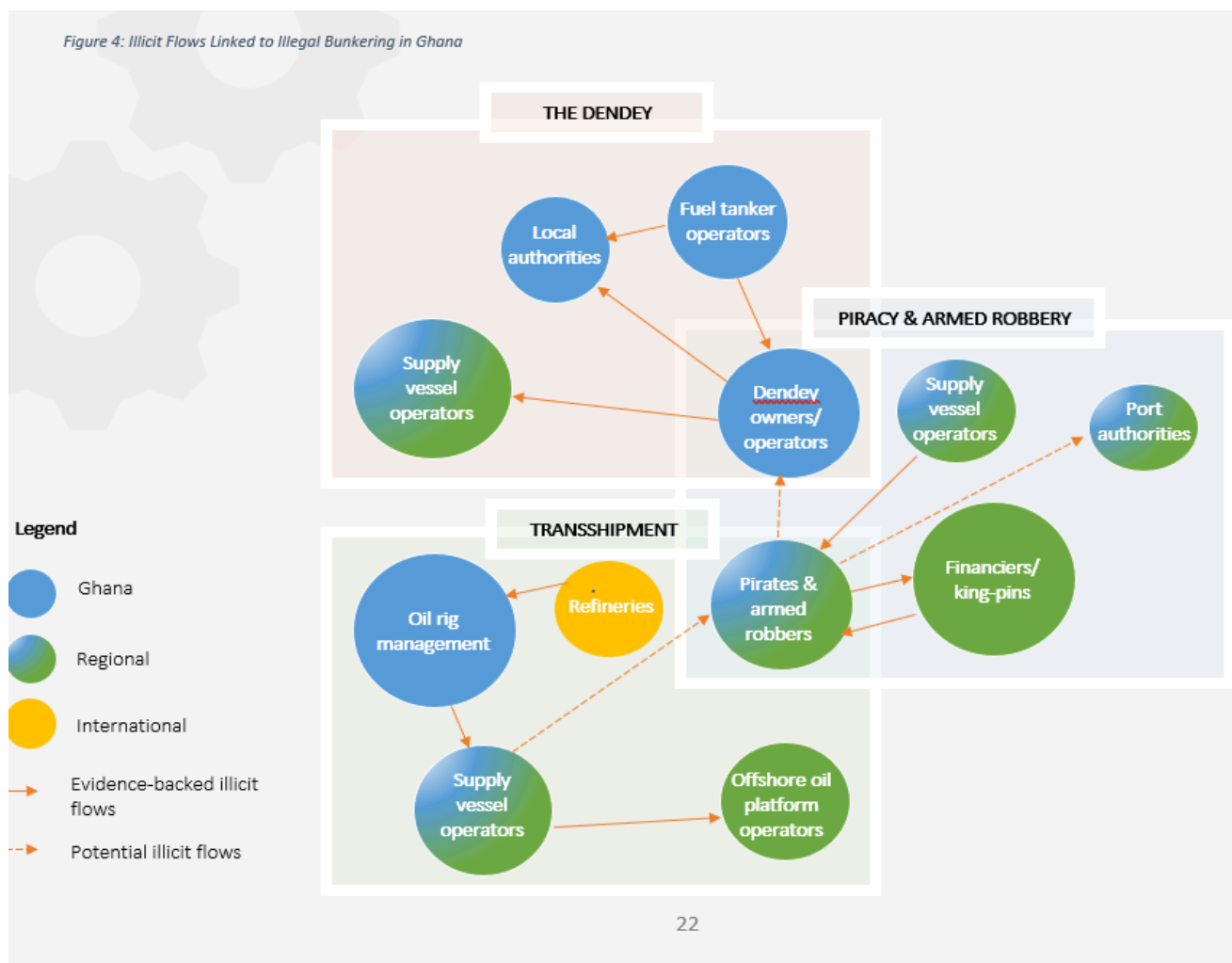
Mr. AT, a European businessman in his country, was contacted by Mr. ZB in Africa through one of his colleagues for an operation involving funds called «true counterfeit notes». Actually, these were banknotes that had gone through the banknote screening machines without any difficulty, but which could no longer circulate in the monetary space of origin, which is the European Union.

The operation was the purchase of 50 million euros at 50% of its value. Mr. ZB therefore sent through the “Hawala” system the equivalent of 50 million euros. In return, Mr. AT through a Tanker ship despatched the funds. Upon his arrival, some local residual fuel bunkering boats transported the funds for Mr. ZB.

61. More than 90% of Côte d’Ivoire’s foreign trade transits through the two seaports of Abidjan and San Pedro, which also handle transit traffic for countries such as Niger, Mali and Burkina Faso; the seaport of Abidjan and that of San Pedro alone generate 88% of the country’s customs revenue (2015); the Abidjan fishing harbour is the leading tuna port on the West African coast, with an annual volume of over 100,000 tonnes; generating more than 30,000 jobs.
62. Interviews with naval personnel directly involved in operations in Ghana revealed that illegal bunkering (along with IUU fishing) is one of the most prevalent maritime crimes in the country’s maritime domain. The figure below illustrates the annual national revenue losses recorded due to certain IUU fishing practices as estimated by the Environmental Justice Foundation (2019 and 2021) and the World Bank [authored by Srivastava and Pawlowska (2020)]. In this case, the overfishing could be considered as rather global (as evidenced by the significantly higher figure), as *saiko*, loss of fishing license fees and trawler fines could all lead to overfishing in the Ghanaian waters.
63. Figures may not have been directly reported as representing illicit flows. However, revenue losses to the State often end up in accrued profits/revenue from crime and could provide useful insights into the magnitude of illicit flows resulting from IUU fishing in Ghana.



64. In terms of illegal bunkering, according to the current Vice President of Ghana, Dr. Mahamudu BAWUMIA, the country loses more than \$200 million a year in tax revenue due to illicit activities such as illegal bunkering and oil theft in the downstream oil sector. He described them as ‘an emerging threat that is negatively impacting [Ghana’s] maritime security as well as the country’s efforts to mobilize tax revenue from the sale of petroleum products’ (Markwei, 2020).



65. A recent study conducted by the Ghana Center for Democratic Development (CDD-Ghana) on the links between illicit financial flows and political campaign finance in Ghana, identified that some political party financiers were involved in serious organized crimes, including illegal bunkering (Nyarko, 2022).
66. According to the Wall Street Journal, over 470,000 barrels of oil were siphoned off in this manner in less than three (3) months and shipped with Saltpond oil as legitimate production from Ghana to Italian refineries (Faucon & Hinshaw, 2014). **These incidents alone probably resulted in over \$47 million in illegitimate flows between Nigeria, Ghana and Italy that would be almost impossible to trace.**



GUINEA-BISSAU

70. In terms of maritime crime, the various authorities contacted consider that the main illicit activity at sea generating revenue in Guinea-Bissau is international drug trafficking, due to the country's vast coastline, its many islands, the volume of its waters and the limited resources made available to it by the various State structures responsible for the prevention and penal repression of this phenomenon. The country continues to be a hub for the transit of cocaine from South America into European territory. Furthermore, the environment has become permissive for traffic operations thanks to latent corruption. Backed by certain domestic accomplices, the drug barons continue to make the country the transshipment center for this product with the support of their collaborators in the region and elsewhere.
71. Various forms of maritime crime are perpetrated in the country with strong bullish momentum. These include International maritime drug trafficking, maritime piracy and kidnapping of seafarers, illegal, unreported and unregulated fishing, migrants' smuggling, currency smuggling by sea, illegal felling of trees transported by sea and the illegal mining of minerals transported by sea. The hike in maritime crime in the country has been widely attributed to the dwindling State authority, widespread corruption and lack of clear policy guidelines for the maritime sector. **In absolute terms, no less than CFAF 45 billion were generated through the commission of these crimes between 2006 and 2022, and only 0.73% of this amount has been seized or confiscated.**

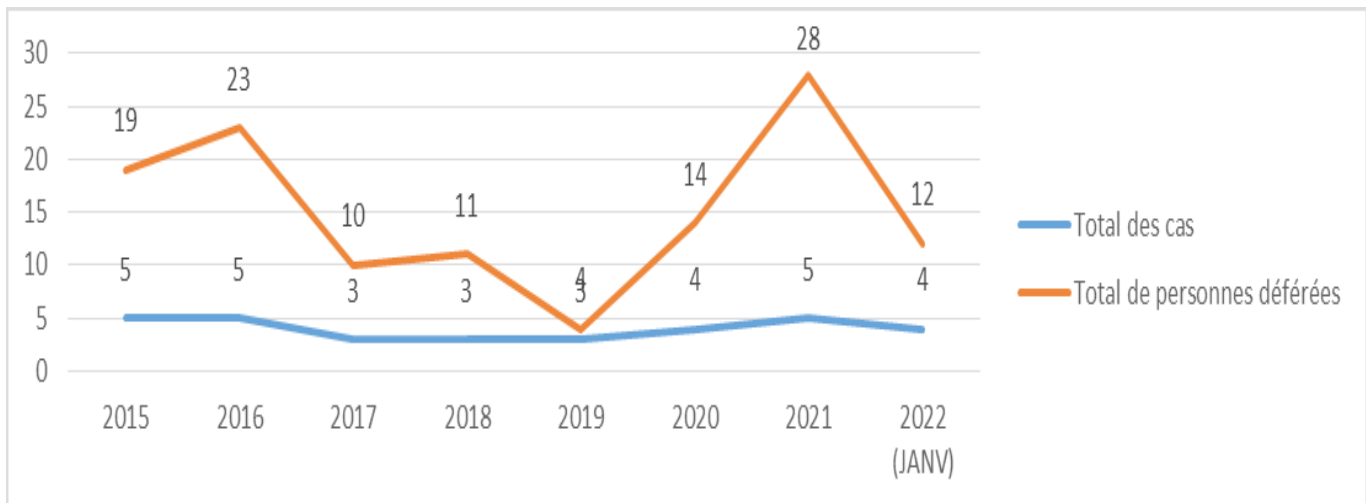
NIGERIA

73. The available statistics do not make for the profitability of maritime crime to be assessed to the point of deducing the most lucrative maritime offences in Nigeria. However, estimates of how much oil Nigeria is losing every day to thieves in the maritime region continue to rise on a daily basis (Waziri Adio, Arise News, 2022). NEITI in 2020 reported a loss of approximately 200,000 barrels per day, valued at around \$4.1 billion in revenue per year. By the last quarter of 2021, the numbers had risen to around 500,000 barrels, with oil selling for more than \$90 a barrel on the international market. This figure does not include what has been widely described as “white collar theft” involving shippers, buyers and sellers of Nigerian crude oil.
74. According to the November 2019 NEITI Policy Brief, the National Economic Council (NEC) Ad Hoc Committee on Crude Theft revealed that Nigeria had lost approximately 22 million barrels in the first six months of 2019. This loss was later estimated at \$1.35 billion. This amount already represents about 5% of the entire year’s budget. Furthermore, it is more than capital allocations for education, health, defense and agriculture combined. Yet this is crude oil lost in just half a year. But these numbers are only a fraction of the consequence. Although the figures released by the NEC committee appear to be the first major government-level attempt to empirically assess the volume of losses over time, the figures presented by NEITI since its 2009 audit have calculated the volumes and values of losses gross on a 12-month basis.
75. In its study, NEITI presented the figures for crude oil losses over ten years (2009 to 2018). In 10 years, Nigeria has lost more than 505 million barrels of crude oil, and 4.2 billion liters of petroleum products valued at \$40.06 billion and \$1.84 billion respectively. Cumulatively, total crude and product losses for the period amount to \$41.9 billion. **On average, Nigeria lost \$11.47 million per day, \$349 million per month and \$4.2 billion per year for the review period.**
76. The other two factors, in addition to production losses, draw attention to the fact that the problem, even in quantitative terms, is much more than a 10-year \$41.9 billion headache. Pipeline repairs, directly resulting from vandalism, are a major indicator of losses in the oil industry. **For three years, from 2014 to 2016, total expenditure on pipeline repairs amounted to N363 billion.**
77. Similarly, piracy and especially kidnapping for ransom generate significant flows of funds in Nigeria. In recent years, the value of ransom payments has also increased. According to a UNODC report, the initial ransom demand for kidnapped personnel in 2008 was between 20 and 25 million naira (\$100,000.00-\$150,000.00). In 2016, the agreed sum for a set of captives increased to approximately \$125,000.00 - \$150,000.00. Since then, there had been a significant increase in the amount of ransom payment demanded by the kidnappers.
78. The operations of pirate syndicates in the maritime region also involve the use of sophisticated weaponry necessary for medium to large-scale attacks. They can kidnap large groups of mariners and operate at distances farther from the coasts of the country. **The pirates also have ample resources, including an assortment of weapons and boats with turbo engines, which help them navigate and escape easily.**

TOGO

79. The smuggling of petroleum products in Togo generates enormous financial flows. It is certainly difficult to assess the extent of these flows, but it appears from the statistics provided by the GIGM and the National Navy that the traffic in fuel and other petroleum products in the waters under Togolese jurisdiction is recurrent and significant. The people involved in the smuggling of these products are mostly of Togolese, Ghanaian, Beninese

and Nigerian nationality according to GIGM officials¹⁰. It appears from the seizures made that a single motorized canoe can transport from the sea to the coasts, on average, 300 cans of twenty-five (25) liters of fuel or other petroleum products. On the Togolese market, the price of a liter of fuel varies between five hundred (500) and six hundred (600) FCFA. It follows from these findings that fuel smuggling can bring in at least per canoe seized, a sum of four million five hundred and fifty thousand (4,500,000) FCFA.



Graph: Trends in seizures of petroleum products linked to smuggling from 2015 to January 2022 (source GIGM)

- 80.** The smuggling of petroleum products is followed, in terms of economic profitability, by counterfeiting which is very widespread in Togo, as in the whole continent. The counterfeit products are of various ranges and concern in particular alcoholic products, medicines, household appliances, insecticides, food products, African loincloths, etc. To be able to sell these products, traffickers are constantly developing new techniques and one of them is to enter the name of the landlocked countries, including Burkina Faso, Niger or Mali as the final destination of the said products arriving by sea at the port of Lomé. This helps them to evade customs control and once the products leave the port, the shipments are simply diverted.
- 81.** Between 2016 and 2021, at least 192,000 boxes of insecticides, 248.28 kg of toothpaste, 3,800 packets of sanitary pads, 2,470 bottles of liquor, to name a few, were seized by the OCRTIDB.¹¹
- 82.** It is quite difficult to assess the financial cost of counterfeit products that have passed through the Togolese maritime space since the majority of these products are not detected. However, to get an idea of the magnitude, a bottle of insecticide is sold at around CFAF 1000 on the Togolese market. With the 192,000 bottles seized, the sums collected amounted to a whopping CFAF 190,000,000. This represents the lucrative aspect of this type of crime in Togo.
- 83.** In a nutshell, the nature of the flows of funds generated by various forms of maritime crime in the six (6) target countries of the study and their importance confirm the need to take charge of the link between ML / TF and maritime crime as well as the interconnections between maritime crime and other categories of offences.

¹⁰ Information collected from the GIGM and the French Navy during the collection of quantitative data

¹¹ OCRTIDB activity reports 2016 to 2021

2.3. Nexus between Maritime Crime and Other Categories of Offences (including money laundering and terrorist financing)

- 84.** With regard to illegality and criminality, crimes support each other. Some generate financial profits, others, on the contrary, generate the means to maintain illegality, informality and criminality. The financial windfall resulting from all types of laundered trafficking is reinjected into the formal economy and allows their perpetrators to redirect them towards other activities. Some actors invest in public works, which makes the money laundering trail disappear. Others are strengthening their logistical means of attack at sea (more robust boats, faster engines, satellite communication, night vision binoculars, etc.). Thus, these means allow offenders to carry out their criminal activities in increasingly remote areas of the coast, beyond the capabilities of most GoG coastal State Naval structures.
- 85.** Quite often, cases of illegal bunkering and oil theft intersect deeply with incidents of piracy and armed robbery at sea. In Ghana, several tankers carrying both crude oil and refined petroleum products have been attacked by pirates in the Gulf of Guinea. The oil from these ships is then sold offshore to other countries beyond the region of attack, making them much harder to trace.
- 86.** In recent years, informal activities in the maritime sector have experienced rapid development. These activities most often involve maritime traffic, local fishing, illicit bunkering of tankers, illicit fueling of certain ships, etc. The investigations carried out by various authors (Forent Gohourou and subsequent., 2019; AHUA Émile Aurélien, 2019) highlight a certain number of determinants, including the attraction of water resources, the absence of administrative controls near these resources and the perception that informal traders have of the waters (eg, accessible, unregulated, and free) regarding the emergence of informal practices. These studies have also shown the development of a non-negligible informal economy which constantly incorporates the formal economy.
- 87.** The practice of informal activities in the maritime sector could constitute a real loophole in the proliferation and development of illicit activities orchestrated by criminal gangs. Informal activities would then serve as a screen or facade for the development of real criminal activities for the benefit of organized gangs. Thus, the surveys carried out with certain associations or cooperatives of fishermen have revealed the use of local fishing canoes to convey drugs and psychotropic substances. The same applies to the use of the said canoes for migrants' smuggling from the coast to vessels on the high seas, the illicit bunkering of vessels, etc.
- 88.** The development of informal activities could impose itself if we are not careful, as real channels for the development of criminal networks of ML/TF/IFF.

Box: Interrelationships between informal activities, maritime crime and other offences

Mr. XL was known in his home environment, especially on the shores of Togolese beaches, as a businessman. His real known activity was fishing, buying and selling canoes. But he was suspected by those around him of also engaging in the illegal recovery of scrap metals from the Togolese seabed. On the night of 11th to 12th May 2019, he joined forces with a group of criminals to perpetrate an act of maritime piracy.

Indeed, six (6) nationals of a country in the sub-region recognized as hosting a large, very radicalized jihadist group travelled to Togo in May 2019 for the sole purpose of committing an act of maritime piracy. To achieve their target after having associated two other Togolese and a Ghanaian and carefully preparing their attack, they solicited the services of Mr. XL who had rented them a powered canoe and probably other equipment. They went overnight aboard an oil tanker flying the Togolese flag which was stationed in the port's anchorage area. They compelled the captain under the threat of the weapons they had to cast off and head for the high seas in order to monopolize the oil and contents of the ship. The rapid intervention forces of the French Navy having detected an unusual movement of the ship which took to the open sea without authorization, set off in pursuit of the latter and following an exchange of fire, the pirates were arrested and handed over to the judiciary. The charges against them were «piracy», «wilful violence» and «criminal association».

Mr. XL and his accomplices received prison sentences ranging from 12 to 20 years with fines ranging from CFAF 50 to 25 million and a 5-year ban as foreigners. However, no financial investigation was carried out and the probability that the defendants were linked to a terrorist group or to the financing of a terrorist group was not investigated.

2.4. Country Legal and Institutional Responses

89. The Gulf of Guinea (GoG) is a geostrategic maritime space. Aware of the negative impact of piracy, armed robbery, robbery and IUU fishing on their economic and social development, as well as on the food security of populations, many coastal States have taken vigorous measures. These include legal, institutional and operational initiatives at international, regional and national levels.
90. Also, on the legal shell, the United Nations have established a set of international legal instruments which, if considered in the domestic legislation, should help to prevent and repress in an effective and sustainable manner, all unlawful acts perpetrated in maritime space nationally and internationally.
91. The analysis of national and regional legal frameworks, with regard to the requirements of international law, has revealed that **the domestic laws of the countries covered by this study still need to be improved with a view to achieving an effective fight against maritime crime.**

2.4.1. International and regional legal instruments

a) 1st Generation International Instruments

92. The first instruments in maritime crime are:

- The 1958 Geneva Convention on the Law of the Sea, which comprises four complementary treaties: (i) the Convention on the Territorial Sea and the Contiguous Zone; (ii) the Convention on the High Seas, (iii) the Convention on Fishing and the Conservation of the Living Resources of the High Seas and (iv) the Convention on the Continental Shelf. These first-generation instruments have deficiencies, including: (i) the choice for a State to ratify the Convention according to its interests; (ii) the lack of agreement on the limits of the territorial sea and fishing zone; (iii) insufficient codification and consensus on customary maritime law.

- The United Nations Convention on the Law of the Sea of December 10, 1982, which defines the legal regime of the various maritime areas (Inland waters, Territorial sea, Archipelagic waters, Contiguous zone, Exclusive economic zone, Continental shelf and Extended continental shelf, High Sea and Deep Seabed) and which lays down procedures for the management and exploitation of resources located under any jurisdiction of the coastal States.
- Subsidiary international instruments in the fight against the predicate crimes to piracy. These are the United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances of 19th December 1988; the United Nations Convention against Transnational Organized Crime adopted in Palermo (Italy) on 15th November 2000 and its Additional Protocols; the Protocol to Prevent and Combat Human Trafficking, Especially Women and Children; the Protocol to Combat the Smuggling of Migrants by Land, Air and Sea; of the 1979 International Convention on Maritime Search and Rescue.
- Other international instruments in the fight against piracy (1) International Convention for the Safety of Life at Sea of 1st November 1974 known as SOLAS; (2) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) adopted on 10th March 1988 which entered into force on 1st March 1992 and its three related protocols including, (3) the 2005 Protocol for the suppression of unlawful acts against the safety of installed platforms located on the continental shelf adopted on 14th October 2005 and entered into force on 28th July 2010;
- Instruments relating to fisheries, namely: (a) the Food and Agriculture Organization of the United Nations (FAO) Convention to prevent and combat illegal fishing to protect marine resources against predators; (b) Convention on International Trade in Endangered Species of Wild Fauna and Flora or Washington Convention (CITES Convention), adopted in January 1973; (c) the International Convention on Maritime Search and Rescue (SAR Convention), adopted in Hamburg on April 27, 1979 and entered into force on June 22, 1985; (d) the International Convention on Marine Pollution (MARPOL) signed in London on 2nd November 1973 and its 1978 Protocol; (e) the Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA 2005), adopted in London on October 14, 2005 and entered into force on July 28, 2010; (f) the Protocol for the Suppression of Unlawful Acts against the Safety of Installed Platforms Located on the Continental Shelf, (SUA PROT 2005), adopted in London on October 14, 2005 and entered into force on July 28, 2010; (g) the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, adopted in Rome on 22nd November 2009 and entered into force in 2016.
- All these texts are coupled with the legal instruments of the IMO other than the Montego Bay Convention, adopted in matters of safety of navigation, namely: (i) the 1974 International Convention for the Safety of Human Life at sea (Safety Of Life At Sea, known as the SOLAS convention), with the Appendix and final Act of the 1974 International Conference on the Safety of Life at Sea, concluded in London on 1st November 1974, entered into force on May 25, 1980; (ii) the 1972 Convention on the International Regulations for Preventing Collisions at Sea (Collision Regulations - ColReg); (iii) the International Convention on Standards on Training, Certification and Watchkeeping (STCW); (iv) the International Ship and Port Facility Security Code (known as the ISPS Code), adopted in December 2002 and entered into force on 1st July 2004.

b) Regional Counter-Piracy Instruments

- These are: (a) the African Maritime Transport Charter (CATM) adopted in 1994; (b) the 2009 Durban Resolution and Action Plan on Maritime Transport adopted in Abuja February 2007 reviewed in April 2008 and in Algiers and October 2009 Durban; (c) Resolution 2039 (2012) to combat piracy and armed robbery at sea in the Gulf of Guinea and strengthen the maritime safety and security of ECCAS, ECOWAS, the Gulf of Guinea Commission (GGC) and the Maritime Organization of West and Central Africa (MOWCA); (d) Resolution 67/78 of 05 December 2012 on oceans and the law of the sea.

2.4.2. Institutional Initiatives at Regional Level

93. These include the Economic Community of Central African States (ECCAS), the Gulf of Guinea Commission (GGC), the Maritime Organization of West and Central Africa (MOWCA) and the Economic Community of West African States (ECOWAS).

a) **ECCAS:** It is a sub-regional institution that brings together 11 Central African states whose objective is to promote peace, security and stability and regional integration. In view of the insecurity reigning in the Gulf of Guinea, the latter adopted in 2009 “a strategy to secure the vital interests at sea of the States of the Gulf of Guinea” with the signing of a protocol providing for the creation of a regional coordination center for maritime security in Central Africa. The strategy adopted by the institution is based, among other things, on information sharing as well as means of ensuring surveillance and civil and military intervention of the States in the Central African sub-region. It should be noted that this initiative was a success in the Central African sub-region, however it does not cover the entire region of the Gulf of Guinea and of course, it could not curb the illicit acts perpetrated in the GoG region. Furthermore, it should be noted that this initiative is encountering some difficulties due to the high cost of operations and the failure of some member states to honor their financial and material commitment to the realization of this project. ECCAS implements ECCAS Resolution 193/12/2003 adopted in Luanda on 31st October 2003 on maritime security.

b) **The GGC:** Created in 2001 in Libreville, Luanda, the CGG is a regional institution whose purpose is to facilitate consultations to prevent, manage and resolve conflicts that may arise from the exploitation of natural resources within the national borders of the Member States. On November 29, 2012, faced with the sad reality of sub-regional violence, it signed a declaration aimed at providing a permanent operational response through regional cooperation and inter-state dialogue. It should be noted that to date, this operational response has not been concretized.

The Gulf of Guinea Commission (GGC): The Interregional Coordination Center bringing together the States of ECCAS, ECOWAS and CGG, inaugurated in Yaoundé on September 11, 2014, strives to strengthen operational cooperation in the fight against maritime piracy in the implementation of the Regional Strategy to Combat Maritime Piracy.

c) **MOWCA:** Created in 1975, this regional organization brings together 20 coastal states and 5 landlocked states. Its objective is to provide a cost-effective maritime safety service for its member states, to promote safety and to combat marine pollution. In October 2003 in Luanda, it adopted resolution no. 193/12/03 which set up a legal framework for cooperation in the fight against threats to maritime security. This aims, under the auspices of the IMO, to establish an integrated sub-regional coast guard network for the purpose of securing the maritime areas of the West and Central African region. Unfortunately, it is clear that to date this project has not seen the light of day.

d) **MOWCA** supports the implementation of Resolution 2039 on the Strategy, Memorandum of Understanding and Code of Conduct for the Prevention and Suppression of Piracy and Armed Robbery. The Code of Conduct signed in June 2013 by 25 Heads of State is an instrument for strengthening regional cooperation against illicit oil theft activities in the Gulf of Guinea.

e) **ECOWAS:** Since 2012, in response to the call by the United Nations Security Council, contained in Resolutions 2018 and 2039, ECOWAS has initiated in collaboration with ECCAS, CGG, MOWCA a series of expert meetings designed to develop an effective strategy to combat maritime crime in the GoG. The ECOWAS Integrated Maritime Strategy (EIMS) was thus adopted in 2014 to complement continental efforts and to enhance synergies with all stakeholders therefore serving as a tool for cooperation nationally, bilaterally and multilaterally, involving all the stakeholders dealing with different sectoral issues in the maritime domain.. It should also be noted that as part of

this ongoing regional struggle, the Heads of State adopted on 25th June 2013, a non-binding transitional Code of Conduct for a period of three years. During this time the marine criminals can easily continue their acts unabated. ECOWAS established a Code of Conduct for the prevention and suppression of acts of piracy, armed robbery against ships and illicit maritime activities in West and Central Africa.

f) Administrative Maritime Authority (Ministry of Maritime Affairs)

- 94.** In Member States of the Gulf of Guinea, there is a Ministry of Maritime Transport whose functions include, among others: (a) the design, implementation, monitoring and evaluation of the general policy of the State in terms of land, sea and river-lagoon transport; (b) the observation of crimes and misdemeanors committed at sea, in the lagoon and in navigable parts; (c) the administration of ships and floating craft, artificial islands, sea or lagoon structures, shipwrecks and maritime mortgages and participation in national defense; (d) the organization and coordination of maritime and river-lagoon transport; (e) training of seafarers on drilling platforms; participating in the management of drilling platforms with regard to policing, security and protection of the marine environment; monitoring and coordinating maritime and seaport security rules and the application of navigation security regulations; the application of the relative rules and participation in maintaining order at the seaports as well as the participation in the monitoring and surveillance of maritime fisheries.
- 95.** With regard to issues related to maritime fisheries, these include: (a) the development and coordination of the implementation of State policy in the field of maritime fisheries and the development of resources; (b) contributing to the drafting of legislative texts; (c) the development of fisheries management and enforcement of maritime fishing regulations.
- 96.** Illicit maritime trafficking involves a variety of ministries and agencies depending on the nature of the product being trafficked (environment, security, finance, etc.).

Table 1: Maritime Authorities: Laws, Regulations in West Africa

States members	Laws and Regulations	Comments
BENIN	<ul style="list-style-type: none"> - Law No. 2021-04 of 8th July 2021 on the protection and rules relating to international trade in species of wild fauna and flora threatened with extinction in the Republic of Benin - Framework Law 2014-19 of August 07, 2014 relating to fishing and aquaculture in the Republic of Benin; - Law 2020-25 of 2nd September 2020 amending AML/CFT Law 2018-17 of 25th July 2018 in the Republic of Benin and on the composition of the FIU; - Decree No. 2011-394 of 28th May 2011 setting the modalities for the conservation, development and sustainable management of wildlife and its habitats in the Republic of Benin. - Decree No. 2013-551 on the National Strategy for Maritime Protection, Safety and Security; - Decree No. 2014-785 on the creation, organization, powers and functioning of the national authority responsible for State action at sea; - Decree No. 2020-270 of 6th May 2020 on the obligation of armed protection in commercial vessels bound for the port of Cotonou; - Decree n° 2021-253 of May 19, 2021 establishing the coordinates of the nautical chart of Benin. - Development of the national action plan to combat illegal, undeclared and unregulated fishing, the environmental preservation plan. 	<ul style="list-style-type: none"> - Numerous laws and Decrees have also been adopted with a view to the application, either of international and regional instruments, or within the framework of State political action. - Furthermore, without explicitly using the term maritime piracy, the criminal code finally provided for the constituent elements of maritime piracy and, more importantly, provided for a penalty of criminal imprisonment (arts 204 and 210). From now on, maritime piracy as defined by UNCLOS, is sanctioned under Benin positive law. - Under Law 2018-16 of 28th December 2018 on the Penal Code in the Republic of Benin, the Benin legislator began by formally including maritime areas in the territory of the Republic (Art 11). It defined as acts of terrorism all offences against air, sea or land transport security (Article 162), or the fact of propagating in the atmosphere, on ground, or in waters, including those of the territorial sea, any substance likely to endanger the health of humans or animals or degrade the natural environment (163 al 4), gave a clear definition of the ship (Art 7) and the platform (art 8); the possibility for the maritime administration to board any vessel caught in the act of spilling contaminants, including fuel, at sea (Art 851 al 2). - In addition, without explicitly using the term maritime piracy, the Penal Code finally provided for the constituent elements of maritime piracy and, more importantly, provided for a penalty of criminal imprisonment (Arts 204 and 210). From now on, maritime piracy as defined by UNCLOS, is sanctioned in Benin positive law.

States members	Laws and Regulations	Comments
COTE D'IVOIRE	<ul style="list-style-type: none"> - Law n° 2017 – 442 of 30th June 2017 establishing the Maritime Code; - Law No. 96-766 of 3rd October 1996 establishing the Environmental Code; - Law No. 96 – 669 of 29th August 1996 establishing the Petroleum Code; - Ordinance No. 2012 – 369 of April 18, 2012 amending Law No. 96 – 669 on the Petroleum Code; - Law No. 95-553 of July 17, 1995 on the mining code; - Law No. 64-291 of 1st August 1964 on the customs code; - Law No. 2016 554 of 26th July 2016 relating to fishing and aquaculture; - Law No. 88-686 of July 22, 1988, on the repression of illicit drug and narcotics trafficking; - Law No. 61-349 of November 9, 1961, relating to the establishment of a merchant marine code; - Laws No. 2018-975 of December 27, 2018 establishing a Criminal Procedure Code - Ordinance no. 2013-660 of September 20, 2013 relating to the prevention and fight against corruption and similar offences; - Law No. 2016-410 of 15th June 2016 on the repression of fraud and falsification in the sale of goods or services. 	<p>Several legal texts (laws, decrees, orders, circulars, etc.), both nationally and internationally, have as a direct or indirect field of action activities in the Ivorian maritime space. They relate to the organization and management of activities while highlighting the supervision, monitoring and sanctioning of violations of the legislation and regulations of activities in general and those related to illegal acts, in particular.</p> <p>The environment code does not mention the concept of ML/TF/IFF anywhere.</p> <p>Thus, the study of ML/TF/IFF related to maritime crime must first of all require an understanding of the concept of crime specific to the sector, but in addition to know the seriousness of this - not only in terms of environmental impact in the case of the environment code, but above all risks related to the susceptibility of exploiting it for ML/TF/IFF purposes.</p> <p>This then raises the question of the generation of dirty funds that may come from the commission of a specific offence. If the analysis of this offence can in one way or another show the possibility of generating dirty funds directly or indirectly, then the need to assess the occurrence of use for ML/TF/IFF purposes is proven.</p> <p>It follows not only the revision of the legal texts by including the notion of ML/TF/IFF, but and above all an appropriation of the fight against the said scourges by the institutions governed by these texts.</p>

States members	Laws and Regulations	Comments
GHANA	- Merchant Shipping (Training, Certification, Manning and Watchkeeping) Regulations 2004 (LI 1790)	These Regulations apply to seafarers serving on board ships registered in Ghana and ships of other countries, except those serving on board warships, naval auxiliaries or other detained ships and operated by a State and engaged only in non-commercial government service, fishing vessels, non-commercial pleasure yachts and traditionally built wooden vessels.
	- Ghana Shipping (Maritime Labor) Regulations, 2015 (LI 2226)	These Regulations apply to a vessel registered in Ghana that engages in commercial activities, except where the vessel is engaged in fishing, a warship or a vessel that is exempted by the Chief Executive of the Ghana Maritime Authority.
	- Ghana Shipping (Protection of Offshore Operations and Assets) Regulations 2012 (LI 2010)	<ol style="list-style-type: none"> 1) Establish safety zones around an offshore installation to protect the structure installed or being installed on the seabed within the maritime jurisdiction of Ghana; 2) Prescribe the measures that the Minister deems necessary in the safety zone established for the protection of the offshore installation or device in respect of which the safety zone is established; and 3) Regulate or prohibit the entry of a ship or any specified class of ships, vessels or persons into the safety zone.
	- Ghana Maritime Authority (Fees and Charges) Regulations 2012 (LI 2009)	<p>The authority is by this law mandated to impose maritime safety charges with respect to the following:</p> <ol style="list-style-type: none"> 1) An offshore facility that operates within the maritime jurisdiction of Ghana 2) Vessels, pipelines, cables and storage facilities within the maritime jurisdiction of Ghana, 3) Oil tankers visiting an offshore installation in the maritime jurisdiction of Ghana for the loading of oil, 4) Oil tankers operating as bunker barge, bulk carriers, marine scientific vessels. 5) Or any commercial vessel which is not included in any other category which calls at a seaport or terminal under the maritime jurisdiction of Ghana

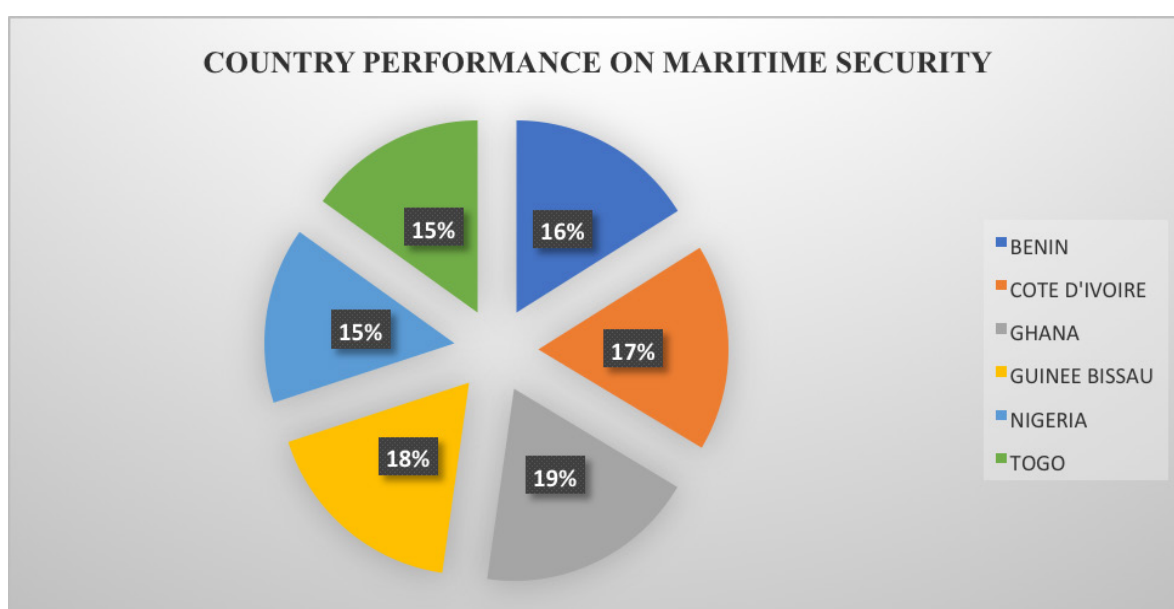
States members	Laws and Regulations	Comments
GUINEA-BISSAU	<ul style="list-style-type: none"> - Law No. 2 and 3/85; - Decree No. 21/2016, of February 17, regulating relevant fishing operations; - Decree No. 4/96, of September 2, establishes the general principles of the policy for the use of national fishery resources; - Law No. 3/2018, of August 7, establishes measures of a preventive and repressive nature to combat money laundering and the financing of terrorism, domesticating Directive No. 02/2015/CM/UEMOA, into the internal legal order - Decree-Law No. 10/2011, of 7 June, establishing the general rules for the management and development of fishing; - Decree-Law No. 14/99, of October 27, establishing the Administration of the Ports of Guinea-Bissau; - Decree-Law No. 15/2011, of October 11, establishing the Institute of Maritime Ports; - Decree-Law No. 265/72, of 31 July, approves the general regulations for captainships; - Decree-Law No. 9/96 of 2 June 1997, Regulations of the Maritime Surveillance Commission - FISCMAR - supplemented by the decree of 21 July 1999 on the presidency of FISCMAR; - Additional Act to the Convention of 10 March 1988 for the suppression of unlawful acts against the safety of installed platforms located on the continental shelf); - Joint Order No. 01/GMPEM/2006, of 16 January (BORGB, No. 3, p. 18) – fees for related fishing operations; - Resolution No. 7/97 of June 19, Protocol on cooperation in fisheries surveillance and maritime hot pursuit operations between the Republic of Guinea-Bissau and Guinea Conakry. 	<p>There is no provision in the Penal Code of Guinea Bissau that specifically qualifies the offence of maritime piracy, nor provisions that specify the crimes of armed robbery at sea and acts against the safety of maritime navigation.</p> <p>Piracy and armed robbery at sea, in particular, are complex crimes, in that a diverse set of criminal acts can be integrated into the concepts without necessarily being cumulative.</p>

States members	Laws and Regulations	Comments
NIGERIA	<ul style="list-style-type: none"> - Admiralty Jurisdiction Act 1991 (AJA) - Coastal and Inland Shipping (Cabotage) Act 2003 - Nigeria Ports Authority (NPA) Act 2004 - Money Laundering (Prevention and Prohibition) Act 2022 - Merchant Shipping Act 2007 (MSA) - Nigerian Maritime Administration and Safety Agency (NIMASA) Act 2007 - Suppression of Piracy and Other Maritime Offences Act 2019 - Terrorism (Prevention and Prohibition) Act 2022 - Proceeds of Crime (Collection and Management) Act 2022 - Petroleum Production and Distribution (Anti-Sabotage) Act 1975 	<ul style="list-style-type: none"> - The lack of modern and up-to-date laws and regulations that are in tune with the current reality of various criminal activities in the maritime region of Nigeria is a deficiency that is often exploited. Even though the new law on the Suppression of Piracy and Other Maritime Offences (SPOMO) was enacted in 2019 to address some of the loopholes related to piracy, there is still much to be done to address the issues related to oil theft oil, pipeline vandalism and illegal oil refining. - The 1975 law contains provisions against the sabotage of oil pipelines and provides penalties up to and including the death penalty. However, this provision only applies to the transport of petroleum products and not crude oil (NEITI Guidance Note, Issue 5, November 2019). - ML/TF-related crimes are virtually absent from the legal framework of structures and institutions operating in the maritime space.
TOGO	<ul style="list-style-type: none"> - Togo acceded to the Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Platforms Located on the Continental Shelf concluded in Rome on March 10, 1998 - Law No. 2016-004 of 11 March 11, 2016, relating to the fight against acts of maritime piracy and other unlawful acts against the safety of maritime navigation committed at sea as defined under the provisions of the United Nations Convention on the maritime Law signed at Montego Bay on 10th December 1982 - Uniform AML/CFT Law n°2018-004 of 4th May 2018 in the Member States of the West African monetary union 	<ul style="list-style-type: none"> - Togo has ratified several international conventions or agreements in the fight against maritime crime in all its forms. Apart from the Montego Bay Convention on the Law of the Sea, which aims, among other things, to combat the transport of slaves, the fight against piracy and the conservation of biological resources on the high seas, Togo has ratified the convention relating to the cooperation in the protection and development of the marine environment and coastal zones of the West and Central African region, adopted in Abidjan on March 23, 1981. Togo also acceded to the Protocol at the Convention for the suppression of unlawful acts against the safety of platforms located on the continental shelf concluded in Rome on 10th March 1998. - This law aims to ensure compliance by ships with the provisions falling within the framework of the fight against piracy and other illicit acts committed at sea and which apply under international law, as well as laws and regulations of the Togolese Republic. - This law criminalizes money laundering and terrorism financing. It makes human trafficking and migrants' smuggling by land, sea and air predicate offences to money laundering and terrorism financing.

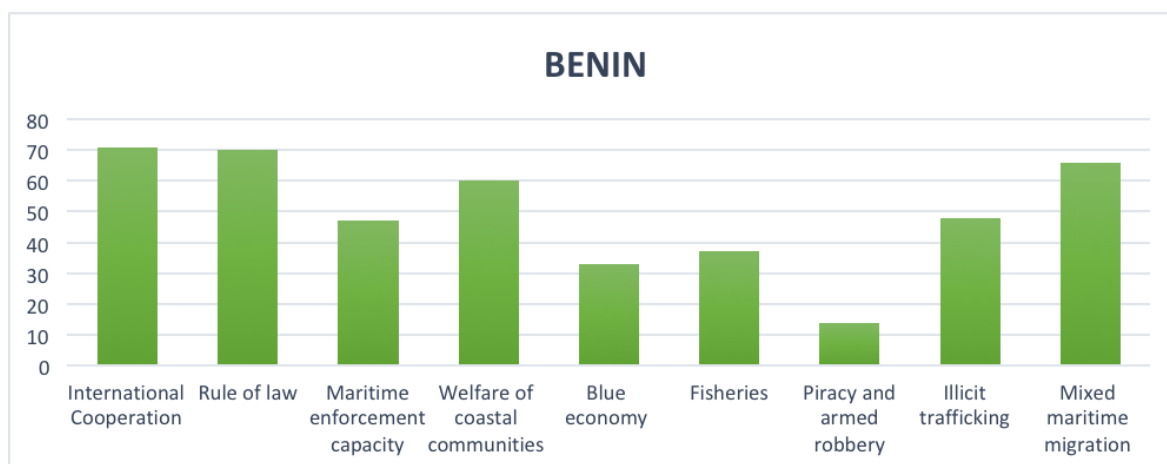
97. At the institutional and operational level, while the regions in the Mediterranean and the Caribbean are developing an integrated regional approach to the fight, based on cooperation, collaboration, coordination of actions and pooling of resources, the one taken by the States and GoG region is hampered by weak collaboration and coordination of actions between the agencies and national administrations concerned, among the existing sub-regional organizations as well as financial, material and human difficulties which compromise the sustainability of the maritime security measures initiated both at national and regional level.
98. In the light of the deficiencies identified, the States of the GoG region as well as the sub-regional organizations should draw from the enriching experience of the Mediterranean and Caribbean to develop a new approach to the fight based on the establishment of a legal framework that meets the requirements of international law and an integrated approach based on collaboration, coordination of actions and pooling of resources.

2.4.3 Overview of Regional Maritime Security Performance

99. According to the maritime security index published by Stable Seas in 2020, the countries of the Gulf of Guinea have a relatively weak performance in maritime security. This index is the first of its kind in the world, allowing national and regional strengths and deficiencies to be measured and mapped against certain specific criteria, while demonstrating how issues such as maritime trafficking, piracy and armed robbery, maritime migration etc. are intimately linked.
100. This index is mainly based on nine (9) key areas for achieving sustainable maritime security and good maritime governance. The method employed by Stable Seas combines interesting case studies with qualitative and quantitative data that provide ratings and above all insight into how international requirements are implemented to support these areas. This assessment is made according to the following maritime security variables: (i) international cooperation; (ii) the rule of law; (iii) maritime law enforcement capability; (iv) the welfare of coastal communities; (v) the blue economy; (vi) fisheries; (vii) piracy and armed robbery; (viii) illicit trafficking; (ix) and mixed maritime migration.

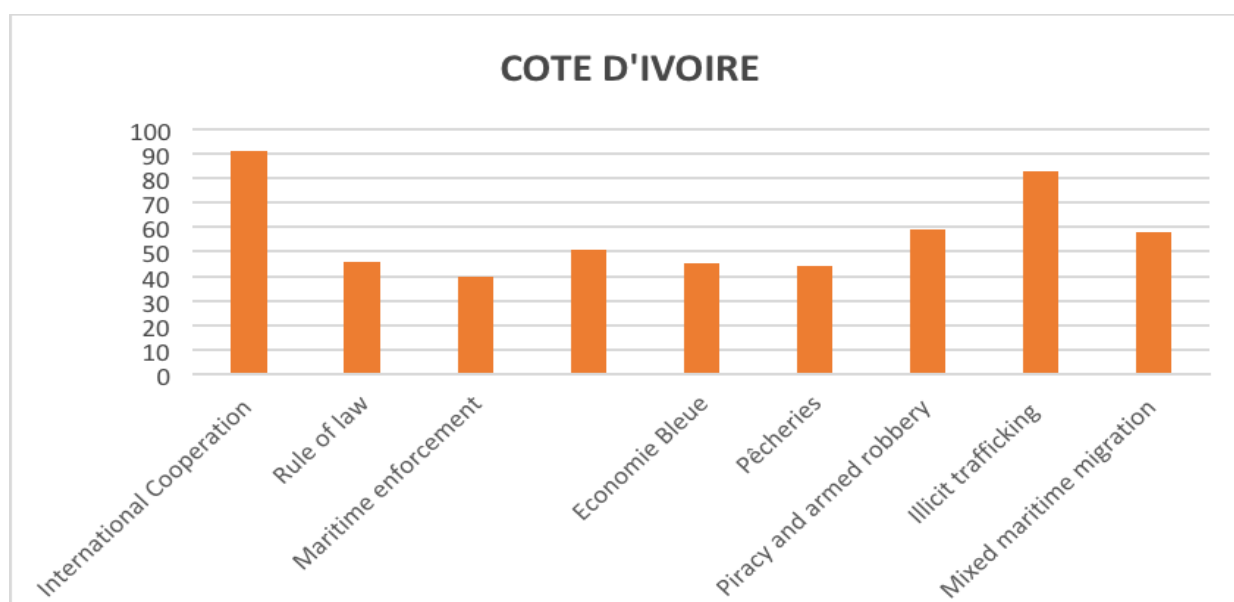


101. In view of the ratings assigned in 2020, Ghana, among the six (6) target countries of the study, appears to have the best performance, with 58/100 points, followed by Guinea-Bissau and Côte d’Ivoire.

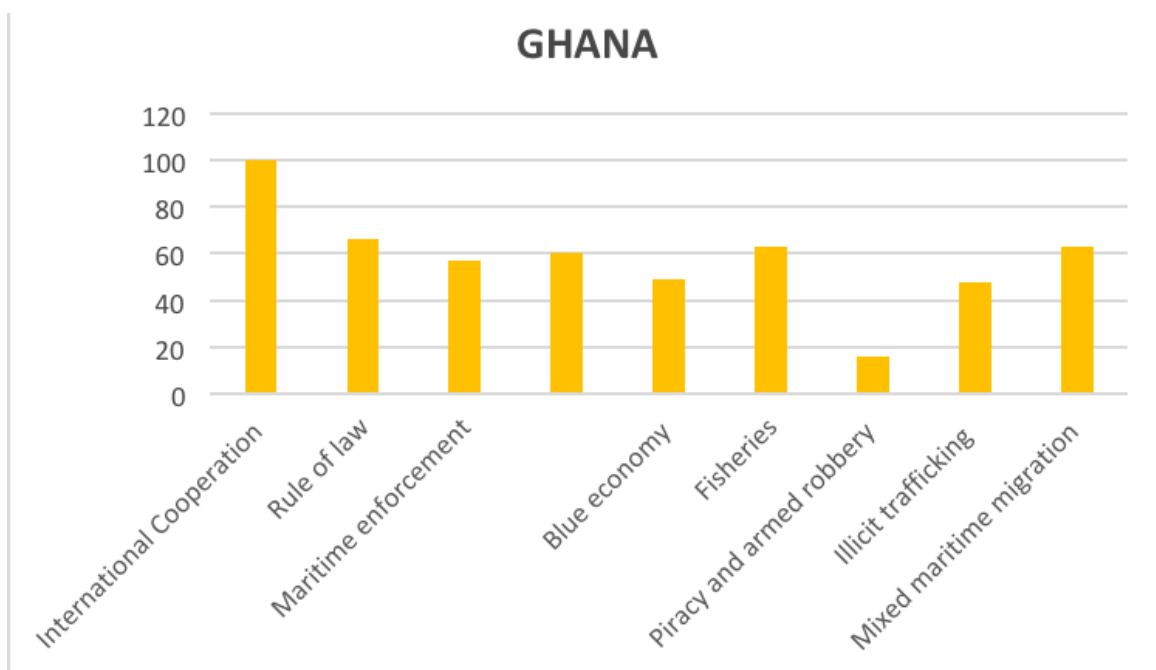


2.4.4 Overview of maritime security performance by country

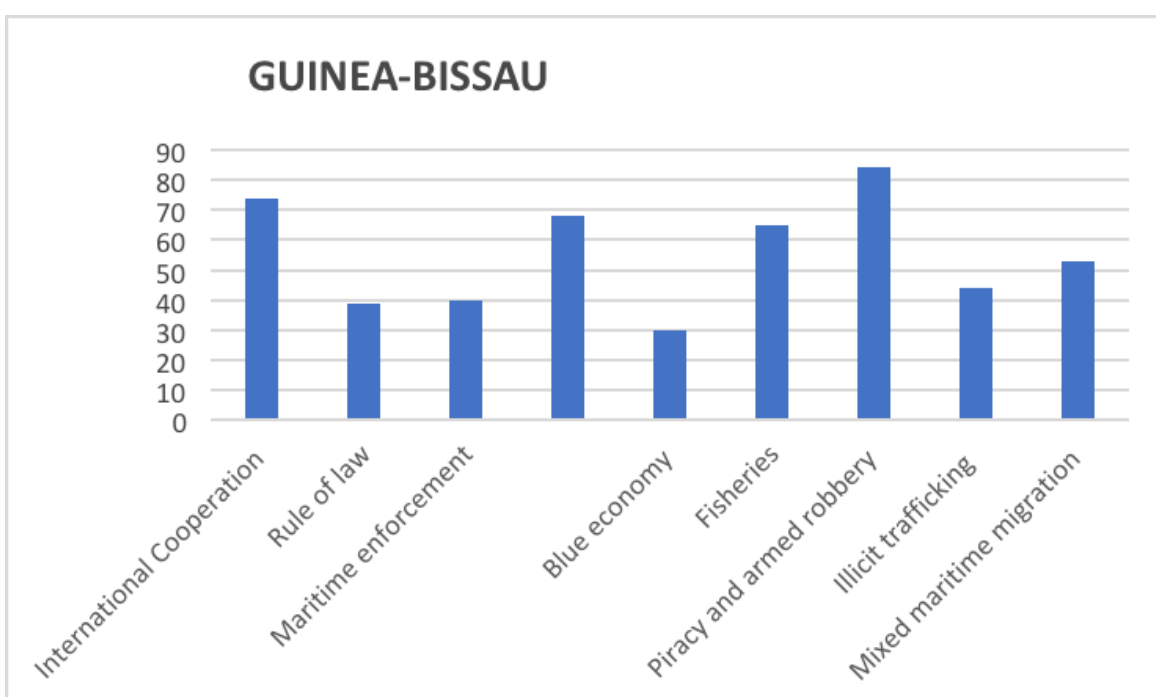
102. The analysis of Benin’s ratings reveals the country’s strengths in terms of international cooperation and the rule of law, and very significant challenges to be met in terms of preventing acts of piracy and armed robbery.



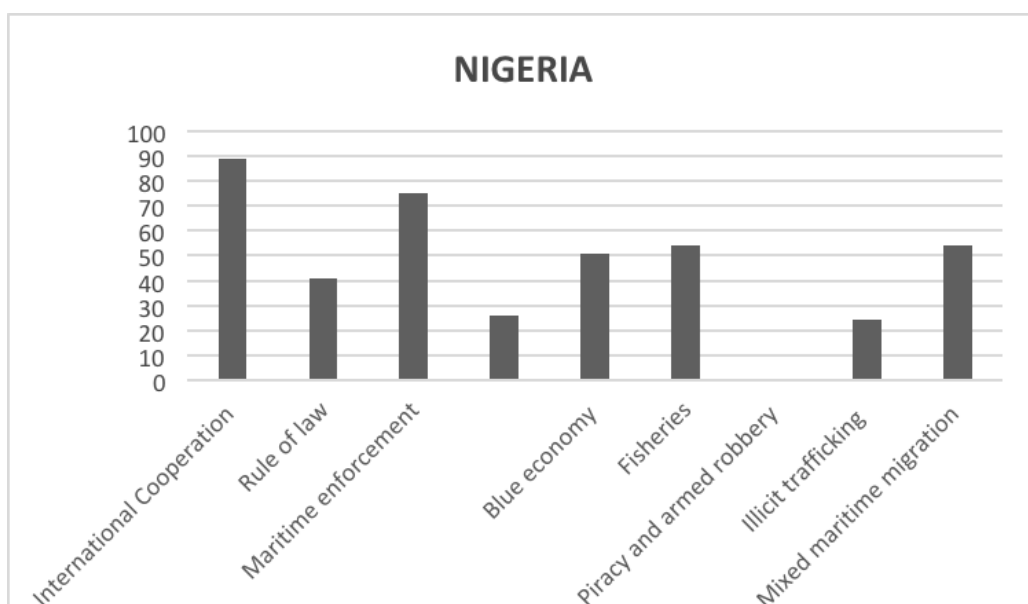
103. The analysis of Côte d’Ivoire’s ratings reveals the country’s strengths in terms of international cooperation and the fight against illicit trafficking, and very significant challenges to be met in terms of adherence to laws and regulations, as well as at the level of maritime repression capability.



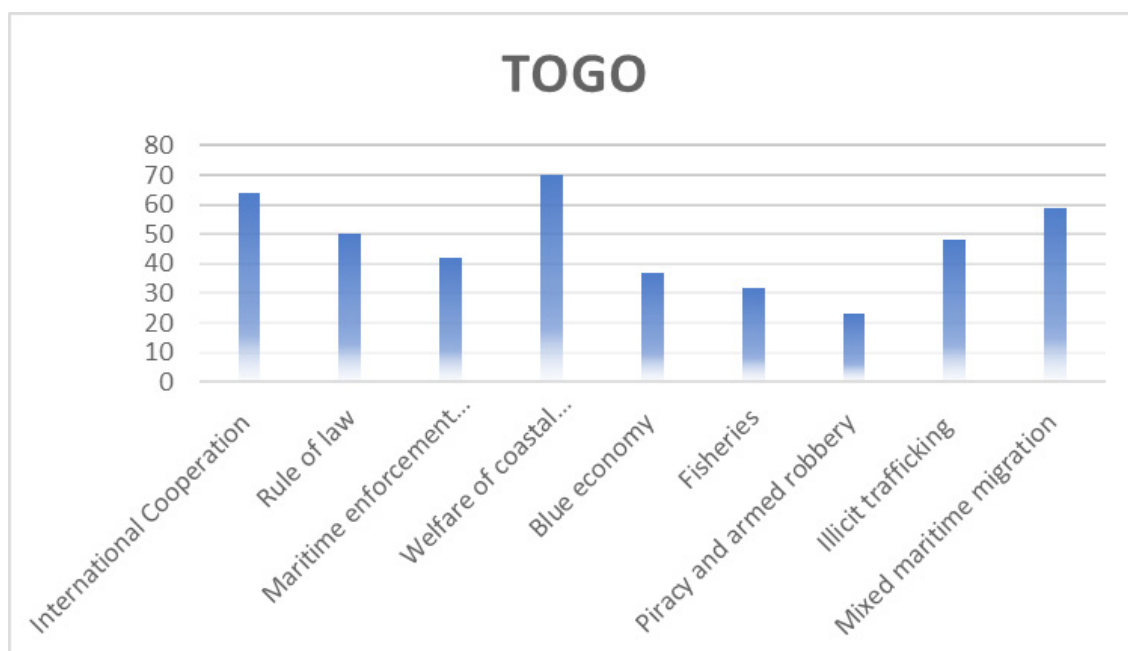
104. The analysis of Ghana's ratings reveals the country's strengths in terms of international cooperation, and very significant challenges to be met in terms of preventing acts of maritime piracy and armed robbery.



105. The analysis of Guinea Bissau's ratings reveals the country's strengths in terms of piracy and armed robbery at sea, and very significant challenges to be met in terms of the blue economy and adherence to laws and regulations, as well as at the level of maritime law enforcement capability.



106. Analysis of Nigeria's ratings reveals the country's strengths in international cooperation and maritime law enforcement, and very significant challenges in terms of adherence to laws and regulations, the well-being of maritime communities and illicit trafficking.



107. The analysis of Togo's ratings reveals the country's strengths in terms of the well-being of maritime communities and the very significant challenges to be met in terms of piracy and armed robbery at sea.

Conclusion

109. The Gulf of Guinea environment is under increasing insecurity threat. The various types of maritime offences have proven links to money laundering and terrorist financing. However, the countries' legal and operational responses, in spite of the Yaoundé Summit, are still inadequate and inconsistent with international requirements. It is important to review the detection, investigation and prosecution capabilities in detail through case studies for a more effective resolution of operational deficiencies.

CHAPTER THREE:

OVERVIEW OF CLANDESTINE FINANCIAL NETWORKS AND CRIMINAL GROUPS

Introduction

- 112.** Clandestine financial networks are informal and unregulated systems that facilitate the flow of money without going through traditional financial channels and banking institutions. They are used by criminal groups to conceal and launder the proceeds of their illegal activities. These networks can be made up of people, traders or criminal organizations who collect, transfer and conceal funds through mechanisms such as the physical transport of money, the use of shell companies, informal currency exchange, casinos, offshore companies and many other methods.
- 113.** While it is true that all forms of maritime crime present in the Gulf of Guinea constitute, in one way or another, threats of money laundering and terrorist financing, it is nonetheless certain that the individuals or criminal groups benefiting from these revenues have sophisticated methods and techniques to organize and preserve their clandestine status. For each of the major threats identified in this report, this chapter aims to identify and analyze practical cases in order to highlight the modus operandi of these criminals, their profiles and above all the legal and operational loopholes from which they take advantage.

3.1. Maritime Piracy and Armed Robbery

3.1.1. Case Study N°1: Act of Piracy committed through a fishing network.

Mr. XL, was known in his home environment, especially on the shores of Togolese beaches, as a businessman. his real known activity was fishing, buying and selling canoes. But he was suspected by those around him of also engaging in the illegal recovery of scrap metals from the Togolese seabed. On the night of 11th to 12th May 2019, he joined forces with a group of criminals to perpetrate an act of maritime piracy.

Indeed, six (6) nationals of a country in the sub-region recognized as hosting a large, very radicalized jihadist group travelled to Togo in May 2019 for the sole purpose of committing an act of maritime piracy. To achieve their target after having associated two other Togolese and a Ghanaian and carefully preparing their attack, they solicited the services of Mr. XL who had rented them a powered canoe and probably other equipment. They go overnight aboard an oil tanker flying the Togolese flag which was stationed in the port's anchorage area. They compel the captain under gunpoint to cast off and head for the high seas in order to monopolize the oil and contents of the ship. The rapid intervention forces of the French Navy having detected an unusual movement of the ship which took to the open sea without authorization, set off in pursuit of the latter and following an exchange of fire, the pirates were arrested and handed over to the judiciary. The charges against them were «piracy», «wilful violence» and «criminal association».

Mr. XL and his accomplices received prison sentences ranging from 12 to 20 years with fines ranging from CFAF 50 to 25 million and a 5-year ban as foreigners.

Comments

- No financial or asset investigation was conducted as provided for in the AML/CFT texts to dismantle the network and neutralize the assets and proceeds of the crime.
- No spontaneous information sharing was done to enable the FIU further investigate the proceeds and assets of the people involved.

Source: GIGM (TOGO)

CHARACTERISTIC INDICATORS OF MONEY LAUNDERING OR TERRORISM FINANCING "

- Coming from a country considered to be at risk "
- Using fishing activities as a screen "
- Rental of canoes and other fishing equipment informally
- Unusual movements of vessels towards the high seas, without authorization.

3.1.2. Case Study N°2: Act of piracy, armed robbery and kidnappings for ransom committed against a fishing vessel.

On 26th March 2018, Marine 711, a Ghana-registered tuna fishing vessel, embarked on its routine fishing expedition in the Ada/Keta waters of Ghana. At approximately 5:30 p.m., another vessel, M/T Konstantinos, was moving towards Marine 711. At some point - and unbeknown to Marine 711's crew - M/T Konstantinos had been hijacked by pirates, who intended to use the vessel to attack Marine 711. The gunmen attacked and boarded Marine 711. At the time of the attack, the stricken vessel had forty-seven (47) crew members, including three Korean nationals and one Greek national. The pirates cruised Marine 711 into Benin waters and abandoned the vessel when they noticed they were being chased by a Nigerian Navy plane. However, before abandoning Marine 711, the pirates had abducted the three Korean nationals. The vessel, along with the rest of the crew members, was later picked up by the Ghana Navy and taken to Tema Seaport. Items stolen by the pirates during the operation included all of the vessel's communications equipment, a set of Furuno Fish Finder worth \$773.66, a Marine VHF set worth \$196.36 \$, four sets of CHF Marine Trans receivers, worth \$691.76, two sets of Iridium phones, worth \$134, one Bait Boat set, worth \$75,700, and four Samsung laptop computers worth around \$3,300. On 26th April 2018, the Korean nationals taken hostage were released by the pirates, following negotiations with the Korean Embassy in Ghana and Nigeria, executive Directors of Marine World and experienced negotiators in Nigeria.

Comment

- Neither the Ghana Marine Police nor other local authorities involved were aware of the discussions during the negotiations, nor of the amount ultimately paid to secure the release of the kidnapped crew members.
- The ransom payments for non-African seafarers were estimated at \$40,000 per individual (Bell, et al., 2022). Assuming a lower estimate of \$25,000, the pirates may have received up to \$75,000 in ransom for the three Korean nationals.

CHARACTERISTIC INDICATORS OF MONEY LAUNDERING OR TERRORISM FINANCING

- Transactions involving high-risk individuals or jurisdictions known for piracy or smuggling.
- Payments made through intermediaries without clear documentation or justification.

3.1.3. Case Study N°3: Detection and prosecution of acts of piracy through inter-agency coordination and operational cooperation

In May 2020, the Nigerian Navy rescued both the hostages and the Chinese fishing trawler HAI LU FENG II, licensed to fish in Cote d'Ivoire, and escorted them safely to Lagos. The vessel was hijacked by pirates on Thursday 14th May 2020 in the Ivorian Exclusive Economic Zone with 18 crew members on board – eight Chinese, seven Ghanaians and three Ivorians. The vessel was tracked through a coordinated effort of several African States and organizations such as NIMASA. The Nigerian Navy blocked the Chinese fishing trawler 140 nautical miles south of the Lagos Channel buoy at around 10:10 p.m. local time in the night of 16th May 2020. When berthed, the pirates hesitated to stop, but the Nigerian Navy Special Boat Service embarked on the Nigerian Navy Vessel NGURU and made an opposite embarkation as it steamed at 9 knots. The 10 mostly young pirates were charged on 4 counts of piracy each under a new anti-piracy law, the Suppression of Piracy and Other Maritime Offences Act (SPOMO), which entered into force in 2019 before the Federal High Court in Lagos in July 2020. In a historic decision, the Court of 23rd July 2021, in the case Federal Republic of Nigeria versus Frank Insort Abaka and 9 other defendants number FHC/L/170C/2020, convicted the 10 persons charged on the 4 counts of piracy and sentenced each of them to 12 years imprisonment for each of the counts but to run concurrently with an additional fine of N250,000.00 on each of the counts for each of the accused. The prosecution was led by the Office of the AGF with the support of lawyers trained in maritime law in the Nigerian Navy.

Comment

- This is the first conviction for a piracy-related offence in Nigeria and was made possible through the provisions of the new SPOMO Act.
- The outcome of the trial, according to the Nigerian authorities, will send a clear message to sea pirates that their criminal activities in the country's maritime zone are no longer business as usual.

Sources: HAGF Office with additional information from the NFIU (NIGERIA)

3.1.4 . Trends and methods observed

114. According to security Officers and law enforcement agencies interviewed during the study, piracy in Nigeria operates in well-structured syndicates and functions as an organized criminal organization. Piracy activities are facilitated by funds and equipment provided by sponsors. This claim is supported by reports from the IMB that the pirate gangs within the GoG are well organized and target all types of ships across a wide spectrum.
115. The case studies analyzed above reveal that piracy attacks in the GoG maritime environment follow a seasonal pattern, with most attacks occurring between November and April due to ideal weather conditions. Hijacking has also become the main objective of most piracy attacks. In Nigeria, reports show that cargo used to be the main target for pirates, especially when oil was trading above \$100 a barrel. When the price of oil fell, crew members became more valuable than oil. This shows how this crime system is structured around the pursuit of economic profit.
116. The modus operandi of piracy organizations has shifted from almost entirely nocturnal operations to approximately 50% of attacks occurring during the day and 50% at night. In recent years, the value of ransom payments has also increased. According to the UNODC report, the initial ransom demand for the kidnapped personnel in 2008 was between 20 and 25 million naira (\$100,000.00 - \$150,000.00). In 2016, the agreed sum for a set of captives increased to approximately \$125,000.00 - \$150,000.00. Since then, there has been a significant increase in the amount of ransom payment demanded by pirates.

- 117.** The analysis from the case studies presented also reveals that the operations of pirate syndicates in the maritime region involve the use of (sometimes sophisticated) weapons necessary for medium to large scale attacks. They can kidnap large groups of mariners and operate at distances farther from the coasts of the country. The pirates also have ample resources, such as an assortment of weapons and boats with turbo engines, which help them navigate and escape easily. This may imply that the illicit trafficking of SALW is of great service to maritime piracy and this interconnection complicates the management of the issue.
- 118.** According to intelligence and security officials interviewed during the research, since cases of kidnappings occur concurrently with maritime piracy, ransoms are paid for the release of victims. When paid, the pirates mainly use the services of Bureau de Change (BDC) operators to convert the currency into local currency, while the cash proceeds are ultimately introduced into the local economy through the purchase of properties, cars, firearms and ammunition and resources for the benefit of the criminal organization. However, no case study could be identified to illustrate this trend.
- 119.** In a 2021 report prepared by the UNODC's Global Maritime Crime Program titled «Pirates of the Niger Delta», the following claims were also made about the financial structure of pirate organizations operating in Nigeria's maritime region and on how the proceeds of their criminal activities replenish the local economy:
- ❖ In the recent past, the focus of piracy activities in the GoG has shifted from groups of pirates targeting ships to stealing oil cargoes (petroleum piracy) to currently kidnapping for ransom.
 - ❖ Pirates spend their proceeds on a range of items. Tracking the pirate money trail reveals that after a ransom is received, a large portion goes to sponsors and/or kingpins and smaller portions are paid out to different categories of members of the pirate group.
 - ❖ In addition to sharing, a fraction of the money can be reinvested in the maintenance and purchase of equipment such as speedboats and high-powered engines and weapons such as AK47s.
 - ❖ Pirates spend money on family expenses, including school fees and health care. Pirates at higher levels can use their share to purchase properties or vehicles.
 - ❖ Group leaders can also share a small portion of the proceeds of piracy with the local community.
 - ❖ Revenues from piracy, although increasing in recent years, are still considerably lower than those from crimes such as crude oil theft and oil refining.

3.2. Illegal, Unreported, Unregulated Fishing (IUU Fishing)

3.2.1. Case Study 4: Unregulated fishing involving bribery of public officials.

The KJ vessel flying the flag of an Asian country has within it a hydroacoustic system that is difficult for maritime authorities to detect. This system, depending on the type of sound waves emitted in the water, attracts certain types of fish within a radius. Thus, during fishing, this vessel according to the satellite images determines according to its location the type of fishery resources in quantity in the area. The KJ ship then emits the corresponding waves and in less than a few hours the type and bands of fish it is looking for are within its reach. While we expected the hunting of certain fish usually subject to authorization, fishing on this vessel is rather oriented towards prohibited fish species with a very high commercial value.

Comments

The issuance or renewal of fishing licenses to vessels requires a thorough inspection, especially when they have equipment of a certain technological level. Corruption in the environment could be a powerful facilitator of IUU fishing but also a catalyst for money laundering linked to the funds generated by the perpetration of the said crimes. It is important to ensure maritime affairs personnel in their training, are not only upgraded on a permanent basis, but over and above all, have high-performance equipment capable of facilitating certain operations under their jurisdiction. Source: Cote d'Ivoire

CHARACTERISTIC INDICATORS OF MONEY LAUNDERING OR TERRORISM FINANCING

- Use of little-known or unauthorized technologies to engage in abusive fishing
- Laxity in the granting of fishing licenses
- Use of corruption to obtain fishing authorization without verifying the features of the fishing vessel.

3.2.2. Case Study N° 5: Using the opacity of shell companies and laundering of the proceeds of IUU fishing by concealing the identity of the beneficial owners

It should be noted that the Chinese company Mvo Guyen Chang Ocean (Deep-Sea) Fisheries Company Limited has a fleet of vessels operating in Ghanaian waters all named with the prefix Lu Rong Pyon Gang. In total, 25 similarly named industrial trawlers were listed as licensed to operate in Ghanaian waters in December 2016, grouped into groups under a number of different Ghanaian shell companies. Clear links have been established between Guyen Chang and several of them, while questions remain as to the true beneficial ownership of the other groups (Copeland, Utermohlen and Brush, 2020). However, it is highly likely that the fleet of Lu Rong Pyon Gang vessels in Ghanaian waters belongs to Mvo Guyen Chang Ocean Fisheries Co. Ltd.

The analysis of the chain of ownership of the Lu Rong Pyon Gang fleet from 2016 Ghana vessel records and data from a 2020 study by Trygg Mat Tracking respectively, clearly reveals that the entire fleet could well belong to Mvo Guyen Chang and/or other Chinese counterparts.

Comment

The circumstances surrounding the beneficial ownership of vessels such as the Lu Rong Pyon Gang fleet are quite similar to the case in Namibia, where leaked documents later revealed evidence of illicit financial flows occurring in a complex web of transactions between Samherji - the largest fishing company in Iceland - a number of front companies (from Mauritius, Cyprus, United Arab Emirates and Marshall Islands), Namibia and Norway. The illicit flows uncovered included nearly \$10 million in bribes paid to some of Namibia's top politicians (including the Minister of Fisheries and the Minister of Justice), lawyers and businessmen. business (Fabricius, 2022).

Although the opacity of transactions within Ghana's fishing industry may hamper the discovery of hard evidence, it is highly likely that a closer review of the operations of Lu Rong Pyon Gang's fleet could reveal a vast network of transnational financial flows, fueled by bribery and corruption at some of the highest levels of government.

Source: Ghana

3.2.3. Case Study 6: Possible laundering of the proceeds of IUU fishing through hotel chains

In 2010, following an investigation by the public prosecutor, three PEPs (namely, a former Minister of Fisheries, former Director General of Industrial Fisheries and coordinator of FISCAP - Inspection and Monitoring Authority for fishing activities) were charged with corruption and money laundering offences, as the three, together, and with no relevant jurisdiction, had illegally authorized seven vessels to fish in Guinean territorial waters, after having received bribes amounting to CFAF183,000,000 (one hundred and eighty-three million CFA francs) from the owners of the same vessels. While the suspects were prosecuted, the South Korean shipowners were fined. Although there was an indictment for the offense of money laundering, the financial investigation was not carried out with a view to detecting the methods used and tracking down the laundered proceeds for possible confiscation. It came out clearly that one of the suspects, namely the former Minister of Fisheries, was the owner of a hotel complex which he bought from a businessman from a European country, who eventually abandoned his business in Guinea-Bissau because of government decisions and political instability.

Source: Guinea-Bissau

CHARACTERISTIC INDICATORS OF MONEY LAUNDERING OR TERRORISM FINANCING

- Involvement of the politically exposed person in the granting or acquisition of licenses;
- Use of cash in the acquisition of a hotel complex;
- Ostentatious wealth not compatible with your economic-financial profile.

3.2.4. Analysis of trends and methods observed

- 120.** It is noted based on the case studies presented above that the problem of IUU fishing should be analyzed jointly with other types of offences such as fraud, corruption and environmental crime. The integrity of fishing vessel operators is so compromised upstream by the informality of the conditions under which these activities are carried out that it is difficult to verify the equipment used downstream. The case of Côte d'Ivoire is a typical illustration of unconventional or unregulated fishing.
- 121.** The method of reinvesting the income derived from these activities in the hotel industry, concealing the true identity of ship owners or deliberately creating confusion around beneficial ownership constitutes a source of ML/TF threats, especially in a context where the possibilities of politically exposed persons (PEPs) involvement and election campaign funding through IUU fishing revenue were not completely ruled out by interviewees, particularly in Ghana and Nigeria.
- 122.** In Ghana, investigations specifically revealed that the concealment of illicit flows from IUU fishing practices in the country was generally characterized by: (i) the use of shell companies; (ii) wrong invoicing; (iii) investment in political parties for the development of political influence and bank transfers. Besides, foreign beneficial ownership of vessels may involve direct cash flows out of the country, which may generally be much more difficult to trace and therefore constitutes an important characteristic indicator of ML/TF linked to maritime crime.
- 123.** In Benin, interviews with the competent authorities revealed the use of non-recommended gear such as «pair trawling», small-mesh nets or prohibited nets and « Mèdokpokonou nets » by certain actors, as well as the non-compliance with fishing areas by industrial fishing vessels. Furthermore, the practice of light fishing (as a Fish Aggregating Device, FAD) has been observed. It is the work of fishermen from the «Toffin» community living along the coast, and who are organized in bands, coupled with foreign trawlers who carry out activities in Benin's ZEE where the patrol boats of the national navy are totally absent. The "pair trawl" is a device made up of two boats to which small-mesh nets are attached. As a fishing method prohibited in Benin, the «pair trawl» consists of sweeping the sea waters over a great distance by moving the two boats simultaneously in the same direction, a strip that can exceed 50 meters using the net. This technique maximizes the amount of fish caught. Light fishing, on its part, is practiced mainly at night, with the use of generators to power Fish Aggregating Devices (FADs).
- 124.** Furthermore, still in Benin, the field surveys revealed non-compliance by foreign trawlers, with the zone dedicated to local fishing, as provided for by Benin regulations. These illegal fishing techniques are aimed at the hazardous capture of all species of fish products of all sizes. The phenomenon is even worsened by the lack of means of monitoring trawlers (Vessel Monitoring System) or by the non-registration on certain boats dedicated to local fishing. The lack of harmonization of actions at various levels and the timid cooperation among administrations during campaigns against IUU fishing encourage the practice of illegal fishing. Indeed, some administrations responsible for applying the texts governing fishing activities sometimes collude with the shipowners and contest the violations noted at sea. In addition, many local fishermen are also actors in IUU fishing they indulge themselves in, but at the same time victims of the same practices on the part of the trawlers which destroy their fishing equipment within the band of 5 nautical miles.

125. On the whole, the actors responsible for IUU fishing throughout the region remain the same as those causing maritime insecurity situations. Many nationals, mostly from Togo, Ghana, Nigeria and formerly from Côte d'Ivoire, periodically reside in the coastal towns of Grandpopo and Ouidah during the months of September and October when there is an abundance of fish. They are most often workers, for those residing in Ouidah, or master fisherman for those who settle in Grandpopo. Although peaceful, their presence in large numbers sometimes reduces the quantities of fish obtained by local fishermen and this cohabitation sometimes leads to conflicts.

3.3. Illegal maritime trafficking

3.3.1. Case Study 7: Use of fishing as a cover to engage in migrants' smuggling

In 2009, maritime authorities intercepted a ship belonging to a foreign citizen in the coastal area with 105 illegal migrants, mostly foreigners, ready to sail for Europe. While some migrants embarked on the beaches of Varela, in the Suzana sector, others embarked in Bubaque. Obviously, each person had paid the sum of CFAF 1,312,000 (one million three hundred and twelve thousand CFA Francs), equivalent to £2,000 (two thousand Euros). The investigative techniques used revealed that one of their ships which left before the intervention of the authorities did not reach its destination due to the storm, having been seized by the Moroccan authorities with all the migrants. Furthermore, the investigations conducted by the national authorities revealed that the owner of the ships was a Senegalese individual who, in addition to engaging in migrants' smuggling, also provided logistical support to the Casamance separatists. The shipowner had several canoes that were fishing between Guinea-Bissau and Senegal, after carrying out the migrants' smuggling operations.

Source: Guinea-Bissau

3.3.2. Case Study 8: Use of fishing as a cover for human trafficking

In May 2011, the French Navy was informed of regular movements of boats transporting young girls to ships at anchor on the edge of the Cotonou harbor. A tracking device was then set up to track down, identify and stop these boats. After several days of surveillance, a boat actually carrying seven young girls was intercepted and taken to the Cotonou naval base. The National Police was asked to transfer jurisdiction for the required investigations.

At the hearing, G.B, owner of the boat, revealed to the investigators that this activity had been going for several years already and that it was his livelihood, more profitable than fishing and for which he received CFAF 25,000 per girl, (i.e. for that day alone, CFA175,000). Young girls were lured and solicited with the argument that crew members were looking for «company» to celebrate birthdays on board their ships. Once these young girls were embarked on the ship, this smuggler received money and was no longer committed to the disembarkation of these young girls who were now left to their fate, with no possibility of leaving these ships.

After a few days in detention, all the actors in this trafficking (smugglers and young girls) were released by the national police, for lack of evidence.

Comment:

By then, there was no institutional or legal framework to combat maritime crime. Neither police officers nor judges were equipped to deal with such a case.

Even today, this practice persists due to the weak operational capacities of the national navy. The prostitution of others at sea, which endangers the lives of many young girls in search of easy money does not seem to be a priority in the face of other threats such as illegal fishing and maritime piracy.

3.3.3. Case Study N°9: Laundering the proceeds of maritime drug trafficking through the real estate sector.

The fishing activity is an environment where almost all practitioners know each other. Mr. V.S.T and K.C.G had been fishing for several years and were well known in the community. The other members of the community were surprised to see them suddenly stop fishing. At the same time, their lifestyle changed drastically, and their living standard began to change rapidly, much to the surprise of his other colleague fishermen. They quickly bought plots of land, and each began to build a house immediately. This change in status astonished other members of the fishing community and the news spread like wildfire to the point of prompting a police investigation. This investigation conducted by the Central Office for the Suppression of Illicit Drug Trafficking and Precursors (OCERTID) and the Criminal Brigade between 2012 and 2015 revealed that in reality, the Messrs. V.S.T and K.C.G served as a relay between ships which discreetly berthed well offshore, for the transportation of narcotics from these vessels to a point of contact based on land, through a citizen of an Asian country, for the sum of five million (CFAF 5,000,000) CFA francs each, a real godsend for these local fishermen whose income did not exceed a hundred thousand CFA francs after several days of fishing at sea. The investigation led to the arrest of Messrs. V.S.T and Mr. K.C.G who served 3 years in the Ouidah civil prison for complicity in drug trafficking. The point of contact on land, a national of the Asian country, had quickly disappeared into thin air, no doubt fled from the country, and was never arrested. In 2019, Mr. K.C.G committed another crime and was again charged with complicity in drug trafficking. He was incarcerated for 3 years and was released in February 2022.

Source: BENIN

CHARACTERISTIC INDICATORS OF MONEY LAUNDERING OR TERRORISM FINANCING

- Sudden change in lifestyle and living standard (from simple to ostentatious);
- Frantic acquisition of property and land;
- Canvassing between foreign vessel operators and local dealers;
- Co-mingling of income from illicit activity (drug trafficking) with income from fishing activities.

3.3.4. Misuse of seaport call accounts for money laundering purposes

- 128.** Maritime transport companies and public administrations are the main players in maritime trafficking through import and export, transshipment and goods transit activities. They are all involved in the management and monitoring of stopover accounts and current stopover accounts as well as the conditions for chartering foreign ships, which are governed in all countries by regulations relating to external financial relations. The receipts and expenditures of foreign shipowners generally take place in compliance with a number of tax, customs and seaport obligations.
- 129.** A stopover account is an accounting document drawn up by a ship's consignee on behalf of a shipowner/carrier, which shows all the income collected and the expenses incurred during a ship's stopover in a commercial seaport. Indeed, when a ship arrives in a seaport for a call, a call account is created specifically for this ship. Call details (i.e. ship name, call time, services required, etc.) are recorded for reference. Similarly, all financial transactions related to the ship's call are recorded in the call account. This includes port charges, berthing fees, port dues, royalties, as well as bills for port services, such as berthing, handling, steering, etc. In addition, payments made by the shipping company or shipping agency for stopover costs are recorded in the stopover account. This lets you know how much has been paid and if there are any pending payments. At the end of the call, an itemized invoice summarizing all expenses is usually issued to the shipping company or shipping agency. This invoice is based on the records of the stopover account and serves as the basis for payment of stopover costs.

130. Although the field surveys carried out within the framework of this study did not identify relevant case studies, it was noted that the management and monitoring of this account, which must be done by the customs services have some deficiencies. Such monitoring is hampered by non-appropriation and non-implementation of texts, and above all by corruption.

<ul style="list-style-type: none"> ▪ Shipowner / Carrier ▪ Captain ▪ Refueler ▪ Port services ▪ Logistics service providers ▪ Customs services ▪ Government agencies 	<ul style="list-style-type: none"> ▪ Illicit Transshipment ▪ Corruption ▪ Under-declaration ▪ False documentation ▪ Violation or circumvention of security rules
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131. As evidenced in the above diagram, money laundering risks could be present at various levels of the maritime transport chain.

- **The Shipowner/Carrier:** He could himself be involved in fraudulent activities by manipulating shipping documents, such as invoices or customs declarations, in order to under-declare the value of the goods transported or to falsify the quantity of goods to avoid paying higher customs duties.
- **The Captain:** The Captain of the ship could also be complicit in the fraud in collusion with the Shipowner. He could, for example, participate in smuggling activities by concealing prohibited goods on board the ship or by participating in illegal transactions on the high seas.
- **Suppliers:** Suppliers are the suppliers of fuel, food and other provisions for the ship. They could engage in fraudulent activities by overcharging for their services or providing sub-standard products at inflated prices, which would enable ship owners to illegally obtain additional profits.
- **The Customs Department:** Although less common, it is also possible for customs officials to be corrupt and participate in fraud. This could involve bribes for neglecting certain checks or allowing illegal goods to pass without inspection.
- **Shipping Agents:** They are responsible for coordinating and managing port operations on behalf of the ship owner. They can play a key role in managing the ship's call account by handling paperwork, port clearances, quotes and invoicing for port services.
- **Port Service Providers:** Port service providers include a variety of service providers such as tugs, marine pilots, dockers, cargo handlers, container terminals, crane operators, ship repairers, etc. They may be involved in the billing of services provided during the ship's call and must guarantee that the costs billed are legitimate and commensurate with the services actually provided.
- **Logistics Service Providers:** They offer transport and supply chain management services to ship owners. They can play a role in managing ship call accounts by handling transshipment operations, warehousing, customs documentation, cargo clearance, etc.
- **Agencies:** Government agencies, such as port authorities and regulatory bodies, may also be involved in the management of ship call accounts. They may be remiss, due to corruption, in their supervisory obligations in respect of compliance with regulations, security checks, customs inspections, collection of customs duties, and invoicing of the costs associated with these services.

132. It should be noted that the actors involved in the management of a call account may vary depending on the specific port and country, as well as the nature and complexity of the ship's call.

CHARACTERISTIC INDICATORS OF MONEY LAUNDERING OR TERRORISM FINANCING

Excessive charging for port services: In this case, the port service provider or shipping agent may exaggerate the costs of the services provided while the ship is in port. This may include towing services, cargo handling, storage, ship repair, etc. Excessive billing would provide an opportunity for the service provider to generate additional profits at the expense of the shipowner.

Manipulation of customs declarations: The shipowner or shipping agent may falsify customs declarations by under-declaring the value of imported or exported goods, by declaring false quantities of goods or by listing prohibited goods. This would reduce the customs duties to be paid or avoid customs controls, but it would constitute fraud vis-à-vis the customs authorities.

Use of fictitious service providers: The shipowner or shipping agent may create fake port or logistics service providers and charge for services that have not actually been provided. This would enable them appropriate funds for services and generate fraudulent revenue through shadow billing.

Manipulation of stocks on board the ship: The captain, in collusion with the shipowner, could falsify the records of stocks on board, such as fuel, provisions or spare parts. This would allow them to divert quantities of products for personal use or resell the products on the parallel market without this being recorded.

3.3.5. Analysis of trends and methods observed

- 133.** The analysis of the case studies presented provides a good overview of the various types of offences committed at sea in the context of maritime transport. These various forms of trafficking can involve legal goods transported illegally or illicit goods transported illegally. The use of accomplices or criminal networks is often used to abuse shipping. The non-criminalization of these offences has meant that it has not been possible to understand the mechanisms used to launder the revenues derived from this maritime trafficking or to dismantle the criminal organizations working in a network, although in Guinea-Bissau the foreign exchange sector, the hawala system and real estate are closely linked to the development of clandestine financial circuits.
- 134.** Several other cases of illicit maritime trafficking have been identified by the study, including maritime trafficking of fuel by illicit refueling, illegal bunkering, foreign currency and protected species (ivory). The involvement of politically exposed persons was regularly mentioned during field surveys as being a risk factor.

Conclusion

- 135.** Illicit maritime trafficking refers to various criminal activities that take place at sea which are in violation of international laws and regulations. The most common forms of illicit maritime trafficking include drug trafficking, human trafficking, arms trafficking, counterfeit goods trafficking, toxic waste trafficking and maritime poaching.
- 136.** These activities are often linked to organized criminal networks, which exploit the maritime lanes to carry out their illicit operations. International waters and poorly monitored maritime areas are becoming favorable territories for this trafficking. The actors involved use sophisticated methods to avoid detection, **such as cargo concealment methods, fishing boats, merchant ships or luxury boats as cover, as well as complex shipping routes and transshipment operations.**

CHAPTER FOUR:

POLICY AND OPERATIONAL CHALLENGES

Introduction

137. The fight against maritime crime, with regard to the various forms of offences it involves, cannot be the prerogative of a single sector. Besides, it includes a dual preventive and repressive component around which the legal and operational responses of the countries in the region are articulated. Addressing the nexus between money laundering, terrorist financing, illicit financial flows and maritime crime in the Gulf of Guinea is indeed imperative, although it still faces significant policy and operational challenges.

4.1. Lack of a uniform political and strategic vision

138. The absence of a uniform political and strategic vision of West African States in the face of maritime crime constitutes a major challenge in the fight against this scourge. This is particularly characterized by the following factors:

- **Divergent national priorities:** Each State in the region has its own maritime security concerns and priorities, which can sometimes hamper regional coordination, cooperation and collaboration. Some countries may lay greater emphasis on the fight against piracy, while others are more concerned with drug trafficking or illegal fishing. This divergence in priorities makes it difficult to adopt a common approach to maritime crime.
- **Unstable political context:** Some countries in the region are grappling with domestic political and security challenges that can divert attention and resources from combating maritime crime. Political instability can also affect the establishment of coherent long-term policies and strategies.
- **Challenges in regional coordination:** Apparently, coordination among West African States is still hampered by differences in interests, geopolitical rivalries and lack of solid institutional mechanisms. Although the Yaoundé Summit gave a strong impetus to the management of maritime security issues in the Gulf of Guinea, through the adoption of an African Charter on Maritime Safety and Security (Lomé Charter) and the establishment of an integrated maritime strategy for the seas and oceans, these initiatives have not been accompanied by adequate domestic policies.
- **Budgetary constraints and limited capacities:** States in West Africa often face budgetary constraints and limited capacities to deal with security issues. This makes it difficult to make significant investments in the operational capacities, training, technologies and infrastructure needed to effectively combat this scourge.

139. Admittedly, there is a political will expressed by the Yaoundé Summit, and the establishment of regional fisheries management organizations (RFMOs), regulations and monitoring systems to fight against IUU fishing, etc. but these measures are proving inadequate and are not accompanied by domestic policies for them to be implemented in a coordinated manner.

- 140.** It is essential for West African States to strengthen regional coordination and inter-agency cooperation in the fight against maritime crime by adopting a common political and strategic vision. This requires in-depth discussions and negotiations, as well as strong political will to go beyond national interests and ensure maritime security in the region. Regional organizations such as CRESMAO, CGG, AU and other international partners can play a central role in encouraging this regional coordination and adoption of a common vision.

4.2. Inadequate legal and operational frameworks

- 141.** The specific texts applicable to maritime crime are incomplete and poorly adapted to current maritime security issues such as piracy, drug trafficking, illegal fishing or maritime terrorism. This creates gaps in the repression of these criminal activities and makes it difficult to extradite and prosecute criminals. Few of the countries in the region have ratified the international Convention on the law of the sea
- 142.** There is no global law enforcement mechanism to identify, monitor, deter and prosecute illegal operators and all those benefiting from and supporting illegal fishing; and no strict regulation of transshipment activities on the high seas and in seaports.
- 143.** Several legal texts (conventions, charters, laws, directives, etc.), both nationally and internationally, have as a direct or indirect field of action activities in the maritime space. They mainly concern the organization and management of activities while highlighting supervision and monitoring. On the other hand, violations of the legislation and regulations of these activities in general have not been clearly captured in any criminal policy. The mass of texts, and lack of inter-ministerial cooperation at country level, do not allow for an adequate and coordinated repressive response either. Furthermore, maritime law enforcement regimes are generally based on prohibition rather than criminalization, particularly for IUU fishing and marine pollution.
- 144.** There is a lack of real coordination between the authorities concerned in each State (navy, coastal police, port police, customs, coastguards, judicial authorities and others) and between the authorities concerned at the regional level. The ideal would be to create single policy, judicial and penal space in which information would be shared, and the right of pursuit recognized, at sea and on land, against sponsors, traffickers and pirates, etc.
- 145.** The institutional architecture of maritime security is such that FIUs receive no information of any kind from authorities (maritime, naval, police, etc.) generated within the sector.

4.3. Low Capacity in Detection, Investigation and Prosecution

- 146.** Capacities for detecting illegal acts committed at sea are essentially demonstrated through sporadic patrols at sea, information and intelligence exchanges, alerts or calls for help, satellite tools, denunciations, etc. However, they are all poorly articulated and coordinated.
- 147.** Investigations and prosecutions of acts of maritime crime are rare, and rarely lead to seizure and confiscation of the proceeds or instrumentalities of crime (cases of Guinea-Bissau, Togo, Nigeria). Expertise in marine prosecution law is still experimental, due to lack of training, sensitization and judicial specialization.
- 148.** Surveillance of the region's vast expanses of sea is expensive and requires investment in equipment such as ships, aircraft and radar. Besides, maritime security forces may be poorly trained and under-equipped, thereby limiting their capacity to react quickly and effectively to incidents at sea. The lack of financial and human resources in this regard remains a challenge.

- 149.** Coordination between ECOWAS Member States is proving to be inadequate. Criminal activities at sea often transcend national borders, necessitating enhanced regional cooperation. However, mechanisms for coordination and exchange of information between Member States are limited.
- 150.** The tendency to reduce maritime crime to piracy alone, the poor knowledge and appropriation of AML/CFT/CPF texts by the competent authorities indicate a crucial need for specialized expertise and training to counter security threats at sea. Besides, the populace and certain authorities are still not aware of the issues of safety at sea and the impact of maritime crime on the economic and social development of the region. This can lead to a lack of commitment to combating maritime crime and inadequate allocation of resources to build maritime security capabilities.
- 151.** The proliferation of regional maritime security initiatives, institutions and agencies with similar mandates and modes of intervention practically creates problems of coordination and effectiveness. Indeed, they include, among others, the CRESMAO (Regional Center for Maritime Security of West Africa), created in 2009, and the functions of which include gathering and sharing of information among Member States, promoting regional cooperation in maritime security, training maritime security forces and coordinating surveillance and repression operations. There is also the Maritime Organization for West and Central Africa (CERMOC), and the Coordination Center for Maritime Security in West and Central Africa (CRESMAC). All of these contribute in one way or another to enhancing safety at sea in the GoG region.
- 152.** On the whole, to effectively combat maritime crime, ECOWAS Member States need to adapt their legal and operational frameworks, strengthen their regional cooperation, invest in maritime security capabilities and raise awareness on the importance of security at sea. This will enhance maritime security in the region and protect the economic and strategic interests of ECOWAS Member States.

4.4. Challenges in the investigation, prosecution and adjudication of maritime offences

- 153.** The challenges in investigating, prosecuting and adjudicating maritime crime cases in West Africa can be many, among which includes:
- **Cross-border coordination:** Maritime crime is transnational in nature, necessitating effective coordination among countries in the region to prosecute criminals. However, cross-border coordination has been grappling with challenges related to differences in legal systems, language barriers and slow procedures.
 - **Lack of resources and capacity:** Countries in the region often lack the financial, human and technical resources to conduct thorough maritime crime investigations. This can hamper efforts to gather strong evidence for prosecution and trial cases.
 - **Corruption and impunity:** Corruption and impunity within government and judicial institutions can hamper the prosecution and adjudication of maritime crime cases. The complicity of some officials may impede effective law enforcement and weaken citizens' confidence in the justice system.
 - **Evidence gathering:** Evidence gathering in maritime crime cases can be complex due to the clandestine nature of these activities and the involvement of organized criminal networks. Obtaining reliable testimonies and hard evidence can be difficult, especially where witnesses are afraid to testify for fear of reprisal.

- **Jurisdiction and authority:** Determining the competent jurisdiction to try maritime crime cases can be a challenge, particularly where the offences have been committed in international waters or in the exclusive economic zones of various countries. Agreements and memoranda of understanding between countries are needed to clarify jurisdiction and facilitate prosecutions.
- **Proportionate and dissuasive nature of sanctions:** Meting out proportionate and dissuasive sanctions in maritime crime cases to prevent recidivism may be challenging, due to the lack of a range of administrative and criminal sanctions specific to maritime offences.

4.5. International Cooperation and Asset Recovery

154. International cooperation and asset recovery play a crucial role in the fight against maritime crime. Due to the transnational nature of maritime crime, it is imperative for countries to collaborate, cooperate and coordinate their efforts to effectively combat this scourge. However, and in light of the case studies presented in this report, international cooperation tools are used to a lesser extent, especially in judicial and criminal matters. Due to lack of dynamism in criminal investigations and prosecutions in maritime crime cases, the few court decisions handed down have not resulted in the asset confiscation or recovery. In this regard, the competent authorities in the countries are poorly informed and equipped.
155. Inadequate financial resources, training and infrastructure also impact the capacity of countries to resort to international cooperation. The same applies to the inadequate ratification and implementation of international instruments. Although international instruments such as the United Nations Convention against Transnational Organized Crime and its specific protocols do exist to facilitate international cooperation in the fight against organized maritime crime, their ratification and implementation have been sluggish.

CHAPTER FIVE:

CONCLUSIONS AND RECOMMENDATIONS

5.1. Summary of ML/TF Indicators and Red Fags

INDICATORS	RED FLAGS
<ul style="list-style-type: none"> - Large Cash Payments - Investments in non-transparent maritime companies - Investing significant amounts in charities - Vessels coming from a country considered as a high risk country - Rental of canoes and other fishing equipment informally - Laxity and opacity in the granting of fishing licenses - Use of cash in the acquisition of a hotel complex; - Ostentatious wealth incompatible with one's economic-financial profile. - Frantic and incessant acquisition of property and land; - Canvassing between operators of foreign vessels and local dealers; - Massive investment in installed assets and other land properties - Use of foreign bank accounts 	<ul style="list-style-type: none"> - Use of fishing activities as a screen/shade - Unusual movements of ships towards the high seas, without authorization. - Payment of ransoms - Use of emerging or unauthorized technologies to fish - Use of corruption to obtain fishing license without checking the features of the fishing vessel. - Involvement of politically exposed person in the licenses acquisition process; - Transactions involving high-risk individuals or jurisdictions known for piracy or smuggling - No economic justification for the exchange of the different currencies and the frequency thereof - Sudden change in lifestyle and living standard (from simple to ostentatious); - Co-mingling of income from illicit activity (eg. drug trafficking) with income from fishing activities. - Excessive billing for port services - Use of fictitious service providers - Suspicious financial movements - Non-compliant transactions - Use of shell companies and unusual business relations - Under-billing - Transfers of suspicious funds to high terrorist risk areas, unjustified donations to charities linked to terrorism - Procurement of maritime equipment used in terrorist attacks, and suspicious activities in ports - Use of transshipment to conceal illegal catches by introducing them into legal supply chains

5.2. General Conclusions

156. The conclusions of this report are based on case studies and other information provided by six (6) Gulf of Guinea countries (Benin, Côte d'Ivoire, Ghana, Guinea Bissau, Nigeria and Togo). The situation of each of these countries, with regard to the objectives of this report, is summarized below:

- **In Benin:** The legal framework for the fight against maritime crime in Benin criminalizes all forms of crime in the maritime areas of Benin, namely: maritime piracy, armed robbery at sea, IUU fishing, marine pollution, drug trafficking, illegal immigration, human trafficking, and to prosecute the perpetrators of such crimes and punish anyone found guilty. However, there is no communication channel and collaboration framework between the Financial Intelligence Unit and maritime sensitive agencies to create the operational conditions for the purposes of suspicious transaction reporting or parallel financial investigations to be conducted by the competent maritime authorities, and even worse, the AML/CFT/CPF requirements are not known to maritime actors.
- **In Côte d'Ivoire:** Between 2019 and 2022, various forms of maritime crime have been detected in the maritime waters of the Côte. These include illegal transshipment, illegal, unreported and unregulated fishing, piracy, sea theft and drug trafficking. In Côte d'Ivoire, the national navy (militarized) is responsible for the defense of the country at sea, while the maritime police are responsible for the administration of maritime activities, including the issuance of permits or licenses to operate in sector, supervision, etc. The merchant navy, on its part, is in charge of the exploitation of industrial and commercial activities, etc. of the maritime sector. These structures are the key organizations involved in maritime security. They are all under the responsibility of a single ministry, in this case the Ministry of Transport, which is operated transversally by several other Ministries, including the Ministry of Trade, Ministry of the Economy, Ministry of Digital Economy, Ministry of Justice, etc. The lack of inter-ministerial cooperation and inter-institutional collaboration weakens the detection of criminal activities at sea. The national gendarmerie, the national police, customs, Treasury and Tax administration, etc. sometimes detect maritime offences, but there are no communication gateways established by law to enable them refer cases to the competent institution. Besides, apart from customs, crimes related to money laundering and terrorist financing (ML/TF) are practically absent from the legal framework of structures and institutions operating in the maritime space.
- **In Guinea-Bissau:** Various forms of maritime crime are perpetrated in the country with an upward trend. These include International maritime drug trafficking, maritime piracy and kidnapping of seafarers, illegal, unreported and unregulated fishing, migrants' smuggling, currency smuggling by sea, illegal felling of trees transported by sea and illegal mining of minerals transported by sea. The rise of maritime crime in Guinea-Bissau has been widely attributed to weak State authority, widespread corruption and lack of clear policy guidelines for the maritime sector. In absolute terms, no less than CFAF 45 billion were generated through the commission of these crimes between 2006 and 2022, and only 0.73% of this amount was seized or confiscated.

The proceeds generated from the commission of these crimes are usually laundered through the real estate sector, industrial fishing, the use of shell companies, informal currency exchange, etc. The Guinean laws establishing the limits of the maritime zones under the sovereignty or jurisdiction of the Republic of Guinea-Bissau do not contain rules establishing a general framework for the exercise of authority and police powers at sea, and the subsequent interaction with administrative and judicial authorities. On the other hand, Bissau-Guinean legislation provides for a maritime court, which is a specialized jurisdiction for the preparation and judgment of all disputes arising from maritime and related legal relations, as well as for ruling on violations of fishing legislation and regulations and enforcing their decisions. Unfortunately, the lack of resources and operational capacities to detect, investigate and prosecute maritime crimes, the poor inter-agency coordination, as well as the systematic neglect of financial investigations undermine the management of the nexus between ML/TF and maritime crimes in Guinea-Bissau.

- **In Ghana:** Although maritime security is increasingly prominent in Ghana's political dialogue, very few links have been made between IFFs, money laundering and the range of crimes committed in Ghana's maritime domain. Indeed, Ghana has a complex mix of agencies with overlapping mandates in the area of maritime regulation and enforcement. Unfortunately, instead of a multiplicity of agencies implying that they could deploy more effort into addressing maritime security concerns, it has led to duplication of effort, challenges in accessing sources of viable information and several instances of friction in inter-agency coordination. Ghana's maritime institutional framework comprises twenty (20) public agencies operating across twelve (12) different ministries in the main sectors of Ghana's blue economy: maritime transport, oil and gas and fisheries. The country recently endorsed the Integrated National Maritime Strategy in an attempt to resolve this conundrum by providing a framework to more effectively coordinate the activities of multiple institutions and agencies within Ghana's maritime security architecture. Illegal bunkering and oil theft, illegal oil transshipments, illegal, unreported and unregulated (IUU) fishing, drug trafficking, etc. prevail in the Ghanaian context. The laundering of funds generated by these illegal activities is facilitated through wire transfers, the use of foreign bank accounts, use of shell companies and non-profit entities, spending on philanthropic projects and investments in real estate and other property.
- **In Nigeria:** Nigeria's maritime space is highly vulnerable to criminal activity due to some unique features that continue to be exploited by criminals. The most prevalent maritime crimes in Nigeria are piracy, armed robbery at sea, kidnapping and hostage taking, crude oil theft (COT), illegal oil refining; Pipeline vandalism, illegal bunkering; human trafficking; migrants' smuggling; Illicit trafficking in narcotic drugs and psychotropic substances by sea and illegal, unregulated and unreported (IUU) fishing. It is still difficult to determine the flow of illicit proceeds associated with maritime crime in Nigeria. Indeed, the proceeds of maritime crime in Nigeria are largely obtained in cash through unregulated channels and rarely through reputable financial institutions.

Thus, while a huge amount of money is involved in maritime crime, as some of the case studies given in this research illustrate, how it ends up fueling the underground economy or funding terrorism cannot be documented. Since proceeds of maritime crime do not pass through the regulated financial system, it becomes difficult for the Nigerian Financial Intelligence Unit (NFIU) to establish their profile. Security and law enforcement agencies also find it difficult to follow the money trail during investigations and prosecutions because once the money is obtained during the commission of the maritime crime, it is easily dissipated into the economy, leaving a cold trace. For several years in Nigeria, there was no successful conviction for piracy until the law came into effect in 2019. Over the years, the number of convictions for crude oil theft is not commensurate with the risk profile in relation to the number of incidents and arrests. Besides, the measures put in place by governments to identify, investigate and prosecute money laundering are limited. Crimes related to money laundering and terrorist financing (ML/TF) are practically absent from the legal framework of structures and institutions operating in the maritime space.

- **In Togo:** Togo has a comprehensive and adequate legal framework to effectively combat maritime crime. Among the maritime incidents the country has experienced in its territorial waters, a single case in May 2019 led to the arrest of the perpetrators of acts of piracy as defined in the Togolese Penal Code. They were handed over to the judicial authorities and sentenced on 5th July 2021 to terms ranging from 12 to 20 years in prison. The proceeds generated by the various forms of maritime crime prevalent in Togo are repatriated to a foreign destination, obviously with the assistance of Togolese accomplices involved. The high rate of cash users and the preponderance of the informal sector make it completely impossible to assess the magnitude of the financial flows associated with these crimes in the country. The competent institutions and organizations must cooperate and coordinate their efforts around the Financial Intelligence Unit to ensure the detection, investigation, prosecution of and conviction for maritime offences.

157. This regional report reveals the scope of offences committed at sea and the laundering of their proceeds by criminals by co-mingling legitimate and illegitimate goods in order to conceal their illicit origin. This highlights the need for Member States' anti-money laundering (AML) authorities to establish working relationships with unusual partners, particularly with players in the maritime and seaport sectors and monitor commercial and financial transactions across the maritime and seaport sector by establishing dialogue with several stakeholders. The analysis of the deficiencies responsible for this vulnerability proffered a set of recommendations hinging around a certain number of areas including strengthening the legal, institutional, operational frameworks, coupled with the collaboration and cooperation at national, sub-regional and international levels in ML/TF/IFF issues. This report identifies the following key priorities:

5.3. Recommendations (for all ECOWAS coastal countries and regional actors)

158. In summary, the fight against maritime crime in West Africa requires a comprehensive and coordinated approach, based on regional and international cooperation, institutional and operational capacity building, transparency and accountability, as well as prevention and asset recovery. The following recommendations are proffered to help strengthen maritime security, protect maritime resources and promote the economic development of the countries in the region.

GIABA and ECOWAS Commission

- Support, with the help of other partners, the development of a maritime strategy document within each GoG State, with the creation of an inter-agency coordination body.
- Support collaboration between Togo, Benin and Nigeria (UNCLOS signatories) drawing from its provisions (Articles 86 and 58) to better fight against maritime crime, in a spirit of mutual trust.
- Provide technical and financial support to Member States in the fight against money laundering, terrorist financing and illicit financial flows.
- Encourage the conduct of sectoral and spatial studies. However, in the context of carrying out spatial studies (grouping several sectors), it would be useful to consider the need to involve a multi-disciplinary team to facilitate such studies.
- GIABA should undertake a supra-national (regional) assessment of ML/TF risks related to maritime crime and produce a report that would enable member States to apply adequate mitigating measures.
- GIABA, in collaboration with the FIUs, should be more involved in raising awareness on the fight against money laundering, terrorist financing and illicit financial flows, with the authorities. This will facilitate data gathering in the conduct of these studies.
- GIABA should be more actively involved in training authorities on the collection, organization and management of AML/CFT data within the marine environment.

GIABA Coastal Member States should

- Conduct a sectoral risk assessment to determine whether criminals can misuse their financial and non-financial sectors to conceal and launder proceeds of maritime crime and implement mitigating measures.
- Develop or update national maritime security strategies to ensure they appropriately involve the FIU and other relevant AML/CFT/CPF actors. Adopt a national policy document to combat all forms of crimes committed at sea.
- Carry out legislative reforms to ensure all forms of maritime crime are criminalized in accordance with international standards, including the United Nations Convention on the Law of the Sea (UNCLOS), signed in Montego Bay (Jamaica) on 10th December 1982, and entered into force on 16th November 1994 and improve the technical compliance of national legal frameworks with international standards in the fight against maritime crime.
- Identify, through laws, regulations or any relevant directives, key maritime agencies and institutions as reporting entities in order to make them accountable to AML/CFT/CPF obligations and facilitate the supervision of the sector.
- Strictly implement the FATF standards as an effective tool to fight against the laundering of proceeds of maritime crime thanks to the increased awareness of all actors operating in the seaport and maritime sectors.

- Develop a mechanism for the systematic sharing or access to information by Financial Intelligence Units (FIUs) and law enforcement authorities of relevant information held by maritime agencies.
- Strengthen the operational capacity of law enforcement authorities to detect all forms of maritime crime and conduct parallel financial investigations by strengthening regional and international cooperation in investigations, criminal prosecutions and asset recovery.
- Equip maritime crime fighting agencies with rapid intervention means (high-powered engines) and state-of-the-art equipment (drones).
- Fight against the corruption of certain law enforcement actors at sea, and the executives involved in financial intelligence through the imposition of dissuasive sanctions.
- Strengthen the authority and responsibilities of relevant maritime agencies to ensure they contribute to AML/CFT/CPF efforts in member countries.
- Confiscate all proceeds of crime and assets of their perpetrators (bank accounts, property and other valuables) once they are found guilty.
- Continue and intensify the training of actors in the criminal justice system (investigators, prosecutors, judges/magistrates, etc CID,) to prepare them to act in a network with new working methods and special and innovative investigative, prosecutorial and adjudication techniques.
- Strengthen the capacities of lead maritime agencies in financial investigations and all maritime courts in AML/CFT/CPF matters.
- Establish legal frameworks and institutional mechanisms to coordinate the use of international cooperation more effectively in the investigation and prosecution of ML/TF/PF related to maritime crime.
- Monitor beyond the EU all projects designed to support the establishment of a Regional Forum of Lead Maritime Agencies for the exchange of information and knowledge on critical emerging AML/CFT/CPF issues.
- Undertake some policy reforms whereby certain maritime professionals are subject to AML/CFT/CPF requirements as they would have the only capability to report on maritime crimes.

5.4. Recommendations (for target coastal countries of the study)

Benin:

- Register all fishing vessels for more effective monitoring of their movements.
- Operationalize the fishing vessel monitoring system (VMS) and make it a requirement to be met before issuing fishing licenses or permits.
- Strengthen the operational capacities of the French Navy by acquiring offshore patrol means.
- Continue, in partnership with the Training School for the Legal Professions (EFPJ), the intensive training of actors (OPJ, Magistrates, Secretaries of the Public Prosecutor's Office, Registry staff) of a new criminal chain to prepare them to act in a network with new working methods and special and innovative investigative techniques.
- Complete this training by setting up substantial multi-disciplinary tutoring (Prosecutor, Criminal Investigation officers, Director of Registry) and regular assessment of the skills acquired through of piracy and maritime robbery scenarios leading to mock trials in the form of exercises.
- Prioritize the confiscation of all proceeds of crime and the assets of their perpetrators (bank accounts, property and other valuables) when their guilt is established.
- Establish the institutional, administrative and cross-cutting legitimacy of the maritime prefect and make him the prime contractor for State Action at Sea (AEM) by giving him the political, logistical and operational means perform his duties.
- Take the appropriate measures to strengthen and support the overall and inter-ministerial action of the Maritime Prefect to curb and neutralize maritime crime.
- Modify the customs code to extend the scope of maritime action of customs to the entire contiguous zone defined by the maritime code.

Cote d'Ivoire:

- Update the Penal Code and the Criminal Procedure Code to consider special and sectoral texts on each form of maritime crime, including IUU fishing and marine pollution, with the aim of strengthening the criminalization regime of all illicit activities at sea.
- Extend the requirement to share relevant AML/CFT/CPF information to include certain competent authorities in the maritime sector such as CIAPOL and establish a framework for collaboration among all domestic stakeholders in maritime security.
- Revise or update the various Codes directly or indirectly involved in the maritime space in terms of AML/CFT/IFF. These include environmental, merchant marine, petroleum, maritime, etc. codes.
- Strengthen institutional and operational capacities in the area of AML/CFT/IFFs in the Ivorian maritime space.
- Strengthen State Action at Sea (AEM) by providing its Permanent Secretariat with a working framework involving the FIU, Ivorian Customs, CIAPOL and Department of Maritime Affairs.
- Carry out a real sensitization of all actors in the Ivorian maritime space in the fight against ML/TF/IFF.
- Train the competent authorities in special investigative techniques for the investigation and prosecution of maritime offences, particularly controlled delivery, with a view to dismantling illicit trafficking networks.
- Train and equip the law enforcement authorities, particularly the port police and national gendarmerie including the Brigades at the ports of Abidjan and San-Pedro.
- Take all necessary steps to curb the proliferation of the informal sector in activities relating to the Ivorian maritime space.
- Apply a proportionate and dissuasive sanction to offenders of the laws.

Ghana:

- Revise legislative frameworks to adequately criminalise all forms of maritime crime in line with international conventions and best practices.
- Develop a national policy against IFFs
- Integrate financial investigations into the inter-agency coordination framework
- Build a pool of expertise in financial investigations with the relevant authorities
- Develop the capacities of existing staff and adequately resource agencies responsible for financial investigations into maritime crime
- Create a real-time information exchange platform
- Develop skills in the prosecution of maritime offences
- Strengthen the capacities of the judiciary to adjudicate maritime crime
- Strengthen legal frameworks to address IFFs linked to maritime crime

Guinea-Bissau:

- Revise the legal framework by introducing special legislation for this purpose, with a view to criminalizing and fully and independently characterizing the acts of maritime piracy, armed robbery at sea (as they occur in the waters jurisdictions, the criminal sanction must be at least as severe as for piracy) and acts of violence, destruction or other unlawful acts committed against or on board vessels covered by the Convention (SUA);
- Strengthen the extraterritorial jurisdiction regime of the Guinean State to handle the piracy crime.
- Develop the legal framework to sanction unlawful acts committed against or on board installed platforms located on the continental shelf.
- Adhere to the (SUA) Protocols of 2005, thereby extending the classification and sanctions to the illicit acts they add.
- Consecrate the exercise of full universal jurisdiction by the Guinean State in the event of piracy.
- Ensure the full implementation of the rules of compulsory jurisdiction provided for in the SUA Convention and consider the possibility of fully exercising the optional jurisdiction provided for therein.
- Strengthen national coordination and international cooperation.
- Establish mechanisms for coordination and cooperation among national authorities, as well as between them and those of the Gulf of Guinea region, with a view to effectively combating maritime crime in the area concerned.

- Provide prevention and law enforcement authorities with the human and financial resources to deal with crime in a more effective manner.
- Empower and sensitize investigating authorities to consider systematic financial investigations for AML/CFT purposes in maritime crime cases.
- Promote the increased processing and follow-up needed by national authorities for detected cases of maritime crime.
- Adopt a national strategy for the prevention and fight against maritime crime and allocate adequate resources for its effective implementation.
- Assign the patrol vessels of the national navy and Coast Guard to cover all the waters under the State's sovereignty.
- Equip the criminal investigation officers with a video surveillance system in order to monitor illicit activities happening at the sea.
- Increase the presence of the authorities in the island area by allocating them adequate resources to enable them to carry out their missions successfully.
- Improve the quality of information and data management on maritime security issues.
- Promote the exchange of best practices at regional and international levels among the authorities in charge of the fight against maritime crime.
- Encourage the region to conclude agreements allowing the realization of joint regional surveillance operations at sea and establish maritime naval and/or coast guard networks along the coast, responsible for cross-border tracking.
- Promote the creation of regional centers of excellence for the training, operation and development of maritime safety and security equipment.
- Promote the establishment of liaison mechanisms between neighboring Member States and within the Regional Economic Community (ECOWAS), together with the Regional Mechanism with a view to improving the environment for the prevention and prosecution of maritime crime.
- Invest in the media to cover activities that include the maritime sector and maritime defense and security issues.
- Strengthen the capacity of the private sector and civil society to play a constructive advocacy role through training on maritime security issues and human rights management.
- Define and strengthen the role and experience of traditional and local authorities as well as youths in the challenges of the maritime sector.

Nigeria:

- Strengthen the capacities of maritime responders and law enforcement agencies.
- Take appropriate measures to guarantee an institutional memory in the maritime administrations and continuous staff training.
- Review the SPOMO procedures to give more prosecutorial powers to maritime crime law enforcement and security agencies.
- Systematize the use of international cooperation and collaboration on specific maritime crimes.
- Align maritime crime prosecutions with money laundering, terrorist financing and illicit financial flows.
- Improve the synergy between the FIU and the other Law Enforcement Authorities

Togo:

- Adopt a national policy document to combat all forms of crimes committed at sea.
- Improve the compliance of its legal framework with international standards in the fight against maritime crime.
- Adopt the national AML/CFT strategy, which is a key instrument that considers State policies in this area by ensuring adequate involvement of maritime professionals.
- Improve international cooperation by signing bilateral agreements with neighboring countries and multilateral agreements in the fight against maritime crime.
- Strengthen the inspection system for containers and maritime vectors by setting up modern surveillance teams to ensure the effective inspection of all containers and maritime vectors.
- Provide the bodies in charge of the fight against maritime crime and the resulting money laundering with adequate

human, financial and material resources to enable them achieve their mandates effectively. This includes providing surveillance services such as the navy and GIGM with an aircraft and adequate nautical equipment to be used in monitoring the coasts as well as the Togolese maritime space, in order to effectively detect crimes committed there such as piracy, smuggling and IUU fishing.

- Strengthen the capacities of actors in the fight against maritime crime by organizing training on financial investigative techniques, particularly for the GIGM, the OCRTIDB, customs officers and the judicial authorities.
- Strengthen cooperation and coordination among the various national actors in charge of the fight against maritime crime through formal and/or informal frameworks for the exchange of information, particularly to track down and recover the illicit proceeds generated and laundered. More specifically, it will involve cooperation between the FIU and the intelligence services of the maritime prefecture, OCRTIDB and GIGM.
- Create specialized judicial centers on maritime crime issues and other related offences.
- Improve police cooperation with neighboring countries in the exchange of intelligence on facts related to maritime crime, in particular cooperation between the GIGM and its counterparts in neighboring countries.
- Create a body responsible for identifying and managing seized assets.
- Operationalize the CONAC in order to assess and ensure a permanent follow-up of the State policies in terms of AML/CFT in all its aspects.
- Operationalize the ML/TF Information Sharing and Facilitation Unit to ensure more efficient circulation of intelligence between investigative and law enforcement authorities.
- Systematize the organization of mixed patrols between the GIGM and the French Navy in order to guarantee solid investigations and to avoid the involuntary loss of evidence.
- Systematize parallel financial investigations to deprive criminals of their sources of financing and their illicit assets.
- Harmonize actions between the entities that define the strategic frameworks for the fight against maritime crimes and those for AML/CFT, particularly the CNSM and CONAC.
- Put in place a mechanism to monitor cash outflows declared by traders at other borders and goods arriving at maritime borders in order to verify the effectiveness of commercial activities and prevent them from using this channel for money laundering purpose.
- Insurance companies having financial transactions related to maritime activities must comply with their customer due diligence obligations with regard to the AML/CFT law and file suspicious transaction reports to the FIU.

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